



Bates v. State Bar of Arizona, 433 U.S. 350, 369 n.20 (1977)

Appellant attorneys were licensed to practice law in the State of Arizona and placed an advertisement in an Arizona newspaper offering legal services. Arizona law prohibited attorney advertisements and the Arizona bar temporarily suspended the attorneys from the practice of law. The state supreme court rejected appellants' arguments that the disciplinary rule violated their First Amendment rights. The United States Supreme Court reversed, holding that advertising by attorneys could not be subjected to blanket suppression and because the truthful advertisement at issue was found to be protected by the First Amendment.

The Court Looked to the AMA to Make an Analogy to the Medical Field

Indeed, it appears that even the medical profession now views the alleged adverse effect of advertising in a somewhat different light from the appellee. A Statement of the Judicial Council of the American Medical Association provides in part:

Advertising - The Principles [of Medical Ethics] do not proscribe advertising; they proscribe the solicitation of patients.... The public is entitled to know the names of physicians, the type of their practices, the location of their offices, their office hours, and other useful information that will enable people to make a more informed choice of physician.

The physician may furnish this information through the accepted local media of advertising or communication, which are open to all physicians on like conditions. Office signs, professional cards, dignified announcements, telephone directory listings, and reputable directories are examples of acceptable media for making information available to the public.

A physician may give biographical and other relevant data for listing in a reputable directory.... If the physician, at his option, chooses to supply fee information, the published data may include his charge for a standard office visit or his fee or range of fees for specific types of services, provided disclosure is made of the variable and other pertinent factors affecting the amount of the fee specified. The published data may include other relevant facts about the physician, but false, misleading, or deceptive statements or claims should be avoided. 235 J.A.M.A. 2328 (1976).