

2016-2021

**Legal Services
Advertising**

**California
Florida
Missouri**

**New York
Pennsylvania**

Introduction & Background

Trial lawyers and aggregators increasingly spend large sums of money on television, digital, and print advertising to recruit new clients for class action lawsuits. In the first five months of 2021 alone, it is estimated that more than \$368.6 million were spent on more than 6.3 million television ads for local legal services or soliciting legal claims across the United States. When compared with the same time period in 2020, spending on these ads increased 12.2% while the quantity of ads increased by 8.8%. Much of this advertising is conducted by aggregators: businesses that recruit potential plaintiffs and then sell their information to law firms.

Consumers see doomsday ads about the lethal effects of medications or even general medical injury and can consequently stop use of medicines prescribed by their health care providers. This is often done without consulting their doctor, resulting in health problems for patients and increasing litigation risk for product manufacturers.

These over-the-top advertisements from personal injury attorneys with catchy jingles and toll-free numbers pose a serious danger. These ads undermine the simple notion that physicians and health care providers – not personal injury lawyers or the “aggregators” who run the ads for the lawyer – should dispense medical advice.

Trial lawyers continue to pump significant money into these ad buys because, armed with more clients, they can boost settlements and payouts when they go after large corporations. This ultimately leads to larger contingency fees for the lawyers themselves.

INTRO

The ads do more than help recruit clients, however. They can also influence the thinking of citizens who may serve on a jury in lawsuits. A survey conducted by [Trial Partners, Inc.](#) found that 90% of jurors would be somewhat or very concerned if they saw an advertisement claiming a company's product injured people. Additionally, 72% of jurors agreed somewhat or strongly that if there are lawsuits against a company claiming its products injured people, then there is probably truth to the claim – showing just how great an impact these ads can have.

AUGUST 2021

AMERICAN TORT REFORM ASSOCIATION • WWW.ATRA.ORG

INTRO

Increased Activity Nationwide Over the Years

From 2016 to 2020, spending on local legal services television advertisements across the United States has increased 19.31%. Estimated total spending in 2016 was \$732,845,167. In 2020, that number jumped to \$874,394,062.

The quantity of local legal services television advertisements aired across the U.S. also has increased 37.24% In 2016, an estimated 10,093,175 ads aired. In 2020, an estimated 13,851,936 ads aired.

While 2020 showed a slight 5.24% decrease in ad spending and .01% fewer ads when compared with 2019, early data for 2021 indicate that that trend is unlikely to continue and that the quantity of ads and spending in 2021 will increase. The dip in spending and the number of ads aired in 2020 likely was due in part to higher ad costs and fewer available spots as a result of an increase in political ads related to the 2020 election cycle.

All U.S. Spot TV

Year	\$ Spent	# of Ads
2016	\$732,845,167	10,093,175
2017	\$794,368,684	11,309,457
2018	\$852,786,334	11,946,501
2019	\$922,755,482	13,852,800
2020	\$874,394,062	13,851,936
2021 (*Thru May)	\$368,604,649*	6,363,753*

California

Between 2016 and 2020, spending on local advertisements for legal services and/or soliciting legal claims in California increased by 50.78%. The quantity of ads increased by 115.81%.

California Spot TV Ads

Year	\$ Spent	# of Ads
2016	\$49,319,862	431,640
2017	\$63,307,010	517,732
2018	\$58,734,851	546,305
2019	\$72,105,411	698,141
2020	\$70,510,992	711,311
2021*	\$48,872,675*	386,171*

*Thru May

California Radio Ads

Year	\$ Spent	# of Ads
2016	\$25,868,760	308,281
2017	\$32,366,796	339,978
2018	\$34,495,542	390,658
2019	\$40,066,784	467,072
2020	\$30,739,075	444,054
2021*	\$8,740,095*	155,878*

*Thru May

California Outdoor Ads

Year	\$ Spent
2016	\$7,436,728
2017	\$9,484,652
2018	\$11,837,495
2019	\$17,923,946
2020	\$20,282,090
2021*	\$8,059,762*

*Thru May

California Digital Ads

Year	\$ Spent	# of Ads
2016	\$375,343	109,358
2017	\$3,821,366	1,162,266
2018	\$634,060	549,743
2019	\$1,825,447	693,528
2020	\$3,619,700	677,431
2021*	\$1,107,890*	165,572*

*Thru May

Total – California Local Legal Services Advertising

Year	\$ Spent	# of Ads
2016	\$83,000,693	849,279
2017	\$108,979,824	2,019,976
2018	\$105,701,948	1,486,706
2019	\$131,921,588	1,858,741
2020	\$125,151,857	1,832,796
2021*	\$66,780,422*	707,621*

*Thru May

Florida

Between 2016 and 2020, spending on local advertisements for legal services and/or soliciting legal claims in Florida increased by 53.09%. The quantity of ads increased by 61.19%.

Florida Spot TV Ads

Year	\$ Spent	# of Ads
2016	\$83,758,786	916,759
2017	\$96,110,989	999,010
2018	\$99,486,447	967,747
2019	\$110,066,319	1,180,356
2020	\$122,111,683	1,377,055
2021*	\$78,849,043*	713,632*

*Thru May

Florida Radio Ads

Year	\$ Spent	# of Ads
2016	\$17,683,946	551,004
2017	\$20,743,285	690,807
2018	\$20,379,017	619,138
2019	\$19,291,778	588,429
2020	\$18,411,430	703,102
2021*	\$6,736,859*	311,926*

*Thru May

Florida Outdoor Ads

Year	\$ Spent
2016	\$29,033,561
2017	\$32,322,291
2018	\$39,969,313
2019	\$46,448,239
2020	\$51,550,200
2021*	\$18,401,141*

*Thru May

Florida Digital Ads

Year	\$ Spent	# of Ads
2016	\$1,043,368	361,440
2017	\$2,744,837	2,434,061
2018	\$1,790,620	1,216,814
2019	\$2,442,716	858,079
2020	\$9,275,767	868,293
2021*	\$2,932,322*	510,289*

*Thru May

Total – Florida Local Legal Services Advertising

Year	\$ Spent	# of Ads
2016	\$131,519,661	1,829,203
2017	\$151,921,402	4,123,878
2018	\$161,625,397	2,803,699
2019	\$178,249,052	2,626,864
2020	\$201,349,080	2,948,450
2021*	\$106,919,365*	1,535,847*

*Thru May

Missouri

Between 2016 and 2020, spending on local advertisements for legal services and/or soliciting legal claims in Missouri increased by 15.36%. The quantity of ads increased by 74.02%.

Missouri Spot TV Ads

Year	\$ Spent	# of Ads
2016	\$14,672,858	216,052
2017	\$12,345,530	224,418
2018	\$12,141,296	202,761
2019	\$13,896,867	249,627
2020	\$14,026,968	283,211
2021*	\$8,884,522*	142,344*

*Thru May

Missouri Radio Ads

Year	\$ Spent	# of Ads
2016	\$1,752,144	49,503
2017	\$1,753,087	64,564
2018	\$1,750,951	62,196
2019	\$1,637,431	54,027
2020	\$1,549,097	55,451
2021*	\$325,325*	16,290*

*Thru May

Missouri Outdoor Ads

Year	\$ Spent
2016	\$2,535,204
2017	\$2,306,139
2018	\$3,151,143
2019	\$4,459,554
2020	\$4,497,488
2021*	\$1,944,541*

*Thru May

Missouri Digital Ads

Year	\$ Spent	# of Ads
2016	\$129,147	24,743
2017	\$355,905	326,177
2018	\$132,524	199,186
2019	\$345,976	367,227
2020	\$1,948,183	166,518
2021*	\$402,659*	28,546*

*Thru May

Total – Missouri Local Legal Services Advertising

Year	\$ Spent	# of Ads
2016	\$19,089,353	290,298
2017	\$16,760,661	615,159
2018	\$17,175,914	464,143
2019	\$20,339,828	670,881
2020	\$22,021,736	505,180
2021*	\$11,557,047*	187,180*

*Thru May

New York

Between 2016 and 2020, spending on local advertisements for legal services and/or soliciting legal claims in New York increased by 16.46%. The quantity of ads increased by 65.98%.

New York Spot TV Ads

Year	\$ Spent	# of Ads
2016	\$53,829,823	540,648
2017	\$46,941,967	549,770
2018	\$52,176,199	570,082
2019	\$58,574,441	634,934
2020	\$53,207,561	691,587
2021*	\$35,903,606*	410,530*

*Thru May

New York Radio Ads

Year	\$ Spent	# of Ads
2016	\$5,837,234	63,426
2017	\$6,356,414	70,201
2018	\$6,882,211	64,020
2019	\$10,739,279	94,024
2020	\$9,731,748	101,460
2021*	\$2,522,399*	26,882*

*Thru May

New York Outdoor Ads

Year	\$ Spent
2016	\$5,146,028
2017	\$6,435,250
2018	\$6,421,825
2019	\$9,056,978
2020	\$11,350,687
2021*	\$5,946,141*

*Thru May

New York Digital Ads

Year	\$ Spent	# of Ads
2016	\$660,225	160,993
2017	\$1,387,351	872,371
2018	\$1,177,918	582,159
2019	\$1,763,944	650,049
2020	\$1,961,045	476,814
2021*	\$1,334,264*	223,131*

*Thru May

Total – New York Local Legal Services Advertising

Year	\$ Spent	# of Ads
2016	\$65,473,310	765,067
2017	\$61,120,982	1,492,342
2018	\$66,658,153	1,216,261
2019	\$80,134,642	1,379,007
2020	\$76,251,041	1,269,861
2021*	\$45,706,410*	660,543*

*Thru May

Pennsylvania

Between 2016 and 2020, spending on local advertisements for legal services and/or soliciting legal claims in Pennsylvania increased by 17.5%. The quantity of ads increased by 40.66%.

Pennsylvania Spot TV Ads

Year	\$ Spent	# of Ads
2016	\$33,601,270	388,046
2017	\$36,031,626	423,426
2018	\$37,656,322	394,664
2019	\$44,443,035	471,955
2020	\$35,875,388	426,217
2021*	\$20,866,977*	203,453*

**Thru May*

Pennsylvania Radio Ads

Year	\$ Spent	# of Ads
2016	\$4,920,773	102,019
2017	\$4,963,525	114,201
2018	\$4,339,133	116,606
2019	\$4,887,861	122,517
2020	\$5,579,352	159,897
2021*	\$1,255,934*	40,802*

**Thru May*

Pennsylvania Outdoor Ads

Year	\$ Spent
2016	\$7,191,504
2017	\$7,644,401
2018	\$8,649,894
2019	\$9,101,362
2020	\$9,883,957
2021*	\$3,147,701*

**Thru May*

Pennsylvania Digital Ads

Year	\$ Spent	# of Ads
2016	\$595,901	166,690
2017	\$854,038	855,053
2018	\$1,124,950	527,692
2019	\$1,856,407	548,172
2020	\$3,075,463	337,693
2021*	\$672,962*	85,383*

**Thru May*

Total – Pennsylvania Local Legal Services Advertising

Year	\$ Spent	# of Ads
2016	\$46,309,448	656,755
2017	\$49,493,590	1,392,680
2018	\$51,770,299	1,038,962
2019	\$60,288,665	1,142,644
2020	\$54,414,160	923,807
2021*	\$25,943,574*	329,638*

**Thru May*

Conclusion

While this study by the American Tort Reform Association focuses on five key states, trial lawyer advertising is not an issue isolated to just these five. Rather, trial lawyers across the United States identify jurisdictions friendly to their work and relentlessly pursue new clients in search of the next large payout from a trial or settlement.

The Federal Trade Commission sent letters to various law firms and others, flagging their ads soliciting clients for personal injury lawsuits against drug manufacturers as potentially “unlawful” in September 2019.

A Public Opinion Strategies survey found that 72% of Americans saw ads by law firms about pharmaceutical lawsuits in 2016. Further, the survey states that one-in-four people who saw one of these ads concerning a medicine they take, say they would immediately stop taking the medicine without consulting their doctor.

Such ads have been associated directly with patients' deaths. A 2019 FDA study shows the real-life consequences of these ads. The report found 66 reports of adverse events following patients discontinuing their blood thinner medication (Pradaxa, Xarelto, Eliquis or Savaysa) after viewing a lawyer advertisement. The median patient age was 70 and 98% stopped medication use without consulting with their doctor. Thirty-three patients experienced a stroke, 24 experienced another serious injury, and seven people died. Dr. Ilana Kutinsky who has testified before Congress on the issue and was doctor for one of the deceased, stated: “Patients are dying because they are afraid to take the medications prescribed for them due to the fear brought on by these negative and one-sided campaigns.”

While there are not enough bandages to cover the injuries trial lawyer advertising has caused, we can take steps to inform the general public. Through education we can shine a spotlight on the aggregators who mislead consumers and sell their information to law firms. By arming everyday Americans with this knowledge, we can help push back against trial lawyers and engage with our local leaders for potential solutions and policy changes.

Methodology

Analysis conducted by the American Tort Reform Association utilizing data provided by Kantar.

State and city TV advertising data cited in this report does not include legal services TV advertisements broadcast nationally on national cable and broadcast networks or during nationally syndicated programming nor does it include local cable television broadcasts.

Ad spending figures are estimates based on publicly-available ad rate information and industry surveys. Data are estimates and may vary over time due to revisions to account for duplicates or errors and the availability of updated ad rate information.

National TV advertising includes: Cable TV - ads airing nationally on any of the monitored cable networks (e.g. USA, AMC, CNN); Network TV - ads airing nationally on any of the national broadcast networks (e.g. ABC, CBS, FOX, NBC); Spanish Lang Network - ads airing nationally on any of the Spanish-language national broadcast networks (e.g. Telemundo, Univision); and Syndication - ads airing nationally on syndicated programs wherever they are broadcast across the country. Local broadcast TV advertising or "Spot TV" includes ads airing on local broadcast networks (e.g. A TV ad that airs on WJLA during the 5PM evening news is seen only by viewers in the Washington, DC media market or designated market area (DMA)).

Data on Outdoor Advertising Service is provided by Kantar and reports billboard expenditures (poster and paint) in over 200 plant operator markets in the United States. Outdoor data collection reports include 8 sheets, 30 sheets, bulletins, painted walls, transit/bus shelters, in-store displays, convenience stores, shopping malls, airport, taxi displays and truck/mobile advertising. Brand expenditure data are provided by participating plant operators. The market-by-market dollar figures are not projected and represent actual gross sales volume for participating plant operators only. Markets are defined according to Standard Metropolitan Statistical Areas (SMSAs). Outdoor data are mapped to monitored TV markets where applicable, and to the All Other designation when appearing outside these markets.

ENDNOTES

Station-level occurrence detail for local radio advertising, provided to Kantar by Media Monitors. Media Monitors's local radio monitoring uses proprietary, patent-protected audio pattern matching technology to detect and identify radio advertisements. The software algorithm processes radio station recordings, detects known patterns and repeating unknown patterns. Known ads are automatically added to the database, while new ads discovered are then reviewed for classification. All Local Radio reporting will include detections that are 10 seconds or longer. Live spots are not monitored.