

2011

MEMBER MARKETING KIT

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2011

MEMBER MARKETING OPPORTUNITIES

The State Bar of Arizona offers several effective advertising channels for members who would like to reach other members. Our program is especially effective for lawyers who rely on referrals from other lawyers.

ARIZONA ATTORNEY MAGAZINE

This magazine is the official journal for the State Bar of Arizona. With a circulation of 19,000+, ARIZONA ATTORNEY reaches every licensed attorney in the state 11 times a year. Members can purchase display advertising at greatly reduced rates. Our ad rates include full color at no additional cost. Display ads can announce moves, personnel changes, anniversaries, awards and other important events. ARIZONA ATTORNEY also has proven to be an effective means to solicit referrals from other lawyers. Ask about our production services if you need help designing your ad. For a fee, we can help your ad look more professional. Our classified ads are an additional resource for advertising office space, job openings, and homes and autos for sale.

STATE BAR OF ARIZONA MEMBERSHIP DIRECTORY

A great way to seek referrals from other attorneys is to advertise in the publication that our members rate as one of the most popular benefits we provide to them. A typical member refers to the directory 1-3 times weekly, as it contains the contact information for every attorney plus many of the courts and agencies that our members deal with regularly. There is also a special section set aside for Certified Legal Specialists ads. This annual publication is mailed to members in late September/early October. Advertising goes on sale in April.

ARIZONA ATTORNEY MEMBER-TO-MEMBER REFERRAL GUIDE

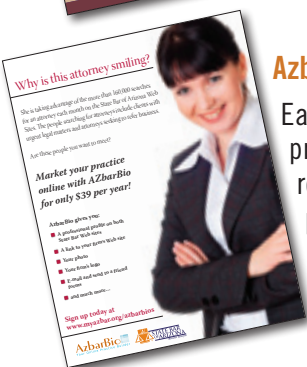
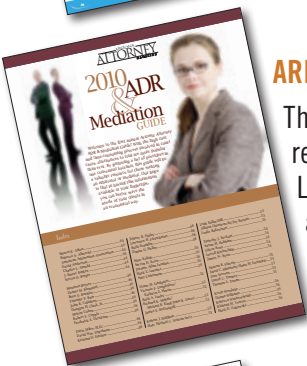
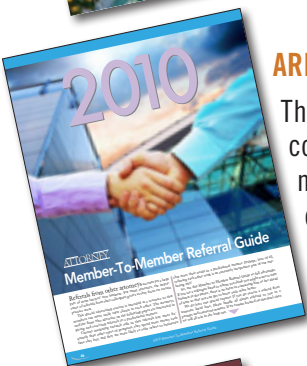
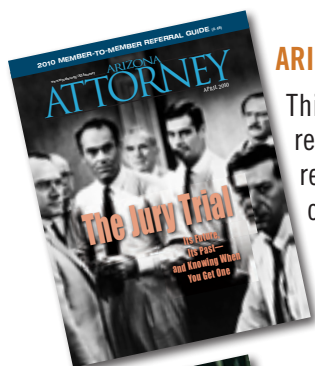
This is a special advertising section in the April issue of the magazine. The Member-to-Member Referral Guide is a cost-effective resource in which Arizona attorneys can announce that they are interested in giving and receiving more referrals. Listings are organized by practice area and can be purchased for \$175 each. Display ads are also offered at our special discounted member rates. Display advertisers will receive 1-3 listings at no additional charge, depending on the size of the ad purchased. Advertising space goes on sale in November.

ARIZONA ATTORNEY ADR & MEDIATION GUIDE

This is a special advertising section in the November issue of the magazine. The ADR & Mediation Guide is a resource in which arbitrators & mediators can promote their alternative dispute resolution/mediation services. Listings are only \$175 each. Display ads are also offered at the same discounted rates members receive for regular advertising. Advertisers will receive a free listing with the purchase of any display ad. Advertising space goes on sale in June.

AzbarBio

Each month there are about 160,000 searches for an attorney on the State Bar's websites. AzbarBio is an online professional practice builder that allows you to market your services and tell your story to potential clients and referring lawyers. This service is available at a rate of \$39/year. Some features offered by AzbarBio include a professional profile, a link to your firm's website, your photo, your firm's logo, a "Contact Me" form so people can e-mail you directly, and individualized icons that immediately tell potential clients whether you offer free initial consultations, accept walk-ins, etc. Visit www.myazbar.org/AzbarBios to sign up.



2011

Rates / Deadlines / Requirements

RATES

FOR LAWYERS ONLY ADS (all rates include free color)

SIZE (in inches)	WIDTH	HEIGHT	COST
large (full page ad)	7.25	9.75	\$1595
medium (1/2 horizontal)	7.25	4.75	\$945
small (1/3 square)	4.75	4.75	\$675
Magazine Trim	8.375	10.875	

DEADLINES

MONTH	SPACE	MATERIALS
january	10/26/10	11/16/10
february	12/01/10	12/14/10
march	12/29/10	01/13/11
april	01/25/11	02/09/11
may	02/25/11	03/15/11
june	03/29/11	04/12/11
july/august	05/24/11	06/14/11
september	06/28/11	07/12/11
october	07/27/11	08/12/11
november	08/30/11	09/14/11
december	09/28/11	10/14/11

REQUIREMENTS

Printing Method

Web Offset / Computer-to-Plate

Advertising Rates

Rates are for space cost only and are based upon receipt of finished artwork. All rates are Net. *For Lawyers Only* rates are for law firm advertising by members only.

Required Materials

High-resolution digital files are preferred. **Film or camera-ready artwork is not acceptable.**

If you are working in MS Word or WordPerfect, please set your paper size to the specifications listed to the left. If you do this before creating your ad, it will help you to see how much text can fit into the ad size you have chosen. Please e-mail your completed file, and also send any images or logos, in a separate e-mail (not placed in a document).

Accepted Digital File Formats

Mac Applications:

QuarkXpress 7; InDesign CS3; Illustrator CS3; Photoshop CS3

Windows Applications:

QuarkXpress 4.1; InDesign 2.0; Illustrator 10.0; Photoshop 7.0

Image Requirements

Minimum resolution for print materials is 300 dpi. Images from the Internet will not print clearly in the magazine.

Production assistance is available to advertisers for the preparation of their materials. If production work is required, all production work will be billed at the rate of \$95/hour with a minimum charge of \$95. Content and materials for pub-set ads are due 45 days prior to cover date.

*Advertisers are solely responsible for the content of their advertisements.
The State Bar of Arizona reserves the right to edit or reject any advertising copy for any reason.*

CONTACT

Kate Cortez | Advertising Sales Coordinator

Mailing Address

Advertising Sales | 4201 N. 24th Street, Suite 200, Phoenix, AZ 85016
Phone 602.340.7306 | **Fax** 602.416.7506 | **E-mail** kate.cortez@staff.azbar.org

Submit Ads to:

E-mail ads@staff.azbar.org

Mailing Address 4201 N. 24th Street, Suite 200, Phoenix, AZ 85016-6288

HOW TO PLACE A CLASSIFIED AD IN ARIZONA ATTORNEY

ONLINE

Fill out the online form at www.myazbar.org/AZAttorney/classifieds.cfm. The form is secure and will quickly process your credit card payment.

FAX

Complete this form. Attach the text of your ad. Fax the completed form to ARIZONA ATTORNEY Classifieds at **(602) 416-7506**. We will send you a preview of your classified along with the cost for your approval. Please pay close attention to the deadline dates for ad placement.

For your convenience, classified ads placed in ARIZONA ATTORNEY are posted online approximately 4 weeks ahead of the print version.

Please Check ALL issues (months) you would like this ad to run: (*due dates are in orange*) _____

- | | | | | | |
|-----------------------------------|----------|--------------------------------------|----------|-----------------------------------|----------|
| <input type="checkbox"/> January | 11/05/10 | <input type="checkbox"/> May | 03/04/11 | <input type="checkbox"/> October | 08/05/11 |
| <input type="checkbox"/> February | 12/07/10 | <input type="checkbox"/> June | 04/05/11 | <input type="checkbox"/> November | 09/07/11 |
| <input type="checkbox"/> March | 01/05/11 | <input type="checkbox"/> July/August | 06/03/11 | <input type="checkbox"/> December | 10/05/11 |
| <input type="checkbox"/> April | 02/01/11 | <input type="checkbox"/> September | 07/06/11 | | |

Select ONE category: _____

- | | | |
|---|---|--|
| <input type="checkbox"/> Automobiles for Sale | <input type="checkbox"/> Interpreters/Translators | <input type="checkbox"/> Office Space |
| <input type="checkbox"/> Books | <input type="checkbox"/> Lawyer Lifestyle | <input type="checkbox"/> Positions Available |
| <input type="checkbox"/> CLE Opportunities | <input type="checkbox"/> Legal Research | <input type="checkbox"/> Positions Wanted |
| <input type="checkbox"/> Expert Witnesses | <input type="checkbox"/> Miscellaneous | <input type="checkbox"/> Practice For Sale |
| <input type="checkbox"/> Homes For Sale | <input type="checkbox"/> Office Furniture | <input type="checkbox"/> Services |

ATTACH YOUR AD ON A SEPARATE SHEET OF PAPER

Date _____

Name _____ Phone _____

Company _____ Fax _____

Address _____ E-mail _____

_____ AZ State Bar No. (if applicable) _____

City _____ State _____ Zip _____ I prefer to pay by: Credit Card Check

RATES

State Bar of Arizona members: \$2.95 per word

Non-members: \$3.50 per word, **Minimum charge: \$20**

Blind box ads: additional \$35 (Identity of box-holders will not be disclosed.)

PAYMENT

All classifieds must be **PREPAID**. The preferred method of payment is credit card. We will accept checks, but payment must be **RECEIVED** at the address at right within 1 week of the deadline date listed above or ad will not be placed in that month's issue.

CONTACT

Kate Cortez | Advertising Sales Coordinator

Phone 602.340.7306 | Fax 602.416.7506

E-mail kate.cortez@staff.azbar.org

Mailing Address 4201 N. 24th Street, Suite 200, Phoenix, AZ 85016

ETHICS TIPS FOR ATTORNEY MARKETING

Q: What may I put in my advertisements?

A: The most popular specific questions are addressed below. As a general matter, however, you must – first and foremost – keep in mind the edict of Ethical Rule (ER) 7.1: “A lawyer shall not make or knowingly permit to be made on the lawyer’s behalf a false or misleading communication about the lawyer or the lawyer’s services. A communication is false or misleading if it contains a material misrepresentation of fact or law, or omits a fact necessary to make the statement considered as a whole not materially misleading.”

Q: What contact information must I include in my advertisement?

A: ER 7.2(c) requires that advertisements include the name and office address of at least one lawyer or law firm responsible for the content.

Q: When may I refer to myself as a legal specialist in my advertisement?

A: Under ER 7.4, a lawyer can’t state or imply that he or she is a specialist in a particular area unless the lawyer is certified by the Arizona Board of Legal Specialization or by a national entity. The national entity must have “standards for certification substantially the same as those established by the board.” The board must have recognized the entity before you identify yourself as a specialist certified by that national entity. You can identify yourself as a patent attorney if you’re admitted to practice before the U.S. Patent and Trademark Office, and you can identify yourself as practicing admiralty law if indeed you do so.

One lawyer specialist does not mean the whole firm is special. If only one lawyer in your firm is a certified specialist, you can’t advertise your *firm* as “specializing” in an area. A firm cannot make blanket statements about specialization without designating which specific members are certified. Ariz. Ethics Op. 00-01.

If you’re not a certified specialist, be careful about using words such as “expert” or those with the “special” root. You can indicate that you limit, restrict or focus your practice to certain fields, but you can’t use derivatives of the word “special,” such as “specializing,” or “special emphasis.” Ariz. Ethics Ops. 87-11, 00-01. You can’t advertise that you *specialize* in estates and trusts when in fact you’re not a certified estate and trust specialist. Advertising that you are an “expert” in something is tantamount to saying that you are a specialist.

Q: What are the State Bar’s certified specialties?

A: Bankruptcy, criminal, estate and trust, family, personal injury and wrongful death, real estate, tax and worker’s compensation.

You can’t advertise yourself as “specializing” in commercial law and litigation or some other area for which the State Bar does not have a certified specialty. Such phrases imply that you are a designated specialist when there is not, in fact, any such designation. Ariz. Ethics Op. 87-11.

Q: Which national entities does the Arizona Board of Legal Specialization recognize?

A: The Board recognizes the National Board of Trial Advocacy and the American Board of Certification.

Q: May I advertise my Martindale-Hubbell rating?

A: You can advertise your Martindale-Hubbell rating. Generally, an unsubstantiated comparison of a lawyer’s services or fees with other lawyers’ services or fees may be misleading, unless you attach an appropriate disclaimer. ER 7.1 comment 3. However, the Eleventh Circuit Court of Appeals has ruled that a lawyer’s statement in advertising that he was “AV-rated, the Highest Rating” by Martindale-Hubbell was not misleading, and did not require a disclaimer advising readers that the directory’s ratings are based on subjective criteria from confidential sources. *Mason v. Florida Bar*, 208 F.3d 952 (11th Cir. 2000).

Q: May I advertise that I’m included in *The Best Lawyers in America*?

A: It’s generally OK to advertise that you’re included in that publication, because even if it is construed as a comparison (see ER 7.1, comment 3), the subjective basis for the implied comparison can be verified. Ariz. Ethics Op. 05-03. You must identify the specific year for the listing in the publication as well as the area of law for which you are listed. *Id.*

Q: What about other rating publications?

A: Ethics Op. 05-03 was limited to *The Best Lawyers in America*. As the Committee on the Rules of Professional Conduct explained, “Without knowing the identity of the publication, this Committee cannot conclude whether the publication’s criteria enable a reasonable consumer to draw appropriate inferences and, thus, to determine whether a listing in such publication is misleading.” As a result, whether you can advertise that you are included in other publications depends on those publications’ criteria.

Q: Is it OK to advertise that I am – or another lawyer in my firm is – a retired judge?

A: Ariz. Ethics Op. 87-1 concluded that identifying oneself on letterhead as “judge of the Superior Court, retired” is permissible.

Q: May I advertise that I am *currently* a judge pro tem?

A: Ariz. Ethics Op. 94-01 indicated that an attorney could advertise being a judge pro tem, although doing so, without more description, could be misleading, depending on the lawyer’s amount of service and experience in that capacity. However, nearly a decade later, Ariz. Judicial Ethics Advisory Op. 03-06 concluded that under the Code of Judicial Conduct it is *not* appropriate for attorneys who *currently* serve as judges pro tem to list their judicial titles on legal stationery and in advertising soliciting business. Lawyers who serve as pro tems will have to take into account both sets of rules and both advisory opinions when deciding whether to advertise current service as a pro tem.

Q: May I advertise that I *formerly* served as a judge pro tem?

A: Judicial Ethics Op. 03-06 concluded by noting that lawyers who serve or *have served* as judges pro tem are also governed by the lawyer ethical rules. Judicial Ethics Op. 03-06 appears to prohibit advertising *current* service as a pro tem. As a result, *former* service would appear to fall under the lawyer ethical rules, so that Ethics Op. 94-01 would apply. As noted above, under Ethics Op. 94-01, depending on your length of service, you may need to qualify your statement that you formerly served as a judge pro tem with more specifics, such as the years of service. The opinion gave no bright-line test for when you need to add that clarification.

Q: May I advertise that I will pay referral fees?

A: You can’t pay a referral fee to another lawyer, so you can’t advertise that you will pay referral fees. Arizona forbids lawyers giving “anything of value to a person for recommending the lawyer’s services...” ER 7.2(b). Exceptions are paying the reasonable costs of permitted advertising or communications; paying the “usual charges” for a legal service plan or for a not-for-profit or qualified lawyer referral service; and paying to purchase a law practice. ER 7.2(b)(1), (2), (3). You can’t escape the prohibition against paying referral fees simply by using a euphemism for the practice. The touchstone is whether you are giving anything of value to another person for recommending your services, no matter what you call it.

Q: What if I’m advertising for a co-counsel? My anticipated co-counsel and I would split the attorney’s fees. Am I advertising that I will pay a referral fee?

A: If you are dividing attorney’s fees with another attorney in compliance with ER 1.5(e), then you’re not paying a referral fee. ER 1.5(e) requires, among other things, that you assume joint representation for the representation. That means, at the very least, that you accept vicarious liability for any malpractice that occurs in the representation. Ariz. Ethics Op. 04-02.

Q: May I use a slogan in my advertisement?

A: Yes, as long as it is not false or misleading. ER 7.1; Ariz. Ethics Op. 89-07 (finding no ethical problem with slogan “We take the pain out of accidents”). Remember that Arizona does not permit lawyers in private practice to use trade names. ER 7.5(a).

Prepared by Patricia A. Sallen, State Bar ethics counsel. This list of marketing tips was based on the Arizona ethics rules and opinions in effect as of October 1, 2010. The State Bar’s ethics advice is advisory in nature only and is not binding in any disciplinary or other legal proceeding. Additional questions? Call the State Bar’s ethics hotline at 602-340-7284.