

Guidelines for Lawyer and Law Firm Websites **Approved by The Standing Committee on Advertising** **(January 1, 2010)**

Effective July 1, 2010, lawyer and law firm websites must comply with the general lawyer advertising requirements set forth in Rule 4-7.2, Rules Regulating The Florida Bar. Although websites must comply with these requirements, they are not required to be filed with The Florida Bar for review. Rule 4-7.8(f), Rules Regulating The Florida Bar. The Florida Bar Board of Governors has adopted a policy that The Florida Bar will not accept voluntary filings of the entire contents of a lawyer or law firm website, although staff of the Ethics and Advertising Department will respond to specific questions involving a specific phrase or image to be included on a website. To make such an inquiry, please call the Ethics and Advertising Department at (800) 235-8619.

Many law firm websites may contain information that is prohibited by the lawyer advertising rules, such as testimonials or endorsements from clients and others, past results of the law firm, and statements characterizing the quality of legal services (for example, the firm offers high quality legal services, or excellent legal services).

The Standing Committee on Advertising has determined that a lawyer or law firm can create a portion of the website which contains information that can be provided only at the request of a prospective client, and is therefore not subject to the lawyer advertising rules under Rule 4-7.1(f). Testimonials and endorsements, past results, and statements characterizing the quality of legal services may be included in such a section if the information provided is truthful and not misleading, either by itself or in the context in which it is given. If testimonials or past results are provided, sufficient information about the matter also must be provided to allow the consumer to evaluate the testimonials or results. Testimonials and past results may be included only with the informed consent of the client to which the matter relates (see Rule 4-1.6(a), Rules Regulating The Florida Bar). In order to be considered information that is given at the request of a prospective client, the information must be accessible **only** after viewing a disclaimer page and making an affirmative acceptance that the viewer has received the disclaimers provided below.

The disclaimer page must clearly and prominently indicate the following:

- the type of information that will be viewed;
- that the information is not reviewed or approved by The Florida Bar;
- if past results are provided:
 - that a prospective client's facts and circumstances may differ from the matter in which results have been given;
 - whether all results are provided;

- that the results are not necessarily representative of results obtained by the lawyer; and
- that every case is different, and each client's case must be evaluated and handled on its own merits;
- if testimonials are provided:
 - that a prospective client's individual facts and circumstances may differ from the matter(s) in which the testimonials are provided;
 - whether testimonials of all clients are provided; and
 - that the testimonials are not necessarily representative of all clients' experience with the lawyer.

On the disclaimer page, the viewer must acknowledge receipt of the information before being given access to pages with information including past results, testimonials, or statements characterizing the quality of legal services. The lawyer should not require that viewers provide information about themselves in order to access the information.

Lawyers may use a disclaimer page, a pop-up, or any other technological mechanism as long as the above guidelines are followed, and the above information cannot be accessed without viewing the disclaimer page and making an affirmative acknowledgement of receipt of the disclaimer. For example, the website must be set up in such a way that the above information cannot be viewed as a result of a general search engine or site search without displaying the disclaimer page each time.

Alternatively, lawyers may provide a section of the website in which a viewer, at the viewer's option, may provide contact information and make a specific acknowledgement that the viewer would like to receive specific information about the lawyer or law firm. After receipt of the contact information and acknowledgment, the lawyer or law firm may send the viewer information by either e-mail or regular U.S. Mail, as long as the information is truthful and not misleading, either by itself or in the context in which it is given. The lawyer or law firm must provide the same disclaimers to the recipient and follow the same guidelines noted above.

SAMPLE DISCLAIMER PAGE

If you are interested in viewing information about the lawyer/firm's past results and testimonials about the lawyer/firm, please read and acknowledge the information below. The information in this section contains information about the lawyer/firm's past results, testimonials about the lawyer/firm, and statements regarding the lawyer/firm's quality [**Note to Lawyers: you must also list the category of any other information provided that is not otherwise in compliance with Rule 4-7.2 here**]. The information has not been reviewed or approved by The Florida Bar.

You should know that:

The facts and circumstances of your case may differ from the matters in which results and testimonials have been provided.

All results of cases handled by the lawyer/firm are not provided and not all clients have given testimonials.

The results and testimonials provided are not necessarily representative of results obtained by the lawyer/firm or of the experience of all clients or others with the lawyer/firm. Every case is different, and each client's case must be evaluated and handled on its own merits.

I acknowledge that I have read and understand the above information and would like to view the information. [hypertext link to the additional information]

I do not want to view the information. [hypertext link to home page of website]

[Note to Lawyers: the viewer must check each box in order to reach the additional information on the website.]