

Ethical Risks of Law Firm Websites and Blogs

Staying on the Right Side of the Ethics Line

A Live Interactive 90-Minute Teleconference Program

Tuesday, May 29, 2007

1:00 p.m. Eastern Time / 12:00 p.m. Central Time /
11:00 a.m. Mountain Time/ 10:00 a.m. Pacific Time

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Websites, the Internet and email are the preferred communication and marketing tool for attorneys and law firms, and blogs are a popular way for attorneys to exchange ideas. However, there are serious ethical risks for attorneys who use these online communications with clients and potential clients.

Sites and blogs that enable users to email attorneys directly increase ethical concerns. And yet, there are few guidelines for attorneys by the courts and state bar associations.

How are the courts and state bars' ethics committee dealing with potential ethical violations triggered by websites and blogs? Do the standard ethical rules regarding lawyer advertising apply? If law blogs are defined as political speech, can states still regulate them as commercial speech?

This teleconference will discuss how various courts and state bar associations are dealing with attorney websites and blogs, the regulatory future, and ethical guidelines for client and prospective client communications via websites and blogs.

- I. The Use of Law Firm Websites to Obtain Clients
 - A. What ethical rules apply to attorneys' use of websites as a way to obtain clients?
 - B. How can attorneys and law firms implement those rules?
 - C. What is the impact of the Internet's ability to reach prospective clients outside of an attorney's jurisdiction? Does this change the application/implementation of the rules concerning web-based advertising?
 - D. How can attorneys/firms deal with the uncertainty and risk of the choice-of-law rule?

- II. Law Blogs
 - A. What is a law blog?
 - B. What are the benefits and legal pitfalls for law blogging?
 - C. What ethics rules impact blogging?
 - D. If not considered advertising, can law blogs be regulated as commercial speech?

(continued)

III. Ethical Issues Regarding Attorney-Client Online Communications

- A. What are the ethical rules affecting e-mail communications with clients and prospective clients?
- B. Is an attorney-client privilege created upon the opening of an email from a prospective client?
- C. How can attorneys protect clients' privacy rights and attorney-client privilege while utilizing online communication?
- D. Is encryption necessary? If so, how can it be accomplished?

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