
SOCIAL MEDIA AND LEGAL ETHICS: NAVIGATING PROFESSIONAL RESPONSIBILITIES IN THE DIGITAL WORLD

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ABSTRACT

The legal profession is known to be an honorable, disciplined and principled practice based on a foundation of integrity as well as control. Lately, the legal sector is experiencing some astonishing transformation as a result of quick technical development or evolution like document & contract automation, AI-driven research, evaluation online dispute resolution (ODR), cloud-based practice management, predictive analysis, digital communication platforms. While these technologies have improved the quality, availability and delivery of legal services they also pose new issues. In this age of information, an attorney must protect confidentiality maintain data privacy & security ensure proper use of media and be technology competent. Some of them also have to deal with things like algorithmic unfairness, cyber security and good conduct in an online environment. One of the focuses in this write up is to discuss that how technology shapes legal ethics & what a challenge it poses considering as these basics are unreplacable and when we see any change coming quickly by way of digital evolution. The study further states the importance of continuous education in the legal and ethical aspects to update the knowledge and improve professional skills for addressing the challenges brought by the new advancements while still adhering to the profession's moral standards. It also emphasizes the necessity for developing legal and regulatory policies that support innovations while being responsible in the application of the changes, ensuring justice accessibility, accountability, transparency and trust in the legal system.

Keywords: Social Media, Legal Ethics, Artificial Intelligence, Bar Council of India, Digital Justice, Legal Education.

INTRODUCTION

Integrity, fairness, trust and confidentiality are some values that lay the groundwork for a legal profession. These principles are established through The Advocates Act, 1961 and the Bar Council of India Rules. The Supreme Court in Justice K.S. Puttaswamy (Retd.) v. Union of India (2017) 10 SCC 1 has held that right to privacy is a fundamental right under Article 21 of the Constitution. This principle takes on new dimensions in the digital age where advocates have to handle sensitive information of clients in electronic media. Which lay down that lawyers must maintain a high standard in their professional conduct. However, the rapid advancement of digital technology has revolutionised attorney interaction and legal service delivery. With the advent of the new era, lawyers and judges are relying more on digital tools like whatsapp, email, video calls, Virtual court systems & social media platforms such as linkedin, x (Formerly known as twitter) and facebook for better communication, conducting advanced legal research & establishment of professional connections with clients. More recently, technologies like justice bots and legal research platforms have made the practice of law considerably more efficient, professional(ization) and accessible but they also raise new ethical dilemmas. It has become more imperative than ever: To keep clients' secrets, to protect personal data, to comply with the best practices, not mislead when advertising oneself, avoiding any unethical online conduct and delivering fair & impartial overall judicial decisions. Social media is also problematic, as comments could be seen as legal advice; sensitive matters may be shared inadvertently; and a judge and lawyer's online friendship might draw scorn from those who feel that such relationships put the integrity of the judiciary at risk. Thus, while employing technology in the domain legal professionals should take utmost care to uphold the fundamental principles of the profession. In the face of developing technology, it is very needful for India to build on its ethically responsible structure and further modernization so as to cater to the needs of 21st-century digitality without compromising justice, professionalism and public trust.

1. METHODOLOGY

This study implements the doctrinal legal research design. The purpose of this paper is to examine statutes, case laws and regulations relating to the privacy of personal information and freedom of speech, along with their impact on professional ethics and the legal profession in general. Thus, this paper uses both primary and secondary sources of information. In particular,

the Advocates Act, 1961 the Bar Council of India Rules, the Information Technology Act, 2000, the Digital Personal Data Protection Act, 2023 and case laws on privacy, freedom of speech and professional ethics are used as primary sources. In addition, the review of scholarly books, journal articles, reports and publications on legal informatics, artificial intelligence and ethics is undertaken as a part of this study's secondary sources of information. In addition, this paper conducts a comparative analysis of the jurisprudence of lawyers' use of social media. The study includes the analysis of the United States, the European Union, the United Kingdom and Australia as countries that have developed legislative acts and regulations regarding the use of social media by lawyers and have taken active steps towards improving the legal profession's social media practices. Thus, this study aims to review the ethical concerns and problems brought by social media and digital technologies to the legal profession, assess whether they are appropriately regulated from a legal standpoint and offer recommendations on improving the existing legal practice if needed. Modern researchers suggest that doctrinal legal research should be combined with comparative analysis to address new challenges facing the law, in particular legal informatics and artificial intelligence issues.

2. NEED FOR THE STUDY

Though various studies emphasize the effect of social media on society and the use of artificial intelligence in legal practice, little attention has been paid to the intersection of social media, legal ethics and legal pedagogy. Most of the writings on this issue explore technology or its advantages with limited attention to the ethical obligations of advocates, law students and legal educators. Recent activities of the Bar Council of India on social media professionalism, confidentiality, deception, video recording of trials and artificial intelligence suggest that this is a critical time to study this topic further. The study aims to contribute to filling this gap in scholarly literature. It attempts to analyze the influence of social media on legal professional ethics and outline ethical and regulatory guidance for legal practitioners and students.

3. DIGITAL TRANSFORMATION OF THE LEGAL PROFESSION

The legal profession has witnessed a phenomenal shift with the explosion of technology. Maintaining paper trails, traditional consultation meetings and manual legal research are being replaced with the new age technology. Advocates, judges and law students are now relying on digital technology to make the legal process more efficient, convenient and effective. The e-courts Mission Mode Project, e-filing, video conferencing, digital management of cases

and legal research are some of the technological advancements that have transformed the legal landscape in India. The legal process has become significantly efficient as a result of increased use of electronic processes and procedures. The COVID-19 pandemic has also facilitated a shift towards the increased use of digital technology. Technology such as Artificial Intelligence (AI) is also being used in legal research, contracts and management. However, one should note that AI cannot replace advocacy and the professional competence of lawyers. A lot of advantages come with digitization and electronic processing of legal matters. The benefits include faster legal research, better communication, reduced documentation, increased transparency and easier access to justice. However, technology has also brought some challenges to the legal profession. Some of the challenges include data privacy, cybersecurity, misuse of social media and professional responsibility in social media. Advocates and law students need to embrace digital competence while upholding their ethical obligations such as confidentiality and integrity. It is important for advocates to operate within the ethical framework when using new technology to maintain public trust and confidence. One of the critical issues that stand out in the provided text is the need for lawyers to ensure client confidentiality. As most of the information is now stored and processed electronically, legal professionals should protect their data from various cyber threats and unauthorized access. This ethical issue is essential since lawyers should maintain confidentiality in communication with clients be it face-to-face meetings or via electronic devices. Another significant problem raised in the text is the growing role of Artificial Intelligence (AI). AI can support legal practitioners in completing specific tasks such as legal research, reviewing documents and even generating contracts. Even though the use of this software can enhance efficiency and reduce workload legal professionals should not rely solely on it. They must ensure that the information delivered by AI technology is accurate and that its use does not affect the outcome of a court case. Legal professionals can utilize social media, CCTV recordings, text messages and other electronic sources as evidence in a court case. As such lawyers should ensure that they handle such data ethically and responsibly throughout the litigation process. In addition they should guarantee the authenticity and legality of the evidence before presenting it in the courtroom. Finally, the discussion highlights the need for lawyers to develop and update their knowledge of modern technology and acquire relevant skills. They should uphold ethical standards when using modern information technology to protect the company's interests and maintain clients' trust. Additionally, this will help legal practitioners meet the professional requirements and the expectations of the community, thus enhancing the public image of the legal career. Overall, attorneys must embrace technology responsibly to promote social justice and serve justice

effectively in the modern world.

4. SOCIAL MEDIA AS A TOOL FOR LEGAL EDUCATION

Social media has been playing an important role in boosting legal knowledge and education. Through social media, law students, advocates, legal institutions and even common people can gain access and update themselves regarding legal information, current laws and judiciary updates in a much easier way as compared to other conventional methods. The most important feature of social media is to spread awareness about legal matters. This is essential as legal awareness among people and knowledge about one's rights and duties is vital for a country like India which follows a democratic set up. The awareness created through social media about various legal matters, court cases and recent amendments in laws enables many to know their legal avenues and remedies for redressal in case of any injustice done. For law students, social media is an effective platform to update themselves with webinars, online lectures, legal discussions, internships, research, case analysis, etc. It allows them to network with other legal professionals and even follow up with judges and legal academia for better career scope and enhanced legal knowledge. Social media, in fact, has played a significant role in creating awareness about various social issues and advocating justice. The infamous Hathras case of 2020 which went viral on the social media, indeed, created quite a frenzy about women's safety and rights. Social media has the potential to bring such issues of public interest and importance before the eyes of people and also facilitate in posting relevant legal information. It created awareness about the functioning of police and judiciary in such cases. Moreover, it can also help create public opinion about such issues and even affect the judgment outcomes in some ways. Thus, it can be concluded that social media can be an effective way of spreading legal knowledge and educating people about legal rights, which ultimately works for the betterment of the country. However, it must be ensured that proper legal information is shared on such platforms keeping in mind the ethical standards and legal professionals like advocates and law students must adhere to it.

5. Social Media: Opportunities and Ethical Concerns for Legal Professionals

Social media is becoming a crucial aspect of legal practitioners. It empowers advocates and law students by enabling them to network learn and share information. Moreover using social media platforms such as LinkedIn, Twitter, YouTube, Instagram and others helps legal practitioners stay connected with recent case decisions, legal developments, webinars,

internships and job opportunities. However the use of social media by legal practitioners and law students comes with some ethical issues which the legal profession must address to maintain a good image. In this article, we discuss the benefits and ethical issues of social media use by legal practitioners and law students.

Even though social media is helpful to legal practitioners and law students, it can cause some ethical issues to those involved in the legal field. For instance, social media platforms can cause confidentiality problems for advocates, especially when they tend to ignore or overlook the need for confidentiality when dealing with clients' legal matters. Similarly, legal practitioners must be careful when sharing certain information about a particular case on social media. The use of social media by legal practitioners can be a source of deception and misrepresentation if they use it to advertise their achievements selectively and lure potential clients by providing misleading information. In *Shreya Singhal v. Union of India* (2015) 5 SCC 1, the Supreme Court emphasized the importance of freedom of speech on the internet while recognizing that online expression must remain subject to reasonable restrictions under Article 19(2). Lawyers must therefore exercise caution while expressing professional opinions on social media.

Law students must adhere to some ethical conducts when using social media. For instance they should refrain from sharing any legal information they copy from other sources without permission, credit or citation. In addition they should avoid disclosing any confidential information they learn from their internship or workplace. Moreover law students must uphold high professional standards, especially when interacting with the public on social media. lastly, social media has many benefits to legal practitioners and law students. Some of the benefits include networking, learning and sharing useful information. However, the two groups must exercise caution when using social media because it can cause ethical issues to those involved in the legal field. Thus, legal practitioners and law students must uphold professional conducts and high moral standards when using social media to maintain a good image of the legal profession.

6. RECENT DEVELOPMENTS IN BCI GUIDLINES & LAWS GOVERNING SOCIAL MEDIA USE BY ADVOCATES

With the increasing use of social media, the Bar Council of India (BCI) has been taking steps to ensure that advocates and law students behave appropriately and professionally on various

online forums. Recently, the Bar Council of India reminded advocates and law students of their professional obligations, including a number of restrictions while using social media. The guidelines issued by the BCI mention that advocates cannot make promotional videos or reels in the courtroom or within the premises of any court. Additionally, the advocates are reminded of their professional responsibilities and obligations while engaging on social media. The guidelines mention that while using social media, advocates must not share any client's private information or any information related to ongoing court cases. The Bar Council of India Rules, Part VI, Chapter II (Standards of Professional Conduct and Etiquette), continue to prohibit solicitation and advertising by advocates. These principles also extend to digital and social media platforms. Furthermore, deceptive claims, testimonials, guarantees and any communication that might be construed as solicitation must not be shared by advocates. As per BCI, the social media guidelines also cover the latest developments in the digital space. Therefore, the BCI reminds advocates and law students not to use social media to spread any false information about the law. Furthermore, the use of artificial intelligence and deepfake technology in a misleading manner should also be avoided. Moreover, law students and interns are reminded to behave professionally on social media. While using social media, they must ensure that they only share factual and verified information.

In addition to the above-mentioned guidelines, it is also important for advocates to adhere to the Advocates Act, 1961, Bar Council of India Rules on Advocates' Professional Conduct and Etiquette, Information Technology Act, 2000 and other relevant statutes governing matters concerning privacy, defamation, cybercrime and electronic evidence. All the aforementioned acts highlight the key legal issues concerning the use of social media by advocates. As highlighted by the recent recommendations made by Bar Council of India, social media plays a significant role in promoting legal education. With the changing dynamics of today's digital world, it has become necessary for advocates to develop professional expertise along with ethical and responsible social media use.

7. COMPARATIVE ANALYSIS OF INTERNATIONAL PRACTICES

The regulation of social media and the general ethics for legal professionals may differ from one country to another. Some states emphasize freedom of expression and net privacy while others focus on control and accountability. However the ultimate goal remains the same which is ensuring that social media is used responsibly and does not adversely impact the legal

profession and the administration of justice.

In the US, lawyers have to operate under the rules set by the American Bar Association (ABA). According to ABA, social media must be used responsibly clients' confidentiality should be protected, misleading information should not be posted and social media platforms should not be used for solicitation. At the same time, Section 230 of the Communications Decency Act grants social media sites some immunity from responsibility for the material created by their users. However, the interpretation of this section is currently under debate.

The EU sets one of the highest standards in terms of social media regulations. The General Data Protection Regulation (GDPR) and Digital Services Act (DSA) ensure the level of privacy for every user impose limits on the collection and processing of personal data by social media companies and require platforms to take down illegal content as soon as possible. Social media platforms operating in India have to follow the Information Technology Rules, 2021. Notably the Rules require social media companies to designate a grievance officer, who will be responsible for redressal of complaints. In addition to this, social media platforms have to enable ease of access to the complaints and the information about their regulatory compliance. In parallel with the rules for social media, Indian lawyers are bound by the Advocates Act, 1961 Bar Council of India Rules, and the BCI Social Media and Digital Ethics Guidelines. These acts and guidelines require lawyers to act ethically, professionally and transparently both offline and on social media. All lawyers have to observe the confidentiality of the matters that are assigned to them and treat their clients ethically.

In the UK the Solicitors Regulation Authority issues guidance to all solicitors concerning their conduct on social media. According to SRA solicitors must act honestly, openly and faithfully to their clients and the wider public while being independent and not disclosing any information obtained through their role as solicitors. Meanwhile the Australian government adopted the Online Safety Act, 2021 which obliges social media companies to remove unlawful content promptly. The Act also promotes responsible communication on social media. In short, the regulation of social media is an ongoing process, and the trends observed in other countries might be insightful for those jurisdictions that have yet to enact comprehensive legislative measures. In particular, India should consider adopting some of the foreign regulations on social media to ensure digital ethics and confidentiality while doing business online.

8. RECOMMENDATION

The rapid growth of digital communication necessitates frequent revisions to legal ethics regulations. First and foremost, legal education institutions should make courses on digital ethics, cyber law, artificial intelligence and social media mandatory for students. This will prepare the future generation of advocates to protect clients' data and uphold legal professional standards.

Second, the Bar Council of India must review the Model Code of Conduct on a regular basis and update it to include cutting-edge technologies like generative artificial intelligence, deepfakes, coding and more. By providing ethical guidance on the use of artificial intelligence and legal research tools, the Bar Council of India will promote accountability while encouraging innovation.

Furthermore, legal institutions and law firms should create cybersecurity rules and regulations that cover data security, confidentiality and authenticity while working with AI systems. It is important to keep in mind that technology should aid humans in making better judgments; it should not be used to replace human judgment altogether.

Finally, regulators, universities, technology companies and legal practitioners need to work together to establish ethical standards for emerging technologies. This will help strike a balance between encouraging digital innovations and protecting the public's faith in the law. Similar to the BCI, other agencies often provide ethical guidance, such as digital ethics, confidentiality and the responsible use of artificial intelligence, as well as rules against misusing social media by advocates, law students and interns.

9. CONCLUSION

Social media has revolutionized the traditional ways of advocacy and legal studies in many ways. It has brought tremendous opportunity for legal education, networking, awareness about legal rights and access to justice. At the same time, it has also presented many ethical dilemmas concerning confidentiality, misinformation, advertisements, impropriety and justice. Technology has become a fundamental part of the legal practice and professional obligations of lawyers who deal in justice delivery through cyberspace on daily basis. However, confidentiality, integrity, independence, objectivity and respect for the rule of law must always

continue to be guiding principles in lawyers' professional conduct, despite the medium through which they provide their services. Similarly, even if the nature of legal practice changes, lawyers must continue to uphold the highest standards of ethics in their conduct, communication, decision-making and actions. This includes their social media activities, which can directly or indirectly affect their clients and the reputation of the profession. The Bar Council of India has done a great job by coming up with ethical guidelines about social media use, which can be followed by advocates practicing in India. However, as technology continues to develop, it is important that the legal profession continues to update its ethical guidelines and recommendations, concerning newer developments like artificial intelligence and deepfakes in order to maintain public trust and confidence in the legal system and the ability of lawyers to regulate themselves. It is also vital that legal education makes digital literacy and ethics a part of the curriculum, so that the next generation of advocates are well-versed in the opportunities and pitfalls which this digital age presents.

Finally it must be noted that the need of the hour is to ensure that social media is utilized smartly by advocates and law students, rather than being restricted. Advocates must understand that they are role models for the public and that every action of theirs is in the public eye, so they must uphold the highest levels of integrity and be conscious of how their social media activity can reflect on their reputation and that of the legal profession. By balancing technological proficiency with strong ethical values, the legal profession has the ability to not only adapt to the times, but lead the way in revolutionizing the justice delivery systems of the future, thus ensuring that the rule of law prevails in a digital world.

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