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REAL OR REEL: #LAWTOK AND THE NEW IDEA OF THE LEGAL  
PROFESSION

*Katy Beth Crowe\**

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\*J.D. Candidate, University of Alabama School of Law 2025; B.A., University of Alabama 2022.

## I. INTRODUCTION

TikTok, a more recent platform in the social media space,<sup>1</sup> forges a new, explosive territory for the law and legal profession. Lawyers and other legal professionals consistently use TikTok to depict the legal profession in a way that other creators have not done before, and the platform popularity entices lawyers to partake in influencer culture. On TikTok, lawyers forge individual identities to redefine what it means to be a legal professional through the videos and content they share. Consequently, the intersection of TikTok and influencing generates a contemporary, innovative realm for the legal profession.

## II. THE INTERSECTION OF THE LAW AND INFLUENCER CULTURE

From early cinematic productions to video-based forms of social media,<sup>2</sup> videography is a longstanding mechanism for informing, entertaining, and influencing mass audiences on topics such as the law and legal profession.<sup>3</sup> While movies and television shows are still popular, social media infiltrates everyday life and reflects how society's perception of the law and lawyers continuously morphs to reflect shifting norms at a rate faster than ever.<sup>4</sup>

TikTok is a social networking platform and is one of the most prevalent and innovative forms of social media.<sup>5</sup> The platform provides users a mechanism to create, edit, and share short-form video clips that are enhanced with filters and

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1. See generally Laura Ceci, *Number of TikTok Users Worldwide from 2020 to 2025*, STATISTA (Nov. 29, 2023), <https://www.statista.com/statistics/1327116/number-of-global-tiktok-users/> (“Launched in 2016, TikTok rose to be one of the most popular social app and video platform for global users.”).

2. See Kathryn L. Ossian, *The Social Media Phenomenon*, in *SOCIAL MEDIA AND MOBILE DEVICES 2023: ADDRESSING CORPORATE RISKS* 31, 32 (2023) (citing *Social Media*, MERRIAM-WEBSTER DICTIONARY, [www.merriam-webster.com/dictionary/social+media?show=0&t=1317325770](http://www.merriam-webster.com/dictionary/social+media?show=0&t=1317325770) (last visited Mar. 29, 2024)) (“Social media is defined as ‘forms of electronic communication . . . through which users create online communities to share information, ideas, personal messages, and other content.’”).

3. See Amy Howe, *GRWM: Everything You Need to Know About the Growing World of Online Influencers and the Opportunities it Presents for Lawyers*, CHAMBERS ASSOC. (Feb. 2023), <https://www.chambers-associate.com/career-moves/career-moves-practice-areas/emerging-industries-influencer-representation> (“Entertainment used to be very segmented – you’d have your film stars, your TV stars, your talk show hosts, your athletes, and there would never be any crossover’ . . . Then came your Instagrams and your TikToks[.]”).

4. See generally *id.*

5. See Guy Alvarez, *Unlocking the Potential of TikTok for Law Firms*, JDSUPRA (Oct. 9, 2023), <https://www.jdsupra.com/legalnews/unlocking-the-potential-of-tiktok-for-8186851/> (“TikTok is one of the fastest-growing social media platforms we’ve seen yet. And its unique biteable video format has permeated every level of the social media sphere, causing a huge push for short-form videos, and even influencing Instagram to move away from photos and more towards videos.”).

accompanied by the latest musical trends.<sup>6</sup> TikTok's popularity and features illustrate the unique nature of the app and helps explain why lawyers are turning to TikTok to promote themselves personally and professionally. The design of TikTok creates a sense of never-ending content in that it gives users the ability to post quickly, perpetuates online customs, and gives users the ability to endlessly scroll on the platform.<sup>7</sup> TikTok's unique algorithm also explains its popularity, as it features "one of the most advanced algorithm systems and is the most addictive as compared to other social media platforms."<sup>8</sup>

#### *A. Why is My Lawyer an Influencer?*

Lawyers have used social media in a professional capacity for years now, but TikTok is completely changing the idea of what the legal profession looks like.<sup>9</sup> Besides the design of TikTok, the opportunities and prosperity it offers entices lawyers to become influencers;<sup>10</sup> creators have a seemingly endless opportunity to utilize the app to grow their platforms and achieve success.<sup>11</sup> Thus, more people are joining the platform and consuming its content. While influencing traditionally relates to celebrity and fame status, TikTok is transforming what it means to be famous by virtue of influencing.<sup>12</sup> Celebrities or rising stars are no longer the ones who influence mass audiences; rather, it is ordinary people, including lawyers, who are impacting consumers and culture the most.<sup>13</sup>

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6. See generally Werner Geysler, *What is TikTok? – Everything You Need to Know in 2024*, INFLUENCER MARKETINGHUB (Jan. 30, 2024), <https://influencermarketinghub.com/what-is-tiktok/>.

7. See generally *id.*; see also *TikTok's Influencer Culture: What Makes it Unique*, MEDIUM (July 22, 2021), [https://medium.com/@lavinia\\_24649/tiktoks-influencer-culture-what-makes-it-unique-61e4a7ac5406](https://medium.com/@lavinia_24649/tiktoks-influencer-culture-what-makes-it-unique-61e4a7ac5406) (explaining TikTok provides three types of feeds with continuous content to consume – “the following,” “for you,” and “discovery” pages; the “Following” page consists of posts from users you follow; the “For You Page” features videos that are gaining significant popularity or are already viral; lastly, the “Discovery” page contains recent trends, hashtags, and branded content).

8. Yao Qin et al., *The Addiction Behavior of Short-Form Video App TikTok: The Information Quality and System Quality Perspective*, 13 FRONTIERS PSYCH. 1, 1 (2022).

9. See generally Cecillia X. Xie, *How TikTok Can Revolutionize Your Legal Practice*, 94 N.Y. STATE BAR ASS'N J. 28, 28-30 (2022).

10. See *What is Influencer Marketing?*, MCKINSEY & CO. (Apr. 10, 2023), <https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-influencer-marketing> (“Influencers are people with [a] sizable social-media following[] who can influence their followers' behavior as consumers.”).

11. See generally Geysler, *supra* note 6.

12. See generally Hannah Yasharoff, *Everybody Wants to Influence the World: Inside the Fame, Money and Evolution of Influencers*, USA TODAY (Jan. 10, 2023, 11:49 AM), <https://www.usatoday.com/in-depth/entertainment/celebrities/2023/01/09/influencer-industry-inside-fame-money-tiktok-instagram-stars/10992895002/> (explaining the evolution of influencing).

13. *Id.*

Influencing on TikTok is particularly enticing because it affords creators the ability to partake in a lucrative market<sup>14</sup> and, as Forbes notes, it allows users “to take a greater sense of ownership over their feeds than ever before.”<sup>15</sup> Not only does TikTok give creators the ability to post the content of their choosing, but it also presents consumers with a more personalized and easily accessible mechanism that expands upon traditional ideas, themes, and perspectives.<sup>16</sup> Individual influencers can curate their profiles to represent themselves in the way they deem best; thus, each influencer has a unique page, following, and audience.<sup>17</sup>

Lawyers are turning to TikTok in an influencing capacity to produce less formal content, provide new perspectives, and close the gap between fiction and reality in the law. This is a significant shift from traditional forms of media, in that lawyers can post videos in various overlapping roles including personal, promotional, and professional capacities.<sup>18</sup> To promote content, lawyers, like other influencers, use hashtags to get their videos on users’ “For You” pages in hopes of drawing more public attention and followers.<sup>19</sup>

One of the most popular hashtags lawyers include in their videos is #LawTok.<sup>20</sup> Typically, lawyers use multiple hashtags to have their videos reach more users, but #LawTok is more than a consistently trending and reliable hashtag. By adding #LawTok to their videos, lawyers can draw more public attention to their content and profiles and can also search the hashtag itself to discover and learn what other legal professionals are sharing.<sup>21</sup> The hashtag is a hallmark of how lawyers use TikTok to cultivate a “home to a unique group of legal experts altering the way [society] engage[s] with the law.”<sup>22</sup> Additionally, because of its consistent popularity,

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14. Josh Howarth, *How Much Do TikTok Influencers Make? (2023 Data)*, EXPLODING TOPICS (Oct. 31, 2023), <https://explodingtopics.com/blog/tiktok-earning-stats> (exploring the ways in which TikTok influencers earn money and explaining, “[t]he latest industry data shows that TikTok influencers earn an average salary of \$121,765”).

15. Kat Shee, *The Rise of Influencers in Media*, FORBES (June 23, 2023, 7:30 AM), <https://www.forbes.com/sites/theyec/2023/06/23/the-rise-of-influencers-in-media/?sh=7b1c5386695f>.

16. *See generally id.*

17. *Id.*

18. *See generally* Xie, *supra* note 9.

19. *See, e.g.*, Taylor Pery, *What is the ‘For You Page’ (FYP) & Why it Matters*, FOUND. (Feb. 27, 2024), <https://foundationinc.co/lab/for-you-page/>.

20. A search for “#LawTok” has 3.7 billion views as of December 18, 2023.

21. *See generally* Geysler, *supra* note 6.

22. Taylor Bray, *TikTok’s Legal Influencers: Discover the Lawyers Leading the Way*, MEDIUM (Oct. 27, 2023), <https://medium.com/@taylorbray/tiktoks-legal-influencers-discover-the-lawyers-leading-the-way-8d62e1c22154>.

users can search #LawTok to learn more about the law or legal profession.<sup>23</sup> The hashtag both connects lawyer-influencers with the public and serves as a driving force as to what content lawyers produce.<sup>24</sup> Lawyers can see what the current trends are on #LawTok as well as the types of videos receiving positive attention.<sup>25</sup> Then, lawyers can create content and post their own videos to achieve influencer status.<sup>26</sup>

Whether giving broad legal knowledge while dancing to a popular sound, capturing a day in the life, or reacting to current events, it is undisputable that the idea of what it means to be a lawyer has drastically changed by using #LawTok and hashtags alike. The idea of influencing and popularity of #LawTok are no longer merely trends; rather, they reflect social and cultural norms in society.<sup>27</sup> More and more lawyers are partaking in #LawTok because, as one law influencer explains, “TikTok is too big for the legal industry to ignore and should be on every attorney’s radar.”<sup>28</sup> #LawTok and similar hashtags allow lawyers to forge individual meaning and identity, thus offering a variety of fresh perceptions and content to mass audiences.

### III. THE NEW IDEA OF WHAT IT MEANS TO BE A LAWYER

#LawTok allows lawyers creative freedom to share their thoughts and beliefs about the profession.<sup>29</sup> Beyond traditional forms of media, lawyers can quickly share a TikTok containing their exclusive thoughts, ideas, and feelings.<sup>30</sup> Further, such authentic and unique insights capture new and various perspectives on the law, which creates new norms for how lawyers engage online, as well as for how people learn about the law.<sup>31</sup> Some of the most common videos lawyers share on #LawTok

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23. *TikTok for Lawyers: Account Activation, Promotion Tips, and More*, CLIO, <https://www.clio.com/resources/the-ultimate-social-media-playbook-for-lawyers/tiktok-for-lawyers/> (last visited Dec. 18, 2023) (“Use relevant hashtags: Hashtags are important for grouping content on TikTok. Remember to use #lawtok and your own niche hashtags such as #familylaw or #employment-law.”).

24. See generally Alina Midori Hernández, *TikTok Marketing: How to Find Trends and Create Viral Content*, ICONOSQUARE (Sept. 13, 2023), <https://www.iconosquare.com/blog/tiktok-marketing-how-to-find-trends-and-create-viral-content> (explaining that content creators can monitor relevant hashtags to identify popular trends and subsequently create similar and timely content).

25. *Id.*

26. *Id.*

27. See generally Geysler, *supra* note 6.

28. Cecillia Xie, *How Lawyers Can Benefit From TikTok Without Being ‘Cringe,’* LAW360 (July 25, 2022, 6:13 PM), <https://plus.lexis.com/newsstand/law360/article/1514743>.

29. See generally *TikTok for Lawyers: Account Activation, Promotion Tips, and More*, *supra* note 23.

30. See generally Alvarez, *supra* note 5.

31. *Id.*

include explaining the law, commenting, reacting to current events, and vlogs.<sup>32</sup> Influencer culture and popular trends drive the content a lawyer chooses to create.<sup>33</sup> Lawyers generate their content based on the most popular trends and topics and adhere to influencer norms to be featured on users' "For You" page in hopes of ultimately achieving influencer status.<sup>34</sup> Because of the unique nature of TikTok and its creative freedom, a lawyer can become an influencer in many ways.

#### *A. Types of Videos on #LawTok*

Attorneys have publicly relayed their knowledge and reactions to specific events and topics for years through traditional media outlets, such as news appearances or interviews.<sup>35</sup> However, TikTok provides a new and unique mechanism for doing so. On TikTok, attorneys are not limited by time; they have autonomy over what they post, and they can post as much as they want.<sup>36</sup> Further, these videos are increasingly popular given that society is less trusting of traditional media, and viewers are more attentive to "celebrities, influencers, and social media personalities than journalists on platforms such as TikTok."<sup>37</sup>

Creating a platform on #LawTok can provide users with easier access to general legal knowledge and can cultivate positive change.<sup>38</sup> For example, Ryan Stygar is a viral influencer on TikTok who practices labor and employment law.<sup>39</sup> In his typical videos, Stygar dances to trending sounds on TikTok and provides broad legal knowledge on the law.<sup>40</sup> These videos not only provide audiences with a better understanding of the law, but they also empower viewers to use this knowledge to

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32. Cedra Mayfield, *Is the Bar Behind the Times on Social Media Influence?*, DAILY REP., Aug. 21, 2023 at 1.

33. *See generally* Hernández, *supra* note 24.

34. *Id.*

35. *See* Alvarez, *supra* note 5.

36. *See id.*

37. Helen Coster, *Fewer People Trust Traditional Media, More Turn to TikTok for News, Report Says*, REUTERS (June 13, 2023, 6:09 PM), <https://www.reuters.com/business/media-telecom/fewer-people-trust-traditional-media-more-turn-tiktok-news-report-says-2023-06-13/> ("The number of people globally who initially access news through a website or app has dropped by 10 points since 2018, and younger groups prefer to access news through social media . . .").

38. *5 Ways Lawyers Can Leverage TikTok in 2022*, CRISP, <https://crisp.co/5-ways-lawyers-can-leverage-tiktok-in-2022/#:~:text=2.-,Explain%20Current%20Events%20from%20a%20Legal%20Perspective,the%20same%20trending%20news%20story> (last visited Dec. 16, 2023) (identifying 5 kinds of videos attorneys can make to grow their business: answer commonly asked questions, explain current events from a legal perspective, share advice for aspiring lawyers, share tips & tricks anyone can use in everyday life, and 'stitch' a trending video and give your 'lawyer reaction').

39. Ryan Stygar (@attorneyryan), TIKTOK, [https://www.tiktok.com/@attorneyryan?\\_t=8iIQy99zxuR&\\_r=1](https://www.tiktok.com/@attorneyryan?_t=8iIQy99zxuR&_r=1) (last visited Dec. 18, 2023).

40. *Id.*

protect themselves in similar situations.<sup>41</sup> The comments viewers post on the TikTok illustrate the impact these videos have. In one video, Stygar includes a text box asking, “Has your boss lied about this too?”, and then explains a “general rule from the Fair Labor Standard Act,” regarding employee compensation.<sup>42</sup> In response, there are almost 3,000 comments, 50,000 saves, and 20,000 shares on the video.<sup>43</sup> Various comments include users sharing the mistreatment they have endured because they were unaware of rules like the one Stygar explains, and other users comment how beneficial it is to have the knowledge to protect themselves.<sup>44</sup>

Lawyers can also equip the public with legal knowledge by covering current events.<sup>45</sup> Whereas certain lawyers and figures used to be featured on television and news outlets to relay commentary, traditional forms of media have expanded this representation due to the explosive popularity of TikTok and experts posting to the platform.<sup>46</sup> A trend on #LawTok is to post commentary and reactions to major court proceedings. One popular law influencer who mainly posts these types of videos is @LawyerLori, who has amassed over 500,000 followers and 8 million likes.<sup>47</sup> @LawyerLori has multiple playlists about trials attached to her profile page, and each playlist is linked to a collection of TikTok’s posted about an individual case.<sup>48</sup> For example, @LawyerLori has a playlist titled “Murdaugh” that contains 103 videos where she explains the mechanisms of the case, how criminal proceedings operate, and her reactions to the trial.<sup>49</sup>

@LawyerLori continues to cover stories throughout the United States where she shares information about current cases, answers questions pertaining to the law, and guides her audience through the proceedings.<sup>50</sup> Since becoming a popular law-influencer, @LawyerLori is a repeat guest on major news channels, such as the Associated Press and Fox News, and is featured in various articles and television interviews.<sup>51</sup> Thus, @LawyerLori exemplifies the shifting norms in how lawyers

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41. See *5 Ways Lawyers Can Leverage TikTok in 2022*, *supra* note 38.

42. Ryan Stygar (@attorneyryan), TIKTOK (July 3, 2023), <https://www.tiktok.com/t/ZPRcNWam6/>.

43. *Id.*

44. *Id.*

45. See *5 Ways Lawyers Can Leverage TikTok in 2022*, *supra* note 38.

46. *Id.*

47. Lori Murray (@lawyerlori), TIKTOK, [https://www.tiktok.com/@lawyerlori?t=8iIRMEYn8oB&\\_r=1](https://www.tiktok.com/@lawyerlori?t=8iIRMEYn8oB&_r=1) (last visited Dec. 18, 2023).

48. *Id.*

49. Lori Murray (@lawyerlori), *Murdaugh*, TIKTOK, <https://www.tiktok.com/t/ZPRcFMaff/> (last visited Dec. 18, 2023).

50. Murray, *supra* note 47.

51. Lori Murray (@lawyerlori), LINKTREE, <https://linktr.ee/Lawyerlori> (last visited Dec. 18, 2023); see, e.g., Jeffrey Collins, *Man Committed After Slayings Shows up Free in Small SC Town*,

and the law are depicted, as well as the impact #LawTok has on traditional and current forms of media.

Lawyers also post content that seeks to depict the law and legal profession in a more authentic, yet untraditional, manner. These videos give users insight as to what the profession is truly like rather than relying on fictional personas and constructions. For example, Reb Masel has established herself as a lighthearted, humorous lawyer who also has a passion for makeup and fashion.<sup>52</sup> With 1.7 million followers and 69 million likes across her posted videos,<sup>53</sup> Masel is most famous for her segment “reading iconic court transcripts,” where she mimics various court proceedings.<sup>54</sup> Additionally, Masel also offers users a glimpse into what a real court proceeding is like by posting videos of herself representing clients.<sup>55</sup> These juxtaposing videos provide TikTok users insight into her playful personality, her professional identity as an attorney, and the mechanics of a courtroom. Further, Masel’s platform illustrates the impact influencer culture has on law-influencers. As Masel gains more views and fame from her “reading iconic court transcripts” segment, she continues to post these videos.<sup>56</sup> Consequently, Masel has become one of the most widely followed law-influencers.<sup>57</sup>

Another popular video on #LawTok is sharing a day in the life of a lawyer. In these videos, lawyers post vlogs capturing what they did at various times throughout the day in their personal and professional capacities.<sup>58</sup> Through these videos, as TikTok star Priscilla Hamilton (@legallypriscilla) states, “lawyers [can] provide a different perspective from TV and movies on what the job is actually like,” and that TikTok provides “an opportunity to show others the general work that lawyers

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ASSOCIATED PRESS (May 10, 2022, 2:20 AM), <https://apnews.com/article/shootings-south-carolina-columbia-af3396e7f9961bf0bd902bf780547baa>; see also Lawyer Lori, *Murdaugh Fox News Analysis*, YOUTUBE (Feb. 4, 2023), <https://www.youtube.com/watch?v=CttLZrwjRhQ>.

52. Reb Masel (@rebmasel), TIKTOK, [https://www.tiktok.com/@rebmasel?t=8h3tpwLX-esl&\\_r=1](https://www.tiktok.com/@rebmasel?t=8h3tpwLX-esl&_r=1) (last visited Feb. 6, 2024).

53. *Id.*

54. See, e.g., Erica Tempesta, ‘It Wasn’t that Big a Deal . . . I Just Shot Her in the Leg,’ DAILY MAIL (Jan. 31, 2022, 7:54 AM), <https://www.dailymail.co.uk/femail/article-10453779/Lawyer-reads-ridiculous-court-transcripts-find.html>.

55. Reb Masel (@rebmasel), TIKTOK (Dec. 5, 2021), <https://www.tiktok.com/@rebmasel/video/7038411139931278598?r=1&t=8h3bjkChSDj>.

56. Masel, *supra* note 52.

57. See Tempesta, *supra* note 54.

58. See generally Cate Giordano, *9 Attorney TikTok Accounts You Need to Follow for Marketing Inspiration*, LAWMATICS (Feb. 28, 2023), <https://www.lawmatics.com/blog/9-attorney-tiktok-accounts-you-need-to-follow-for-marketing-inspiration/>.

do.”<sup>59</sup> As a Black female lawyer, Hamilton notes that the legal profession is “very heavily dominated by white men,” which inspires her to share her story on TikTok and encourage others to stand up for themselves.<sup>60</sup>

On her TikTok page, Hamilton has videos capturing both what it is like to work as a lawyer as well as content of “her exciting spending trips, [] luxurious dinners, and [] travel vlogs abroad.”<sup>61</sup> Hamilton posts this content because she “[feels] like big law needs more people of color, and not only just people of color, people of color who are relaxed.”<sup>62</sup> She further explains that “[p]eople are so uptight because they have this idea of who you’re supposed to be in big law . . . .”<sup>63</sup> Thus, Hamilton uses her page to forge new ideas for what a successful career in the law looks like, as well as to be an inspirational figure to minorities.<sup>64</sup> Viewers can draw inspiration from Hamilton and can learn new avenues for success, especially those wanting to join the legal profession. Additionally, Hamilton’s content shows her audience that legal professionals can have work-life balance, which also speaks against narratives that are commonly produced in movies and television.

Some lawyers post content providing unglamorized and negative depictions of the profession. For example, @18hens uses her platform to show the brutal realities of the profession and how it led her to leaving the field.<sup>65</sup> One of her videos gained significant attention where she shared her morning routine as a depressed lawyer.<sup>66</sup> Henna’s video received almost 9 million views, and thousands of comments applauding her for being realistic on the platform.<sup>67</sup> Further, Henna has a video pinned to her page where she sits at her desk with a textbox stating “POV you’re a lawyer but you really wanted to be an artist.”<sup>68</sup> In the description of the video she writes, “prolly why I’m always depressed tbh.”<sup>69</sup> This video, along with many others on

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59. Natasha Breu, *Luxury, Lifestyle, and Law: Black Women Lawyers are Flaunting Their Success on TikTok to Inspire Others*, PASSIONFRUIT (Feb. 28, 2023), <https://passionfru.it/black-women-lawyers-luxury-tiktok-3208/>.

60. *Id.*

61. *Id.*

62. *Id.*

63. *Id.*

64. *Id.*

65. Henna (@18hens), TIKTOK, <https://www.tiktok.com/@18hens?lang=en> (last visited Dec. 18, 2023).

66. Megan Liscomb, *This Lawyer Shared Her Morning Routine as Someone with High-Functioning Depression, and it’s so Refreshingly Real*, BUZZFEED (Apr. 28, 2022), <https://www.buzzfeed.com/meganeliscomb/depression-morning-routine-tiktok>.

67. *Id.*

68. Henna (@18hens), TIKTOK (Apr. 27, 2022), <https://www.tiktok.com/@18hens/video/7091364681616575750?lang=en>.

69. *Id.*

her page, captures Henna's journey from being a depressed lawyer to quitting the profession and embarking on a journey to pursue a happier career and life. By sharing this journey, Henna's viewers can see some of the struggles a lawyer endures and the negatives associated with the profession.

Although Henna is not the only influencer to share her journey as a lawyer with depression, her content illustrates the mental health struggles that many lawyers face. On her page, Henna has a playlist labeled "Mental Health,"<sup>70</sup> where she consistently shares her battle with high functioning depression and anxiety.<sup>71</sup> Per the ALM's Mental Health and Substance Abuse Survey from 2020, "31.2% of the more than 3,800 respondents report having a depressive disorder."<sup>72</sup> This percentage is considerably higher than the percentage of adults in the United States who reported having "a major depressive episode."<sup>73</sup> Thus, as Dr. Joann Mundin finds, "compared to the ordinary US adult, lawyers have an approximately three-fold higher risk of developing depression."<sup>74</sup> While "there [is not] a single clear explanation for why depression is so common in the legal profession," Henna's platform can speak to several elements Dr. Mundin lists, such as "having to perform under constant pressure while working in a competitive field . . . ."<sup>75</sup> By sharing her struggles on TikTok, lawyers like Henna can help combat the "stigma associated with mental illness [that] keeps lawyers from getting help immediately."<sup>76</sup>

Henna's vulnerability in posting her mental health journey serves as an example to other legal professionals. Henna's TikToks not only showcase an authentic perspective on what it is like to be a lawyer, but her videos can also advocate for those struggling mentally and encourage viewers, including other lawyers and legal professionals, to manage and overcome depression.

Lawyers on #LawTok go as far as posting content that explains how traditional forms of media fail to illustrate an accurate picture of the law and the practice of it. These types of videos are particularly unique because lawyers can use #LawTok to post videos contradicting fictional constructions and inaccurate ideas of the law that have perpetuated throughout traditional media forms. Law influencer Julian

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70. Henna, *supra* note 65.

71. *Id.*

72. Joann Mundin, *The Dark Side of Success: A Psychiatrist's Exploration of Depression in the Legal Profession*, LAWS WITH DEPRESSION (Aug. 3, 2023), <https://www.lawyerswithdepression.com/articles/the-dark-side-of-success-a-psychiatrists-exploration-of-depression-in-the-legal-profession/>.

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

Sarafian is a Harvard Law graduate and corporate lawyer with over 300,000 followers and has amassed 6 million likes across his videos.<sup>77</sup> On his TikTok page, Sarafian features a playlist dedicated to videos of him reacting to popular movies and television shows and compares the productions to reality.<sup>78</sup> For example, Sarafian compares his experience and knowledge to the hit television show *Suits*.<sup>79</sup> In analyzing scenes from the show, Sarafian highlights similarities to the realities of law practice, such as firms making associates work the day after a family tragedy and the existence of non-compete clauses in law firm employment agreements.<sup>80</sup> Sarafian also notes that some aspects of the profession are grayer, explaining that toxic firm culture varies to different degrees and that most firms have policies in place that prevent situations that are often popular in fiction.<sup>81</sup> Lastly, Sarafian highlights complete inaccuracies, including the cost to hire an attorney and the number of cases an attorney handles.<sup>82</sup>

Another viral law influencer, Paige Sparks (@lawyerpaige), discusses in one video why she quit practicing criminal law.<sup>83</sup> Sparks described the whole practice as “soul sucking” and explained how she was naïve for thinking her career would be like the show *Law & Order*.<sup>84</sup> This direct contradiction can give users more information on what it is like to practice and can serve as a caution to relying on the thematic depictions that have been popular throughout society. The perspectives of Sarafian and Sparks are unique in that they are de-influencing the practice of law in some degree within their influencing capacity. Further, while traditional forms of media do not completely fail to portray the negatives of the profession, TikTok allows creators full autonomy over what they share about their experiences and can paint a more realistic light on the profession.

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77. Julian Sarafian (@juliansarafian), TIKTOK, <https://www.tiktok.com/@juliansarafian> (last visited Dec. 18, 2023).

78. *Id.*

79. Julian Sarafian (@juliansarafian), TIKTOK (Apr. 27, 2022), <https://www.tiktok.com/@juliansarafian/video/7091434770185391402>.

80. *Id.*

81. *Id.*

82. *Id.*

83. Paige Sparks (@lawyerpaige), TIKTOK (Jan. 24, 2023), <https://www.tiktok.com/@lawyerpaige/video/7192284844909514030>.

84. *Id.*

*B. The New Way to Advertise*

Law influencers are also redefining how lawyers advertise themselves and obtain business.<sup>85</sup> The economic market that TikTok provides has unsurprisingly led to many lawtokers promoting themselves personally or professionally.<sup>86</sup> Further enticing to lawyers is that, unlike traditional forms of advertising, TikTok is a free method of advertising for the legal profession and provides a new realm of opportunity.<sup>87</sup> Lawyers can promote themselves simply by posting videos demonstrating their knowledge and understanding of the law, thereby establishing themselves as reliable legal professionals.<sup>88</sup> By posting and engaging on TikTok, a lawyer can promote her services to all users of the platform and increase the number of clients she has.<sup>89</sup> Moreover, TikTok streamlines the process of establishing attorney-client relationships.<sup>90</sup> Not only can lawyers use standard TikTok features like sharing, commenting, or private messaging to communicate with potential clients, but they can also advertise their services on their profile page.<sup>91</sup>

The power of using TikTok as a mechanism for advertising is reflected in the increase of marketing tools and consultants embracing the platform.<sup>92</sup> For example, “The Ultimate Guide to Marketing with TikTok” provides a comprehensive overview of how TikTok impacts the legal profession and how lawyers can utilize it to their benefit.<sup>93</sup> The Guide even lists famous lawyers on #LawTok to learn from, provides methods and tips for filming content, and explains how lawyers can go

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85. See generally Marina Wilson, *Lawyer TikTok: A New Place for You to Grow Your Practice*, JUSTIA (Mar. 26, 2021), <https://onward.justia.com/lawyer-tiktok-a-new-place-for-you-to-grow-your-practice/>.

86. *Id.*

87. See Grace Monzel, *Attorney-Tok: An Analysis of Lawyers Advertising on TikTok*, U. CIN. L. REV.: BLOG ARTICLES (May 13, 2021), <https://uclawreview.org/2021/05/13/attorney-tok-an-analysis-of-lawyers-advertising-on-tiktok/> (“One of the biggest benefits to lawyers and firms is free advertising and exposure through the app.”).

88. Because TikTok is popular among younger generations, especially Gen Z, the platform is “the ideal choice for catering to a younger clientele.” See Stephanie Lica, *How Lawyers Can Stand Out on TikTok, Facebook, and Instagram*, MARTINDALE-AVVO (May 17, 2023), <https://www.martindale-avvo.com/blog/tiktok-facebook-instagram-for-lawyers/>.

89. See *supra* notes 18–20.

90. See *supra* notes 18–20.

91. See Matt Reynolds, *How This Lawyer Uses TikTok to Skewer Law Firm Culture*, AM. BAR ASS’N (Nov. 15, 2023), <https://www.americanbar.org/groups/journal/podcast/how-this-lawyer-uses-tiktok-to-skewer-law-firm-culture/>.

92. See, e.g., Jessica Aries, *TikTok for Lawyers: The Ultimate Guide to Marketing with TikTok for Law Firms*, JDSUPRA (Aug. 3, 2023), <https://www.jdsupra.com/legalnews/tiktok-for-lawyers-the-ultimate-guide-1297852/>.

93. *Id.*

viral on TikTok.<sup>94</sup> Additionally, companies like Clio are developing products and tools to help lawyers and law firms grow their business.<sup>95</sup> It is evident from the emergence of outside marketing companies and tools like these geared towards promoting lawyers on TikTok that resources like these will continue to develop, and thus, lawyers will have these tools to help morph and promote their identities and services online.

Another implication of these marketing guides and tools is that lawyers and law firms are presented with the decision of whether to invest in these or go as far as hiring additional staff equipped for tackling effective and compliant online representation.<sup>96</sup> For example, international law firm Morrison & Foerster supported famous law influencer CeCe Xie's platform by allowing Xie to work "with the firm's general counsel to develop a process for proposing any paid partnerships," and by equipping her with media training.<sup>97</sup> In contrast, Enioluwada Popoola quit her role as an associate after her firm told her she could not be both an attorney at the firm and a TikTok influencer.<sup>98</sup> The firm refused to work with Popoola to review its policies and remained firm in its conviction; thus, she chose to pursue her influencing career.<sup>99</sup> Not all lawyers will face unfortunate dilemmas like Popoola, but it is a significant risk they must bear when choosing to establish an online presence. Additionally, firm acceptance and support of law influencing is important because not only does such acceptance help in advancing corporate policies and practices, but it can also bolster firm reputation. As more and more lawyers use TikTok in their professional capacities, firms will have to embrace this new norm or will face negative consequences for being unaccepting of lawyer influencers.

#### IV. PROFESSIONAL AND ETHICAL IMPLICATIONS OF #LAWTOK

With the emergence and power of social media, lawyers "need to develop competency with this technology to be successful in the legal profession."<sup>100</sup> Thus,

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94. *Id.* The Guide highlights content strategy, and even advises new content creators to begin with "succinct informative legal videos," *see id.* It also encourages lawyers to "lean into TikTok culture and try a TikTok dance or create funny videos taking aim at the nature of the law and what you do as a lawyer," *see id.*

95. *See generally* *TikTok for Lawyers: Account Activation, Promotion Tips, and More*, *supra* note 23.

96. Meghan Tribe, *Big Law Lawyers Are on TikTok. Their Firms Are Conflicted*, BLOOMBERG L. (May 16, 2023, 4:00 AM), [https://www.bloomberglaw.com/bloomberglawnews/business-and-practice/X7OL66P4000000?bna\\_news\\_filter=business-and-practice#jcite](https://www.bloomberglaw.com/bloomberglawnews/business-and-practice/X7OL66P4000000?bna_news_filter=business-and-practice#jcite).

97. *Id.*

98. *Id.*

99. *Id.*

100. Colleen T. Scarola, *What Happens on Social Media . . . Could Derail Your Legal Career: Teaching E-Professionalism in Experiential Learning*, 44 VT. L. REV. 165, 166 (2019).

lawyers must not only “understand how to utilize social media effectively and professionally, but they should also appreciate the perils of improper use.”<sup>101</sup> Given the expansive use of social media, critics question whether the guidelines, such as the Rules of Professional Conduct, are “keeping up with the times.”<sup>102</sup> Legal influencer Ana Juneja explains that bar associations, generally, have rules concerning social media that are “completely outdated, and completely vague and unhelpful.”<sup>103</sup> Lawyers already face potential professional and legal risks when engaging online, but the risks are heightened when there are not well-developed and updated rules to adhere to.

#### *A. Consequences of Video Content*

Additional challenges that lawyers face on #LawTok are spreading potential misinformation and neglecting professional and ethical obligations. First, the spread of misinformation is a threat to both the credibility of a law influencer and how viewers understand the law. Because, as one article notes, “[l]awyer-influencers or ‘lawfluencers’ are opting for ‘quantity over quality’ in their video posts, . . . viewers [face the risk] of receiving advice that is ‘rushed, poorly researched or even inaccurate.’”<sup>104</sup> This is due to, in part, “the ease and (often) shortened format of video content today, [that makes the advice] very likely to be ‘off the cuff.’”<sup>105</sup> Furthermore, the “TikTok algorithm [favors] creators ‘who post frequently (particularly with frequently used hashtags) at least once a day, with some marketers advising ideally five posts daily.’”<sup>106</sup> Content creators following the algorithm “receiv[e] more views, subscribers and ultimately platform income.”<sup>107</sup> As a result “by design and platform incentive, as lawfluencers opt for quantity over quality, advice is more likely to be rushed, poorly researched or even inaccurate.”<sup>108</sup>

Another consequence of lawyers and legal professionals posting on TikTok is that law influencers forgo their professional and ethical responsibilities to gain more attention.<sup>109</sup> For example, a New Jersey state judge, Judge Gary Wilcox, has a

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101. *Id.*

102. Mayfield, *supra* note 32, at 1.

103. *Id.*

104. Nick Hilborne, *Bad Advice Risk for Viewers as ‘Lawfluencers’ Opt for Quantity*, LEGAL FUTURES (Aug. 25, 2023, 12:01 AM), <https://www.legalfutures.co.uk/latest-news/bad-advice-risk-for-viewers-as-lawfluencers-opt-for-quantity>.

105. *Id.*

106. *Id.*

107. *Id.*

108. *Id.*

109. *See generally* Leila Bijan, *Six Ethical Pitfalls to Avoid on Lawyer TikTok*, JDSUPRA (Sept. 30, 2021), <https://www.jdsupra.com/legalnews/six-ethical-pitfalls-to-avoid-on-lawyer-9601327/>.

TikTok account using the pseudonym, Sal Tortorella, which is intended to “separate [Judge Wilcox’s] personal use of TikTok from his actual personal life and his judicial activities.”<sup>110</sup> On his account, Judge Wilcox posted a series of TikTok videos of him dancing and lip-syncing songs that included discriminatory and sexual content in his chambers.<sup>111</sup> In one video, Judge Wilcox performs to “Jump” by Rihanna, lip-syncing sexual lyrics, “If you want it let’s do it. Ride it, my pony. My saddle is waitin’, come and jump on it.”<sup>112</sup> In another video Judge Wilcox lip-syncs, “All my life, I’ve been waiting for somebody to whoop my ass. I mean business! You think you can run up on me and whip my monkey ass?”<sup>113</sup> These are just two of at least forty distasteful TikToks Judge Wilcox has posted.<sup>114</sup>

The New Jersey Supreme Court’s Advisory Committee on Judicial Conduct filed an ethics complaint against Wilcox.<sup>115</sup> In his answer to the complaint, Judge Wilcox defended his actions, stating “this activity seemed like silly, harmless and innocent fun, [and he] opened his account out of curiosity to explore this new phenomenon.”<sup>116</sup> Judge Wilcox’s concerning response highlights the heightened ethical and moral concerns of legal professionals engaging in online behavior. Further, these videos diminish the identity and high degree of respect judges are afforded, prevalent throughout movies and television. Judges are generally seen as highly professional, robust, and respectful figures. The justice system entrusts judges to interpret the law and promote justice; however, this is an ironic and unsettling notion when this is the type of content being promoted. Viewers may see Judge Wilcox’s online behavior as unprofessional and ignorant, thus resulting in the public having negative conceptions and attitudes toward the legal profession. Additionally, the fact that Judge Wilcox publicly posted forty videos before having a complaint drawn against him is further troubling because this suggests a major flaw in monitoring judges and other legal professionals. Thus, the professionalism and ethics of legal professionals and the legal system wholly may be seen in a negative light. Cases like Judge Wilcox’s should serve as a warning to law influencers and also be used to urge jurisdictions to update or adopt new policies that regulate social media behavior.

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110. Charles Toutant, *Facing Heat Over TikTok Videos, Judge Says Postings Not Linked to His Official Duties*, N.J. L.J. (Aug. 21, 2023, 2:18 PM), <https://www.law.com/njlawjournal/2023/08/21/facing-heat-over-tiktok-videos-judge-says-postings-not-linked-to-his-official-duties/>.

111. James Mills, *NJ Judge Faces Ethics Suit Over Lip-Syncing TikTok Videos*, LAW360 (July 3, 2023), <https://www.law360.com/articles/1695761/print?section=legalethics>.

112. *Id.*

113. *Id.*

114. *Id.*

115. *Id.*

116. Toutant, *supra* note 110.

*B. Attorney-Client Relationships*

Another risk of posting on TikTok is inadvertently creating attorney-client relationships with viewers.<sup>117</sup> As Zuckerman explains, “[w]hen a lawyer provides legal guidance or advice in a TikTok, users might reasonably believe they have an attorney-client relationship with that lawyer.”<sup>118</sup> This can happen if the advice is specific enough or when a lawyer responds to individual comments seeking advice or information regarding a unique legal situation.<sup>119</sup> While it may seem mindless or harmless to give a blanket answer, it exposes attorneys to heightened risk in accidentally cultivating an attorney-client relationship.<sup>120</sup>

Law influencer Alex Peter illustrates how cautious lawyers must be to avoid creating an attorney-client relationship with viewers.<sup>121</sup> In one of his TikTok videos, Peter had to plead his “followers to stop sending him confessions to crimes.”<sup>122</sup> Having amassed a significant following, some of Peter’s followers began to label him as “our lawyer” or defense attorney.<sup>123</sup> Consequently, followers commented on his videos or added him to videos confessing to crimes.<sup>124</sup> In his TikTok, Peter expressed his concern saying, “I know it’s funny [for followers to call me their attorney], but I am scared you guys are going to get me in trouble.”<sup>125</sup> Despite Peter reiterating that he is not his followers’ counsel, some continue to label him as just that,<sup>126</sup> which also highlights the cultivation of parasocial relationships.<sup>127</sup> “Parasocial relationships are [defined as] one-sided relationships, where one person extends emotional energy, interest and time, and the other party, the persona, is completely unaware of the other’s existence.”<sup>128</sup> With the rise of social media,

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117. Bijan, *supra* note 109.

118. *Id.*

119. *Id.*

120. *Id.*

121. See Sravasti Dasgupta, *You Guys Are Going to Get Me in Trouble’: TikTok Lawyer Begs Followers to Stop Sending Him Confessions to Crimes*, INDEP. (Dec. 22, 2021, 2:41 PM), <https://www.independent.co.uk/news/world/americas/tiktok-lawyer-alex-peter-confessions-b1980603.html>.

122. *Id.*

123. *Id.*

124. *Id.*

125. *Id.*

126. *Id.*

127. See Nomi-Kaie Bennett et al., *Parasocial Relationships: The Nature of Celebrity Fascinations*, NAT’L REG. HEALTH SERV. PSYCHS., <https://www.findapsychologist.org/parasocial-relationships> (last visited Jan. 24, 2024) (“Parasocial relationships are cultivated by the media to resemble face-to-face relationships. Over time, so many experiences are shared . . . that [individuals] develop an intimacy and friendship with the ‘media user’ and feel that they know and understand us.”).

128. *Id.*

parasocial relationships occur both with celebrities and social influencers.<sup>129</sup> Furthermore, because most users on the app have unlimited access to TikTok's content, there is an "increased internet dependency [that] may lead to increased parasocial interactions."<sup>130</sup> Consequently, parasocial relationships, "have transformed into more interactive environments, allowing individuals to communicate with their media personas, and increasing the intimacy and strength of the parasocial relationship."<sup>131</sup> The fact that Peter's followers and viewers continue to deem him as their lawyer, in addition to his increased popularity on TikTok, indicates his viewers may increasingly develop this psychological attachment to him. Between parasocial relationships and the risk of inadvertently creating attorney-client relationships, platforms like TikTok elevate such ethical, professional, and psychological risks. Peter can potentially violate professional and ethical rules by delivering such content, even though he explicitly denies the existence of an attorney-client relationship.

### *C. Demands of Working and Influencing*

In keeping up with TikTok's cultural and professional demands, lawyers must also perform in accordance with their employers' work expectations. By dedicating more time and effort to influencing, lawyers may do so at the expense of their employers. Consequently, lawyers may be terminated from their firms and may be liable for the content they post. For example, Thomas Bosworth, a successful associate at Kline & Specter, was fired, in part, due to his TikTok use.<sup>132</sup>

Bosworth was known for bringing in cases to his ex-firm, and the number increased significantly when he began posting to TikTok in 2021.<sup>133</sup> In a complaint against Bosworth, his former bosses alleged that he "shamelessly devot[ed] most of his energy to self-promotion on social media," and was failing to properly manage his caseload."<sup>134</sup> Firm leadership also wrote to Bosworth that "[his] 'apparent detachment from reality and [his] repetitive failure to provide competent representation [were] incompatible with [him] remaining an attorney at Kline & Specter.'" <sup>135</sup>

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129. *Id.*

130. *Id.*

131. *Id.*

132. *Fired, Sued and Launching a New Firm: Ex-Kline & Specter Attorney Says He's Not Going Anywhere*, LEGAL INTELLIGENCER (Jan. 25, 2023, 9:00 AM), <https://www.law.com/thelegalintelligencer/2023/01/25/fired-sued-and-launching-a-new-firm-ex-kline-specter-attorney-says-hes-not-going-anywhere/>.

133. *Id.*

134. *Id.*

135. *Id.*

Today, Bosworth runs his own firm and has referrals from TikTok.<sup>136</sup> Although Bosworth continues practicing, his firing is a caution to other lawyers who post to #LawTok. Only some lawyers have a large following on platforms like TikTok, and if they are fired due to poor performance, there is no guarantee that clients on TikTok will avert the harsh consequences. Additionally, situations like this one can lead to reputational loss. Other firms may not want to hire lawyers who are fired for being unable to manage their workload, and clients may be fearful that their cases will be mishandled.

While some of these concerns and potential pitfalls have existed for decades, lawyers face heightened risks of being liable for ethical and professional violations. In choosing to engage on TikTok, lawyers are responsible for ensuring they comply with the agreed-upon standard.<sup>137</sup> Whether posting or commenting, any action taken online, or stemming from a lawyer's online presence, implicates professional and ethical rules.<sup>138</sup> In some ways, the creative nature of TikTok may diminish, but this does not excuse a lawyer's compliance with their obligations.

#### V. CONCLUSION

Through its explosive use and popularity, TikTok has forged new ideas and depictions of both the law and lawyers. Unlike traditional forms of videography, TikTok highlights prevalent societal themes and provides innovative ways to illustrate these conceptions at a rate faster than ever. It is indisputable that TikTok will continue infiltrating society and intersecting with the legal profession. Lawyers and other legal professionals can utilize the platform to share their thoughts and ideas, further defining society's understanding of what it means to be a lawyer. As a result, the platform offers significantly more opportunities for representation, honesty, and equality.

It is indisputable that social media infiltrates the legal profession in various ways. As #LawTok continues to grow, so do its implications. It is challenging to balance the risks and benefits of engaging in influencer culture, and ethical and professional rules still weigh heavily on legal professionals. Regardless of the degree to which a lawyer represents herself, a lawyer cannot escape liability when engaging online. Thus, developing and maintaining a professional identity is constantly needed while keeping up with social media trends. The way a lawyer conducts herself is ultimately rooted in the balance between being an honest, professional, and ethical lawyer and the degree to which that is reflected in a reel.

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136. *Id.*

137. *See generally* MODEL RULES OF PRO. CONDUCT (AM. BAR ASS'N 2024).

138. *See generally* Bijan, *supra* note 109.