

# Common Legal Website Pitfalls and How To Avoid Them

*“To assist the public in obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. Advertising involves an active quest for clients, contrary to the tradition that a lawyer should not seek clientele. However, the public’s need to know about legal services can be fulfilled in part through advertising. This need is particularly acute in the case of persons of limited means who have not made extensive use of legal services. The interest in expanding public information about legal services ought to prevail over considerations of tradition.”*

*D.C. Rules of Professional Conduct, Rule 7.1, Comment 2*



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# Presentation Overview

- Today we'll be touching on:
  - What your website should include to be effective both visually and content-wise
  - How you can achieve this while also making sure your website is compliant by Professional Responsibility Standards
    - [District of Columbia Rules of Professional Conduct](#)
    - ABA Model Rules of Professional Conduct
    - ABA Formal Opinion 10-457, August 5, 2010, Lawyer Websites
    - Ethics Opinion 370 – Social Media I: Marketing Personal Use
    - Ethics Opinion 371 – Social Media II: Use of Social Media in Providing Legal Services

# Relevant D.C. Rules Of Professional Conduct

- **Client-Lawyer Relationship** [\[1\]](#)
  - Rule 1.1 Competence
  - Rules 1.6 Confidentiality of Information
  - Rule 1.7 Conflict of Interest: General
  - Rule 1.18 Duties to Prospective Client
- **Information About Legal Services**
  - Rule 7.1 Communication Concerning a Lawyer's Services
  - Rule 7.5 Firm Names and Letterhead
- **Maintaining the Integrity of the Profession**
  - Rule 8.5 Disciplinary Authority; Choice of law





# What Your Website Needs To Be Successful

- Domain Name and Website Host
- VIP Pages (Easily Navigable)
  - Call To Action (CTA) & Descriptive Content
  - Relevant Imagery
  - Responsive Themes
  - Mobile Friendly
  - Disclaimer
- Accurate Security Settings
- Social Media Linkage
- SEO



# Tips for Choosing Domain Names

- The Basics:
  - root name (emilywoodesq),
  - top-level domain (.com, .net, .org) and
  - a subdomain – once you have your root you can add any subdomain you want
- Choose a relevant name
- Buy the name of your firm before someone else does
- Most people assume “.com” (recommended)
- Keep it short and sweet and NO slang - spell it out or clients have to guess
- Research keywords



# Domain Registrar vs. Website Hosting

## Domain Registrar

- A domain registrar is where you purchase your domain name (Go Daddy, Namecheap, Blue Host, 1&1)



## Website Hosting

- Web hosting services determine where your domain lives (Go Daddy, Fat Cow, etc. ) – many services will offer both



# VIP Pages - Your Website Should Have These Pages [\[2\]](#)

- Home
- About or Firm Overview
- Attorney Profile
- Practice Areas
- Disclaimer
- Contact pages
  - You Should also consider:
    - Blog
    - FAQ
    - Client Testimonials





## D.C. Rule 7.1(a) [\[4\]](#)

### WHAT IT SAYS:

a) A lawyer shall not make a false or misleading communication about the lawyer or the lawyer's services. A communication is false or misleading if it:

- (1) Contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading; or
- (2) Contains an assertion about the lawyer or the lawyer's services that cannot be substantiated.

# D.C. Rule 7.1(a) [\[4\]](#)

## WHAT IT MEANS:

- Don't make false or misleading statements.
- Don't omit facts if they would prevent certain information from being misleading.
- Comment [1] - This rule governs all communications about a lawyer's services, including advertising.
- Comment [3] - This rule permits public dissemination of information concerning a lawyer's name or firm name, address, and telephone number; the kinds of services the lawyer will undertake; the basis on which the lawyer's fees are determined, including prices for specific services and payment and credit arrangements; a lawyer's foreign language ability; names of references and, with their consent, names of clients regularly represented; and other information that might invite the attention of those seeking legal assistance..
- Comment [4] - Questions of effectiveness and taste in advertising are matters of speculation and subjective judgment...and so this rule subjects advertising by lawyers only to the requirement that it not be false or misleading.

# D.C. Rule 7.1 (b) [\[5\]](#)

## WHAT IT SAYS:

b) A lawyer shall not seek by in-person contact, employment (or employment of a partner or associate) by a nonlawyer who has not sought the lawyer's advice regarding employment of a lawyer, if:

(1) The solicitation involves use of a statement or claim that is false or misleading, within the meaning of paragraph (a);

(2) The solicitation involves the use of coercion, duress or harassment; or

(3) The potential client is apparently in a physical or mental condition which would make it unlikely that the potential client could exercise reasonable, considered judgment as to the selection of a lawyer.

# D.C. Rule 7.1 (b) [\[5\]](#)

## WHAT IT MEANS:

- A lawyer can't solicit, in person, professional employment by someone who didn't seek them out if:
  - The solicitation is **false or misleading**;
  - The solicitation involves **coercion, duress or harassment**; or
    - Comment [5] In-person solicitation (can be via telephone) can create problems because of the particular circumstances in which the solicitation takes place so the following are NOT OKAY:
      - Harassment of early morning or late night telephone calls to a prospective client to solicit legal work, or
      - repeated calls at any time of day, and
      - solicitation of an accident victim or the victim's family shortly after the accident or while the victim is still in medical distress.
  - The potential client has a **physical or mental condition preventing them from using reasonable judgment** as to the selection of a lawyer.



# D.C. Rule 7.1 (c) [\[6\]](#)

## WHAT IT SAYS:

- c) A lawyer shall not pay money or give anything of material value to a person (other than the lawyer's partner or employee) in exchange for recommending the lawyer's services except that a lawyer may:
- (1) Pay the reasonable costs of advertisements or communications permitted by this Rule;
  - (2) Pay the usual and reasonable fees or dues charged by a legal service plan or a lawyer referral service;
  - (3) Pay for a law practice in accordance with Rule 1.17; and
  - (4) Refer clients to another lawyer or nonlawyer professional pursuant to an agreement not otherwise prohibited under these Rules that provides for the other person to refer clients or customers to the lawyer, if:
    - (A) The reciprocal agreement is not exclusive, and
    - (B) The client is informed of the existence and nature of the agreement.

# D.C. Rule 7.1 (c) [\[6\]](#)

## WHAT IT MEANS:

- A lawyer CAN'T pay others (other than lawyer's partner or employee) for recommending the lawyer's services EXCEPT the following:
  - pay the reasonable costs of advertisements/communications,
  - pay the reasonable costs of a qualified lawyer referral service,
  - purchase the law practice in accordance with Rule 1.17, and
  - refer clients to another lawyer or a nonlawyer professional pursuant to an agreement IF:
    - the reciprocal referral agreement is not exclusive, and
    - the client is made aware of it.
- Comment [7] – Referral agreements should not be for an indefinite duration and should be reviewed periodically. The agreement should not interfere with the lawyer's professional judgment as to making referrals or as to providing substantive legal services.

## D.C. Rule 7.1 (d) [\[7\]](#)

### WHAT IT SAYS:

d) A lawyer shall not knowingly assist an organization that furnishes or pays for legal services to others to promote the use of the lawyer's services or those of the lawyer's partner or associate, or any other lawyer affiliated with the lawyer or the lawyer's firm, as a private practitioner, if the promotional activity involves the use of coercion, duress, compulsion, intimidation, threats, or vexatious or harassing conduct.

# D.C. Rule 7.1 (d) [\[7\]](#)

## WHAT IT MEANS:

- A lawyer shall not knowingly work with an organization paying for legal services to others to promote the services of the lawyer or anyone affiliated with the lawyer's firm if the promotion(s) involve:
  - coercion,
  - duress,
  - compulsion,
  - intimidation,
  - threats, or
  - vexatious, or
  - harassing conduct.





## D.C. Rule 7.1 (e) [\[8\]](#)

### WHAT IT SAYS:

- e) No lawyer or any person acting on behalf of a lawyer shall solicit or invite or seek to solicit any person for purposes of representing that person for a fee paid by or on behalf of a client or under the Criminal Justice Act, D.C. Code Ann. §11-2601 (2001) *et seq.*, in any present or future case in the District of Columbia Courthouse, on the sidewalks on the north, south, and west sides of the courthouse, or within 50 feet of the building on the east side.

# D.C. Rule 7.1 (e) [\[8\]](#)

## WHAT IT MEANS:

- **Solicitations in the Vicinity of the District of Columbia Courthouse - Comment 9**
- No lawyer or any person acting on behalf of a lawyer shall solicit any person for purposes of representing that person in the vicinity of the District of Columbia Courthouse (on the sidewalks on the north, south, and west sides of the courthouse, or within 50 feet of the building on the east side)
  - BUT solicitation is permitted in the District of Columbia Courthouse for pro bono representation purposes.

## D.C. Rule 7.1 (f) [\[9\]](#)

### WHAT IT SAYS:

- f) Any lawyer or person acting on behalf of a lawyer who solicits or invites or seeks to solicit any person incarcerated at the District of Columbia Jail, the Correctional Treatment Facility or any District of Columbia juvenile detention facility for the purpose of representing that person for a fee paid by or on behalf of that person or under the Criminal Justice Act, D.C. Code Ann. §11-2601 (2001) *et seq.*, in any then-pending criminal case in which that person is represented, must provide timely and adequate notice to the person's then-current lawyer prior to accepting any fee from or on behalf of the incarcerated person.

## D.C. Rule 7.1 (f) [\[9\]](#)

### WHAT IT MEANS:

- **Solicitations of Inmates - Comment 10**
  - Addresses the vulnerability of incarcerated persons to lawyers seeking fee-paying representations
  - Only applies in situations where the incarcerated person has not initiated contact with the lawyer
  - The lawyer may have contact with the individual but may not accept a fee until timely notice is provided to current counsel



# Rule 7.5 - Firm Names And Letterheads [\[10\]](#)

- (a) A lawyer shall not use a firm name, letterhead or other professional designation that violates Rule 7.1. A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or with a public or charitable legal services organization and is not otherwise in violation of Rule 7.1.
- (b) A law firm with offices in more than one jurisdiction may use the same name or other professional designation in each jurisdiction, but identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in the jurisdiction where the office is located.
- (c) The name of a lawyer holding a public office shall not be used in the name of a law firm, or in communications on its behalf, during any substantial period in which the lawyer is not actively and regularly practicing with the firm.
- (d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

## What It Means: Rule 7.5 - Firm Names And Letterheads [\[11\]](#)

Don't mislead

- (i.e. using the name of a lawyer not associated with the firm, using the name of a predecessor of the firm or continuing to use the name of a lawyer formerly associated with the firm who currently is practicing elsewhere) *See D.C. Bar Legal Ethics Committee Opinion 277*

# What It Means: Rule 7.5 - Firm Names And Letterheads [\[11\]](#)

- A trade name may be used by a lawyer in private practice if it does not imply a connection with a government agency or public legal service organization.
- Comment [1] - A firm may be designated by the names of all or some of its members, by the names of deceased members where there has been a continuing succession in the firm's identity, or by a trade name such as the "ABC Legal Clinic." If a private firm uses a trade name that includes a geographical name such as "Springfield Legal Clinic," an express disclaimer that it is a public legal aid agency may be required to avoid a misleading implication.

# What It Means: Rule 7.5 - Firm Names And Letterheads [\[11\]](#)

If your firm has offices in multiple jurisdictions

- it may use the same name in each BUT it must ID the lawyers not licensed to practice in the jurisdiction where the office is located.

Don't use the name of a lawyer holding a public office in the name of the firm unless he or she is actively and regularly practicing with the firm.

Don't say you are in a partnership if you aren't!

- Comment [2] - Lawyers sharing office facilities, but who are not in fact associated with each other in a law firm, may not denominate themselves as, for example, "Smith and Jones," for that title suggests that they are practicing law together in a firm.

# Home Page [\[12\]](#)

- Engaging header image
- CTA (Call To Action)
  - CTA - Button that, once clicked, asks visitors for some contact information
  - Boldly colored
  - “Contact Us Today” encourages site visitors to reach out to your firm
    - 87% of people who contact an attorney go on to hire an attorney and 72% of them **only contact one attorney** (*FindLaw U.S. Consumer Legal Needs Survey 2014*)
- For the best results, you should have CTAs on every page (however make sure they work with the page layout and make sense where they are located)

# Home Page [\[12\]](#)

- Firm Name/Logo
- Contact Information & Map
- Contact Form
- Disclaimer



## Firm Overview Page [\[13\]](#)

- What is your firm philosophy? Why is this firm right for me? How was your firm formed?
  - 2<sup>nd</sup> most visited page on a lawyer's website so use it wisely
- **Rule 7.1 Comment [1]:** Statements about a lawyer or the lawyer's services should be accurate, since many members of the public lack detailed knowledge of legal matters.

# Describe Your Firm – But Don't Mislead

- The following advertisements have a capacity to mislead by creating an unjustified expectation that similar results can be obtained for others so use caution:
  - describing the amount of a damage award,
  - the lawyer's record in obtaining favorable verdicts,
  - the lawyer's record in comparison to another lawyer or
  - client endorsements.
- List all areas of practice for your firm and give a description of your practice areas so that clients know exactly what areas you can assist with.
- If an attorney leaves the firm, the office relocates or the firm changes practice areas you should update the website [\[14\]](#)
- Solo attorneys should not have "*& Associates*" in the firm name because it is misleading!

# Attorney Profiles

- Resumés of all firm attorneys
  - If firm is licensed in more than one jurisdiction, be sure to indicate where each attorney is licensed [\[15\]](#)
- High quality attorney photos
- Schools attended
- Professional organizations/memberships
- Hobbies
- Authored books/articles/presentations
- Social Media Links
  - *See Ethics Opinion 370 (Social Media I: Marketing Personal Use) and 371 (Social Media II: Use of Social Media in Providing Legal Services)*

# What It Says: Rule 1.18 – Duties To Prospective Clients [\[16\]](#)

- (a) A person who consults with a lawyer about the possibility of forming a client-lawyer relationship with respect to a matter is a prospective client.
- (b) Even when no client-lawyer relationship ensues, a lawyer who has had discussions with a prospective client shall not use or reveal information learned in the consultation, except as permitted By rule 1.6.
- (c) A lawyer subject to paragraph (b) shall not represent a client with interests materially adverse to those of a prospective client in the same or a substantially related matter if the lawyer received information from the prospective client that could be significantly harmful to that person in the matter, except as provided in paragraph (d). If a lawyer is disqualified from representation under this paragraph, no lawyer in a firm with which that lawyer is associated may knowingly undertake or continue representation in such a matter, except as provided in paragraph (d).
- (d) When the lawyer has received a confidence or secret from the prospective client, representation is permissible if:
  - (1) both the affected client and the prospective client have given informed consent, or:
  - (2) the disqualified lawyer is timely screened from any participation in the matter.

# What It Means: Rule 1.18 – Duties To Prospective Clients

A Prospective Client is a person consulting with an attorney about maybe forming an attorney-client relationship.

Even if no relationship develops, if the lawyer learns information from the prospective client, they can't reveal it later and can't represent another client in the same/substantially similar matter if they received information from the prospective client that could be harmful to that person.

Comment [2] to Rule 1.18

- A person who communicates information unilaterally to a lawyer without any reasonable expectation that the lawyer is willing to discuss the possibility of forming an attorney-client relationship, is not a 'prospective client' within the meaning of [the Rule].

# Contact Page

- Firm Name
- Firm Address
- Map of Office Location(s)
  - *Google* recently aggregated research from FindLaw and its own in-house data to provide a look at the legal market trends that should shape your legal marketing initiatives:
    - 85% use **online maps** to find legal service locations [\[17\]](#)
- Contact Form/CTA vs. Listing Your Email
  - Use “info” or “general” email as opposed to listing your personal email on the website



# Contact Page

- Legal websites can also act as a portal for prospective clients to seek out legal services and, as such, visitor inquiries to the website may require compliance with Rule 1.18
  - If you invite prospective clients to submit information concerning their legal issues and the possibility of an attorney/client relationship and they do, the ABA's position is a "discussion" has occurred.
  - On the other hand if they submit information to a site that's not specifically requested, the lawyer's response to the submission will determine whether a "discussion" has occurred.

# Disclaimer Language – Prospective Clients (ABA) [\[18\]](#)

- Make sure to use a warning or disclaimer to limit your obligations to prospective clients if you are inviting them to submit information via email or contact form on your website
  - Per the ABA, these limitations are only effective if reasonably understandable, properly and conspicuously placed, and not misleading
- Use a disclaimer to avoid being potentially misleading (case results/testimonials)
- State no attorney- client privilege is formed by communications via your website
  - Including contact form submissions & 24/7 chat boxes
- State that communications may be non-confidential/unsecure

# Disclaimer Continued [\[19\]](#)

- Include language required on all attorney advertisements (the words “ATTORNEY ADVERTISEMENT” are required in some states)
- No “specialist” language unless you’ve been certified by the relevant regulating body
- Identify the attorney/law firm responsible for the advertising materials on the website
- If you have multiple attorneys in your firm and not all of them practice in the state the firm is located in, you must include where the attorneys are licensed so you’re not misleading
- Use a disclaimer to avoid being potentially misleading (case results/testimonials)
- State no attorney- client privilege formed by communications via your website
  - Including contact form submissions & 24/7 chat boxes

# ABA Language Required In Some Advertising Materials

- Arizona, Colorado, Pennsylvania - MUST disclose **clients may still be liable for costs** even if advertising client fees are contingent on the recovery of a financial award
- Kentucky - MUST disclose **“This is an Advertisement”** displayed without scrolling on the first screen of every page of a website
- Ohio - terms like **“cut-rate”** or **“discount”** or any language implying a deal of some sort **are per se misleading when used to describe fee arrangements** and would violate the rule
- Texas - MUST let prospective clients know it’s an ad **“conspicuously and in language easily understood** by an ordinary consumer” and MUST **submit the home page of a website to the state bar** before publication
- Alabama - MUST disclose **"No representation is made that the quality of the legal services to be performed is greater than the quality of legal services performed by other lawyers"**
- New York - all advertisements MUST be labeled **"Attorney Advertising"** on HOME PAGE
- Missouri - MUST contain **“[t]he choice of a lawyer is an important decision and should not be based solely upon advertisements,”** conspicuously placed and with the notation that **“[t]his disclosure is required by rule of the Supreme Court of Missouri”**

# Testimonials – Rule 1.6 Confidentiality of Information [\[20\]](#)

ABA's Formal Opinion says it's OK for lawyers/law firms to publish specific information identifying current or former clients, including the scope of the matters represented on a website as long as:

- The information is accurate and current, and
- The lawyer or law firm obtained informed consent before including this type of information on a website [\[15\]](#)

Protecting client information is of the utmost importance when using social media. Most attorneys are aware of the importance of protecting attorney-client communications, attorney work-product or other privileged information. The obligation to protect this information extends beyond the termination of the attorney-client relationship.

# Testimonials – Rule 1.6 Confidentiality of Information [\[20\]](#)

Rule 1.6 distinguishes between information that is "confidential" and that which is a "secret," and requires attorneys to protect both kinds of information.

- "Confidence" refers to information protected by the attorney-client privilege under applicable law. "Secret" refers to other information gained in the professional relationship that the client has requested be held inviolate, or the disclosure of which would be embarrassing, or would be likely to be detrimental, to the client.

Comment [8] to Rule 1.6 makes clear that the Rule potentially applies to all information gained in the course of the professional relationship, and exists without regard to the nature or source of the information, or the fact that others share the knowledge



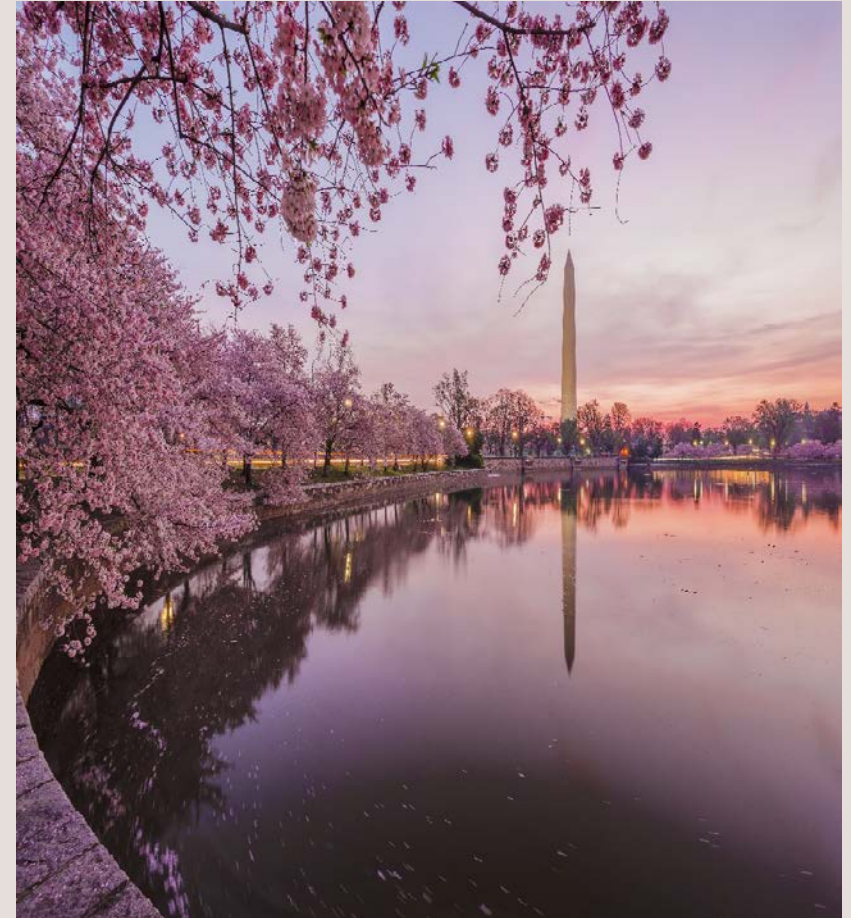
## Social Media and Confidentiality- Rule 1.6

No less critical are considerations of the level of confidentiality available on the social media sites themselves. If an attorney uses social media to communicate with potential or actual clients or co-counsel, then careful attention must be paid to issues of privacy and confidentiality. It is critically important that lawyers review the policies of the social media sites that they frequent, particularly policies related to data collection. Privacy settings on social media are not the equivalent of a guarantee of confidentiality. [\[31\]](#)

Particular consideration must be given to the issue of maintaining and protecting the confidentiality of communications on social networking sites. Messaging and electronic mail services provided by social networking sites may lack safeguards sufficient for communicating with clients or prospective clients.

# Relevant Imagery

- This section is very preference based –
  - City skyline
  - Landscape themes
  - Practice area based
  - Courthouse/columns/gavel/scales of justice
- Whatever your preference, make sure:
  - Your images are crisp and clear
  - Your images are current
  - You have the rights to use the images
  - Your images are the right size



# Are Your Photos Infringing?

## Plagiarism (ethical issue)

- If you took the photo or created the graphic you are OK
  - Avoid plagiarism by giving credit where it's due

## Copyright infringement (illegal)

- Cannot do this with copyright infringement since the owner can say where the work is published so ASK to use these images FIRST



**PLAGIARISM**



**copyright**  
**infringement**  
law  
trademark  
protection  
patent  
intellectual  
property  
license  
author  
brand  
lawyer  
rights  
invention  
secure  
document  
brand  
free  
violates  
trial  
computer  
creative  
information  
reserved  
system  
security  
commercial  
rights  
invention  
license  
author  
trademark  
crime  
niles  
protected  
piracy  
agreements  
legal  
registered  
business  
for  
judicial  
process  
data  
contract  
violation  
finance  
concept  
product  
great  
ownership  
legislation  
guarantee  
judgment  
original  
copy  
regulation  
copyright  
infringement

# Public Domain [\[22\]](#) vs. Creative Commons [\[23\]](#)

- The term “**public domain**” refers to creative materials that are not protected by intellectual property laws such as copyright, trademark, or patent laws
- The public owns these works, not an individual author or artist
- Anyone can use a public domain work without obtaining permission, but no one can ever own it
  - *While each work belongs to the public, collections of public domain works may be protected by copyright*
- There are four common ways that works arrive in the public domain:
  - the copyright has expired
  - the copyright owner failed to follow copyright renewal rules
  - the copyright owner deliberately places it in the public domain, known as “dedication,” or
  - copyright law does not protect this type of work
- Each **Creative Commons** license allows creators to keep their copyright while simultaneously allowing others to copy, distribute and use their work – at least non-commercially
- Ensures licensors get the credit for their work they deserve
- Licenses work around the world and last as long as applicable copyright lasts (because they are built on copyright)
- Licensors can choose to grant additional permissions when deciding how they want their work to be used

# Responsive Themes: Weebly vs. Wordpress [\[24\]](#)

A responsive theme smoothly adjusts its layout based on the screen size and resolution. Responsive themes offer better readability and usability on smaller screens such as smart phones

- You can edit the HTML & CSS codes to your Weebly website, which allows you some freedom to customize the design of your website to a certain extent
- Weebly is NOT an open source website builder so you can't control how some of their tools work
- If you want to integrate non-Weebly tools into your website, or you want certain features to function differently, you might not be able to do this as their core functions are locked off from public access
- WordPress IS an open source website builder so you have a lot of freedom to modify your website and how your tools work, as you have full access to the platform codes
- WordPress offers a lot of free plugins so you can add more tools to your website however, not all WordPress plugins are well built, so using some of these "bad" plugins may potentially expose your website to security issues, or may potentially cause conflicts with other tools that you are using



## Is your website mobile friendly? [\[25\]](#)

Google combined research from FindLaw and its own in-house data to show legal market stats you should be aware

- 69% of people researching legal topics use **both a smartphone and a PC** for research
- 74% of prospects beginning a search online end up **contacting the office via phone**
- 31% of all law firm related website traffic comes through **mobile search**





# Is your website mobile friendly? [26]

The screenshot displays the Google Mobile-Friendly Test interface. At the top, it shows the URL <http://www.emilywoodesq.com/>. Below the URL, there is an alert box stating "Alert - 2 blocked resources". The main result area indicates that the page was tested on Feb 23, 2017 at 10:12 AM and is "Page is mobile-friendly". A green checkmark icon and the text "This page is easy to use on a mobile device" confirm the result. A "SUBMIT TO GOOGLE" button is also visible. Underneath, there are "Additional resources" including links to "Open site-wide mobile usability report", "Learn more about mobile-friendly pages", and "Post comments or questions to our discussion group". On the right side of the interface, a mobile device preview shows the website's layout on a smartphone. The mobile view features a blue header with the name "EMILY N. WOOD, Esq." and a navigation menu. Below the header is a large image with the text "EMILY N. WOOD, Esq. Licensed Attorney. Website Designer. Amateur iPhone Photographer." and an "EMAIL ME!" button. A "WELCOME!" message and a photo of a woman wearing a hat are also visible in the mobile preview. At the bottom left of the interface, there are links for "Privacy Policy" and "Terms of Service".

Check your domain at:

<https://search.google.com/search-console/mobile-friendly> to see if your website is mobile friendly

# Security and How it Affects Your Website [\[27\]](#)

- “Https” and what that means for your site
  - Https = Hypertext Transfer Protocol Secure (uses SSL protocol)
  - An SSL (Secure Sockets Layer) certificate is a digital certificate that authenticates the identity of a website and encrypts information sent to the server using SSL technology. Encryption is the process of scrambling data into an undecipherable format that can only be returned to a readable format with the proper decryption key.
- Can I accept payments on my site? Is this secure?



# Basic SEO (Search Engine Optimization)

- Keywords phrases are better than individual keywords
  - “Emily Wood personal injury attorney in Chicago” is better than “personal injury Chicago” on your website because when someone searches for it, now your name will appear with it
- Do tag your content with helpful links to other items of interest (crosslink)
  - This allows website visitors to take in information on topics related to their initial questions while on your website (i.e. helpful court links, related news and publications, articles written by firm attorneys, etc.) and improves SEO
- Be careful bundling services – SEO, Social Media Networking, Blogging, Online Advertising, Website Build
  - This can be VERY expensive when all bundled together and doesn’t always deliver

# Social Media

Social media is a constantly changing area of technology. Social media can be an effective tool for providing information to the public, for networking and for communications. However, using such tools requires that the lawyer maintain and update his or her social media pages or profiles in order to ensure that information is accurate and adequately protected. Accordingly [...] a lawyer who chooses to maintain a presence on social media, for personal or professional reasons, must take affirmative steps to remain competent regarding the technology being used and to ensure compliance with the applicable Rules of Professional Conduct. [\[31\]](#)

- Link up your social media accounts to your website IF you use the account primarily for your law firm
  - LinkedIn (*106 million monthly active users as of April 2017*) [\[28\]](#)
  - Facebook (*1.94 billion monthly active users as of May 2017*) [\[29\]](#)
  - Twitter (*328 million monthly active users as of May 2017*) [\[30\]](#)
- Include Professional Badges or Accomplishments
  - Avvo Rating
  - Super Lawyers

# Influencing Opinions

- Ethics Opinion 370 - Social Media I: Marketing and Personal Use [\[31\]](#)
  - Addresses lawyers' use of social media for their own marketing and other purposes
- Ethics Opinion 371 - Social Media II: Use of Social Media in Providing Legal Services [\[32\]](#)
  - Ethical use of social media in litigation or with regard to issues related to advising clients on the use of social media
- ABA Formal Opinion 10-457, August 5, 2010, Lawyer Websites
  - In August 2010, the American Bar Association's Standing Committee on Ethics and Professional Responsibility released its Formal Opinion 10-457. The ABA addressed concerns such as misleading information on web sites, creating undue expectations via the web site, and taking care not to create an inadvertent client-lawyer relationship

# Ethics Opinion 370

Social media and social networking websites are online communities that allow users to share information, messages, and other content, including photographs and videos.

The Committee notes that any social media presence, even a personal page, could be considered advertising or marketing, and lawyers are cautioned to consider the Rules applicable to attorney advertising, even if not explicitly discussed below.

The Committee defines social media as follows:

- **Social media include any electronic platform through which people may communicate or interact in a public, semi-private or private way. Through blogs, public and private chat rooms, listservs, other online locations, social networks and websites such as Facebook, LinkedIn, Instagram, Twitter, Yelp, Angie’s List, Avvo and Lawyers.com, users of social media can share information, messages, e-mail, instant messages, photographs, video, voice or videoconferencing content.**
- The Committee...emphasize[s] that the District of Columbia Rules of Professional Conduct apply to attorneys in the District of Columbia who use, or may use, social media for business or personal reasons.
- This Opinion applies to all attorneys who use social media, regardless of practice area or employer and applies regardless of whether the attorney engages in advertising or client communications via social media.

# Ethics Opinion 370 - Rule 8.5

The Rules apply to a number of different social media or social networking activities that an attorney or law firm may be engaged in, such as the following (generally permissible):

- Connecting and communicating with clients, former clients or other lawyers on social networking sites;
- Writing about an attorney's own cases on social media sites (blogs, etc.);
- Commenting on or responding to online reviews or comments;
- Self-identification by attorneys of their own "specialties," "skills" and "expertise" on social media sites;
- Reviewing third-party endorsements received by attorneys on their personal or law firm pages; and,
- Making endorsements of other attorneys on social networking sites.



# Ethics Opinion 370 - Rule 8.5

Social media does not stop at state boundaries so your social media presence may be subject to regulation in other jurisdictions because:

- the District applies another state's rules through its choice-of-law rule, or
  - because other states assert jurisdiction over attorney conduct without regard to whether the attorney is admitted in other states.
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- Lawyers must be aware of the ethical rules regarding social media in the principal jurisdiction where they practice, consistent with Rule 8.5. However, adherence to the ethical rules in the jurisdiction of one's principal practice may not insulate an attorney from discipline. There is considerable variation in choice of law rules across jurisdictions. We specifically wish to caution lawyers that the disciplinary rules of other jurisdictions, including our neighboring jurisdictions of Maryland and Virginia, allow for the imposition of discipline upon attorneys who are not admitted in that jurisdiction, if the lawyer provides or offers to provide any legal services in the jurisdiction.
  - ABA Model Rule 8.5(b)(2) provides a limited safe harbor to this provision, by stating that "[a] lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur." We note, however, that not every state has adopted this safe harbor.

# Ethics Opinion 370 – Rule 1.1

The guiding principle for lawyers with regard to the use of any social network site is that they must be conversant in how the site works. Lawyers must understand the functionality of the social networking site, including its privacy policies. Lawyers must understand the manner in which postings on social media sites are made and whether such postings are public or private.

Indeed, comment [6] to Rule 1.1 (Competence) provides:

- To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, and engage in such continuing study and education as may be necessary to maintain competence.

As discussed in more detail herein, lawyers must be cognizant of the benefits and risks of the use of social media and their postings on social media sites. Social networking sites, and social media in general, make it easier to blur the distinctions between communications that are business and those that are personal.

Communications via social media are inherently less formal than more traditional or established forms of communication. Lawyers and law firm employees must be reminded of the need to maintain confidentiality with regard to clients and client matters in all communications. It is recommended that all law firms have a policy in place regarding employees' use of social networks.

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