Mastering Solicitor Advertising Rules: Strategies for Success

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New business is vital to any law firm's success. Advertising is a critical element of every effective law firm marketing strategy. But, as a solicitor, you need to follow the rules to advertise legal services. Solicitor advertising rules are mandatory, and any breach can lead to regulatory consequences.

Knowing the solicitor advertising rules is crucial in today's digital age. From social media to law firm websites, advertising online to connect with clients is increasingly common for lawyers. And, with more business being conducted remotely, the ability to attract clients using digital marketing strategies is more critical than ever.

No matter what medium you use to advertise, you must understand and follow the solicitor advertising rules before implementing any marketing or advertising plan.

Can solicitors advertise in the UK?

Solicitors can, of course, advertise in the UK. However, the nature and extent of that advertising must conform to advertising law and the regulations promulgated by the solicitors' professional bodies. In England and Wales, it is the Solicitors Regulation Authority (SRA); in Scotland, it's the Law Society of Scotland; and in Northern Ireland, the Law Society of Northern Ireland. All these organisations have similar regulations that solicitors must observe. Otherwise, solicitors run the risk of professional sanctions.

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The regulatory framework for solicitor advertising in the UK

For solicitors in the UK, the regulatory framework for solicitor advertising is broadly the same. Each jurisdiction has its own set of advertising rules.

Law firm advertising in England and Wales

The Solicitors Regulation Authority (SRA) enshrines its rules regarding solicitor advertising in its Code of Conduct, with Paragraph 8.9 setting out a general provision against making unsolicited approaches to members of the public. This might seem like a broad ban on advertising of any nature. However, the SRA has provided an explanatory note clarifying its position and the interpretation of the rule.

They say that what is not permitted are *"'targeted' approaches to members of the public in person, by phone or via other means which target them individually."* They go on to say that **solicitors are allowed to advertise to the public so long as it is "*done in a non-intrusive and non-targeted way.*"** Solicitors can place adverts on radio, TV, billboards, online, or social media, which will not constitute a targeted approach.

They say sending leaflets is allowed, provided the distribution is not targeted. They give an example of solicitors who may "*send leaflets to all homes within a large geographic area, but may not selectively distribute leaflets to only specific homes or individuals based on wider information you know about them.*"

The SRA provide one example of when a solicitor would be in breach of the code of conduct. An example is when the firm "*identifies a list of people who have recently been involved in a major road traffic accident from online media. The firm sends them a letter saying that it can help claim compensation.*"

The explanatory note on unsolicited approaches (advertising) to members of the public also references the General Data Protection Regulation (GDPR) and the Privacy and Electronic Communications Regulations (PECR). PECR deals specifically with electronic marketing messages sent to members of the public. There is a whole discussion around electronic marketing by solicitors and compliance with the GDPR and PECR, but that is outside the scope of this article.

In addition to what is allowed, Paragraph 8 explains that any information provided must be clear, accurate, and not misleading, especially about price. The aim is to enable potential clients to make informed decisions in any advertising or promotion and to avoid misleading advertising.

Law firm advertising in Scotland

Solicitor advertising rules in Scotland are governed by the Law Society of Scotland Practice Rules 2011. Rule B3 deals specifically with Advertising and Promotion. This rule states that solicitors in Scotland are entitled to advertise and promote their services in any way they think fit. However, it goes on to say that **solicitors must "*not make a direct or indirect approach .... to any person whom you know or ought to reasonably know to be a client or another "regulated person" intending to solicit business from that person.*"** A regulated person is defined as another solicitor, a registered European lawyer, a registered foreign lawyer or a practice unit.

This broadly mirrors the position in England and Wales in so far as it outlaws touting other lawyers' clients. In the same vein as the SRA Code of Conduct, the Law Society of Scotland also requires any solicitor advertising or promotional material to be accurate and not to be misleading. It must not contain anything that might disrepute the profession or say anything defamatory or illegal. It is also essential to be aware that any third-party advertisement of a solicitor's services will be deemed to have been published with the authority of the solicitor's firm.

Law firm advertising in Northern Ireland

Northern Ireland solicitors who wish to advertise and promote their services are subject to theSolicitor's Advertising (Amendment) Regulations 1994 and the Solicitor (Advertising and Public Relations and Marketing) Practice Regulations 1997, as amended in 2006. These regulations, read together, govern Northern Ireland solicitor's ability to advertise and promote their services. The 1994 regulations deal with fee estimate provisions, whilst the 1997 regulations, as amended, deal with solicitors' advertising and promotion.

The regulations state that a solicitor "*may employ advertising, public relations and marketing techniques to promote his practice by any medium, including the press and electronic media, provided the content.... (a) is not such... as to bring the profession into disrepute and (b) does not contain any inaccuracy or misleading or unjustifiable statement.*"

As with the advertising regulations in the other two jurisdictions in the UK, there is a prohibition on solicitors "*making unsolicited visits or telephone calls to a member of the public.*" Interestingly, "a member of the public" excludes "*a current or former client of the solicitor, another lawyer, an existing or potential professional or business connection, or a commercial organisation or public body*. "

Failure to comply with the Code of Conduct, Rules and Regulations

Failure to comply with the Code of Conduct, Rules and Regulations about solicitor advertising will result in a finding of professional misconduct and may trigger regulatory action. The extent of the punishment will reflect the seriousness of the breach. This can range from a caution to a fine to suspension or striking off in the most serious of cases.

In addition to a potential fine or suspension, you cannot discount the negative impact on your firm the adverse publicity of a breach of the solicitor advertising rules will have. Reputational damage can be more severe and longer lasting than any professional sanction.

Advertising Standards Authority compliance

In addition to professional rules, all advertisers are subject to the rules about advertising set out in the Codes of Conduct by regulatory bodies such as the Advertising Standards Authority (ASA) for broadcast and non-broadcast advertisements. Law firm advertisements can be subject to a complaint to the ASA should the advert be misleading, harmful, offensive or irresponsible. The ASA has published a range of guides to help advertisers get their ads right, and they encourage advertisers to sign up for their advice newsletter, Insight and Update (you need to create a free account with the ASA).

Should any law firm advertising fall foul of the ASA codes of conduct, the ASA can insist the advert be amended or withdrawn. Failure to comply with the ASA instruction can lead to the firm being added to a dedicated section of the ASA website for recalcitrant advertisers, removal of paid ads from Search Engines, ASA-placed adverts highlighting the law firm advert's non-compliance and having non-compliant adverts removed from social media platforms. These are just some of the sanctions available to the ASA, which can instigate additional sanctions depending on the advertising media.

Do not breach your professional rules when advertising or using social media

You must keep within your professional regulations and adhere to professional standards when advertising or using social media. The following are some examples of the types of social media activity that can get you into serious trouble:

Fake ads lead to 6-month suspension

The Solicitors Disciplinary Tribunal (SDT)suspended a solicitor for six months, followed by a two-year restriction order preventing them from managing any law firm. The solicitor also paid the SRA **£15,000** in costs.

The case involved the solicitor posting false information on their Facebook page, claiming they represented clients in court when they had not done so. It should be said that this breach was part of a broader breach of the SRA rules by the solicitor.

Advertising on Social Media

The Law Society of England and Wales has issued social media guidance, but it is only available to its members. However, the Law Society of Scotland has issued extensive guidance on the use of social media, which is open to all.

When advertising on social media, it is crucial to consider the client's attributes to ensure compliance with the SRA Code of Conduct. As with any marketing media, there are fundamental Dos and Don'ts that you must observe. Failing to use social media properly might not only cause you regulatory problems but can also cause lasting reputational damage.

Some social media "Dos"

- **Check out the rules:** Before embarking on a promotional journey on social media, make sure you check out your professional rules. If you know the rules, you're less likely to break them.
- **What are you trying to achieve?** Set out your goals before you start. This will prevent you from creating endless meaningless posts, taking too much time.
- **What are your competitors doing?** Check out what your competitors are doing. If they are being successful in certain areas, you can be too. However, you may want to be different—experiment with opposing views to determine if you gain more traction.
- **Take small steps:** Social media posting can quickly take over your life. Start small and build up. Set aside a fixed amount of time to deal with social media interaction. **Work out what you want to post in advance:** Do not wait until you log into your social media account to decide what you are going to post. Have a definite plan and track the results. Do more of what works and less of what doesn't work.
- **Post regularly:** As you build up your content and gather followers, they will expect to hear from you regularly. If your activity drops off, people will move away and follow others.
- **Create a schedule:** It is important to schedule as many of your posts and interactions in advance as you can. This is efficient and will also take the pressure off trying to deal with social media during your busy day.
- **Find out what works:** You must regularly measure your results. This is essential to ensure you do not waste hours of your valuable time for little return.

Some social media don'ts

- **Stick to the truth:** Don't fabricate the content in your posts. Not only is it dishonest, but the chances are that you will quickly be found out. This will impact your reputation and integrity and may lead to disciplinary intervention.
- **Mind your language:** Do not add offensive, racist, sexist, homophobic or other "nasty" posts or comments. Avoid profanities, too.
- **Do not blur the lines:** Be careful of blurring the lines between personal and professional use of social media. Your conduct can also be taken into account by your professional body and the regulator in determining professional misconduct.

- **Do not share clients' or colleagues' personal information:** Not only is this unethical, but it is also a breach of the General Data Protection Regulation (GDPR) and the Data Protection Act. Doing so can get you into difficulties with the Information Commissioner (ICO) and with your professional body and regulator.
- **Do not share information about cases without consent.** If you decide to post about a case in which you were involved, either make sure you anonymise it to ensure that the parties cannot be identified or obtain consent of your clients to publish the details. Make sure the consent is in writing, and it's a good idea to run the post past them before making it public.

Social media marketing is a powerful way to extend the reach of your firm. You need to thoroughly understand it before using it and seek outguidance to make your social media efforts effective.

Learn from the best: Meet Geeta Daswani

Geeta is an award-winning solicitor. Geeta's LinkedIn page is an excellent example of how you can promote yourself and your firm using Social Media. Just check out Geeta's activities on LinkedIn to gain an insight into the range and mix of content that builds up a following and encourages interaction with others.

Some posts effectively use video, and relevant images support others. This allows her followers to learn more about Geeta, her business, and the practice areas in which she is involved. Take a leaf out of Geeta's book and start promoting yourself and your business positively and effectively!

Best practices for legal advertising

So far, much has been said about regulatory compliance and little about what makes for an excellent legal marketing campaign. Legal advertising forms part of your marketing campaign, and to make your legal advertising successful, there are crucial elements you must include.

1. **Identify your target audience:** Decide who you want to target with your legal advertising and why. You can run multiple campaigns simultaneously, targeting different marketing segments with a focus on the legal services you provide.

2. Choose the right platform to advertise on: You have lots of scope across print and digital media. Digital media provides a fast and, arguably, cheaper route to market. You need to consider your website, Search Engine Optimisation (SEO) to attract people to your website, Google and Bing Ads, YouTube and Social Media Advertising. Traditional advertising might include billboards, ads on buses and taxis, newspapers and magazines and, of course, TV and Radio. Finally, you may consider direct mail to promote your business. A combination of these options works best for you to reach your target audience.

3. Create your Ad: Wherever you decide to advertise, make your ad as compelling as possible. Ensure your content explains the benefits of using your firm to your target audience. Couple the text with excellent visuals. Understand that when using Google and Bing, when people search for something you provide, you must catch their attention quickly. When advertising on social media, you need to be disruptive to interrupt their feed to get them to pay attention to your ad.

4. Use marketing tools to track your progress: Always track the progress of every legal advertising campaign you run. Make sure every member of your firm tracks the source of business every day. Using a range of analytics will mean you will quickly discover what works and what doesn't. Do more of what works and drop what doesn't.

By using Clio Grow, you can discover the most effective channels for attracting new clients. Understand where potential clients find your firm, identify your highest-value clients, and determine what you can optimise to increase revenue.

5. Always be truthful and never deceive: Tell the truth in your legal advertising. Nothing will get you into trouble quicker than trying to deceive potential clients. They will be quickly turned off if they find out you are dishonest and may report you to the regulator or your professional body.

6. Give examples of how you can help people: Give examples of the types of work you have carried out in the past and talk about your successes. This will enforce the benefit of using your services to potential clients and encourage them to get in touch with you.

7. If you quote past cases, maintain confidentiality: If you decide to reference a case in which you were successful, make sure you obtain your client's consent to use their case as an example of your work and, if possible, have them provide a testimonial. If they do not consent, the only way you can use the case as an example is by completely anonymising it so your client cannot be identified.

8. Check that your legal advertising does not breach the rules: Always check that any legal advertising you carry out is compliant with your professional obligations and regulations.

Clio's solutions for solicitor advertising

Successful onboarding of clients off the back of a legal advertising campaign is an essential element of the entire process. If you fail to capture client information, you stand to lose significant revenue. Using Clio for customer onboarding is the most effective way to capture client data. Clio's marketing and client management features can boost your marketing and advertising effectiveness, even helping you to create a professional law firm website with just a few clicks! To find out more, book a walk-through with our Clio experts.

Launching your marketing and legal advertising campaigns

Well, what are you waiting for? You have all the tools you need at your disposal. You know what to do and how to do it and what not to do that will get you into trouble!

Whatever you do, just get started. Don't get analysis paralysis or try to get everything perfect before you get going.

Clio has everything you need to get up and running, from excellent marketing and advertisement advice on our blog to the tools to help you accomplish more – from one central place.

About Clio

Clio is the global leader in legal AI, powering legal work across the profession, from law firms of every size to corporate legal teams, government agencies, and courts. Its Intelligent Legal Work Platform unites the business and practice of law, connecting the people, information, and processes behind legal work. Clio's AI brings the context together with legal sources drawn from Clio Library, a growing collection of more than one billion legal documents. Over 400,000 legal professionals in more than 130 countries rely on Clio to run their legal world. Learn more at www.clio.com.