

# New Techniques in Ambulance Chasing

Why drug companies should be terrified of daytime TV.

BY MICHAEL FREEDMAN

**P**RINCETON, N.J. LAWYER JOHN Sakson handles the usual array of personal injury suits. But he has also turned into an expert of sorts on the virtues of daytime television. It's there that his firm spends up to \$80,000 a month soliciting potential plaintiffs. Some of his advertising is aimed at slip-and-fall and medical-malpractice victims. But these days he's also trawling for much bigger fish—plaintiffs for deep-pocket attacks on big corporations, especially pharmaceutical companies.

A 1977 Supreme Court decision interpreting the First Amendment opened the door to lawyer advertising. At first the TV ads were for walk-in divorce and estate work. Now, much of the time, the ads are aimed at stirring up litigation against the likes of Novartis, American Home Products and Johnson & Johnson. Last year in the top 75 TV markets, some 2,000 lawyers (out of the nation's 1 million) spent \$230 million advertising their services.

Network Affiliates, the nation's largest legal-advertising agency, produces ads for 85 firms in 90 markets and says one-third of its \$20 million in legal

billings comes from pharmaceutical litigation ads, compared with maybe 1% a decade ago.

Why the surge? Drug recalls have multiplied in recent years and lawyers have taken notice. The TV ads are the starting point in drawing the thousands of clients who later become plaintiffs in mass suits against drug companies. Typically lawyers like Sakson pass on such cases to bigger firms experienced in mass torts who don't want their hands dirtied by TV advertising.

Sakson, 47, and his firm have the medium down pat. He knows ads running during the day attract the poor, the disabled, the unemployed and others who may not know where or how to look for a lawyer. Real-life judge shows like *Judge Mills Lane* and *Judge Judy* are jackpots. Talk shows like *Montel Williams* are effective, too. *Jerry Springer's* audience was a fertile source of clients until, strangely enough, producers toned down the scratching and hair-pulling. And never run ads on Fridays or during the Christmas week. The audience isn't in a litigious mood, he says.

"This is how you reach people these days," shrugs Sakson, whose firm, Stark & Stark, advertises to the 2.8 million households in the Philadelphia TV market.

The path to a mass tort begins when lawyers like Sakson hunt through medical journals and newspa-

