



Online legal ads? Not so fast.

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Recently the S.C. Attorney General's Office released an opinion that confirmed legal notices must be “published in a printed newspaper of general circulation.”

The opinion, which sounds to many like “old hat,” came on the heels of a letter of inquiry from Williamston [Town Attorney](#) G. Lee Cole asking whether news sites that exist solely online would be considered within the statutes and regulations of legal notice requirements.

The answer? No. At least, not yet.

And here's why it's significant: Had the Attorney General's office allowed it, the opinion would have set a legal precedent that allowed for all legal ads to be posted online — and only online, without ever having to be run in a traditional paper.

In effect, the AG's opinion has reaffirmed the necessity for published newspapers and their continuing role in an ever more digital society, for the time being anyway.

“You (Cole) have listed numerous provisions in the South Carolina Code that provide for publication of legal notices in a newspaper of general circulation. While each statute imposes different requirements based on the purpose of the statute, common to each is that notice be published in a ‘newspaper of general circulation,’” writes Assistant AG Anne Marie Crosswell.

Crosswell's opinion echoes the sentiment of a similar line of inquiry faced by the [Ohio Attorney General](#) in 2008 who also wrote that an online newspaper could not be deemed a newspaper of general circulation on its own merits.

The problems with allowing legal ads solely in online editions are the variables. For better or worse, state and federal laws have not caught up to fully accommodate the entirety of the World Wide Web.

Once a legal ad is in print, that's it. Whether it be a notice to creditors or an application for a liquor license, the reader now has a verifiable hard copy of it.

Servers can be damaged and information lost. Accounts can be hacked. In cases of legal notices involving minors, names are redacted whereas online ads could potentially leave them vulnerable.

Not to mention the most obvious hurdle: notarization. Most legal ads must be witnessed, signed and stamped by a Notary Public — and you can't notarize an online ad.

Couple all that with the fact that a significant amount of a paper's yearly revenue — up to 40 percent for some publications — is generated by legal ads, and a different opinion by the AG's office could have had serious repercussions to the [newspaper industry](#) across the state.

While Crosswell did acknowledge the proliferation of online news sources and suggested that the continuing publication of printed newspapers was “becoming more and more antiquated,” she stated that “absent amendment of notice statutes requiring notice in a newspaper of general circulation by our legislature, we do not believe that the term newspaper of general circulation can be extended to include online newspapers.”

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