

Ethics & Legal Web Marketing: *Never Lower Your Standards!*

Steve Matthews | April 2008

The Internet is getting big and ugly. While our personal experience is still what we make of it, web-culture is seldom more than a reflection of our greater society. We take the good along with the bad; unfortunately, when it comes to web marketing, things don't appear to be shaping up much different.

How bad is it? I recently came across this April 9th post by Steve Rubel (<http://www.micropersuasion.com/2008/04/an-all-too-conv.html>) that drives the point home: 94% of all email is spam, 64% of all English language blogs are splogs, and click fraud for sponsored links rose by 15% last year alone. Can we say it collectively? Yuck.

Regardless of whether they passively surf, actively participate, or assume the role of a web marketer, lawyers face daily decisions that require them to rise above and making good choices. No matter which techniques one chooses to employ, there seems to be an increased level of ethics involved - a duty to the legal profession, and also a duty to establish personal standards.

Most lawyers will acknowledge the importance of ethics, and this includes the standards we follow within legal marketing. Rules governing lawyer conduct are in place for good reason, and set the stage for what should be an even playing field. Where lawyers guide their marketing efforts from this point forward is a business decision, and simply part of market competition. Right? To a degree perhaps, but the answer isn't that simple.

Marketing ethics are more than adhering to set standards, lawyers should recognize that carrying on business in an ethical manner can also be good business.

The days of simply maintaining a law firm website are over, and the tactics available for marketing a legal practice are increasing constantly. Web 2.0 has brought new opportunities for online participation and spreading the word has never been easier. However, with this easy access to web publishing capability also comes the responsibility not to abuse. The tools are not at issue here, or really all that important. What is important is tactics.

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Avoiding Lazy Marketing

Especially in the online space where lawyers may not have the day-to-day expertise to create exposure, there's a risk of succumbing to lazy marketing. Whether put in place by the lawyers themselves, driven by the questionable results claimed by others, or by unethical sub-contractors, there is an increasing need for lawyers to monitor how their name is being used, and the response it is generating.

So, what is unethical or lazy marketing on the web? Some examples might include: unsavory link exchanges; blog spam; email marketing with questionable permission standards; websites exclusively built to pass link value (link farms); pyramid link strategies; using hidden or micro-text to drive keyword relevancy; automated publishing; and so on.

Perhaps the best test for these types of deceptions are the simple questions Google asks within their Webmaster Guidelines (<http://www.google.com/support/webmasters/bin/answer.py?hl=en&answer=35769>): "Does this help my users? Would I do this if search engines didn't exist?" Remember, links being the currency of the web, and one of the core elements that drive the search rankings, there's an obvious temptation to create web pages that deliver no value to the reader – to any reader – other than to pass Google PageRank.

The problems with lazy tactics are numerous: they don't deliver leads, they reflect badly on content presented (keyword stuffed content typically equals bad marketing copy), and as Google gets smarter – they don't deliver the desired top rankings!

Never Deep-Six the Brand

The other problem at play here is that while a lawyer may intend to build their practice on a profitable niche or regional expertise, these lower quality marketing tactics frequently send them in the exact opposite direction.

For example, if sophisticated clients are the target, and we assume these clients have the capacity to understand complex legal matters, then can we not also assume they will see right through a law firm that link-spams? And what do these questionable tactics say about a firm's web savvy-ness? You certainly wouldn't want to be a Tech or IP firm and have this kind of dirty laundry come out, would you?

Differentiating with Quality

In every legal market, lawyers compete against those with a similar skill set. How then, do you generate a firm or lawyer's web image to stand out? Exposure is the first element obviously, but not at the expense of lowering yourself to the lowest common denominator! Instead, lawyers should rise above, marketing with quality content and build an authentic trusted voice. It's the diet & exercise approach, and very difficult to compete against long term.

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We should also not forget to put ourselves in the surfer's shoes. How do you use the web to pick a doctor or a lawyer? or even hire a landscaping company for your yard? Trust is the key. If you want me to cut a cheque for your product or service, I need to trust you. If my life (doctor) or my financial future (lawyer) is on the line, then I really, really need to trust you. Don't give me reasons not to trust; the supply of alternate providers is just too abundant.

Rise Above

So once you do establish these standards, how do you "rise above" exactly? Can you really compete when others are engaging these unsavory tactics? Absolutely. Here's some tips to get you started:

- Image Counts – Image is more than quality imagery and graphics, or the latest technology. Never lose sight of the impression you leave.
- Create Substantive Content People Care About – Whether you choose to write for an industry publication, local newspaper or engage the web – content should be drafted to connect with the desired audience. And always be passionate about your subject!
- Align Yourself Online – Want to rise above the questionable marketing tactics of other? Reach out & connect with your peers. The web is a big place, and chalk full of non-competing professionals looking to do the same.
- Become the 360 Degree Lawyer – The web rewards individuals who shine a light on themselves, and the tools await any lawyer who wishes to build their web profile. Examples? Start a blog, build a collection of favorable decisions & court filings on JD Supra, or create a wiki on your area of expertise & collaborate with others. Want more? How about writing a book, starting a twitter account, creating a series of screencasts, or generating some audio & video content! Run the gamut of short-to-longer discourse, and then let this content present you in the best possible light. The net effect? A permanently codified body of work can market your practice 24 hours a day, 7 days a week.

There will always be a way to game the system. Unfortunately, that's exactly what it is – a game – and one that has long-term consequences for the domain name used in such tactics. In some cases, Google will label your website as tainted goods, applying penalty after penalty, and leaving the domain buried in the search results. The firm (or lawyer) is forced to start over with a new domain name.

One final thought. Most industry leaders build their company's web profile over years, not months. It takes constant work, and requires committing to both a short-term and long-term strategy. Yes, there can be spikes of coverage. That's actually quite natural. But follow through is very important, and shortcuts are rare.

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