



Complying with Detailed Ethics Advertising Rules and Requirements

a. Primary Rules: 7.1, 7.2, 7.3, 7.4

b. Primary Opinions:

Website Advertising

2005 FEO 10	Virtual Law Practice
2009 FEO 16	Info on Verdicts/Settlements
2011 FEO 8	Use of Live Chat Support Service
2012 FEO 1	Testimonials in Advertising
2018 FEO 8	Advertising Inclusion in Self-laudatory List or Organization

Other e-Advertising

RPC 241	Online Directory
2000 FEO 3	Message Board Inquiries
2004 FEO 1	Online Matching Service
2012 FEO 1, 8	Advertising with Testimonials and Endorsements
2013 FEO 10	Participation in Online Group Legal Advertising Using Geographical Exclusivity
2014 FEO 8	Accepting Invitation from Judge to Connect on LinkedIn
2017 FEO 1	Text Message Advertising
2018 FEO 1	Participation in Website Directories and Rating Systems that Include Third-Party Reviews
2020 FEO 1	Responding to Negative Reviews

Targeted Direct Mail

2004 FEO 2	Offer Promotional Materials
2015 FEO 3	Offering Computer Tablet

- The golden rules of lawyer marketing: (1) statements must be truthful and not misleading; (2) you cannot promise results; and (3) do not compare your services with other lawyers unless you can factually substantiate the comparison.
- The top ten list of “dirty words” in lawyer advertising include: (1) “promise” (as to result or services); (2) “guarantee” (same); (3) “specialize” or “specialist” (unless you are a certified specialist); (4) “expert” (unless you can prove it objectively); (5) “the best” (because you can’t prove you are); (6) “the top” (same); (7) “the most” (same); (8) “the highest” (same); (9) “never” (stay away from absolutes); and (10) “always” (same).
- Rule 7.1 applies to any communication about your services, including business cards, letterheads, e-mail signatures, social media, etc.

- The advertising rules govern social media if you are communicating about your legal services/your firm and you have control over the content.
- Website advertising is often a cost-effective advertising method, but you need to follow the advertising rules when doing so:
 - > Because websites can be updated so easily and quickly, the State Bar will require a higher degree of accuracy in its content.
 - > Make clear your jurisdictional limitations and do not suggest that you can practice law in any jurisdiction unless you are licensed there.
 - > If you include any information about your successes, past results, or your proven track record, then you must include an appropriate and conspicuous disclaimer. See 2009 FEO 16.
 - > If you use testimonials, you cannot include dollar figures; and if the testimonial discusses any results achieved, you must include the required disclaimer. See 2012 FEO 1.
- If you publish your inclusion in *Super Lawyers* or other similar membership directories/publications with self-laudatory names, you must also provide the criteria for selection or provide a web address where such criteria may be found. See 2018 FEO 8. You may participate in online directories, and “claim your profile” on sites like Avvo, as long as the information provided to the public is truthful and not misleading.
 - o You may also participate in a rating system on these types of sites, as long as the rating criteria is legitimate and available to the public. However, by participating in these types of directories, you are professionally responsible for statements regarding your services.
 - o If you find that the site has published factually false statements, you must demand that it be corrected either by deletion or disclaimer, where appropriate. If the site refuses to take corrective action, you must withdraw from participation in that directory.
 - o However, you are not responsible for “correcting” reviews on other ratings websites posted by clients that use superlatives such as “best” or “top.” If the reviewer makes a false statement regarding a result achieved, then corrective action would be needed. See 2018 FEO 1.

WEBSITE ADVERTISING IS COST EFFECTIVE,
BUT YOU NEED TO FOLLOW ALL
ADVERTISING RULES WHEN DOING SO.

- You may accept an invitation to connect on LinkedIn from a judge if you do not have a case pending before the judge at the time of the invitation. However, you may not accept an endorsement of “skills and expertise” by a judge at any time. See 2014 FEO 8. You may accept recommendations from clients and former clients on LinkedIn, as long as the recommendations are not misleading and do not create unjustified expectations. See 2012 FEO 8.