



Gina Rubel, Łukasz Walewski: Enough beating around the bush

Why can you advertise loans with treacherous interest rates rather than legal services that expand your knowledge of how not to be deceived?

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Why is it okay to advertise loans with treacherous interest rates, but not legal services that expand the knowledge of how not to get ripped off?

Since a discussion about lawyer advertising and its ethical limits has once again swept through the local bar associations, perhaps it is worth dispelling some of the myths or stereotypes and face the truth. During the numerous discussions conservative and liberal voices clash every now and then. Some in Poland say that American-style lawyer advertising which “rubs against the degenerations of wild capitalism is pure evil”. Others, on the other hand, that “remaining with the archaic ban is an impossible attempt to stop the ongoing revolution”. We are neither the first nor the last to deliberate on this. Such debates have swept through many European countries, USA and even Israel. And what lessons can be learned from the American experience? Is it really possible to compare advocacy advertising with laundry detergent advertising as some claim?

The discussion about legal advertising in America is a challenging one. Every state has its own regulations while many follow the American Bar Association’s Rules of Professional Conduct. In addition, the rules differ depending on the intended audience. For example, if a law firm is advertising corporate legal service to in-house counsel, the rules are less rigid than how personal injury and other consumer law firms may advertise

to general consumers. Corporate law firms are mindful of not making promises, not making false or misleading statements, and not materially misrepresenting facts or law. In fact it is not easy to find distasteful corporate ads, however there are tons of distasteful ads targeting consumers many of which can

be found even vulgar. One personal injury lawyer had an ad that read, "Butt hurt?" followed by his phone number. Another ad read, "Successful, Greedy, Attorneys". A well-known divorce attorney from Las Vegas, Nevada had nearly naked photos of a woman and man that read, "Life's short. Get a divorce". She went on to be a Playboy model. There are simply too many distasteful ads for me to list.

And what is the reality in Poland? Advocates and attorneys at law - they do not just report their business. They do not just rely on referrals. They do not just participate in rankings or are official partners of various conferences. In the 21st century, even their clients and potential clients, expect them to be proactive and reach out. Not solely on social media (Facebook, LinkedIn, even TikTok and Instagram) and not only with Google search or keywords (SEO). Who if not lawyers should speak up in the public debate today pointing the way in the abyssal thickets of sloppy legislation? It is just a question of mission.

But let us get back to the purpose and methods. One of the purest and most ethical and lofty forms of communicating one's services and also raising legal awareness in the public is public relations, or even more narrowly, media relations. So, the relationship of lawyers with the media. Should a lawyer be present in the media? Maybe let us ask the question as an *argumentum a contrario* - why should a lawyer not be present in the media? Since economists, aviators, doctors, engineers, and other countless professionals are frequently invited to comment on certain matters as experts. Why should they not explain changes in the law in a way that ordinary citizens can understand.

Lawyers explain "the why" behind legislation, how the court of law differs from the court of public opinion, legal outcomes in cases that have mass appeal, and so much more. Every business needs a lawyer at some point in their journey as do most people whether they are buying a house, getting a divorce, or they need a last will and testament. Providing an understanding about what it is lawyers do and how they protect corporate and individual interests is a huge benefit of public relations for lawyers.

If a lawyer or a law firm thinks that media relations are unnecessary, maybe you need to think about it again. Because it is a bit like the old saying goes: "if you're not interested in politics, politics will be interested in you anyway." Media crises may be lurking just around the corner. You may find yourself caught up in a tussle on the covers of the tabloids, just because your client inadvertently drags you into it. Don't you think that a modern lawyer in the 21st century, being such an important business advisor to his partner, should also be able to recommend the right PR tactics to him? It is not about being his spokesperson, it is not about breaking ethics. But skillfully advising or finding the right company to guide you through the meanderings of working with journalists?

And this is an important topic for discussion in BAR associations. Perhaps a good solution would be to clarify it in internal codes? That has been already tried in Israel - a definition clarifying what a cooperation with PR firm can consist of and what could be an acceptable and permitted form of advertising or PR for lawyers? Maybe it is high time to stop beating around the bush?

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