

MEDIA RELEASE

Wollongong Consumers warned to be vigilant as new Personal Injury advertising regulations take effect

- Those with personal injury problems may be unaware they are not dealing with lawyers when responding to advertisements

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Sweeping new changes to the regulations covering advertising in the area of Personal injury Law have now come into effect in NSW but it may not be all good news for unwary consumers.

The relaxation of previously strict controls on the advertising of Personal Injury legal services has Carroll & O'Dea Lawyers warning consumers to stay vigilant when responding to 'over the top' marketing.

These changes are likely to result in a massive expansion of the worst types of so-called 'ambulance chasing' tactics such as those employed by 'claims harvesting' businesses which portray themselves as lawyers but often aren't.

Personal injury cases include work related accidents, motor vehicle accidents and other types of instances where injury has been sustained and claimants are most vulnerable.

Recent changes in NSW will now allow advertising to directly target clients with a personal injury case because the strict controls which prevented even the mention of the word 'accident' have now been dropped.

Carroll & O'Dea has warned the changes could result in an increase in the activities of so-called claims harvesters, many of whom are not legal practitioners but are not required to declare this to clients who approach them.

"These new changes will allow an expansion of aggressive advertising and marketing which can often exacerbate consumer confusion when people are already stressed as a result of an injury", said Carroll & O'Dea Partner, Hanaan Indari.

"Already we have seen misleading campaigns by organisations that have no legal expertise or even accreditation and this situation is likely to escalate over coming months.

"Now that key regulations have been dropped, consumers are going to confront advertising that promises the world yet often does not live up to the hype.

"Unfortunately we have already seen some dubious practices creep in under the radar here in NSW, including those who are not even lawyers advertising services in this area.

"A case in point is the so called 'claims-harvesting' approach where non-lawyers advertise to clients and then on sell those client details to lawyers and all without the consumer being aware of the situation.

"Most clients approaching a claims harvester would have no sense whatsoever that they are dealing with someone who is not a lawyer and that their details will be sold to a third party for a fee.

"Claims harvesting is the thin edge of the wedge and the relaxation of advertising regulations in NSW is going to see even more of this behaviour as well as a significant increase in direct targeting of clients.

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“Key changes that are now in place in New South Wales include:

- Repeal of regulations prohibiting practitioners, Solicitors and Barristers from advertising personal injury services
- Permitted the use in advertising of once prohibited words that directly target Personal Injury clients such as motor vehicle accidents, workers compensation medical negligence and public liability, to name a few

“The lifting of these controls in the state will inevitably lead to a plethora of direct marketing which will make it harder for consumers who are already vulnerable as a result of their personal injury to choose a credible, experienced and registered advocate.

“At the end of the day, any person with a personal injury claim can take a few easy steps to ensure that they are getting the professional help they need and we would suggest Wollongong consumers follow these simple tips

1. If responding to an advertisement, make an appointment and meet face to face with a lawyer;
2. Make sure you feel comfortable with the person you meet;
3. Check with the NSW Law Society to confirm you are dealing with lawyer with a current Practising Certificate;
4. Ask about fees and get a clear understanding of what you will be charged, if you win or you lose;
5. If you have a complaint, take it to the NSW Law Society;
6. The law firm has Law 9000 certification, which involves an external auditor verifying for customers that the legal practice has achieved the highest standard of operation in its systems and processes;
7. Lawyers have post-graduate qualifications in the area of speciality that concerns your legal issue;
8. Lawyers have experience successfully handling claims such as yours; and
9. A lawyer with experience will be involved in handling your claim or supervising the work closely

“A new era is underway in NSW and we will soon be bombarded with Personal Injury advertising the likes of which we have not seen before.

“Our message to Wollongong consumers is to carefully scrutinise anyone they are seeking advice from in respect to Personal Injury matters.

“Importantly consumers should know that legitimate Personal Injury Lawyers are required to observe all NSW Law Society Regulations in these matters, offering an added level of protection as advertising controls become relaxed.

“We also call on the NSW Law Society to remain vigilant during this transition period to ensure that consumers are not duped by misleading advertising and marketing as the new regulations take effect”, said Ms. Indari.

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