also *Restatement (Third) of the Law Governing Lawyers* §70 (2000) (for purposes of attorney-client privilege, "client" includes "prospective client").

In this context, what makes electronic communications different from in-person or telephonic communications is the decreased control the lawyer-recipient has over the nature and amount of information conveyed to her. This information comes in segments, such as an e-mail or a posting in a chatroom, whose length and contents are entirely controlled by the sender. Here, the lawyer cannot limit the information received by interrupting the speaker, leaving the room, or hanging up the phone. Once the e-mail is opened, the lawyer has received its entire contents. To further complicate matters, the lawyer may not even be able to determine the sender's identity until after opening the e-mail and receiving all of the information.

This scenario presents the possibility that, simply by opening an e-mail in which the sender discusses a legal matter, a lawyer could find herself with ethical obligations to that person–even if the sender was previously unknown to the lawyer—provided the circumstances were such that the sender reasonably believed that the lawyer was willing to discuss the possibility of representing him in the matter. Several authorities have opined on the circumstances that may trigger a lawyer-"prospective client" relationship—and consequently, a duty of confidentiality—in the context of online communications, and what precautions a lawyer may take to avoid unintended obligations.

Legal information of general application about a particular subject or issue is not "legal advice" and should not create any lawyer-client issues for the blogging or posting lawyer. Appropriate disclaimers will assure this conclusion.

However, if a lawyer by online forms, e-mail, chatroom, social networking site, etc. elicits specific information about a person's particular legal problem and provides advice to that person, there is a risk that a lawyer-client relationship will have formed. LEO 1842.

Despite the informal nature of most online social networking, lawyers must consider whether informational advice on a blog or website creates the impression of giving legal advice that will be relied upon by a visitor to the site. Another important consideration is the universal reach of online postings. Your website is not only visited by people in your home jurisdiction, so giving friendly online advice to potential clients in states where you are not licensed can easily amount to the unauthorized practice of law under Rule 5.5.

A simple question to ask yourself is whether the online resource you've created does anything that would create client expectations. But, clear disclaimers can be helpful in resolving this potential problem.

More tricky than creating unintended client relationships is stumbling into confidentiality and conflict issues. Virginia State Bar LEO 1842 explains that communications with web site users are governed by the same Rules as any other communication with potential clients. The opinion discusses a typical hypothetical: A law firm's "passive website" lists contact information for each of the firm's attorneys, and one of the firm's domestic attorneys receives and reads an unsolicited email from a woman describing the demise of her marriage including her affair with