Law Society of British Columbia

Ethics Advisory

Marketing activities

EA-2025-05[1] August 18, 2025[2]

Introduction

Members of the public seeking legal services may be unfamiliar with lawyers and law firms, fields of law, and business practices. The public interest requires that lawyers promote themselves in ways that are accurate and verifiable.

What constitutes a "marketing activity" for lawyers covers a wide variety of activities lawyers or law firms may engage in to grow their business. [3] This ethics advisory provides some additional context in regard to the ethical requirements and practices arising from marketing activities.

Professional responsibility considerations

Chapter 4 of the *Code of Professional Conduct for British Columbia* ("Code") addresses marketing. Code rule 4.2-5 states:

> *Any marketing activity undertaken or authorized by a lawyer must not be:*
>
> *(a) false,*
>
> *(b) inaccurate,*
>
> *(c) unverifiable,*
>
> *(d) reasonably capable of misleading the recipient or intended recipient, or*
>
> *(e) contrary to the best interests of the public.*

[1] This Ethics Advisory represents the amalgamation of Ethics Committee Opinions on marketing activities. Ethics Advisories are reviewed and approved by the Ethics & Lawyer Independence Advisory Committee.
[2] Inaugural publication of this Ethics Advisory.
[3] The definition of "marketing activity" is very broad and includes not only traditional advertising but also online activities, including social media.

"Verifiable"

"Verifiable" in this context means that a particular claim or statement made by a lawyer in a marketing activity is capable of verification by an independent observer through the objective examination of evidence. It is not necessary that the evidence be available in the marketing activity itself.[4]

Testimonials[5]

In regard to testimonials, all elements of a testimonial must meet the requirements of the Code: they must be both true and verifiable. This includes any statements of fact made by former clients giving a testimonial. It is not enough that the former client believes a statement to be true, the statement must be verifiably true as well. Statements by a former client that the lawyer gave "great advice" or that the lawyer is "professional" or "knowledgeable" cannot be verified and therefore are contrary to the rule.[6]

Flyers

The use of flyers or leaflets as a marketing activity is not improper as long as the contents accord with the Code.[7]

Considering what might be "misleading"

When referring to qualifications outside of British Columbia, consider:

- Lawyers may refer to their law firms in marketing materials as "international" where

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[4] Original Consideration: EC February 2004, Item 4. Original summary: "Verifiable means that a particular claim or statement made by a lawyer in marketing activity is capable of verification by an independent observer through the objective examination of evidence. It is not necessary that the evidence be available in the marketing activity itself."

[5] This guidance is provided in the context of testimonials that can be considered as part of a "marketing activity" as defined in the Code. For example, an unsolicited online review on a public review webpage, such as a Google or Yelp review, provided by an individual at their own behest and not otherwise reproduced or referred to by the lawyer in a marketing activity would be unlikely to be considered a "marketing activity" in and of itself.

[6] Original Consideration: EC March 2006, Item 3. Original summary: "All elements of a testimonial must meet the requirements of the Rules: they must be both true and verifiable. This includes any statements of fact made by former clients giving a testimonial. It is not enough that the former client believes a statement to be true; the statement must be verifiably true as well. Statements by a former client that the lawyer gave great advice or that the lawyer is professional and knowledgeable cannot be verified and therefore are contrary to the Rules."

[7] Original Consideration: EC September 1995, Item 9. Original summary: "It is not improper for a lawyer to advertise by delivering handbills containing marketing information provided the contents of the handbills are in accordance with the Rules."

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lawyers for the firm are permitted to practise in jurisdictions in more than one country.[8]

- It would be misleading to say simply that a lawyer is qualified to practise in the United States when such a qualification will be specific to a particular state or states, but would be proper for the law firm to simply indicate in its marketing materials that its lawyers are qualified to practise in one or more jurisdictions in the United States.[9]

When marketing a group of law firms in a specific practice area, it would be misleading to advertise them as "Canada's National [Practice Area] Law Group" and state that the law firms making up the group are "individually recognized as leaders" in that area of law. However, it would be permissible to advertise as a national [practice area] law group and to state that the law firms making up the group are "individually recognized" in that practice area.[10]

Non-practising lawyers, retired lawyers, articled students, and others

Code rule 4.2-8 states:

> *A lawyer must not list a person not entitled to practise law in British Columbia on any letterhead or in any other marketing activity without making it clear in the marketing activity that the person is not entitled to practise law in British Columbia.*
>
> *In particular, a person who fits one or more of the following descriptions must not be listed without an appropriate indication of the person's status:*
>
> *(a) a retired member,*
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> *(b) a non-practising member,*
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> *(c) a deceased member,*
>
> *(d) an articled student,*
>
> *(e) a legal assistant or paralegal,*

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[8] Original Consideration: EC June 2011, Item 6. Original summary: "A lawyer may refer to his firm in marketing materials as "international" where lawyers for the firm are permitted to practise in jurisdictions in more than one country."

[9] Original Consideration: EC April 2000, Item 10. Original summary: "In showing qualification to practise in other jurisdictions, it is misleading to say simply that a lawyer is qualified to practise in the United States when such a qualification will be specific to a particular state or states. It is proper for a firm to indicate that a lawyer is qualified to practise in one or more jurisdictions in the United States."

[10] Original Consideration: EC May 2000, Item 9. Original summary: "It is misleading for a lawyer to advertise that a law firm is Canada's National Franchise Law Group and to state that the firms making up the group are individually recognized as leaders in franchise law. It may, however, advertise itself as a national franchise law group and to state that the firms making up the group are individually recognized in franchise law."

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(f) a patent agent, if registered as such under the Patent Act, RSC 1985, c. P-4,

(g) a trademark agent, if registered as such under the Trademarks Act, RSC 1984, c. T-13,

(h) a practitioner of foreign law, if that person holds a valid permit issued under Law Society Rule 2-18, or

(i) a qualified member of another profession, trade or occupation, provided that the lawyer and the other person are members of a multi-disciplinary practice (MDP) permitted under the Law Society Rules.

Non-practising lawyers have an obligation to disclose their status on letterhead or other marketing activity. They must disclose their status and its implications when they are representing a client where failure to do so would mislead someone. This includes an obligation to advise prospective clients if the lawyer is not covered by professional liability insurance for the matter.[11]

Use of the terms "specialist" and "expertise"

While Code rule 4.3-0.1 permits lawyers to state in any marketing activity a preference for practice in any one or more fields of law if the lawyer regularly practises, Code rule 4.3-1 strongly cautions the use of the word "specialist":

Unless otherwise authorized by the Legal Profession Act*, the Law Society Rules, or this Code or by the Benchers, a lawyer must:*

(a) not use the title "specialist" or any similar designation suggesting a recognized special status or accreditation in any other marketing activity, and

(b) take all reasonable steps to discourage use, in relation to the lawyer by another person, of the title "specialist" or any similar designation suggesting a recognized special status or accreditation in any marketing activity.

Even if a lawyer receives an accreditation that uses the words "professional" and "specialization" on the certificate, those words cannot be justifiably used in marketing materials, as their use in that context may mislead the public into thinking the certificate confers a special status in British

[11] Original Consideration: EC December 2003, Item 5. Original summary: "Non-practising lawyers have an obligation to disclose their status on letterhead or other marketing activity. They must disclose their status and its implications when they are representing a client where failure to do so would mislead someone. This includes an obligation to advise prospective clients if the lawyer is not covered by professional liability insurance for the matter."

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Columbia.[12] However, it is reasonable for lawyers to refer to their preferred areas of practice as areas of "expertise", provided lawyers do not use other language which suggests a special status or accreditation.[13]

Conclusion

Lawyers should be mindful that what constitutes a “marketing activity” is broadly defined in the Code, and are encouraged to revisit Chapter 4 of the Code when considering marketing their practice.

Questions

If you would like to discuss a specific professional responsibility issue regarding marketing activities, feel welcome to contact a practice advisor.

[12] Original Consideration: EC April 2007, Item 4. Original summary: “A lawyer obtained a certificate from a university program called the "Professional Specialization Certificate in International Intellectual Property Law". The Committee determined that the words "professional" and "specialization" in the certificate did not justify their use in marketing materials. Their use in this context may mislead the public into thinking the certificate confers a special status in BC in the practice of international intellectual property law. Reference to the certificate without using those two words would be acceptable.”

[13] Original Consideration: EC January 2007, Item 9. Original summary: “Where a lawyer is entitled to state preferred areas of practice, it is reasonable to refer to them as areas of "expertise". Provided the lawyer does not use other language, which suggests a special status or accreditation, the use of the term "expertise" alone is acceptable.”

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