

17. The Internet and Similar Services Including Home Pages. (March 1996, revised May 2003, Revised 2010)

Part VII of the Texas Disciplinary Rules of Professional Conduct applies to information disseminated digitally via the Internet. A digitally transmitted message that addresses the availability of a Texas lawyer's services is a communication subject to Rule 7.02, and when published to the Internet, constitutes an advertisement in the public media.

A. Websites

A website on the Internet that describes a lawyer, law firm or legal services rendered by them is an advertisement in the public media. For the purposes of Part VII of the TDRPC, "website" means a single or multiple page file, posted on a computer server, which describes a lawyer or law firm's practice or qualifications, to which public access is provided through publication of a uniform resource locator (URL).

Of the pages of a website subject to these rules, many may be accessible without use of the site's own navigational tools. Of those pages, for the purpose of this Interpretative Comment, the "intended initial access page" is the page of the file on which navigational tools are displayed or, in the case that navigational tools are displayed on several pages, the page which provides the most comprehensive index capability on the site.

The intended initial access page of a lawyer or law firm's website shall include:

- 1) the name of the lawyer or law firm responsible for the content of the site
- 2) if areas of law are advertised or claims of special competence are made on the intended initial access page or elsewhere on the site, a conspicuously displayed disclaimer regarding such claims in the language prescribed at Rule 7.04(b); and
- 3) the geographic location (city or town) in which the lawyer or law firm's principal office is located. Publication of a link to a separate page bearing the required disclaimer or information required by Rule 7.04(b) does not satisfy this requirement.

B. Web-Based Display/Banner Ads

An image or images displayed through the vehicle of an electronic communication is an advertisement in the public media if the ad describes a lawyer or law firm's practice or qualifications, whether viewed independently or in conjunction with the page or pages reached by a viewer through links offered by the ad ("target page"). The content of a web-based display or banner ad will be viewed in conjunction with the target page.

C. Social Media Sites

Landing pages such as those on Facebook, Twitter, LinkedIn, etc. where the landing page is generally available to the public are advertisements. Where access is limited to existing clients and personal friends, filing with the Advertising Review Department is not required.

D. Blogs

Blogs or status updates considered to be educational or informational in nature are not required to be filed with the Advertising Review Department. However, attorneys should be careful to ensure that such postings do not meet the definition of an advertisement subject to the filing requirements.

E. Compliance

Regardless of the form of the electronic communication described in this interpretive comment, the content, including words, sound and images, shall conform to the requirements of part VII of the TDRPC.

F. Records Retention

A printed copy of the electronic communication including, where applicable, intended initial access page, profile page, web-based display/banner ads and target page are subject to the retention requirements of Rule 7.04(f).

G. Filing Requirements

Electronic communications described in this interpretative comment are advertisements in the public media subject to the filing requirements of Rule 7.07 unless exempt thereunder. It is the communicating attorney's responsibility to demonstrate that any particular online communication need not be filed with the Committee.

H. Web-Based Directories

A lawyer or law firm's listing on a web-based directory that is accessible by the public shall be exempt from the filing requirements of Rule 7.07 if it meets the requirements of 7.07(e).

I. Internet Domain Names

Rule 7.01 prohibits lawyers and law firms from advertising or practicing under a trade name or a name that is false and misleading. Therefore, an internet domain name or URL may not be used as the name under which a lawyer or firm does business. A domain name that is a reasonable variation of the law firm name as permitted under Rule 7.01 or that is a description of the lawyer or law firm may be used as a locator or electronic address only if such use does not violate the provisions of 7.02.