



# Sample website disclaimers

Robust and vibrant websites have grown to become excellent marketing tools for law firms, and for their users, resources for information. Beware, however, that without appropriate website disclaimers, law firms may face unwanted issues and unintended consequences associated with their websites use. Indeed, law firms should consider the use of both a general disclaimer governing the broad content of the firm's website, as well as a more specific "contact disclaimer" for use if ever a user attempts to contact the law firm through its website link.

Further, when a disclaimer is used, it should be written in plain language, be understandable to a layperson, and formatted and placed so as to be easily seen and read. The disclaimer may be somewhat lengthy, and consequently, the bottom of each separate page should have a link to the disclaimer as a whole. Remember that a user may argue that the website information or representations served to create an attorney-client relationship, was relied upon to their detriment, or created a heightened duty of care to them, such as guaranteeing results, or holding the firm out as specialists; a thoughtful disclaimer may assist in countering any such argument.

*Please note that this document speaks to general recommendations for website disclaimers. Law firms should always check with their respective states' ethics rules and opinions for any specific requirements that govern the content of a law firm website. Certain states have very specific rules as to website content and required disclaimers.*

## General Disclaimer: Provisions to consider for a law firm's website

Law firms may consider the following suggestions and examples for use in their general disclaimer that governs their website. Specific state ethics rules may require additional information.

1. **No attorney client relationship:** Consider language that will inform visitors to the website that his or her review of information shall not constitute an attorney-client relationship.

"We are not your attorneys. This website does not create an attorney-client relationship between you and any of our attorneys or this law firm. This firm only accepts new clients after conducting a conflicts of interest check and then obtaining a signed engagement letter."

2. **No legal advice:** Consider language that will inform visitors to the website that they should not rely upon any of the information provided therein as it is intended for informational purposes only.

"You should not rely upon or consider information from this website as legal advice. Information on this website may or may not be suitable for your specific circumstance. Any information contained on the website that concerns legal issues or developments is for general and informational purposes only".

3. **Third party websites:** Consider language that will protect the law firm from any alleged issues arising from third party websites or consider the avoidance of featuring any third party link that is directly accessible through the law firm's website.

"This website may provide links to third-party websites. We do not endorse and we are not responsible for the content of the websites and they are not under the control of this law firm. We accept no responsibility for the accuracy of information therein."

4. **Jurisdiction:** Consider language that will address any potential confusion that the law firm is rendering services or attempting to solicit business outside the area where the attorneys are licensed.

"The jurisdictions where each of our attorneys are licensed to practice are indicated in the individual attorney biographies on this website. The ability of any attorney to engage in any activities on behalf of a client outside that attorney's states of licensure is subject to state statutes, professional codes, and court rules. This law firm does not seek, and this website is not intended to solicit, legal services outside our attorneys' states of licensure that would constitute the unauthorized practice of law."

5. **Advertising:** As with all websites provision, check with state ethics rules as certain states will require that the website includes language indicating that website is an advertisement and/or that the firm is responsible for its content.

6. **No claim of expertise or board certification.** Most law firm websites feature individual attorneys with a short biography and description of their general area of practice. Consider language clarifying that the firm is providing the description for informational purposes only, and that the firm is not holding any attorney out as a specialist (unless properly permitted to do so).

“This website lists areas in which lawyers of the firm practice. In so doing, no firm lawyer makes a claim of “expertise,” “specialization” or “board certification.” Any lawyers of the firm who are properly board certified in a practice area have so indicated in their biographies.”

7. **No guarantee of results:** Certain law firms feature testimonials and display past verdicts or settlements on the website. Consider language to avoid any impression that the law firm is guaranteeing such results.

“Certain descriptions of past results and individual lawyer biographies on this website describe past matters handled for clients of the Firm. These descriptions are meant only to provide information to the public about the activities and experience of our lawyers. We do not intend to suggest or guarantee that the same or similar results can be obtained in every matter undertaken by our lawyers. You must not assume that a similar result can be obtained in a legal matter of interest to you. The outcome of any case depends upon a variety of factors, including, but not limited to, the specific facts, applicable law, the presiding judge, the jury, and the ability of opposing counsel.

#### **“Contact Us” Disclaimer: Provisions to consider for a law firm’s website link**

Many law firms have websites that house a “contact us” link which may inadvertently serve to create a duty of confidentiality, without appropriate disclaimers, if a user sends sensitive information. Users have successfully argued that under such circumstances, they are a prospective client, with certain confidentiality expectations.

If the website houses such a link, the law firm may consider that they allow the user the opportunity to provide his or her contact information only. If, however, the law firm chooses to provide a space for a narrative description, the law firm should clearly set forth that there is no duty to keep the user’s information private. The law firm should disclaim any duty of confidentiality.

“**WARNING:** Please do not send any sensitive, detailed or confidential information through this link. We will contact you to run a conflicts check and to make certain that we do not already represent someone involved with your situation before we obtain details about your case. We are not your attorneys and have no obligation to keep your information private/confidential.”

The law firm should also consider providing a way for the user to electronically indicate his or her understanding by clicking to indicate acceptance of the following:

“I understand and agree that Law Firm will have no duty to keep confidential the information I am now transmitting to Law Firm. I understand that any information in this email may be shared.”

As noted, this document speaks to general recommendations for various website disclaimers. Law firms should always check with their respective states’ ethics rules and opinions for any specific requirements that govern content of a law firm website. Certain states have very specific rules as to content and required disclaimers. It is recommended that law firms spend some time crafting their websites disclaimers to avoid any user argument of reliance or confidentiality.

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