

## **GUIDELINE 19: MARKETING OF LEGAL SERVICES**

### **General**

#### **Rule References:**

**Rule 8.02**

**Rule 8.03**

1. In presenting and promoting a paralegal practice, a paralegal must comply with the *Rules* regarding the marketing of legal services.
2. Rule 8.02(1) describes the paralegal's obligation to make legal services available and the manner in which he or she must do so. A paralegal has a general right to decline a particular representation (except when assigned as representative by a tribunal), but it is a right that should be exercised prudently, particularly if the probable result would be to make it difficult for a person to obtain legal advice or representation. Generally, the paralegal should not exercise the right merely because a person seeking legal services or that person's cause is unpopular or notorious, or because powerful interests or allegations of misconduct or malfeasance are involved, or because of the paralegal's private opinion about the guilt of the accused. A paralegal declining representation should assist in obtaining the services of a lawyer or another licensed paralegal qualified in the particular field and able to act.
3. Rules 8.02 and 8.03 impose certain restrictions and obligations on a paralegal who wishes to market and/or advertise his or her legal services. The *Rules* help to ensure that a paralegal does not mislead clients or the public while still permitting the paralegal to differentiate himself or herself and his or her services from those of lawyers or other paralegals. A paralegal should ensure that his or her marketing and advertising does not suggest that the paralegal is a lawyer and should take steps to correct any misapprehension on the part of a client or prospective client in that respect.
4. Examples of marketing practices that may contravene Rule 8.03(1) include:
  - Stating an amount of money that the paralegal has recovered for a client or refer to the paralegal's degree of success in past cases, unless such statement is accompanied by a further statement that past results are not necessarily indicative of future results and that the amount recovered and other litigation outcomes will vary according to the facts in individual cases.
  - Suggesting qualitative superiority to lawyers or other paralegals
  - Raising expectations unjustifiably
  - Suggesting or implying the paralegal is aggressive
  - Disparaging or demeaning other persons, groups, organizations or institutions
  - Taking advantage of a vulnerable person or group
  - Using testimonials or endorsements which contain emotional appeals.