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INTRODUCTION

During the last two decades Romania went through amazing rise in the private field especially during the post – Revolution 90's when the switch from communism to democracy occurred. At the time the country was in chaos from the juridical point of view until the Constitution was adopted as were the laws attached to the Constitution that would govern the private and public sector.

Unfortunately for the state's public resources, fortunately in exchange for the private sector, once democracy was instated, privatization in the public sector also started. Thus, from the beginning of the 90's to date so many state companies became private, that the public sector is currently reduced to a few companies and institutions that supply services and products which by their nature are meant to be „managed and administrated" by the public authority, due to obvious reasons.

The attorney – at – law profession has always been, at least theoretically, a liberal profession. The true change of the way of practice occurred by the emerge of Law 51 / 1995 concerning the organization and functioning of the lawyer profession, law that made possible the switch from joint legal assistance functioning organized by cities and counties, to the actually private forms – law practice, associated practice, professional law firms, limited liability associations.

This proved necessary due to continuous privatization, the need for consultancy as well as due to numerous real estate retroceding disputes that started taking place in the country. As such, the practice acquired a new face, both as regulation and vision.

Law no. 51/1995, amended and newly edited, sets out the lawyer's rights and obligations, the way to acquire the capacity, judicial organization as well as the disciplinary liability of lawyers.

The number of lawyers significantly increased for years in a row at national level and the Cluj Bar Association currently registers 1000 members, being the second most numerous bar association in the country, after the Bucharest Bar Association.

The Cluj Bar Association was not the only one to expand significantly, as other bar associations in the country did the same, fact implicitly signifying that the profession became wanted and of perspective, the Law Faculties being for years the young students' first choice.

The accelerated increase of lawyers' number in a relatively short period of time gave birth to the necessity of creating a new and more thorough legislation or a more specific and clear legislation that left little space for construal where the practice is concerned, constantly adapting legislation to the new circumstances generated by society's notions. This work's subject itself is determined by one of (modern) society's inclinations: internet socializing and the use of this mechanism, that initially was concerned with totally different aspects of day to day life, but that evolved in unsuspected direction for the last 4 – 5 years, so that it currently became a „tool" for any „merchant" during the process of his / her activity.

The sad reality is that we may easily include in the „merchant" notion a part of the Romanian law practitioners.

The rapid modernization of society also influences the lawyers' profession and the big number of practitioners determined the wish of the same to separate / customize their services. Such conception, even if necessary and useful within market economy adapted in fact to society determined a division on the law market on different fields, such as commercial law, legal consultancy, civil law, criminal law and so on, fact that among others also requested for the need of advertising and marketing of these services.

I. DEVELOPMENT OF ADVERTISING AND MARKETING FOR THE LAWYER PROFESSION, FROM THE BYLAWS PERSPECTIVE

I.1 INTRODUCTORY NOTES

AS the labor market developed and the need for legal consultancy became more necessary the fight to occupy best positions and the competition between lawyers also started. If once the classical notion of competition (as it is regulated in our internal law by Law 11 / 1991, concerning rebutment of disloyal competition) could not find applicability in the lawyer profession, being associated exclusively to merchants, and the sole generated competition was of professional reasons to improve the services provided to the parties being an „I and myself" competition, nowadays as specified before, the notion of competition also applies to law practitioners, that thus became merchants of legal services.

It is true that pursuant to many years of hard work within the profession one may come to both remarkable professional and financial results. But, at the time being, as there are so many practitioners it is very difficult for all to have the same proceeds, especially considering that many consultancy agreements / legal assistance agreements are not entered for purely professional reasons but for the so called relationships certain lawyers develop.

It is exactly the exaggerated wish to become rich by sacrificing professional quality that led to the downfall of law practitioners, even though they used to be the cream of the society.

Thus, considering that each law practice and association has its own private capital that can be considerable or not, concerning each one's possibilities, we wanted to draw up and create certain legal norms that would regulate this field that today generates confusion and discrepancies between lawyers, so that „norm defiance" would not become the rule of the profession, and law abiding be the same no matter the lawyer's position in the system and no matter the lawyer's financial power.

When we say that confusion is generated we refer to the fact that many lawyers still do not understand the boundaries set up by UNBR (Romanian National Bar Association) where advertising is concerned, many breach the rules and take advantage of the great capital available to them making abusive and aggressive advertising at the limit between lawfulness and disloyal competition.

As there are frequent situations where unjust commercial advertising is practiced, it is necessary to have unitary interpretation of professional advertising rules allowed by the norms that regulate lawyers' activity in the actual application of the deontological rules of profession that refer to the honesty, integrity and responsibility of lawyers.

The lawyer's profession statutes, adopted in 1995, with subsequent amendments and additions brought by DECISION No. 523 (with construal character) on the advertising of profession practice in light of the provisions of Law 51 / 1995 and of the lawyer's profession Bylaws, contributed to the interpretation of art. 230 – 237 concerning advertising of professional practice, where the advertising within the lawyer profession is imitatively regulated.

Take as example article 230, paragraph (1) that provisions that publicity has to be truthful, to comply with professional secret and to be made with dignity and cautiousness. Thus, one can notice that the Romanian legislator wished to expressly regulate the conditions in which marketing in the field would be performed, imposing compliance with certain moral factors in order to keep the boundaries of loyal competition and the dignity proper to the profession. At the same time, the praising or comparative notes and all clues concerning the clients' identity are forbidden and they are not to be used as advertisements. Although this regulation is expressly

provisioned by law, many practice comparative and praising remarks using on their web sites expressions such as „the greatest and most important law office".
At the same time, many advertisement web sites comprise a sheet with the law office's portfolio, thing that is not forbidden. Nevertheless, in compliance with legal provisions and those of statute, the name and identity of clients should not be specified, and these are often off – handedly revealed, fact that often breaches market competition.

At the same time, art. 48 of Law 51 / 1995 sets up interdictions concerning the build up of a lawyer's patronage. Thus: „It is forbidden that the lawyer use means that are against professional dignity in order to acquire patronage. At the same time, the lawyer is forbidden to use publicity or advertisement means to the same end. The Bylaws determine the situation and the extent to which lawyers have the right to inform the public on their practice. The legislator wished to expressly specify that the lawyer profession calls for decency, dignity and honesty that should never be breached, and the performed publicity should be in accordance with deontological rules.

The first notable aspect is the fact that the interpretation of provisions in art. 48 of Law 51 / 1995, new editions reveals that the advertisement and publicity means are not allowed in order to acquire patronage, they are allowed on the other hand in order to inform the public on professional practice, there being a big difference between the legislator's interpretation on the notion of publicity and its use in the lawyer's professional area. "ART. 48(1) The lawyer is forbidden, directly or by other persons, to use means that are against professional dignity in order to acquire patronage. (2) At the same time, it is forbidden for lawyers to use advertisement and publicity means to the same end. The Bylaws determine the situations and the extent to which lawyers have the right to inform the public on their practice."

As such, the concept of advertisement and publicity becomes from the very beginning a different concept for lawyers, meaning that publicity means can solely be used to inform the public on the profession and not to get clients. It is true that any form of publicity ends, at least theoretically, in the increase of a lawyer's number of clients, but this should not be the main purpose of publicity, it should rather be its result.

There are good reasons why publicity lawyers are allowed to is conceived in a limitative and restrictive way: on the one hand a lawyer's reputation should be strictly determined by his professionalism and the high quality services he offers and on the other hand the prevention and censorship of disloyal practices in order to obtain clients became a must. This is also due to the fact that accurate studies revealed that publicity essentially determines a services consumer's decision to choose a certain supplier.

The marketing notion, assimilated by the lawyer profession, seemed at best weird in the past. At the time being, the marketing concept in order to promote services and to obtain clients, no matter the practice form developed so much it came to represent a profession in itself. This new trend may be understandable: before 89 the demand for legal services on the market was higher than the offer, nowadays although the demand higher, the lawyer's number is also a lot larger, consequently the offer is also higher. Consequently, to obtain clients has become itself a profession, and this is the reason why a great deal of qualified and capable lawyers makes efforts rather to acquire patronage than to actually practice their profession. As a result, we deal with an orientation towards law firms, according to which many lawyers in the country do not practice their profession as their main activity is to acquire patronage, with all things thereof involved.

Even the choice of profession practice is influenced by the social impact that the notion of „law firm" has, compared to the notion of „law practice". The forms of professional practice that imposes a larger number of lawyers generate the general higher professional level presumption and higher financial potency, offering the supposed certainty that within a law firm there are extremely competent persons. The situation is similar to the psychological impact a

merchant within a trading company that operates as a joint – stock company compared to a trader that operates under a limited liability company has. It is presumed that if the operating way implies a larger number of lawyers and a greater social input, that way of profession practice would enjoy greater market services demand. Consequently, many lawyers speculated these aspects and chose to practice their profession strictly for image considerations and in order to attract clients with higher financial potential.

I.2 MEANS AND MANNERS OF PUBLICITY CONCERNING THE LAWYER PROFESSION

I. 2. 1 Publicity Boundaries Imposed to Lawyers

As previously specified, Romanian lawyers must comply with certain conditions and respect certain limits, concerning the undergone advertisement, in order to acquire loyal clients. Unfortunately for some of them and fortunately for others, this cream of the society is not allowed to make abusive publicity or to disparage colleagues from the same category. We say unfortunately, because although us lawyers should be seen as a unit, as the peak of justice, many of us do not hesitate to plot and scheme in order to get clients, things that have nothing whatsoever to do with the honesty of the profession. Our law clearly specifies the ways in which a member lawyer of UNBR should advertise his / her services. Thus, according to art. 231 of the Professional Bylaws, lawyers are allowed to use one or more publicity means, namely:

a) placement of a signboard;
b) advertising adds in compliance with the Bylaws;
c) adds and notes in directories and phone books;;
d) professional and specialty conference and viva participation invitations, brochures and adds. etc.
e) professional correspondence and businesscards
f) internet address.

At the same time, paragraph (2) of the same article expressly stipulates the imposed bans, with imperative title in obtaining clients. Thus, it is forbidden:

a) to offer services by personally or by intermediate appearance to one person's domicile or residence, or in a public place;
b) services provision customized proposition performed by a form of profession practice, without prior requirement in this sense;
c) consultancy granting and / or legal documents' drafting, performed on any material support and by any mean of mass communication, including radio or television broadcasting .

The law imposes to this profession a certain limit that must be complied with in order to perform publicity under the limits of morality and honesty. In exchange, lawyers' marketing options are rather limited from this point of view as the conditions of the law are mostly restrictive in order for each practitioner to have access to clients that would provide for his / her survival.

I. 2. 2. Aspects Concerning the Limits of Professional Publicity as Provisioned by the Bylaws Corroborated with the Provisions of Decision 523 / 2009 Adopted by the UNBR Council

1. Publication of certain articles in magazines or other specialty publications is not, in itself, a breach of the legal rules of profession publicity. Nonetheless publication of certain materials with mostly advertising contents, in non – specialty magazines (daily, weekly papers or

their supplements) and which by their contents prove the portfolio promotion, is not a publicity form tolerated by law.

2. Professional directories, published by different publications without the agreement of the Romanian National Bar Associations, that comprise rankings etc. and that aim advertising impact, meant to obtain patronage, is not a professional publicity form allowed by law.

3. The law does not allow adding on lawyers' professional web sites or on profession practice forms of other elements than the ones concerning the form of profession practice, the performed activity and elements concerning contact and correspondence, in compliance with art. 236, paragraph 1, point 1 of the Professional Lawyer Bylaws.

Specification on the web page of external collaborators of a certain form of profession practice, in order to provide commercial publicity to people outside the profession, is not a publicity mean allowed by law.

This interpretative regulation is meant to offer even a larger control degree of UNBR on lawyers' marketing activity. Thus, any type of publicity that is not in accordance with the lawyers' Bylaws and that is not set up by the UNBR is forbidden. One may notice that, generally the article publication or that of advertisement materials is allowed in magazines or directories approved or coordinated by UNBR, and that the advertisement in magazines and publications other than the ones accredited by the profession's Management committee are forbidden. We deem this decision as absolutely correct because even though it restricts marketing in the field, it is in the advantage of the people in the profession who do not have available funds for proper publicity.

As in any other profession, that of the lawyers' reveals great competition, as Romanian counts not less than 20.000 lawyers which represent quite a large number considering the fact that Romania is a medium large country and the number of lawyers is in constant increase. This brings about fierce competition and extended battles. It is understood that this battle supposes the existence of efficient marketing of participants. Nevertheless, this competition does not function as it should or as it should be correct to function and the professionalism is not always the winner, as are rather the relationships the lawyer developed in time.

We agree as a principle with the regulations imposed by UNBR because they actually mean to limit the lawyer's marketing activity and they also aim to create equality in the activity performed by the same.

I.2.3 Tolerance on the Promotion of Lawyer's Activity

The professional Bylaws regulate within one of its sections the publicity performance methods, sections that specifies exactly the modality and means by which the lawyer's profession may be promoted and that would abide by the Bylaws.

a) The Firm Sign (Signboard)

The firm sign must have the following size: 40 x 60 cm and it shall be placed at the building entrance and / or in the space of the registered office or secondary business office where the activity is performed, namely at the office headquarters. Paragraph (2) of the same article stipulates that the signboard must contain the specification provisioned by Annex no. XXII of the Bylaws, inscribed on metallic support. There is nothing fuzzy or uncertain in this matter and this regulation is meant to offer unitary and equal advertisement to all lawyers, the size being equally determined to be accessible to everyone, aspect protecting the loyal competition within the profession.

b) Adds and Brochures

The law offices may publish adds solely in the written media, on the occasion of setting

up or changing the registered office, the secondary business office and / or the working office, as well as on the occasion of amending professional practice.

Paragraph (2) of the same article provisions that should the add be placed in the written media, its size must not exceed 6 x 9 cm and in compliance with paragraph (3) the adds published in professional directories concern the forms of professional practice, name and main field where lawyers perform their activity.

In compliance with the herein article, adds may be made by lawyers, solely under the limits of the article and solely with the purpose of changing the registered office or the secondary business offices, and in the professional annual directories advertisement is solely to be made restrictively.

We think the limitation in professional directories or magazines is fair and it must be enforced for the same reason previously specified, namely that the lawyers' earnings are quite varied and diverse, and the vast majority of lawyers do not afford extended publicity. We specify that the advertisement made in a specialty publication can reach a few thousand euro per publication, a very large amount, not affordable to the majority.

Where the conferences participation invitations and adds are concerned (article 234, paragraph (1) they may contain the name of the practice and the bar association it is part of. In order to participate in the proceedings specified at paragraph (1), the law offices may publish general introduction brochures whose form and content must be transmitted in advance to the Bar Association's Council, in order to authorize their communication to the public.

The General Introduction Brochure may not refer to (paragraph (3))::

a) name of the clients. By way of exception it can indicate the name of the clients who agreed to be disclosed;

b) activities not relating with the practice.

The law practices may distribute general introduction brochures to all public categories. The distribution may be performed solely by the practice itself, without possibility to be left in the public eye or to send them to third parties for distribution, except mailing services. (paragraph 4).

Thus, the conferences or viva situations of lawyers are regulated. Considering that under these circumstances there is an opportunity for publicity, the legislator meant to limit the possibility to do so to certain modalities. Consequently, the creation of a general introduction brochure is allowed that must solely contain information specified in the herein article and that must be approved by the Bar Association's Council in advance, in order to comply with the Bylaws.

As one can notice the lawyers' Bylaws define limitative norms, thus the legislator meant to allow all practitioners to promote the services they supply, but only to the extent this advertisement would be in compliance both with norms set out by the legislator as with the ethical and moral ones. We say ethical and moral as we think that in life one must not be guided only by the norms expressly stipulated by law, but also by certain moral and ethical rules in order to make not only legal decisions but also „human" ones.

c) Correspondence and Public Presentation Modalities

The way the lawyer advertises his services to the public is the most important and decisive aspect. Generally the Bylaws are not very permissive from this point of view, but each of us has the possibility to have our own correspondence, namely e-mail addresses, fix or mobile telephone numbers, business cards and internet addresses.

Thus, when we talk about advertisement on our services, we cannot ascertain that our right to publicity is limited. What is forbidden on the other hand is abusive and disloyal publicity that would denigrate or downgrade a lawyer in favor of another

We do not believe that the legislation breaches the lawyers 'rights from this point of view

or their possibility to obtain clients, as law allows for the publication of data that have direct connection to the lawyer's activity, and it does not allow on the other hand for the abuse of the one in a dominant position. The abuse of position may be created by the situations where great law firms with great capital and manpower extensively acquire the market and patronage, and the medium range and small range lawyers are almost eliminated.

It is precisely this that the legislator tries to avoid, a probable elimination from the market of medium or small range lawyers who actually represent the majority, trying at the same time to offer competing equality.

Correspondence may comprise :

a) telephone and fax number, internet address and e-mail ;

b) specifying the headquarters and by case the secondary business office and / or working office;

c) signboard of the practice, authorized in advance by the Council of the Bar Association;

The lawyer's professional business cards, who perform their activity within the practice can contain the specifications allowed in correspondence as well as the title of associate, collaborator or employee, and the scientific and / or professional honors acquired in the country or abroad.

Where the internet address, which proves to be one of the most important ways for publicity is concerned, article 236, paragraph (1) of the Bylaws, allows the practice to have its own internet address that may comprise specifications on the performed activity as well as the ones allowed in correspondence as stipulated by the preceding article.

The contents and way of presentation of the internet address is authorized in advance by the Bar Association's Council and must comply with the dignity and honor of the profession, as well as with the professional secret. Thus, the Bar Association's Council performs verification on the data published on lawyers' web sites. This solution is as fair as can be because, no one is more authorized to rule on the legality of the web sites and their conformity to Bylaws than the Bar Association's Council.

The internet address in exchange cannot contain any advertisement or publicity note to a product or service other than the activities provisioned by art. 3, paragraph (1) of Law 51 / 1195, concerning the professional practice. The text of the law bans publication of other advertisement adds on the lawyers ' web sites than the ones strictly related to the activity of the practitioners who created the web site.

It is forbidden for the internet address to contain links whose content would be contrary to the essential principles of the lawyer's profession. At the same time, as in the previous situation it is forbidden to include on professional web sites links to other sites that have nothing to do with lawyers' activity and / or that can be in contradiction with legal or moral norms.

The ban to advertise whether directly on the web sites or indirectly by links other areas of business is justified, as promotion of such activity would mean that the lawyer having the site performs other activities than the ones of the profession and that do not agree with the laws governing the profession.

The practice that is the holder of an internet address must, in order for the lawyers' marketing activity to be under control, provide regular visits and pages' assessment and the pages' access is allowed based on the connections achieved by their own address and they must order with no delay their elimination, should their content and form be contrary to the lawyer profession practice. This is another type of verification set out by the Bar Association in order to check on the lawyers' activities and to punish failure to breach state's norms if the case may be. Where this punishment is concerned, failure to comply with the obligations provisioned by Law and Bylaws concerning publicity of the professional practice is deemed as serious disciplinary error, and it can imply disciplinary liability of the lawyer, that in extreme cases could

lead to expulsion form the profession.

This is about all we had to say on the legal provisions concerning advertisement and publicity of the lawyer's profession. Nonetheless we believe these provisions leave room for construal as interdictions imposed in order to get patronage are specified solely on general level and many practitioners find various ways to avoid legal norms, and they cannot be punished because law leaves room for interpretation.

II. IMPLICATIONS OF SOCIALIZING NETWORKS IN THE LAWYER'S PROFESSION

II.1 Short critical – constructive overview of the legislative situation, reported to the trends among lawyers

Where current legislation is concerned in the matter of publicity allowed to lawyers in the field or use of the internet, we think that it is short handed, because it has not been adapted to the new modern trends, resuming to specify by the provisions of art. 236 of the profession Bylaws only that the practices may have their own internet address that may comprise notes referring to the performed activity and to the one allowed in correspondence. As such, the sole reference the legislator directly makes to the publicity allowed to lawyers in the field or use of the internet is the one that allows creation of their own internet pages by lawyers, web sites through which the lawyer makes his / her existence known to the public, in decent way, and the information he / she has the right to display should be the ones concerning the contact and correspondence data, the activities performed and the practice.

Nevertheless, considering the development of internet socializing, the lawyer can easily juggle with the imposed interdictions or limitations concerning publicity, in diverse direct or indirect forms and unfortunately one may witness numerous and most amazing examples. The UNBR's concern to stop this sort of practices undoubtedly exists and it has been substantiated by the issue of decision 523 / July 1, 2009 adopted by the Romanian National Bar Association's Council that has brought a welcome construal of the provisions of art. 230 – 237 of the Bylaws concerning forms of publicity within the profession.

All the same, no matter how many adjustments and adaptation would intervene on the law in question, lawyers' „inventive ways" in creating different ways to attract clients by using the internet as unprecedented tool, surpasses the possibility of UNBR to keep up and even results in situation where regulations cannot be found, that would at the same time not breach constitutional rights.

Even if we have the provisions of Law 15 / 1995 and the professional Bylaws, that oblige the lawyer to dignifying and irreproachable behavior even outside professional activity, still, due to the fact that legal provisions are maybe much to general, their enforcement is construable from case to case, considering everyone's will or interest.

Of course, maybe the most critical issue is that the lawyer should be responsible and aware of his actions to such extent that there shouldn't be any need for legislative interventions and to understand the purpose and end to which publicity in our profession is limited. As such, the real issue is the lawyer's „education" and not the legislative void. Another factor that determines and perpetuates lawyers' habits that are not in accordance with professional dignity in the activity of attracting clients is the fact that lawyers are very rarely punished for their actions from this point of view.

The restriction imposed by the lawyer's profession legislation where publicity and its way to which law professionals have the right to approach had and still has negative effects and it is this mere restriction that determined a reorientation on less conventional publicity ways, but more effective ones. As they don't have the possibility to promote the activity they perform, lawyers pointed to the so called socializing networks, like facebook, twitter, my space creating their personal accounts or professional accounts by which to promote their services.

Nevertheless, this pursuit is at the limit of lawfulness and not only that. The creation of such accounts implies a great many negative thing, considering that the published information on socializing networks is generally available to a lot of people.

Although from the marketing point of view the socializing networks represent a key point, the information supplied by lawyers can be used in their detriment as well as in their favor.

The law concerning professional practice, as well as the Bylaws display clear norms concerning compliance with the professional secret, and many times the information supplied by lawyers not only on this sites but on their own sites or personal portfolios are at the limit between keeping and disclosing professional secret. Lawyers have certain obligations and responsibilities they have to respect above all other personal interests, and safekeeping the professional secret, as well as professional dignity are the most important ones.

Considering these networks of socialization are generally used for purposes that have nothing whatsoever to do with the lawyer profession, and that can even be beyond a lawyer's dignity we believe that each one of us should restrain as publicity to their own site creation of activity presentation, as well as the publication or advertisement made in the profession related magazines.

We are not against personal facebok accounts, as natural person that has no relation with the Bylaws and profession performed by the account's holder, as long as it respects certain rule of morality and decency. We specify this as once we became lawyers we no longer have the condition of a person that can afford acts of "indecency" without serious effects, as the lawyer is the man of the law, defender of many, and this brings about additional obligation concerning dignity of the profession and censorship of information, as well as posting on socializing networks where the lawyer has his personal account or blog.

II.2 The effective ways to elude restrictive regulations concerning the publicity of practice using internet socialization as exploitation means.

Certainly, the clients of a lawyer, as composition and extension does not always have something to do with the quality of the provisioned services, and this because the way to obtain and maintain patronage practiced by certain law professionals supposes calling on less honest means, nevertheless more effective than others.

Out of the last category, the most used and favored by lawyers, as a last trend, are the ones that use as a tool internet socialization networks, by hiding the user's real identity.

Socialization on the internet is undoubtedly an important tool by which mass manipulation is performed, more so as the obscure interlocutor, behind the screen would supply solely information helpful solely to other people, practice apparently harmless. The credibility and gullibility of those who are this way manipulated are especially owed to the fact that no one expects that such discussions where interlocutors hide their identity nurture harmful interests.

The opportunity, especially on internet socializing has no limits and it is especially attractive due to the possibility of keeping the secret on the real identity, fact that implicitly involves a lack of responsibility to the way of action as there is no possibility to enforce liability, or maybe it is possible to call on little liability, too small to count.

The socializing accounts such as facebok, twitter, personal blogs are very popular on the internet. Through them users can advertise their opinions, comments, they can post different adds etc as modality of expression. Certain lawyers approach this type of sites, but not for reasons or considerations of personal value but for ones o professional value.. As said, many lawyers have customized accounts on this type of sites and directly or indirectly promote their activity, attracting clients in a manner that breaches allowed publicity.

Please find below some of the practices used to elude the restrictive provisions concerning publicity within the profession, by using internet.

1. Although, in compliance with the provisions of art. 10, art. 48 of Law 51 / 1995 and those of art 236 of the profession Bylaws, lawyers are obliged to keep the professional secret and besides the content expressly regulated by law, any reference to the clients is forbidden, nonetheless this interdiction as most of the time breached when conceiving internet pages for the practice or in the professional displays. Of course, such defense is superficial considering that the obligation to keep professional secret is given by law and not by the legal assistance contract, consequently it is a legal binding of the lawyer and not a contractual one. As such, we believe the lawyer cannot avoid this norm with imperative features, even if he has got his client's agreement.

Passing over these aspects, the importance of such practice is overwhelming, with real success among legal services consumers. It did not happen once that a client chose his lawyer following a study of his client portfolio, fact that leads to the conclusion that known persons whether in business or socially call upon that lawyer's services. Consequently, the psychological effect of such habits on a potential client is determined in the choosing of the lawyer. Maybe and apparently the signaled situation could be treated with little interest considering that, even if a legal provision had been breached, as long as the client capacity is real, the seriousness of the matter fades.

Yet, the really important issue in such situation is generated by the fact that in Romania, especially when the state's financial resources are involved, the patronage is obtained by other methods than the ones involving the lawyer's professional abilities, such as belonging to certain political groups advantageous money related understandings between the lawyer and the person who has power of decision in assigning the assistance contract, reputation of the lawyer determined by the important relationships with persons in key functions of the judicial system, etc. Consequently, a lawyer must be the holder of an impressive portfolio that would attract other clients as impressive from the financial point of view, but, as emphasized above, it is not the professional qualities that determinde the creation and maintenance of such portfolio.

One of the not legal situations is the one of displaying a fake client portfolio. It is practically very hard to check whether the clients displayed on a lawyer's web page are in fact that lawyer's clients and does not comprise names or important denominations as another factor to attract other clients, who in reality are not the clients of the lawyer displaying them. Of course, this last method being clearly illegal can be severely punished, the text of art. 48 of the Law expressly sanctioning the acquiring of patronage by using proceedings that are incompatible with professional dignity.

Consequently a somewhat unimportant custom may lead to very damaging results for lawyers, namely when a lawyer comes to enlarge his client portfolio not due to professional abilities but to manipulative means meant to decisively influence the client's choice.

2. Personal accounts on various socializing networks and personal blogs offer great advantage to the users and holders of such accounts: the impossibility to exactly identify the user's identity as the process is a very laborious one and it implies complicated procedures. . At the time being, the use of these sites is as spread as watching TV and not only in Romania but in the entire world. Consequently, lawyers in the capacity as natural persons hold such accounts and use such networks. On many occasions they thus disclose aspects of their activity, in order to attract interest of the persons they socialize with. Even if direct information does not come from the lawyer himself, but form a "friend" of the account's holder, the result is the same.

For instance, nothing specifically bans a person, lawyer by profession, holder of an account on such site or holder of a personal blog to display decrees featuring his name and that reveal the lawyer qualities of the person in question, or to plan professional displays, by which his professional knowledge is actually being advertised. Of course, I repeat, there are legal stipulations that require decent behavior of lawyers and ban practices incompatible with the professional dignity, and one may easily speculate on these aspects.

Consequently, the use of this kind of networks and generally the use of internet in order to advertise professional capacities by different personal displays, real or not (most of the times being false representation of the reality) should be expressly regulated not to leave room for speculation. We believe that any lawyer activity through the internet, no matter if achieved in his official capacity as lawyer or without express specification of the same but with enough clues that lead to the idea of a law professional, should be expressly regulated, in order to avoid speculating the opportunity of such practice as publicity method. And the regulation that should be applied would not need other pursuits than an express extension of the one currently existing, namely restrictions concerning publicity forms and minimal content of the internet pages of professional practice be extended on the persons that compose the practice as natural persons in the use of their own accounts or "appearances" on various internet sites. The major problem in using this socialization networks comes from the interne motto itself: "what is written on the internet stays the forever". And there is a lot of truth in this motto. Consequently, this is a dangerous tool with long term effects as long as under false identity a disguised lawyer can make attacks to his colleagues, can achieve massive publicity, can post different information breaching his obligation concerning publicity and as long as it can steal clients from another lawyer.

3. I discovered by chance what I could call an inventive practice, yet beyond the dignity of many law professionals on a discussion forum where different persons exposed their legal issues. The discussions on forums have become quite common; their members initiate a legal subject and involve other members in the discussion. Practically, in Romania every time a legal situation affecting several people occurs, these people reunite in forums that pursue common action, supported by lots of persons with the same interest and the pursuit of a joint settlement. Consequently such forums determine a gregarious behavior, very easily to manipulate. Members with unreal and obscure identities, especially lawyers or lawyers' representatives approach such forums pretending to have the same problem as the rest of the members. And after the forum discussions reach a certain point, the representatives of lawyers slowly inoculate the idea that it is necessary to call a lawyer that would solve everyone's problem, considering the fact that many people will solve their problem with only one lawyer. At such time, when the discussions involve finding a specialized lawyer that would represent all the members, the lawyer involved in the debate, under false identity, shares to the others the idea he knows a good lawyer who has successfully addressed his problems in the past, and gives his phone number and name, thus manipulating a great number of persons into going to the same lawyer.

Such practice may seem odd at first, many would say it would be impossible for a lawyer to act this way in order to get clients, but if we consider obvious realities we will conclude that many lawyers approached such methods with no regrets, and more seriously, with no punishment. Let's consider for instance the situation of the Government Emergency Ordinance 50 / 2010 concerning the credit consumers contracts. An impressive number of persons debated on the internet, trying to find a lawyer to represent their interests. Users groups were even formed considering the bank they took credit from and they all went to the same lawyer, as the credit contracts and bank policy were the same.

A famous law firm in Bucharest made public through various TV shows that it dealt with such litigations against bank, that it organized groups of clients considering the contracting bank, thus gathering an impressive number of clients, pursuant to public legal opinions on the matters in order to attract client. At the time being, the presented action was famous and it stood for nothing else than direct advertising and massive patronage acquiring, thus breaching the provisions of Bylaws concerning publicity of professional practice. Nevertheless no one noticed that the means were not at all conventional and proper to a lawyer and to that firm widely known.

We mentioned this case to practically show that in the same way that lawyers publicly and directly approach actions to enlarge their portfolio, in an indirect manner, subtle, direct or by representative, the patronage acquiring is also performed through socializing web sites. The

difference is that, by the practices on the internet we refer to, clients do not actually know that they are manipulated and driven to a certain lawyer, by that lawyer himself or his representative, and the seriousness of the situation is even greater.

The same practice presented above is also used to steal the already formed patronage of another lawyer, an obviously undignified and disloyal practice. But, one taking place, and the problem is there is no possibility to hold anyone liable for such practice. Denigration of colleagues may be easily performed through information posted on the internet, by a person whose identity cannot be discovered, as it is easy to share negative information, false or true about a colleague, and the internet "does his job" and leads the information to the public.

4.The forums managed by jurists are also common, with debates concerning legal matters, legal issues, where debates are initiated and solutions to various matters are required. Such forums can be easily assimilated to specialty magazines; consequently, such an approach is possible at first hand, as it is unimportant that the participation in legal debates takes place on specialized forums and not in publications printed on paper.

But, the problem is that on such forums, many persons, with no legal knowledge search for answers to their problems, namely they indirectly request specialized consultancy. The members participating in such discussions and who offer legal solutions and answers are law professionals, especially lawyers. Granting legal advice, expression of legal opinion concerning a prob;lem on such forum is not that serious, as we live in a world of information, and communications of this sort have largely developed and exaggerated rigidity is no good.

Nonetheless, if information provided by lawyers on these sites would end with the legal opinion or advice, the legality of the situation would stand, even though the name of the lawyer provising solutions thus became public, as the person in question knows the name of the lawyer answering the question. But the legal opinion thus expressed on this type of forums persons in search for a solution to their legal problems approach, is always doubled by indirect invitation to contact the lawyer, by saying: "for further information do not hesitate to contact me at the phone number…, attorney – at – law….". Although in compliance with the provisions of art. 231, paragraph 2 letter c of the lawyers' Bylaws consultancy as means of publicity is forbidden, the above described practice is undoubtedly not allowed publicity means practiced by a great deal of lawyers.

All the above situations, practical applications of breaching the publicity ways allowed to law practitioners through the internet have another big shortcoming, besides breaching the law: they became the rule and not the exception that should be punished accordingly. This type of practice started being used by a lot of lawyers. If we initiated today a legality control on disguised publicity or on publicity beyond the limit allowed by law that lawyers in Romania make use of in order to acquire patronage, we would find that more than 80% breached the law and continue to do so. This kind of practice has implicitly led to massive depreciation of lawyers within society.

The lawyers' use of internet in order to gain disguised publicity or even denigrate their colleagues, has another big disadvantage, namely the fact that the identity of the person using these means stays unknown, while the effects become visible. Holding lawyers liable for their actions, as the ones specified above is even more difficult as the supreme evidence of the author's identity cannot be proved.

We do not aim by the theme above a reaction that would limit the lawyers' use of the internet, socializing sites or specialized debates on juridical forums or personal opinions on their own blogs. The existence of such ways of communication determined magnificent development of all fields, because it offered information. There are more benefits than negative aspects of the use of the internet by lawyers. Knowledge is the most precious gift, and the internet offers information necessary for knowledge in many fields.

The signaled practice become dangerous on the other hand and breach the legislation in the matter, not solely the one concerning publicity limitation but the one concerning obligations we owe to our customers and clients.

Maybe a joint experience, unitary effort and lawyers' conscience check could determine the adoption of solutions that would fight this flagellum of type internet socializing to the end of acquiring patronage, of making disguised publicity, of denigrating our colleagues for purposes that should be beyond our dignity.