

Legal Ethics in Social Media: Leading Issues in a Changing World

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Introduction: Why is Social Media a Legal Ethics Issue?



Increasing Attention to Legal Ethics Issues Regarding Social Media

- The New York State Bar Association (NYSBA) issued a set of “Social Media Ethics Guidelines” in June 2015.
- The DC Bar in November 2016 issued two wide-ranging ethics opinions addressing social media ethics issues:
 - Opinion 370, “Social Media I: Marketing and Personal Use”
 - Opinion 371, “Social Media II: Use of Social Media in Providing Legal Services”

What Makes Social Media a Legal Ethics Issue?

- Social media is fundamentally a means of communication.
- A significant portion of legal ethics rules address where, when and how lawyers communicate – with clients, potential clients, judges, jurors, represented parties, unrepresented parties and the public at large.
- Ethics concerns naturally arise when this communication takes place through social media, and certain aspects of social media inherently touch upon certain of these concerns.

The Intersection of Social Media and Legal Ethics – NY

- “Social media networks . . . are becoming indispensable tools used by legal professionals and those with whom they communicate.”
- “Particularly, in conjunction with the increased use of mobile technologies in the legal profession, social media platforms have transformed the ways in which lawyers communicate.”
- “As use of social media by lawyers and clients continues to grow and as social media networks proliferate and become more sophisticated, so too do the ethical issues facing lawyers”

NYSBA Guidelines, Introduction, p.1

The Intersection of Social Media and Legal Ethics – DC

- “Increasingly, attorneys are using social media for business and personal reasons.”
- This social media use has “benefits and pitfalls” .
- Legal ethics rules “apply to attorneys . . . who use, or may use, social media for business or personal reasons.”

What is Social Media?



What is Social Media?

- “Social media include any *electronic platform* through which people may *communicate or interact* in a public, semi-private or private way.”
- Examples include “Facebook, LinkedIn, Instagram, Twitter, Yelp, Angie's List, Avvo and Lawyers.com”
- Also described as “social networks, public and private chat rooms, listservs, and other online locations where attorneys communicate with the public, other attorneys, or clients.”



DC Bar Ethics Op. 370

Social Media Platforms

- Different platforms may present unique issues and pitfalls for attorneys
 - Twitter
 - Facebook
 - LinkedIn
 - Others (Avvo, Lawyers.com, Chambers, etc.)

Social Media Competence Required



New York's Statement of the Competence Requirement

"A lawyer has a duty to understand the benefits and risks and ethical implications associated with social media, including its use as a mode of communication, an advertising tool and a means to research and investigate matters."



New York's Statement of the Competence Requirement (cont'd)

- “Lawyers . . . *need to be conversant* with, at a minimum, the *basics of each social media network* that a lawyer or his or her client may use.”
- “This is a serious challenge that lawyers need to appreciate and *cannot take lightly*.”
- “A lawyer *cannot be competent* absent a working knowledge of the benefits and risks associated with the use of social media.”



NYSBA Guideline No. 1; Comment

DC's Statement of the Competence Requirement

- “The guiding principle for lawyers with regard to the use of any social network site is that they *must be conversant* in how the site works.”
- “[A] lawyer who chooses to maintain a presence on social media, for personal or professional reasons, *must take affirmative steps* to remain competent regarding the technology being used and to ensure compliance with the applicable Rules of Professional Conduct.”

DC Bar Ethics Op. 371 (2016)

DC's Statement of the Competence Requirement (cont'd)

- “[L]awyers must be *cognizant* of the *benefits and risks* of the use of social media and their postings on social media sites.
- “Lawyers must *understand* the manner in which postings on social media sites are made and *whether such postings are public or private.*”

Lawyer Advertising Through Social Media



Legal Ethics Rules Address Attorney Advertising

- Ethics rules may require in particular circumstances the use of notices and disclaimers in attorney advertising, *e.g.*:
 - “ATTORNEY ADVERTISING”
 - “Prior results do not guarantee a similar outcome”
- The rules may also address the substantive content of attorney advertising and restrict statements that could have the effect of being misleading.



See NYRPC 7.1; DCRPC 7.1

Social Media Postings Can Constitute Attorney Advertising

- “A lawyer’s *social media profile* that is used only for personal purposes is not subject to attorney advertising and solicitation rules.”
- “However, a social media profile, posting or blog a lawyer *primarily uses for the purpose of the retention of the lawyer or his law firm is subject to such rules.*”
- “Hybrid accounts may need to comply with attorney advertising and solicitation rules if used for the primary purpose of the retention of the lawyer or his law firm.”



NYSBA Guideline No. 2A; see *also* NY RPC 1.0, 7.1, 7.3

Social Media Postings Can Constitute Attorney Advertising

“[A]ny social media presence, even a personal page, could be considered advertising or marketing, and lawyers are cautioned to consider the Rules applicable to attorney advertising.”



DC Bar Ethics Op. 370 (2016)

Twitter Posts Can Constitute Attorney Advertising

- If a tweet is deemed attorney advertising, it *requires an appropriate disclaimer*.
- Providing disclaimer may be *difficult* considering twitter's *140 character limit*.
- But this “*structural limitation*” is *not a justification* for failing to comply.

NYSBA Guideline No. 2A; Comment;
see *also* NYSBA Op. 1009 (2014)

NY Prohibits Most Uses of the Designation “Specialist” in Social Media Attorney Advertising

“Lawyers shall not advertise areas of practice under headings in social media platforms that include the terms “*specialist*,” unless the lawyer is *certified by the appropriate accrediting body* in the particular area.”



NYSBA Guideline No. 2B; see *also* NY RPC 7.1, 7.4

Acceptable Alternatives in NY to Using a “Specialist” Designation in Social Media Attorney Advertising

- Use *objective information* about experience, including number of years in practice, or number of cases handled.
- Citing “*Experience*” or “*Skills*” is not equivalent to specialist.



NYSBA Guideline No. 2B, Comment; see *also* NYSBA Op. 972 (2013); NY County Lawyers Ass'n Formal Op. 748 (2015)

DC is More Liberal About Using “Specialist” Designations in Social Media Attorney Advertising

- “*The District of Columbia does not prohibit statements regarding specialization or expertise.*”
- “District of Columbia attorneys are ethically permitted to identify their *skills, expertise and areas of practice.*”
- However such statements “cannot be *false or misleading.*”



DC Bar Ethics Op. 370 (2016); see also DC RPC 7.1(a)

Duty to Monitor Social Media Posts of Others – NY

“A lawyer that maintains social media profiles *must be mindful* of the ethical restrictions relating to . . . *recommendations of her by others*, especially when inviting others to view her social media network, account, blog or profile.”



NYSBA Guideline No. 2C; see *also* NY RPC 7.1, 7.2, 7.3, 7.4;
NY County Lawyers Ass'n Formal Op. 748 (2015)

Duty to Monitor Social Media Posts of Others – NY (cont'd)

- “A lawyer is responsible for *all content* that the lawyer posts on her social media website or profile.”
- “A lawyer also has a *duty to periodically monitor her social media profile(s) or blog(s) for comments, endorsements and recommendations* to ensure that such third-party posts do not violate ethics rules.”
- “If a person who is not an agent of the lawyer unilaterally posts content to the lawyer’s social media, profile or blog that violates the ethics rules, the *lawyer must remove or hide such content* if such removal is within the lawyer’s control and, if not within the lawyer’s control, she must *ask that person to remove it.*”



NYSBA Guideline No. 2C; see *also* NY RPC 7.1, 7.2, 7.3, 7.4;
NY County Lawyers Ass'n Formal Op. 748 (2015)

Duty to Monitor Social Media Posts of Others – DC

“An attorney must monitor his or her own social networking websites, *verify the accuracy* of information posted by others on the site, and *correct* or remove inaccurate information displayed on their social media page(s).”



DC Bar Ethics Op. 370 (2016)

Duty to Monitor Social Media Posts of Others – DC (cont'd)

“If a lawyer controls or maintains the content contained on a social media page, then the lawyer has an *affirmative obligation* to review the content on that page. A lawyer *must* remove endorsements, recommendations or other content that are *false or misleading*.”



DC Bar Ethics Op. 370 (2016)

Duty to Monitor Endorsements by Others – NY

“A lawyer must ensure the *accuracy* of third-party legal endorsements, recommendations, or online reviews posted to the lawyer’s social media profile. To that end, a lawyer must *periodically monitor and review* such posts for accuracy and must *correct misleading or incorrect information* posted by clients or other third-parties.”



NYSBA Guideline No. 2D;
see *also* NY RPC 7.1, 7.2, 7.3, 7.4

Duty to Monitor Endorsements by Others – NY (cont'd)

- Must periodically monitor *LinkedIn profiles* for endorsements as *specialist* and *confirm accuracy* of endorsements
- Must remain conscientious to *avoid false or misleading statements* in profiles
- *Passively* allowing misleading endorsements is “*tantamount to accepting* the endorsement”



NYSBA Guideline No. 2D, Comment;
see also NY County Lawyers Ass'n Formal Op. 748 (2015)

Duty to Monitor Endorsements by Others – DC

- “An attorney must monitor his or her own social networking websites, verify the *accuracy* of information posted by others on the site, and *correct or remove* inaccurate information displayed on their social media page(s)”
- “The lawyer's obligation to monitor, review and correct content on social media sites for which they maintain control exists *regardless* of whether the information was posted by the *attorney, a client or a third party.*”

Duty to Monitor Endorsements by Others – DC (cont'd)

- Periodically monitor *LinkedIn profiles* for endorsements as *specialist* and *confirm accuracy* of endorsements
- Must remain conscientious to *avoid false or misleading statements* in profiles
- **Recommended:** Adjust privacy settings to require user approval before content can be displayed.



DC Bar Ethics Op. 370 (2016)

Viewing Public Social Media



What Is “Public” Social Media?

- “*Public* means information available to anyone viewing a social media network *without the need for permission* from the person whose account is being viewed.”
- “Public information includes content *available to all members* of a social media network and content that is accessible *without authorization* to non-members.”



NYSBA Guideline No. 4A, Comment

Viewing Public Social Media of Represented Parties – NY

“A lawyer may view the *public portion* of a person’s social media profile or public posts *even if such person is represented* by another lawyer.”



NYSBA Guideline No. 4A;
see *also* NY RPC 4.1, 4.2, 4.3, 5.3, 8.4

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Viewing Public Social Media of Represented Parties – DC

“A lawyer's review of a represented person's public social media postings does not violate [the no-contact rule] because no communication occurs.”



DC Bar Ethics Op. 371 (2016); *see also* DC RPC 4.2

Caution About Automatic Messages When Viewing Social Media of Represented Parties – NY

“A lawyer may view the public portion of a person’s social media profile or public posts even if such person is represented by another lawyer. However, the lawyer must be aware that *certain social media networks may send an automatic message* to the person whose account is being viewed which identifies the person viewing the account as well as other.”



NYSBA Guideline No. 6B; see *also* NY RPC 3.5, 4.1, 5.3, 8.4

Caution About Automatic Messages When Viewing Social Media of Represented Parties – NY (cont'd)

“ [W]hen an attorney views the social media site of a *represented witness or a represented opposing party*, he or she *should be aware of which networks might automatically notify the owner of that account of his or her viewing*, as this could *be viewed an improper communication* with someone who is represented by counsel.”



NYSBA Guideline No. 4A Comment

Caution About Automatic Messages When Viewing Social Media of Represented Parties – DC

While conducting an investigation of social media, “a lawyer should take into consideration that some social media networks automatically provide information to registered users or members about persons who access their information.”



DC Bar Ethics Op. 371 (2016)

Viewing Juror Public Social Media — NY

“A lawyer may *view* the social media profile of a prospective *juror or sitting juror* *provided that there is no communication* (whether initiated by the lawyer, her agent or *automatically generated* by the social media network) with the juror.”



NYSBA Guideline No. 6B; see *also* NY RPC 3.5, 4.1, 5.3, 8.4

Unintentional Automatic Messages to Jurors – NY view

- Inadvertent automatic messages that are sent to jurors from viewing their social media may constitute an *ethical violation under NY rules*.
- When conducting juror research, *ensure that you leave no “footprint”*.
- *An unintentional message from LinkedIn almost led to a mistrial*

NYSBA Guideline 4A, Comment;
see *also* NYSBA Guidelines 6B, 6D, Comment;
NY County Lawyers Ass'n Formal Op. 743 (2011);
NY City Bar Ass'n Formal Op. 2012-2

Viewing Juror Public Social Media — DC

“Accessing public social media sites of jurors or potential jurors is *not prohibited* by [the juror communication prohibition] as long as there is *no communication* by the lawyer with the juror.”



DC Bar Ethics Op. 371 (2016); see also DC RPC 3.5

Unintentional Automatic Messages to Jurors – DC view

“In the Committee’s view, [automatic notifications do] *not* constitute a communication between the lawyer and the juror or prospective juror.”



DC Bar Ethics Op. 371 (2016);); see *also* DC RPC 3.5

Unintentional Automatic Messages to Jurors – ABA view

- *An automatic message from passively viewing social media is not improper in the view of the ABA.*
- Considered “akin to a neighbor’s recognizing a lawyer’s car driving down the juror’s street and telling the juror that the lawyer had been seen driving down the street.”
- This ABA opinion has been *criticized*, but it aligns with the recent DC view.
- *Take caution to remain anonymous* (log out of LinkedIn, etc.).

ABA Formal Op. 14-466 (2014);
see also NYSBA Guideline 4A, Comment;
NYSBA Guideline 6B, Comment

Restricted Social Media and “Friending”



Restricted Social Media

Access to a person's restricted social media is usually obtained by making a request to the person, such as:

- a "Friend" request on Facebook
- "Connecting" on LinkedIn
- following someone on Instagram



NYSBA Guideline No. 4B n.50; DC Bar Ethics Op. 371

Friending Unrepresented Persons OK Provided “No Deception” – NY

- “A lawyer may request permission to view the restricted portion of an unrepresented person’s social media website or profile.”
- “However, the lawyer must use her *full name and an accurate profile, and she may not create a different or false profile in order to mask her identity.*”
- “If the person asks for additional information from the lawyer in response to the request that seeks permission to view her social media profile, the *lawyer must accurately provide the information requested by the person or withdraw her request.*”



NYSBA Guideline No. 4B; see *also* NY RPC 4.1, 4.3, 8.4

Friending Unrepresented Persons OK Provided “No Deception” – DC

- Ethical rules “generally *preclude pretexting or other misrepresentation* during review of social media by a lawyer or his or her agents, including requesting access to information protected by privacy settings.”
- “[I]n social media communication with unrepresented persons, lawyers should identify themselves, state that they are lawyers, and identify whom they represent and the matter.”

DC Bar Ethics Op. 371 (2016); see *also* DC RPC 4.1, 8.4

What Constitutes “Deception” in a Friend Request?

- There is no “deception” when using “*real name and profile.*”
- The attorney is *not required to disclose the reasons* for the “friend” request.

DC Bar Ethics Op. 371; DC RPC 4.3(b); see *also* DC RPC 4.1, 8.4;
NYSBA Guideline No. 4B Comment;
see *also* NY City Bar Ass’n Formal Op. 2010-2 (2010)



Cannot “Friend” Represented Person Without Consent of Counsel – NY

“A lawyer *shall not contact a represented person* to seek to review the *restricted portion* of the person’s social media profile unless an express authorization has been furnished by the person’s counsel.”



NYSBA Guideline No. 4C; see *also* NY RPC 4.1, 4.2

Caution as to Use of “Right” to View Restricted Social Media of Represented Person – NY

“Caution should be used by a lawyer before deciding to view a potentially private or *restricted social media* account or profile of a represented person that the *lawyer has a ‘right’ to view*, such as a professional group where both the lawyer and represented person are members or as a result of being a ‘friend’ of a ‘friend’ of such represented person.”



NYSBA Guideline No. 4C; see also NY RPC 4.1, 4.2

Cannot “Friend” Represented Person Without Consent of Counsel – DC

“ [The no-contact rule] *generally forbids* communicating with represented persons without the consent of their counsel. . . . [R]equesting access to information protected by privacy settings, such as making a ‘friend’ request to a represented person, *does* constitute a communication that is covered by the Rule.”



DC Bar Ethics Op. 371; see *also* DC RPC 4.2

Cannot Friend Jurors – NY

- A request to see the private portion of a juror's social media is a *prohibited ex parte communication*.
- *Open Question*: whether it is permissible to view the private portion of juror social media *non-deceptively* (e.g., as a friend of a friend)

NYSBA Guideline No. 6B Comment;
see *also* ABA Formal Op. 466 (2014);
NY County Lawyers Ass'n Formal Op. 743 (2011);
NY City Bar Ass'n Formal Op. 2012-2

Cannot Friend Jurors – DC

“Because requesting access to a juror's or potential juror's private media sites involves communication with the juror, such requests would violate [the juror communication prohibition].”



DC Bar Ethics Op. 371; see *also* DC RPC 3.5(b)

Sometimes OK to Friend a Judge – NY

- *Very few opinions*; contact is judged by a *subjective standard*
- Communication is “*fraught with peril*”
- Judges are permitted to join and use social media but should *exercise* appropriate degree of *discretion*
- Status as a “friend” is *insufficient alone* to require *recusal*



NYSBA Guideline 7, Comment; see *also* NY Advisory Cmte. on Judicial Ethics, Ops. 08-176 (2009), 13-39 (2013)

Sometimes OK to Friend a Judge – DC

- “When no case or proceeding involving a lawyer is pending, [the juror communication prohibition] *does not forbid* the lawyer from becoming a ‘friend’ of judges, arbitrators, regulators, or other neutrals.”
- “When a case or matter is pending before a decision-maker . . . a lawyer should consider whether to remove, at least temporarily, the decision-maker as a ‘friend’ or other connection on social media.”

DC Bar Ethics Op. 371 (2016)

Taking Social Media into Account When Advising Clients



Information Requests and Discovery

- “In litigation, *discovery requests* should expressly include social media as sources, and discovery responses should not overlook them.”
- “Transactional practice may require review of social media both *informally by investigation* and formally by including social media in *due diligence requests*.”



DC Bar Ethics Op. 371 (2016)

Consistency Issues

- “Review of client social media for their *consistency with representations, warranties, covenants, conditions, restrictions, and other terms or proposed terms of agreements* could be important because inconsistency could create rights or remedies for counterparties.”
- “[C]ompetent and zealous representation . . . in regulatory matters may require *ensuring that representations to agencies are consistent with social media postings* and that advice to clients takes such postings into account.”

DC Bar Ethics Op. 371 (2016)

Regulatory Issues

- “In regulatory practice, competent and zealous representation . . . may require advice about *whether social media postings or use violate statutory or rule-based limits on public statements or marketing.*”
- “*Communications about initial public offerings* pose regulatory risk, and those risks apply fully to issuer social media.”

DC Bar Ethics Op. 371 (2016)

Cleansing Social Media



Can Advise Client to Take Down Social Media Posts – NY

- “A lawyer *may advise* a client as to what content may be maintained or made private on her social media account, including advising on *changing her privacy and/or security* settings.
- A lawyer may also advise a client as to what content may be ‘*taken down*’ or *removed*, whether posted by the client or someone else, as long as there is no violation of common law or any statute, rule, or regulation relating to the *preservation of information*, including legal hold obligations.
- Unless an appropriate record of the social media information or data is preserved, a party or nonparty, when appropriate, may not delete information from a social media profile that is subject to a duty to preserve.”



NYSBA Guideline No. 5A;
see *also* NY RPC 3.1, 3.3, 3.4, 4.1, 4.2, 8.4

Attorney May be Required to Advise Client to Remove Social Media Posts — DC

- “Competent and zealous representation . . . may *require* lawyer review of client social media postings relevant to client matters.”
- “[I]n regulatory matters [this] may require ensuring that representations to agencies are consistent with social media postings and that advice to clients takes such postings into account.”

DC Bar Ethics Op. 371 (2016)

Duty to Preserve Clients' Social Media – NY

- Once *litigation is anticipated*, lawyers have an *obligation to ensure relevant information on clients' social media is not destroyed* or the lawyer could face sanctions.
- When litigation is not anticipated, lawyers can more freely advise,
- Barring spoliation, there is *no ethical bar* to advising client to *remove postings or change privacy or security settings*.



NYSBA Guideline No. 5A, Comment;
see *also* NY County Lawyers Ass'n Formal Op. 745 (2013)

Duty to Preserve Clients' Social Media – DC

- “[A] lawyer may need to include social media in advice and instructions to clients about litigation holds, document preservation, and document collection.”
- When litigation not anticipated, lawyers can more freely advise.
- **Recommendation:** “Before any lawyer-counseled or lawyer-assisted removal or change in content of client social media, at a minimum, an accurate copy of such social media should be made and preserved,”



DC Bar Ethics Op. 371 (2016); see also DC RPC 3.4(a)

Practical Tips for Practicing Lawyers



Don't Let Social Media Sites Automatically Import Your Contacts

- Automatically importing a lawyer's contacts "could potentially identify clients or divulge other information that a lawyer might not want an adversary or a member of the judiciary to see or information that the lawyer is obligated to protect from disclosure."
- "Accordingly, great caution should be exercised whenever a social networking site requests permission to access e-mail contacts or to send e-mail to the people in the lawyer's address book or contact list and care should be taken to avoid inadvertently agreeing to allow a third-party service access to a lawyer's address book or contacts."

Risks from Engaging in Legal Advice and Discussions on Social Media

- Beware of *inadvertently creating attorney-client relationships* through social media.
- Avoid situations where a person with whom you are communicating mistakenly believes you to be their lawyer:
 - Relying on you to provide them with necessary legal advice
 - Possibly revealing confidential information to you mistakenly believing it to be privileged
 - Mistakenly believing that social media platforms that may be accessible to others are an appropriate channel for privileged/confidential communications.

Disclaimers May Not Always Be Sufficient to Provide Protection

“Disclaimers are *advisable* on social media sites” but “even the use of a disclaimer may not prevent the formation of an attorney-client relationship if the parties’ subsequent conduct is inconsistent with the disclaimer.”

DC Bar Ethics Op. 370 (2016)

Current Conflicts Risks from Legal Discussions on Social Media

Could your discussions about someone's else's legal problems on a social media platform be in conflict with the representation of a current or former client of your firm (particularly where you are in no position to conflict check)?

Future Conflicts Risks from Legal Discussions on Social Media

- “Consideration must . . . be given to avoid the acquisition of uninvited information through social media sites that could create actual or perceived conflicts of interest for the lawyer or the lawyer's firm.”
- “Caution should be exercised when stating positions on issues, as those stated positions could be adverse to an interest of a client, thus inadvertently creating a conflict.”
- Could such discussions create future conflicts for you if persons unknown to you may be relying on what appears to be your legal advice?



DC Bar Ethics Op. 370 (2016); see also DC RPC 1.7(b)(4)

Improper Conduct Risks from Discussions on Social Media

- Soliciting business through *live real-time* communications could raise issues under rules prohibiting *in-person solicitations*.
- Could the world-wide reach of your social media communications create possible issues for you about *unauthorized practice of law* in other jurisdictions?

Issues from Client Communications Conducted Through Social Media

- Client file preservation obligations will extend to matter-related communications with clients that are conducted through social media.
- The same may apply to matter-related communications with third parties conducted through social media.
- Do you have a plan to capture and retain such communications?

Increased Risks of Inadvertent Disclosures from Social Media

- Lowering your guard about revealing privileged or confidential information in what appears to be a safe or informal setting.
- General descriptions on social media of your personal activities and/or geolocation information could reveal clues about sensitive matters (e.g., that certain negotiations may be occurring in a particular location).

Resources on Social Media Legal Ethics Issues: DC and NY

District of Columbia

District of Columbia Bar, Ethics Opinion 281 (1998)
District of Columbia Bar, Ethics Opinion 302 (2000)
District of Columbia Bar, Ethics Opinion 316 (2002)
District of Columbia Bar, Ethics Opinion 370 (2016)
District of Columbia Bar, Ethics Opinion 371 (2016)

New York

New York City Bar Association, Formal Opinion 2010-2 (2010)
New York City Bar Association, Formal Opinion 2012-02 (2012)
New York Courts Advisory Committee on Judicial Ethics, Opinion 08-176 (2009)
New York Courts Advisory Committee on Judicial Ethics, Opinion 13-39 (2013)
New York County Lawyers Association, Formal Opinion 743 (2011)
New York County Lawyers Association, Formal Opinion 745 (2013)
New York State Bar Association, Opinion 972 (2013)
New York State Bar Association “Social Media Ethics Guidelines” (June 2015)



Additional Resources on Social Media Legal Ethics Issues

Ethics Opinions

American Bar Association, Formal Opinion 462 (2013)
American Bar Association, Formal Opinion 466 (2014)
California State Bar, Formal Opinion No. 2012-186 (2012)
Colorado Bar Association, Formal Opinion 127 (2015)
Florida Bar Association, Professional Ethics Opinion 14-1 (2015)
Pennsylvania Bar Association, Formal Opinion 2014-300 (2014)
North Carolina State Bar, Formal Ethics Opinion 5 (2014)
Oregon State Bar, Formal Opinion 189 (2013)
West Virginia Bar Association, Legal Ethics Opinion No. 2015-02 (2015)

Other Resources

Peter A. Crusco, "Evidentiary Consequences of Social Media Self-Adulation,"
New York Law Journal (Aug. 25, 2015)
Wendy L. Patrick, "What Are 'Friends' for?"
California State Bar Ethics Hotliner: Keeping an Eye on Ethics (Dec. 2011)
Kristen Marquis, "Social Media Marketing and Ethics for Lawyers,"
California Business Law Practitioner (Summer 2014)
Saleel V. Sabnis, "Attorney Ethics in the Age of Social Media,"
ABA Professional Services Liability Litigation E-Newsletter (Spring 2016)



Questions?



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