

4 Best Good Practices in Legal Marketing Writing

Attorney advertising is a war of words. Firm websites, blog posts, bylined articles, social media, and award nominations are battlegrounds where attorneys and their marketers try to win hearts, minds, and client business.

We try to win by differentiating attorneys. As a writer and editor, I see a lot of content written by well-meaning lawyers, marketing departments, and ad agencies that – in the name of sounding different – sounds the same.

Not only do these commonly used phrases defeat the purpose of standing out, they also run afoul of common state ethics guidelines in attorney advertising.

In legal marketing, there are rules of engagement we need to follow. These ethics rules vary state by state. This guide outlines some rules that tend to feature across several, if not most, states. However, you should always consult your specific state's guidelines when you are writing attorney advertising.

How can you find your state's rules on attorney advertising? We here at Jaffe compiled a [handy resource listing each state's rules](#) for your convenience. Note that some courts and committees may issue additional guidance clarifying aspects of these rules that need to be followed, as well.

I wanted to call this article a best practice guide, but I'll have to settle for "good" because saying "best" might violate ethics rules in attorney advertising somewhere. That's a joke. But seriously, I'm no expert – I just have knowledge and experience. That's another joke. To find out why it's funny (or not), read on.

1. Subject Matter Expertise

This is the most common pitfall I see come across my desk, whether editing attorney bios, award nomination submissions, or blog posts.

I can't blame attorneys for calling themselves subject matter experts. I write for clients who literally have PhDs in specialized fields of engineering. We have more than one client who has worked on one specific restructuring litigation matter so complex that it's been a full-time job for 10 years. No joke.

Being a lawyer who works in one area of law, day in and day out for years, should make you a subject matter expert. But in the eyes of legal ethics, it doesn't – not unless you are certified. Many states don't allow attorneys to call themselves "specialists" (another word for expert) unless they have been [certified](#) by an accredited entity.



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What you can say instead:

I have knowledge and experience.

Dry as sawdust, I know. A better alternative is the old writing adage: Show, don't tell. List years in practice, big wins, or major clients instead. Actions speak louder than empty words.

2. The Most Spectacular Attorney, Ever

I've never actually seen attorneys call themselves spectacular. I have seen attorneys describe themselves as the most responsive, aggressive, dedicated, knowledgeable, innovative, what have you, attorney in a state.

In most of the state guidelines I've read, you cannot compare yourself to other attorneys in a market unless it is backed up by facts. If you call yourself the most responsive attorney in Florida, you better have evidence to back it up, or else you are vulnerable to a petty competitor calling up the Florida Bar and complaining about your website.

What you can say instead:

Just get rid of the superlatives.

You can be aggressive or responsive without being "The Most." Just cut out the comparisons and superlatives, and dust off your hands. Done.

3. Super Lawyers Here to Save the Day!

I love rankings. We love rankings at Jaffe. Attorneys love rankings. A high-caliber ranking sets an attorney apart. However, state ethics guidelines have [specific rules](#) about how attorneys are allowed to talk about rankings and awards. Some are complicated and result in cluttered web page designs and social media captions. Alas.

For example, New Jersey [requires](#) attorneys to include a bunch of stuff with any mention of an accolade, whether on a website, social media caption, letterhead, email signature block, or any other form of communication. This includes:

- A description of the standard or methodology on which the accolade is based, either in the communication itself or linked to a page.
- The name of the organization that issued the award.
- A disclaimer that says, "No aspect of this advertisement has been approved by the Supreme Court of New Jersey."
- All this (except the selection methodology, which can be linked) needs to be close to the reference of the award – not buried at the bottom of the page or in tiny print.

If a graphic designer screams in a home office and there is no one around to hear it, does it make a sound?

What you can say instead:

Play it safe and follow the rules.

There isn't much of a way around these kinds of rules. Make sure attorney websites that display accolades follow state court guidance.

Also, be mindful of your phrasing when it comes to accolades. Avoid saying, "Attorney Doe is a Super Lawyer!" Instead, say, "Attorney Doe has been named to the Super Lawyers list of 2024!" This way, you avoid making a statement that inadvertently compares Doe to others.

4. With Me, You'll Win

Law firm websites and social media captions must be worded carefully to avoid any expectation of a favorable verdict or settlement. Like the common investing disclaimer, "Past performance is no guarantee of future results."

What you can say instead:

List a case history and include a disclaimer that you cannot guarantee results.

What Ethics Rules Apply If Attorneys Practice in Multiple States?

If an attorney is barred and practices in multiple states, the safest bet is to examine all of those states' ethics guidelines, go with the strictest rules, and make sure all copy hits on all the points of each state.

Fortunately, many states have rules in common. You'll find they are nearly all the same in certain aspects.

In fact, for most states, the rules governing attorney communications are conveniently called Rule 7.1 of the Rules of Professional Conduct. It isn't too much work to find or follow ethics rules, and doing so will help mitigate the risk of receiving a stern talking-to from a disciplinary board.

I'm happy to help review your copy for ethics compliance – not that I'd call myself an expert – or help you craft words to differentiate attorneys from the competition. Reach out to me, Ada Kase, at ajkase@jaffepr.com.