

Technology

Rules Are Rules: Save Your Website

You Might Be Violating the Rules of Professional Conduct Just By Having a Dynamic Website

BY DANIEL J. SIEGEL

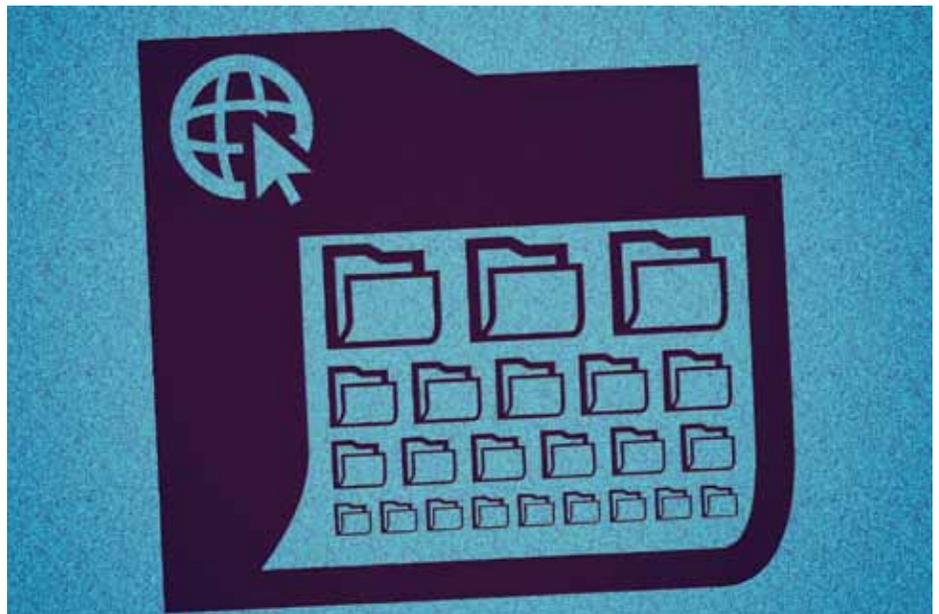
I can still remember the days when lawyers primarily advertised in the Yellow Pages. Some also advertised on television. And a few took out newspaper ads, but that was it. There really weren't many other alternatives.

Then came the Internet. Now lawyers have websites, blogs, Facebook pages, Twitter feeds, LinkedIn pages, YouTube videos, and a seemingly never-ending list of ways to communicate online. All with one goal – attract new clients. Websites are advertisements. So are some Facebook pages. After all, if 300 colleagues and clients like your law firm's Facebook page, they probably realize that you didn't create it just to show off your new hairstyle.

According to a March 2012 study by The Research Intelligence Group, 76 percent of the adults who have looked to hire an attorney in the past year used online resources at some point during the process. Obviously, lawyers (like any other business seeking clients) will focus their marketing resources where the potential clients are. Nowadays, that's the Internet.

But there is a rub. Every one of these communications – and perhaps even some emails that lawyers send – is an advertisement. The Philadelphia Bar Association Professional Guidance Committee opined that a website is a form of advertising in Formal Opinion 2007-7:

In addition, it is the Committee's



opinion that a website and a resume contained therein are both forms of “advertising” under the Rules of Professional Conduct. ... A website is also a form of “advertising” and is subject to all applicable Rules of Professional Conduct. As recognized in the Rules, the Internet and other electronic means have become one of the preferred methods by which lawyers and other businesses seek new clients. Consequently, a website – the most basic element of electronic advertising – falls within the ambit of Rules 7.1 and 7.2.

Thus, lawyer websites, and other

forms of Internet advertising, fall within the ambit of Rule of Professional Conduct 7.2(b), which states:

A copy or recording of an advertisement or written communication shall be kept for two years after its last dissemination along with a record of when and where it was used. This record shall include the name of at least one lawyer responsible for its content.

Unlike print advertisements, which you can tear out and save, electronic advertisements such as websites are not so easy to “grasp.” Regardless, lawyers must still maintain copies of all

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advertising – no matter what form it is in – for two years. How do you do that?

The simple method, it would seem, is to print out every page of a website. Or, simply “save” the page. If only it were that simple, but it is not. It’s important to recognize that although many websites are nothing more than online business cards, others are highly complex. In addition, not all websites are “static,” i.e., the content doesn’t change unless the website designer or some other person revises the page or its content. Nowadays, many websites, especially larger ones, are generated dynamically. This means that the pages on the site are generated based upon the information input by visitors to the site. In those circumstances, capturing content is like trying to catch fog. It isn’t easy.

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In my experience, there are a few ways to do so, and some are easier than others. Of course, the most primitive method is to merely print out every page of the website every time it changes. That works, but it is easier said than done. If the site is a “business card,” printing or saving the one page site is simple. Most sites are bigger. Consequently, a relatively small website might only be comprised of 10 or 20 pages, but as the firm grows, or as it expands the scope of information on its website, the number

BlackBerry Turns to Z10 for Revival

Remember all those reports that said the BlackBerry was doomed? Not so much anymore, thanks to its new Z10.

Critics love the phone, with its 4.2-inch screen and Retina display that’s sharper than the iPhone 5. It has high-definition cameras in the front and back. BlackBerry’s app store is packed with useful items and there’s a movie and music store as well. The company says there will be 70,000 apps available when it goes on sale in the U.S. It has 16 gigabytes of storage and room for a memory card. All four major U.S. wireless carriers (AT&T, Sprint, T-Mobile and Verizon) will sell the device. There’s no word just yet on when the Z10 will be available here.

There’s one thing missing that might take some getting used to for BlackBerry diehards – a physical keyboard. BlackBerry says its new touchscreen learns your writing style and suggests words to help you type faster, more accurately and with the least amount of effort. And if you tend to mistype certain letters, the Z10 will remember and subtly adjust to make sure you hit the right key. Another new feature allows you to use BlackBerry Messenger to make free phone calls and video calls over the Internet.

Will the millions of current BlackBerry fans make the switch to the Z10? Or will BlackBerry become another footnote in tech history? The Z10 looks good, so it’s up to the users to decide. ■

Google’s Pixel Targets the Cloud Crowd

When Google unveiled its \$1,299 Chromebook Pixel laptop in February, it left a lot of people lamenting what the computer was missing, rather than what it has going for it.

The touch-screen Pixel features Gorilla Glass and an anodized aluminum case and an astounding 239 pixels per inch in its 12.85-inch display. It comes with a tiny 32 GB of local storage, but you



can store 1 terabyte of data on the cloud, courtesy of Google Drive, for 36 months. Without the laptop, storing 1 TB on Google Drive would set you back \$1,800 over those three years.

But you can’t run applications like Microsoft Office or Adobe Photoshop on the Pixel. Its battery is good for about five hours, while a MacBook Pro lasts for seven hours. It has an Intel I5 1.8 GHz dual core processor, which is slower than the MacBook Pro and most comparably priced Windows laptops. The Pixel caters to the cloud crowd – those who are comfortable storing their data online. So what we have here is essentially a \$1,300 web browser. Once web-based apps are on par with the likes of Office and Photoshop, machines like the Pixel will do just fine. But for now, this is a beautiful laptop with features that only a few will love. ■

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of pages can quickly grow. The thought of printing out 30 or 50 or 100 pages is numbing, however, and the reality is that people just don't, or won't, do it.

If printing isn't practical, what other methods are there?

Perhaps the easiest option is using Adobe Acrobat (the standard or professional versions, not the free Reader), which lets you capture web pages using an easy-to-use interface. Just click a few buttons and Adobe turns your entire website into a pdf. This will work well if you are disciplined (you have to do it every time your website changes). It won't work if your site changes daily and you aren't up to the task.

Another alternative is Web Preserver, a product of Reed Archives, which can be used not only to capture your own website and social media pages, but also to capture other websites and pages for use in your cases. The Web Preserver service is quite versatile, and lets you record websites at scheduled intervals or on the fly, and can also record your web

research, allowing you to retaining native archives of all of the pages you visit or want to save. The advantage of this process is that you are saving content in its original format whereas Adobe converts all of the content to pdf format. While the Rules don't require that you keep copies of your own website in native form, you may need to do so if you are capturing other pages to use in your own cases.

Ah, technology. Sometimes the Rules of Professional Conduct and technology don't play well together. Regardless, you still need to make sure that you are capturing your website, and every other form of electronic communications, if the need arises. ■

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Apple TV



Roku 3

BOTH APPLE TV AND ROKU 3 ALLOW YOU TO STREAM INTERNET CONTENT ONTO YOUR TELEVISION. You'll need to have an account with the individual services (Netflix, for example) to see programming. Apple TV allows access to Apple's iTunes store while Roku gives you access to music services like Pandora. If you're ready to get rid of cable, these \$99 devices can fulfill your entertainment needs.

FEATURES	APPLE TV	ROKU 3
STREAMING SERVICES	NETFLIX , YOUTUBE , MLB.TV, NBA.COM LEAGUE PASS, NHL GAMECENTER LIVE, ITUNES	NETFLIX, HULU PLUS, FACEBOOK, PANDORA, VUDU, TWITTER, MORE THAN 700 ENTERTAINMENT CHANNELS
CONNECTIONS	HDMI, MICRO USB	ETHERNET, WIFI
WIFI	BUILT-IN	BUILT-IN
TV COMPATIBILITY	HDTV ONLY	HDTV ONLY
DIMENSIONS	3.9" X 3.9" X 0.9"	3.5" X 3.5" X 1"
WEIGHT	3.7 OUNCES	5 OUNCES
PRICE	\$99	\$99