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Marketing Communication as an Instrument Designed to Shape Image of Advocates and Legal Counsels – What Forms of Client Impact Are Permitted and How Are They Perceived in Legal Circles

Komunikacja marketingowa jako narzędzie kształtowania wizerunku adwokatów i radców prawnych – jakie formy oddziaływania na klientów są dozwolone i jak są postrzegane w środowisku prawniczym

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ABSTRACT

The article aims to examine what opportunities advocates (in Polish: *adwokat*) and legal counsels (*radca prawny*) have in Poland to undertake promotional activities, as well as to find out what is lawyers' opinion regarding the use of selected marketing communication instruments by the aforesaid legal professionals. The paper is a scholarly and research publication, and its coverage fits both into the fields of law and management and quality studies. Exploring the issue in question fills the identified research gap, in particular, as regards the juxtaposition of existing provisions contained in codes of ethics and opinions about them expressed by legal professionals. The research problem was determined as follows: To what extent are advocates and legal counsels aware of the opportunities – consistent with the legislation in force – for their use of respective marketing communication forms and how do they perceive activity aimed at soliciting clients and creating an image of a law firm in their minds? The research conducted was qualitative in nature, with the method employed being an individual in-depth interview, which was also a semi-structured interview. The group of respondents was comprised of nine advocates and legal counsels. The research was limited to Poland, and its results provide significant findings and conclusions about lawyers' perception of promotional activities, the assessment of whether they are ethical and determinants for effectiveness. The research results have practical implications. They can be used not only by advertising agencies providing their services to law firms, but also by advocates and legal counsels engaged in promotional activities on their own.

Keywords: legal services marketing; marketing communication; legal counsel; advocate

INTRODUCTION

Publications on legal services marketing were released as part of Polish scholarly and practical literature, both in the form of monographs[1] and articles. However, there are only a few such publications. In broad terms, publications dealing with that subject referred to market-related actions understood in a general sense, which were taken by law firms or individual lawyers with a view to being successful in soliciting new clients.

The main trend was reflected in the publications whose authors entered into the academic discussion as to whether provisions contained in the Rules for Advocates' Ethics and Professional Dignity (in Polish: *Zbiór Zasad Etyki Adwokackiej i Godności Zawodu*, also commonly referred to as the Advocates' Code of Ethics – *Kodeks Etyki Adwokackiej*, KEA) and other regulations restricting the use of marketing (and specifically, of advertising) should be liberalised or not.[2] Many texts were limited only to a presentation of marketing instruments that can be used

[1] See A. Kłosowski, *Zarządzanie marketingiem w kancelarii prawniczej*, Warszawa 2017.

[2] See P. Zbroja, *Reklama usług prawniczych okiem młodego adwokata*, "In Gremio" 2009, no. 58, pp. 6–7; A. Orfin, *Usługi prawnicze XXI wieku*, "Ekonomiczne Problemy Usług" 2012, no. 96, pp. 431–442; E. Zadęcka, *Bezwzględny zakaz reklamy kancelarii adwokackich w realiach współczesnego funkcjonowania rynku usług prawniczych*, "Przegląd Prawa i Administracji" 2018, vol. 115, pp. 97–106; D. Dziel, *Zakaz reklamy w dobie mediów społecznościowych*, "Młoda Palestra" 2022, no. 2, pp. 132–145.

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for the operations of law firms run by advocates and legal counsels (usually, in a general sense – taking the so-called "4P" approach, namely: product, price, place and promotion – which in certain cases was extended to include some additional elements).[3] Most of these publications do not contain any empirical part – they fail to present results of an analysis covering empirical material gathered by the authors. Only a very few texts are based on own research. A reference to results of survey research conducted among advocates and legal counsels (employed at law firms) and public relations agencies was made by A. Werenowska.[4] The author demonstrated results of quantitative research (covering a small sample) into lawyers' perception of marketing activity and the forms of market actions performed by law firms. In that exploration, she also focused, however, only to a lesser extent, on how representatives of public relations agencies assessed servicing lawyers.

Publications available in Polish literature pay attention to changing attitudes of not only law firms' clients, but also lawyers themselves. It was emphasised that there is still some resistance from legal circles, or at least a lack of confidence, to the use of marketing for their own services. However, authors of the publications in question put forward a view suggesting that marketing activity is not against the values and ethos of legal profession, as both advocates and legal counsels can share particularly useful knowledge with society, listen to their clients with a view to understanding their needs and use expertise they acquired in order to resolve problems clients are faced with in their everyday lives.[5] Quantitative research investigating how the position of individual clients evolved on the legal services market was carried out by M. Gnusowski. The author focused on key determinants for changing the market position of clients in their contact with advocates and legal counsels.[6]

The issue relating to the use of marketing communication forms in the legal services sector was tackled in publications on the ethics and deontology of the professions of advocate and legal counsel. That sector-specific aspect of marketing was the centre of attention in many chapters contained both in non-serial publications[7] and, in a broad sense,

[3] See M. Hładki, *Marketing mix kancelarii prawniczych w Polsce*, "Zeszyty Naukowe ZPSB – Firma i Rynek" 2012, no. 2, pp. 76–87; A. Kłosowski, *Marketing operacyjny organizacji prawniczej. Cz. 3*, "Temidium" 2017, no. 1, pp. 86–92; E. Zadęcka, *op. cit.*, pp. 97–106.

[4] A. Werenowska, *Alternatywne formy komunikacji kancelarii prawnych z grupami otoczenia*, "Roczniki Nauk Rolniczych. Seria G – Ekonomika Rolnictwa" 2009, vol. 96(4), p. 217.

[5] *Etyczny marketing usług prawniczych – wystąpienie dr. Macieja Skotarczaka, szczecińskiego radcy prawnego, na XI Polsko-Niemieckim Forum Prawniczym, które odbyło się we Wrocławiu w dniach 20–22 listopada 2015 r.*, "In Gremio" 2015, no. 97, pp. 21–23.

[6] M. Gnusowski, *Determinanty zmiany pozycji rynkowej klientów indywidualnych na rynku usług prawnych*, "Studia Ekonomiczne" 2017, no. 330, pp. 48–56.

[7] See H. Izdebski, *Marketing usług prawniczych. Rozpoczęcie współpracy*, [in:] *Etyka zawodów prawniczych. Etyka prawnicza*, eds. H. Izdebski, P. Skuczyński, Warszawa 2006, pp. 167–180; P. Skuczyński, *Etyka adwokatów i radców prawnych*, Warszawa 2016, pp. 181–218.

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scholarly papers.[8] Focus was, first and foremost, on the correlation between marketing for the professional services in question and legal ethics.[9]

The growth of the global computer network allowed researchers to devote more and more attention to the utilisation of the Internet in marketing activities of individuals or entities rendering legal services. Some publications dealing with that issue were very general in their nature (they related to many channels of electronic communication).[10] While the other ones were centred on selected areas of Internet marketing activity, in particular, on social networking sites.[11]

One has to mention that among published texts, there were single pieces of writing containing comparative analyses concerning the rules for and practices of advertising legal services in Poland and other countries. For instance, P. Skuczyński, in his comparison of Poland with the USA made several years ago, arrived at the conclusion that American regulations on the advertisement of services rendered by lawyers diverge considerably from a standpoint adopted in Europe, with Poland taking a particularly restrictive approach.[12]

In the light of a review of literature that deals with marketing in conjunction with legal services, a certain gap to be explored can be spotted, especially in respect of empirical research and the need to describe the phenomenon in question under the legislation currently in force and contemporary living conditions of society (which relates mainly to the widespread use of numerous online communication platforms, e.g. social networking sites or blogs). Furthermore, it must be noted that many publications have deficiencies regarding their very substance – those relating to marketing matters (e.g. it was very common that basic terms were confused, such as marketing, promotion, advertising; these publications also gave incorrect descriptions of instruments comprising a promotion system, e.g. the forms of image

[8] See A. Falkowska, *Zasady etyki w zawodzie radcy prawnego*, "Ekonomia i Prawo" 2010, vol. 6(1), pp. 449–458; S. Sykuna, *Zakaz nieuczciwej konkurencji z perspektywy etyki prawniczej*, "Gdańskie Studia Prawnicze" 2016, vol. 36, pp. 397–403; K. Purc-Kurowicka, B. Jurgielewicz, *Etyka prawnicza w Polsce w XXI w.*, "Acta Iuridica Resoviensia" 2021, no. 2.

[9] See P. Skuczyński, *Główne kierunki rozwoju etyki prawniczej w Polsce*, [in:] *10 lat Studenckiego Stowarzyszenia Etyki Prawniczej*, eds. I. Małobęcka, P. Skuczyński, Warszawa 2011, p. 26.

[10] See B. Fogel, *Elektroniczny marketing usług prawniczych jako środek komunikacji rynkowej*, "e-Biuletyn Centrum Badań Problemów Prawnych i Ekonomicznych Komunikacji Elektronicznej WPAiE" 2008, no. 3, pp. 1–12; E. Ivanova, *Prawnicy muszą pokochać sieć, nie mają wyboru*, „Dziennik Gazeta Prawna" 2012, no. 153, pp. D4–D5; A. Mikołajczyk, *Marketing Legal Services on the Internet*, "Contemporary Economy" 2014, vol. 5(3), pp. 1–10.

[11] See G. Furgal, *Prawniczy marketing na YouTube*, "Radca Prawny" 2014, no. 153, pp. 32–33; idem, *Public relations radców prawnych na portalu Facebook – wybrane zagadnienia prawne*, "Naukowy Przegląd Dziennikarski" 2018, no. 1, pp. 199–209.

[12] P. Skuczyński, *Analiza porównawcza tajemnicy adwokackiej oraz reklamy usług prawniczych w Polsce i w Stanach Zjednoczonych*, "Przegląd Prawniczy Uniwersytetu Warszawskiego" 2004, no. 2, p. 135.

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creation belonging to the public relations area). Hence, it is advisable to ensure that the phenomenon of using marketing communication in relation to legal services is examined and described by people specialising in law, in collaboration with marketing specialists, both in scholarly and practical terms.

Based on the above considerations, the following two primary objectives were defined for this paper. The first of them was linked to an analysis of theory pertinent to the subject hereof and aimed to examine what opportunities advocates and legal counsels nowadays have in Poland for promotional activities, given the legislation currently in force, and to determine to what extent these opportunities have been described in scholarly literature. As for the other objective, which was empirical, lawyers were asked for their opinions about the use of selected marketing communication instruments by the said legal professionals in their everyday practice, and subsequently, these opinions were analysed. Putting these two intentions of the authors into practice determines the cognitive value of this article.

PROMOTION OF ADVOCATES' AND LEGAL COUNSELS' SERVICES FROM THE POLISH LAW PERSPECTIVE

Given the legislation currently in effect, the issue relating to advertising activity, in its broadest meaning, covering promotion and other actions designed both to solicit new clients and maintain co-operation with existing ones, is not governed by any statute. One of the consequences arising from the above state of affairs is the fact that possible methods of using promotional instruments by legal professionals are subject to the national bars of advocates and legal counsels, respectively, whose powers in this respect are diversified to a large extent. As the research carried out in this paper refers to legal counsels and advocates, it is necessary to briefly present basic regulations on the use of marketing communication by the legal professionals in question.

Pursuant to the Legal Counsels' Code of Ethics (KERP – *Kodeks Etyki Radcy Prawnego*),[13] legal counsels are permitted not only to inform about the fact that they practise, but also to solicit clients. As provided for in Article 31 (2) KERP, communication oriented towards both direct and indirect promotion of a legal counsel, their image or of the fact that they practise individually or at a law firm is understood as informing about practising the profession. In addition, the form of such activity, its substance or a means of communication used for that purpose are of no relevance. However, actions construed as informing do not include those whose purpose is other than promotion and which allow for direct contact with a legal counsel or refer to services rendered by them and have been developed inde-

[13] Annex to Resolution No. 884/XI/2023 of the Presidium of the National Council of Legal Advisers of 7 February 2023.

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pendently. Furthermore, KERP forbids such forms of informing about one's practice which, for instance, are detrimental to the professional dignity, are misleading, violate professional secrecy or abuse a person's trust (Article 32 (1) KERP). In addition, as far as literature on the subject is concerned, some authors claim that the structure of the aforesaid regulation does not justify the need to differentiate between advertisement and other forms of communication, as what is of paramount importance is the compliance of activities with KERP regulations.[14]

Solicitation of clients (Articles 33 and 34 KERP) is defined as activity oriented, directly or indirectly, towards making a new or amending an existing contract with an identifiable or identified person or client. The aforesaid provisions lay down a variety of requirements and restrictions, such as the obligation to undertake activities aimed at soliciting clients, which are in line with custom, law or rules set forth in KERP.

Different regulations were brought in by the National Bar of Advocates (*samorząd adwokacki*). Until very recently, advocates were forbidden to advertise. As stipulated in Article 23 of the Rules for Advocates' Ethics and Professional Dignity (Advocates' Code of Ethics),[15] they were not allowed to use any advertisement whatsoever. However, a resolution carried by the Supreme Council of Advocates (NRA – *Naczelna Rada Adwokacka*) on 26 May 2023 (Resolution No. 93/2023) introduced a major change, namely, advocates were permitted to use commercial communications, which are defined as any form of communication designed to promote, directly or indirectly, an advocate's services or image. Moreover, it was stipulated that the said communications must not violate the principles of ethics or be detrimental to the professional dignity and that they must be clearly marked.

In literature on the subject, various driving factors were identified to have a clear impact on the discussion concerning changes to the regulations, which continued in recent years. The first of such factors includes the EU directives referred to below in this publication. Nevertheless, what also needs to be stressed is the adoption of the Code of Conduct for European Lawyers (CCBE), under which a lawyer's personal advertising, irrespective of the form used in the media (the press, radio, television, commercial electronic communications, etc.), is permitted, if it is accurate, is not misleading and is carried out in a manner that does not breach a confidentiality obligation and preserves other professional values (2.6.1, 2.6.2 CCBE). The second factor is technological development, which has an important bearing on communication methods, in particular, on commercial communication.[16] That influence is

[14] D. Lubasz, *Reklama internetowa radców prawnych i adwokatów jako zawodów zaufania publicznego*, [in:] *Reklama. Aspekty prawne, nowe wyzwania*, ed. M. Namysłowska, Warszawa 2022, p. 735.

[15] Annex to Resolution No. 230/2022 of the Presidium of the National Bar Council of 22 September 2022.

[16] For example, see D. Lubasz, *op. cit.*, p. 727.

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also seen in marketing activity of law firms run by advocates, which is oriented not only towards soliciting new clients, but also retaining existing ones (relationship marketing). Similarly, as in the case of other entities, both the content and scope of marketing activities carried out by law firms are driven by a number of factors, including the size of a law firm or target group at which marketing activities are aimed, and the fact that typical activities entail running a website or maintaining profiles on social networking sites (e.g. Facebook) and portals intended for professionals (e.g. LinkedIn).[17] However, under regulations that had been in force until very recently, many activities which might be or were performed by law firms could have been regarded as activities which were simply impermissible or as activities that raised doubts (both according to theorists and in light of judicial decisions).

It is worth noting that in the Internet era, where the Internet is a basic instrument for communication, it was allowed under the Advocates' Code of Ethics, in terms of electronic communication, only to post information on websites and make particulars of such websites available in catalogues and search engines. Hence, it was not possible to undertake activities which nowadays are considered a fundamental component of e-marketing operations, namely, e.g. website positioning, sponsored links or the use of such tools as Google Ads.[18] As aptly noted by P. Bróżek, the legislative framework, which precluded the possibility of advertising, did not mean that other marketing instruments were also forbidden. Those classified under the aforesaid relationship marketing were, and probably will be, of key importance, allowing to establish strong ties with clients. Furthermore, advocates participate in conferences, publish scholarly works, issue informative guides, run blogs, etc.[19]

The aforesaid changes arise from the need to make Polish regulations compliant with the European Union legislation. Pursuant to Article 4 (11) of Directive 2006/123/EC on services in the internal market,[20] a regulated profession means a professional activity or profession, access to which, the pursuit of which, or one of the modes of pursuit of which is subject, directly or indirectly, by virtue of legislative, regulatory or administrative provisions to the possession of specific professional qualifications.[21] In consideration of the above and having regard to regulations,[22] professions practised by advocates and legal counsels are regulated professions.

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[17] E. Zadęcka, *op. cit.*, p. 122.

[18] D. Lubasz, *op. cit.*, p. 737.

[19] P. Bróżek, *Czy adwokaci powinni się reklamować?*, "Palestra" 2021, no. 7–8.

[20] Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market (OJ L 376/36, 27.12.2006).

[21] Article 3 (1) (a) of Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255/22, 2005).

[22] In particular, Article 2 (g) of Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (OJ L 178/1, 17.7.2000).

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One must consider the fact that the issue related to regulating the manner how advocates use commercial communications is, as pointed out by P.F. Piesiewicz, currently associated not only with professional ethics, but it concerns, first and foremost, the proper implementation of the EU law,[23] mainly with respect to matters governed by the aforesaid two directives, i.e. Directive 2000/31/EC and Directive 2006/123/EC. As stipulated in Article 8 of Directive 2000/31/EC, the use of commercial communications which are part of, or constitute, an information society service provided by a member of a regulated profession is permitted subject to compliance with the professional rules regarding, in particular, the independence, dignity and honour of the profession, professional secrecy and fairness towards clients and other members of the profession. Whereas, in accordance with Article 24 of Directive 2006/123/EC, Member States shall remove all total prohibitions on commercial communications by the regulated professions and shall ensure that commercial communications by the regulated professions comply with professional rules, in conformity with Community law, which relate, in particular, to the independence, dignity and integrity of the profession, as well as to professional secrecy, in a manner consonant with the specific nature of each profession. Professional rules on commercial communications shall be non-discriminatory, justified by an overriding reason relating to the public interest and proportionate.

The issue of using promotion tools by advocates was the subject of several proceedings, including those before the Higher Disciplinary Court (WSD – *Wyższy Sąd Dyscyplinarny*) of the Bar Association. The WSD, in a ruling of 1 April 2023[24] regarding the use of Google Ads (Google AdWords) sponsored advertising, stated that the jurisprudence has settled the issue that the use of link positioning tools in search results is a violation of the prohibition under Section 23 of the Rules, noting that while the content of the advertisement itself may not be questionable, "the fact of directing attention to it is labelling one's law firm in a way that diverts attention from others and draws attention to oneself. Such actions are opposed in the advocates' community and are seen as advertising that violates the ethics and the dignity of the profession".

As mentioned above, the jurisprudence of the WSD was unequivocal on this issue. In the WSD ruling of 22 October 2016,[25] although the Court acknowledged the argument that Google AdWords is an advertising service, it shared the first-instance court's reasoning that posting information on websites is not a violation of the prohibition set forth in Section 23 of the Rules for Advocates' Ethics and Professional Dignity, as the prohibition on advertising does not mean a prohibition

[23] P.F. Piesiewicz, *Prawne i etyczne aspekty reklamy adwokackiej*, Warszawa 2021, subchapter VI.8.

[24] WSD 96/21.

[25] WSD 120/15.

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on publishing any information on the Internet. However, this position was not continued, it was pointed out that it clearly separated prohibited advertising from permitted information in Sections 23 and 23a – such a position was expressed, among others, in the ruling of 6 April 2019[26] in which the WSD shared the view that the use of AdWords service is impermissible, as "posting and persuading people to use their services, cannot be reconciled with the seriousness of the profession".

It is worth emphasizing that in making the distinction between prohibited advertising and permitted information, it is noted that advertising of advocates' services is unverifiable, i.e. its truthfulness cannot be assessed and the informational element cannot be separated – advertising of advocates' services, which are intangible in nature, constitutes a form of "seducing" the client. Such a position, evident, among others, in the decision of the Disciplinary Court of the Bar Association in Katowice of 27 June 2018[27] allowed the WSD to acquit by a ruling of 10 December 2022[28] the accused, who was charged with ordering the service of posting a paid advertisement on a city map (the information included name, contact details, web and email addresses). The WSD found that "there was no publication of such information that could be treated as prohibited advertising", and that the purchased content was merely informative.

RESEARCH METHODOLOGY

Empirical material for the authors' own research was gathered by means of an individual in-depth interview, being also a semi-structured interview (the researchers, having prepared a discussion guide before, knew exactly which matters would be the centre of their interest when addressing questions to their respondents). An interview is one of the qualitative research methods. It is a type of social interaction, a guided discussion which enables a researcher to obtain from respondents data on their insight into a reality being explored.[29] Qualitative explorations encompass a small number of researched individuals. Therefore, results received from them are not representative of a wider population and cannot serve as a basis for statistical inference.[30] As for qualitative research, its design cannot be excessively complicated and the number of interviews to be held too large (this is not quantitative research). Fewer respondents and a smaller number of issues to be discussed translates into better research, as only in this manner a researcher is able to concentrate on what

[26] WSD 7/19.
[27] SD 18/18.
[28] WSD 21/21.
[29] B. Glinka, W. Czakon, *Podstawy badań jakościowych*, Warszawa 2021, p. 100.
[30] A.M. Nikodemska-Wołowik, *Jakościowe badania marketingowe*, Warszawa 1999, p. 14.

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really matters in qualitative research. In most cases, a design based on 8–12 individual in-depth interviews is more than sufficient.[31]

Before the empirical material was collected, the authors of this paper had defined exploration objectives, a research problem, and subsequently, framed general questions for the interview. The research problem was determined as follows: To what extent are advocates and legal counsels aware of the opportunities – consistent with the legislation in force – for their use of respective marketing communication forms and how do they perceive activity aimed at soliciting clients and creating an image of a law firm in their minds? Whereas the empirical objective of the research was to ask legal professionals for their opinion about available marketing communication instruments they can use, especially for image-related purposes, and analyse these opinions. The research was conducted as qualitative research, hence no hypothesis was formulated for the research process.

The group of respondents was comprised of nine advocates and legal counsels – rendering services both individually and as employees working at large law firms owned by other persons. The interviewees' profile is showed in Table 1.

Table 1. Research participants' profile

Item	Gender	Profession	Professional experience	Mode of work	Research designation
1	F	advocate	10 years	practising individually, a one-person law firm	A1
2	F	advocate	14 years	practising individually, a one-person law firm	A2
3	F	advocate	10 years	practising individually, a one-person law firm	A3
4	F	advocate	13 years	practising individually, a one-person law firm	A4
5	M	legal counsel	12 years	economic activity, a partner at a large law firm	L1
6	F	legal counsel	18 years	employment contract with one entity	L2
7	M	legal counsel	11 years	a one-person law firm cooperating with another large law firm	L3
8	F	legal counsel	17 years	practising individually, a one-person law firm	L4
9	M	legal counsel	20 years	economic activity, a partner at a large law firm	L5

Source: own elaboration.

The research was performed using means of remote communication – by telephone or via video conference software. The duration of each discussion was between 30 and 60 minutes. The interviews were carried out in the first half of April 2023. Based on audio recordings, detailed transcripts were provided for every discussion. The material collected in this way was coded, aggregated and analysed – in line with the strict rules laid down by the procedure for the proper conduct of qualitative research.

[31] D. Maison, *Jakościowe metody badań marketingowych. Jak zrozumieć konsumenta*, Warszawa 2010, p. 57, 127.

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RESEARCH RESULTS

In the course of the interviews, the advocates and legal counsels expressed their opinions about various promotional activities oriented towards purchasers of legal services. The researchers took into account three aspects relating to the issue in question.

As for the first aspect, the respondents were asked whether the use of marketing communication forms was of any relevance to legal professions and whether such communication had any importance whatsoever in the process of soliciting clients. Both the advocates and legal counsels shared the view that undertaking promotional activities was requisite and necessary. In their answers, the research participants often referred to growing market competition. That was exemplified by an advocate designated as A3, who maintained that "changes to regulations on the promotion of advocate's services are necessary on account of strong competition we are now facing on the legal services market; nowadays, access to the advocate's and legal counsel's profession is easier". Those queried emphasised that seeking ways to stand out among the others is forced by the market, and more specifically, by increasing competition and the development of forms of e-communication – in particular, when it comes to cyberspace, which is growing in importance in clients' everyday life. As it was observed in this context: "We're in social media all the time, because next generations grow up with a mobile in their hands" (A1); "We're making progress, and that's why all these changes are taking place, because we all live in this way; it's also about reaching as many clients as possible" (A1); "If you want to attract young clients who are up to date and can't imagine their lives without the Internet or communicating through social media, you should make changes" (L2); "The profession of lawyer should also move with the times, and being involved in professional marketing activities definitely helps here" (L5).

What emerged from the empirical material was a theme relating to young lawyers who are just making their way in the market and starting professional activity. Their options regarding recommendations by other clients are limited. The possibility of using promotional activities is particularly important to them, as it not only enables them to inform that they have begun their activity, but also allows them to solicit clients. This view was corroborated by the following statement: "When it comes to advocates who are taking their first steps to running their own business, effective marketing has an important bearing on the market result" (A2). Furthermore, the respondents highlighted the fact that the extent to which a lawyer is engaged in their marketing activities depends on their work experience. According to L1: "When you're a newcomer who's just launched the operations of your own office and you don't have enough clients, it's clear that your activity must be more intense". When responding to questions, legal counsels working for large law firms (including from Warsaw) drew attention to the fact that relying on pro-

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fessional marketing activities is of relevance, because "There's fierce competition in the capital city; I believe that we've got that quality which speaks for itself; but there are more than just one law firm that can boast good quality too – this is why you have to stand out among the others; you have to get involved in promotional activities; whether you like it or not; operating on a competitive market always means you have to inform, adopting a less or more aggressive strategy, of what we're doing, and it's very common that informing about yourself effectively is nothing else but advertising" (L1).

The other research aspect concerned an assessment of the scope of marketing communication forms which are permitted in Poland and can be used by advocates and legal counsels. The researchers wanted to find out what lawyers thought of that scope, whether it was sufficient or should be extended to include other forms, and if so, which ones.[32] In this regard, the majority of answers were cautious (conservative). The respondents found that, with regard to the legal counsels' code, regulations in force are good enough and should not be liberalised. They had similar perception of the scope of proposed changes to the Rules for Advocates' Ethics and Professional Dignity, contending that the modifications put forward were sufficient. For example, a lawyer designated as A2 noted as follows: "It has been assumed that advocates or legal counsels are professions that enjoy confidence of the public, so we should stick to certain standards; I therefore think that if we allowed such promotion without limits, the reputation these professions have would be tarnished a little bit; I believe that these changes which have been proposed for the Code are sufficient". According to A4: "There should be some restrictions in place, because the lawyer is a profession that enjoys confidence of the public and should not be advertised in any form whatsoever; what's more, advertisement shouldn't be aggressive; in my opinion, changes are moving in the right direction and the provisions, as they are proposed, are sufficient". While L3 held the following view: "I think that – taking into consideration freedom to conduct business activity – the legal framework which has been already imposed is sufficient; I think that legal counsels and advocates should also have – as they run their business on their own behalf, at their own risk and responsibility – the possibility to carry out marketing activity; however, I think that advertisement shouldn't be too aggressive". In this context, L1 added also as follows: "I don't feel that we should amend the code of ethics thoroughly, because out of concern for this profession; to make sure the client's interests are in the first place, we can't advertise; we can't mislead clients, as advertisements, in principle, rather distort reality; I think that we should leave it as it is".

[32] For this research aspect, due to the fact that the exploration period coincided with consultations held by the Supreme Council of Advocates on amendments to the Advocates' Code of Ethics concerning advocates' use of commercial communications and advertisements, interviewees were also asked for opinions about the amendments that were proposed.

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Two respondents expressed, to a greater extent than the others, strong views about the possibility of advertising by legal professionals. The first of them (L4), when asked about whether or not lawyers should be allowed the opportunity to promote their activities, responded as follows: "Well, why not? If we do that 'on the quiet', operating somewhere in a black economy; advocates and legal counsels use website positioning tools, are engaged in advertising, then let it be allowed: let the best one win; it's the question of whether I pay for that; whether, let's say, I'll do positioning on the Internet, because I've got money for that". The other of the respondents (A1) said: "I'm all for allowing the promotion of advocates; but whether it's being used or not should be based on a free decision; I'm against banning promotional activities; if this particular way of conducting business suits you and you believe that it will be more effective than traditional recommendations, then why not?". However, the same respondent added that: "When practising as an advocate or a legal counsel, you should know how far you can go with promotion; doing so will build the brand in itself; with promotional activities being voluntary, you'll be given freedom of choice – as there are clients who are not keen on hiring an advocate who's communicating through the media, while the others will say they want only the one who promotes himself or herself via various types of the media – thinking that this is just how he or she manifests his or her own style".

There were also some other respondents' suggestions concerning marketing communication activities, which are of relevance to practitioners. One of the legal counsels noted that: "The boundary between informing and advertising is very fluid, because very often being effective in informing about yourself is simply an advertisement" (L1). Nevertheless, every form of promotion used by lawyers should be merely a form of informing, without being aggressive, as contended by L2: "A subtle and informative advertisement is expedient". While A1 implied that: "Well, if we are to advertise anything, then it should be due diligence we use for our services". Furthermore, what must be stressed is the fact that the legal counsels who took part in the research recognised and endorsed the need for including relevant regulations in the provisions on the promotion of advocates' activity, claiming, among other things, that "Their code is very fossilised; in fact, the options they have for informing about their activity are limited" (L1).

It is common to see that advocates and legal counsels post content on specialist blogs and law firms hand out freebies (advertising accessories) for advertising purposes. Hence, the third research aspect centred around the utilisation of these two forms of marketing impact. The respondents took a positive view on running blogs on the Internet. A lawyer designated as A3 stressed that it is "a good space for sharing your knowledge, creating an expert's image". A similar view on that activity was held by a respondent designated as L1, who added that it is "not only the form of sharing your knowledge, but also an incentive for further contact, as information being communicated is supposed to demonstrate that we are knowledgeable about

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a given subject, but we do not necessarily reveal all we know". Blogs are also seen as an effective form of becoming known on the market, attracting the attention of prospective clients, because, as noted by an advocate designated as A4: "Clients more and more often look for interesting content on the Internet and if they find an answer on a blog, they may go to such a lawyer". In this context, A2 added: "Running a blog can strongly translate into a relationship with your client, can attract clients". According to L1, blogs mainly "allow you to be recognisable". They can be also an instrument for better positioning in search engines, as articles which are posted and contain key words "enhance search results and stimulate internet users to visit a law firm's website" (L4). From some respondents' point of view, it is merely one of many instruments intended for promotion – indeed, as observed by L2: "Blogs are seen as a communication channel, like any other, where you can advertise". Attention was placed also on ethical matters. A legal counsel designated as L5 was of the opinion that "posting texts on blogs is permissible, but he considers them to be on the borderline of a legal counsel's or advocate's ethical conduct". Moreover, one of the lawyers stated that: "Running a blog is acceptable, but these are just blogs and you'll never find full information there; I always find it a little bit funny when someone writes: 'for more information, please contact me'" (L3).

Slightly more moderate opinions were voiced as to whether the using of advertising accessories by lawyers is effective and justified. The item which was mentioned by the respondents most frequently and which, according to them, was the most suitable for their profession, was a pen, as it is "a neutral object, which is connected with lawyer's activities" (L2). However, in the opinion of the lawyers, it only allows for recalling the name and address of a law firm. As emphasised by the respondents, "it reminds you that that specific law firm is located at a given place" (A4) and "what's the address and telephone number" (A1). Stationery is also "a certain medium allowing to build your image" (A2). However, the same respondent noted that: "From the clients' perspective, freebies are insignificant, as they most often look for an advocate by asking their friends, on their recommendation". A similar view was shared by A4, who stated that "you never take this form of advertisement for consideration when seeking legal aid". Whereas A3 added that "freebies have no importance for the promotion of our services – as much as they have for other products".

A few of the lawyers referred to the dignity of the profession and to the fact that advertising accessories should not be used excessively. They highlighted that "Using freebies can simply have the opposite effect from what was intended; it seems to me that this is damaging to the image; I don't think that a legal counsel or advocate should advertise himself or herself by giving a mug, loop key ring or even a pen; I feel that these aren't proper forms of marketing" (L3). A legal counsel designated as L2 voiced a similar opinion: "Not every industry is appropriate for such promotion; our profession enjoys confidence of the public and it's associated

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with certain symbols, like proper dress in a courtroom, seals, code of ethics, etc.; that's why I believe that advertising freebies don't match our activity". Only two respondents pointed to a slightly different aspect of using advertising accessories, as in their law firms freebies are "a welcome package consisting of items bearing the logo of the law firm; these packages are handed out most often to apprentices, which, on the one hand, is a gift for younger colleagues, and on the other hand, reflects the law firm's reputation" (L1). A similar view was presented by L5, who maintained that: "Freebies are intended for future employees, they aren't an element of promotion targeted on our former or existing clients; advertising items are used to attract, for example, students to serve an apprenticeship; we usually hand them out at work fairs to make our brand more recognisable".

By completing the research process, extensive empirical material was gathered. This paper presented only those respondents' opinions which are linked to the research problem formulated herein. An analysis of these views led to the following conclusions.

CONCLUSIONS

The aim of the qualitative research carried out among advocates and legal counsels was to find out what opinion legal professionals had about marketing communication activities which they could use in their everyday practice and to analyse the opinions voiced by them. The aforesaid objective was attained by the authors of this text. In the course of the exploration, they came to some findings and conclusions, the most significant of which are summarised below.

The interviews conducted revealed that the legal counsels are aware of the possibility of using different forms of marketing communication and considered that activity necessary on the market where competition is constantly growing. Similar views were shared by the advocates, who emphasised the fact that amendments to KEA are required and should be introduced.

Nevertheless, the analysis of the answers given by the respondents showed that their points of view were different not only for how they assessed respective activities in terms of their effectiveness and being consistent with the image of the profession, but also regarding their general understanding of promotion in the process of soliciting clients. Representatives of large Warsaw-based law firms, operating both in Poland and abroad, indicated that promotional activities were very significant for the process of building the image and becoming recognisable on the market. In saying so, they emphasised the fact that they were working for law firms having their own marketing departments, whose responsibility was mainly to implement a marketing communication strategy, although they also engaged lawyers employed in these law firms to participate in various activities. Dissenting

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voices could be heard among the lawyers running one-person law firms on their own behalf, as they recognised the need for using marketing communication instruments by young lawyers who had already commenced their activity. At the same time, with regard to their own practice, they insisted that they did not need any promotional activity. They were not engaged in such activities, as they had been present on the market for a long time, their law firms were recognisable and attracted new clients through word-of-mouth marketing, that is to say, on the recommendation of existing and former clients.

The legal professionals who participated in the research maintained that they had not been fully involved in social media yet. In their opinion, the utilisation of such forms of marketing communication to build one's own brand, and consequently, stand out among the others on the market and attract clients, is the right direction, in line with the current trends. Presence in social media should be orientated mainly towards young people, who more and more frequently represent Generation Z and are the so-called digital natives.

Activities connected with the running of specialist blogs by lawyers are perceived similarly. In their opinion, this is a form of activity that is conducive to building reputation on the market and may help attract new clients, and, at the same time, it is promotional activity which does not arouse controversy.

A slightly different view was aired by the lawyers covered by the research in the context of using advertising freebies. First and foremost, they were of the opinion that with regard to this particular profession, these items had no importance for soliciting clients or building confidence and a positive image. Moreover, freebies are incompatible with the dignity of the profession of the lawyer. The only acceptable freebie was a pen with particulars of a law firm.

Both the theoretical review and the research process based on it constitute the authors' original contribution to knowledge of fields of law and management and quality studies. The results of the individual in-depth interviews fill the research gap identified, considerably extending previous explorations of Polish researchers (A. Werenowska and M. Gnusowski, to name but a few). The research results are pertinent and up-to-date, as they take into account changes which are currently taking place in the marketing environment in which advocates and legal counsels operate. The outcomes of the authors' work deserve consideration not only for theory analysis and the extension of scholarly knowledge, but also for practical implications they have. Based on them, employees of advertising agencies providing their services to law firms, but also advocates and legal counsels themselves, may learn what are the possible limits when using various forms of marketing communication – in the light of legal regulations, with special attention to professional ethics. However, one should be aware that the issue addressed requires continued research on a wider group of lawyers so that the results can be generalised. The results of the completed qualitative study can inspire the exploration by other researchers.

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LIMITATIONS AND FUTURE RESEARCH

Although this paper covers an existing gap in the literature, it also has several limitations that may serve as an inspiration for future research. First, the research was conducted among legal counsels and advocates having many years' experience in the running of law firms, customer base consisting of regular clients and reduced need for competing for new ones. Second, the exploration covered respondents from only two cities – Rzeszow and Warsaw. Therefore, future studies should explore this topic on more diverse target group in relation to experience or different cities and regions. In addition, the respondents did not include representatives of the so-called Generation Z, who have a natural ability to use social media and a completely different perception of such media, hence future research may cover also young lawyers. Furthermore, research can be extended to include law firms' clients being the ultimate purchasers of legal services. In addition, the method is qualitative and can be supplemented with a quantitative analysis (triangulation of research methods) based on the authors' results, e.g. by means of a direct survey.

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ABSTRAKT

Celem artykułu jest diagnoza tego, jakie możliwości działań promocyjnych mają obecnie w Polsce adwokaci i radcowie prawni, a także poznanie opinii prawników na temat wykorzystywania przez przedstawicieli tych zawodów wybranych narzędzi komunikacji marketingowej. Artykuł ma charakter naukowo-badawczy, a jego treść wpisuje się w obszary nauk prawnych oraz nauk o zarządzaniu i jakości. Eksploracja podjętego zagadnienia wypełnia zidentyfikowaną lukę badawczą, w szczególności dotyczącą skonfrontowania istniejących zapisów kodeksów etycznych z opiniami na ich temat wśród przedstawicieli zawodów prawniczych. Problem badawczy ustalono następująco: Na ile adwokaci

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i radcowie prawni są świadomi możliwości stosowania – zgodnego ze stanem prawnym – przez nich poszczególnych form komunikacji marketingowej oraz jak postrzegają aktywność mającą na celu zabieganie o klientów i kreowanie w ich umysłach wizerunku kancelarii? Przeprowadzone badanie miało charakter jakościowy, gdyż zastosowaną metodą był indywidualny wywiad pogłębiony, będący również wywiadem częściowo ustrukturalizowanym. Grupę respondentów stanowiło dziewięciu adwokatów i radców prawnych. Zasięg badań był krajowy, a uzyskane wyniki dostarczają istotnych wniosków związanych z postrzeganiem działań promocyjnych przez prawników oraz oceną ich etyczności i determinant skuteczności. Wyniki badania mają implikacje praktyczne. Mogą zostać wykorzystane zarówno przez agencje reklamowe obsługujące kancelarie prawnicze, jak i przez adwokatów i radców prawnych realizujących aktywność promocyjną we własnym zakresie.

Słowa kluczowe: marketing usług prawniczych; komunikacja marketingowa; radca prawny; adwokat

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