

Ethics Tips for Attorney Marketing

What may I put in my advertisements?

Your communications about your services must be truthful and, even where truthful, may not mislead. Avoid misrepresenting facts or law and avoid omissions of fact that could make your marketing materials misleading to prospective clients. Your goal is to reach clients, not create unjustified expectations that will burden the representation.

What contact information must I include in ads?

Include the name and contact information for least one lawyer or law firm responsible for the advertisement. Contact information includes a website address, a telephone number, an email address or a physical office location.

May I list lawyers who are “Of Counsel?”

Yes, if there exists an actual “Of Counsel” relationship. *See* Ariz. Ethics Op. 16-01. But be careful about firm names. If you are a solo, do not suggest otherwise by using misleading words like “and Associates” or “Law Group.”

May I use a slogan in my advertisement?

Yes, if it is not false or misleading.

May I refer to myself as a specialist?

Yes, if this does not mislead, meaning you can substantiate your expertise. However, the designation “certified specialist” is still reserved for those who are, in fact, certified by the Arizona Board of Legal Specialization (BLS) or by another certifying entity recognized by the BLS. You may identify as a patent attorney if you are admitted before the Patent and Trademark Office. And you may designate yourself as practicing admiralty/maritime law if true. Finally, firms are not certified, lawyers are. So avoid referring to the firm as a certified specialist and instead identify the lawyers that are.

What are the State Bar’s certified specialties?

Administrative law, bankruptcy, criminal, estate and trust, family law, personal injury and wrongful death, real estate, tax, and worker’s compensation.

Which other certifying entities does the Arizona Board of Legal Specialization recognize?

The BLS recognizes the National Board of Trial Advocacy, the American Board of Certification, the National Association of Counsel for Children, and the Elder Law Foundation.

May I advertise my Martindale-Hubbell rating?

Yes.

May I advertise that I'm included in *The Best Lawyers in America*?

Yes, if truthful. But include the year and any specialty for the listing.

What about other rating publications?

Ariz. Ethics Op. 05-03 analyzed *The Best Lawyers in America* publication. Before advertising your inclusion in other publications, you should review their standards and criteria to avoid misleading a consumer or creating unjustified expectations.

Is it OK to advertise that a firm lawyer is a retired judge?

Yes, if true.

May I advertise my judge pro tem service?

Judicial ethics preclude lawyers advertising service as a judge pro tem. See Ariz. Judicial Ethics Advisory Op. 03-06.

May I advertise that I pay for referrals?

ER 7.2's ban on referral fees was deleted January 1, 2021. Lawyers may now pay anyone – lawyer or nonlawyer – a referral fee. You may advertise that you pay referral fees, if this is not misleading, but proceed with caution since other ethical obligations will impact logistics. If paying a referral fee involves disclosing that the referred client contacted or hired you, client consent to that disclosure will be required. Also, you must advise your referral sources of your professional obligations, since you may not permit them to do anything you can't do, for instance, prohibited in-person solicitation. See ER 7.3. Finally, you must evaluate whether any business arrangement with a referral source creates a personal interest that could impact your representation of the client.

Prepared by the State Bar of Arizona's Ethics Department. This list of marketing tips was based on the Arizona ethical rules and opinions in effect as of January 1, 2021. Lawyers may call the State Bar Ethics Hotline at 602-340-7284 with additional questions.