



As an associate attorney at Roetzel and Andress, Zachary represents clients in zoning and land use matters, including environmental permitting, water use permitting, and state and local code compliance. He also represents local government entities, counseling on management and operational decisions. Additionally, Zachary represents contractors seeking to enforce their construction lien rights. Zachary obtained bachelor's degrees from the University of Central Florida in Political Science and Legal Studies before pursuing his law degree at the Stetson University College of Law.

Time and time again, a lawyer or member of the judiciary is in the news for an egregious use of social media. While those inflammatory, defamatory and derogatory posts make for good news stories, there are a multitude of other ways to find yourselves at odds with The Florida Bar, due to social media use.

The Florida Bar has repeatedly stated that all electronic communication is subject to the advertising rules. See Rul. Reg. Fla. Bar 4-7.11. The Florida Bar goes as far to advise against a lawyer sending a "friend request" and adding users on social media because this could be seen as solicitation, per Rule 4-7.18(a). Note that this rule does not apply to current or former clients, relatives or someone with whom the lawyer has a prior professional relationship.

#### **LinkedIn Legal Considerations**

A lawyer must also exercise caution with how the social media site presents the lawyer's account. The Florida Bar had to work with LinkedIn over the site's displaying lawyer's entered practice areas as "Specialties."

Additionally, other users could add information to the lawyer's page which would appear under a tab titled "Skills and Expertise." This is problematic because, as you may recall, only lawyers who are board certified can claim

to be experts or state that they specialize in an area. While the Florida Bar and LinkedIn worked together and resolved this issue, be aware of how a social media site presents your profile to the public.

#### **Presentation in Public**

A lawyer must also exercise caution with how they present themselves on social media. Several times, a lawyer's rant on their social media page has led to disciplinary action from their respective Bar Association.

To keep yourself out of personal trouble, remember that the internet is permanent! It only takes seconds to screenshot a post. With other online features such as the Wayback Machine, deleted items may still be viewable. Now would be a good time to review your social media accounts' privacy settings and add additional protections.

If you have any questions regarding social media use or any general questions about the Young Lawyers Division (YLD) of the Lee County Bar Association, feel free to reach out to your social media chair – this author – by email at [zliebetreu@ralaw.com](mailto:zliebetreu@ralaw.com). Or, ask any other YLD board member! **We're here to support your needs in 2024.**