



Attorneys Can Use Social Media and Adhere to Ethical Standards

Social media, to the chagrin of some and the delight of others, has muscled its way on to the legal marketing scene and is now a force that is difficult to ignore. Social media itself is not exactly new – Facebook is 8 years old – but its ubiquitous presence on law firm marketing blogs and in law firm marketing plans is a more recent development. Even busy attorneys who eye the development with suspicion will grudgingly set up a LinkedIn or Google+ profile.

The ABA has (finally) officially recognized the unavoidable role technology plays in an attorney's daily life. This week, the American Bar Association House of Delegates approved proposed changes to ABA Model Rules of Professional Conduct with respect to technology. Among the updates are modifications to the comments to Rule 1.1, which covers competent representation. The comments were amended to say that attorneys must understand “the benefits and risks associated with relevant technology.”

The ability of people to say something public and stupid online has not changed since bored teenagers huddled around a computer pretending to be someone exotic on a Usenet newsgroup. Twenty years later, the explosion of available platforms makes it even easier for a professional adult to breach ethical boundaries. In fact, some attorneys use ethical considerations as an excuse to avoid social media altogether.

Integrating social media into a marketing strategy does not have to portend doom. Simple steps can be taken to keep your online activities within ABA ethics standards.

Remember common sense. Really, this list should just stop here. If something you are considering doing online would not fly offline, then it is not a good idea. The rules did not change dramatically; the Ethics 20/20 Commission has said itself that generally, “the principles underlying our current Model Rules are applicable to these new developments.” Just think before you post.

Be clear and honest. Use disclaimers where necessary and do not give advice that a user could construe as forming an attorney-client relationship. Make sure people understand in what jurisdictions you are licensed to practice and that your online activities are for general educational purposes only. Do not mislead the public about your actual abilities or make unsubstantiated promises.

Avoid solicitation. It is ok to talk to people about the law but not ok to single out a specific user in an attempt to engage him or her as a client. Keep comments and commentary general and you will easily avoid accusations of solicitation.





Do not make prejudicial statements. Although it seems obvious, some people forget trial rules still apply online. It is unnecessary and unwise to talk about specific cases. Mark O'Mara, attorney for George Zimmerman, has launched an entire social media offensive on behalf of his client that some are saying at the very least falls into an ethical grey area. This kind of talk serves little purpose, can violate ethics rules and may turn people away instead of encouraging them to engage with your firm.

Understanding the basics of how each network functions will help you to avoid accidental slip-ups. Being familiar with social media is a good idea for your marketing plan, and it will help keep you in line with evolving ABA rules.

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