

Tampa Bay Business Journal - July 19, 2010
[/tam-pabay/stories/2010/07/19/story8.html?b=1279512000%5E3649971](#)



Friday, July 16, 2010

Law firms face delays in Bar clarifications of online marketing rules

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

The on-again, off-again deadline for implementing new rules pertaining to lawyer and law firm websites is off again — for now.

As many Tampa Bay area legal marketing and business development managers scrambled to meet the July 1 deadline for modifying websites, the **Florida Bar** acknowledged that nearly every law firm and lawyer website would need overhauling and asked the Florida Supreme Court to defer the enforcement effective date for new rules.

The court obliged, delaying the effective date until 90 days after it acts on rule amendments submitted by the Bar. As of the middle of this week, the court had not acted on the amendments.

Concern over impact

The delay gives law firms and lawyers a breather, but does not dispel concern about the possible effects of the proposed amendments.

Website modifications proposed could alienate potential clients and basically erase ways in which law firms and lawyers differentiate themselves in a very competitive market.

Under the rule amendments, website visitors would no longer have access to certain information without taking an affirmative step, such as clicking a link, after viewing a disclaimer.

Commonly used features on law firm websites such as testimonials, information about past results and characterization of legal services quality would be separated by disclaimers from other parts of the website.

“A website is critical for a law firm,” said Ginger Reichl, president of Pinstripe Marketing in St. Petersburg and area membership chair for the **Legal Marketing Association**. “It gives lawyers a way to differentiate themselves and helps consumers make decisions. Using testimonials and past results is simply a way to legitimize a practice or provide information, but now their hands will be tied. I feel bad for the Bar. The Bar and the Supreme Court still don’t know how to tackle the web in their rules.”

While many of Pinstripe’s legal clients did not have the offending information on their websites, others spent a significant amount of time trying to clean up their sites before the deadline, she said.

“I think the Bar got a tremendous amount of feedback from members about the time and expense involved,” Reichl said.

Cost burden to ‘starting over’

While revising an existing website to put certain information behind a disclaimer and an affirmative action step requires a lot of time, it is less expensive than starting over with a new site. Pinstripe’s websites start at \$6,500 and average \$12,000 to \$15,000.

Alicia Welch, marketing manager for **Glenn Rasmussen Fogarty & Hooker** in Tampa, reviewed the firm’s website, talked to an ethics attorney at the Bar and revamped portions that would need disclaimers under the new rules.

Welch is concerned the disclaimers may offend clients and feels the new rules suck the creativity out of a website.

“It was so confusing about what would work, but I had the site ready to go before the deadline,” she said. “It wouldn’t be too bad if you only had to put a disclaimer up once, but if more pages need it, that’s not client-friendly. Clients won’t go through that. It’s an awful solution.”

7/16/2010

Law firms face delays in Bar clarificati...

Anne Zambrano, marketing director at Trenam Kemker in Tampa and Legal Marketing Association city group chair, took another approach. She decided to wait before revising the firm's website to make certain the site remained competitive while meeting the new requirements.

"I wanted to see what other firms did," she said. "I know other firms implemented pop-up boxes and other changes. I believe in asking for forgiveness and have just waited."

jmeinhardt@bizjournals.com | 727.224.2299

All contents of this site © American City Business Journals Inc. All rights reserved.