



State Bar Approves Proposal to Provide Attorney-Client Privilege to Lawyer Referral Service

A proposal, recommended by the State Bar's Committee on Lawyer Referral Service, to amend the Judiciary Law § 498 to provide for a lawyer referral service-client privilege, was approved by the State Bar's Executive Committee on June 18, 2015. Initially drafted by the New York City Bar Association, the proposal was inspired by California's recently amended Evidence Code.

In 2013, California amended its Evidence Code to create the privilege, after a subpoena was issued to the Bar Association of San Francisco (BASF) Lawyer Referral and Information Service (LRS). The subpoena, issued by the San Francisco District Attorney, sought information about what may have been said to BASF by a criminal defendant in the course of seeking a

referral. The matter was resolved without disclosure and without any reported decision, but left open a question about whether information disclosed by an individual seeking a referral to LRS staff remained confidential. The amendment to the California Evidence Code resolved that question in favor of confidentiality and assured consumers of legal services in California that seeking legal help through the assistance of an LRS would not prejudice or cause potential harm to their civil or criminal matters.

New York State has twenty LRS's – nineteen county, metropolitan or other bar association sponsored LRS's and the State Bar's Lawyer Referral and Information Service, which would benefit if this proposal became law.

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If you are interested in joining the State Bar's Lawyer Referral Service go to:

www.nysba.org/joinlr



Q&A

In an effort to assist you and your staff with some common inquiries below are answers to frequently asked questions.

What is the LRIS membership fee?

LRIS panel members pay an annual fee of \$75 (\$125 for non-NYSBA members).

What is the referral fee if a client retains my services?

LRIS panel members agree to remit 10% of their entire fee if the fee is \$500 or more.

Do I need to carry malpractice insurance?

Yes, LRIS panel members are required to provide proof of malpractice insurance in the minimum amount of \$100,000.

How much should I be charging for the initial ½ hour consultation?

The consultation fee is \$35.

What if I can't help a client that was referred to me?

If you decline a referral for any reason, you should refer the client back to the LRIS. A LRIS client can also be seen by another attorney in your firm but the referral will be tracked as a referral to you.

Do I have to have an office in the County that I want to receive referrals from?

Yes, attorney members must have an office in one of our 44* service counties to be eligible to participate in our referral panel.

How do I sign up?

Download the LRIS application at www.nysba.org/joinlr or call 1.800.342.3661 or email lr@nysba.org to have an application mailed to you.

* Go to www.nysba.org/joinlr for a complete list of service counties.

Note from the Chair



Tastensen

I am honored to serve as the new Chairperson of the Committee on Lawyer Referral Service. As I sit down to write my first note from the Chair, I am reminded of an old commercial from my childhood- I am not just the Chairperson of the committee, but a member too. When I graduated from law school in 1998, I immediately began my legal career working in the public sector: first as an Assistant District Attorney in the New York County District Attorney's Office and then as an Intervenor Attorney for the New York State Consumer Protection Board. When I decided to enter private practice and start my own firm, six years after leaving law school, I felt like I was starting from scratch. Other than a short stint as an associate at a small law firm, I did not have much experience in private practice: handling money, marketing myself or my practice, or developing

a client or referral base. I joined the NYSBA Lawyer Referral Service when I started my practice, and have been a member ever since. I knew I wanted to continue practicing the areas of law in which I already had experience and expertise: family law and criminal law. I also knew there were many people who were interacting with attorneys for the first time when confronted with the prospect of divorce, a custody dispute, adoption of a step-child, or a criminal arrest.

The Lawyer Referral Service serves a huge public need, while also serving its attorney panel members. Members of the public are referred to an attorney with expertise in a certain area of law, while attorney members obtain referrals to clients who are looking to hire an attorney. The NYSBA Lawyer Referral Service serves 44 counties in New York State (some larger and metropolitan counties operate their own lawyer referral service programs). The LRS receives over 100 calls per day from the public seeking attorneys all over the state. While we have over 150 attorneys that participate, we remain

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What's New?

Referral surveys are now being provided as an attachment to your referral notification emails. Just open the attachment, fill it out, and send it in.

We are also providing potential clients with your websites. Please keep your sites relevant and up to date!

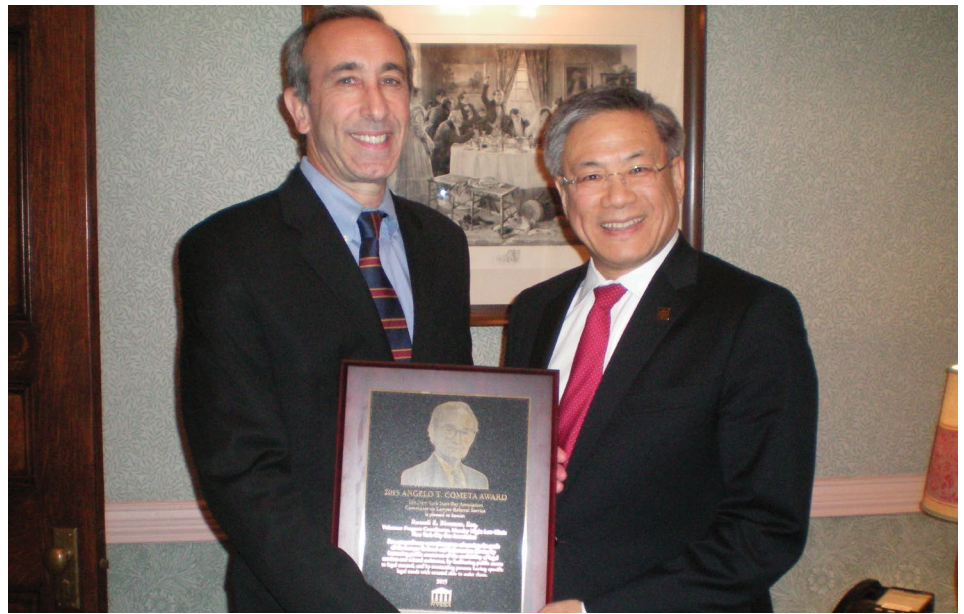
Russ Bleemer and Monday Night Law Receives State Bar's Cometa Award

Russ Bleemer and the Monday Night Law Program of the New York City Bar Association have been honored with the State Bar Association's 2015 Angelo T. Cometa Award.

"The Monday Night Law Program has helped tens of thousands of low-to moderate-income New Yorkers the past 25 years," said New York State Bar Association then-President Glenn Lau-Kee of New York City (Kee & Lau-Kee).

"Under Russ Bleemer's guidance, the program has played an important role in trying to close the access-to-justice gap that leaves an estimated 80 percent of the civil legal service needs of low-income New Yorkers unmet," said Lau-Kee, who presented the award to Bleemer at the Association's House of Delegates dinner in Albany on March 27.

The award, sponsored by the State Bar's Committee on Lawyer Refer-



Left to right: Russ Bleemer and then-NYSBA President Glenn Lau-Kee [Photo by Eva Valentin-Espinal]

ral Service, recognizes individuals or groups in New York that demon-

strate an extraordinary commitment toward advancing the goals of the Lawyer Referral and Information Service.

The Monday Night Law Program, created in 1990, offers free legal consultation to people whose income exceeds poverty guidelines, but are unable to afford private counsel. About 130 attorneys volunteer to staff the Monday-night clinics. Each year, the program helps nearly 1,000 New Yorkers.

The award is named for Angelo T. Cometa, past State Bar President and chair of the Committee on Lawyer Referral Service. It was created in 2007 to recognize those who demonstrate an extraordinary commitment toward advancing the goals of the State Bar's Lawyer Referral and Information Service. Cometa passed away in 2014.

Parting Words from Anna Christian

I wish to express my sincere gratitude and thanks for my time spent as chair on the committee- to Eva, (LRIS Manager) the LRIS staff and to the committee members (past and present for your guidance, wisdom, experience and faith in me). What a privilege and a pleasure it has been for me to be chair for the past four years. Working together with you all on a host of projects has been a truly rewarding experience. Not only did we accomplish a lot, but we also did so in a congenial and posi-

tive way. Through lawyer referrals, the natural disaster program outreach and our special panels, I believe the Lawyer Referral Service shines brightly as a positive emissary for NYSBA. I wish to congratulate Elena Jaffe Tastensen on stepping forward to become the next chair, and look forward to giving her my continued support on the committee. I know that our committee is in good hands and will be strong as it continues its mission into the future.

Anna K. Christian

Note from the Chair

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in need of more attorney members in the North Country and Western New York to serve the callers from these areas. I encourage all NYSBA members with offices in these geographic areas to join the LRS. In addition to the opportunity to expand your client base, you will be providing a public service.

The Committee on Lawyer Referral Service is always seeking ways to continue to serve the public, and its attorney members. (See cover article on Judiciary Law Amendment.) If you are not a member of the Lawyer Referral Service, I encourage you to join. If you are an attorney panel member, and have any suggestions on how the program may better serve you or the public, please do not hesitate to reach out to me or any other committee members. I look forward to a productive three years as Chair and welcome any comments or suggestions you may have.

Elena Jaffe Tastensen, Committee Chair

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Online Communities – A Boon for Section Members

By Lisa Bataille

A large part of the value of Section membership is the ability to communicate with colleagues in your area of practice – sharing ideas, mulling over practice-related questions and issues, and discussing the latest developments in the field. Some Sections use private LinkedIn groups and Facebook pages. The Commercial and Federal Litigation Section has had great success with its Twitter feed, and the Young Lawyers Section has a very active Facebook presence. Social media, however, is not geared toward the kind of in-depth discussion that is a hallmark of lawyer-to-lawyer communication.

Enter the Professional Online Community. When NYSBA's website was revamped in 2013, one of the key features of the new site was an area that allows Sections and Committees to have their own space and be able to communicate with each other. Ten NYSBA Sections now have a Community for its members to use.

The Communities have helped clear up technical issues and helped facilitate communication. For example, a number of members of the Elder Law and Special Needs Section's listserv were having problems receiving listserv posts, as some carriers were not allowing the emails through their servers. When the Section switched from the old listserv, groups were automatically subscribed to the new Community and all members get the messages. Now, if members post a practice-related question, they often receive a number of suggestions from other members who have experienced the same problem, which is particularly helpful to new members or to

those just entering this area of practice. The Section also launched a separate Community for its Publications Committee, so that the editors could share documents as they plan editions of the *Elder* and *Special Needs Law Journal*.

The Real Property Law Section's listserv fielded questions, referral requests and requests for guidance on nearly a daily basis. However, the listserv format would not automatically include a member's electronic signature, so subscribers often would not know who was posting a question or a response. In April, the Section launched its online Community, which eliminated the electronic signature

Ten NYSBA Sections now have a Community for its members to use.

issue, and in less than 6 weeks, more than 544 messages were exchanged between members. The Section has three Communities, one for its Executive Committee, one for the entire Section, and a third for its Committee on Condominiums and Cooperatives. Also, subscribers to a Community can choose how often they would like to receive messages: in real time, a daily digest email or app notifications.

Three Sections – Dispute Resolution, Entertainment, Arts and Sports Law, and Labor and Employment Law are using their Communities to post Section program recordings that members can access free of charge. In addition, Communities offer a Resource Library, which can store an unlimited

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Search Engine Optimization for the Small Law Firm

By Ken Matejka, J.D., LL.M

Google's Market Dominance

Google's U.S. market share for law-related search has grown to a near-monopoly in recent years. When people search online for legal help and contact you, there's an extremely high likelihood that they found your contact information through a Google search. For solo practitioners and small law firms, being visible on the web and being visible in Google are substantially the same thing.

There are three ways to be more visible in Google: through Google's Sponsored Listings, through Google's local maps results, and through Google's natural listings (or "organic" listings). The Sponsored Listings are the ads you see in the top 3 spots of the search results and in the right-hand margin, usually under a map. The maps results are the listings you sometimes see in the main area marked with pointers labeled "A" through "G." The natural listings are everything else – the text listings in the main content area of Google's search results other than the maps part.

Search engine optimization (SEO) is activity you do for the purpose of getting Google to favor your website in its natural listings.

Lawyers should be in the Sponsored Listings, the maps results and in the natural results through SEO, but this article will focus only SEO to get into the natural results.

What is Search Engine Optimization (SEO)?

SEO refers to things you do to your website and elsewhere on the Internet to make your website appear more



relevant for certain search phrases to Google (and the other lower volume search engines). The long-term goal is to get your website to place on the first page of Google's search results and to get the website to stay there for as long as you can.

The SEO process can take months and should be started as soon as possible.

Google reportedly considers 200+ different factors when determining the relevancy of a website for a specific search query and most of these factors are unknown to everyone except for a group of scientists at Google. With the

limited amount of information at our disposal, and a lot of speculation and trial and error behind us, what follows is a general description of the SEO process as a lot of SEO companies do it.

The four main steps in SEO are very generally (1) research to select your target phrases, (2) working your target phrases into your website, (3) creating content about your target phrases, and (3) building links.

I. Selecting your target phrases

The first step in SEO is to figure out your "keywords" or more descrip-

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Search Engine Optimization for the Small Law Firm

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phrases you want to target that are realistic to target. The target phrase is a search term that is very specific to your law practice, for example, “New York personal injury lawyer” or “Albany family law attorneys.”

When deciding what phrases you want to target for your SEO effort, your criteria should be 3-fold: (1) you should naturally select phrases that are important to your law practice, (2) the phrases should have enough search volume to make the effort worth your trouble, and (3) you should make sure that the competition for your desired search phrases isn't so extreme that the effort is futile.

For example, if a law firm wanted to target “New York malpractice lawyer,” they may find in their research

Content is King.” The most effective way to get Google to favor your website in its search results is to have a large and expanding amount of content on your website.

that the search volume is high but that the phrase is so competitive that the law firm could work for years and its website still won't overtake the larger firms and legal directories that dominate the first page of Google's search results. In that same law firm's research, they may find that “New York birth injuries lawyer” has less search volume but a higher likelihood of successful first page placement and go with that phrase instead.

Google makes competition and search volume reports available to Google advertisers but SEO companies who want your business can run these reports for you as well (sometimes free of charge).

Don't select too many phrases. Limit yourself to maybe six or seven target phrases. Too many can be counterproductive.

II. Working your target phrases into your website

The work you do on your website to improve your Google ranking is called “on-page SEO.” On-Page SEO is a process whereby you work your target phrases into the content and meta tags of your site so that Google sees you as relevant to users searching for your target phrases.

When integrating your phrases into your website, you should keep in mind that you are first and foremost writing for people who come to your website, not Google – excessive key-

each of your website's pages. The title tag goes into the source code of your website and goes between <title> and </title> at the top of your page. Put your most important target phrases first, including your geographic qualifier (like “Albany”). Try to limit the length of your title to 70 characters.

The headings in your content are very important, with the highest level heading (your <H1> headings) naturally being the most important.

Hyperlinks between the pages on your website will help Google crawl through it. By having good keyword phrases within the text of the links, Google will better understand the subject matter of the pages to which the links connect.

For example, let's say there's a link on your website which reads “Click here to learn more about our experienced Albany divorce lawyers” bringing people to your “About Us” page. If you have the hyperlink on the whole sentence or just the ‘click here’ portion, that doesn't tell Google exactly what is being linked to and is a wasted opportunity to emphasize to Google some important phrases. Better would be to have the hyperlink on the words “experienced Albany divorce lawyers”, so that Google knows what the page to which you're linking is about.

And let's not forget that “Content is King.” The most effective way to get Google to favor your website in its search results is to have a large and expanding amount of content on your website. Whether it is a blog or a growing number of frequently asked questions or additional practice area pages, you will need to write more content for your website. Stay as much on the subject matter of your

word stuffing can drive people away, defeating the point of increasing your website traffic.

Let's say you're a family lawyer in Albany and you've selected 2 or 3 phrases for which you'd like to show up in Google's results (e.g., “Albany divorce lawyer” or “divorce attorneys in Albany”). In the course of your on-page SEO then, you'd emphasize these phrases as often as possible on your divorce practice area page and elsewhere on your website, without damaging the professionalism of the content by having your phrases in there too often.

One of Google's most important ranking factors is the “title tag” of

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target phrases as possible and keep writing.

Your content doesn't have to be Shakespeare, but it must be original, rich in keywords and useful to people who come to your website.

III. Building links

The third part of SEO is referred to as "off-page SEO" because it involves things that you do elsewhere on the web to convince Google that you're an important information resource for certain searches. This is simply the deliberate process of gathering links gradually from other websites to your own.

Fundamental to Google's ranking algorithm is the notion that the more websites that link to your website, the more important your website is as an information resource on the web. When Google perceives you as important for a particular phrase, it will typically place you higher in its index.

Many in the SEO community believe that link-building is less helpful than it was several years ago and that appears to be the case. However, a recent study found a strong correlation between top-ranking websites and in-bound links, so the practice of link-building is still important.

How do you get other websites to link to your website?

You can get links to your website in a variety of ways. You can list your website on directories, exchange links with colleagues with whom you are not in direct competition, post to guest blogs, set up accounts in social media sites like Twitter and Facebook, participate in networking sites like LinkedIn, and publish content to press release and article sites. The more sites that link to yours, the more Google will

think that your site is growing in popularity and importance.

A Few Final Notes

In closing, a few things should be noted. First, SEO is labor intensive and time consuming, and if you'd rather practice law than spend hours modifying your pages and bargaining for in-bound links, you should strongly consider outsourcing the project to a competent SEO company.

Second, your SEO efforts won't help your website overnight. It may be several months before you start noticing real gains in terms of ranking on Google's organic search results and increased traffic to your website.

Third, this is an on-going process that you should plan to keep doing for as long as you want to stay high up in Google's search results.

Good luck and get typing.

If you have any questions about this article, please write to Ken at ken@matejkamarketing.com or call him at (415) 766-8512.

Ken Matejka, J.D., LL.M, is a California attorney and a former member of the American Bar Association's Standing Committee on Lawyer Referral and Information Services. He is author of the #1 bestseller "The Lawyer's Ultimate Guide to Online Leads."

Ken has been a regular speaker at events like the ABA's Annual LRIS Workshop and provides MCLE credit to attorneys across the nation on the topic of online visibility and lead generation for attorneys, and related ethics issues.

His company, Matejka Marketing, Inc., currently provides online marketing services to 32 bar associations and a large number of law firms nationwide.

Online Communities

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amount of information. Any Section member may add information to the library and any member may access it. Posting requires no special expertise or training, and the library is able to accept all file types (e.g., PDFs, Word, spreadsheets, audio and video).

Aware of the importance of protecting personal information, NYSBA Communities allow users to control their privacy settings at all times and at every line of their profile. No commercial search engines are allowed to

index information and internal search results are available only to those logged in as members of a specific Community.

While there is no one-size-fits-all solution for Section member communication, adding a Community to the mix will create more opportunities for members to get the most value out of their Section membership. The possibilities are endless.

Bataille is NYSBA's Chief Section Liaison

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NEW YORK STATE BAR ASSOCIATION
Lawyer Referral

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