

Fake Lawyer Websites on the Rise: Consumers and Legal Profession at Risk

**By: Simon Cousins and
Michael Deparini**

Simon Cousins is CEO and Michael Deparini is Director of Accounts of the Allegravita strategic communications agency, which works with MMX, the parent company of .law

Introduction

A June 2017 press release from the State Bar of Texas cautions that "a recent report indicates that individuals have been scammed by people who set up a fictitious law firm website touting estate planning and other legal services in the Houston area. The scammers mailed letters to elderly people claiming they were owed an inheritance. The website included fake attorney names and photos and bios stolen from legitimate law firms."¹

According to a recent *California Bar Journal* article, "Legal Consultants Prey on California Immigrants Across State," experts are saying "the plague of fraudsters posing as lawyers or suggesting they are licensed attorneys to scam immigrants is widespread."²

An FBI Public Service Announcement: "Lawyers' Identities Being Used for Fake Websites and Solicitations," warns "all attorneys should be on the alert to this scam."³

A Law Society of Scotland press release titled "Fake Law Firms 'On the Rise'" warned that "qualified solicitors are increasingly being targeted by fraudsters using their details on fake law firm websites."⁴

Fake law firms are not new, but legal consumers' reliance on and trust in the Internet is causing a proliferation of fake lawyer websites. Website scams, which impact a variety of legal practice areas, employ tactics that may include identity theft and brand hijacking of legitimate lawyers and firms.

Civil and legal issues regarding immigration and the public funding of legal services raise timely questions as to whether some of the most vulnerable seekers of legal services will increasingly go online to find affordable legal assistance, increasing their risk of falling prey to fake lawyers.

In this paper, we will examine several examples of how fake lawyers create fraudulent websites, the risks to consumers and law firms, as well as some factors that help to mitigate risks to legal professionals and legal consumers. While the scale of this paper is limited, the authors' goal is to increase awareness and discussion to address this serious and growing problem.

Consumers Increasingly Search Online for Lawyers

Consumers increasingly use online methods to find legal services – with many employing Internet search engines. FindLaw's analysis of legal consumer behavior: "Your Next Client Wants to Hire You Now," which draws on its 2015 *U.S. Consumer Legal Needs Survey* as well as other sources, found that during the 12-month period examined in the survey "consumer use of online sources increased from 19 percent of consumers to 28 percent" and for those "respondents who first go online in search of an attorney, most cite search engines such as Google."⁵ Given the continuing upward trend in the online purchase of services, it would be reasonable to think those numbers have already grown and will continue to do so.

The decision to hire a lawyer may come at a particularly stressful time, such as when facing a lawsuit or criminal charges, after an injury, or during a foreclosure. For the elderly and other vulnerable populations, the process may be particularly challenging. Immigrants, facing language barriers and

“It is a key function of the legal profession to protect the public by maintaining strict ethical and competency requirements in order to qualify to practice law. As consumers turn to the internet to find legal representation it is essential that they can trust they are in fact dealing with a licensed lawyer.”

Martha Barnett, Former ABA President and Partner at Holland & Knight



"YOUR NEXT CLIENT WANTS TO HIRE YOU NOW!"
BY FINDLAW

deportation fears, have long been susceptible to the unauthorized practice of law. According to the State Bar of California's online resource, "Avoiding Fraud by Immigration Consultants," "in some Latino communities, immigration consultants often advertise their services as *notarios públicos*. Consumers can be confused by this title because in some countries, *notarios* have training similar to lawyers and can perform legal services. In California, however, notaries public are not lawyers. *Notarios* take advantage of this confusion to demand fees for services they are not legally allowed to offer, defrauding consumers of large amounts of money in the process."⁶

A Look at Fake Law Firm Websites

According to the 2014 study, "In the Shadows: Risks Associated with Bogus Firms," by the Solicitors Regulation Authority, which regulates solicitors and law firms of England and Wales, not only are reports of bogus law firms growing in number but they "increasingly use online methods to conduct activity."⁷



SOURCE: THE NATIONAL LAW JOURNAL

Scam Detector, which describes itself as a fraud-prevention resource, points out that scammers "have been creating their own law firm websites to give an air of authority or success to their frauds" with scams that "range from inheritance suits to accident compensation, and investments, but the list is not limited there."⁸

In June of this year, *Texas Lawyer* posted the article "Houston Bar Sues to Shut Down 'Fictitious' Firm," reporting on the filing of a petition by the Houston Bar Association, alleging "Walsh & Padilla is a fictitious Houston law firm that has set up a sham website in an effort to defraud elderly individuals in the United States and Canada. To accomplish this nefarious purpose, Walsh & Padilla has stolen the identity and images of several actual, practicing attorneys and claimed to be credentialed by HBA and HBF."⁹

According to an August 2016 news release "Attorney General Bondi Takes Action to Stop Foreclosure Fraud," the Florida Attorney General "filed a court action to stop a group of non-lawyers operating an illegitimate foreclosure defense and loan modification law firm." She noted also that "Florida homeowners facing the stress of foreclosure should not have to worry about scammers posing as lawyers." The complaint

which is linked to in the press release alleges "the Enterprise has used various websites to attract consumers seeking legal help with their foreclosures and loan modifications."¹¹

The National Law Journal reported in the article: "Judge Shuttters Phony Law Firm Run by Attorney-Poser," that "a Baltimore man found to have represented more than 50 bankruptcy clients through a fake law firm," which used "a website for the firm, ScaliaSeidel.com."¹²

In the segment "12 On Your Side Alert: Fake Attorney Websites," Richmond, Virginia's WWBT NBC12 warned that "crooks are posing as legitimate attorneys and law firms" and quoted James McCauley of the Virginia State Bar saying "their purpose of course is to get a consumer to contact them via the website they set up. They set up a client portal and what they are going to want you to do is to send money in and hire them to perform legal work and of course they are not going to perform any legal work."¹³

Law Firms at Risk – Online Identity Theft Has the Potential for Reputational Harm

Legitimate legal services providers – from solo practitioners to established law firms to legal aid organizations – may be at increasing risk from fake lawyers' websites. Legal scammers have, in some cases, stolen the real photos, names, and curricula vitae of qualified lawyers from legitimate law firm websites, only to post them to their websites as a means to deceive vulnerable consumers.

"It's not only easy to hijack lawyers' and firms' identities, but once the fraudsters deceive vulnerable would-be clients, those unwitting clients' online complaints can proliferate at lightning speed across social media before the lawyer or firm have a chance to defend themselves."

Paul Doda, Global litigation Counsel at Elsevier, Inc and Chairman of the Association of American Publishers' Online Piracy Working Group

The law firm Chalot Hatten & Banker (Chalot Law), a respected personal injury firm in Colorado, experienced professional identity theft in which names, profiles, and photos of its attorneys appeared on a fake employment law website. Chalot Law was alerted and the fake site was taken down. In a 2015 blog post, "Fake Lawyer Websites Proliferate," firm partner Linda Chalot called the identity theft "a very real demonstration of how easily scams can be executed online."¹⁴

The phenomenon is not new. The October 2012 issue of the *Texas Bar Journal* alerted readers that "an apparent scam artist has assumed the identity of a Texas attorney who has not practiced in several years and set up a fake law firm website using the attorney's maiden name, former office address, and portions of her professional biography."¹⁵ This matter led to a FBI Public Service Announcement and warnings from bar associations throughout the United States.¹⁶

A look at some ABAJournal.com past coverage provides an

idea of the breadth of the problem:

- "Law Firm Sues Over Doppelganger Domain Name, Says Infringing Website Is Intercepting Attorney Email"¹⁷
- "Feds: Nonlawyer Opened Law Firm Using IDs of 2 Lawyers with Same Name"¹⁸
- "Reports: Fake Law Firm Site Targeting Lawyers in Real Estate Scam Uses Actual Law Firm Info, Photos"¹⁹

“Imposters masquerading as lawyers pose serious risks to consumers as well as to actual lawyers who have invested years establishing and maintaining a credible reputation. Consumers who’ve been scammed potentially increase their risk if they avoid consulting lawyers in the future. And law firms may be forced to continually increase their online investments in order to distinguish themselves from clever imposters.”

Timothy B. Corcoran, law firm management consultant and former President of the Legal Marketing Association

The Problem is Global

The number of fake online lawyers and fake law firm websites is rising outside of the U.S. as well.

In Australia in 2016, 33-year-old Nicholas Braid represented himself as a solicitor and worked on behalf of a client performing a variety of legal tasks, including letter drafting and submitting official forms. There was just one problem: Braid wasn't a qualified lawyer. While Braid held a law degree he was not admitted to practice as a lawyer. Braid created a sophisticated-looking website for his law firm, NB Associates, to hold himself out as a lawyer operating a law firm. Braid had relied on the site to project the impression of legitimacy and to advertise his fraudulent services.²⁰

The problem has been observed by the Law Society of Scotland, which issued a news release that warned about the rise in online legal scams in 2015, noting "qualified solicitors are increasingly being targeted by fraudsters using their details on fake law firm websites."²¹ As recently as April 2017, the Law Society's Scam Alerts web page includes this warning:

12 April 2017

We're aware of scam involving a fake law firm calling itself 'Taylor McGivern & Co', who have a website claiming them to be 'the largest law firm in Glasgow, Scotland'. They claim to have an address at Regent Street in Glasgow.

There is no firm of Scottish solicitors called 'Taylor McGivern & Co'.²²

The Solicitors Regulation Authority 2014 study found that "almost half (46 percent) of all reports of bogus firms received this year involved the identity theft of a law firm or solicitor. This often involves the cloning of a genuine firm's website."²³

The SRA's Scam Alert pages includes the following example::

Warning: "Anthony Nunez Solicitors" and letters from "Anthony Nunez"

23 March 2017

A letter has been sent claiming to be from Anthony Nunez of "Anthony Nunez Solicitors" and a website "www.nunezanthony.com" is also operating, falsely claiming to be for a firm of solicitors.²⁴



SOURCE: THE LAW SOCIETY OF SCOTLAND

Addressing the Problem of Fake Lawyer Websites – the Role of Domain Names

At the time of writing, domain names likely to be attractive to fake lawyers were available for comparatively tiny sums. For example, FortLauderdaleImmigrationLawFirm.com was available to anyone, anywhere, for US\$11.99/year; and premium domain names such as CanadianCriminalLawyers.com, FloridaImmigrationLawyers.com and BostonLegal.com were available to anyone for US\$688, US\$888 and US\$10,000 respectively. Fake lawyers may register a fake partnership domain such as JonesAndCohenLawyers.us for less than two dollars for the first-year registration.

Not all domain names are regulated or governed equally. Most domain name extensions (the part of the domain to the right of the dot, such as the well-known .com, .org and .net) are offered for unrestricted registration: anyone may purchase, and the purchaser provides only the minimum of registrant information required – a name, phone number and address. The ownership of most unrestricted domains may be further obscured through a privacy or proxy upsell service from the retail shop selling the domain to the public (i.e., a registrar).

The other side of the domain name coin are those domains available for restricted registration. Domain names ending in .gov, .edu, .mil, .bank and the MMX-owned .law and .abogado have specific eligibility requirements. Domain names in .gov are restricted to U.S. government entities; .mil domains are

administered by and for the U.S. Department of Defense; .edu domains are limited to postsecondary U.S. institutions that are institutionally accredited. Three new domain name extensions (in ICANN parlance, "New gTLDs"): .bank, .law* and .abogado* are examples of domains with strict eligibility and verification procedures. Eligible .bank domain name applicants must be specifically-defined financial institutions and "undergo a thorough verification process before being awarded a domain and must comply with strict registry policies."²⁵ In the case of domain names ending in .law or .abogado, only qualified and credentialed lawyers and legal institutions are eligible to register and use that domain, with verification occurring upon registration and renewal, and ownership-obfuscating proxy and privacy services are not permitted for any registration or renewal.²⁶

“When the new gTLDs were launched, we recognized the need to have a restricted verified domain exclusively for lawyers. Why? To protect the integrity of the profession as consumers rushed to the Internet to get information on and engage a lawyer.”

Lou Andreozzi, CEO, Dot Law, Inc.

Conclusion – Now is the Time to Act

Even the small number of examples cited in this paper show that fake lawyer website scams target a wide range of legal consumers including the elderly, immigrants, homeowners and individuals facing bankruptcy. Moreover, law firm site cloning and lawyer identity theft is a tactic the scammers are using to a surprising degree as part of their fraudulent websites. While no one domain name extension can be completely immune to scammers or solve the problem of website fraud, one thought to help minimize the risk to consumers is to ensure that certain verification and transparency safeguards are put in place for legal services websites.

While such safeguards being approved for all domains – such as .com – is not on the horizon, the new gTLDs provide the legal profession a unique opportunity to adopt a restricted domain name where professional verification is required and proxy/privacy services are not permitted.

In all parts of the world, members of the public place extraordinary trust in accredited legal practitioners. As the use of Internet search engines by legal consumers grows, the market for sophisticated website scammers increases. While more attention needs to be given to better understand the impact and growth of these fake sites, common sense tells us that this problem has the potential to only get worse. When the public is deceived, both legitimate lawyers and consumers suffer. The time to act is now.

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