

Five important things to know about Colorado attorney marketing in 2008

ZoZo Group, LLC, specializes in legal marketing and business development for attorneys and law firms. We understand that marketing techniques for attorneys are unique because they can be liable for malpractice under the Colorado Rules and that recently, the Colorado Supreme Court held that attorneys engaging in false advertising techniques may also be held liable for violations of the Colorado Consumer Protection Act.

2008 brings two major changes to the Ethics Rules regarding marketing for Colorado attorneys. We have identified the two that may impact the business development landscape for Colorado attorneys and a few other important rules every Colorado attorney should know with regards to marketing their practice.

1. Attorney Referrals

In 2008 arranged referral agreements between attorneys and law practices will be accepted. The agreement must be disclosed to the referred client, the referral arrangement cannot be exclusive between only two parties and it cannot override the referring attorney's best judgment.

2. Trade Names(Rule 7.5)

In 5 months, when the revised Colorado rules take effect, Colorado attorneys may too practice under a trade name. In 2008 an attorney's name will no longer be required as the name of the firm. Soon attorneys will be able to use the firm's trade name in their domain/website address as well as their letterhead, business cards and any other medium. Any advertisement must clearly state the name of the attorney responsible for the advertisement.

3. The Basics (Rule 7.1 and 7.2)

The ABA and CBA Rules prohibit advertising that is false, misleading or likely to create unjustified expectations about the results an attorney can

achieve. i.e. A simple statement by a personal injury practice "no recovery, no fee" is misleading. Also, attorneys must retain copies of their advertisements for four years.

4. Specialization Claims (Rule 7.4)

The State of Colorado does not certify an attorney in a legal specialty or area of practice. Any claim of certification or expertise must be verifiable and must disclose the fact that the certification is not a State of Colorado certification. The certifying organization must be legitimate and able to confirm the certification.

5. Direct Solicitation (Rule 7.3)

Attorneys may solicit clients via direct mail and email. The outside envelope must clearly state the piece is an advertisement "advertising material" as well as disclose it within the letter or email. Additionally, these materials cannot be sent in a restrained fashion such as certified mail or where a signature may be required.