

Current and Proposed Florida Bar Rules Regulating Social Media, the Internet and Face to Face Marketing With Clients: What You Need to Know

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1. Overview of current Florida Bar Rules related to lawyer websites and internet and face to face marketing
 2. Review of Comprehensive Advertising Rule Amendments pending at Florida Supreme Court
 3. Emerging issues in lawyer internet advertising and marketing
 4. The future of lawyer social media and internet marketing and advertising in Florida
1. Current Bar Advertising Rules and Florida Lawyer Advertising Rules Timeline
 - a. Current Bar Rule 4-7.2 Communications Concerning a Lawyer's Services
 - b. Current Florida Bar Rule 4-7.6 Computer-Accessed Communications
 - c. Current Bar Rule 4-7.4 Direct Contact with Prospective Clients
 - d. Current Bar Rule 4-7.8 Evaluation of Advertisements and Exemptions
 2. Proposed Comprehensive Revised Rules
 - a. What would change under 2011 Advertising Rule Revisions:
 - b. Advertising Rules would apply to all forms of communication under revised Rule 4-7.4
 - c. All advertisements would be subject to the restrictions in Rule 4-7.2 (as modified)
 - d. All lawyer websites would be subject to all of the same substantive advertising rules as advertising in other media.
 - e. Case results would be prohibited unless certain disclosures are made
 - f. Testimonials/endorsements would be prohibited unless certain disclosures are made
 - g. Dramatizations, descriptions of quality of services etc. would still be prohibited

- h. Lawyer websites would still be exempt from filing with Bar
 - i. Bar will not review an entire website even if submitted voluntarily.
 - j. Bar will review individual pages, illustrations etc. if voluntarily submitted.
 - k. When a website violation is found, lawyer would be notified and given an opportunity to correct the website before any disciplinary action is commenced.
 - l. Proposed Rule 4-7.1(a) would expand the definition of “advertisement”
 - m. Proposed Rule 4-7.3(b) would change criteria for deceptive and inherently misleading advertisements
 - n. Proposed Rule 4-7.4 Potentially Misleading Advertisements
 - o. Proposed Rule 4-7.5 Unduly Manipulative or Intrusive Advertisements
 - p. Proposed Rule 4-7.6 Presumptively Valid Content
 - q. Proposed Rule 4-7.7 Payment for Advertising and Promotion
 - r. Proposed Rule 4-7.8 Direct Contact with Prospective Clients
 - s. Proposed Rule 4-7.9 Evaluation of Advertisements
 - t. Proposed Rule 4-7.11 Firm Names and Letterhead
 - u. Proposed Rule 4-7.13 Lawyer Directory (new rule)
3. Emerging Issues: Business Social Networking
4. The Future of Lawyer Websites and Internet Regulation

