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## Law marketers win key ruling with Florida Bar settlement

Tampa Bay Business Journal - by [Jane Meinhardt](#) Staff Writer

A recent federal court stipulation increases available online information businesses can use to evaluate and select legal representation.

The Florida Bar agreed in a settlement with a Boca Raton lawyer to exempt online lawyer directories such as Avvo and professional reviews on social network sites such as LinkedIn from regulations prohibiting client testimonials and statements about past results and quality of representation.

The Bar will treat lawyer profiles on directory sites as information requested by clients – at least for now.

Filed Nov. 13 in Southern District Court in West Palm Beach, the stipulation did not create new Bar advertising policy, said Barry Richard, a **Greenberg Traurig** lawyer and outside counsel for the Bar in the case.

Instead, the Bar entered into the stipulation pending completion of its review of online advertising rules, he said. The Bar will make recommendations to the Florida Supreme Court on rule changes.

“The Bar’s position in the case is conditioned on completion of its review,” Richard said.

### Florida is tough

The Florida Bar has some of the strictest advertising rules of any state. Its future recommended changes could pertain to lawyers’ Web site advertising.

The lawsuit against the Bar argued that with Internet sites such as LinkedIn and legal directories such as Avvo.com, lawyers have no control over unsolicited information provided by clients or others and thus should not be penalized. Avvo states on its Web site that it does not verify information gathered in its reviews of lawyers.

The lawsuit also argued that the Bar rules infringe on a lawyer’s Constitutional rights.

Ginger Reichl, president of **Pinstripe Marketing** in St. Petersburg and membership chair of the local **Legal Marketing Association** organization, hailed the settlement.

“It’s a step in the right direction,” she said. “The Bar is catching up with the times.”

Legal marketing professionals dealing with online reputation management often encounter lawyers who are very reluctant to use the Internet as a leveraging tool within Bar rules, she said.

“I’m not expecting a bunch of new LinkedIn lawyer profiles, but now some of the confusion and nervousness associated with it has been removed,” she said.

Online content created by clients supplements traditional methods of legal referrals, Reichl said.

While he was not surprised by the Bar’s stipulation, Steven M. Bernstein, managing partner of **Fisher & Phillips** in Tampa, noted that a bigger issue than ethical considerations might relate to selection of legal representation.

“The bigger issue is how does a business go about the process of hiring a lawyer,” he said. “Some go by word-of-mouth. Some probably use something like Avvo and triangulate all of this. You have to weigh data objectively and sift through it like you would a lawsuit. I believe that when the dust settles, tried and true methods will prevail.”

Businesses should consider the Internet content about lawyers as one more tool that is not exclusive of all other information available, Bernstein said.

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“Choosing a lawyer is an important decision,” he said. “It can lead to very long term relationships.”

*jmeinhardt@bizjournals.com | 727.224.2299*

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