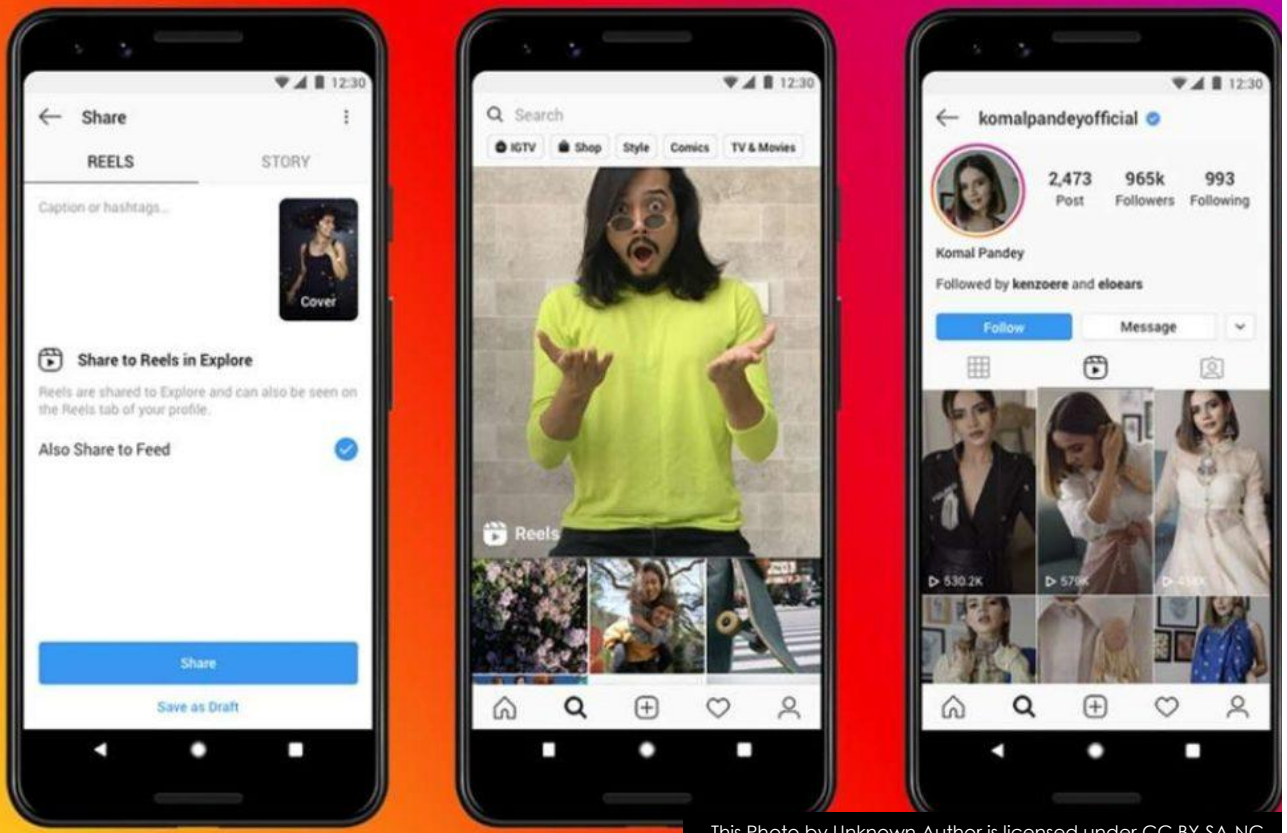

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Attorney Influencers #Lawyer TikTok

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Assistant Clinical Professor of Business Law & Ethics

Conflicts Attorney

Agenda

- What is TikTok?
- How Do you Create a TikTok?
- Attorney Influencers
- Rules of Professional Conduct
- Is It Successful Client Advertising?





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What Is TikTok?



Educate, Entertain, Inspire

TikTok is an app designed to share and create short videos.

E.g. advertisements/content.

Opportunity to Make Money on TikTok



Create a brand-specific channel to upload relevant videos to attract attention



Work with TikTok influencer who can help shed light on your business or product



Pay TikTok for advertising space; time to develop

Lawyers and TikTok



HELP PEOPLE LEARN ABOUT PRACTICE AREAS



PROVIDE LEGAL ENTERTAINMENT



ADVERTISE LEGAL SERVICES

How To Create A TikTok Account

Download	Open	Enter	Create	Choose	Add	Link
Download TikTok App from App Store or Google Play	Open TikTok App and choose how to sign up	Enter your birthday – required – 13 years or older	Create TikTok Account (phone, email, password)	Choose your username – law firm name	Add profile photo, bio, and your name and pronouns	Link to Instagram and YouTube if desire

How to Create a TikTok Video

Tap the **+** sign at the bottom of your screen. You can also tap **Create video** on your profile page.

Use a pre-existing video from your Camera Roll, or start filming by tapping the red **Record** button.

If you are recording, you can choose whether to make a 15-second, 60-second or 3-minute video. TikTok now allows you to upload up to 10 minutes of video.

Trim the length of your clips by tapping **Adjust Clips** on the right-hand menu.

Add **music** by tapping the button at the top of the screen. TikTok will recommend tracks based on the content of your video, but you can also use the search bar to find other songs or sound effects.

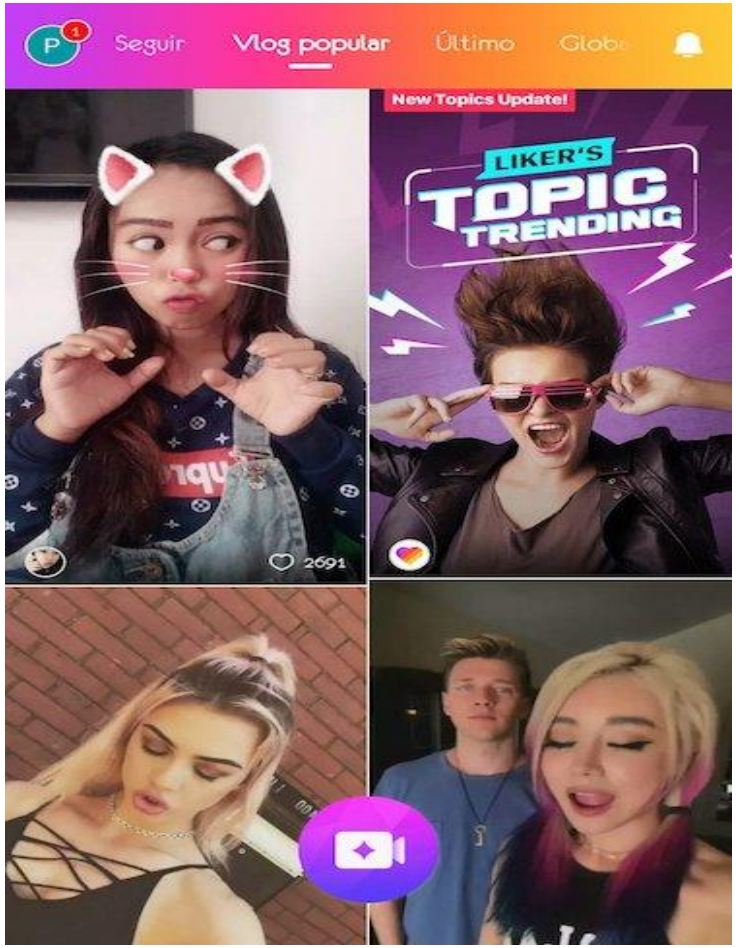
Add **effects, stickers or text** to your videos by tapping the options on the right-hand menu.

If your video contains speaking, add **captions** to improve accessibility.

Once you're done editing your video, tap the red **Next** button at the bottom of the screen.

How To Make TikTok - Multiple Videos

1. Tap the **+** sign at the bottom of your screen.
2. Tap **Upload** on the bottom right. Then select **Videos** at the top of the screen to filter for the videos in your Camera Roll. You can add multiple clips or include a mix of photos and videos!
3. Select the videos you want to include, to a maximum of 35 videos. Tap **Next** to continue.
4. Tap **Adjust Clip** to reorder your videos. You can also add music or sound effects. TikTok will suggest audio clips based on the content of your video and the length of your clips. You can select **Default** if you want to use the sound in your original video. Once you're done, tap **Next**.
5. From here, you can add video effects, stickers, and text. Try **Noise Reducer** if your clips have a lot of background noise.
6. You can also add a **voiceover**. This will be layered over the original sound in your video clips or the track you selected.
7. Add your caption and hashtags, tag other users, and manage your video settings.
8. Hit **Post** and start sharing!



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How To Make TikTok - Pictures

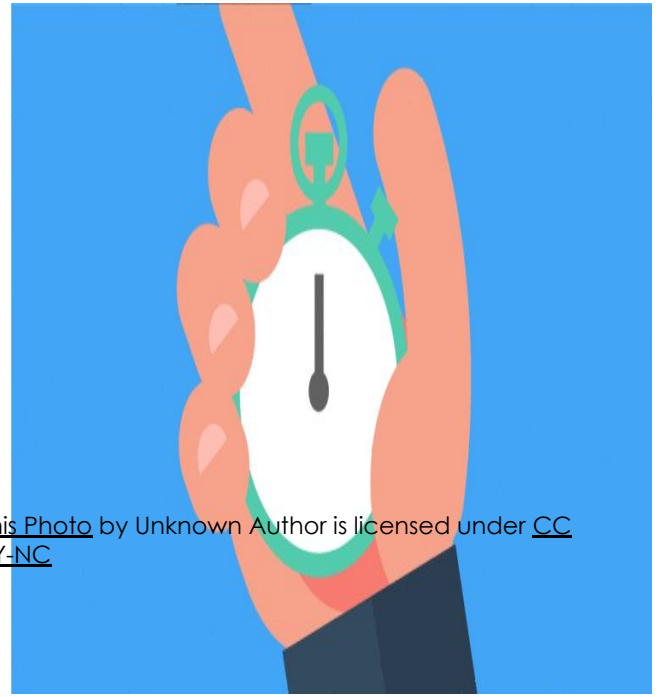
Tap	Tap the + sign at the bottom of your screen.
Tap	Tap Upload on the bottom right. Then select Photos at the top of the screen to filter for the photos in your Camera Roll.
Select up	Select up to 35 images you want to include. Choose them in the order that you'd like them to appear— unlike video clips, you can't rearrange them in editing.
Hit	Once you have all your photos, hit Next to add music, effects, stickers and more.
Display in	Your photos will display in Video Mode, which means that they'll play in order. You can switch to Photo Mode, which allows users to toggle between images like a slideshow.
Select	You can select a song or sound effect by tapping the music button at the top, or press Voiceover to record an audio track to accompany your images.
Add	Once you're finished, add your caption and hashtags, tag other users, and edit your video settings.
Hit	Hit Post and start sharing!

How To Make a 3 Minute TikTok

1. Tap the **+** sign at the bottom of your screen to start a new video.
2. Swipe to select a 3-minute recording length. You can stop and start your recording by tapping the red **Record** button.
3. Once you have 3 minutes of footage, you can add your video effects, music, voiceovers, and more.

The other option is to upload video clips and edit them together.

1. Tap the **+** sign at the bottom of your screen.
2. Tap **Upload** and select your clips. You can choose more than 3 minutes worth of clips!
3. On the next screen, tap **Adjust Clips**. You can trim and reorder the individual videos from here until you've got 3 minutes in total.
4. From here, you can **add video elements** like text, stickers, effects and more.



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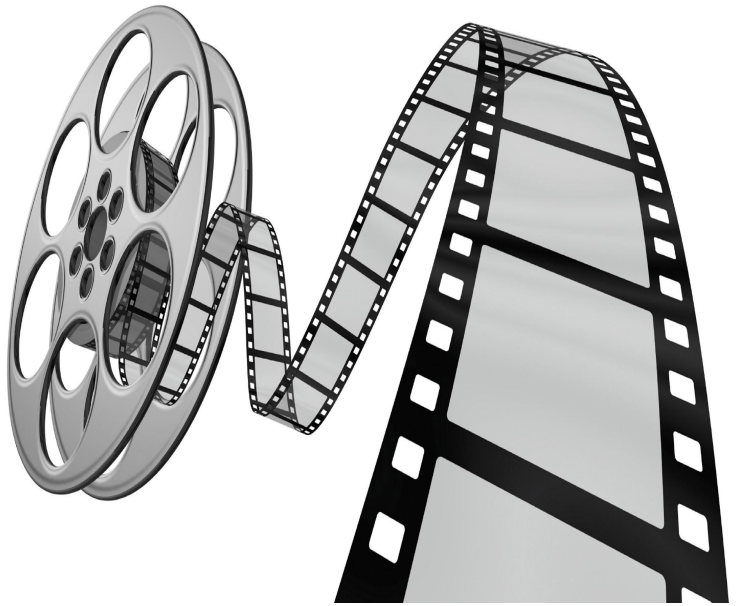
How To Schedule a TikTok Video

1. Record your video and edit it (adding sounds and effects) in the TikTok app.
2. When you're done editing your video, tap **Next** in the bottom right corner of your screen. Then, select **More options** and tap **Save to device**.
3. In Hootsuite, tap the **Create** icon on the very top of the left-hand menu to open the Composer.
4. Select the account you want to publish your TikTok to.
5. Upload the TikTok you saved to your device.
6. Add a caption. You can include emojis and hashtags, and tag other accounts in your caption.
7. Adjust additional settings. You can enable or disable comments, Stitches and Duets for each of your individual posts. **Note**: Your existing TikTok privacy settings (set up in the TikTok app) will override these ones.
8. Preview your post and click **Post now** to publish it immediately, or…
9. …click **Schedule for later** to post your TikTok at a different time. You can manually select a publication date or pick from three **recommended custom best times to post for maximum engagement**



Top TikTok Attorneys

Michael Mandell (Law by Mike)

- 3.5 million followers in just 7 weeks
- Videos sharp, informative, and engaging

Ethen Ostroff

- 150K+ followers and 3.4M+ likes
- Videos consistent, persistent, and niche

Anthony Barbuto

- Billions of videos and counting

Top TikTok Attorneys

Brad Shear

- 850+ followers and 22.4M+ likes

@GALawyer

- Family Law Attorney
- 200K+ followers and 5M+ likes
- Incorporates both family and work life

Attorney Tom

- 85K+ followers and 1.2M+ likes
- Mix informative legal videos with funny videos

Top TikTok Attorneys

Adam Juratavac

- Employment law
- 68K+ followers and 809K+ likes

Ryan Chenevert

- 38K+ followers and 400K+ likes
- Informative videos
- Legal questions in DMs **(ethical implications?)**

Ali Awad

- Personal injury attorney
- 32K+ followers and 611K+ likes
- 3 different languages in videos

Tori @tiktortok

- 18K+ followers and 882K+ likes
- Informative and relatable

Examples – Entertain/Humanize

1

https://www.tiktok.com/@thelawyer/video/7124367062063009067?is_from_webapp=1&sender_device=pc&web_id=7130064357660509739

2

https://www.tiktok.com/@thelawyer/video/7109457374603250990?is_from_webapp=1&sender_device=pc&web_id=7130064357660509739

3

https://www.tiktok.com/@thelawyer/video/7097235427064663338?is_from_webapp=1&sender_device=pc&web_id=7130064357660509739

Examples – Educate/Inform

https://www.tiktok.com/@bradshear/video/7127388402525146410?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

https://www.tiktok.com/@bradshear/video/7116615700906691886?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

https://www.tiktok.com/@bradshear/video/7116561759246339370?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

https://www.tiktok.com/@bradshear/video/7099862906015206698?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

Examples – Hiring Evidence Collection

https://www.tiktok.com/@attorneytom/video/7027467416565239046?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

https://www.tiktok.com/@attorneytom/video/7015988268244176133?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

More . . .

https://www.tiktok.com/@tiktortok/video/6934725911581314310?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

https://www.tiktok.com/@attorneytom/video/6960505787030457605?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

https://www.tiktok.com/@galawyer/video/7109973147180420395?is_from_webapp=1&sender_device=pc&web_id=7130064358708725290

The Rules of Professional Conduct

There are **NO** rules that address social media activity directly

Only guidance . . .

Rules 1.1, 1.4, 1.6, 3.6, 4.2, 4.3, 7.1-7.5, 8.4, etc. . .

Overarching Rule/Obligation

Rule 1.1:

Requires competent representation by attorneys to their clients. Competency mean keeping abreast of changes in the law and i practice, including benefits and risks associated with relevant technology.

See Comments to Rule 1.1.

Do you know "internet lingo"? Technology terms?



Rules of Professional Conduct

Advertising Rules Apply!
Rules of Prof. Conduct 7.1 - 7.4

- Some states modified to include specifically "electronic communications" as part of acceptable advertisements (e.g. Minnesota Rule of Prof. Conduct 7.2(a)).

- Under **Indiana Rule 7.2** it provides: . . . The term "advertise" as used in these Indiana Rules of Professional Conduct refers to ***any manner of public communication partly or entirely intended or expected to promote the purchase or use of the professional services*** of a law, law firm, or any employee of either involving the practice of law or law-related services.



Rule 7.2 – Requirements of Advertisements



Name and office address of at least one lawyer or law firm responsible for content



Keep a copy or recording of each communication for 6 years after dissemination

Side-Step These Advertising Landmines

- False or Misleading Communications
  - Endorsements/Testimonials/Tags [Rule 7.1, Comment [2](8)]
  - Specialties/Expert/Certifications [Rule 7.4]
  - Big adjectives to describe your practice [Rule 7.1]

- Do not hide behind screen names/anonymous posts [Rule 7.2]

- No solicitation – Yes, this applies online too! [Rule 7.3]

- Trade Names [Rule 7.5, more recently changed in Indiana]

Indiana Advisory Opinion #1-20, issued July 2020

Disclaimers

Disclaimers:

If a personal or professional site MAY contain content viewed as advertising, a disclaimer should be included.

Ideas for where to place the disclaimer:

The - #Disclaimer - in comments of posting or on your page.

Confidentiality

Rule 1.6:

A lawyer may not reveal information relating to a client's representation unless the client gives informed consent. Includes public information, e.g. on the docket information.

What about former clients?

Rule 1.9, exception.

Meaning of "publicly known"



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Example

You Tube! A You Tube ad was run by a lawyer that showed a car accident, a couple in a hospital waiting room, the husband/father kissing his daughter goodbye for the last time, and then the lawyer arguing before a jury in the courtroom.



Sounds okay, right?

The lawyer never took cases to trial as a matter of firm policy and never tried a personal injury case.

Misleading now?

See Rule 7.1, Comments [2](2), [2](6), and [2](7), and [2](8)

Solicitation

Rule 7.3: No solicitation.

(a) Lawyers shall not by in-person, or real-time electronic contact solicit professional employment from a prospective client when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain, unless the person contacted: (1) is a lawyer; or (2) has a family, close personal, or prior professional relationship with the lawyer.

(b) A lawyer shall not solicit professional employment from a prospective client by in-person or by written, recorded, audio, video, **or electronic communication, including the Internet**, if . . .

* * *



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Rule 7.3 (continued)

(c) Every written, recorded, or electronic communication from a lawyer soliciting professional employment from a prospective client potentially in need of legal services in a particular matter shall **include the words "Advertising Material" conspicuously placed both on the face of any outside envelope and at the beginning of any written communication**, and both at the beginning and ending of any recorded or electronic communication, unless the recipient of the communication is a person specified in paragraphs (a)(1) or (a)(2).

A copy of each such communication **shall be filed with the Indiana Supreme Court Disciplinary Commission** at or **prior to its dissemination** to the prospective client. A **filing fee** in the amount of **fifty dollars ($50.00)** payable to the "Supreme Court Disciplinary Commission Fund" shall accompany each such filing. In the event a written, recorded, or electronic communication is distributed to multiple prospective clients, a single copy of the mailing **less information specific to the intended recipients, such as name, address (including email address) and date of mailing**, may be filed with the Commission.

Each time any such **communication is changed or altered, a copy of the new or modified communication shall be filed** with the Disciplinary Commission at or **prior to the time of its mailing** or distribution.

The lawyer **shall retain a list containing the names and addresses, including email addresses, of all persons or entities to whom each communication has been mailed or distributed for a period of not less than one (1) year following the last date of mailing or distribution**. Communications filed pursuant to this subdivision **shall be open to public inspection**.

Written Solicitation	Telephone Solicitation	Internet Solicitation
Targeted mailings are allowed, but usually with labeling. Follow the Rules. Rule 7.3	Like face-to-face solicitation, phone solicitation is similarly prohibited	Using an Internet chat room to solicit is generally prohibited, because it is direct and occurs in real-time. Tweets directed at a person can be considered solicitation.
Some jurisdictions prohibit such mailings from being immediately sent to accident victims or family members	Pre-recorded telephone solicitation is regulated as advertising (and generally allowed)	TikTok solicitations and DMs
		E-mail solicitation is generally allowed, much like targeted mailings. Rule 7.3 – requires the advertising disclaimers ("Advertising Material") at beginning and end of email, etc.

Food For Thought . . .

Should advertising be "dignified"?

Should all states be required to include a requirement of "dignity" to the Rules of Professional Conduct?

**Indiana Rules used to include a dignity requirement.

**ABA recommends dignified Ads.

Perks/Successful Advertising

- Free advertising and exposure
- Generate new clients and/or referrals
- Build trust with potential clients and viewers
- Help educate people on the law
- Encourage the public to seek legal help when understand their rights
- Show your personality – humanize the legal profession

Cons of TikTok

- Give wrong impression of attorneys
- Make the profession appear unprofessional
- Harm reputation
- Breach of confidential information
- Breach of attorney advertising rules
- Create an unintended attorney-client relationship
- Concerns with solicitation

Tips

Use Natural Language	Unique/Authentic to your practice area and personality
Do not end videos with “contact me to learn more” – INSTEAD USE “reach out with any questions”	The former implies more of an unsolicited marketing
The goal is to get the audience to trust you	
Incorporate personal tidbits – humanize yourself and the profession	
When you create an account on the app, your first video is feature multiple times on the front page, main hub for trending videos – so, make it memorable!	

More Tips

- Make quality videos (e.g. light, etc.)
- TikTok Algorithm rewards videos with text over the, so incorporate a small amount of text for more engagement
- If notice a trend – recreate to fit your brand
- Utilize hashtags only if you are participating in a trend, or you are paid to incorporate.
- Post consistently

Thank You!

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