



Can Advocates Advertise?

Living in the era of branding, we have been constantly swamped with advertisements. But, can you recall an advertisement regarding Advocates? Any pop-ups which take you to 'Hire lawyers here!!' page? Now, are you wondering why??

An Advocate is prohibited from doing anything that might influence prospective client. The prohibition on advertising is based on the old British notion that law is a “noble profession”. Every Advocate is bound by Standards of Professional Conduct and Etiquette as laid down by the Bar Council of India. The Rule 36 of the Bar Council of India Rules states: “An Advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interview not warranted by personal relations, furnishing or inspiring newspaper comments or procuring his photograph to be published in connection with cases in which he has been engaged or concerned.”

The legal profession is indispensable to generosity for it evinces pro bono services to the poor; it aims to work for the societal causes and eventually to delivering justice. Advertisements enable commercializing of business. It is believed, such commercialization would emphasize branding and maintaining clientele more than focusing on rendering legal services efficiently. It could also undermine the self-worth and dignity of the Lawyers who cannot splurge into marketing tactics. There could be misleading advertisements that might lead to unfair trade practices and unhealthy competition. The majority of the population in India in their own ignorance will fall prey to such advertisements. Thus, owing to the sanctity and dignity of the legal profession it is regarded as unethical to advertise or solicit work. In the words of Justice Krishna Iyer, “The law is not a trade, briefs no merchandise and to the heaven of commercial competition or procurement should not vulgarise the legal profession”.

However, In 2008, Rule 36 of BCI has been amended as per which, lawyers or law firms can publish information such as their name, contact information, the name of State Bar Council which they are a member of, qualifications and areas of expertise along with a disclaimer. Any sort of advertising beyond this will be contravention of Rule 36.

Have queries? Contact: 9284080169

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