

## [If You Want to Say You're a Great Lawyer in Florida, You Gotta Prove It](#)

<http://www.therainmakerblog.com/>

by [Stephen Fairley](#)

Although today is April Fool's Day, the latest ruling on lawyer advertising handed down by the Florida Supreme Court is no joke.

Well, actually, it kinda is. But not in the way you're thinking.

Florida has long held the crown for some of the most convoluted and outdated advertising regulations for attorneys. So convoluted and outdated that even the FTC – hardly a bastion of liberal thinking – has stated that Florida's attorney advertising regulations work against consumers getting good information about available legal services and don't necessarily comply with the constitutional sniff test when it comes to free speech.

In a divided opinion, the Florida Supreme Court [issued its own marching orders](#)

last week to the Florida Bar concerning lawyer advertising rules. In its order, the Court says that *all* advertising (including websites) that contains information about past results or testimonials must be "objectively verifiable." Which means if you want to tout your successes, I suppose you will need to cite each case you won (but you'll have to get the client's permission first). Oh, and then there is this clear-as-mud instruction from the Court:

"...general statements such as, "I have successfully represented clients," or "I have won numerous appellate cases," may or may not be sufficiently objectively verifiable. For example, a lawyer may interpret the words "successful" or "won" in a manner different from the average prospective client. In a criminal law context, the lawyer may interpret the word "successful" to mean a conviction to a lesser charge or a lower sentence than recommended by the prosecutor, while the average prospective client likely would interpret the words "successful" or "won" to mean an acquittal."

If this makes you emotional, then you need to simmer down, because emotion by attorneys engaged in marketing their practices will not be tolerated in Florida:

"A lawyer may not engage in unduly manipulative or intrusive advertisements. An advertisement is unduly manipulative if it: (a) uses an image, sound, video or dramatization in a manner that is designed to solicit legal employment by appealing to a prospective client's emotions rather than to a rational evaluation of a lawyer's suitability to represent the prospective client."





And, as if to prove it is ruling via rear-view mirror, the Court even precludes lawyers from soliciting clients via **telegraph**...yet says nothing about social media.  
 So there goes all those job opportunities for telegraph operators in Florida!  
 If you'd like another take on this, read Josh King's weekend post on Avvo: [Florida Whiffs \(Again\) on Attorney Advertising Regulation](#).

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Stephen is the CEO of The Rainmaker Institute, the nation's largest law firm marketing company specializing in lead conversion for small law firms and solo practitioners. Over 9,000 attorneys nationwide have benefited from learning and implementing the proven marketing and lead conversion strategies taught by The Rainmaker Institute, LLC.

He works exclusively with attorneys and partners at small and solo law firms to find new clients fast using online and offline legal marketing strategies and to convert more prospects into paying clients using automated marketing and by fixing their follow up systems.



Stephen is a nationally recognized law firm marketing expert and the international best-selling author of 12 books and 10 audio and video training programs.

He is a Registered Corporate Coach (RCC) through the Worldwide Association of Business Coaches, has a Master's degree in Counseling and a second Master's in Clinical Psychology. Stephen's doctoral training is from Wheaton College (IL) in Clinical Psychology and he practiced as a therapist for several years in Virginia and Chicago. After leaving the field of clinical psychology Stephen founded and ran two technology companies, one in the restaurant industry and another in the health sciences field prior to launching Today's Leadership Coaching, LLC, a Chicago-based professional business coaching and consulting firm.

The Rainmaker Institute, LLC grew directly out of his experiences first speaking to, then coaching, consulting with, and training attorneys.

Stephen's work has been noted and quoted in the American Bar Association's Journal, Entrepreneur, Inc., Fortune Small Business, Harvard Management Update, Business Advisor, the Chicago Tribune, Crain's Chicago Business, and on the front covers of AdvantEdge and Choice magazines. He is a member of the prestigious National Speaker's Association and his Rainmaker seminars are sponsored several times every year by some of the largest state and local bar associations in the country.

On a personal note, Stephen loves to travel and has been to 33 countries. He enjoys boating, fishing and his two Bichon Frise dogs, is married to his college sweetheart, Ruth, and loves living in the desert just outside of Phoenix, Arizona.

For more information or to purchase one of Stephen's law firm marketing products click here.

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