

A Note About Sample Web Site Disclaimers

There are a wide variety of disclaimer language examples in use on law firm websites and taking a little time to see what others are doing can be worthwhile. Regardless, make sure that you draft a disclaimer that will address the specifics of your practice and the unique issues that will arise based upon the design of your website.

The two most important types of disclaimers for your website are the general contact disclaimer and the general information disclaimer.

Contact disclaimers are typically used wherever an email address, link, or submission form is provided for a potential new client to contact the firm or an individual firm attorney. The following are just a few examples that may help you identify the issues that will need to be addressed. Note that four of the examples are what are referred to as “click through” disclaimers. This type of disclaimer provides a little extra protection from being tainted by requiring the prospective client to accept the terms of the disclaimer before being able to send an email to the firm.

*In addition, every law firm website should contain a **general information disclaimer** regarding the accuracy of any content on the website and the fact that the content should never be relied upon as specific legal advice. This general disclaimer should also disclaim any responsibility for information on any third-party website that you have provided a link to. Also add in a copyright statement if appropriate.*

Finally, some legal websites are also including privacy policies regarding how any information submitted is or will be used.

Sample General Website Contact Disclaimer:

The use of the Internet or this form as a means of contacting this firm or any individual attorney of this firm will not establish an attorney-client relationship, thus do not use this form to submit confidential or time-sensitive information. Whether you are a new or existing client of the firm, (Firm Name) cannot represent you on any new matter until we have made a determination that there is no conflict of interest and that we are willing and otherwise able to accept a new engagement. Unless and until (Firm Name) has informed you we are willing and able to accept your new matter, do not send to us any information or documents you consider private or confidential.

Sample Click Through Website Contact Disclaimer #1:

Please read the following information before sending your email:

You have clicked the mail address of (Firm Name) or one of our attorneys. Before accepting any representation, our professional obligations require that we make a determination as to whether

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there are any actual or potential conflicts with any current or former clients of the Firm. We do not accept any representation solely as a result of having been contacted via email.

By sending this email, you acknowledge that you will not become a client of (Firm Name) merely by sending this email or by the Firm's receipt of it. Any information you send to this Firm before an attorney-client relationship is acknowledged by the Firm will not be considered confidential or protected by the attorney-client relationship. Do not send any information in this email that is, or that you wish to be treated as, confidential.

[Acknowledged. Please continue.] [Cancel and exit.]

Click Through Website Contact Disclaimer #2:

Please Read Before Sending Email. Note that any communication with (Firm Name) via email through this website does not constitute or create an attorney-client relationship with (Firm Name). Please do not send any confidential information. A conflicts-of-interest procedure must be completed by (Firm Name) prior to the establishment of an attorney-client relationship. Only after you execute an engagement letter from the (Firm Name) you will be our client and then you may freely begin to exchange information with your attorney.

By clicking "Accept," you agree that we may review any information you provide. You recognize that our review of your information, even if it is highly confidential and even if it is transmitted in a good faith effort to retain us, will not preclude us from representing another client directly adverse to you even in a matter where that information could and will be used against you.

Accept Decline and exit

Click Through Website Contact Disclaimer #3:

Thank you for contacting (Firm Name). While we're happy to have you contact us by telephone, mail, email, or facsimile; contacting (Firm Name) or any of our attorneys does not establish an attorney-client relationship. The formation of an attorney-client relationship requires the consideration of many factors to include possible conflicts of interest. An attorney-client relationship is formed only when both you and (Firm Name) have signed an engagement letter that details the scope of our engagement and the terms thereof.

PLEASE DO NOT CONVEY TO US ANY INFORMATION WHICH YOU MAY REGARD AS CONFIDENTIAL UNTIL A FORMAL ATTORNEY-CLIENT RELATIONSHIP HAS BEEN ESTABLISHED BETWEEN YOURSELF AND (FIRM NAME). BY CLICKING "I AGREE" BELOW, YOU ACKNOWLEDGE THAT ANY INFORMATION WHICH YOU MAY CONVEY TO (FIRM NAME) BY THE INTERNET OR BY EMAIL MAY NOT BE SECURE AND ANY INFORMATION CONVEYED PRIOR TO ESTABLISHING AN ATTORNEY-CLIENT RELATIONSHIP MAY NOT BE PRIVILEGED OR CONFIDENTIAL.

I Agree

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Click Through Website Contact Disclaimer #4:

Before sending your email to us, you must understand and acknowledge the following:

This website provides general information about (Firm Name), its practice areas, and its professional staff. The information provided here is not intended to provide you with any legal advice in regard to any legal matter you may have.

Until such time as (Firm Name) has resolved any and all potential conflicts of interest that may be related to your representation and has agreed to be engaged as your legal counsel, you are not represented by (Firm Name) or any of our attorneys and have not become a client of the Firm.

The sending of this email or otherwise contacting (Firm Name) will not create an attorney-client relationship and no disclosure by you before this firm agrees to represent you will prohibit this firm from representing any person or entity adverse to you.

Only if and when (Firm Name) has confirmed to you that it is willing and able to represent you should you send the Firm any information or documents that you consider private or confidential. Such information will not be treated as private, confidential, or otherwise protected from disclosure until (Firm Name) has confirmed that it is able and willing to represent you.

If you choose to ignore this warning and submit any information that you believe or otherwise assert to be confidential or privileged, then by clicking on the "Accept" button, you agree that your submission will not preclude (Firm Name) from representing a client in a matter adverse to you where that information could be used against you.

Accept Decline

Sample General Information Disclaimer:

(Firm Name) has placed the information on this website as a service to the general public. Use of this website does not in any manner constitute an attorney-client relationship between (Firm Name) and the user. While the information on this site is about legal issues, it is not intended as legal advice or as a substitute for the particularized advice of your own counsel. Anyone seeking specific legal advice or assistance should retain an attorney.

This web site could include inaccuracies or typographical errors. The materials on this website do not constitute legal advice, do not necessarily reflect the opinions of (Firm Name) or any of its employees, and are not guaranteed to be correct, complete, or up-to-date.

The articles and information on this web site are provided as is without warranty of any kind, either express or implied, including but not limited to, the implied warranties of merchantability, fitness for a particular purpose, or non-infringement.

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Sample Links Disclaimer:

Some links within the (Firm Name) website may lead to other sites that we believe may be useful or informative. The (Firm Name) website does not incorporate any materials appearing in such linked sites by reference. These links to third-party sites or information are not intended as, and should not be interpreted by you as, constituting or implying our endorsement, sponsorship, or recommendation of the third-party information, products, or services found there. We do not maintain or control these sites and accordingly make no guarantee concerning the accuracy, reliability, or currency of the information found there.

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