Legal Marketing in the Digital Age: Social Media, Self-Promotion and Professional Ethics: 5 Key Takeaways

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#1

Know the rules in every jurisdiction your content reaches.

In the United States, lawyer advertising is protected commercial speech but remains subject to each state's rules of professional conduct. Posts on LinkedIn, Facebook, Instagram or TikTok may constitute attorney advertising. Check the requirements of the relevant jurisdictions as some states go beyond the ABA Model Rules. New York, for example, adds “attorney advertising” labeling and record-keeping requirements.

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#2

Promote achievements, credentials and rankings accurately.

Posts about case results, transactions, rankings, awards, testimonials and endorsements should provide context and avoid implying a guarantee of success. Use terms such as "leading," "top," "specialist" and "expert" with care and consistent with state ethical rules.

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#3

Balance engagement with professional judgment.

Humor, trends, personal stories and informal language can make legal content more accessible, especially where personal and professional identities overlap. Even so, lawyers should not oversimplify complex issues or let attention-grabbing content compromise accuracy or their professional obligations.

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#4

Protect client confidentiality.

Posts should not disclose confidential information, directly or indirectly. Obtain client consent where required.

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#5

Distinguish general information from legal advice.

Social media exchanges can blur the line between general information and individual legal advice. Before engaging online, lawyers should consider client loyalty, conflicts and whether they may be creating a lawyer-client relationship.



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