

# ETHICS OF ATTORNEY MARKETING



Helen Gülgün BÜKÜLMEZ, Esq.

- Adjunct Faculty, Chase College of Law (Marketing for Lawyers) \*
- National Speaker on Attorney Marketing
- General Counsel & Director of Engagement at Consultwebs, Inc.
  - Online Law Firm Marketing
- Attorney at Law (Immigration, Personal Injury) \* Hiking Lawyers

# ETHICS OF ATTORNEY MARKETING

- SOME SAMPLES OF ADVERTISING
- DEFINITION OF ATTORNEY MARKETING
- BRIEF LIST OF KY ETHICS RULES AND REGULATIONS
- OHIO ETHICS RULES
- ONLINE MARKETING - SEO
- ONLINE MARKETING - PAID ADS
- ONLINE MARKETING - SOCIAL MEDIA
- ONLINE REVIEWS
- QUESTIONS



# SOME SAMPLES

PLEASE ACCEPT MY APOLOGIES IN ADVANCE  
for SOME OF THE CONTENT IN THESE  
EXAMPLES



***INJURED?***

Don't pull ***YOUR*** hair out!

**MyBaldLawyer.com**

**770-982-1800**

Mason & Associates, P.C.







**ARRESTED?**

**1-855-WTF-POPO**

**DUI • CRIMINAL TRIAL EXPERTS • DRUGS**

J. JAEGER & F. WESLEY BLANKNER

JAEGER & BLANKNER  
OFFICES ORLANDO

ESMAN





# Peter is a

tax attorney not a

# terrorist.

Our current aviation security system sees everyone as a threat. Tell Congress you want a Trusted Traveler Program to end the long lines and one size fits all approach to securing our nation's airways.

Visit [BeTrustedNow.org](http://BeTrustedNow.org) Call 1-855-BE-TRUSTED



**Ever Argue  
With a Woman?**



TESSMER  
LAW FIRM<sup>PLLC</sup>

**855-5TESSMER**



# DISCLAIMER

- Extensive experience in attorney marketing across the U.S. and abroad
- Attorney, Licensed in Kentucky
- NOT licensed in Ohio: Presentation based on research and study - **trust** but **VERIFY**

# ATTORNEY MARKETING

- Advertising: TV, Billboards, Websites, Online Outreach, Directories
- *Bates v. State of Arizona* (1977)
- Still not “a thing” in other countries
- Definition of **Attorney Marketing**: ?
  - When is an attorney marketing for prospective clients?
  - 1 = at least 250 (Endless Referrals, Burg)



# ETHICS OF ATTORNEY MARKETING in KENTUCKY

- KY Supreme Court Rules 3.130(4.5)-(4.6) and (7.01)-(7.60)

- Attorneys' Advertising Commission

Regulations 1 - 16

- Resource: Steven Pulliam, KY Deputy Bar Counsel

# ETHICS OF ATTORNEY MARKETING in OHIO

- **OHIO Supreme Court** Regulates Attorney Advertising
- **OHIO Rules of Professional Conduct 7.1 - 7.5** address attorney marketing and advertising
- **Advisory Opinions** by The Ohio Supreme Court Board of Commissions on Discipline and Grievance - informal, non-binding, responding to hypothetical, prospective questions



# COMMUNICATION OF ATTORNEY'S SERVICES

- **Rule 7.1.** A lawyer shall not make or use a **false, misleading, or nonverifiable** communication about the lawyer or the lawyer's services. A communication is false or misleading if it contains a material misrepresentation of fact or law or omits a fact necessary to make the statement considered as a whole not materially misleading.
- Any communication about the lawyer or her services, including advertising.
- Truthful statements that are misleading are prohibited by this Rule.
- Rates that include "discounts," "prizes," "discount," "special" are misleading.
- No longer a prohibition on **client testimonials**.
  - Must be verifiable.
  - May be misleading if it could lead a reasonable person to form an unjustifiable expectation that the same result could be obtained for other clients.



# ATTORNEY ADVERTISING & RECOMMENDATIONS

- **Rule 7.2(a)** Subject to 7.1 and 7.3, a lawyer may advertise services through ***written, recorded, or electronic communication, including public media.***
- **Rule 7.2(b)** Attorney cannot give anything of value to a person for recommending his services. An attorney may pay for:
  - Print or online directory listings, Compensation for employees, vendors, website designers,
  - Newspaper, TV, Radio, Banner ads, attorney referral service,
  - Domain name registration, sponsorship fees, legal service plan,
    - But see Advisory Opinions on ALS:
      - OH (2016-3): A lawyer's participation in an online, nonlawyer-owned legal referral service, where the lawyer is required to pay a "marketing fee" to a nonlawyer for each service completed for a client, is unethical.
      - NY: Improper payments for recommendation of a lawyer
  - **BUT:** A lawyer employing such help shall take reasonable efforts to ensure that the conduct of non-lawyer employees is compatible with the **professional obligations of the lawyer.**



# ATTORNEY ADVERTISING & RECOMMENDATIONS

- Rule 7.2(c): Any communication made pursuant to this rule shall include the name and office address of at least one lawyer or *law firm* responsible for its content.
- Rule 7.2(d) prohibits an attorney from seeking employment in a matter s/he does not plan to participate and plans to refer out to other counsel.

# SOLICITATION: DIRECT CONTACT WITH CLIENTS: Rule 7.3

- Strictly prohibited to solicit employment (significant pecuniary gain) unless to a lawyer or a close personal or professional contact:
  - **in person**
  - **live on telephone, or**
  - **real-time electronic means**
    - “potential for abuse when a layperson is subject to the private importuning of the trained advocate in a direct interpersonal encounter”
    - Chat Rooms - real-time electronic contact - prohibited
    - **Email solicitation is permitted** if the contents comply with the Rules - Advisory Opinion - 2017-3
    - **Solicitation by text messaging is permitted** if the communication complies with the Rules (more akin to email) - Advisory Opinion 2013-2



# Rule 7.3

- “Because most text messages are received on cellular phones, which are often carried on one’s person, lawyers should be sensitive to the fact that a text message may be perceived as more invasive than an email.”
- Rule 7.3 (b) Direct/indirect solicitation or communication is impermissible if the prospective client has requested that the lawyer not solicit them or the solicitation involves coercion, duress, or harassment

# Client Testimonials

## SOCIAL PROOF - MARKETING GOLDMINE

### ADVISORY OPINION 2016-8

1. A lawyer may include a client testimonial in advertising so long as it does not constitute a **false, misleading, or non-verifiable communication** about the lawyer or the lawyer's services or create **unjustified expectations** for prospective clients. Testimonials generally referring to favorable outcomes for clients must contain an **appropriate disclaimer to avoid unjustified expectations.**
2. Client testimonials in an advertisement that state the **amount of a settlement or verdict** are inherently misleading **even if a disclaimer is used.**
3. **A lawyer is responsible** for monitoring testimonials and reviews made by clients on websites if the lawyer controls the content of the website. Online testimonials or reviews from clients about the lawyer or the lawyer's services that contain false, misleading, or nonverifiable communications must be removed by the lawyer when the lawyer has control over the online content.



# OHIO ATTORNEY ADVERTISING ETHICS

- **OHIO Supreme Court** Regulates Attorney Advertising
- **OHIO Rules of Professional Conduct 7.1 - 7.5** address attorney marketing and advertising
  - COMMENTS
- **Advisory Opinions** by The Ohio Supreme Court Board of Commissions on Discipline and Grievance - informal, non-binding, responding to hypothetical, prospective questions

# Why Market?

- The new generation of prospective clients
- The new generation of attorneys - Competition
- The new culture of easy access to information and communication
- ...and, because it is post-2008, even with corporate/business & defense practice



# The Big Picture: Providing Value & Genuine User Experience

- *A legally optimized website*
  - Content
  - On-site Optimization
  - Link Building
  - Citation Cleanup & Technical Maintenance
- Local Listings
- **Social Media \*\*\*\*\***
- **Online Reviews \*\*\*\*\***
- Data-based, Effective Pay-Per-Click Campaign

# The Goal

Making a case for Google for:

- Branding & Reputation Management
- Leads & Cases
- Engagement with peers & prospective clients



“No one cares about how much you know...

...until they know how much you care.”

~ T. Roosevelt

# Definitions

- **SEO: Search Engine Optimization - Organic**
  - A user comes to Google/Search Engine looking for answers.
  - Google/Search Engine uses algorithms to determine **relevance** to the topic, and **popularity** to verify **authority** on the subject.
  - The goal of SEO is to implement best practices to help the search engines see you as the authority in your field. SEO is the process of integrating ranking factors and user experience to make your website stand out among the rest.
  - Keywords but also functionality, userX, & engagement



# Caution

## **WHITE HAT SEO**

**SEO that conforms to search engine designs and involves no deception.**

### **ADVANTAGES:**

- Long term strategy
- Best user experience
- Creating content for users, not search engines.
- Low risk factor.
- Higher Quality Leads

### **DISADVANTAGES:**

- Progress may be achieved at a much slower rate, esp. in 2ndary market

# Caution

## **Black Hat SEO**

**Techniques used to get higher search rankings in a manner that is inconsistent with Search Engine guidelines.**

### **ADVANTAGES:**

- Achieve search engine rankings very quickly.

### **DISADVANTAGES:**

- Short term strategy.
- High risk level.
- Low conversions/poor quality leads.
- Poor user experience.
- Tricks the user and search engine to achieve results.



# The Big Picture on the First Page & The PPC Change


**Car Accident Lawyer - You Owe Us Nothing Unless We Win** ✓  
Ad [www.danfpartinlaw.com/car-accident-help](http://www.danfpartinlaw.com/car-accident-help) ✓  
Contact Us For A Free Case Review!  
We'll Come To You · Experienced Attorney · Free Initial Case Review

**We Act Fast** ✓  
We Put Your Case On The Fast Track  
Act Now Before It's Too Late

**We Fight To Win** ✓  
How Much Is Your Case Worth?  
We Go After Every Dime You Deserve

**Injured In Car Accident? - We Win or Settle 99% of Cases** ✓  
Ad [www.attorneydarrylisaacs.com/](http://www.attorneydarrylisaacs.com/) ✓  
Get Your Free Consultation Today!  
As Seen On TV · \$700M+ Collected · Over 99% Success Rate · Injury Evaluation

**Car Accident Lawyer - We Don't Get Paid Until You Do** ✓  
Ad [www.kirklawfirm.net/Auto-Accidents](http://www.kirklawfirm.net/Auto-Accidents) ✓ (888) 850-7608  
Our Experienced Team Will Help You.



**Oliver & Oliver Attorn...**  
No reviews · Personal Inju...  
301 Chestnut St · (859) 98...  
Website ✓ Directions

**Carter Law Office**  
No reviews · Bankruptcy A...  
1717 Richmond Rd N · (8...  
Open until 5:00 PM  
Website ✓ Directions

**Shumate, Flaherty, ...**  
1 review · Law Firm  
225 W Irvine St · (859) 62...  
Open until 5:00 PM  
Website ✓ Directions

[More places](#)

**Auto Accident Attorneys | The Cochran Firm Auto Accident ...** ✓  
[www.cochranfirm.com/practice-areas/auto-accident-attorneys/](http://www.cochranfirm.com/practice-areas/auto-accident-attorneys/) ✓  
If you are in need of an auto accident lawyer, call The Cochran Firm at (800) 843- 3478 to be put in touch with an experienced attorney in your area.

**Car Accident - FindLaw Lawyers Directory** ✓  
[lawyers.findlaw.com](http://lawyers.findlaw.com) · Lawyer Directory ✓  
Use the largest online Car Accident lawyers directory to quickly find detailed profiles of attorneys and law firms in your area.

**When To Hire A Personal Injury Attorney | DMV.org** ✓  
[www.dmv.org/.../when-to-hire-a-perso...](http://www.dmv.org/.../when-to-hire-a-perso...) ✓ The Unofficial Guide to the DMV ✓  
When you've been in a car accident, you have a lot on your mind. Aside from any emotional turmoil and stress, you have to deal with your injuries, damage to ...

**Accident Attorney** ✓  
[www.vaughtlaw.com/](http://www.vaughtlaw.com/) ✓  
(859) 379-7162  
You Deserve To Know Your Rights!  
Call Now For A No-Cost Case Review.

**Injured in an Accident?** ✓  
[www.personalinjurycare.net/](http://www.personalinjurycare.net/) ✓  
Find the right lawyer for you.  
Call 24/7 for a free consultation!

**Car Accident Lawyer** ✓  
[www.attorneyscorbin.com/](http://www.attorneyscorbin.com/) ✓  
Car Accident Lawyers. Call Us in Corbin for a Free Consultation.

**Car Accident Lawyers** ✓  
[www.hwnn.com/](http://www.hwnn.com/) ✓  
Automobile Accident Lawyers.  
Call Today. Free Consultation.

**Auto Accident Lawyers** ✓  
[www.louisvillefirm.com/Accident-Aid](http://www.louisvillefirm.com/Accident-Aid) ✓  
Injuries Keep You From Working?  
Call Today. Free Case Evaluation!

**Car Accident Lawyers** ✓  
[www.thelawfirm.com/](http://www.thelawfirm.com/) ✓  
(844) 882-2100  
100% Free Consultation.  
Millions Recovered - Call Now!

**Car Accident Lawyer** ✓  
[www.forthethepeople.com/](http://www.forthethepeople.com/) ✓  
Free Immediate Case Evaluation.  
Call An Car Accident Lawyer Now!

**Car Accident Lawyer** ✓  
[www.personalinjurylawyerkentucky.net/](http://www.personalinjurylawyerkentucky.net/) ✓  
(859) 298-3862  
Car Accident Lawyers with 25+ Yrs of Exp. Call Us in Lexington Now.

[See your ad here](#) ✓



PPC Results

Local Results

Organic Results



Now looks like this:



[All](#) [Maps](#) [News](#) [Videos](#) [Images](#) [More ▾](#) [Search tools](#)

---

About 16,400,000 results (0.43 seconds)

**Car Accident Lawyer - Over \$900mil Won For Our Clients**  
**Ad** [www.salvilaw.com/car-accidents/](http://www.salvilaw.com/car-accidents/) ▾  
How Much Is Your Injury Worth?  
📍 22 W Washington St #1600, Chicago, IL - Open today · 8:30 AM – 5:00 PM ▾

**Car Accident Lawyer - Attorney for car accident injury**  
**Ad** [www.chicagolawyer.com/](http://www.chicagolawyer.com/) ▾  
No fee until you win. Free Consult.  
Calls Answered by Lawyer · Millions Recovered · 2,500+ People Helped  
A+ Rating (2015) – The Better Business Bureau  
[About Staver Law Group](#) · [Settlement Results](#) · [No Payment Unless We Win](#)

**Car Accident Lawyer - Injured In A Car Wreck?**  
**Ad** [www.malmanlaw.com/Auto\\_Accident](http://www.malmanlaw.com/Auto_Accident) ▾ (888) 625-6265  
The Malman Law Firm Can Help. Call 24/7  
15,000 Cases In 20 Years · BBB A+ Rating  
[Car Accident Attorney](#) - [Zero Fee Guarantee](#)

**Hurt In A Car Accident? - mccreadylaw.com**  
**Ad** [www.mccreadylaw.com/](http://www.mccreadylaw.com/) ▾  
Call A Car Accident Lawyer 24/7. Get Your Justice At Any Hour!  
[Dog Bite Injury](#) · [Top-Rated Injury Attorney](#) · [CTA Accidents](#) · [Hit & Run Accident](#)  
📍 10008 S Western Ave, Chicago, IL

**PPC Results**

**Illinois Car Accident Attorney :: Motor Vehicle ... - Chicago**  
[www.levinperconti.com/motor-vehicle-accidents.html](http://www.levinperconti.com/motor-vehicle-accidents.html) ▾ [Levin & Perconti](#) ▾  
Free Consultation - Call (877) 374-1417 - Levin & Perconti helps victims and their families receive compensation for their injuries in Car Accident and Auto ...



# Social Media

- **Facebook**

- #1 for visibility, social engagement, leads, targeted ads, etc.

- **Twitter**

- promotions, special initiatives, individual connections.
- e.g., groups against domestic violence.

- **LinkedIn**

- Practice area dependent - more successful for peer connections.

- **YouTube**

- Popular if video production.

- **Google Plus** - optimization, credibility, local citation building.

# Facebook for Business

## SOME NUMBERS

- An average **American** checks his/her phone 46 times per DAY - up from 33 in 2014. (8 billion times collectively) <http://time.com/4147614/smartphone-usage-us-2015/>
- The not so average person checks his/her phone **150+ times** per DAY. (PewResearch)
- When? (1) shopping, (2) watching TV <http://time.com/4147614/smartphone-usage-us-2015/>
- **76%** of people who search for an attorney, use the Internet. LexisNexis Study of 4,000 people (The Research Intelligence Group, March 2012):  
<https://drive.google.com/a/helenbukulmez.com/file/d/oBo1ofqDaxXj8RDloclp4dzd5bXM/view?pli=1>
- 1.01 Billion people log on to their Facebook accounts daily. (Facebook)
- New: Facebook Services - Call button <https://www.facebook.com/services/>
  - Local listing of businesses; Reviews; Ratings - Google like

## WHY: PEOPLE DO BUSINESS WITH THOSE THEY LIKE

- **Attorney's Story**
- **Personal account / Business "Page"**
- **Page is recommended: Educational, even fun but not salesy**



# FACEBOOK

- Take your time setting up your page
  - About - the more information the better - write for a 5th grader
  - Profile Photo - A smiling face & include group photos
  - Cover Photo - Logo, Name, Office, City - Design
- Set up “Local Business” - Law Firm/Lawyer - Consistent Phone number, address, “staffed office”
- Verify!
- Trade secret: Sync Facebook with rest of online presence.

# Facebook Targeting

- Ethical considerations for Facebook Messaging
  - Direct Mail - KY and OH Rules seem to allow
  - Privacy? Attorney-client relationship formed?
  - Setting boundaries & managing expectations
  - Auto reply directing traffic to office phone number
  - Option to disable inbox
  - **Be careful what you edit, permit, and allow? [Communications Decency Act]**
- Promote your Page
- Boost Your Posts & Tailor to reach target audience
- Facebook Ads



# Facebook Targeting

- Unpaid - age, gender, city
- Paid - virtually unlimited: age, gender, location, income bracket, previous employment, the type of car they drive, how long they've lived in the city, marital status, ...
- Class Action Lawsuits seeking representative plaintiffs - Chipotle, Applebees, Massage School (VERY low cost per lead), etc...
- How do you stand out from your competition?

“No one cares about how much you know...

...until they know how much you care.”

~ T. Roosevelt



# Facebook: Engagement

- Unique perspective and engagement: set yourself apart

- Chef, Mother, Runner
- Father, Healthcare Transparency Advocate, Biker

- Rich, educational, engaging content

- Community service
- Personal connections
- Videos

- Creative assets:

- <http://www.dsslaw.com/staysobernj/#resources>,

- <http://www.kendalllawfirm.net/reckless-racer/>

- <https://www.facebook.com/pajciclawn/>

- <https://www.facebook.com/oklahomacitylawyer/?fref=nf>

- <https://www.facebook.com/gregcolemanlaw/>

# Facebook Reviews

- Negative Reviews
  - Facebook will not remove it: stuck with it unless you can prove the individual posting the review never used your services.
- Positive Reviews
  - Boost with more likes and comments
  - Get more of them to minimize negative reviews



# ONLINE REVIEWS

Are you spending money to market bad reputation?

- Google
- Yelp
- Avvo

# Online Reviews

- At least 5 for the stars to show up next to your Local Listing.
- If less than 5, only a number will show up.
- Privacy, defamation, attorney-client rel. issues:
  - <http://blogs.wsj.com/law/2014/07/11/lawyers-responding-to-negative-online-reviews-tread-tricky-path/>
- Affect rankings and leads.
- For the attorney, by the attorney!
- KBA Rules re how to inquire into reviews



# Obtaining Online Reviews

- Your clients control the message
- Proactive approach
- When is your client the happiest? settlement check?
- How - smart phone? Template? A dedicated staff.
- Your staff, including attorneys - competition

# Reviews: EVERYONE is Your Customer

## The big review party

- Former clients
- Current Clients
- Families, friends of clients
- Candidates for openings at your firm
- Vendors
- The mail man



# Negative Online Reviews

- Proactive approach > Damage Control
- Negative review - have you reached out?
- More effective and impactful on your business than all the marketing you can do.
- Obtain more positive reviews to leave the negative ones behind, both in time and in number.

# Online Reviews Softwares: BirdEye, Podium, etc.

- Web-based software seeking reviews from your clients via email.
- Positive Reviews - easily published on any platform.
- Negative reviews - “Got it off her chest.”



# The Big Picture

- Your story, connection to your community, service to others, ...
- How similar you are & race for likability

**“Google loves you **only** after everyone else does.”**

# Overall Marketing - Consistency

- GENUINE COMMUNITY ENGAGEMENT
- Billboards
- TV commercials
  - Less effective and more costly than online marketing
- Online Legal Marketing
  - Design, SEO, **PPC**, **Online Reviews**, Social Media, Engaging Digital Assets - ALL necessary
- Direct Mail



# Questions

PLEASE DO NOT WASTE YOUR TIME OR RESOURCES INTO  
MARKETING SCAMS AND BAD MARKETING

Questions any time:

HELEN GÜLGÜN BÜKÜLMEZ

(859) 797-4323

[helen@helenbukulmez.com](mailto:helen@helenbukulmez.com)