

Consilio Institute: White Paper

# COLORING INSIDE THE LINES: NAVIGATING LEGAL ETHICS WHILE BUILDING YOUR PERSONAL BRAND

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## I COLORING INSIDE THE LINES

Personal branding is a topic gaining traction in the legal world. While many busy lawyers have the desire to learn more about creating and maintaining their own brand, demanding careers and family obligations often prevent them from having time available to take on another seemingly extra project. For attorneys, creating and utilizing a personal brand is even more complicated than it is for many others because lawyers are governed by ethical rules, and the risk of running afoul of these rules while self-promoting is a concern for many busy lawyers. For those of you who have lofty career goals but aren't sure where to begin when it comes to personal branding, here are some tips for how to develop your personal brand and utilize it to advance your career without running afoul of your ethical obligations.

### What is a personal brand?

First, it's important to understand the meaning of the term "personal brand." Once you do so, you may be in

a better position to develop and promote your brand. There are many definitions of the term, but the concept can most concisely be summarized as a community's image, perception, or impression of an individual. As a lawyer, your personal brand is the way you are viewed by your legal community and your potential client base. In other words, your personal brand is your personal reputation.

### Why is a personal brand important?

Branding is important for individuals for the same reason it's important for companies. Corporations know that individuals rely on brand reputation when making purchasing decisions. Similarly, companies rely on the reputation of individuals when making decisions on hiring, promotions, raises, and layoffs, and clients rely on the reputation of attorneys when making hiring decisions.

## I HOW DO YOU CREATE A PERSONAL BRAND?

Before you can begin to build and express your brand, you first need to create it. To begin, it's best to focus on figuring out what you're good at and what you're known for within your community. I see this as a five-step process, and as you go about this process be sure to keep your target audience in mind. Also, keep in mind what you have to offer to your target audience.

- ▶ **Step One – Self Evaluate.** Think about your strengths and areas for improvement. Figure out not only what you think you are good at, but also what you enjoy doing the most in your professional life.
- ▶ **Step Two – Reach out to others.** Contact trusted contacts in your professional network, including current or former supervisors, colleagues, peers, clients, and direct reports.

Encourage them to provide honest feedback regarding your strengths and weaknesses. This can be done in an informal setting over coffee or lunch as a means to catch up with your colleagues and get direct input.

- ▶ **Step Three – Reflect on what you learned.** Figure out what you're good at doing so you can be sure to incorporate your strengths into your branding statement. It's also helpful to focus on the things you not only are good at, but also that you enjoy, because those are the areas in which you're most likely to shine.
- ▶ **Step Four – Put together your personal "elevator pitch"** Your elevator pitch is essentially the description you would give to sell yourself in 30 seconds or less if someone asked you to "Tell me about yourself." You

may want to take some time to write down your pitch, rehearse it, edit it, and polish it until you feel comfortable. I recommend that you be specific, because the more narrow and focused your branding statement, the more people are likely to remember who you are and how you are different from your colleagues and competitors. Also, it's helpful to be authentic. It is easier to sell yourself when you

believe in what you are telling others.

- ▶ **Step Five – Get the word out!** Let people know who you are and what makes you an asset to your community. We'll talk about this in more detail later in this article.

## ETHICAL CONSIDERATIONS FOR LAWYERS

All lawyers should be mindful of the ethical rules that apply to their practice. The ABA Model Rules of Professional Conduct cover topics related to attorney communications, solicitations, and marketing, all of which come into play when personal branding. These are addressed in Rules 7.1, 7.2, and 7.3.

- ▶ ABA Model Rule 7.1: This rule addresses communications regarding a lawyer's services and explains that an attorney shall not make false or misleading communications about themselves or about their services.
  - The Model Rules consider a communication misleading if it contains a material misrepresentation, or if it omits information that is necessary to make the statement as a whole not misleading in a material way.
- ▶ ABA Model Rule 7.2: This Rule addresses communications regarding a lawyer's services.
  - The rule provides, in part, that a lawyer shall not imply that they are certified as a specialist in a particular area of law unless they have been certified as a specialist by an organization that has been approved by an appropriate authority of the state, or the District of Columbia, or the U.S.

territory, or that has received accreditation from the American Bar Association. Also, the name of the certifying organizations must be identified clearly in the communication.

- Also remember that this rule requires that the name and contact information for at least one lawyer or law firm responsible for its content be included in the communication.
- ▶ ABA Model Rule 7.3: this Rule addresses lawyers' solicitation of clients.
  - The rule provides that a lawyer shall not solicit legal employment through live, person-to-person contact when seeking pecuniary gain unless the contact is with: a lawyer; a person who has a family, close personal, or prior professional relationship with the lawyer or firm; or the person routinely uses the type of legal service offered by the lawyer for business purposes. The rule also prohibits lawyers from soliciting work when the recipient of the solicitation has expressed a desire not to be solicited by the lawyer. In other words, if someone asks to be removed from your mailing list, the ABA Model Rules require that you do so.

## I BUILDING YOUR PERSONAL BRAND

Once you have created your personal brand and assured that it complies with the ethical obligations that govern your practice of law, it's time to make people aware of it. Start small. Share your elevator pitch with your online network and your closest connections. Then start to build a bigger online presence by commenting on LinkedIn posts made by your connections, sharing articles on LinkedIn, and of course continuing to build your online network.

Don't forget also to focus on in-person networking by going to events, volunteering to serve on committees and boards, and being visible in the community. Make sure the new connections you develop are aware of your reputation. As you continue building your brand, start writing articles and giving speeches and presentations to continue to advance your online and in-real-life presence in your community, as this will help you to showcase your expertise to support your personal branding statement.

Some other tips include:

- ▶ **Get involved with community organizations.** Once you get involved, make sure people

know about your engagement with those organizations. To do that, get online – use social media to “check in” when you are at events, and don't be shy about posting event “selfies.”

- ▶ **Update your LinkedIn bio.** Be sure that your personal brand is articulated in your LinkedIn bio. Many attorneys don't have any information in their LinkedIn bios other than their job titles and dates of employment. Keep in mind that recruiters use LinkedIn when searching for candidates, and potential clients may use LinkedIn to search for outside counsel, so having details about your experience and personal brand in your LinkedIn bio is helpful. Also, please remember that the headshots you use on your LinkedIn profile will form part of your brand just as much as the content you include. A professional headshot is best. I've seen LinkedIn photos of people holding their dog (or a cocktail), though I don't recommend that approach on LinkedIn. Facebook, Instagram and Tik Tok are different as they aren't viewed as professional networking sites to the same extent as LinkedIn. On LinkedIn, I recommend keeping it professional. If it isn't feasible for you to pay for a professional headshot, improvise at home by having someone take a photo of your head and shoulders while you are dressed in professional attire and standing against a wall with a solid, light-colored background.
- ▶ **Spend time on social media.** When you're on LinkedIn and other social networking sites, don't just read posts and put up your own posts. Make sure you also take some time to like and share posts by others in your network so they are more likely to do the same for you, thereby helping you get out your message about your brand. I recommend that you get in the habit of spending time on LinkedIn during most working days. If you regularly post on topics that are of interest to your network, you can portray yourself as a thought leader.



- On days when I'm busy and don't have time to find new content to post or share, I'll lookout for posts by a few contacts who I trust to always share high-quality content that is relevant to my network, and "re-post it." I am definitely very selective about whose posts I would share without thoroughly reading them myself first, and there are only a few people who I trust to post good content and who I know have the same target audience as me, but this is one of my favorite shortcuts when I haven't posted content for a while but don't have time to search for something to post.

With all this said, there is a caveat - don't overdo it. Be selective, because you don't want to become the person who takes up half of someone's social media feed with multiple posts, reposts and shares; and don't share or post just for the sake of doing so. Make sure you are selective and strategic in what you post, focusing on the things that relate to your areas of expertise and items that are most likely to be relevant and interesting to your target audience. Remember that you want to portray yourself as a thought leader, not a spammer! Given the prevalence of oversharing on social media, I opt for the position of, "when in doubt, leave it out" in my own personal branding.

- ▶ **Write articles.** It is very easy to self-publish articles on LinkedIn, and that's a great way to showcase your expertise to your network. As an added bonus, articles sometimes can lead to invitations to speak on the topic about which you wrote.
- ▶ **Let people know about your articles and speaking engagements.** Social networking sites are a great tool for spreading the word about your articles and speaking engagements (both before and after). Facebook and Instagram might be appropriate for this as well, so don't just think about LinkedIn.
- ▶ **Remember that all of your actions contribute to your personal brand.** Whenever you are interacting with members of your professional

community, whether online or in real life, you are constantly building your brand with your interactions. This means that even when you aren't intentionally engaging in personal branding activities, your conduct still can become part of your brand. For instance, if you are at your child's soccer game or school field trip, there may be other parents in attendance who are attorneys and their observations of you will impact how they view you and perceive your professional reputation.

This is also important to keep in mind when you are at social events, because sometimes the line between professional and social events can be blurred, for instance if you run into former law school classmates at a State Bar social event or run into professional connections while attending a friend's wedding, or if you are at a law school reunion or alumni event. This also applies when you are attending your organization's social functions, many of which probably involve an "open bar," because how you carry yourself at those functions can become part of your personal brand as well. And it's not just about how you act when you are attending events and otherwise out in public, but also about the types of conversations you have, the way you dress and even who you interact with at events that can contribute to your brand.

- ▶ **Use Google.** Google is another helpful tool for personal branding. When you "google" yourself, you will see the information that others are likely to see if they're interested in finding more information about you. I think this is especially important before a job interview, because it's become increasingly common for companies to conduct google searches of candidates prior to interviews. You may be amazed at what you find on the first two pages that pop up after you google your own name – maybe an outdated (and perhaps less-than-ideal) profile picture on a social media page you created years ago and then promptly forgot about, or maybe an article you wrote many years ago on a topic that is no longer one on which you focus in your current professional life or your current

branding statement, or perhaps you'll find some posts and photos from a social media account that you thought you had made "private."

I recommend engaging in this type of personal brand self-audit at least twice a year to be

sure that what is reflected about you online is what you want members of your professional community to see when they search for information about you.

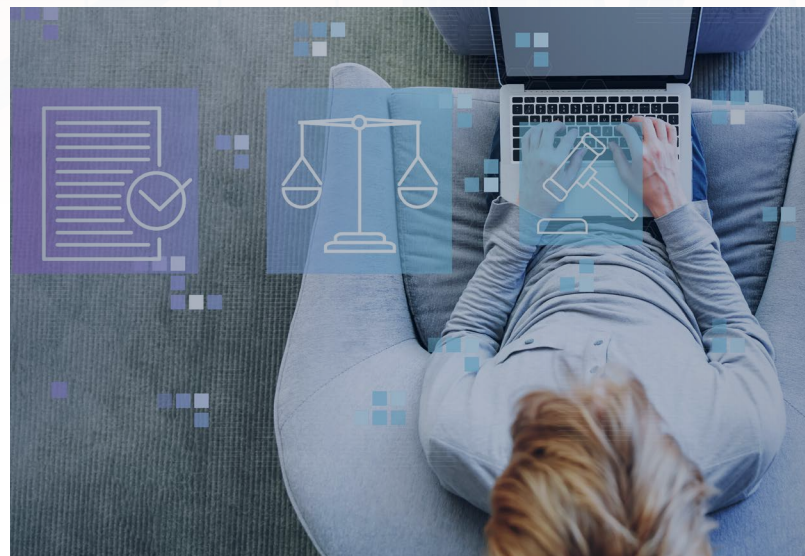
## I LEVERAGING YOUR PERSONAL BRAND

Building your brand is like putting money away into a savings account for a rainy day. Eventually you will be able to cash out, whether it's when asking for a raise or promotion, looking for a new job, or trying to land a new client. Having your elevator speech prepared and rehearsed prior to your annual review, your next job interview, or your next pitch may make the process a lot less stressful. Here are some other tips on how you can be sure that you're using your brand to advance your career:

- ▶ **Ensure you are comfortable promoting yourself.** Many people find it uncomfortable to talk about themselves, so it helps to practice. Once you have your elevator pitch formulated, practice saying it over and over again until it becomes effortless to say. I recommend that you practice saying it out loud (not just in your head) and in front of a mirror, or even better a live audience (kids, parents, spouse, or even pets). It's helpful to speak the words over and over again until they effortlessly rolls off your tongue. This is because the brain and body like routine and muscle memory, so the more you practice the easier it becomes. This is why actors and musicians rehearse out loud.
- ▶ **Maintain a list of examples.** It can be helpful to keep a running list of things you have done professionally that lend support to your branding statement. Examples that support your branding statement are a great way to build credibility in what you say about yourself. I find it easiest to keep an ongoing list of accomplishments rather than waiting until you need to prepare for an interview or fill out your

self-evaluation to put together a list, because it's easy to forget some of the great things you've done if you're under time pressure.

- ▶ **Be proactive about self-promotion in the workplace.** Even though you are living up to your personal brand every day, don't assume people will notice or remember. Also, don't assume that you will have an opportunity to make a pitch for yourself "at the right time" because when there's an opportunity for a promotion, you may not even know about it until after a decision has been made. Also, keep in mind that it may not be enough for your boss to know about your great reputation because even if you have a great relationship with your current supervisor, that person may not be your supervisor when the time is right for you to pursue an opportunity to advance. For instance, they may resign or move to another department. Also, if your organization is contemplating a reorganization or layoff



and your boss is on the list of people to be impacted, their opinion may not be solicited by the management team making decisions about the new organizational structure. As a result, it can be helpful to ensure that your boss' peers and supervisor know your personal brand as well.

- ▶ **Ask for recognition when you live up to your brand.** Don't be shy about asking for recognition when you live up to your brand. For instance, when you get kudos at work for a job well done, ask for that to be put in an email to your boss, and ask for a copy to go to their boss or other colleagues, as appropriate; also, be sure to put that project on your running list of accomplishments. In addition, it's a good idea to maintain a relationship with the person who gave you the praise, even if they leave your organization, because they can be a great reference for you when the time comes for you to pursue a new opportunity.
- ▶ **Seek out opportunities to showcase your skills.** If your goal is to obtain a promotion with your current employer, it may be helpful to demonstrate your skills to people outside of your department so that they become familiar with your brand. One way to do this is by seeking cross-functional work assignments, as that will give you an opportunity to build relationships with, and showcase your skills to, others in your organization. Also, it's worthwhile to make an effort to attend your company's social events as they can provide great way to get to know others at the company and let them know about the value you add to the organization.
- ▶ **Re-evaluate your branding statement as warranted.** If you are looking to use your personal brand to help you find a new job or make a pitch to a potential new client, it may be helpful to evaluate your branding statement to make sure it is the most appropriate statement for your target audience before your pitch or interview. This requires doing some research into your prospective new employer or client, to figure out which of your strengths may be most useful for them. If need be, tweak your elevator pitch slightly to make sure

it shows how you can address the needs of your target audience, but make sure it's still consistent with information that your potential employer or client could find about you on LinkedIn, google, and other online sources. This is important because if you go into a pitch or interview with a drastically different branding statement then what your audience saw about you when they looked you up online the day before, that could hurt your credibility.

- ▶ **Be prepared with examples.** It's always helpful when you can back up your branding statement with examples (from your list of accomplishments) as you can find ways to work them into a conversation. Also, if you are asked to provide references to a potential new employer or client, it's helpful when you can provide names of people who have seen you work in a way that supports your branding statement, because when you reinforce your branding statement with examples, you may increase your credibility.

## Building Your Brand Between Job Searches

Do you need to build your personal brand even when you have steady employment and don't anticipate making another job change? Absolutely! You never know when you might have an opportunity for an internal promotion, or to advance at your firm or company. Also, many employers have a limited amount of money to utilize for raises and promotions each year. If your colleague down the hall is promoting their brand and you are not, that could be a factor when it comes time for raises and bonuses to be determined for members of your department. Also, you never know when your secure job might suddenly become not-so-secure. This is particularly true within the in-house legal environment, where company sales and reorganizations can come with little warning and result in layoffs. Similarly, in the law firm environment mergers can result in conflicts and increased pressure to raise billing rates, which could suddenly leave you looking for a new job without much notice.



## COMMON PITFALLS TO AVOID

One common mistake I see is that lawyers can be inconsistent in communicating their personal brand. Often, this seems to be due simply to outdated information remaining in certain places that can be viewed by the public. I recommend taking some time to make sure that all of the publicly-available information about you is consistent. That includes not just your LinkedIn bio and company/firm website bio, but also bios that you may attach to articles you've published and anything else that shows up in your google search. As a recruiter, I often view attorneys' resumes and LinkedIn bios simultaneously, and I'm amazed at how often I notice inconsistencies. Lawyers are notorious for not regularly updating LinkedIn profiles or other

online bios, but it's important to do so because as your brand evolves, you want to be sure you're consistently communicating that brand across all channels that people in your network will see.

Also, don't miss opportunities to reinforce your brand! It's important to seek out speaking engagements and writing opportunities that reinforce your personal brand, and then, as we discussed earlier, make sure you share those activities with your network. This is important because while building a brand is great first step, if you don't also take the time to showcase examples of you living up to your brand, you won't get as much value from the time you put in to building your brand.

## EVOLVING YOUR BRAND OVER TIME

Just like your career is dynamic, your brand is as well. You may not have the same job responsibilities today that you had ten years ago, and it's likely that ten years from now you won't have the same job responsibilities that you have today. When it comes to your personal brand, this is not a situation where it's fine to "set it and forget it." Just like many large corporations periodically engage in a re-branding campaign, so too should individuals, though in most cases your career evolves slowly so your brand should evolve slowly as well.

As you evolve your brand statement, keep in mind that you don't want to risk losing credibility. For instance, if at the start of your career you branded yourself as a trial attorney, but then decided to change direction and take on work as a Trusts & Estates attorney, modify your branding statement gradually. Once information is on the internet it can remain visible for quite a while and if someone "googles" your name and sees inconsistencies, they may wonder whether you're really a trial attorney, or really a Trusts & Estates attorney, and may also question why you're holding yourself out as being different things in different forums. In a case

such as this, you may want to consider highlighting your relevant accomplishments from your old role in your branding statement, and then connect the dots to show how they'll help you excel in your new role. As you start to build up a reputation and a list of accomplishments in your new role, you can then begin to shift your branding statement gradually.

As a final note, please remember that because your brand is dynamic, it's helpful to always think more than just one-step ahead. In addition to focusing on your current brand, I recommend you also spend some time thinking about what you want your brand to be 10, 20, and 30 years from now. Once you know where you want to end up, then you can start putting a plan in place of how you will work to get there.

## ABOUT THE AUTHOR

Kimberly Lerman is a Talent Manager of Lawyers On Demand, a Consilio company. She helps to match attorneys with clients who have needs for contract attorney assistance in a variety of different types of positions at law firms, corporate legal departments, and government agencies.

Prior to the start of her career in recruiting in 2015, Kimberly spent 15 years practicing law in Atlanta, and she was involved in hiring attorneys throughout that time. In her last legal role she served as Vice President & Associate General Counsel for a large company in Atlanta. In addition to seven years of in-house experience, Kimberly also worked as a litigation associate at local law firms, including several years at both King & Spalding and Eversheds Sutherland. Throughout her law firm tenure Kimberly was involved with interviewing law students and lawyers at job fairs, on-campus interviews and onsite interviews. She also was a member of the Hiring Committee at Eversheds Sutherland from 2005 – 2007.

Kimberly currently serves as Co-Chair of the Duke Atlanta Women's Forum, and is a Member of the Duke Law Atlanta Board. She also volunteers with Emory Career Connections as a speaker and a mentor for current Emory students considering a career in law. When not working or volunteering her time, Kimberly enjoys swimming, biking and running, having completed 21 Ironman® triathlons. She is also an avid scuba diver and enjoys standup paddleboarding, hiking, nature photography (including underwater photography), yoga and cooking.



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