MARKETING LEGAL SERVICES ON THE INTERNET

Alicja Mikołajczyk

Summary

This article describes accessible means of marketing legal services under restrictive regulations in the Polish market. As attorneys-at-law and legal advisers face significant legal and ethical limitations in their market communication, they are forced to seek alternative tools of promoting their services and reaching potential clients. Electronic media turned out to be an effective and convenient channel in marketing legal services, often prevailing offline marketing communication. The article presents legal restrictions in the market, with emphasis to fundamental barriers that prevent implementation of traditional marketing tools and techniques broadly available in market communication. The second part presents selected tools of online marketing applicable in promotion of legal services, exemplified with their use in practice.

Keywords: services marketing, online marketing, marketing legal services, the Internet, electronic media, social media, legal market

Introduction

Legal services market due to its specific nature requires thoughtful forms of communication with a client. Law firms, individual attorneys-at-law and legal advisers abide not only by applicable laws and regulations, but also as performing the profession of public trust, observe professional and ethical values, including the ones set forth in the codes of ethics specific to their bar associations. For many years, the tools to promote legal services were restricted mainly by the existing ban on advertising by lawyers. The use of advertisement was perceived as degrading the reputation and prestige of the legal profession, equalizing professional services with a mass consumption market. The purpose of this article is to present how law firms functioning under significant legal and ethical restrictions perform communication with clients by means of available internet marketing tools.
1. Restrictions in the legal market

The first steps towards liberalization of rules on information policy in the legal market were incorporated by the National Council of Legal Advisers which observed changes in the perception of the legal profession by the public and the restrictions the law firms encounter while performing the profession and acquiring clients in the increasingly competitive legal market. The amended Code of Ethics of Legal Advisers adopted by the 8th National Council of Legal Advisers\(^1\) on 10 November 2007 assented that providing information on the legal profession and related activities constitutes the right of a legal adviser, provided however that this action is not an offer to conclude a contract with a particular client, regardless of the form, content, technology and resources used\(^2\). The Code specifies the data that may be particularly relevant to information activity. These data include general information on the name of a lawyer along with their photo, résumé, the scientific title and degrees held, professional qualifications, experience and professional skills, knowledge of foreign languages, preferred fields of professional practice. Besides, it permits additional data, which may be recognized as a further form of marketing communication with the market, such as logotype of the National Chamber of Legal Advisers, type of business entity together with its trademark, head office and address, contact form (including electronic communication), guidelines for calculating fees charged for legal services, long-term cooperation with other legal advisers, attorneys, foreign lawyers or their companies, cooperation with patent attorneys, tax advisors, auditors, personnel consultants, financial advisors, insurance consultants, experts, translators, the amount of liability insurance policy for damages caused while performing professional services, services guarantees delivered, or other commercial activity performed by the legal adviser\(^3\).

Simultaneously, the Code indicated the obligation to respect the law and good morals, it banned providing false and misleading information, the information contrary to the dignity of the profession i.e. through the use of clients’ credulity or their forced positions. The Code prohibited the abuse of trust, exert pressure, intruding, violation of client’s domestic peace. It was unacceptable to provide information which significantly reduced client’s choice by providing unreliable promises or guarantees. It was forbidden for a legal adviser to inform about themselves and their professional services while appearing in mass media in a way that went beyond the necessary and substantial need for information, to inform on the lists (record) of clients who had not given their consent to that, to provide information regarding their participation in the law firms rankings and the places taken there if the rankings were not carried out in accordance with the principles established by resolution of an authorized body of legal advisers, as well as sponsorship if not carried out in accordance with the principles established by resolution of an authorized body of legal advisers\(^4\). The Code of Ethics of Legal Advisers of 2007 contains no provisions explicitly prohibiting the use of advertising in communication with the market, thus becoming the first set of ethical principles in the legal services sector nullifying its total ban.

The amendments in the Code of Ethics of Legal Advisers, in particular with regard to alleviating restrictions on client communication, were influenced by the Charter Of Core Principles Of The European Legal Profession And Code Of Conduct For European Lawyers adopted by the Council of Bars and Law Societies of Europe (CCBE\(^5\)) introduced on 28 October 1988 and

---


\(^2\) *Ibidem*, Article 24 paragraph 1.

\(^3\) *Ibidem*, Article 24 paragraph 2.

\(^4\) *Ibidem*, Article 25.

\(^5\) The Council of Bars and Law Societies of Europe (CCBE) is an association representing the bars and law societies of 32 member countries and 11 further associate and observer countries, and through them more than 1 million European lawyers,
later amended on 28 November 1998, on 6 December 2002 and on 19 May 2006. The Code pertains directly to the issue of personal publicity recognizing that a lawyer is entitled to inform the public about his or her services provided that the information is accurate and not misleading, and respectful of the obligation of confidentiality and other core values of the profession. Moreover, personal publicity by a lawyer in any form of media such as by press, radio, television, by electronic commercial communications or otherwise is permitted to the extent it complies with the requirements above.

Further liberalization of marketing activity resulting in broader scope of information that can be released on legal profession and related services was reflected in the latest draft of the Code of Ethics of Legal Advisers. The authors of the Code specified the issue of information about other permissible services conducted by legal adviser provided they stay related to legal assistance, in particular as arbitrator, mediator, trustee. However, the most important matter as for services marketing and reliable communication is the further expansion of the permission of public disclosure of information useful in creating, maintaining and expanding trust and good relationships with a client, as well as a positive image of legal adviser. This includes in particular information on the mission, strategy and profile of a law firm, on the principles of client care, the principles and procedures for lodging claims or complaints, the amenities for the client. The recipient may obtain information on lawyer’s participation in law firms rankings and the places taken there provided the rankings were carried out in accordance with the principles established by resolution of an authorized body of legal advisers, as well as information on references, recommendations, types of legal cases, transactions or processes, and on financial results of a law firm. The introduction of the new principles will increase an access of a potential client to information on legal adviser and legal services sector, which is supposed to affect its ability to make better decisions about their choice of legal adviser.

The situation looks different in case of attorneys-at-law. The Principles on Ethics and Dignity of the Profession of Attorney-at-Law (Attorney Code of Ethics) approved by Resolution No. 52/2011 of the Polish Bar Council on 19 November 2011 clearly indicate that advertising by attorneys is banned, as well as solicitation of clients in a manner inconsistent with the dignity of the profession and cooperation with entities soliciting clients in violation of the law or the rules of social coexistence.

The Attorney Code of Ethics precisely regulates where the information on attorney’s professional service can be published. First of all, the Polish Bar Council allows to post information about legal services on corporate documents, to issue press releases (the data allowed strictly defined in the Code) directly connected with legal assistance, to post entries in address and telephone books, to transmit information via electronic means of communication only at the express request of a potential client, to include information on the websites and to post data on this website in directories and search engines, to indicate the head office of law firm accordingly, and to publish brochures or folders.

on all matters of mutual interest relating to the exercise of the profession of lawyer, the development of the law and practice pertaining to the rule of law and the administration of justice and substantive developments in the law itself, both at a European and international level.

5 The Council of Bars and Law Societies of Europe, Charter Of Core Principles Of The European Legal Profession And Code Of Conduct For European Lawyers, Brussels 2013, Article 2.6, p. 16.

6 National Assembly of Legal Advisers, Attachment to the Resolution No. 197/VIII/2013 of the the National Council of Legal Advisers as of 6 September 2013 on the submission of the draft of the Code of Ethics of Legal Advisers for discussion of X National Assembly of Legal Advisers.

7 Ibidem, Article 36 paragraph 3.

8 Ibidem, Article 36 paragraph 3.


10 Ibidem, Article 23.
The data this information may include consist of a trade mark or graphic mark of a law firm or corporation, the name and address of a firm and the name of an attorney, the numbers of the means of communication, an e-mail address, and the name of the website. Other data include a list of partners of a law firm in which the attorney is a partner, indicating which of the partners is an attorney, and if the law firm’s managers are appointed – their names and functions they perform, and a list of persons cooperating with the law firm or corporation on a regular basis, as well as the year the law firm or the company was established and the commencement day of the business. In addition, it may provide information on the title or scientific degree of an attorney, his or her image, the data on the type and scope of legal assistance indicating preferred areas of law and cooperation with foreign law firms, information on providing legal assistance in foreign languages, on membership to a bar association, a list of attorney’s publications, information regarding qualifications held other than legal. Only on client’s request or as an offer directed to potential clients do the Principles permit to provide information on attorney’s fees and their calculation methods, and the amount of liability insurance.

2. Internet Marketing

Given the limitations of ethical framework ruling the legal world as well as reluctance among lawyers to utilize standard advertising media which deemed to be ineffective in promoting legal adviser services or even banned for attorneys, the Internet appears to be safe and not insulting the dignity of the legal profession means of transferring information to potential clients. New technological possibilities that emerged after 2001 with the advent of Web 2.0 era, encouraged users to actively participate in the network. Web 2.0 sites enable to create user-generated content and its distribution on the web. They are based on open communication, management decentralization, freedom to share, and the "market as a conversation” approach. Thus influenced the development of social networking sites, blogs, web applications, and together with the specific circumstances in the legal services sector and emerging new challenges have contributed to the intensification of legal marketing on the Internet.

Internet marketing for law firms can be thought of as “any type of communication on the Internet that leads potential clients to the law firm’s website or otherwise provides information about the law firm, in either case which results from efforts by the law firm to positively influence the firm’s image”13. With all the restrictions in the legal services sector, in particular the profession of attorneys, it can be concluded that the Internet has become the leading means of information distribution to a wider audience.

Almost each law firm has its own website but many of them treat it solely in terms of a business card displaying basic information on their services. Law firm’s website may be the first point of contact of a potential client with the firm and the more its creation should be preceded by a carefully worked out marketing strategy and clearly reflect the message contained therein. A web page can be an effective tool in legal marketing. Its presentation, professionalism and functionality are important features, but more significantly, a website of a law firm, which operates on the market like any other commercial enterprise, should distinguish the firm in the market and differentiate it from its competitors. This distinction may be industry or service specialization, unique language skills. In case of specialization, an industry specialization is considered to be more effective. A law firm shows it has detailed knowledge

11 Ibidem, Article 23a paragraph 2 and 3.
and experience in a specific sector, whether it is insurance, construction, or pharmaceutical industry. It understands the nature of the industry and knows how to adjust their legal services to the specific needs of the sector. Enumerating services a firm specializes in, i.e. the fields of law a firm provides services in (for example, civil law, inheritance law, copyright law), is a product orientation, easier to apply especially by firms with little experience in the market, but not giving a significant competitive advantage over other law firms providing services in the same areas of law. Another distinctive feature may be additional skills, such as legal services performed in a foreign unique language, which can be an asset to a company from a given country doing business or planning business investments in the law firm’s country.

Clearly defined strategic specializations and qualifications combined with an effective search engine optimization can booster the website visibility in search engine’s results. The term search engine optimization (SEO) stands for a process of setting up a website “so that it ranks well for particular keywords within the organic search results of major search engines”. The web results can be influenced by a link popularity being a synthetic evaluation of the quantity and quality of links leading to the website (an algorithm based on the number of links from other sites) as well as the site content and keywords applied. Thus a law firm’s website enriched with a knowledge base (material resources in particular areas of law, articles on current legal topics, the latest comments, brief legal advice, etc.) and a collection of useful documents (claim forms, applications, other forms and templates, etc.) attracts traffic to the website becoming more likely to be visited by users and this way increasing its visibility on the leading search engines, including today’s dominant search engine, Google.

An example of a clear industry specialization is Dr. Krystian Earth & Partners Law Firm providing legal services since 1992. The home page of its website shows three basic specializations of the firm, i.e. local government, energy, and construction. The website is also high positioned in search results with a query of legal service performed in these industries. Figure 1 shows one display of the home page presenting the law firm’s specialization in the construction industry.

![Figure 1. Website of Dr Krystian Ziemski & Partners Kancelaria Prawna law firm](source: screenshot of dr Krystian Ziemski & Partners Kancelaria Prawna law firm website, date accessed: 11 November 2013.)

---

Website should reflect the nature of a legal service. The legal profession is considered to be a profession of public trust. Clients rely on legal advisers and attorneys for their family matters, property, professional issues. The future and business development of companies may largely depend on the quality of cooperation with a law firm and trust in people that work in it. Therefore it may be crucial to create not only the image of a law firm as a company but also the image of the persons providing legal services. In order to show the "human face" of a law firm, the web pages provide information on their partners, attorneys, legal advisers, apprentices. They published data about an individual person along with his or her photo, description of legal specialization, skills and experience, and even non-professional interests and personal life. All is done to make a lawyer seem less anonymous and unapproachable but more reliable, human and honest. Figure 2 presents a website screenshot of Kancelaria Radcy Prawnego "Traktat" Thomas Szkaradnik law firm displaying a part of a team working in the firm. This website was awarded third prize in the competition of the National Chamber of Legal Advisers for the best law firm website organized in 2011.

Figure 2. Presentation of part of the law firm team of Kancelaria Radcy Prawnego „Traktat” Tomasz Szkaradnik

Law firms have found an additional way to strengthen their appeal and to directly reach a client by offering legal advice online through their web page. The offer is targeted at persons seeking legal assistance in uncomplicated legal matters in specific areas. The advantage of such an offer is a relatively low cost of legal service and quick response, however it can lead to misunderstandings, especially in case of client’s inability to clarify the case. Nevertheless, law firms undertake this kind of service, as it can be observed by a growing number of law firms
providing online services. Moreover, the law firms publish their own newsletters gathering this way contact database (e-mail addresses) of the users.

In addition to the official websites, law firms create their own thematic web pages where they share expertise and experience in a particular area or show ways to resolve legal issues in the fields they specialize in. These sites are a distinctive sphere of law firm’s Internet activity. As a separate web page a law firm usually closely focuses on specific legal issues in an interesting way for its audience and concentrating on its educational value. The website usually bears the logo of a law firm, thus promoting its services and creating the image of a reliable law firm, constantly developing, having a great experience, qualifications and the latest knowledge in the field. The examples of thematic websites of law firms are: The law for local government http://www.prawodlasamorzadu.pl/ of Dr Krystian Earth & Partners Law Firm, a specialized website for pharmacies https://apteki.dzp.pl/ of Domański Zakrzewski Palinka Law Firm, and a practical guide on mergers and acquisitions http://www.portaltransakcyjny.pl/ and legal process http://portalprocesowy.pl/ of Wardynski & Partners law firm.

Another popular communication form considered unintrusive is writing a blog. A blog is “personal online diary, journal or news source compiled by one person, an internal team or external guest authors”\(^\text{17}\). Postings are usually entered in different categories and typically visitors can add comments to each blog entry to help create interactivity and feedback. A blog can be run as an official website of a law firm or independently by a legal adviser or attorney, whether working for a firm which employs a team of lawyers or managing their own company. Nevertheless, the author of a blog should be well focused on the interest and needs of the website visitors, use the language comprehensive to the readers, and write on matters attractive to them. The most popular legal blogs include http://www.temidajestkobieta.pl/, a blog "written by Woman for Women – especially" on employee benefits, family policy, bullying at work, alimonies, setting up the business. There is a blog which dedicated to legal protection of trademarks http://znakitowarowe-blog.pl/, and a blog written by a legal adviser specializing in energy law and transmission facilities http://przesylenergii.pl/o-mnie/\(^\text{18}\). A blog by its nature seems to be more reliable and trustworthy. A visitor becomes familiar with the author’s personal thoughts which seem to be independent of outside influence, written in private, "after hours". The postings can be commented, a reader may argue with the blog writer expecting response from the author. It is important to run a blog systematically, provide up to date information, meet the informational needs of the reader, but at the same time it should be written in an accessible form, that is easy and quick to read, and the articles or entries appear to be spontaneous.

Social network that gains remarkable popularity nowadays is “a site that facilitates peer-to-peer communication within a group or between individuals through providing facilities to develop user-generated content (UGC) and to exchange messages and comments between different users”\(^\text{19}\). The networks, initially considered too unprofessional and derogatory to the ethos of the legal profession, gradually gained the approval and recognition in the legal market. Law firms and individual lawyers become bolder in applying the tools of social media marketing as a way to communicate with existing and potential clients. Social media marketing uses “the social media portals to create a positive influence on customers or business customers toward an organization’s brand, products, public image, or website”\(^\text{20}\). The lawyers


\(^{19}\text{Dave Chaffey (editor), } op. cit., p. 11.}\)

communicate online by setting up their community in social media that gather around a topic of
their interest. The most popular social networking sites include Facebook, LinkedIn, Twitter.
The sites differ in their profiles (specializing in general services, thematic websites, business
and professional networking) and the benefits for their user. LinkedIn specializes in creating
business contacts. Twitter provides an ability to put short entries (tweets) on the site which are
delivered to the profile observers. Quite flexibility in network activity is delivered by Facebook
with its mission “to give people the power to share and make the world more open and
connected”\textsuperscript{21}. Facebook provides utility to companies to create business-like profiles to share
news, information about offers, videos, photos, events, and applications\textsuperscript{22}. A law firm active in
social media is Wierzbowski Eversheds law firm, the winner of the Innovative Firm in 2012
organized by the National Council of Legal Advisers\textsuperscript{23}. The firm was recognized for its skillful
use of social media for external communication with existing and prospective clients. It created
an interactive platform for integrating external communication channels, such as Tweeter
(http://twitter.com/#!/EvershedsPoland) with brief information and links leading to the full text
on the website or blogs, LinkedIn (http://www.linkedin.com/company/38201?trk=tyah) with
information on blogs and events (such as webinars), YouTube
(http://www.youtube.com/user/WierzbowskiEversheds?ob=0&feature=results_main) with
recorded webinars for public share. The awarded firm is an active blogger with two sites
http://ipwsieci.pl/ and http://eurozamowienia.pl/ where lawyers share their
practical knowledge and opinion on laws and regulations and as enabling readers to add comments to the topics cov-
ered they engage in active dialogue with online users.

Social media is an essential part of legal marketing in the USA. The survey conducted by
Avvo and LexBlog on 1,325 attorneys and legal marketers on legal marketing in the USA
"2012 Legal Marketing Survey Report" shows that the online presence with social media as a
prime marketing tool has become an important channel of communication with existing clients,
blurring the line between online and offline relationships. The respondents indicated LinkedIn
as the most popular social media for generating new business (72 percent), the second one being
Facebook (50 percent)\textsuperscript{24}. The extraordinary popularity of social media not only in the U.S. but
also in Poland and other countries of the world results from its high availability to a wide
audience who are welcome to openly support a web page as a friend or observer.
Administration of social media does not require sophisticated skills as users can design their
own websites, create the content. The use of social media in business as a communication
channel has also begun to be appreciated as it generates new business at low cost or even free of
charge.

Conclusions

The legal profession has always required higher ethical standards as the cooperation
between a lawyer and a client is based on trust and confidentiality. An opinion on
professionalism and competence of a lawyer passed on from one client to another, occasionally
supported by tools of word-of-mouth marketing, still plays an important role in building a
positive image and strong client relationships aiming at establishing long-term cooperation.
However, at present days of broader public access to the latest technologies and thus
development of information society a law firm needs to deploy alternative marketing tools to

\textsuperscript{24} Avvo and LexBlog, \textit{2012 Legal Marketing Survey Report}, p. 4.
drive its business development. It means that the offline market reputation becomes supported or even shaped by activities beyond in-person contacts.

The legal sector recognizes significant benefits of implementing Internet marketing tools. Law firms and individual lawyers apply various channels of online communication to market their services and reach potential clients, by utilizing their own websites, blogs, social media. These forms, not perceived as intrusive as standard advertising, have gradually gained approval of clients who themselves encounter the websites searching for specific information which appears to be tailored specifically to suit their needs and delivered at no charge. This way, law firms enrich client relationships and create an image of a modern company, committed to society, constantly developing and having the latest knowledge in a particular area. They become a partner for a client strenghtening its brand name as a reliable and trustworthy law firm.

References
INTERNET W MARKETINGU USŁUG PRAWNICZYCH

Streszczenie

Artykuł jest próbą ukazania możliwości promowania usług prawniczych (ze szczególnym uwzględnieniem usług radcowskich i adwokackich) na rynku polskim. W warunkach znacznych ograniczeń prawnych i etycznych, kancelarie prawne zmuszone są do poszukiwania alternatywnych form dotarcia z przekazem do odbiorcy decydując się na wykorzystanie mediów elektronicznych w promocji usług prawniczych oraz realizując komunikację z klientem za pomocą dostępnych narzędzi marketingu internetowego. W pierwszej części artykułu ukazano zatem uwarunkowania sektorowe, w tym znaczne barier prawne, uniemożliwiające stosowanie dostępnych narzędzi marketingowych w szerokiej komunikacji rynkowej. Następnie przedstawiono wybrane środki marketingu internetowego mające zastosowanie w działalności promocyjnej kancelarii prawnych, poparte przykładami ich wykorzystania w praktyce.

Słowa kluczowe: marketing usług, marketing usług prawniczych, Internet, media elektroniczne, komunikacja internetowa, media społecznościowe

dr Alicja Mikołajczyk
Gdańska Szkoła Wyższa
80-656 Gdańsk, ul. Wydmy 3
e-mail: alicjamk@poczta.fm