
The Florida Bar Standing Committee On Advertising Guidelines for Video Sharing Sites

(Revised May 9, 2016)

Video sharing sites accessed via the Internet have proliferated in the last several years. There are numerous video sharing sites. A video sharing site is a site accessed via the Internet that permits video viewing, uploading and sharing via search or direct link. Probably the most well-known video sharing site is YouTube, on which registered users are permitted to upload videos, but all visitors are permitted to view.

The SCA has reviewed the video sharing media, and issues the following guidelines for lawyers using them.

Videos of individual lawyers on video sharing sites that are used solely for purposes that are unrelated to the practice of law are not subject to the lawyer advertising rules.

Videos appearing on video sharing sites that are used to promote the lawyer or law firm's practice are subject to the lawyer advertising rules. These videos and all information the lawyer or law firm posts with them must therefore comply with all of the general regulations set forth in Rules 4-7.11 through 4-7.18 and 4-7.21. Regulations include prohibitions against any misleading information, which includes references to past results that are not objectively verifiable, predictions or guaranties of results, and testimonials that fail to comply with the requirements listed in Rule 4-7.13(b)(8). Regulations also include prohibitions against statements characterizing skills, experience, reputation or record unless they are objectively verifiable. Lawyers and law firms should review the lawyer advertising rules in their entirety to comply with their requirements. Additional information is available in the *Handbook on Lawyer Advertising and Solicitation* on the Florida Bar website.

Invitations to view or link to the lawyer's video sent on an unsolicited basis for the purpose of obtaining, or attempting to obtain, legal business must comply with requirements for direct written solicitation under Rule 4-7.18(b), unless the recipient is the lawyer's current client, former client, relative, has a prior professional relationship with the lawyer, or is another lawyer. Any invitations to view the video sent via e-mail must comply with the direct e-mail rules if they are sent to persons who are not current clients, former clients, relatives, other lawyers, persons with whom the lawyer has a prior professional relationship or persons who have requested information from the lawyer. Instant messages and direct e-mail must comply with the general advertising regulations set forth in Rules 4-7.11 through 4-7.18 and 4-7.21 as well as additional requirements set forth in Rule 4-7.18(b). Information on complying with the direct e-mail rules is available in the *Handbook on Lawyer Advertising and Solicitation* and in the Direct E-Mail Quick Reference Checklist on the Florida Bar website.

Finally, the SCA is of the opinion that videos posted solely on video sharing sites are information at the request of the prospective client and therefore not required to be filed with The Florida Bar for review. Rule 4-7.20(e).

In contrast with a video posted on a video sharing site, a banner advertisement posted by a lawyer on a video sharing site is subject not only to the requirements of Rules 4-7.11 through 4-7.18 and 4-7.21, but also must be filed for review unless the content of the advertisement is limited to the safe harbor information listed in Rule 4-7.16. See Rules 4-7.19 and 4-7.20(a).