



Advertising Guidelines

Solicitors may advertise for business. The restraints on advertising by solicitors are found primarily in rule 36 of the *Legal Professional Uniform Law Australian Solicitors' Conduct Rules 2015*, but like all businesses, solicitors must also comply with consumer legislation, including the Australian Consumer Law.

It is recommended that advertising:

- (a) should not identify a client or past client of the solicitor if that would breach the duty of confidentiality;
- (b) should not be disparaging of any other solicitors, class of solicitors or of the legal profession in general;
- (c) should not compare the practice, standards or skills of the solicitors with those of any other named or identifiable solicitor;
- (d) should not diminish public confidence in the legal profession or in the administration of justice or otherwise bring the legal profession into disrepute.

Any advertising, marketing, or promotion in connection with the solicitor or law practice must not be:

- (a) false;
- (b) misleading or deceptive or likely to mislead or deceive;
- (c) offensive; or
- (d) prohibited by law.

Moreover, a solicitor must not convey a false, misleading or deceptive impression of specialist expertise and must not advertise or authorise advertising in a manner that uses the words "accredited specialist" or a derivative of those words (including post-nominals), unless the solicitor is a specialist accredited by the relevant professional association.¹

The use of websites has become a very common form of advertising for many solicitors. Like all other advertising, it also carries some risks which need to be managed by:

- (a) regularly checking to ensure information is accurate and not misleading;
- (b) including appropriate disclaimers to ensure that:
 - i. information on the website does not constitute legal advice; and
 - ii. electronic dialogue with readers of the website does not constitute any form of client engagement unless specifically agreed.

Reasonable methods for direct marketing can be found in the Direct-Marketing Guidelines.

In the case of social media, please refer to the Ethical Use of Social Media Guidelines.

How can we help you?

Visit the Ethics & Professional Practice Department's website at: <http://www.liv.asn.au/Professional-Practice/Ethics>

These are guidelines only and do not have the force of law. A solicitor must comply with the *Legal Profession Uniform Law Application Act 2014* and the *Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015*.

Please refer to the Direct-Marketing Guidelines for further guidance at: <http://www.liv.asn.au/PDF/Practising/Ethics/DirectMarketingGuidelines>

To discuss concerns about potentially undesirable advertising, contact the Ethics & Professional Practice Department on (03) 9607 9336.

Adopted by the Council of the Law Institute of Victoria on 17 November 2016

¹ *Legal Professional Uniform Law Australian Solicitors' Conduct Rules 2015* r 36.2