

# The Plaintiffs' Bar Goes Digital

## An Analysis of the Digital Marketing Efforts of Plaintiffs' Attorneys & Litigation Firms

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Prepared for the **Institute for Legal Reform**  
By **New Media Strategies**

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## Introduction

The U.S. tort system cost \$264.6 billion in 2010,<sup>1</sup> fueled in part by the plaintiffs' bar's constant pursuit of new clients and cases. Like any big business, the plaintiffs' bar is committed to clever marketing, and thus it is still positioning itself as working to ensure that anyone "can get justice in the courtroom, even when taking on the most powerful interests"<sup>2</sup>. The 21st century twist on this marketing is the aggressive use of digital media.

The plaintiffs' bar contributes to the commercialization of the legal profession by using a sophisticated and complex combination of paid search advertising and high organic search optimization of websites to generate site traffic – all with the goal of collecting the personal contact information of potential plaintiffs.

**Plaintiffs' firms are devoting millions of dollars to the creation and maintenance of websites, Facebook pages, Twitter handles, blogs and YouTube channels. By measuring Google advertising spends on 125 keywords during a 45-day period and then extrapolating to a 12-month period, we estimate firms will spend more than \$50 million on Google keyword advertising alone. To put that in perspective, the Obama for America campaign – often held up as a pioneer in digital advertising – spent \$16 million total in online advertising in 2008.**<sup>3</sup>

When combined with the growing popularity of social media, the industry may be on the cusp of a new era of expansion. Social media offers new opportunities and innovative trial attorneys are taking advantage of the new tactics with varying levels of transparency, including marketing efforts disguised as non-legal websites. Additionally, some firms have been criticized by the Wikipedia community for attempting to incorporate content from law firm sponsored websites.

The failure to clearly disclose management of sponsored social media profiles and websites deserves a closer look. While legal-specific advertising guidelines were not reviewed for this report (because they vary from state to state), generally accepted on-line marketing guidelines such as standards set by the Word of Mouth Marketing Association (WOMMA) and the Federal Trade Commission (FTC) require that advertising not be deceptive. The FTC, for example, requires that "All businesses have a legal responsibility to ensure that their advertising is truthful and not deceptive," regardless of whether an ad appears on the Internet or on the side of a bus.<sup>4</sup> While we don't believe any of the firms named in this report are members of WOMMA, their standards are considered best practices on the Internet. WOMMA requires members to "comply with the requirements of applicable laws, regulations, and rules concerning the prevention of unfair, deceptive or misleading advertising and marketing practices."<sup>5</sup>

For the litigation industry, the Internet, complemented by social media, represents a potent marketing tool – serving up opportunities to monitor and recruit plaintiffs on the very social media platforms where people share the most personal and intimate details of their lives.

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<sup>1</sup> "2011 Update on U.S. Tort Cost Trends." *Towers Watson*. Web. Feb. 2012. <<http://www.towerswatson.com/research/6282>>.

<sup>2</sup> "AAJ: Fighting for Justice." *The American Association for Justice | Justice*. The American Association for Justice. Web. Oct. 2011. <<http://www.justice.org/cps/rde/xchg/justice/hs.xsl/16.htm>>.

<sup>3</sup> Kaye, Kate. "Google Grabbed Most of Obama's \$16 Million in 2008" *ClickZ | Marketing News & Expert Advice*. 6 Jan. 2009. Web. Nov. 2011. <<http://www.clickz.com/clickz/news/1703163/google-grabbed-most-obamas-usd16-million-2008>>.

<sup>4</sup> "Advertising and Marketing on the Internet: Rules of the Road." *BCP Business Center*. Bureau of Consumer Protection, Dec. 2000. Web. Oct. 2011. <<http://business.ftc.gov/documents/bus28-advertising-and-marketing-internet-rules-road>>.

<sup>5</sup> "Ethics." *WOMMA: The Leading Voice for Ethical and Effective Word of Mouth and Social Media Marketing*. Word of Mouth Marketing Association, 21 Sept. 2009. Web. Oct. 2011. <<http://womma.org/ethics/code/>>.

## Google Keyword Advertising

### *Trial attorneys devoting at least \$52.6 million annually to keyword advertising*

Many marketing-savvy trial attorneys and plaintiffs' firms have made Google keyword advertising the centerpiece of their Internet campaigns. Google describes this type of advertising as:

[A]dvertisers select a set of keywords related to the product or service they wish to advertise. The ads are then displayed in relevant places based on those keywords. For example, Google matches advertiser-selected keywords to user search terms on Google.com in order to show relevant ads.<sup>6</sup>

Search engine marketing operates on a bid-auction basis using a Pay-Per-Click (PPC) cost structure.<sup>7</sup> When an individual searches for information on a word or phrase that have been purchased by the law firm, the ad will appear next to the search results, but the firm is only charged when the user actually clicks on the ad.

Trial lawyers dedicate tens of thousands of dollars daily for the opportunity to target users searching the Internet to learn more on a specific topic. While it is difficult to quantify how clicks on advertisements translate into cases, fierce competition for terms such as "asbestos" and "mesothelioma"<sup>8</sup> demonstrates the value trial lawyers place on controlling messaging related to these two terms. (*Figure 1.*)

For this analysis, a universe of 125 terms (listed on page 38) were identified as being of interest to trial attorneys. After removing all non-legal advertisers on those terms, we were able analyze and estimate the aggregate spends by individual firms to secure placements on advertising positions one through nine in Google search results.



Figure 1, Word Cloud created 9/20/2011 representing volume of online discussion of 125 identified key terms.

<sup>6</sup> "Keyword Advertising." *Adwords*. Google, 20 Mar. 2011. Web. Oct. 2011.

<<http://adwords.google.com/support/aw/bin/answer.py?hl=en&answer=10949&from=18259&rd=1>>.

<sup>7</sup> "How Search Engine Marketing Works." *Adwords*. Google, 2011. Web. Oct. 2011.

<<http://adwords.google.com/support/select/professionals/bin/static.py?&hl=en&topic=23613&guide=23611&page=guide.cs&answer=151863>>.

<sup>8</sup> A type of cancer allegedly linked to exposure to asbestos

By tracking ad spends on the 125 key terms for a 45-day period, from August 15, 2011 through September 30, 2011, we estimated spending for a 12-month period and found that trial attorneys are devoting a minimum of \$52.6 million annually on keyword advertising. This data collection represents the most comprehensive analysis to date of online advertising spends by trial attorneys, but is limited to Google keyword spending. Other digital advertising strategies – including Facebook, YouTube and banner advertisements – have also been embraced by the litigation industry. Because keyword search is the most easily tracked and measurable form of online advertising, our calculation focuses only on search engine marketing through Google AdWords.

As noted earlier, \$52.6 million is more than triple the amount of spending made by the Obama for America campaign in 2008.<sup>9</sup> It is also considerably more than Apple spent (estimated \$20.75 million) on keyword advertising for the iPhone and iPad, and more than Ford spent (estimated \$2.04 million) on such advertising for the Ford Mustang.<sup>10</sup> (Figure 2.)

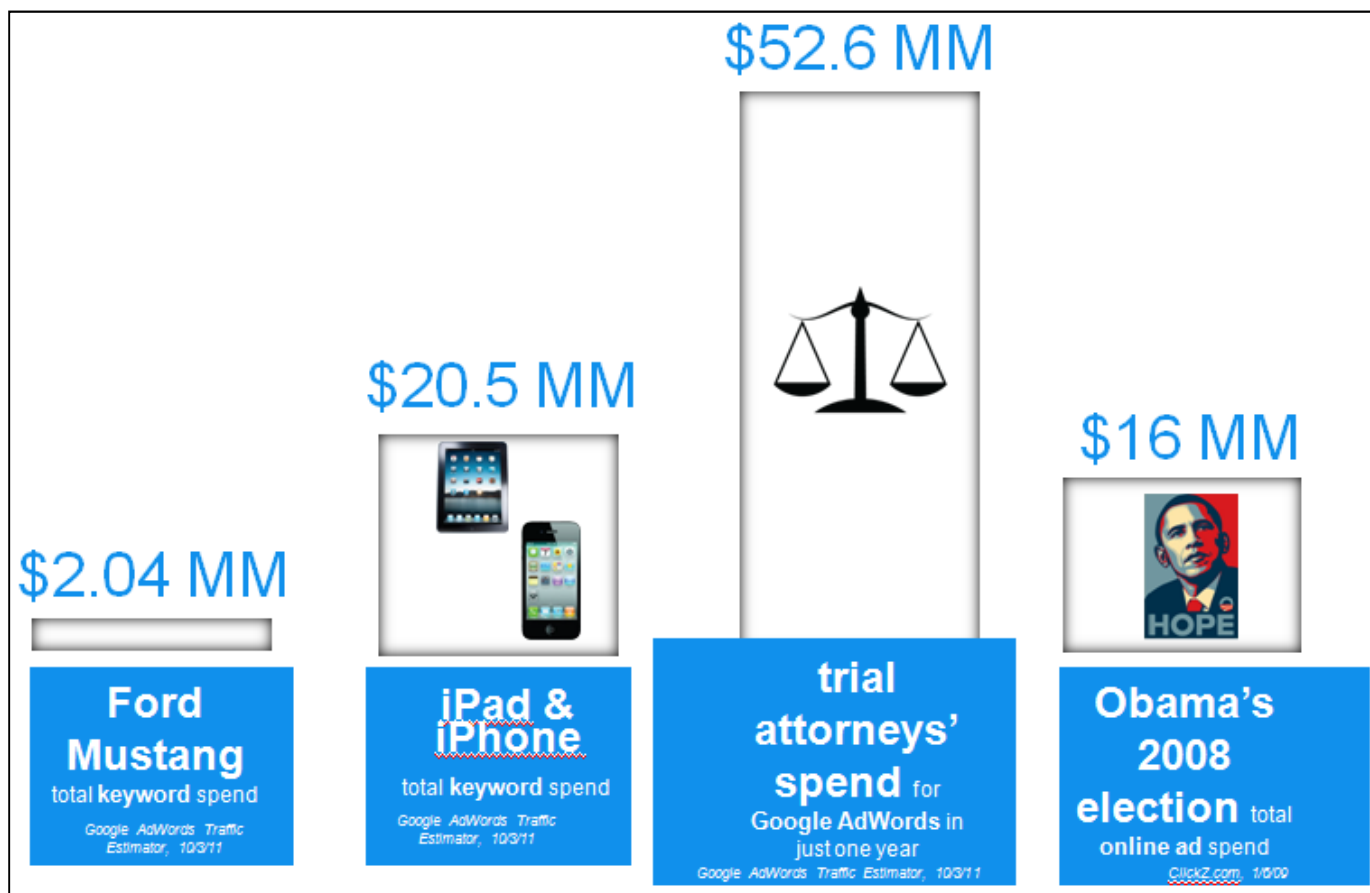


Figure 2, Estimated Google ad spends, Created 10/3/11

<sup>9</sup> Kaye, Kate. "Google Grabbed Most of Obama's \$16 Million in 2008" *ClickZ | Marketing News & Expert Advice*. 6 Jan. 2009. Web. Nov. 2011. <<http://www.clickz.com/clickz/news/1703163/google-grabbed-most-obamas-usd16-million-2008>>.

<sup>10</sup> "Advertise Your Business on Google." *Google AdWords*. Google, 2011. Web. Oct. 2011. <[https://accounts.google.com/ServiceLogin?service=adwords&hl=en\\_US&ltmpl=adwords&passive=false&ifr=false&alwf=true&continue=https://adwords.google.com/um/gaiaauth?apt%3DNone%26dst%3D/o/Targeting/Explorer?\\_\\_c%253D4516147550%2526\\_\\_u%253D7695200180%2526\\_\\_o%253Dcues%2526ideaRequestType%253DKEYWORD\\_STATS&error=newacct&sacu=1](https://accounts.google.com/ServiceLogin?service=adwords&hl=en_US&ltmpl=adwords&passive=false&ifr=false&alwf=true&continue=https://adwords.google.com/um/gaiaauth?apt%3DNone%26dst%3D/o/Targeting/Explorer?__c%253D4516147550%2526__u%253D7695200180%2526__o%253Dcues%2526ideaRequestType%253DKEYWORD_STATS&error=newacct&sacu=1)>.

**More than 25 trial attorney firms are each estimated to be spending more than \$100,000 annually in Google keyword advertising.** (Figure 3.) As with all advertising estimates in this analysis, this estimated spend includes only Google keyword advertising purchased on 125 key terms. Note that firms are also advertising on additional search engines and social channels, making this a conservative estimate. In total, 800 individual firms were actively purchasing keyword advertising on the 125 key terms during the time frame analyzed.

Trial Attorney Firms	Estimated Annual Spend
Danziger & De Llano	\$16,638,376.82
Sokolove Law	\$6,350,620.38
The Lanier Law Firm	\$4,986,103.46
Shrader & Associates, LLP	\$2,756,457.08
Belluck & Fox	\$2,606,069.70
Simmons Law Firm	\$2,447,034.46
Kazan, PLC	\$1,565,077.80
James F. Early, LLC	\$772,313.10
William Wagner, LLC	\$743,526.94
Roger G. Worthington, P.C.	\$502,824.14
Goldberg, Persky & White, P.C.	\$400,553.14
Binder & Binder	\$287,629.68
Pinta & Mullins Law Firm	\$283,790.52
Phillips & Cohen, LLP	\$278,481.32
Clapper & Patti	\$272,935.52
Levines & Simes, LLP	\$253,541.08
Ashcraft & Gerel, LLP	\$211,672.76
Rottenstein Law Group, LLP	\$211,310.84
Shein Law Center, LTD	\$206,826.62
Brayton & Purcell, LLP	\$202,452.90
The PH Law Firm	\$198,255.20
James & Hoyer	\$195,041.08
Mundy & Singley, LLP	\$160,510.22
Kline & Specter	\$143,661.18
Peterson & Associates, PC	\$118,587.04
Bergman, Draper & Frockt	\$117,226.98

Figure 3, Information pulled from Google AdWords, October 7, 2011

The Cost-Per-Click bid that advertisers are willing to pay reflects where they hope their advertisement will rank alongside organic search results. Advertisers with the most to potentially gain from ad visibility are willing to set extremely high CPC bids. **Trial attorneys spend as much as \$80 per click on mesothelioma-related search terms, far exceeding industry averages for search terms related to insurance, mortgages and software – terms ranked as most expensive by Google AdWords.** (Figure 4.)

Insurance, utility and mortgage-related terms are among Google’s most expensive keyword terms, all of which pale in comparison to the CPC bids on mesothelioma-related words.<sup>11</sup>

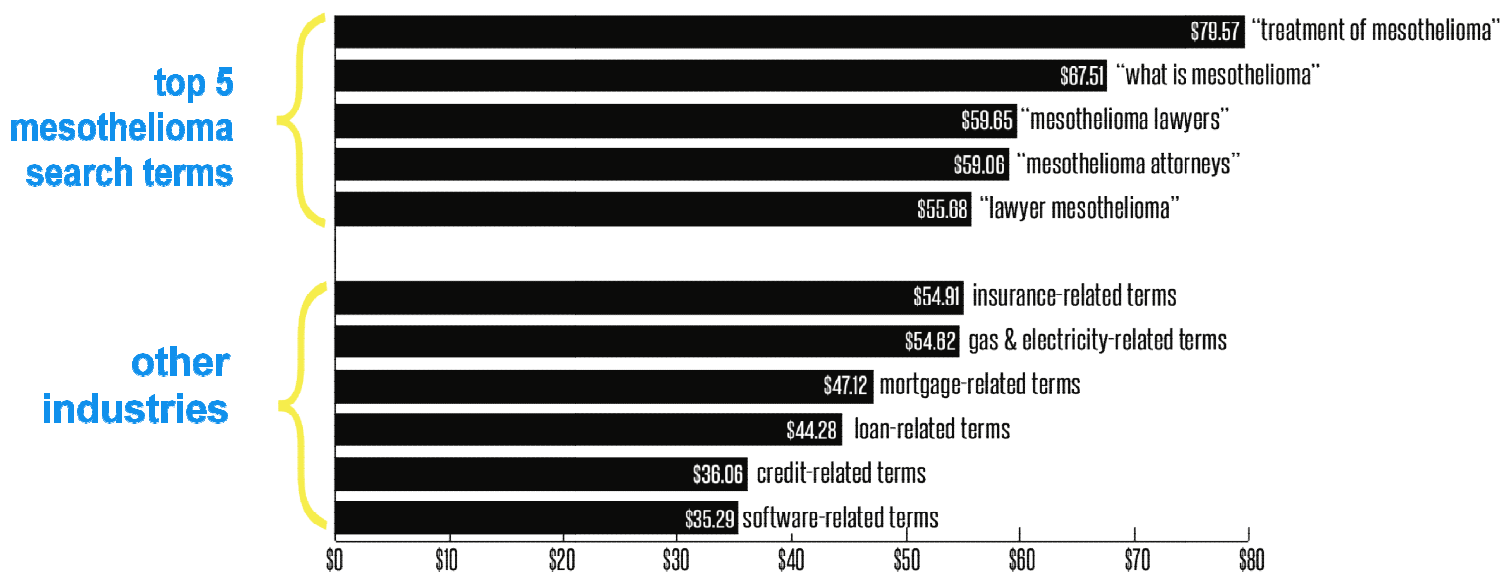


Figure 4, WordStream<sup>12</sup> and Google AdWords, October 6, 2011

<sup>11</sup> "The Top 20 Most Expensive Keywords in Google AdWords Advertising." *WordStream*. 2011. Web. Oct. 2011. <<http://www.wordstream.com/articles/most-expensive-keywords>>.

<sup>12</sup> "The Top 20 Most Expensive Keywords in Google AdWords Advertising." *WordStream*. 2011. Web. Oct. 2011. <<http://www.wordstream.com/articles/most-expensive-keywords>>.

Some firms are also **capitalizing on new whistleblower laws and spending an estimated \$1.37 million** in keyword advertising on related terms. *Figure 5* details the top 25 spenders on terms related to False Claims Act, qui tam, whistleblower and securities fraud terms.

Advertiser	Keyword	Estimated Annual Spend
ashcraftandgerel.com	False Claims Act	\$162,868.16
phillipsandcohen.com	Whistleblower	\$138,858.72
jameshoyer.com	Whistleblower	\$112,650.72
governmentfraud.us	Whistleblower	\$87,063.08
phillipsandcohen.com	False Claims Act	\$71,606.08
kmblegal.com	Whistleblower	\$60,235.24
whistleblower-claims.com	Whistleblower	\$55,172.52
jameshoyer.com	False Claims Act	\$53,036.88
getnicklaw.com	False Claims Act	\$50,083.80
zzalaw.com	Whistleblower	\$48,139.52
labaton.com	Whistleblower	\$44,226.00
fraudfighters.net	Whistleblower	\$43,860.44
secwhistleblowerclaimscenter.com	Whistleblower	\$40,014.00
whistlebloweragainstfraud.com	Whistleblower	\$30,839.64
klinespector.com	Qui tam	\$30,501.12
phillipsandcohen.com	Qui tam	\$29,332.68
cohenmohr.com	False Claims Act	\$27,062.88

*Figure 5, Information pulled from Google AdWords, October 6, 2011*



To further build their online presence, the litigation industry also uses lead generator websites, such as 1800LAWFIRM.com, that often bear no visible branding by a law firm. **An estimated \$4.7 million is spent annually driving Internet users to these websites.** Figure 6 details the 25 sites by estimated annual spend.

Feeder Site	Estimated Annual Spend
mesothelioma-asbestos-law-firm.com	\$1,031,504.50
mesothelium.com	\$876,043.22
mesothelioma-asbestos-help.com	\$704,641.08
apply.ssdissabilityapplication.com	\$316,034.16
socialsecurity-disability.org	\$270,690.16
socialsecuritydisability.ws	\$160,720.04
1800lawfirm.com	\$147,748.90
personal-injury-attorneys.us	\$131,919.06
injuryhelplineattorney.com	\$83,743.40
secwhistleblowerclaimscenter.com	\$71,531.72
Socialsecuritylawfirms.com	\$67,783.56
social-security-disability-help.org	\$67,610.40
whistlebloweragainstfraud.com	\$62,149.36
injuryhelplineattorney.com	\$50,601.20
lawyers.com	\$47,218.60
socialsecurityoffice.co	\$46,734.48
injurylawyerfinder.com	\$45,673.16
medical-malpractice-law.us	\$33,737.34
personalinjury.attorneys.com	\$33,313.28
lawyersandsettlements.com	\$30,806.88
legalmatch.com	\$29,233.88
disabilitygroup.com	\$26,740.48
personalinjuryplace.com	\$25,650.30
kneeimplantalert.com	\$24,838.06
injuryattorneyreferralline.com	\$23,776.22

Figure 6, Information pulled from Google AdWords, October 6, 2011

Three firms, including Danziger & De Llano, The Lanier Law Firm, and Sokolove Law, represent more than 50% of the estimated industry spend per year. Danziger & De Llano leads with an estimated \$16.6 million spent annually driving traffic to dozens of websites in their network. (See Figure 7.)



Figure 7, Information pulled from Google AdWords, October 6, 2011

## Websites and Search Engine Optimization

### Network of Sites Created to Appear High in Search Results

In addition to paid search engine marketing, trial lawyers rely on search engine optimization (SEO) to ensure high placement in organic search results. SEO is the process of improving the volume or quality of traffic to a web site from a search engine, using unpaid search results.<sup>13</sup> This is accomplished through keyword tagging in the actual source code (computer programming language) and keyword continuity throughout the content on a website. Trial attorneys' success with SEO is based on their ability to implement technical best practices while also generating relevant content.

Plaintiffs' firms are creative in their approach to attracting (and keeping) clients. One approach has been to move into niche practices that may not have even existed a few decades ago and then optimize a web presence to target those seeking resources, support and additional information.

One such example: a niche practice representing individuals who have been sexually assaulted while on a cruise ship. A search of the term "cruise ship assault" displays trial lawyers' use of search engine optimization tactics and found one firm in particular to be highly optimized to reach those searching for information. Websites that refer to Florida-based Lipcon, Margulies, Alsina & Winkleman, PA are optimized to appear as the first three results on those search terms. (Figure 8.)

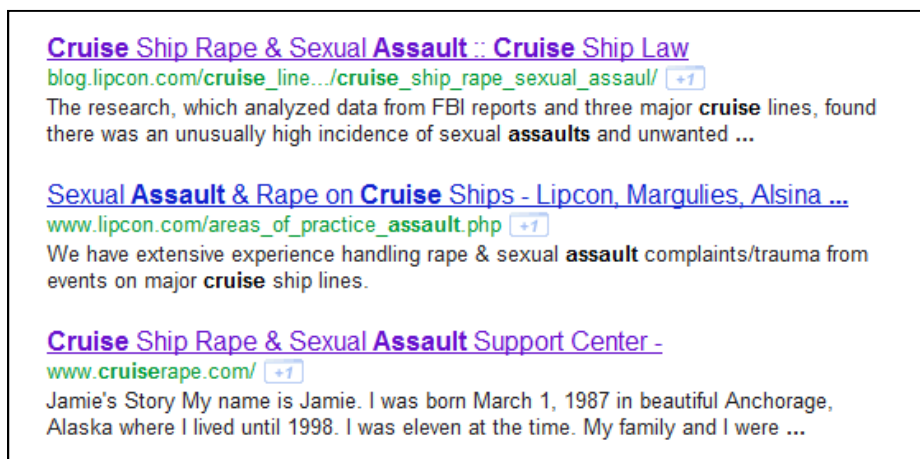


Figure 8, First three Google search results for "Cruise assault", October 7, 2011

The first two results, a blog managed by the firm and the official firm website, are disclosed as being operated by a law firm. This is not the case with the third result, The Cruise Ship Rape and Sexual Assault Support Center [www.cruiserape.com](http://www.cruiserape.com). (Figure 9.) Billed as a "Forum Dedicated to the Female & Male Victims of Rape & Sexual Assault on Cruise Lines," the site includes statistics and news stories about cruise ship rapes, information about how law enforcement treats rape and sexual assault at sea, and "survivor stories." For anyone who has been raped or sexually assaulted while on a cruise ship, the site appears to provide valuable information.

<sup>13</sup> "Google Basics." *Webmaster Tools Help*. Google, 22 July 2011. Web. Oct. 2011.  
<<http://www.google.com/support/webmasters/bin/answer.py?hl=en&answer=70897&rd=1>>.

**CruiseRape.com**  
Cruise Ship Rape & Sexual Assault Support Center

A Forum Dedicated to the Female & Male Victims of Rape & Sexual Assault on Cruise Lines

**You Are NOT Alone**  
And It's Not Your Fault

**Jamie's Story**  
My name is Jamie. I was born March 1, 1987 in beautiful Anchorage, Alaska where I lived until 1998. I was eleven at the time. My family and I were about to embark on an adventure of a lifetime: traveling through the United States, Canada and parts of Mexico in a motorhome and then culminating our travels by purchasing and living on a sailboat. We packed up everything that could fit into our 32 foot motorhome. There were five of us: my brother, sister, my parents and me...and of course my best friend also was going with us. His name was Shadow. He was four at the time, half chocolate lab and half Newfoundland. For the next seven months we traveled the country seeing the sights and enjoying home school...

[... Read More](#)

**Unsafe on the High Seas**  
Your Guide to a Safer Cruise  
Learn how to protect you and your loved ones from becoming victims.  
amazon.com  
**ORDER NOW!**

Figure 9, www.cruiserape.com, screen captured on October 7, 2011

But, digging deeper, one finds Lipcon, Margulies, Alsina & Winkleman, PA to be mentioned throughout the site. Click on the “What to Do” tab and you’ll find on the list of actions: “[A] law firm that handles these types of cases should be contacted as soon as possible. We highly recommend Lipcon, Margulies & Alsina & Winkleman, P.A.”<sup>14</sup> The site advertises a book titled, *Unsafe on the High Seas: Your Guide to a Safer Cruise*.<sup>15</sup> The author,

<sup>14</sup> "What to Do." *Cruise Ship Rape & Sexual Assault Support Center*. CSRASASC, 2011. Web. Oct. 2011. <<http://www.cruiserape.com/>>.

<sup>15</sup> "Unsafe on the High Seas: Your Guide to a Safer Cruise." *Amazon.com*. Web. Oct. 2011. <[http://www.amazon.com/Unsafe-High-Seas-Guide-Cruise/dp/0979780705/ref=sr\\_1\\_1?s=books&ie=UTF8&qid=1318705880&sr=1-1](http://www.amazon.com/Unsafe-High-Seas-Guide-Cruise/dp/0979780705/ref=sr_1_1?s=books&ie=UTF8&qid=1318705880&sr=1-1)>.

Charles R. Lipcon, is the founding partner the firm. And in the Forum section of the website, user Marilyn Decker responds to a lengthy question about a possible rape case,

*"I am April's mother from the article on this website...My job is not to advertise for attorneys to take your case but I will tell you that we in fact did file suit against Carnival and without the assistance of some wonderful attorneys we would have been lost. We stumbled upon the law firm of Lipcon Margulies and Alsina PA out of Miami (where carnival is registered) and with the help of Jason Margulies we were able to settle with Carnival. Our attorney's phone number is 1-800 838 2759 and his name is Jason Margulies."*<sup>16</sup>

Ms. Decker is also quoted in the book authored by Charles Lipcon.<sup>17</sup>

All three of the sites are optimized to appear high in search results, as there is keyword continuity throughout the text of the page with the words "assaulted" and "cruise" appearing in the title, body text, and links. A deeper look at the source code of this page shows keyword consistency in the title tag, which is the most important element in organic search engine rankings, and which is why this site ranks high in organic search returns.<sup>18</sup> (Figure 10.)

```
<html>
<head>
<meta http-equiv="Content-Type" content="text/html; charset=ISO-8859-1">
<Title>Were You Sexually Assaulted on a Cruise Ship? | Get more information here about what to do next</title>
```

```
<link rel="stylesheet" type="text/css" href="crStyle.css">
<title>Cruise Ship Rape & Sexual Assault Support Center - </title>
```

Figure 10 www.cruiserape.com Meta Tags, screen captured on October 7, 2011

<sup>16</sup> "Cruise Ship Rape & Sexual Assault Help." *Cruise Ship Rape & Sexual Assault Support Center* -. CSRASASC, 2006. Web. Oct. 2011. <<http://www.cruiserape.com/forum/>>.

<sup>17</sup> "Unsafe on the High Seas: Your Guide to a Safer Cruise." Google Books. Page 41. <[http://books.google.com/books?id=ZJ16b16gr1IC&pg=PT27&lpq=PT27&dq=marilyn+decker+lipcon&source=bl&ots=XOHIRxrKKZ&sig=S4uLmw4IH202A3norgUAjOsXhiw&hl=en&sa=X&ei=isLwTv-tHO\\_RiAK\\_2szODg&ved=0CCcQ6AEwAA#v=onepage&q&f=false](http://books.google.com/books?id=ZJ16b16gr1IC&pg=PT27&lpq=PT27&dq=marilyn+decker+lipcon&source=bl&ots=XOHIRxrKKZ&sig=S4uLmw4IH202A3norgUAjOsXhiw&hl=en&sa=X&ei=isLwTv-tHO_RiAK_2szODg&ved=0CCcQ6AEwAA#v=onepage&q&f=false)>

<sup>18</sup> "Cruise Ship Sexual Assault Is A Crime." *Cruise Ship Assault*. Hickey Law Firm. Web. Oct. 2011. <<http://www.cruiseshipsexualassaultinfo.com/>>.

## The Online Trawl for Clients

As in the example detailed above, the primary goal of many law firm-sponsored sites and social media profiles is to obtain new clients by first capturing the personal contact information of prospective clients.

To fully understand the online and social media marketing tactics employed beyond paid advertising, we conducted an in-depth analysis detailing the actions surrounding issue areas. These areas included, but were not limited to, mesothelioma, the Whistleblower Protection Act, the Foreign Corrupt Practices Act, silicosis, and the James Zadroga 9/11 Health and Compensation Act of 2010.

Law firms recruit clients by presenting themselves online in two distinctive ways to capture two core groups of people:

- *Information-Seekers*: A broad audience of individuals who may not be actively seeking legal counsel, but are researching information on a relevant topic.
- *Counsel-Seekers*: Those actively seeking legal counsel relating to a specific topic.

Firms will often create separate online presences to capture both counsel-seekers and information-seekers.

Information-seekers, a much larger group, are courted with offers of information and support gateways. These sites use a variety of tactics to encourage readers to enter their personal information. And while nearly all of the sites created by a law firm disclose their association with a firm, the disclosure comes with varying degrees of visibility and transparency.

For counsel-seekers, law firms have created topic-specific web presences to discuss why that particular firm is best suited for representing their clients, often touting large settlements. Visitors are encouraged to fill out a form with personal information to see if they are qualified to file a case or potentially join a class action lawsuit.

What follows is an overview of tactics employed by various firms and lawyers, along with current examples of the tactic in practice.

## The Plaintiffs' Bar's Vast Digital Network

Many enterprising law firms sponsor a network of websites, taking different approaches to identifying and establishing a connection with potential clients. The network helps to reach a broader audience through differentiated content, increasing the firm's online presence and chances of appearing in search results.

These websites are positioned as patient support groups, medical resources, official-looking government sites and even advocacy organizations. They often have official sounding domain extensions such as ".org" and ".us." While usually (though not always) disclosed in fine print that the sites are part of a marketing communication by a law firm, the content and visual aspect of the sites appear to be purely informational. The legal disclosure language is either located in the top right corner or in the privacy statement at the bottom of the page.

Rod De Llano and Paul Danziger, attorneys at a firm in Houston, Texas, are an example of a law firm utilizing these tactics. The firm spends an estimated \$16.6 million directing search traffic to dozens of websites they sponsor. (Figure 11.)

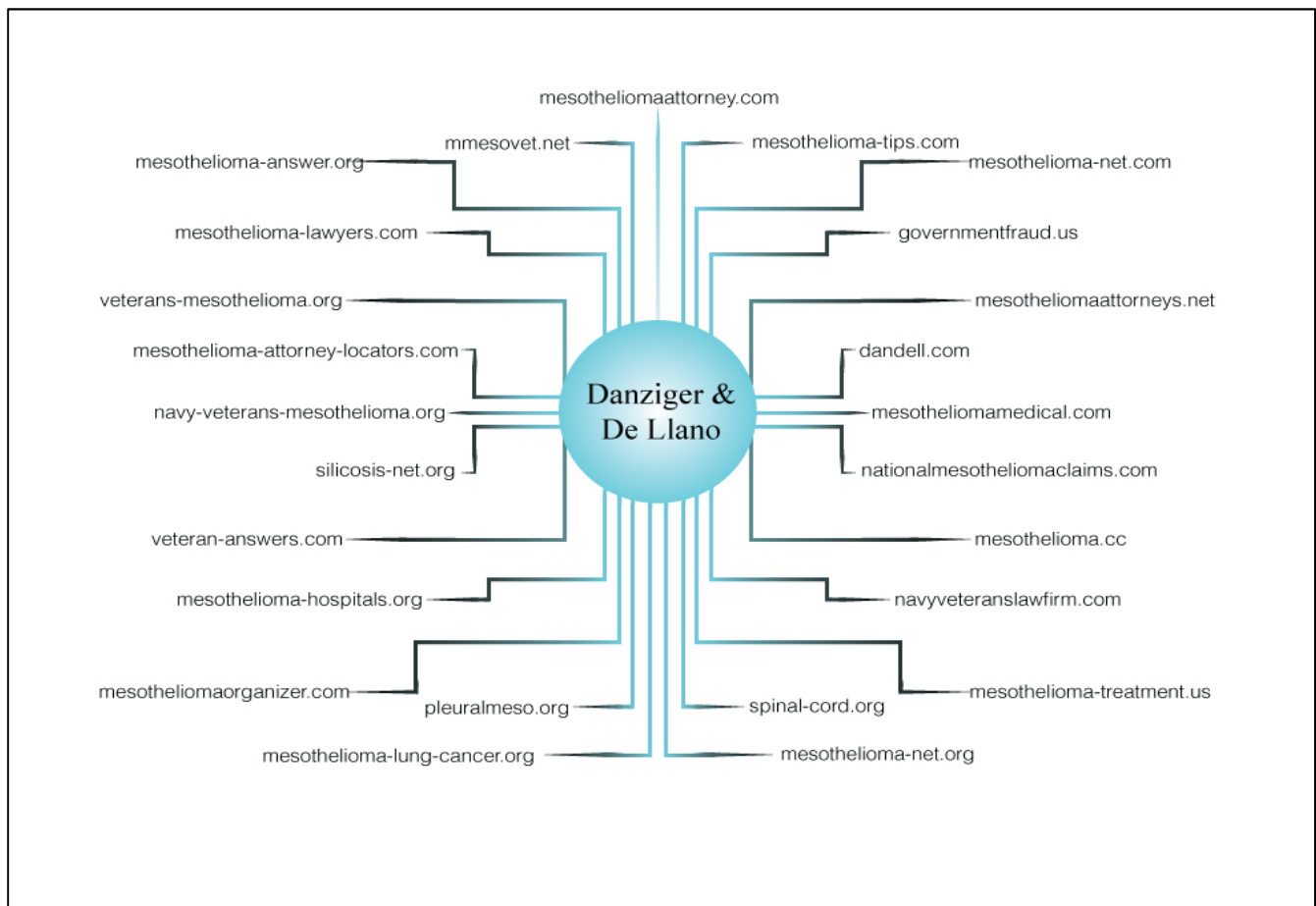


Figure 11, Identified network as of October 7, 2011



There are hundreds of websites similar to the examples cited below, spanning many industries and product categories.

BanAsbestosNow.com, sponsored by Sokolove Law, has the appearance of an advocacy site and asks readers to “Contact Congress Today” to urge support for legislation that would ban asbestos-containing products and fund educational treatment centers and research programs. (Figure 12.)



Figure 12, www.banasbestosnow.com, Screen captured on October 7, 2011

Mesocare.org, sponsored by Paul Danziger, offers “Support. Education. Hope.” and provides the opportunity to speak with a “meso nurse.” Resources offered include access to future tele-conferences on clinical trials and a video from an Austin doctor. (Figure 13.)

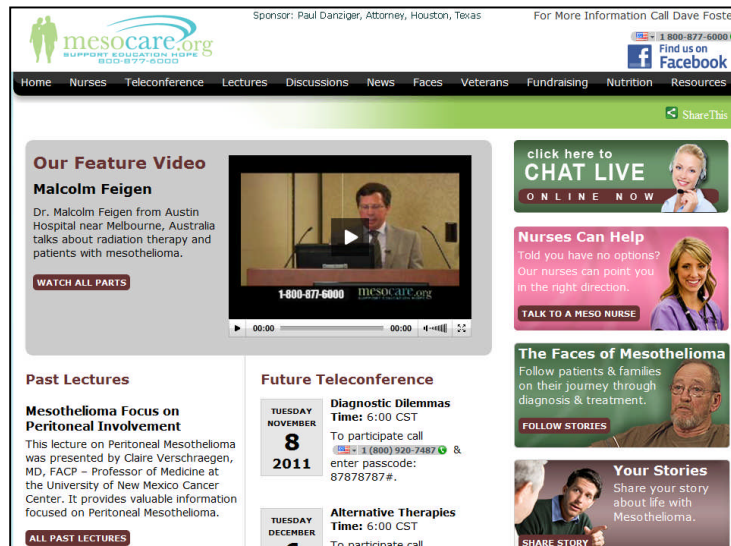


Figure 13, www.mesocare.org, Screen captured on October 7, 2011



Firms establish sites with medical-sounding domain names like “Leukemia-Web.org” and “Spinalcord.cc.” Visitors are offered “complete information for patients and their families,” including treatment, medical, and rehabilitation options. (Figure 14.)



Figure 14, Websites Screen captured on October 7, 2011

Other sites appeal to feelings of civic duty and relate it to reporting alleged fraud. They invoke images of American flags and the Supreme Court building. (Figure 14.) And they rely on official-sounding domain names such as FalseClaimsAct.com, GovernmentFraud.us, HowtoReportFraud.com and FraudFighters.net.

Certain populations, including veterans and Hispanics, are heavily targeted, especially regarding asbestos lawsuits. The most overt attempts to market to veterans are “Mesothelioma Veterans” and “Meso Vet,” sites also sponsored by Danziger & De Llano. (Figure 15.)



Figure 15, Websites Screen captured on October 7, 2011

Once a potential client arrives on a website, firms employ a variety of tactics to establish a connection and collect the individual's contact information. This enables the firm to turn an information-seeker into a counsel-seeker. Offering freebies and opportunities to share personal stories, as well as engaging in live chats, are creative ways to gain trust, sell potential clients on the legitimacy of the firm's abilities, and encourage people to provide their contact information. (Figures 16 and 17.)

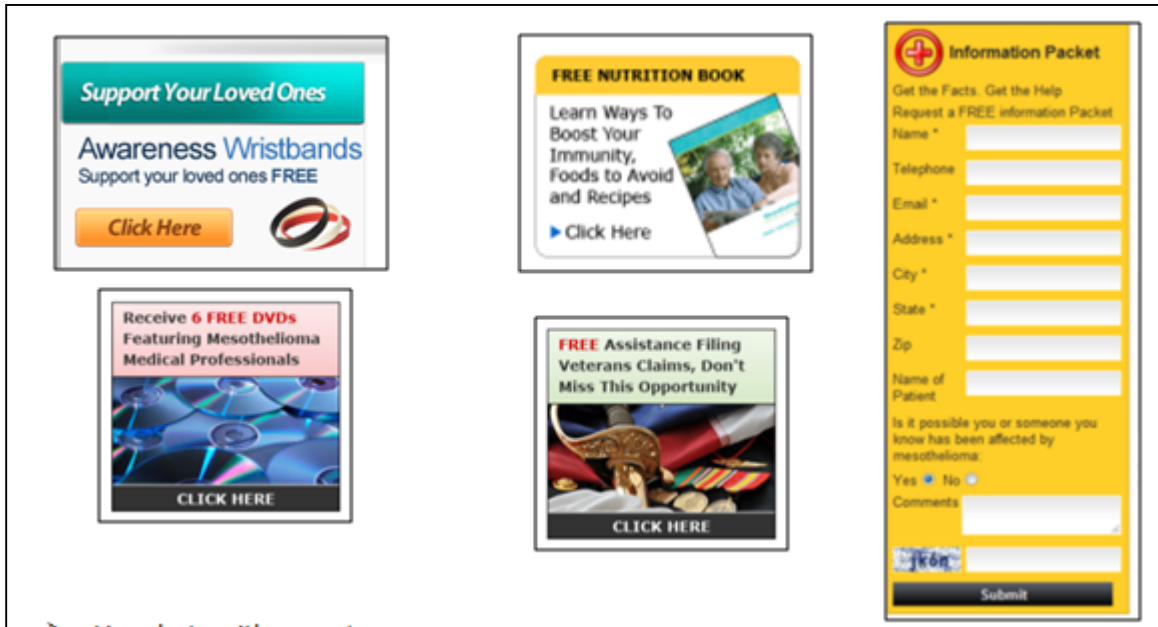


Figure 16, Information Seeking Pop-up Ads, Screen captured on October 7, 2011

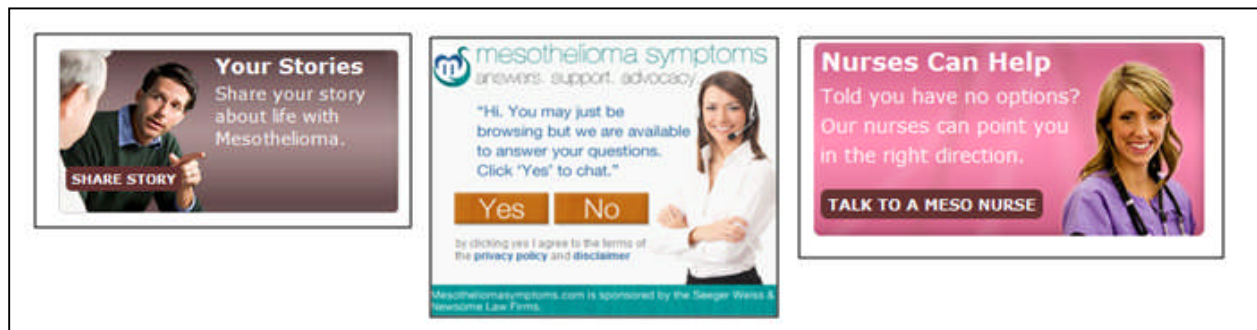


Figure 17, Information Seeking Pop-up Ads, Screen captured on October 7, 2011

## Social Media

### *Using Social Media Platforms to Engage and Recruit*

The litigation industry uses social communities to increase the reach of their own web content and online presence in an effort to encourage potential clients to share their personal contact information.

The Standards of Conduct required of Word of Mouth Marketing Association members<sup>19</sup> and the guidelines established by the Federal Trade Commission for engagement with consumers and marketers within the social space are clear.<sup>20</sup> Yet, within social media, some firms fail to disclose their management and content authorship of various Facebook pages and groups, Twitter handles, YouTube channels, etc. For the purposes of this report, we looked specifically at generally accepted online marketing standards, but not any specific rules for legal marketing, which vary from state to state.

### Twitter

Law firms use a variety of techniques to increase the reach of their messages and share their information in 140 characters or less. Most tweets are informative in nature, provide a quick fact or a current news item, and include a link to more information hosted on the firm's website.

Similar to the different styles of websites, Twitter handles managed by trial attorneys fall into four distinct categories of appearance: government, official firm, advocacy, or offering medical tips/advice.

### **Firms' legal disclosures on Twitter vary and many are difficult to identify as sponsored legal communities, requiring the user to click on multiple pages before finding the disclosure.**

Some firms have created handles in voice and appearance that give the impression they are officially sanctioned by a government or regulatory agency. For example, Kelley Law Group, P.C., runs the "Consumer\_Safety" Twitter handle, where it generates content solely related to mesothelioma. In an attempt to participate in online conversations, hashtags such as "#curemeso," "#cancer," and "#Navy" are used in tweets with links that drive back to their site. The icon attached to the handle projects an official appearance due to a striking similarity to the official FDA recall Twitter handle. (Figure 18.)

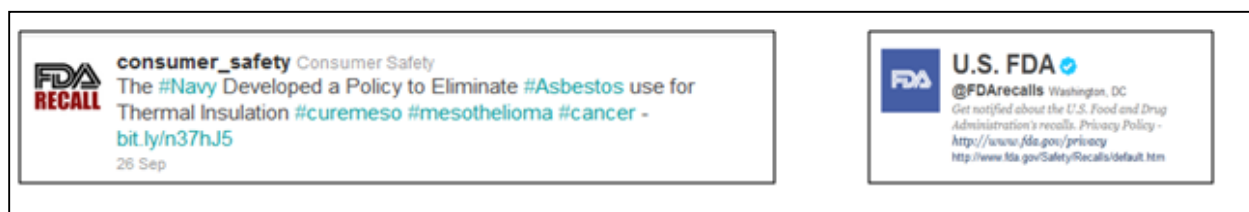


Figure18, Image of Logos for Law Firm and Government Agency , Screen capture on September 26, 2011

Advocacy handles often focus on single-issue campaigns and the law firm connection is not always transparent. For example, @BanAsbestos, is a project of Sokolove Law, but the firm association is not disclosed on the Twitter page or in the Twitter user's bio. (Figure 19.)

<sup>19</sup> "WOMMA Code of Ethics." *WOMMA: The Leading Voice for Ethical and Effective Word of Mouth and Social Media Marketing*. WOMMA, 21 Sept. 2011. Web. Oct. 2011. <<http://womma.org/ethics/code/>>.

<sup>20</sup> "Guidelines Concerning the Use of Endorsements and Testimonials in Advertising." *Federal Trade Commission*. Federal Trade Commission, Oct. 2009. Web. Oct. 2011. <<http://www.ftc.gov/os/2009/10/091005endorsementguidesfnnotice.pdf>>.



Figure 19, Law Firm’s Advocacy Twitter Handle , Screen capture on September 26, 2011

Other handles transparently promote the interest of the firm or individual attorney. Most are used to engage with the news of the day, circulate case-relevant coverage and announce major settlements. Universally, the posts link back to the firm website. Hashtags are used to integrate these firms and their content into relevant, timely and trending conversations on the platform. (Figure 20.)



Figure 20, Illustration of Twitter Search Optimization, Screen captures on September 20, 2011

Of the non-firm branded Twitter handles sponsored by law firms, the majority (roughly 90%) targeted counsel-seekers while 10% catered toward information-seekers. These handles aim to provide information for those seeking legal counsel and promote the idea of taking legal action to the information-seekers. (Figure 21.)



Figure 21, Illustration of Twitter Search Optimization, Screen captured on September 20, 2011

## Facebook

Facebook has more than 800 million active users who collectively share more than 30 billion pieces of content each month.<sup>21</sup> Network Associates, a legal marketing firm, describes how law firms can use Facebook to attract clients. (Figure 22.)

**Joining and Creating Groups:**  
Another way to network on Facebook is through the use of Groups. It shouldn't take you long to find a Group or Groups that are likely to include good prospects for your law firm, but if you can't, no problem: Simply start a new Group yourself and get the ball rolling by inviting some friends and fans to join it.

**Paid Advertising:**  
In addition to the options above, you can expand presence on Facebook with paid ads. To learn more about these paid advertisements, simply visit:  
<http://www.facebook.com/advertising/>

Happy Facebook Marketing!

Figure 22, Screen captured on October 8, 2011

Firms dedicate keyword budgets to direct people to Facebook sites. (Figure 23.)

<p><a href="#">No One Likes Mesothelioma</a> <a href="http://www.facebook.com/meso">www.facebook.com/meso</a> But Over 7,500 People Like Our <b>Mesothelioma Patient Care Page</b></p>	<p><a href="#">Meso Ask the Expert</a> <a href="http://www.facebook.com/meso">www.facebook.com/meso</a> Advice: breathe easier, alternatives Pain, nausea relief, drs, <b>resources</b></p>
--	---

Figure 23, Law Firm's Facebook Advertisements, Screen captured on October 8, 2011

Some firms advertise within Facebook, targeting individuals who have "liked" topics or groups of relevance to the firms' cases. (Figure 24).

**Fight Mesothelioma | ...**



Please give us a "like" and help us fight mesothelioma.

Like · 3,916 people like this.

---

**Mesothelioma Center**



Give us a 'Like' to show support. Learn more about mesothelioma and risks relating to asbestos exposure.

Like · 1,253 people like this.

Figure 24, Law Firm's Facebook Advertisements, Screen captured on October 8, 2011

<sup>21</sup> "Facebook Statistics." Facebook. Web. Oct. 2011. <<http://www.facebook.com/press/info.php?statistics>>.



The goal of most law firm-sponsored Facebook pages is to establish yet another digital presence to capture information seekers' contact information and deliver content that drives users to the firm's website.

**Firms' legal disclosures on Facebook pages vary and many are difficult to identify as sponsored legal communities, requiring the user to click on multiple pages before finding the disclosure.** For example, if Facebook users want to find out about the relationship between a Facebook page and a law firm, they would need to either visit the page's associated website or click a special tab on the Facebook page to discover the law firm's disclosure statement. Sokolove Law, for example, is not disclosed on their "Ban Asbestos Now" Facebook page. (Figure 25.)

**Ban Asbestos Now!** Like

Local Business

Wall  
Info  
Friend Activity  
Videos  
Photos

**About**  
Ban Asbestos Now! is a campaign to raise awareness and advocate banning the...

More

**1,123**  
like this

**3**  
talking about this

Likes

**Basic Information**

**About**  
Ban Asbestos Now! is a campaign to raise awareness and advocate banning the use of asbestos in the U.S. Make a difference today at <http://www.banasbestosnow.com/>

**Public Transit**  
Why do we want to ban asbestos in the U.S.?

- Asbestos is still manufactured and used in the U.S., even though it has been banned in almost 60 other countries.
- Not only is asbestos legal in the U.S., but it was once widely used and can turn up where you'd least expect it – in the ceilings and floors of buildings that were built before 1980, in duct tape, caulking, textured paints, car brakes and other automotive parts - and even in children's toys.
- The inhalation of asbestos fibers, whether from direct contact or indirect exposure, can cause serious illnesses including lung cancer and mesothelioma, a rare and aggressive cancer that affects the smooth linings of the lungs and abdomen.
- Experts estimate that more than 3,000 people annually are diagnosed with mesothelioma, and an additional 10,000 Americans die from asbestos-related diseases and cancers every year. And yet still, many every day citizens have no idea that asbestos is still in use, let alone, potentially harming their neighbors.

Please visit [www.BanAsbestosNow.com](http://www.BanAsbestosNow.com). Here is what you can do to help:

Figure 25, Law Firm Owned Facebook Page, Screen captured on October 1, 2011

Firms employ Facebook advertising with calls to action, particularly to “like” the firms’ branded or cause-related Facebook pages. Once the user lands on the page, the firm then directs them to a contact form (appearing either on Facebook itself or on a linked website), putting a user directly in touch with a firm representative. Content on these Facebook pages is mostly focused on information sharing, with 90% of messages linking to third-party news and information about an area of litigation. On topics such as silicosis, there is a 2:1 ratio between lawyer-sponsored pages and non-lawyer backed pages on Facebook.



Figure 26, Law Firm Owned Facebook Page, Screen captured on October 1, 2011

Facebook pages openly owned by law firms use Facebook as an extension of their website, with much of the content mirroring the news page or blog on their website, promoting legal conference events and encouraging discussion on topics relevant to areas of interest of the firm.

## YouTube

YouTube is the Internet's second most popular search engine,<sup>22</sup> providing law firms an opportunity to use issue- and law firm-specific channels to ensure their content appears in the results of those seeking out information. Firms increase online visibility by ensuring that all videos posted are titled and tagged with relevant keywords for Google and YouTube search results. (Figure 27.)



Figure 27, [www.YouTube.com/FindLaw](http://www.YouTube.com/FindLaw), screen captured on October 1, 2011

YouTube channels such as Sokolove Law's "Mesothelioma Channel" position the firm as an authority on the subject matter. The videos use language that is simple and easy to understand, and frequently use visual aids to convey messages. Trial attorneys within the firm are often interviewed, providing a personal insight that allows viewers to feel further engaged and interested in speaking to an expert.

<sup>22</sup> Joel, Mitch. "The Second Biggest Search Engine." *Six Pixels of Separation*. Twist Image, 30 May 2010. Web. Oct. 2011. <<http://www.twistimage.com/blog/archives/the-second-biggest-search-engine/>>.



Figure 28, [www.youtube.com/mesthelioma](http://www.youtube.com/mesthelioma), Screen captured on October 1, 2011

Within the description of the YouTube videos, a majority of law firms provide a link to a website owned by the firm where they can establish a direct contact with potential clients.

## Blogs

Several law firms maintain a “Blog” section on their websites to host content relating to news, clinical trials, the evolving political landscape and class-action lawsuit progress.

These blog posts seek to showcase the expertise offered by the law firm, but also to optimize search results and provide content on social media platforms that links directly to the law firm’s websites. (Figure 29.)



Figure 29, <http://blog.delucanemeroff.com/long-term-effects-of-asbestos/>, Screen captured on October 1, 2011

Some use blogs as an alternative means to capture potential clients’ contact information, for example, by requiring personal information be entered before commenting on a post.



## Wikipedia

### Attempting to rewrite the definitions of selective words and terms

Wikipedia is the sixth most visited website in the U.S. It attracts 85 million unique U.S. monthly visitors.<sup>23</sup> For many terms searched online, the associated Wikipedia article appears on the first page of Google search results, and often in the top three results. A Google search for “Obama” on October 7, 2011 lists the Wikipedia page for “Obama” as the second result, above even [www.whitehouse.gov](http://www.whitehouse.gov), the official site of the White House. (Figure 30.)



Figure 30, Search Engine Optimization for Wikipedia, Screen captured on October 1, 2011

Wikipedia is distinguished by its collaborative model. The site encourages participation, as its owners emphasize on the website: “anyone can edit almost every page, and we are encouraged to **be bold!**”<sup>24</sup>

Several leading law firms use Wikipedia as an outlet to establish and manage their own practice’s presence on the platform, as well as to incorporate and influence information on Wikipedia and within organic search results related to topics of interest to their cases. When searching for “asbestos” on October 7, 2011, the Wikipedia article appears as the number one result, above the Environmental Protection Agency and other official sources of information on the topic. (Figure 31.)



Figure 31, Search Engine Optimization for Wikipedia, Screen captured on October 1, 2011

<sup>23</sup> “Compete Top 50 Sites for August 2011.” Market Wire, Aug. 2011. Web. Oct. 2011.

<[http://media.marketwire.com/attachments/201109/MOD-26487\\_CompeteTop250-August2011.jpg](http://media.marketwire.com/attachments/201109/MOD-26487_CompeteTop250-August2011.jpg)>.

<sup>24</sup> “Wikipedia:Introduction.” *Wikipedia, the Free Encyclopedia*. Wikipedia, 30 Jan. 2011. Web. Oct. 2011.

<<http://en.wikipedia.org/wiki/Wikipedia:Introduction>>.

But law firms have been exposed for trying to incorporate content from their sponsored sites on Wikipedia (Figure 32):

- Asbestos and the law: The Wikipedia articles for mesothelioma<sup>25</sup> and asbestos<sup>26</sup> have been targeted by law firms, but their attempts to incorporate content from sources found on firm-sponsored websites (such as www.asbestos.com) have been flagged and removed by the editorial community.
- Asbestos: Article appears first in Google search results on “asbestos.” Users on the Asbestos page have been flagged for using bad citations, including “junk opinions to support legal allegations.”<sup>27</sup>

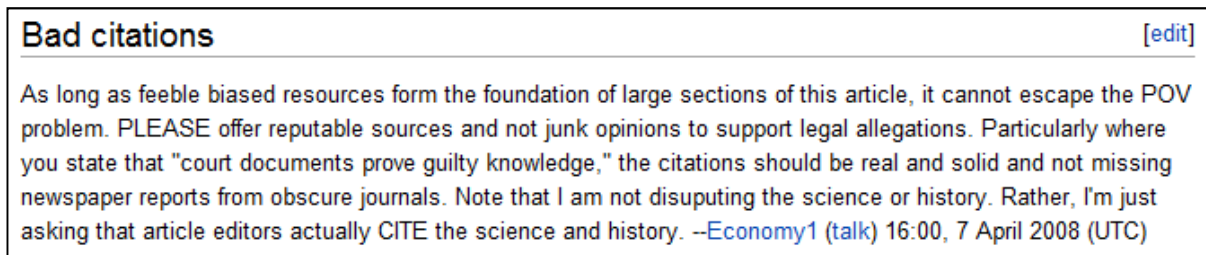


Figure 32, Bad Citation<sup>26</sup>, Screen captured on October 1, 2011

- Qui tam: Article appears first in Google search results on “qui tam.” In June 2010, several edits were made to the Qui Tam Wikipedia article by username Whistleblowerfirm, TaxPayerProtection, and Whistleblowerlawsge. This user changed several reference URLs from Phillips and Cohen to link to www.whistleblowerfirm.com. (Figure 33.)



Figure 33, Wikipedia Community Flagging Firm for Conflict of Interest in Editing Article, Screen captured on October 1, 2011

<sup>25</sup> "Talk:Mesothelioma." *Wikipedia, the Free Encyclopedia*. Wikipedia, 18 Sept. 2011. Web. Oct. 2011. <<http://en.wikipedia.org/wiki/Talk:mesothelioma>>.

<sup>26</sup> "Talk:Asbestos." *Wikipedia, the Free Encyclopedia*. Wikipedia, Oct. 2011. Web. Oct. 2011. <<http://en.wikipedia.org/wiki/Talk:Asbestos>>.

<sup>27</sup> "Talk:Asbestos- Bad Citations" *Wikipedia, the Free Encyclopedia*. Wikipedia, Oct. 2011. Web. Oct. 2011. <<http://en.wikipedia.org/wiki/Talk:Asbestos>>.

- Medical Malpractice: Article appears first in Google search results on “medical malpractice.”

The Wikipedia Talk Page for the Medical Malpractice article has actively discussed using websites owned by trial attorneys as sources of information.<sup>28</sup> User Mihaicartoaje added a link to medicalmalpractice.com in February 2009.<sup>29</sup> The link was disputed by another editor on the talk page due to its law firm ownership. The medicalmalpractice.com site continues to be used as a source on Wikipedia. Additional links to law firms have been added, with the changes being reverted shortly thereafter. (Figure 34.)

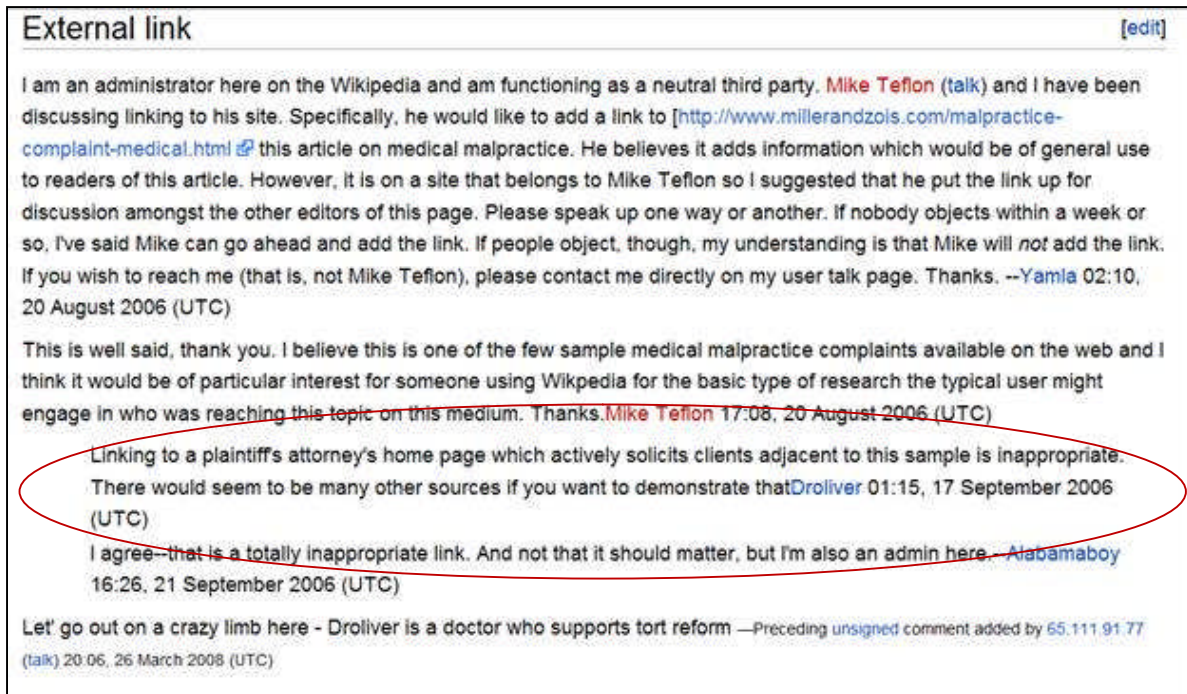


Figure 34, Firm Owned Website Attempt to be Sourced in Wikipedia Article, Screen captured on October 1, 2011

<sup>28</sup> "Medical Malpractice." *Wikipedia, the Free Encyclopedia*. Wikipedia, Oct. 2011. Web. Oct. 2011. <[http://en.wikipedia.org/wiki/Medical\\_malpractice](http://en.wikipedia.org/wiki/Medical_malpractice)>.

<sup>29</sup> "Talk:Medical Malpractice." *Wikipedia, the Free Encyclopedia*. Wikipedia, 4 Sept. 2011. Web. Oct. 2011. <[http://en.wikipedia.org/wiki/Talk:Medical\\_malpractice](http://en.wikipedia.org/wiki/Talk:Medical_malpractice)>.

## Case Studies

### Integrated Approach to Plaintiff Recruiting by Early, Lucarelli, Sweeney and Strauss



Figure 35 Screen captured in October 2011

Shining a spotlight on the New York law firm of Early, Lucarelli, Sweeney and Strauss reveals use of integrated search engine optimization and social media to promote their specialized mesothelioma practice. (Figure 35.) A diversified network of online presences speak to both information-seekers and counsel-seekers, drive traffic to owned websites, promote awareness of mesothelioma and asbestos, and foster a line of communication between the law firm and potential clients.

Early, Lucarelli, Sweeney and Strauss has two highly visible online presences created for the purpose of raising awareness and updating information-seekers about Mesothelioma.com and Mesothelioma and Asbestos Awareness Center (www.maacenter.org). Based on our analysis, we estimate the firm annually spends nearly \$1 million on online advertising directing Internet users to mesothelioma.com. (See Figure 36.)



Figure 36, Samples of Firm Owned Websites, Screen captured in October, 2011



Mesothelioma.com's associated Facebook page, the Mesothelioma Cancer Alliance, has generated more than 40,000 fans.<sup>30</sup> The page hosts a landing tab for new fans promising a donation of \$1 to a cancer charity for every person who fans the Facebook page. Posts on the page are informative, engage fans in conversations, and encourage link sharing to increase the awareness and share Alliance calls to action. (Figure 37.)

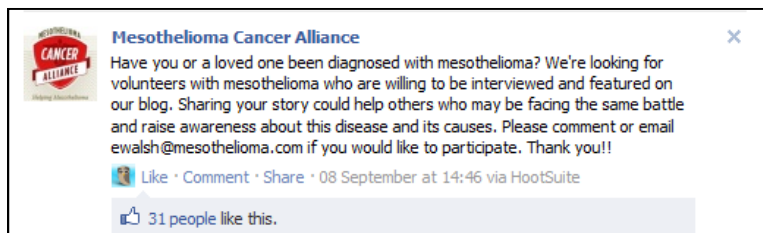


Figure 37, Firm Sponsored Facebook Message, Screen captured in October, 2011

Though the content is not related to litigation, a link on the side of the Facebook page offers legal advice and consultation. The only disclosure of the site's connection to a law firm is in fine print on the Info tab.

*Notice: The Mesothelioma Cancer Alliance Facebook page and its content are sponsored by the law firm of James F. Early, LLC.*

The @CancerAlliance Twitter handle run by the firm is one of the most active and engaging of any firm, with more than 20,000 followers.<sup>31</sup> It promises to donate \$1 to a cancer group for each new follower and encourages followers to vote for their favorite cancer support group to receive the donation. (Figure 38.)

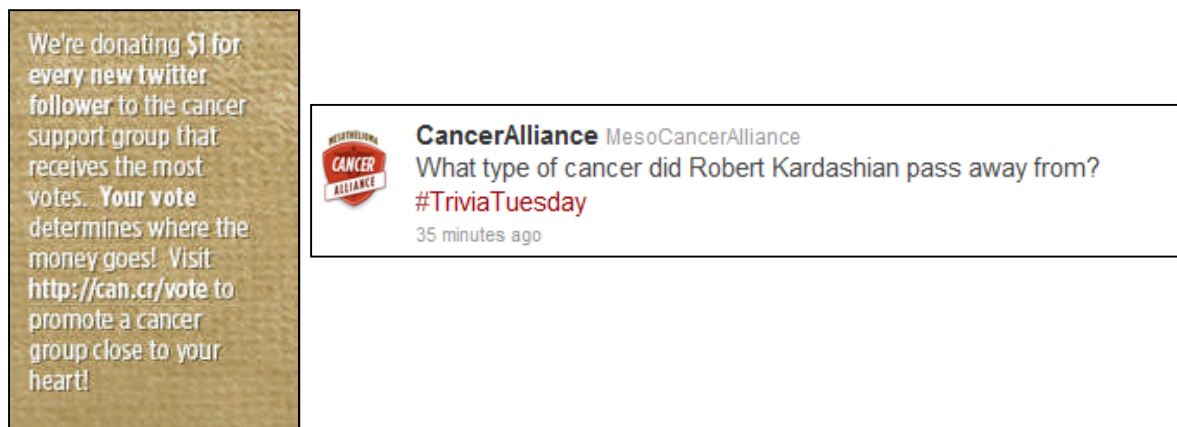


Figure 38, Firm Sponsored Twitter Messaging, Screen captured in October, 2011

<sup>30</sup> "Mesothelioma Cancer Alliance | Facebook." *Mesothelioma Cancer Alliance*. James F. Early LLC. Web. Oct. 2011. <<https://www.facebook.com/MesotheliomaCancer>>.

<sup>31</sup> *Cancer Alliance*. James F. Early LLC. Web. Oct. 2011. <<http://twitter.com/CancerAlliance>>.

The disclosure statements associating the digital presences to a firm are located at the bottom of the front page of the website and within the info Tab on the Facebook page. There is no overt disclosure statement on the Twitter handle indicating it is sponsored by a firm. There are links from the handle to the website and to the Facebook page for more information. (Figure 39.)



Figure 39, Firm Sponsored Twitter Profile, Screen captured in October, 2011

## Offers of Large Rewards to Identify Potential Whistleblowers

Promoting “large rewards” and “protection for whistleblowers,” many law firms use targeted keyword advertising, blogs, social media and micro sites to identify potential whistleblowers and describe how they might benefit from the Wall Street Reform and Consumer Protection Act (“Dodd-Frank”). (Figure 40.)

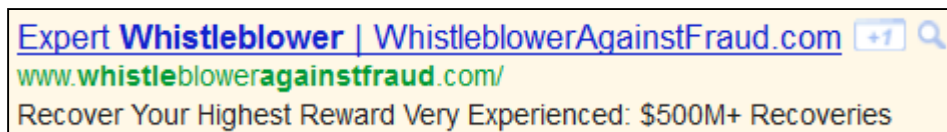


Figure 40, Google Ad Buy, Screen captured in October, 2011

The clearest example is an ad for “Whistleblowers Against Fraud,” a feeder site that works “only with world-class legal counsel and experts.” The ad highlights recoveries of more than \$500 million. The site itself is at [www.whistlebloweragainstfraud.com](http://www.whistlebloweragainstfraud.com), and it also contains a section highlighting the Foreign Corrupt Practices Act and Dodd-Frank (<http://www.whistlebloweragainstfraud.com/secfcpafraud.html>). (Figure 41.)



Figure 41, [www.whistleblowersagainstfraud.com](http://www.whistleblowersagainstfraud.com), Screen captured in October, 2011

Another firm, Phillips & Cohen, LLP uses online advertising, blogs, Twitter and micro sites to reach those looking for information on whistleblowers. (Figure 42.) New opportunities for whistleblowers resulting from passage of the Dodd-Frank Wall Street Reform and Consumer Protection Act are discussed in a blog post on <http://quitam.blogspot.com>. Linking to the SEC website on the very day the program started (August 12, 2011), the writers state:

*“Since the Dodd-Frank rule went into effect on July 21, 2010, the SEC says that 170 actions have resulted in sanctions of more than \$1 million. As the Whistleblower program was not effective at that time, persons who believe that they contributed valuable information to one of those actions are invited to apply for whistleblower awards.”<sup>32</sup>*

<sup>32</sup> "Current Developments in Whistleblower Lawsuits Brought under the False Claims Act and Other News." *False Claims Act/Qui Tam*. Phillips & Cohen LLP. Web. Oct. 2011. <<http://quitam.blogspot.com/>>.



Figure 42, Google Ad Result, Screen captured in October, 2011

The firm then describes itself as “the most successful whistleblower law firm. \$6.9 billion recovered.”

Phillips & Cohen, LLP’s Twitter handle “@FraudMatters” recently tweeted about the Obama administration’s proposal to expand protection for whistleblowers as part of the Open Government Partnership. (Figure 43.)



Figure 43, Firm Sponsored Twitter Message, Screen captured in October, 2011

Phillips and Cohen also runs the Tax Fraud Blog and a qui tam blog at <http://quitam.blogspot.com>, where “current developments in whistleblower lawsuits brought under the False Claims Act and other news” are discussed.

Paid ads targeting people searching for information on government fraud focus on the potential for large rewards and government protection.

One such ad, sponsored by Rod De Llano, reads “Whistleblower Protection: You can report companies that cheat our government. Get the facts today” and directs readers to an official-sounding micro site, <http://www.governmentfraud.us>. (Figure 44.)



Figure 44, Firm Sponsored Website, Screen captured in October, 2011

Katz, Marshall & Banks is another firm specializing in whistleblower litigation and Dodd-Frank reforms. Online ads highlight the firm as “Deeply committed to representing Whistleblowers. Proven track record.” A page dedicated to the Dodd-Frank Whistleblower Incentive Program advises readers to



“contact the experienced lawyers at Katz, Marshall & Banks for an evaluation of your case.” It then goes into great detail, explaining how a potential whistleblower might benefit from the incentives contained in the Dodd-Frank reform law.

**To boost its online presence, the Katz, Marshall & Banks firm maintains four blogs:**

- the Corporate Whistleblower Blog (<http://www.corporatewhistleblower.net/>)
- the Sarbanes-Oxley Whistleblower Blog (<http://www.sarbanes-oxley-whistleblower.com/>)
- the Sexual Harassment Blog (<http://www.sexualharassmentlawyerblog.net/>)
- the SEC Whistleblower Blog (<http://www.secwhistleblowerblog.com/>)

Corporate Whistleblower Blog, run by Katz, Marshall & Banks, is described as focusing on “cases and developments in whistleblower law under numerous whistleblowing statutes, including the Dodd-Frank Wall Street Reform and Consumer Protection Act, IRS whistleblower protections, and anti-retaliation provisions relating to the Recovery Act and TARP (commonly known as “the bailout”).”

The Katz, Marshall & Banks firm also maintains a presence on Facebook, where it describes itself as a “boutique law firm in Washington, D.C. specializing in the areas of whistleblower law, discrimination law, sexual harassment law, and civil rights and civil liberties.” The Facebook page has 54 “likes” and posts links to articles relevant to the firm’s practice.<sup>33</sup>

Some firms go even further than urging potential plaintiffs to take action – sometimes, they may warn the plaintiff against taking action without proper representation. One such site is sponsored by two firms, Shepherd Smith Edwards & Kantas and Napoli Bern Ripka Shkolnik. The joint website, SEC Whistleblower Recovery Center, informs readers that “it is never a good idea for any individual to attempt to handle [whistleblowing] themselves” and to contact the site’s “securities law firm for a confidential no obligation consultation.”<sup>34</sup> The Google ad directing readers to the site focuses on “whistleblower rewards” and that readers “may recover a large amount!” (Figure 45.)

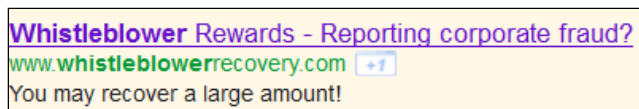


Figure 45, Google Ad Buy, Screen captured in October, 2011

One of the firms that sponsors the SEC Whistleblower Recovery Center site, Napoli Bern Ripka Shkolnik, provides a form for both a newsletter and a free legal consultation. A blogpost from May 2011 also

<sup>33</sup> "Katz, Marshall & Banks, LLP." *Katz, Marshall & Banks, LLP*. Katz, Marshall & Banks, LLP. Web. Oct. 2011. <<http://www.facebook.com/pages/Katz-Marshall-Banks-LLP/109923885731328>>.

<sup>34</sup> "SEC Passes New Whistleblower Rule." *SEC Whistleblower Recovery Center*. Shepherd Smith Edwards & Kantas LLP. Web. Oct. 2011. <<http://www.whistleblowerrecovery.com>>.

highlights new rules adopted by the SEC in response to Dodd-Frank Wall Street Reform and Consumer Protection Act.<sup>35</sup>

Meanwhile, the site's other firm sponsor, Shepherd Smith Edwards & Kantas, runs a blog with a separate URL, <http://www.stockbrokerfraudblog.com/index.html>, which focuses on securities fraud and new rules by the Securities and Exchange Commission. (Figure 46.)



Figure 46 Firm Sponsored Website, Screen captured in October, 2011

Other law firms will offer "claim review" services, such as the Employment Law Group, which advertises using "Dodd-Frank Whistleblower" in the title of the Google ad, offering "Claim Review Service from a Skilled Dodd-Frank Act Whistleblower Lawyer." (Figure 47.)



Figure 47, Google Ad Buy and Firm Sponsored Website, Screen captured in October, 2011

<sup>35</sup> Lufano, Chris. "SEC ADOPTS NEW RULES PROVIDING FINANCIAL INCENTIVES FOR WHISTLEBLOWERS ON WALL STREET." NBRIS Attorneys at Law, 25 May 2011. Web. Oct. 2011. <<http://www.nbrlawfirm.com/Securities-Arbitration/Blogs/sec-adopts-new-rules-providing-financial-incentives-for-whistleblowers-on-wall-street>>.

Visitors to the site are greeted with a live pop-up chat welcoming potential plaintiffs. The page discusses the Dodd-Frank law, mentioning the law's rewards for whistleblowing. The site also maintains a similar section for the Foreign Corrupt Practices Act. To remain relevant in Google search rankings, as well as advertise the attorneys' knowledge of the law, the Employment Law Group also maintains a blog (<http://employmentlawgroupblog.com/>), a Facebook page (<http://www.facebook.com/pages/The-Employment-Law-Group-law-firm/182862719084> with 22 likes), and a Twitter account (@TELGLawyers with 178 tweets, 100 following, 124 followers).

Kyros & Pressly, a Massachusetts-based law firm, operates the "Foreign Corrupt Practices Act Reporting Center" (<http://www.foreign-corrupt-practices-act.org>), which includes blog posts relevant to the law, as well as a form for potential plaintiffs to fill out. The small print towards the bottom of the site notes that the site is sponsored by Kyros & Pressly LLP, linking to not only the firm's main site, but also other programs such as the SEC Whistleblower program (<http://www.secwhistleblowerprogram.org/>), "Report Medicare Fraud" (<http://medicarefraudcenter.org>), and "Dendreon (Nasdaq:DNDN) Shareholder Class Action Lawsuit" (<http://dendreonlawsuit.com/>). The SEC Whistleblower website highlights the Dodd-Frank law up front and provides an offer for a "free evaluation." Meanwhile, the main Kyros and Pressly site (<http://kyrospressly.com>) also includes information about SEC whistleblower laws and the Foreign Corrupt Practices Act.

Kyros and Pressly also maintain a Twitter handle (<http://twitter.com/#!/KyrosPresslyLaw>, with 11 tweets, following 14, and with 63 followers)<sup>36</sup> and a YouTube channel (<http://www.youtube.com/user/FCPAReportingCenter>), which was created on July 6, 2011.<sup>37</sup> There are 6,492 total views of a single video.<sup>38</sup>

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<sup>36</sup> Druskin, Mikhail. *Twitter*. KyrosPresslyLaw. Web. Oct. 2011. <<http://twitter.com/KyrosPresslyLaw>>.

<sup>37</sup> "FCPA Reporting Center's Channel." *YouTube*. Kyros & Pressly LLP, June 2011. Web. Oct. 2011. <<http://www.youtube.com/user/FCPAReportingCenter>>.

<sup>38</sup> "FCPA Reporting Center's Channel." *YouTube*. Kyros & Pressly LLP, June 2011. Web. Oct. 2011. <<http://www.youtube.com/user/FCPAReportingCenter>>.

## Conclusion

Digital marketing may provide the spark that ignites a new era of growth for the plaintiffs' bar. Emerging advances in social media platforms highlight how this growth may be achieved. Changes to Facebook's newsfeed and Sponsored Stories will, for example, increase user interaction with advertising, enabling marketers to benefit from personal information and insights volunteered by users of the platform. Other social platforms, such as Google Plus, will more tightly link search advertising with the identity of the user. The result can mean greater precision for targeted attorney marketing and more cost effective, easier messaging opportunities.

Whereas law firms have traditionally had to wait some time before developing a marketing strategy based on new developments or newly passed legislation, social media has allowed even the smallest law firms to seek an immediate competitive edge. Such a practice could reorganize keywords, switch regional markets, and change the target audience, pointing to a new blog post offering information and insights that clarify opportunities for potential clients. And it could all be done in a matter of minutes.

Most importantly, regardless of platform or innovation, more users will embrace social media, sharing their personal information, interacting with total strangers, and expressing interests in areas relevant to trial attorneys. The universe of potential plaintiffs will continue to expand, as will the financial resources that trial attorneys dedicate to online recruitment efforts.

## Methodology

In assessing the online activities of plaintiffs' attorneys, all major social media and digital communications channels were analyzed from the point of view of an unsuspecting consumer looking for information on a specific topic. The platforms analyzed included, but were not limited to, Facebook, Twitter, YouTube, Blogs, Wikipedia, Myspace, Foursquare and Flickr in addition to search engines and mobile applications.

Resulting discussion, content, sites and profiles found to be affiliated with or promoting a law firm or legal services were analyzed for: content strategy, calls-to-action, transparency, SEO social and search advertising and reach/engagement.

NMS utilized Google AdWords to collect Cost-Per-Click (CPC) search data on 125 keywords (listed on page 38) identified as of interest to trial attorneys. Through Google AdWords, we tracked and collected data on online ad spends for the 125 key words during a 45-day period (August 15, 2011 through September 30, 2011). After first removing non-legal advertisers, we used the data sample collected to calculate estimates of aggregate spends by keyword, by firm and by website to secure placements on advertising positions in Google search results.

Our sample set of 45 days was then converted to 365 days to reach an annual estimate. It is important to note that, due to the auction-based pricing of Google AdWords, the actual advertising spends for a 365 day period may be higher or lower than the spends tracked for 45 days for this report. It is also important to note that the study focused entirely on keyword search because it is the most easily tracked and measurable form of online advertising, and does not represent overall digital spends (which could be significantly higher). All calculations focus only on search engine marketing related to the 125 keywords through Google AdWords.

This compilation of digital ad buy data represents the most comprehensive analysis to date of online advertising spends by trial attorneys.

## Universe of Keywords

abatement asbestos  
about asbestos  
about mesothelioma  
accidents and injuries  
accutane  
and mesothelioma  
arsenic  
asbestos  
asbestos abatement  
asbestos abatement removal  
asbestos and cancer  
asbestos and mesothelioma  
asbestos attorney  
asbestos attorneys  
asbestos cancer  
asbestos ceiling  
asbestos disposal  
asbestos exposure  
asbestos law  
asbestos lawyer  
asbestos lawyers  
asbestos mesothelioma  
asbestos removal  
asbestos survey  
asbestos test  
asbestos testing  
asbestos tile  
asbestos tiles  
asbestos training  
assisted living neglect  
assisted living residents  
rights  
assisted living settlements  
assisted living sue  
avandia  
benzene  
birth defects  
birth defects malpractice  
breast cancer sue  
cancer asbestos  
cancer from asbestos  
cleft palate  
construction accident  
corrupt practices  
denture creams

deputy metal hip implant  
dioxins  
disposal of asbestos  
employment lawyer  
employment rights  
erisa  
exposure to asbestos  
false claims act  
fela (federal employers  
liability act)  
fixodent  
foreign corrupt practices act  
foreign corrupt practices act  
fcpa  
gulf oil spill  
hazardous waste liability  
heparin  
hip implant  
hip implant recall  
how to be a whistleblower  
hydroxycut  
insurance bad faith  
is it asbestos  
lawyer mesothelioma  
lead poisoning  
lung cancer  
malignant pleural  
mesothelioma  
medical malpractice  
mercury poisoning  
mesothelioma  
mesothelioma and asbestos  
mesothelioma asbestos  
mesothelioma attorney  
mesothelioma attorneys  
mesothelioma law  
mesothelioma lawyer  
mesothelioma lawyers  
motor vehicle accident  
patent infringement  
patient safety  
paxil  
personal injury  
poligrip  
premises liability

product liability  
products liability  
qui tam  
removal asbestos  
removal of asbestos  
remove asbestos securities  
fraud  
silicosis  
social security disability  
spinal cord injury  
ssi disability  
test asbestos  
test for asbestos  
testing asbestos  
testing for asbestos  
the foreign corrupt practices  
act  
the whistleblower  
topomax  
traumatic brain injury  
tsa  
vaccines  
what are asbestos  
what is asbestos  
what is lung cancer  
what is mesothelioma  
what is signs of cancer  
what is the foreign corrupt  
practices act  
what is whistleblower  
whistleblower  
whistleblower act  
whistleblower attorney  
whistleblower laws  
whistleblower protection  
wrongful death  
www asbestos  
www mesothelioma  
zimmer knee  
Zolof