



**Local Legal  
Services Advertising  
2018 – Quarters 1-3  
West Virginia**

## Local legal services television advertising in top West Virginia media markets January – September 2018

*February 2019*

In the first, second, and third quarters of 2018 – from January through September – nearly 90,000 advertisements for legal services or advertisements soliciting legal claims aired on local broadcast networks in two of the largest media markets in West Virginia at an estimated cost of \$3.9 million.<sup>1</sup> An analysis and discussion of the legal services advertising in these markets – Charleston and Clarksburg, West Virginia – follows.

Often times these advertisements will claim a certain prescription or medical device may cause harm, and without consulting a doctor, viewers who are prescribed these medications may cease use due to fear created by unfounded advertisements. Senate Bill 66, introduced by Senator Chandler Swope, seeks to prohibit deceptive lawsuit advertising practices. The legislation requires certain disclosures and warnings to protect West Virginians from misleading legal services advertisements.

### ***Charleston***

Charleston is the largest media market within the state of West Virginia and the 70<sup>th</sup> largest media market in the country with approximately 420,000 TV homes.<sup>2</sup> An estimated \$3.6 million were spent to air more than 82,000 local legal services TV ads in the Charleston market from January through September of last year – on average, one ad aired every five minutes during this time period. In fact, local legal services ads ran 40 times as often as ads for consumer banks and 30 times as often as ads for auto insurance on local Charleston stations in the third quarter of 2018.

The monthly and quarterly volume of advertising in Charleston was fairly consistent in the first three quarters with 8,000 to 10,000 ads airing each month at an estimated cost of \$300,000 to \$400,000 per month.

---

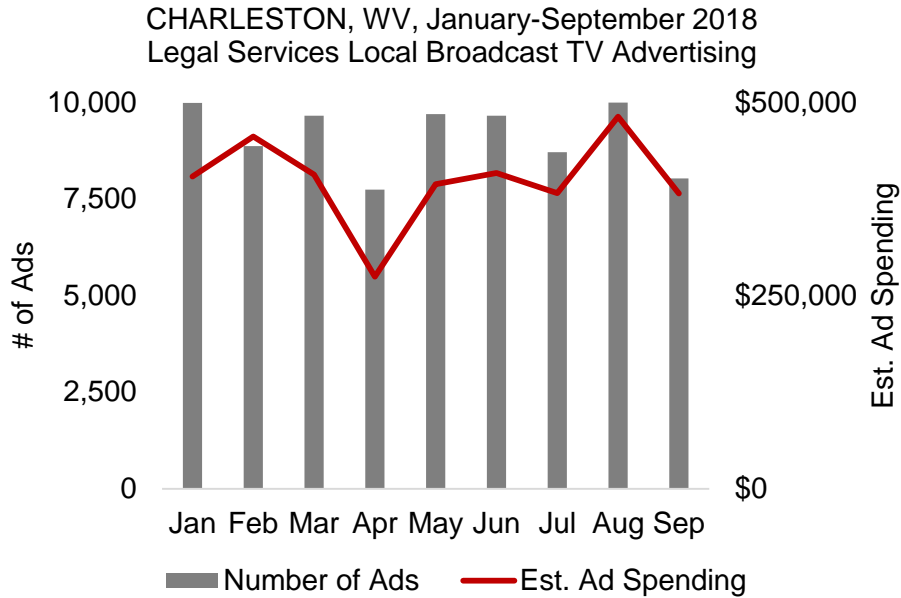
<sup>1</sup> The total estimated number of local legal services TV ads broadcast in the Charleston and Clarksburg, West Virginia media markets during this time period was 89,611. The estimated amount spent to purchase the advertising to air these ads was \$3,888,139.

This total and other TV advertising data cited in this report does not include legal services TV advertisements broadcast nationally on national cable and broadcast networks or during nationally syndicated programming nor does it include local cable television broadcasts.

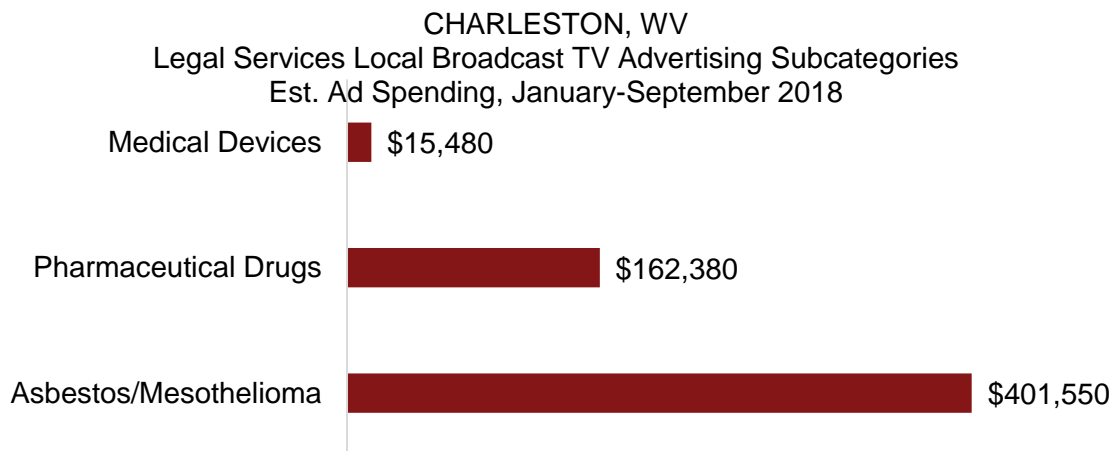
Data and analysis on television advertisements in this report are provided by X Ante using Kantar CMAG data.

<sup>2</sup> A “TV home” is defined by Nielsen as a household that has at least one operable TV/monitor with the ability to deliver video via traditional means of antennae, cable set-top-box or satellite receiver and/or with a broadband connection.

Nielsen’s ranking of local television markets and estimates of their size for the 2018-2019 television season can be found at: <https://www.nielsen.com/content/dam/corporate/us/en/public%20factsheets/tv/2018-19-dma-ranker.pdf>

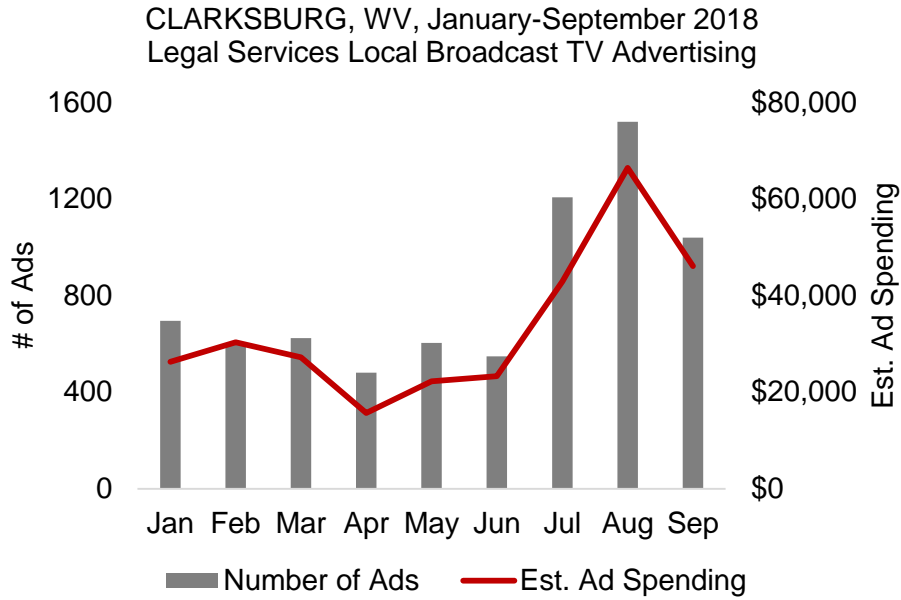


Approximately 16 percent of the estimated spending on local legal services TV advertising in Charleston from January through September was devoted to ads soliciting claims related to alleged injuries caused by asbestos, pharmaceutical drugs, or medical devices.



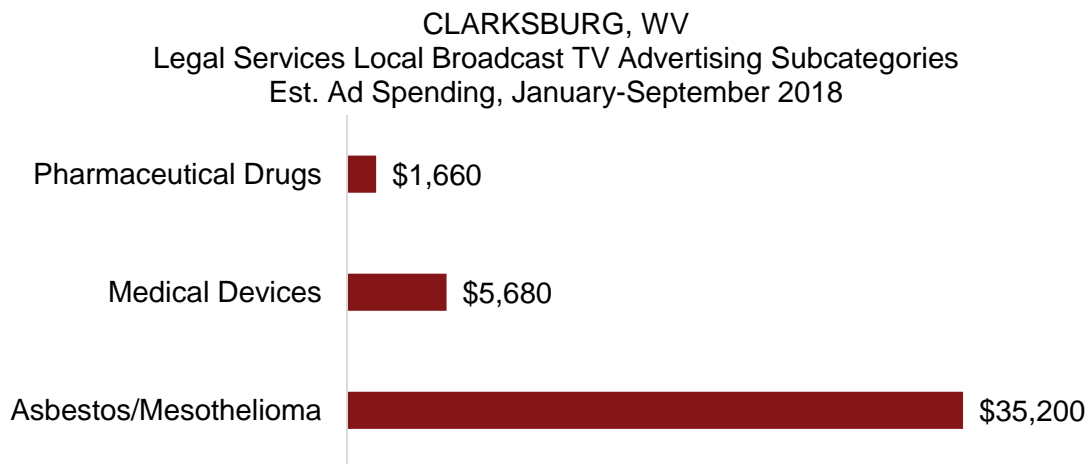
**Clarksburg**

With 91,000 television households, Clarksburg-Weston is the third largest media market in West Virginia after Charleston and Bluefield-Beckley-Oak Hill. In the first three quarters of 2018, approximately 7,300 legal services ads were broadcast locally in the Clarksburg-Weston media market at an estimated cost of \$300,000. As shown in the graph below, there was a significant increase in the third quarter when more local legal services ads aired and more was spent on these ads than in the first and second quarters combined.



While approximately 500 to 700 of these ads aired each month in the first two quarters of last year, more than 1,000 aired each month in the third quarter. In fact, more than twice as many legal services ads aired locally than aired in the prior quarter, and 33 times more legal services TV ads ran locally in Clarksburg from January through September than there were ads for local restaurants.

Similar to Charleston, television advertisements soliciting claims related to alleged injuries caused by asbestos such as mesothelioma were among the top subcategories of legal advertising in Clarksburg. These ads accounted for approximately 14 percent of all ad spending in Clarksburg from January through September:



### ***Source material***

Data analysis in this report provided by X Ante using data from Kantar Media CMAG. X Ante monitors and reports on advertising and monitoring by lawyers, law firms and other soliciting legal claims on television, radio, online, social media and elsewhere. The television advertising coverage includes expenditures and commercial occurrences by attorneys and law firms in 210 media markets and on 12 national broadcast networks, 8 Spanish-language networks, and more than 80 national cable networks. X Ante has provided this data and analysis to prominent law firms and Fortune 500 companies.

### ***Materials reviewed***

In compiling this report, X Ante examined comprehensive data sets on commercial occurrence and expenditure information for television advertisements sponsored by attorneys and/or law firms seeking claimants on local broadcast television networks in the selected media markets.

The data examined included monthly totals of estimated spending on legal services advertising and the number of times these ads aired each month from January 2018 through September 2018.

The data was gathered and provided by the Campaign Media Analysis Group (CMAG), a Kantar Media Solution, that monitors, codes and aggregates television advertising information 21 hours a day (5:00 AM - 2:00 AM) utilizing the MediaWatch Technology – an automated, patented and proprietary system. The monitored stations constitute the principal stations in each market, typically including the network affiliates and major independents.

CMAG staff watch, review, and code every ad to determine the messages used in each and the content information is merged with the automated placement and spending information.

The system is designed to capture new commercials as they first air and then track every succeeding airing of each commercial across the universe of TV platforms outlined above.

The spot occurrence and placement data are automatically assigned by the system. The spending rates are estimated according to quarterly polling by Kantar Media of television stations and advertising industry sources to determine average 30-second advertising daypart-level rates and program rates for sports and special programming for the upcoming quarter. To account for the time it takes for any given rate to populate within the system, CMAG uses an average cost function based on rates from historical program averages airing in the same market on the same station during the same daypart. These temporary estimates are updated with actual sourced rates when they become available.

Several weeks after the local data is produced, Kantar Media receives the results from a national broadcasting industry survey conducted monthly by the Television Bureau of Advertising (TVB). This new information provides a national advertising growth trend as reported by responding stations. Expenditures are adjusted to reflect these industry spot revenue patterns. Once this final rate data is available, all temporary rates calculated using the average cost function are replaced with the final data.