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SAN DIEGO COUNTY BAR OPINION OFFERS LEGAL ETHICS GUIDANCE ON MARKETING LEGAL SERVICES TO DISASTER VICTIMS

SAN DIEGO (May 14, 2018) — The San Diego County Bar Association (SDCBA) has issued a formal opinion (Opinion 2018-1) providing ethical guidance for lawyers regarding marketing legal services to mass disaster victims through targeted advertisements on social media.

Opinion 2018-1 concludes that lawyers may ethically use geographically targeted advertisements to market their services on social media sites provided that the advertisements are truthful, not misleading, and contain the information required for attorney communications by the Rules of Professional Conduct.

In examining this issue under California's Rules of Professional Conduct 1-400, the SDCBA Legal Ethics Committee determined that, although lawyers who advertise online to targeted geographic areas shortly after disasters risk upsetting individual victims, such advertisements do not violate California's Rules of Professional Conduct. That is because the communication is static, providing time for potential clients to re-read and reflect. In that respect, this form of marketing is fundamentally different than live lawyer communications in victim chat rooms, which the State Bar of California's Committee on Professional Responsibility and Conduct (COPRAC) through its formal opinion number 2004-166, concluded was impermissibly intrusive.

Attorney David Majchrzak chairs the SDCBA's Legal Ethics Committee and drafted Opinion 2018-1, which was also reviewed and approved by the SDCBA's Board of Directors.

"People respond to tragedies in different manners and at different paces. Following a disaster, some victims immediately begin looking for legal assistance, while others need more time before engaging a lawyer," Majchrzak said. "We examined this issue to provide guidance for lawyers who use targeted marketing, particularly through social media sponsored advertisements, to communicate their availability to provide legal assistance to victims. Ultimately, we wanted lawyers to understand whether focusing advertising efforts on geographic regions impacted by a mass disaster was ethically permissible."

The SDCBA is a recognized leader in legal ethics, and through its Legal Ethics Committee, issues formal opinions on ethical matters where guidance is warranted and weighs in on opinions issued by COPRAC. To review Legal Ethics Opinions 2018-1, please visit www.sdcb.org/legalethics.

The San Diego County Bar Association (SDCBA) is the region's largest law related organization and the hub of the county's legal community, headquartered in downtown San Diego. As the representative of the legal profession, the SDCBA aims to serve the county's lawyers and legal professionals and the greater San Diego community. For more information, please visit www.sdcb.org.

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