who is this guy?
isn’t he from charlotte?
Just Some Suggestions:

big CITY  SMALL town

Changing DAILY

Opportunity to Grow
Please:

- Ask Questions
- Make Suggestions
- Wealth of Experience
- HAVE FUN
Tip #1: Spark Joy: Enhance Your Tech-Spertise
SEE THE
BIG
PICTURE
Rule 1.1 Competence - Comment 8

To maintain requisite knowledge & skill, a lawyer should keep abreast of changes in the law & its practice, including the benefits & risks associated w/ technology relevant to the lawyer’s practice.
TECHethics

- duty to understand big picture
- duty to understand how things work
- duty to understand our role in big picture
- duty to understand and seek to avoid pitfalls
TECHethics

- applies to communications
- applies to datum protection
- applies to reputation management
- applies to marketing
Tip #2: Advise Your Client

2014 FEO 5 - SOCIALS – ADVISING CLIENT

Lawyer must advise civil litigation client re: legal ramifications of client’s postings on social media as necessary to represent the client competently. Lawyer may advise client to remove postings on social media if removal is done in compliance w/rules & law on preservation & spoliation of evidence.
FAMILY LAW
Perfect way to end a hard day
Tip #3: Protect Digital Datum
Rule 1.6(c): Must make reasonable efforts to prevent inadvertent/unauthorized disclosure of, or unauthorized access to, info relating to representation of a client.

2008 FEO 5 2011 FEO 6 Lawyers can use web-based data storage or other “software as a service” for law practice so long as reasonable, appropriate measures are taken to minimize the risk of inadvertent/unauthorized disclosure & to ensure client info is secure.
SUGGESTIONS

• Avoid free/public WiFi when using devices w/access to confidential info
• Use a Virtual Private Network (VPN) – monthly subscription that encrypts your online activity
Tip #4: Comment Carefully

Judge charged with DWI says independent analysis shows non-impairment

Former CEO of Blue Cross Blue Shield NC Found Guilty in DWI Case

N.C. Man Stopped for DUI Said He Hadn’t Been Drinking; Researchers Found His Body Produced Alcohol
General Rule: No public comments that have a substantial likelihood of *materially prejudicing* adjudicative proceeding in the case.

- Certain Mundane Topics Are Always Safe
- Several Additional Topics Are Fair Game in Criminal Cases
- The Self-Defense Exception

❖ The Response Exception
Tip #5: Respond to Reviews
Negative Feedback
Keep Calm
Be Polite
Be Professional
Learn & Grow
Opinion rules that a lawyer is not permitted to include confidential information in a response to a client’s negative online review but is not barred from responding in a professional and restrained manner.
Because online reviews are so important to a lawyer’s practice, online reputation management is crucial.

Therefore, it may be in the lawyer’s best interest to respond to a negative review.
The protection of client confidences is one of the most significant responsibilities imposed on a lawyer.
Rule 1.6(a)

a lawyer may not reveal information acquired during the professional relationship with a client unless

(1) the disclosure is impliedly authorized in order to carry out the representation
(2) the client gives informed consent or
(3) one of the exceptions set out in Rule 1.6(b) applies
generally prohibited from using or revealing confidential information of a former client
Responding to a negative online review is not necessary to “carry out the representation.”

Therefore, Lawyer may not reveal confidential information in response to the negative online review unless the former client consents or an exception set out in Rule 1.6(b) applies.

See 2018 FEO 1
No exception in Rule 1.6(b) allows Lawyer to reveal confidential information in response to a former client’s negative review
Rule 1.6
COMMENT

Because online criticism, standing alone, does not constitute a “criminal charge,” “civil claim,” or “proceeding,” the remaining question is whether a negative online review creates a “controversy” between the lawyer and client as to which the lawyer may disclose otherwise protected client-related information in order “to establish a claim or defense.”
ABA Standing Committee on Ethics and Professional Responsibility concludes that, “alone, a negative online review, because of its informal nature, is not a ‘controversy between the lawyer and the client’ within the meaning of Rule 1.6(b)(5), and therefore does not allow disclosure of confidential information relating to a client’s matter.” ABA Formal Op. 496 (2021)

We agree with the analyses set out in these ethics opinions
Unflattering but less formal comments on the skills of lawyers, whether in hallway chatter, a newspaper account, or a website are an inevitable incident of the practice of a public profession.”

New York State Bar Ass’n Comm. on Prof’l Ethics Op. 1032 (2014)
Part of the Practice
Expected
Get Used to It
What if they were NOT a client?

Bye.
May Lawyer respond to the post by stating that he has never represented the individual?

- Yes, maybe, SORT OF
- Unless the client is entitled to the protections set out in **RPC 1.18(a)** for prospective clients
- Prospective clients are entitled to some of the protections afforded clients
- BE CAREFUL!
Lawyer may not confirm or deny his representation of a prospective client.

Lawyer may, however, state that it is not possible for him to accept every prospective client’s case.

Lawyer may enumerate the various reasons that a prospective client’s case may be declined.
May Lawyer sue his former client for defamation and disclose confidential client information to establish the claim?

Yes. If there is a basis in law and fact for a defamation suit against the former client, the Rules of Professional Conduct do not prohibit Lawyer from filing such a suit. Lawyer may reveal information protected from disclosure by Rule 1.6(a) to the extent the lawyer reasonably believes necessary to establish the defamation claim.
HOW 'BOUT NO
Tip #6: UBU

Shine On
You
Crazy Diamond
Tip #7: Don’t Encourage Unreasonable Expectations

there is a substantial likelihood that it will lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer’s services for which there is no reasonable factual foundation
unreasonable expectations

- RPC 7.1
- false or misleading communication about lawyer or services
- unjustified expectations / results
- comparison that cannot be factually substantiated
- utilizing an objective standard
superlatives & other stuff

- BEST - INCOMPARABLE
- all cases result in HUGE recovery
- things YOU can control - what YOU write
- things you CANNOT control - avvo, google, yahoo, best lawyers - reviews
- include disclaimer language - LINK
For more information...

- Selection Process and Criterion for Inclusion, see:
  - SuperLawyers.com
  - BestLawyers.com
Tip #8: It’s OK to Participate in Self-Laudatory Organizations

2018 FORMAL ETHICS OPINION 8

ADVERTISING INCLUSION IN SELF-LAUDATORY LIST OR ORGANIZATION

Adopted: October 25, 2019

Opinion rules that a lawyer may advertise the lawyer’s inclusion in a list or membership in an organization that bestows a laudatory designation on the lawyer subject to certain conditions.

Editor’s Note: 2007 FEO 14, Advertising Inclusion in List in North Carolina Super Lawyers and Other Similar Publications, was withdrawn by the State Bar Council on October 25, 2019 upon adoption by the Council of the opinion below.

Inquiry:

Numerous companies and organizations provide lawyers with the opportunity to be included in a list or to become members of a group that describes itself with self-laudatory terms and/or bestows self-provided accolades to its members. Examples of such lists or groups are those that describe their included lawyers as “best,” “super,” and “distinction.” Lawyers then advertise their inclusion in these groups or lists to
no compensation may be paid by the lawyer to be included

may pay the reasonable costs of advertisements as a result of inclusion
the lawyer must ascertain that the organization conferring the award is a bona fide organization that made adequate and individualized inquiry into the lawyer’s qualifications for the inclusion or award
any advertisement by the lawyer of his inclusion in a self-laudatory group or list must also contain an explanation of the standards for inclusion or provide the consumer with information on how to obtain the inclusion standards
Quick Tips

- Do you pay to “belong?”
- Is it a Legit Group?
- Link to Qualification
- Maybe Ask?
- READ THE FEO
It’s also OK to have a personality
Tip #10: Am I Twittering?

I'M A GRUMPY OLD MAN!
big picture

- is Google an advertisement?
- are Socials advertisements?
- is an auto-generated Profile you?
- are you responsible?
ubiquitous /yooˈbikwɪtəs/

adjective
adjective: ubiquitous

present, appearing, or found everywhere.
"his ubiquitous influence was felt by all the family"
synonyms: omnipresent, ever-present, everywhere, all over the place, pervasive, universal, worldwide, global; More

antonyms: rare

Origin

LATIN  LATIN  MODERN LATIN

ubi  ubique  ubiquitas
where  everywhere

ENGLISH

-ous

mid 19th century: from modern Latin ubiquitous (from Latin ubique ‘everywhere,’ from ubi ‘where’) + -ous.
Search Engine Market Share Q2 2019

94%
of all searches happen on a Google property

* Data from 230B+ browser-based searches on millions of mobile and desktop devices in the United States. Search share on Google Maps, Facebook, Amazon, YouTube, Twitter, and Pinterest are likely underrepresented due to heavy mobile app use (which is not measured by Jumpshot’s browser-based panel).
98%+
Need to Knows

- What are Keywords?
- What is a Long Tail Inquiry?
- What is SERP?
- What does “Local” Mean?
- What is an LSA?
- Am I Twittering?
time to grow

- simple
- necessary
- proactive
- protect reputation
- professional id theft
claim yourself

- firm profile
- personal
- personal professional
but be careful

googles remembers
google punishes
google refuses to change
google will not forgive
there is a difference

Google
Google Local
Google Earth
Google Maps
Google Drive
and
EVERYTHING ELSE
why bother?

Google Serves 2 Purposes for Attorneys:

Reputation Marketing
Google Owns YouTube & Video Works
Here are some Basic Terms
Charlotte DWI Lawyers - Compare Top DWI Attorneys in...


Best Charlotte, NC DUI-DWI Attorneys | Super Lawyers

Results 1 - 23 of 23 - Free profiles of 23 top rated Charlotte, North Carolina dui-dwi attorneys on Super Lawyers. Browse comprehensive profiles including...

Charlotte DWI Lawyers | Randall & Stump, PLLC

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Understanding North ... · Types of North Carolina ... · Criminal DWI Penalties in ...

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Dwi Defense Attorney | Free Consultations Provided

We will work tirelessly in order to craft the strongest defense possible. You are innocent until proven guilty. Let us serve as your powerful voice in the courtroom. Aggressive defense. Personalized defense. Trusted & recommended. Results-driven.

Arrested?
You must act fast to protect your rights & future - call our firm now

Facing Criminal Charges?
You must act immediately to protect your rights & future. Call us now.
Get more leads and grow your business

Local Services ads help you connect with people who search on Google for the services you offer. Your ads will show up for customers in your service area, and you only pay if a customer calls or messages you directly through the ad.

Get started

Call to get set up by a Google specialist

Call 1-833-272-1444 to set up your ads today.
Available Mon-Fri, 6am-5pm PT. Average wait time: less than 30 seconds.

real estate agents near me

Crest Real Estate
5.0 ★★★★★
GOOGLE SCREENED
Open now • Park City

Call for sign up help

Get in touch with a Local Services expert and set up your ads today.

1-833-272-1444
Available Mon-Fri, 6am-5pm PT. Average wait time: less than 30 seconds.
ADVOCATUS CAVE
Local Service Ads - LSA

- NC State Bar
- May Attorney?
- “NO”
- Proposed 2021 FEO 5
Proposed 2021 Formal Ethics Opinion 5  
Lawyer Participating in Pay-Per-Lead Advertising Program  
July 15, 2021

Proposed opinion rules that lawyer may not participate in pay-per-lead advertising program that records communications between lawyer and client.

A search engine company ("company") offers service providers pay-per-lead local service advertisements (LSAs) designed to connect consumers to service providers in their immediate area.¹ For example, a search with the key word phrase "family lawyer near me" would trigger the display of LSAs from family lawyers close to the consumer’s geographic location. LSAs appear above all other paid advertisements and only three LSAs are displayed at a time. When there are more firms with relevant LSAs than there are spots to display them, the company rotates the displayed advertisements based on a rankings algorithm that considers factors such as proximity to the consumer, business operating hours, online reputation, and responsiveness to customer inquiries. In order to participate in the LSA program, service providers must complete a screening and verification process. For lawyers, the process includes a background check, license check and insurance verification. LSAs appear at the top of a relevant search results page under the heading “Company Screened” with a green checkmark. LSAs generally display the lawyer’s name, photograph, search engine rating, years of experience, hours of operation and a “call button.”
Tip #12: Consider Your Communications with Judges
Rules of Professional Conduct

Rule 3.5(a)

2019 PROPOSED FORMAL ETHICS OPINION 4
Proposed 2019 Formal Ethics Opinion 4
Communications with Judicial Officials
October 22, 2020

Proposed opinion discusses the permissibility of various types of communications between lawyers and judges.

In connection with the adoption by the council of the opinion below on ______, the following prior ethics opinions were withdrawn: RPC 237, 97 FEO 3, 97 FEO 5, 98 FEO 12, 98 FEO 13, 2001 FEO 15, 2003 FEO 17.

Lawyers communicate with judges on a daily basis. Communicating with members of the judiciary is required for the effective representation of clients and the administration of justice. These communications range from formal pleadings and arguments during public proceedings to informal communications about scheduling dilemmas.

Over the years, the Ethics Committee has issued a number of opinions interpreting and applying the Rules of Professional Conduct to various lawyer-judge communications. See RPC 237, 97 FEO 3, 97 FEO 5, 98 FEO 12, 98 FEO 13, 2001 FEO 15, 2003 FEO 17. However, these opinions—spanning 30 years—were based upon different iterations of the Rules of Professional Conduct. This opinion addresses and clarifies a lawyer’s responsibilities under the current Rules of Professional Conduct in communicating with a member of the judiciary while acting in a representative capacity. As a result, upon adoption of the present opinion, the State Bar Council withdrew the aforementioned opinions.

In general, to ensure fair access to the courts and to avoid the appearance of impropriety, a lawyer is
Tip #13: Set Policies and Train Your Staff
Rule 5.1
Rule 5.3

- Managing/supervising lawyers must make “reasonable efforts” to ensure firm has in effect “measures giving reasonable assurance” that subordinate lawyers & nonlawyer-staff's conduct is compatible with the Rules of Professional Conduct;

- Lawyer w/direct supervisory authority over other lawyers or nonlawyer staff must make reasonable efforts to ensure that supervisee’s conduct is compatible w/ professional obligations of the lawyer.
Tip #14 – Put Down the Dang Cell
Look Around
review security protocols
DELETE OLD CODES
The end.