

Florida Bar restricting First Amendment rights

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Recently, the law firm of Searcy, Denney, Scarola, Barnhart & Shipley filed a federal lawsuit in Tallahassee, suing The Florida Bar claiming that the bar's ethics rules restricting law firm website content and posting on blogs was an unconstitutional infringement on their First Amendment rights. As a practicing attorney for over 30 years and a staunch defender of the First Amendment, not only do I support the law firm, but I also find these rules to be archaic, arbitrary and an affront to the legal profession.

Attorneys are the protectors of our justice system and our democracy. Courts have held that the First Amendment is the preeminent amendment. Yet, The Florida Bar mandates that lawyers give up those rights to speech and press when it comes to advertising, websites and blogging that other citizens enjoy. How can it be that those who are schooled to protect freedoms enjoy fewer freedoms than others?

The age-old argument that attorney advertising is undignified or that scrupulous adherence to rigid but nebulous bar rules somehow protect the public, must give way to constitutional freedoms. Attorneys should push to extend freedoms, not be stifled in our own exercise of the rights we are sworn to protect.

Daniel Aaronson, First Amendment Lawyers Association, Fort Lauderdale