



Research paper on "The Role of Social Media in the Legal Profession with Ethical Considerations"

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Social media and its prevalence.

'Social' here means anything that is of the society and media here relates to the various channels of communication. It thereby includes all technology whether digital, text, or visuals that is used as a means of speech, expression, and ideas through various networks in society. In short, it is a web-based technology. The first social media site was *Six Degrees* made by *Andrew Weinreich* in 1997 followed by *My Space* by *Tom Anderson*. It is the fastest way of communication. Some of the vast social media platforms are Instagram, YouTube, Facebook, Whatsapp, and WeChat. From community building, and social greetings to marketing campaigns and many other facilities are its contributions. It is the magic of these social media platforms that during the toughest times of the pandemic Covid-19, we all have not just been able to survive by connecting in our darkest hours but also to grow our business, studies, etc through these platforms. platforms like Zoom, Google Meet, and other educational ones have been the torch bearer for us. And the curse of Covid has been a boon for these social media platforms.

It is rampantly spreading because its users are growing approximately 410,000 new social users every day as per the *Social Media Statistics Worldwide*. And the average time spent on social media daily is 2 hours and 24 minutes. And the reasons behind this growth are the opportunity to meet new people and that too from any corner of the world. And most of these popular sites are easy to navigate and user-friendly. Social networks work through groups that help to connect people of similar interests and follow one's passion in a pocket-friendly and time-saving way.

Another diaspora that benefits through it is the professionals to establish their brands and skills online. Recruitments through LinkedIn and other platforms are the most popular. The business can extend their outreach and reach their potential customers through hobbies, interests, etc.

The legal professions and social media.

Social media is undoubtedly a considerable part of the legal fraternity since these online revolutions have taken place but post covid it has deep-rooted itself like a Banyan tree. Justice is as important as medicine to a patient and consequently, it can't take a back seat ever. Online Courts have played a holistic role in the justice delivery mechanism that has acted as a cure not just to increased domestic violence cases since Covid but also in other criminal and civil matters. On one hand, social media saves time and cost but the negative side is that it lacks confidentiality, does not necessarily strictly follow the rules of evidence, and also varies a lot from the traditional ideas of legal positions.

Social media impact on the legal profession, particularly in ethical considerations

Social Media's Influence on Legal Practice

Some of the uses that are prevalent in the law of social media are social networking, social bookmarking, social news, Microblogging and online forums in the legal profession, and dispute resolution. Social networking sites such as Facebook, Twitter and Myspace when they work in collaboration with hardware tools like iPad, iPhone, BlackBerry, and Android ease the work of legal professionals. These professionals own social networking sites and use the information available on them as evidence and you use it as a forum to connect with other lawyers, judges and clients. It not only promotes the sharing of information with clients and colleagues but also helps them engage with the legal community extensively. The admissibility of electronic evidence under the Indian Evidence Act, of 1872 has opened the gate for producing evidence in Courts which are in some hardware devices, etc after obtaining a certificate of their authentication by the person in authority.

Use of social media for marketing, client communication, and networking by lawyers and law firms

Social media plays an important role in building online availability which helps to increase the number of customers and potential contacts along with helping lawyers and legal professionals to stay competitive and ahead in the legal market. It also helps employers in the recruitment of employees and boosts healthy communication with employees, clients, and partners. Sites such as Facebook Twitter Google Plus, LinkedIn, Instagram, etc are used to promote not just one's profile but also to write blogs and share ideas, thoughts, and beliefs on the web which will help the professionals to pull toward their potential legal targets. It is the result of all these permutations and combinations that the lawyers and the law firms can inculcate the practice awareness in the legal fraternity, portray their professional refinery which draws them to the relevant audience, boost engagement ethically, keep up with the dynamic legal trends, advertising their services by showing their finest skills which retain their current clients and also draw in the potential customers.

The growing concern for the right to privacy has increased the use of WhatsApp as one of the most preferable media platforms by legal professionals to interact with their clients as it not only increases confidentiality but also saves the time and effort of frequent chamber visits. In return their clients post reviews and comments which will help to increase the demand for their services. This trust and affection of the satisfied clients will turn into the switch on for other potential customers and the clients as it is a trend that the more positive the review of the service is, the more the demand for it will be.

Benefits and challenges associated with social media in the legal field.

While talking about the gifts of social media it enables legal practitioners easily to establish themselves as a brand which before media ages used to take not just years but generations to get popularized. It is a paradise for first-generation lawyers as they now have the opportunity to establish themselves despite the unavailability of any legal family background as it used to be earlier that the father's name was the root of client backups. Now even the young talented legal

minds can distinguish themselves based on their legal and argumentative skills. It has thus cut down nepotism and favoritism in the legal sphere.

Once an individual and law firm positions themselves as an expert by manifesting and exhibiting their legal expertise, they establish themselves as a brand and that helps them to create a customer basis and by keeping their services updated and increasing their demand by advertising it and getting good feedback from their targets, they are also able to attract in their fishnet the potential targets of their services.

This maintenance of the audience on social media promotes cost-effective business compared to the traditional media as it helps to pull quicker the clients than compared to any other conservative way. It also cuts short the print advertising costs by accessing Digital advertising and marketing. Some of the global law firms like Allen & Overy have beautiful Twitter page ornamentation and a very distinguished header and they also use specific hashtags in their tweets and respect the association of cultural diversity. Pace Law Firm has made a video library on YouTube of their lawyers handling diverse legal issues. LinkedIn is popularly used in both Indian law firms and global legal giants.

Ethical Considerations in Social Media Use by Legal Professionals

Examination of ethical issues related to advertising, confidentiality, and privacy on social media.

The lawyers needed to be cautious while posting on social media advertising approaching litigation e-discovery and handling client interactions as some ethical duties needed to be considered by legal professionals while engaging with social media in their practices.

Some of these concerns are:

Data protection and confidentiality:

It is the ethical duty of the lawyer or the law firm to protect the data of its client from being leaked on general public platforms as it is his right to privacy and it is also vulnerable to be used against him.

Keeping with the terms and conditions of the social media platform:

While using any social media platform it requires the legal users to confront the terms & conditions that have been set by the developers of that social media platform and not to go against it.

No infringement of the patents and copyrights:

It is the ethical duty of the content creator to keep in mind that while creating any legal content on any social media he should not infringe the copyright or the patent that has already been allotted to someone that means the work needed to be fresh and unpublished.

Reproduction of any published work:

While reproducing the published work is necessary to stick with the agreement that has been signed with the original publisher. And while letting others publish your original work you need to take care of all the Terms & Conditions and it needs to be set in the right way so that any person should not interfere with it. And guidelines which you have set are being obeyed as to what extent you retain the control.

Work should be such that does not defame, harass, or restrict free speech:

Because social media platforms are general public platforms while creating any content it is necessary to keep in mind that you are not hurting anyone's feelings or restricting any right to free speech or expression nor should it defame any person or harass whether directly and indirectly as it may result into legal action.

Analysis of cases or incidents where ethical concerns arose due to social media usage.

In the case of *JS vs Blue mountain school* A fellow student of a 14-year-old girl student used his initials and created a profile for their school principal on a social media platform called *Myspace* and fed that profile with vulgar comments and immoral references regarding his wife and children. He obtained the principal's photo from the school's register. In this case, the US state court denied the injunction sought by the student to remove sanctions and later gave a summary judgment to the school district but it can discipline the vulgar speech which though not within the campus affects the campus in some substantial way.

In the *Bully Bai and Sully deal cases* an ethical concern was that while using social media it is necessary to respect privacy and consent as there should not be a potential for online harassment. In this case, Muslim women were being sold openly on online platforms by using their photos and details without their consent. This is an utter misuse of social media and freedom of speech and expression which harms both the right to privacy and dignified life.

While using social platforms it is necessary to keep in mind that every right comes with a corresponding duty. It's one's ethical duty to exercise one's right in such a way that it doesn't infringe on others' rights otherwise it's per se actionable.

Comparison of ethical guidelines and codes of conduct for legal professionals in the context of social media.

Though both the ethical guidelines and code of conduct overlap in the case of the use of social media by legal professionals the purpose also is to lay down them as it will protect the rights of both the user and the target of such use. They both emphasize maintaining integrity, avoiding conflicts of interest, and keeping confidentiality. Guidelines that are made to protect ethical concerns may include refraining from discussing ongoing cases, maintaining client confidentiality and upholding the dignity of the legal profession and online interactions.

The challenge lies in adapting traditional principles to the dynamic nature of social media while maintaining the core tenets of legal ethics. There is no such particular law that governs the control of media use through any definite code of conduct but there are some guiding principles that are necessary for the survival of a law firm or the lawyer in the business.

Ban on sharing the client information - only so much of the information that is already available in the public domain Should be shared. To share something extra express permission needed to be taken. The data protection bill is still to be passed by both houses.

Prevent conflict of interest- To prevent the conflict of interest of the client one needs to share less information about the client while talking to or interacting with another client or potential clients as one might not be sure who is behind the account with which interaction is going on. and in case of any oversharing, it can lead to a conflict of interest between the two clients.

Advertisement and solicitation rules- The lawyers needed to depict the true picture and not exaggerate while advertising their services as the gap between the actual service and the exasperation may lead to unrealistic And unreasonable expectations The professionals needed to fit into their minds that they did not have to follow the trends flooding on social media apps like Instagram, Tik-Tok, etc blindly.

Impact on Client-Attorney Relationship

Social media affects the attorney-client relationship, trust, and communication.

For an attorney who is having online clients it is very important for them to notice that what they are posting on social media platforms is not against their profession. They also needed to keep the balance between their personal and professional lives. Whenever one is posting something personal on their social media that may be visible to the clients it may sometimes clash with their interests. Referencing cases on social media should be always avoided though the client cannot be identified by name but the facts could give an idea about him to others and that would be against attorney-client confidentiality.

It is also necessary to not post anything offensive and derogatory to other members of the legal fraternity and their legal practices as it could be violative of their rights. It could be actionable in law which can lead to a bad reputation and loss of clients.

Another aspect is the advertisement dimension. It is very important to keep in mind that it is not against moral policies, public health, and decency otherwise it is violative of the grundnorms of the Constitution and will create chaos in the public.

The responsibility of legal professionals is to educate clients on social media implications.

A legal professional who is working through social media has a responsibility to his client to educate them on the legal technical norms of the services provided by them to their clients. They should educate them by discussing the potential legal consequences of their social media activities emphasizing privacy settings and advising against sharing sensitive information. They can work on this by giving good examples of staying updated and making them stay updated about the relevant laws that will empower their clients to navigate social media and handle it responsibly.

Regulatory Framework and Recommendations

Overview of existing regulations and guidelines governing social media use in the legal profession.

Many rules and guidelines have been laid down regarding social media use which often targets rules on client confidentiality, avoiding conflict of interest, and maintaining the dignity of the profession. These rules are set down by the State Bar Associations and other higher legal authorities. These rules are to emphasize the importance of ethical standards both online and offline.

The failure to follow such social media guidelines in legal or any profession can result in disciplinary actions which would end in sanctions, fines, or even suspension of the licenses of the lawyers and the law firms always depending upon the degree of the severity of the violation. But if these guidelines are followed properly it would maintain professional integrity and safeguard the reputation of both the lawyer and the law firm and the entire legal fraternity as a whole.

Proposal of recommendations or best practices for legal professionals to maintain ethical standards on social media.

While posting on social media it is important to keep up with a professional demeanor to avoid conflict of interest, to be accurate and honest so that misrepresentation does not take place to damage professional credibility. It is also necessary to take care of the privacy settings effectively so that your information should not be misused. It is very important to stay informed about the regulatory trends that have been set up for media users. And finally, the more educated the clients would be, the better and beneficial to their potential legal implications and to understand their online behavior.

Consideration of potential future developments in regulatory frameworks.

The anticipation of potential future developments in the legal profession of the regulatory frameworks related to social media is a must as it would help to stay informed about the emerging laws that address online behavior of professional conduct in the digital age, data privacy, etc.

In the era of technology, the Regulatory bodies are centered on regulations for addressing new challenges such as deep fakes, AI-generated content, and Nobel privacy concerns. To cope with these changes one has to be dynamic and monitor proactively their social media. It would be very helpful and crucial for legal professionals to hold ethical standards and navigate the vast ocean of social media regarding the legal context.

To summarize, social media is a valuable tool for the legal profession but only when used ethically. Balancing the benefits with her commitment to professional standards ensures that lawyers leverage the potential of social media while upholding the integrity of the legal profession. The ethical navigation of social media should not only be a commitment to professional values but also a strategic approach to building a robust and reputable legal practice as it would contribute to long-term success by fostering positive relationships, mitigating risks, and upholding the principles that define the legal profession. It would help the professionals not

just stay in the cutthroat competition but would also lead them to a strong root to survive the storms of the market.

Legal ethics brings opportunities for broader engagement and communication for legal professionals but if not handled properly it may challenge client confidentiality and it could also lack in adapting technological advancements and careful navigation. So practitioners must stay informed, and strike a balance between leveraging social media benefits and upholding ethical standards to ensure the continued integrity of the legal profession. So it would be great to end on a note that the balance way is the best way to anything so the approach of a legal professional should be to balance between the use of social media and to use social media ethically. The motive should not just be profit but should be for the greater good.

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