

# 5<sup>th</sup> Annual Technology and Justice for All CLE



Presented by the Computer and Technology Section of  
the State Bar of Texas  
February 11, 2022

# Social Media Marketing

Attorney Advertising: Ethics & Practical Considerations



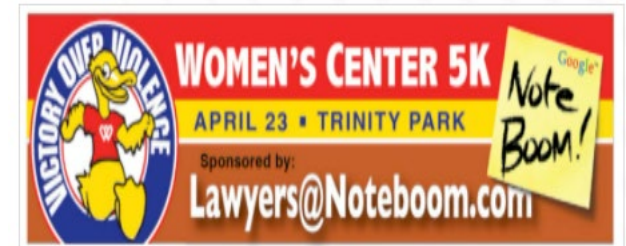
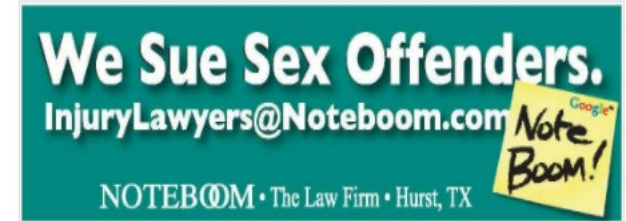
Al Harrison  
*Houston*  
Harrison Law Office, PC

Zach Herbert  
*Richardson*  
Herbert Law Group

# Scope of Social Media Marketing

## Focus: Public Perception of Legal Services Provided

- Fair & Accurate
- NOT False & Misleading
- NOT Creating Unjustified Expectations

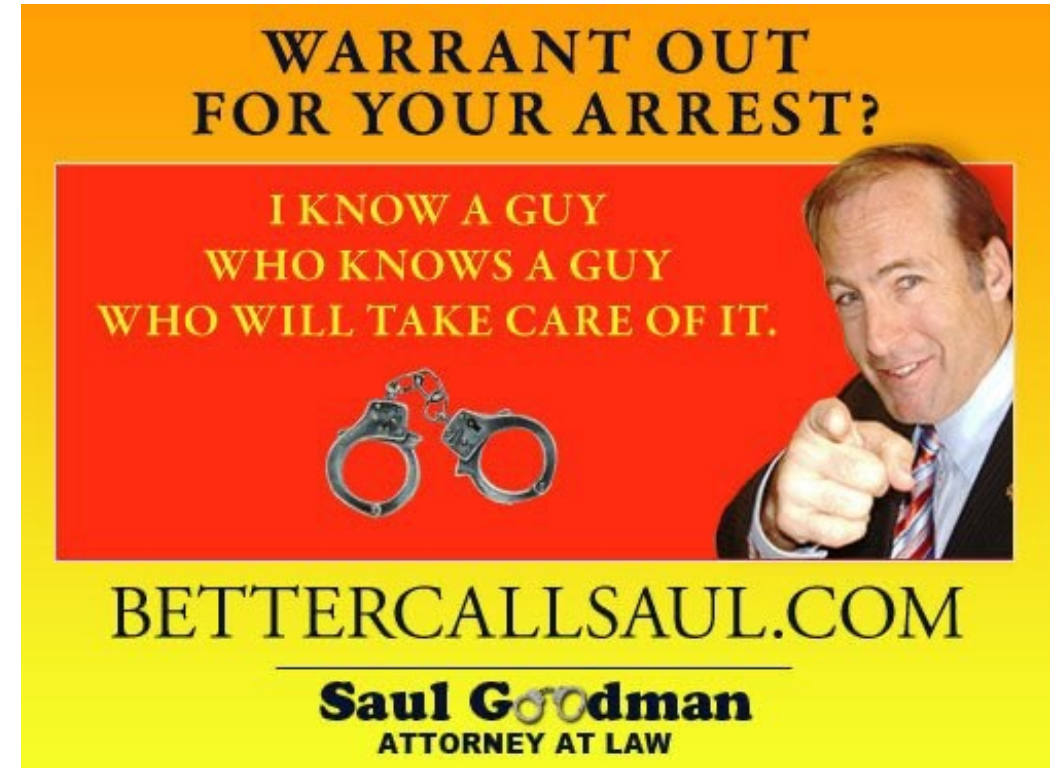


COMPUTER AND  
TECHNOLOGY  
SECTION

# Scope of Social Media Marketing

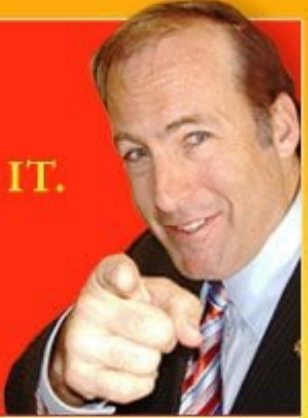

## Focus: Legal Services Information Disseminated to the Public

- Firm Brochure; Print Advertisements
- Billboards
- Television; Youtube
- Radio; Podcast
- Solicitations
  - Websites
  - Electronic Communications
  - U.S. Postal Service Letters



**WARRANT OUT  
FOR YOUR ARREST?**

**I KNOW A GUY  
WHO KNOWS A GUY  
WHO WILL TAKE CARE OF IT.**



**BETTERCALLSAUL.COM**

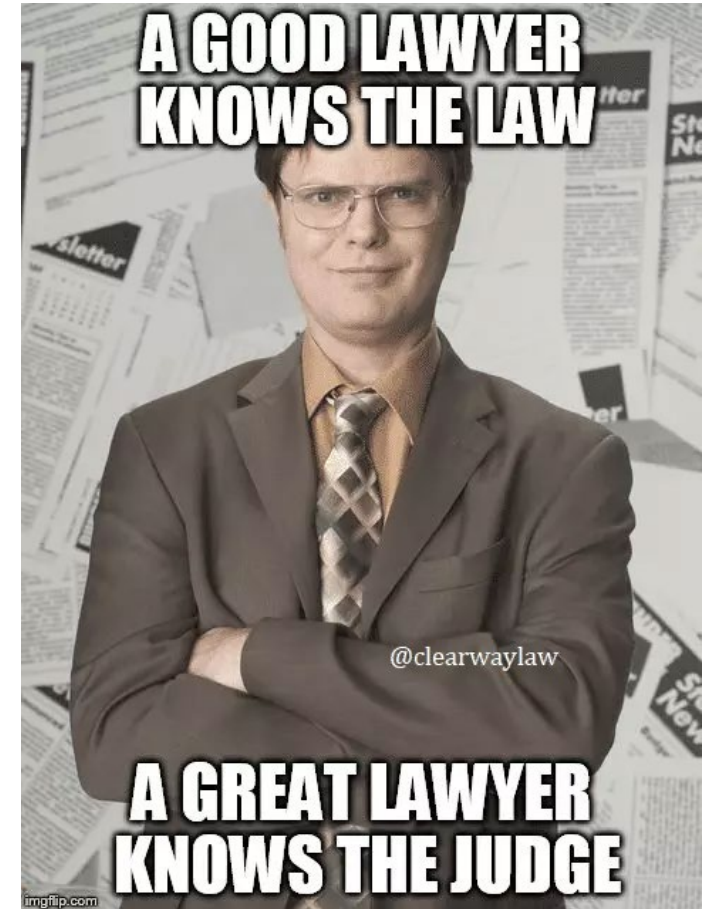
**Saul Goodman**  
ATTORNEY AT LAW

# Amended Advertising & Solicitation Rules

## Texas Disciplinary Rules of Professional Conduct, Part VII

### Ad Rules/Protocol Renaissance

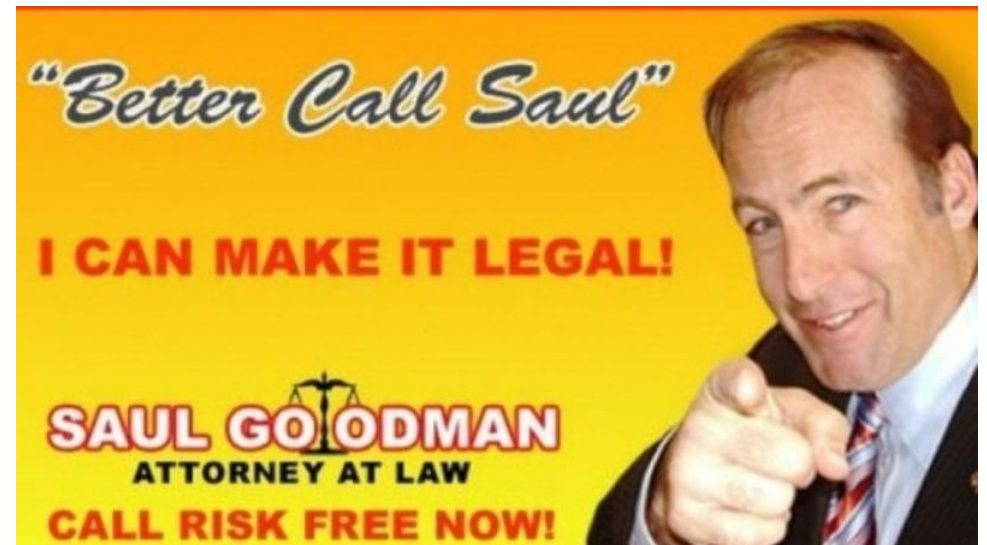
- Effective July 1, 2021/Jan. 31, 2022
- Attorney-Centric (aka User-Friendly)
- Compliance Expedited via Ad Review Portal
- e-Filing via Portal from My Bar Webpage



# Amended Advertising & Solicitation Rules

## Ad Rule 7.01: Communication of Lawyer's Services

- Distinguishes “Advertisements” & “Solicitations”
- Prohibits False & Misleading
- Restrictions on Actor Portrayals
- Standards for Justified Expectations



# Amended Advertising & Solicitation Rules

## Ad Rule 7.01: Communication of Lawyer's Services (continued)

- Standards for Justified Expectations
- Trade Names Permitted
- Reasonableness Test Applied Throughout



**THE BUZBEE LAW FIRM**

## Just Win

At The Buzbee Law Firm, we believe in what we do. We believe in and respect the system. We believe in our clients. We believe in winning. Accept no substitutes.

[LEARN MORE](#)

# \$10 Billion Recovered And Growing...



COMPUTER AND  
TECHNOLOGY  
SECTION

# Amended Advertising & Solicitation Rules

## Ad Rule 7.02: Advertisement Logistics

- Name Lawyer Responsible for Ad
- Primary Practice Location
- Use of Actors & Dramatizations



COMPUTER AND  
TECHNOLOGY  
SECTION



# Amended Advertising & Solicitation Rules

## Ad Rule 7.02: Advertisement Logistics (continued)

- Use of Actors & Dramatizations
- Contingent Fee Verbiage & Parameters
- Certifications & Specialist Verbiage
  - Experience, Education, Training
  - Designations: Admiralty, Patent



COMPUTER AND  
TECHNOLOGY  
SECTION

# Amended Advertising & Solicitation Rules

## Ad Rule 7.03: Solicitation Logistics

- Broad Coverage: voice & “electronic contacts”
- “ADVERTISEMENT” Required Verbiage
- Nominal Gifts for Referrals
- Payments for Lead-Generation
- Nominal Social Hospitality to Prospective Clients



COMPUTER AND  
TECHNOLOGY  
SECTION

# Amended Advertising & Solicitation Rules

## Ad Rule 7.04: Filing Requirements

- Advertisements & Solicitation Communications
- Filing Fee (currently \$100.00)
- Submit within 10 Days of Dissemination
- Option for Pre-Approval; “Safe Harbor”
  - 30-Day Lead-Time

HOME MY APPLICATIONS SUBMIT APPLICATIONS MY SUPPORT CASES NOTIFICATIONS

GUIDED APPLICATION

Step 1: Case Type and Submitter Details Step 2: Filing Step 3: Q & A Step 4: Case Files Step 5: Summary Step 6: Pay and Submit

**STEP 1: CASE TYPE AND SUBMITTER DETAILS**

Complete the fields. Select Next.

Note:  
Submissions on this site require payment by credit card.

Case Type \*  
Pre-Approval

Firm Name/ Submitter's Account \*  
Zachary David Herbert

Submitted By \*  
Zachary David Herbert

Attorney's Firm/ Account \*  
[Search]

Attorney Name \*  
If attorney name is missing from account/ firm, please call our office.  
[Search]

Communications Instructions (optional)  
[Text Area]

NEXT



# Amended Advertising & Solicitation Rules

## **Ad Rule 7.05: Communications Exempt from Filing**

- Cumulation of Panoply of Exemptions to Advertisements & Solicitation Communications



COMPUTER AND  
TECHNOLOGY  
SECTION

*Thank  
You!*

Section Dues: \$25.00

- Quarterly journal, *Circuits*
- Access to CTS App with Codes, Rules, and links to cases
- December CLE, Annual Meeting Track



Al Harrison  
*Houston*  
Harrison Law Office, P.C.

Zachary Herbert  
*Richardson*  
Herbert Law Group