Lawyers must manage LinkedIn's features

Guest Column
Brian J. Lamoureux
10/28/13

Would you ever let someone you barely know design your next print advertisement for your law practice? Of course you wouldn't. But, if you're allowing your LinkedIn connections to endorse you for your "Skills & Expertise," and adding this information to your profile page, you're effectively making public statements about you and your law practice that may not be in your best interest.

By now, you have likely noticed a recent LinkedIn feature called "Endorsements" for your Skills & Expertise as a lawyer. These broad categories include "Civil Litigation," "Appeals," "Legal Writing" and various other law-related skills. There seems to be no criteria (or rhyme or reason) your connections use to endorse your Skills & Expertise.

Granted, you must click "Add to Profile" for the endorsement to appear on your LinkedIn page; nevertheless, it's an option you should think twice about before deciding to accept. These "endorsements" may have come from a wide variety of people, ranging from your clients to friends and family who have never used your legal services. Worse yet, you may have been endorsed in areas of law you have never handled.

Thoughtlessly hitting that "Add to Profile" button permits your connections to make public statements on your public LinkedIn profile regarding your Skills & Expertise – even if you lack sufficient expertise in those areas.

Rule 7.1 of the Rhode Island Rules of Professional Conduct prohibits a lawyer from making "a false or misleading communication about the lawyer or the lawyer's services."

So, if one of your LinkedIn connections endorses you for "Patent Law" and you have never handled a patent case, have you violated Rule 7.1? There is currently no clear guidance or answer to this question, but a strong argument could be made that if you become aware of such a false endorsement and do not remove it from your LinkedIn profile, you are perpetuating this false impression.

The second problem with letting these questionable endorsements remain on your profile is that doing so may violate ethical rules prohibiting lawyers from stating or implying that they are "experts" or "specialists" in a field of law. Some states, such as South Carolina and Connecticut, outright prohibit the use of the term "expert," including variations on that word, unless the lawyer is certified as a specialist. Therefore, because the word "expertise" is a variant of the term "expert," bar associations are alerting their members to be cautious when permitting people to endorse their skills and expertise.

Although Rhode Island's ethical rules do not explicitly mention the word "expert" or variations of it in this context, Rhode Island lawyers are familiar with Rule 7.4(d)'s command to use the following disclaimer if they are actually certified in an area of law: "The Rhode Island Supreme Court licenses all lawyers in the general practice of law. The court does not license or certify any lawyer as an expert or specialist in any particular field of practice."

There is an additional problem for Massachusetts lawyers. Rule 7.4(a) of the Massachusetts Rules of Professional Conduct actually allows lawyers to "hold themselves out publicly as specialists" or having "expertise in" particular areas of law. Thus, at first glance, this would seem to be a clear blessing to allow accurate Skills & Expertise to remain on LinkedIn profiles. However, Rule 7.4(c) warns that lawyers who hold themselves out as "specialists" or having "expertise" will be held to the higher "standard of performance of specialists in that particular service," instead of the "ordinary lawyer" standard.

Fortunately, a lawyer can avoid the application of this higher standard by disclaiming any statements implying that they are specialists or have particular expertise in an area of law.

So, what's the best course of action here? First, lawyers should visit their LinkedIn profiles and see whether they have accepted any endorsements for Skills & Expertise that are inaccurate. If

there are inaccurate or untruthful endorsements, they should remove them immediately. Unfortunately, LinkedIn makes removing endorsements difficult, but not impossible. Here's how:

- Move your cursor over Profile at the top of your homepage and select Edit Profile.

- Scroll down to the Skills & Expertise section and click the Edit icon.

- Click the Manage Endorsements link. This is next to Add & Remove.

- Click on a skill in the left column to reveal the connections who endorsed you for that skill. You may need to use the scroll bar on the left side of the box to view skills further down in the list.

- Uncheck the box next to any people whose endorsements you want to hide. Or, check the box next to any you want to unhide.

Note: You may check or uncheck the box next to show/hide all endorsements to take action on all endorsements under one skill at once.

- Click Save.

- Click Done editing in the top section of your profile.

Second, lawyers should strongly consider disallowing any endorsements from being displayed on their LinkedIn profiles.

LinkedIn provides a great connection tool and marketing platform. However, if attorneys are not careful in managing LinkedIn's features, they may find themselves in hot water. Forewarned is forearmed. •

Brian J. Lamoureux is a partner at Pannone Lopes Devereaux & West LLC in Providence.