

Ethical Considerations of Algorithmic Push on Short Video Platforms for Legal Practice Promotion

Authors: Xiao Yukun

Date: 2024-01-23T00:00:00+00:00

Abstract

People have long entered the era of self-media, and self-media platforms have undergone multiple generations of iteration. Short video platforms currently represent the self-media platforms with the largest number of active online users. Through their unique algorithmic mechanisms, lawyers' business promotion activities on these platforms benefit from algorithmic distribution to potential clients, thereby generating greater revenue for lawyers. This article analyzes the ethical issues inherent in lawyers' promotional behaviors on algorithm-driven short video platforms by delineating the connotations and types of business promotion, elucidating the principles of algorithmic recommendation, and describing the current state of such promotional activities. Following this clarification, it proceeds to discuss potential solutions to these ethical problems.

Full Text

Abstract

The era of self-media has long arrived, with platforms evolving through multiple generations. Short video platforms currently command the largest active user base among self-media platforms. Through their unique algorithmic mechanisms, lawyers' business promotion efforts on these platforms benefit from targeted delivery to potential clients, generating substantial returns. This paper examines the connotation and types of business promotion, the principles of algorithmic recommendation, and the current state of business promotion on short video platforms. It analyzes the ethical issues arising from lawyers' promotional activities on algorithm-driven short video platforms and, after identifying these problems, discusses potential solutions.

Keywords: Short Video Platforms; Algorithmic Recommendation; Lawyer Professional Ethics; Business Promotion

Introduction

People have become accustomed to integrating self-media into both daily life and professional activities, marking the arrival of a mature self-media era. Lawyers, given their professional expertise, are particularly well-positioned to create popular content related to social hotspots. When combined with the precise targeting capabilities of short video platform algorithms, the efficiency of lawyer business promotion far surpasses that of traditional print media. However, this dual-edged sword means that lawyers using self-media for business promotion may trigger various legal issues, and a single misstep can result in penalties from regulatory authorities, ultimately undermining their promotional efforts.

China's legal services market has already entered a "red ocean" of fierce competition. As the saying goes, "good wine fears a deep alley"—even outstanding legal expertise requires visibility. In contemporary society, focusing solely on enhancing legal 专业能力 seems to have become the choice of a minority, as lawyers must also strive to increase their exposure and attract more clients. Promoting services on short video platforms such as Douyin and Kuaishou has emerged as an effective marketing method. On January 31, 2018, the *Rules on Lawyer Business Promotion Behavior (Trial)* (hereinafter referred to as the "Behavior Rules") were formally promulgated and implemented. These rules adopt a liberal basic normative approach while employing detailed and specific regulatory methods. They explicitly include lawyers' use of blogs, WeChat public accounts, and other self-media platforms for business promotion as legitimate methods, while stipulating that such activities must comply with relevant provisions.

1. Overview of Lawyer Business Promotion

1.1 Connotation and Types of Lawyer Business Promotion

A lawyer refers to a licensed professional who, upon obtaining a lawyer's practice certificate, accepts commissions or designations to provide legal services to clients. With socio-economic development, law increasingly regulates broad aspects of social life, leading to greater specialization among lawyers and intensifying competition in the legal services market. Facing immense survival pressure, business promotion has become a primary task for lawyers. Lawyer business promotion primarily divides into two categories:

First, offline office consultation represents the traditional and fundamental method of securing legal business. Clients with legal needs visit for consultation and potential engagement. During these consultations, clients can directly assess a lawyer's professional competence, skills, work ethic, and service quality. By providing high-quality legal services, lawyers not only solve clients' practical problems but also build strong trust relationships, attracting new clients through word-of-mouth referrals.

Second, lawyer advertising in both traditional and modern self-media contexts. Lawyer advertising refers to the practice where lawyers or law firms use various

media channels to transmit information about legal services to target audiences, aiming to secure cases, enhance influence, and ultimately change or strengthen consumer perceptions to facilitate engagement. This practice typically demonstrates strong professionalism and long-term characteristics, enabling lawyers and law firms to effectively fulfill their legal service functions and making legal resources and remedies more accessible to the general public, thereby safeguarding legitimate rights and interests.

Compared with traditional media (newspapers, magazines, television, radio), internet advertising offers unique advantages and constitutes a crucial component of modern marketing strategies. The internet represents a novel advertising medium with rapid dissemination and ideal results, serving as an effective channel for large and medium-sized enterprises to expand globally. For law firms with extensive business operations, internet platforms similarly provide significant opportunities. Leveraging big data to track and study user preferences represents the advantage of internet-based business promotion over traditional media and forms the foundation of efficient marketing.

1.2 Development History of Lawyer Business Promotion

It should be noted that lawyer advertising constitutes only one component of business promotion, which can be primarily divided into advertising and solicitation. While advertising targets unspecified audiences, solicitation involves promotional activities directed at specific individuals to establish client relationships. Solicitation of potential clients possesses private and personalized characteristics that make investigation and systematic research difficult; therefore, this study focuses more heavily on advertising.

Due to varying definitions and emphasis on advertising requirements, different jurisdictions impose different restrictions on the subjects, content, and forms of lawyer advertising, resulting in different regulatory models. These include prohibition models that completely ban lawyer advertising and permissive models with comprehensive liberalization. Early regulations in the United States, the United Kingdom, and Japan (under British influence) explicitly prohibited lawyers from using advertising to promote themselves, secure cases, or expand influence. However, as the legal profession matured, the legal services market expanded, and public demand for legal services increased, lawyers fought for their right to advertise. Legislative bodies and self-regulatory organizations such as bar associations reconsidered the necessity and feasibility of lawyer advertising through legal regulations and professional codes based on lawyer professional ethics systems.

The prohibition model existed in the United States before 1977 and in early periods in the UK and Japan. This model, based on either lofty professional ethics or lawyers' relatively low social status, held that lawyer advertising would damage the profession's image, disrupt social order, and potentially generate illegal advertisements that create information asymmetries, ultimately harming

unspecified groups. Before lawyer advertising was recognized as commercial speech, the U.S. federal and state governments, considering the complex case law system and lawyers' relatively low status at the time, believed the state had the power and responsibility to regulate public utilities and welfare industries. Simultaneously, lawyers served a public function in legal practice, and public trust was essential for the effective operation of the legal system. Permitting advertising would allegedly increase lawyers' profit motives and reduce their public service contributions. Based on these factors, the United States maintained a prohibition system during this period. In Japan, lawyers were endowed with a strong sense of mission and honor in serving the nation, coupled with high moral requirements. Although regulations technically "restricted" advertising to limited subjects, scopes, and forms, these restrictions were so narrow—for example, prohibiting mention of various experiences or fee standards—that they effectively constituted a de facto prohibition model.

Following intense struggles by the legal profession for advertising rights and to overcome the 困境 of traditional case sources, the U.S. federal government lifted the ban on lawyer advertising under significant pressure. The U.S. federal government and most states essentially liberalized their lawyer advertising systems, moving toward a permissive model. Meanwhile, Japan amended its *Regulations on Lawyer Business Advertising* in 2000, revised the *Lawyer Business Advertising Procedures* in 2007, issued *Regulations on Foreign Legal Practitioner Business Advertising* in 2010, and modified the *Business Guidelines* in 2014, imposing renewed restrictions on content and form. Under Japan's current industry charters, rules, and guidelines, advertising content must accurately describe lawyers' information and competence without fabrication or exaggeration. Except for win rates and information that clients do not consent to publish, all other information may be used in advertising to protect future case confidentiality obligations.

2. Algorithmic Recommendation Principles and Methods

2.1 Principles of Algorithmic Recommendation

In mathematics and computer science, an algorithm refers to explicit specifications for solving a class of problems. Algorithmic recommendation employs machine deep learning to analyze users' historical behavioral data, extract interest preferences, and thereby deliver precisely targeted information to users. It can manifest as using application software to generate synthetic, personalized push, and sorting selection algorithm technologies to provide users with appropriate information content.

In terms of technical characteristics, algorithmic recommendation constitutes a dynamic system integrating material and information elements. Its technical operations depend on formal models, with each step expressed through definitive statements, making algorithmic processes and results executable in reality. Based on artificial intelligence operational structures, algorithms can acquire

capabilities approaching or even surpassing human levels through learning and interaction. Consequently, algorithmic recommendation not only provides users with preferred content but also continuously acquires more effective data for learning while delivering such content, forming unique analytical and push patterns to better provide higher-relevance content aligned with user interests in the future, thereby increasing user stickiness and corresponding benefits.

2.2 Methods of Algorithmic Recommendation

Three mainstream algorithmic recommendation methods exist: content-based recommendation, collaborative filtering-based recommendation, and hybrid recommendation combining both approaches. Collaborative filtering relies on users' historical behavioral data, while content-based algorithmic recommendation depends on descriptions of items or users without incorporating past behavioral data. Hybrid algorithmic recommendation combines both methods to leverage their respective advantages.

Content-based recommendation extracts information such as titles, categories, tags, and user comments from content to be pushed, then recommends similar content based on analysis of users' browsing histories. Collaborative filtering operates through four dimensions: First, "user attribute" identification, where algorithms mine users' demographic information (gender, occupation, etc.), behavioral data (video viewing, commenting, search history, page dwell time, etc.), and environmental information (network conditions, location, etc.) to analyze information preferences and demand data. Second, "content attribute" identification, where algorithms digitally recognize short videos and perform corresponding content classification and tag extraction. Third, "personalized" content delivery based on behavioral collaboration among users with similar interests. Fourth, continuous improvement of "user profiles" and optimization of recommendation algorithms based on user feedback regarding pushed information, thereby achieving a closed recommendation loop.

3. Current State of Lawyer Business Promotion Under Short Video Platform Algorithms

Compared with traditional promotion models, short video platform promotion offers convenience, low cost, and effective publicity. When combined with platform algorithmic recommendations, lawyers who effectively utilize short video platforms for business promotion can achieve twice the results with half the effort. In the "traffic era," the most extensive short video platforms with the broadest audiences are applications such as Douyin and Kuaishou. Currently, Chinese lawyers' use of short video platforms for business promotion can be roughly divided into three forms:

First, individual lawyer business promotion. Searching for terms like "lawyer" or "law" on Douyin and Kuaishou reveals tens of thousands of lawyer-related accounts with substantial follower counts, with the top account exceeding ten

million followers. Lawyers possess professional knowledge reserves and can participate in discussions on popular topics including social hotspots, marriage, labor, corporate, insurance, and economic issues. Lawyers enjoy inherent advantages in producing high-quality content, and short video platforms' personalized recommendation mechanisms provide opportunities for diverse content to be displayed and disseminated. The core value communicated by lawyers typically centers on their professionalism and practice capabilities.

Second, lawyer team business promotion, which refers to registering short video platform accounts under a lawyer team's name and publishing information about the team and its members for promotional purposes. Content promoted in this form primarily includes team and member introductions, team news, legal commentary on social hotspots, academic papers, case analyses, thematic Q&As, professional practice articles, and real-time legal information. This approach simultaneously promotes both the team and individual lawyers, demonstrating overall team strength while highlighting individual members' professional competence.

Third, law firm business promotion, which involves registering accounts under a law firm's name and publishing relevant information to achieve promotional effects. Compared with individual lawyers and lawyer teams, this promotional form primarily features law firm introductions and news, with less publication of individual lawyer or team information.

4. Ethical Issues in Platform Business Promotion

Regardless of extended functionalities, short video platforms remain fundamentally neutral platforms. The amount of traffic lawyers can obtain and how effectively that traffic converts depend entirely on content quality and promotional methods employed. In today's commercially driven legal environment, lawyers inevitably prioritize profit absolutely during promotion, sometimes abandoning the oaths made when obtaining their practice licenses, thereby generating numerous ethical issues.

4.1 Unfair Competition

Under normal business logic, a lawyer's promotional content on short video platforms gains sufficient heat and conversion rates based on content quality and ability to outperform peers publishing similar content. However, some lawyers purchase additional promotional heat, ensuring their content appears at the top when users search for relevant keywords. This purchased promotion can even cause the platform to actively display the promoted lawyer's account in search results when users search for another lawyer's name. Additionally, some lawyers proactively send private messages to large numbers of users, promoting themselves and their law firms—essentially transforming “spam messages” into another form on short video platforms. Despite low conversion rates and significant user complaints, this approach consistently yields some clients who sign

contracts with the promoting lawyers.

Furthermore, some lawyers purchase internet water armies that, disguised as ordinary users, post praise and compliments about the lawyer throughout the platform. This creates inaccurate evaluations among unsuspecting users who may select that lawyer for their legal issues, which may not fall within the lawyer's actual expertise, potentially leaving problems unresolved. More egregiously, some lawyers purchase water armies to defame other lawyers on the platform, posting critical comments under competitors' content and sending misleading private messages to users who have shown interest in other lawyers, causing them to abandon their original choices. This practice harms both the legitimate interests of other lawyers and the legitimate interests of platform users.

4.2 Unqualified Professional Competence

Lawyers' platform-published content typically relates to law, including sharing practice cases, interpreting legal provisions, and conducting legal education activities. Some lawyers plagiarize colleagues' content, modifying it slightly or not at all without the creator's permission, infringing upon the original creator's legitimate rights. Some lawyers forget that their platform statements represent not only themselves but also the legal profession as a whole in the public eye. To gain traffic and align with popular values, they issue erroneous legal evaluations of social hotspots, misleading public understanding and causing attacks on lawyers who provide correct interpretations on the same platforms. These lawyers sometimes not only disseminate incorrect viewpoints but also publish malicious defamatory content to disparage colleagues—behavior that clearly violates the “taste” requirements explicitly stipulated in Japanese lawyer professional ethics.

Additionally, non-lawyer personnel exploit public misunderstanding of legal professionals to mislead users. Last year, a figure known as “Director Xiao of Guobang Law” went viral on short video platforms due to his distinctive square hairstyle. He established a legal services company, claiming to have taught himself legal knowledge, but he had neither passed the legal qualification examination nor obtained a lawyer's license—facts he never proactively disclosed when publishing content or live streaming. Such behavior misleads ordinary users, potentially causing them to trust his advice and solutions, which may not efficiently resolve their problems and could damage their interests.

4.3 Misplaced Career Focus

Short video platforms host not only legal service promotions but also various other content including news reports and lifestyle services. Beyond video posting, verified users can also live stream and sell products. Some lawyers adopt live streaming to answer simple legal questions, creating a virtuous cycle where users obtain answers and subsequently seek services from the lawyer for more

complex issues, generating revenue for the lawyer while solving users' problems. This positive cycle is inherently commendable. However, when live streaming income exceeds income from actual legal practice due to growing audiences, some lawyers shift their focus to entertainment effects in live streaming, abandoning in-depth study of legal cases. Some lawyers, after gaining popularity through short video content, engage in live streaming product sales, making such income a major revenue source. At this point, they are no longer using the platform for lawyer business promotion but for another commercial activity altogether, yet they retain their lawyer identity on their profile to attract attention and add prestige. While this behavior generates personal profit, it damages the image and reputation of the legal profession in the public eye and violates fundamental professional requirements.

5. Professional Ethics Compliance in Lawyer Business Promotion

5.1 Upholding Correct Value Orientation and Basic Principles

China consistently maintains that lawyer business promotion should embody equality, integrity, compliance with laws and professional norms, adherence to professional ethics and discipline, and principles of fair and honest competition. Whether on former platforms like blogs and Weibo or current short video platforms, lawyers must prioritize correct value orientation and basic principles in their promotional activities, 坚守 legal, ethical, and disciplinary bottom lines. They must reject unfair competition and improper exploitation of platform vulnerabilities, such as purchasing promotional heat, disseminating spam information, or employing internet water armies for false, misleading, or exaggerated publicity. Achieving fair and honest competition requires further legal clarification of these issues.

5.2 Establishing High Professional Standards and Career Responsibilities

When promoting on short video platforms, lawyers should actively create original video content, explore social hotspots, and continuously deepen their professional knowledge to provide optimal answers to legal questions. Having passed the legal qualification examination and obtained a practice license, lawyers should particularly understand the importance of intellectual property rights, reject plagiarism, and respect others' copyrights. Law is not static, and lawyers should approach their profession with a commitment to lifelong learning. Simultaneously, lawyers must shoulder sufficient professional responsibility, refusing to publish erroneous legal evaluations of trending events for traffic or short-term gain, and preventing non-lawyers from answering legal questions under lawyer identities. Lawyers should actively educate the public about the differences between law firms and legal services companies, and bar associations should actively monitor lawyer identity verification on platforms and review widely

discussed lawyer-created content.

5.3 Maintaining Career Focus and Establishing a Positive Image

When working under the identity of a lawyer, one must always remember the duty to protect clients' legitimate rights and interests, ensure proper implementation of the law, and uphold social fairness and justice. The purpose of using short video platforms for business promotion is to obtain more cases and generate more revenue while solving more users' legal problems. This positive behavior can also deepen public understanding of lawyers' work and enhance recognition of the profession, further maintaining the professional image. Lawyers must reject using the platform for non-law-related commercial activities, and once identifying as a lawyer on short video platforms, should engage only in law-related content creation and problem-solving.

Short video platforms are products of the digital age, and everyone exists within this digital wave. While these platforms can deliver users' most preferred content through unique algorithmic recommendations, they can also be exploited by professionals seeking greater benefits. We should recognize lawyers' efforts to leverage platform algorithms for business promotion, but we must also acknowledge that algorithmic recommendations on short video platforms prioritize profit-seeking as their primary goal. Under such profit-driven conditions, improper promotional behaviors emerge across industries. Lawyers may engage in unfair competition for client sources, deliberately publish content contrary to legal reality to attract attention, or forget their original aspirations for pure profit. Resolving improper promotional behaviors requires clear legal boundaries on promotional activities, effective regulatory oversight by bar associations, and, most importantly, lawyers' correct understanding of their profession. Current issues in lawyer business promotion on short video platforms affect not only the legal profession itself but also the resolution of legal problems for massive numbers of platform users. Further discussion and research on lawyer business promotion through short video platform algorithms remain necessary, particularly after gaining deeper understanding of the details of lawyers' platform-based promotional activities.

References

- [1] Chi Tao. Analysis of Principles and Rules for Lawyer Advertising Regulation[J]. Journal of Gansu Lianhe University (Social Sciences Edition), 2013, 29(01): 51-56.
- [2] Zhang Chunmei. How Can “Smart Technology” Become “Smarter”—Ethics and Governance of Algorithmic Recommendation[J]. Exploration and Free Views, 2022, (12).
- [3] Yu Guoming, Liu Yuhan, Wang Changying, et al. Recommendation Algorithms: The Characteristics and Advancement Priorities of Information Push Kings[J]. Shandong Social Sciences, 2018, (03).

[4] Wang Hongjie. On the Abuse of Technology in Internet Marketing of Lawyer Business and Its Regulation[J]. News Dissemination, 2019(01): 13-15.

[5] Liao Guojing, Nai Luying. Behavioral Boundaries of Lawyer Business Promotion in the Self-Media Era[J]. Journal of Guangxi Administrative Cadre Institute of Politics and Law, 2018, 33(06): 82-85.

[6] Wu Chen. Analysis of the Rules on Lawyer Business Promotion Behavior[J]. Justice of China, 2018(03): 55-60.

Note: Figure translations are in progress. See original paper for figures.

Source: ChinaXiv — Machine translation. Verify with original.