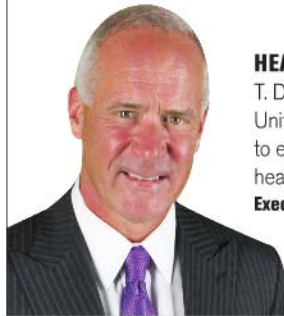


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KATHLEEN CABLE
Ginger Reichl,
president of PinStripe
Marketing and Interactive,
helps legal clients
build LinkedIn profiles.

Bar's new advertising rules foster careful monitoring

Compliance involves control of communications

BY JANE MEINHARDT
STAFF WRITER

Running afoul of the new Florida Bar advertising and social networking communication regulations is not difficult.

What's difficult is developing strategy to make certain lawyers and law firms abide by the rules, which went into effect May 1, while not hindering clients' access to information and firms' abilities to compete.

Some lawyers have simply ceased to blog or to use Twitter, Facebook and LinkedIn. They have bare bones, very basic websites.

Most large law firms have something akin to loss prevention teams to monitor, scrutinize and, if necessary, scrub communications. Some hire an outside consultant.

Ginger Reichl, president of PinStripe Marketing and Interactive in St. Petersburg, advises her legal clients to be conservative in social media interaction and other communication because some rules are vague.

A lot of lawyers are trying to get off television and move to social media networking to use it as a mass marketing tool, she said, but other lawyers and firms never touch social media.

Reichl takes the approach that the new rules mean careful consideration of all communication content.

"We can't talk about past cases or successes because that could potentially trigger inquiries from the Bar," she said. "There's also a question about who decides if the information is objectively verifiable. It's really a gray area."

Her firm's social media strategy for lawyer and law firm clients is to use mostly professional profiles on LinkedIn, YouTube and Facebook are used for recruitment. Using descriptive nicknames such as The Bulldogs or The Hammers does not pass muster.

"We build out profiles on LinkedIn and include key words people might be looking for such as 'certified mediator' or 'land zoning,'" Reichl said. "We use terminology from a lawyer's practice in the profile. It's up to how conservative they are."

Her legal clients are advised to avoid one-click endorsements and to be cau-

tious about who they link to on LinkedIn. "I think LinkedIn is a legitimizer," she said. "It really sounds as if the Bar wants to be fair so firms can generate new business and compete. We have to wait and see about some of this."

ARBITERS OF COMPLIANCE

The small law firm of Gallagher & Associates in St. Petersburg has been using social media networking to keep in touch with clients, present itself to potential clients and offer legal news it thinks is important. The firm communicates via Twitter, LinkedIn, YouTube, Facebook and Flickr.

One person decides how to do this without violating Florida Bar rules: lawyer and founder Charles Gallagher III.

"Policing each one is almost a full-time job," he said. "We try to be very topic specific, and we don't endorse comments. It's all going to be more time consuming with the new rules."

The firm also routinely sends drafts and templates of advertisements and other

communication to the Bar for approval just to be certain of compliance, although it can be expensive since Bar review costs \$150. All of the firm's videos go to the Bar for review, Gallagher said.

For other communication or networking, he is the final arbiter and makes sure the firm's four lawyers are thoughtful about their messaging.

"I want to make certain that it is something we would be happy to show to a jury or a judge – or the Florida Bar," he said.

Control is the name of the game at the international law firm of Holland & Knight. A firm with more than 1,000 lawyers and 17 offices – including one in Tampa – has to control its communications to the level required by the Florida Bar, which has some of the most restrictive rules in the country.

Holland & Knight has a host of media and communications managers in addition to a loss prevention group, said Kathleen Larrison, practice development manager.

"They're making sure messages are compliant in phrasing and content," she said. "It's very controlled."



Gallagher