

Social Media Guide



for Lawyers
v. 3.0

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INTRODUCTION

In the first edition of the *Social Media Guide for Lawyers*, the 2010-2011 Leadership Institute proclaimed that “the world is changing.” Nothing could have been closer to the truth. Over the last five years, hundreds of thousands of lawyers have flocked to LinkedIn, Twitter and Facebook to develop personal and professional profiles to connect with family, friends and colleagues. Now, lawyers and law firms are increasingly turning to social media for marketing and business development. In doing so, the question is no longer *whether* lawyers and law firms should use social media to promote their practice but *how* it can be done effectively while avoiding serious ethical pitfalls with lawyer advertising. The world has indeed changed.

The first edition of the *Guide* featured a “Best Practices Guide” on how law firms and individual lawyers could use social media to add value and generate business. The *Guide* also provided step-by-step instructions for effectively using the “Big Three”—LinkedIn, Facebook, and Twitter. Basically, that first edition served as “Social Media 101,” providing a foundation for those just diving into the social media pool.

With the second edition, Heather Melick of the 2010-2011 Leadership Institute and I elevated Meritas to the next level of social media use by showing lawyers and law firms how to harness social media to their advantage by integrating “traditional” media with these new technologies to further expand visibility and exposure. The second edition is largely incorporated into this *Guide* with significant updates, new features, and effective tips on how to take advantage of the current features offered on social media.

In this third edition, I address the primary reason why lawyers and law firms have yet to fully embrace social media for marketing: the uncertainty surrounding how the advertising ethics rules apply to social media. While advertising rules generally govern the message, not the medium, many lawyers and law firms are still uncertain about how the lawyer advertising rules apply to social media and how they can use these marketing tools safely. The *Guide* will empower lawyers and law firms to use social media safely by summarizing the applicable advertising rules, explaining how the advertising rules apply to a lawyer’s personal and professional social media use, and providing examples of actual social media profiles to assist Meritas lawyers. Armed with this information, lawyers can connect with confidence, develop their professional online presence, and effectively use social media to generate business.

I hope you enjoy the *Social Media Guide for Lawyers v. 3.0*.

Ethan Wall, Social Media Law and Order
Member of the 2010-2011 Leadership Institute

How-To Guide to Social Media Platforms





FACEBOOK FOR LAWYERS

With more than one billion active users, Facebook is the most visited website in the world. Facebook allows users to interact with friends, colleagues, and people from across the globe. It allows users to create online profiles, add friends, exchange messages, and notify other Facebook users automatically when they update their Facebook profile.

A lawyer can use Facebook to create a personal profile and connect with old friends, business associates, and others who share their interests. A law firm can create a business page to notify their fans about updates involving their lawyers and practice, and to share legal publications and law firm blog posts. The primary benefit of Facebook is that it allows a lawyer and law firm to network professionally on the largest social media platform. On the other hand, interacting on Facebook can be time-consuming if not monitored appropriately, can implicate advertising ethics rules if used irresponsibly, and allows third parties to post content on the lawyer's Facebook profile if privacy settings are not adjusted.

How to Create a Facebook Account

Facebook offers two types of accounts: individual and business. Individual accounts are primarily designed for personal use and are best suited for an individual lawyer. Business accounts (called Pages) are primarily for organizations and are best suited for a law firm. This *Guide* will address how to create each type of account, set up a profile, add friends, and set privacy features.

How to Create an Account

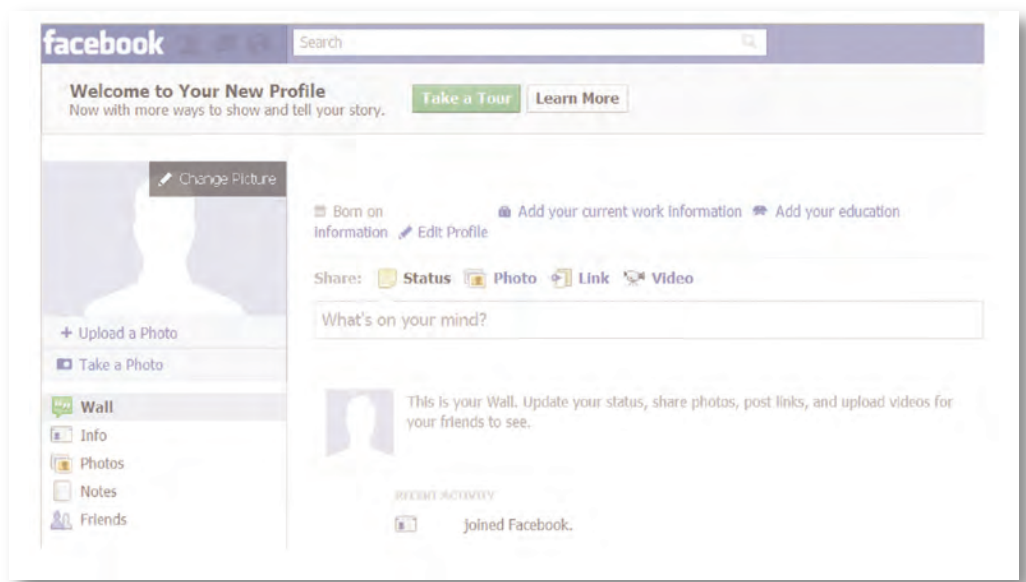
1. Go to <http://www.facebook.com>
2. Complete the necessary fields under the heading **Sign Up** (i.e., first and last name, email, password, gender, and birthday), then select **Sign Up**.
3. An e-mail will arrive at the registered e-mail address, which will allow the lawyer to confirm the account and complete the registration by selecting the link provided in the email.

How to Set Up an Individual Facebook Profile

Facebook's **Help Center** provides all the information needed to set up and manage a Facebook Profile. Access the **Help Center** by selecting **More** on the bottom right of the **Home Page** and choosing the **Help** option. A list of topics is provided on the left side of the page with links to valuable guides and tips. Select **Get Started on Facebook** for help with the basic features that Facebook offers. At a minimum, a lawyer should complete the process to Upload a Profile Picture, Enter Profile Information, and Add Friends. Facebook suggests the following steps to accomplish these introductory features.

Upload a Profile Picture and Cover Photo

1. A Profile Picture is commonly displayed at the beginning of both the **Home** and **Profile** pages. The lawyer should select a recent professional photograph of themselves, such as their law firm's headshot. The **Cover Photo** is only displayed on the **Profile** page and can depict anything of interest to the lawyer.
2. To upload a Profile Picture from a computer hard drive, the lawyer should access their **Profile** page by clicking on their picture or name on the **Home** page. Then, place the cursor over the current Profile Picture and select the **Camera Icon** that appears.
3. Select from among the following options to find a picture to upload: **Choose from Photos** (already uploaded on the page), **Take Photo**, or **Upload Photo**.
4. Then select **Upload Picture**. The picture will display if it is an acceptable size and file type.
5. To upload or update the **Cover Photo**, repeat these same steps.
6. For more information on how to manage photographs, go the **Help Center** and select **Getting Started on Facebook** or **Sharing** and then **Photos**.





Enter Profile Information

Facebook allows the lawyer to easily add and edit information about themselves, their relationships and family, employment, and interests. Individuals choose the amount of information they want to share with the Facebook community. At a minimum, the lawyer should input employment information so that Facebook users can learn about their practice areas and contact information.

1. To add this information, select **Edit Profile** in the top left corner of the **Home** page, or click on the **Update Info** link located in the **Cover Photo** area on the **Profile** page.
2. Select **Work and Education** from the left menu.
3. Provide employment history and type in the name of the employer into the **Employer** field. If a Facebook page exists for the employer, the profile will link to it.
4. Provide applicable cities to complete the **Places You've Lived** and **Current City** fields.
5. Provide basic contact information including telephone number, email, and website address. The lawyer may also include other information such as their birth date, relationship status, religious views, political views, etc.
6. The lawyer can link their profile directly to their spouse, partner, family members, and relatives by entering their names in the appropriate places.
7. The lawyer can provide a short description of themselves, elaborating on their practice, hobbies, interests, or any other information they wish to share.

The lawyer may limit the visibility of these fields to close friends and family members in the interests of privacy and safety. This *Guide* provides a detailed tutorial on how to set up **Privacy Settings** on Facebook.

Add Friends

1. To locate people they might know, the lawyer can use the Facebook Search box on the top center of their Facebook Profile. Type the name of the person in the Search box. Searches will generate a list of relevant profiles of people with whom the lawyer may connect. There are often several profiles for the same name, so look for the picture of the person for whom the lawyer is searching. Selecting the name will bring up a version of their profile and may offer additional information to help the lawyer confirm that the person is the individual with whom the lawyer wants to connect.
2. When the lawyer feels comfortable that they have found the right profile, they can select **Add Friend** on the top right of that user's Profile page. A **Friend Request** will be sent to that person. Once the recipient confirms the friendship, that person will show up on the lawyer's Friends List (the Privacy Settings discussed below allow the lawyer to control the type of content and interaction for each Facebook Friend).

3. A lawyer may also receive **Friend Requests** from other Facebook users. The lawyer will be notified that they have received a **Friend Request** by selecting the **people icon** on the top right of their profile. The lawyer can accept the **Friend Request** by choosing the **Friend Request** and selecting **Accept**.
4. If the lawyer does not want to accept particular Friend Requests, they can select **Delete Request**. If they choose to delete a Friend Request, the notification for the Friend Request will no longer appear.
5. The sender will not be notified if a lawyer deletes a Friend Request.

Groups

To broaden a lawyer's interactions and engage in more conversational activity, Facebook allows the lawyer to form groups inspired by common interest or goal. To access the **Groups** page:

1. From **Home** page, select **Groups** or **More** on the left side.
 - **Navigate:** The Groups page will list all groups a lawyer is currently in. The lawyer can click on a Group to bring up that particular Group's page.
 - **Create:** Click green **Create Group** link, select members to invite, and add a title to the Group.
 - **Suggestions:** Facebook will provide a list of suggested groups based on the lawyer's friends and interests.
2. Search for existing groups by typing in the name or keyword into the search bar on the **Home** screen.
3. In order to see a Group's content, select the Group's page and click **Follow** in the corner photo.

Posting and Sharing Content on Facebook

Whether the lawyer is primarily utilizing Facebook to promote themselves professionally or to stay connected to friends and family, posting and sharing content is essential to the viability of the lawyer's page. Failing to update photos and posts could render a lawyer's page obsolete to others and lose its relevancy. To avoid this impasse, it is imperative that the lawyer updates their profile periodically, if not regularly.

When the lawyer posts content to their **Home** page, that content appears in both the news feed with other users' content and on their own Profile Timeline. To post content:

1. From either the **Profile** or **Home** page, locate the dialogue box entitled **What's On Your Mind?**
2. Type a status update, paste a link, add photos or videos to that box.
3. Select the **person icon** to **Tag a Friend** in the post. This will create a link to the friend's Profile in the lawyer's post and will also appear on the tagged friend's Timeline.



4. Select the **balloon icon** to **Add a Location** to the post.
5. Select **Post**.

Once content has been posted, other users can like, comment on, or share that content.

Facebook's Messaging System

Content posted on Facebook can often stimulate conversation and interaction that the lawyer prefers to exchange privately. As such, Facebook hosts its own private messaging system. To access this system:

1. Select **Messages** on the top left side of the **Home** page or the **envelope icon** on the top right side of both the **Home** and **Profile** pages.
2. A list of messages appears in the box on the left.
3. Create a new message by selecting the **Create New Message** link at the top of the page. Type in the name of the recipient, followed by the message in the space provided, and then select **Send**.

Facebook saves messages in a conversation style, while organizing the conversations in chronological order. A lawyer can search for a specific message by typing the name of the recipient/sender in the search bar at the top of the **Messages** page. Messages are automatically saved indefinitely.

To delete a message:

1. Click on the conversation.
2. Select **Actions** at the top of the page.
3. Select **Delete Messages** to manually select certain messages of the conversation to delete or select **Delete Conversation** to erase all messages exchanged with the other user.

Establish Facebook Privacy Settings for Individual Accounts

Facebook offers several privacy options. Facebook users can make their entire Facebook Profile publicly available to all Internet users or limit access to only Friends or to only certain Friends. The privacy settings are primarily applicable in two scenarios: Connecting on Facebook and Sharing on Facebook. This *Guide* will explain how to navigate through these settings and to manipulate the settings to achieve your desired balance of both security and exposure.

To access the Privacy Settings:

1. Log into Facebook and from the **Home** page, select the **lock icon** located at the top right side of the page.
2. Select **See More Settings**.

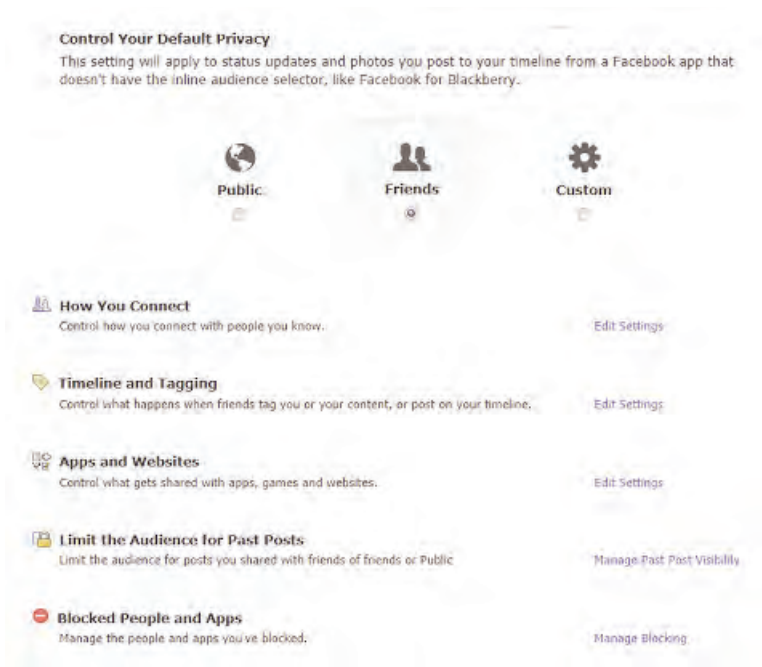
Who Can See My Stuff?

Facebook's default setting allows only a lawyer's "friends" to see that lawyer's posts. To edit this setting:

1. Access the **Privacy Setting and Tools** screen.
2. Select **Edit** to change who can see your future posts.
 - To allow all Internet users to view your posts, select **Public**.
 - To allow no one to see, select **Only Me**.
 - To share with only certain individuals or to hide from only certain individuals, select **Custom** and type in those users in the available space. To share only with a manually created group, select that particular **Group** from the drop-down menu.

Facebook also allows a lawyer to control the Privacy Settings for each individual post (e.g., individual status update or photo) without altering the default setting selected. After creating the post, select the **downward arrow** next to the post and choose from that same set of options to determine who can see that particular post. The privacy of a post can be changed as many times as the lawyer chooses.

To limit the audience that can access posts the lawyer has shared *in the past*, the lawyer can limit those posts to only their friends in one click. From the **Privacy Setting and Tools** screen, select **Limit Old Posts** and the audience for all old posts will change to only friends. Please note that if a past post was assigned a custom audience, that audience will not change. Further, if the lawyer wants to undo this action in the future, they will need to adjust every individual past post.



Who Can Contact Me?

Facebook allows the lawyer to limit who is able to send friend requests to them. From the **Privacy Settings and Tools** screen, select **Edit** next to "who can send me friend requests" and limit the pool of users to "everyone" or "friends of friends." Similarly, the lawyer can limit who can look them up on Facebook and whether a link to their Facebook profile will appear in the results of a search engine search. From the **Privacy Setting and Tools** screen, click **Edit** next to "who can look me up" and alter the setting to the desired audience.



Timeline and Tagging

Facebook's default setting allows only the lawyer and their friends to post to the lawyer's Timeline. To edit this, from the **Security Setting** page, select **Timeline and Tagging** on the left side. Select **Edit** next to "who can post on your timeline?" and choose **Only Me**. Keep in mind that a lawyer's Friends can comment on posts they can see including posts on the lawyer's Timeline, even if the lawyer has restricted who can post to their Timeline. If the lawyer wants to totally block individuals from posting to their Timeline, including commenting on posts from others, they must also limit others from seeing Friends' posts on their Timeline.

Because of the danger of allowing others to post content on a user's Timeline that could potentially have a detrimental effect to the user, Facebook has given all users the option to receive notifications informing them that another has requested to post on their Timeline. This feature requires users to approve the post before it can ever appear on their Timeline. To turn this feature on, from the **Security Setting** page, select **Timeline and Tagging** on the left side. Select **Edit** next to "review posts friends tag you in before they appear on your Timeline" and select **Enabled**.

Control General Information About the Lawyer



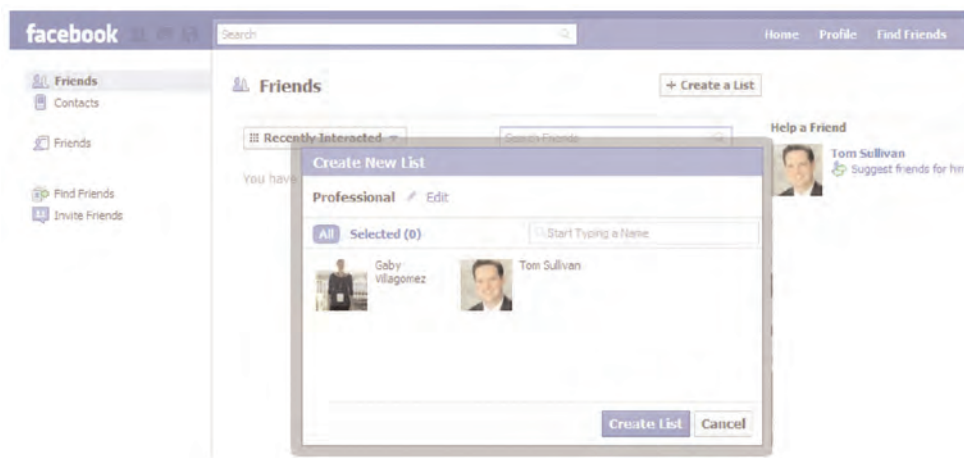
1. A lawyer can choose who can see basic information such as the lawyer's hometown or birthday. Select the **About** heading on the lawyer's Timeline.
2. Each section of the lawyer's profile appears. Use the cursor to roll over any content type therein and a link will appear allowing the lawyer to edit the audience. Scroll over particular content and select **Edit** and then amend to the desired audience. The lawyer can then choose who has access to that specific information.

For additional information on privacy features available in Facebook, from the **Home** page, select the **lock icon** and select **Privacy Basics** or from the **Home** page, select **More** then **Help** and then **Privacy and Security**.

Creating a Custom Group Audience for Security Purposes

To create a custom audience:

1. From the **Home** page, select **Friends** on the left-hand side.
While some custom groups are auto-generated based on school, employer, industry, location, etc., the lawyer can manually create their own lists. Select the **Create New List** link and enter a name for the list. Adding members to the list will not notify them.
2. This list will then appear in the drop-down menu when editing privacy/audience settings of posts.



How to Create a Law Firm Page

1. Go to <http://www.facebook.com> and login with your personal credentials.
2. From the **Home** page, click on the **downward arrow** located in the top right-hand corner of the page and elect **Create Page** from the drop-down menu.
3. A new web page will open with the heading **Create a Page**. Select the appropriate category from the six icons presented on the web page (Local Business or Place; Company, Organization, or Institution; Brand or Product, etc.). Select **Company, Organization, or Institution**.
4. Select **Law/Legal** from the drop-down box and enter the name of the law firm. Users must accept Facebook Page's terms of service to continue. Click **Submit**.
5. Complete the **About** portion of the page, typing in a brief description of the law firm. Add a link to the law firm's website in the space provided.
6. **Add a Photo** of the law firm or its logo to serve as the law firm's **Profile Picture**.
7. Click **Add to Favorites** to link the law firm's page back to the lawyer's personal page, providing easy access and allowing the lawyer to quickly move between these pages.



Navigating the Law Firm's Page

To finalize the creation of the law firm's account, enter information about the law firm into the **About** section. To edit the law firm's page information:

1. Select the **About** tab to the right of the law firm's Profile Picture.
2. Scroll over one of the categories and select the **Edit** option that appears.
3. Enter basic information such as the law firm's address, history, mission statement, and contact information.
4. Add more detailed information such as a longer description of the law firm, including practice areas, law firm history, and industries served.

Once a law firm has set up a Facebook Page, the law firm can then begin utilizing the page as a valuable marketing tool. The law firm can invite other users to Like the page which will enable them to receive status updates from the law firm. To invite Friends to Like the law firm's page:

1. Locate the **People** box underneath the law firm's Profile Picture.
2. Select **See All Friends**. Find a friend to invite and select the **Invite** link next to the person's name or manually search for a specific friend in the search field within the **People** box.

Both law firms and lawyers must be careful not to violate advertising ethics rules when inviting a Facebook friend to Like the law firm page. As discussed later in this *Guide*, a lawyer might violate rules regarding direct contact with prospective clients (improper solicitation rules) by inviting certain Facebook friends with whom the lawyer does not have a professional relationship to Like the law firm's page when the primary motive is for the lawyer's pecuniary gain.

A law firm may choose to add photos to the page beyond the law firm logo or picture of its place of business. For example, a law firm may add photos of its lawyers lecturing at a speaking engagement, working in the office, volunteering in the community, interacting at law firm social events, etc. To add photos to the law firm's page:

1. Select **Photos** to the right of the law firm's Profile Picture.
2. Select **Add Photos** and browse to find the desired photo(s) on the computer hard drive.
3. Click **Open**. A **Create Album** screen appears and allows the user to add a caption or location to the photo. The law firm can either choose to post this single picture or can choose **Add More Photos** at the top right of the screen to add additional photos to the new album. Once all pictures have been selected and given the desired captions, click **Post**. These photos will now appear in the Photos section of the law firm's page.

A law firm has the ability to purchase advertisement to drive traffic to their Facebook page. A law firm must ensure that any advertisement created on Facebook complies with their jurisdiction's applicable advertising rules. The **Settings** page allows the law firm to create, buy, edit, and control Advertisements. To create an ad:

1. Select **Settings** at the top of the law firm's page.
2. Select **Build Audience** at the top right of the **Settings** page.
3. Select **Promote Website** and **Create Ad**.

To manage content of others on the law firm's page:

1. Select the **Settings** page to edit the visibility of the page, determine who can post content on the page, etc.
2. To protect against damaging content, Facebook offers a **Profanity Filter** to block foul language and other unprotected speech.

For more information on creating and managing the law firm's page, visit the Facebook **Help Center**.

1. From the user's **Home** page, select **More** in the bottom right-hand corner.
2. Select **Help**.
3. Click on **Discover Basic Page Tools** link with the **book icon** or **Build Your Facebook Page** link with the **flag icon** in the middle of the page.



Practice Tips for Effective Facebook Marketing

Having a lawyer or law firm Facebook profile is good, but Facebook users are unlikely to interact with the lawyer or law firm on Facebook unless they engage their friends and fans. Here are a few tips on how lawyers and law firms can engage their Facebook audience:

- ✓ A lawyer should regularly post engaging content about themselves, the law firm, and other interesting content for followers to review and interact. The amount and frequency of Facebook posts should be commensurate with their overall marketing strategies, available time, and resources.
- ✓ A lawyer and law firm that posts photos, videos, and links to content on the law firm website or blog will engage Facebook users more effectively. Sharing content about the law firm's activities, community service, and professional engagement will create a personality or "voice" to the lawyer's and law firm's Facebook page and increase traffic.
- ✓ Posting questions or ideas that encourage responses and debate from its friends or fans will more effectively engage Facebook users. This can foster blog-like banter and allows the lawyer and law firm to respond and reveal their vast knowledge base. A lawyer and law firm must be careful to ensure that the questions, ideas, and comments are consistent with the law firm's culture, do not reveal confidential information, or create a conflict with the law firm's clients.
- ✓ To maximize the law firm's exposure, it is important to examine the law firm's page activity on a regular basis to analyze what types of posts or topics are arousing the most interest and interaction. Facebook offers **basic activity monitoring tools** in the top right-hand corner of the page that tracks how many Likes a page receives, generates a notification for every time a user interacts with the pages, provides a private messaging system for users to contact the law firm's lawyers, and stores notifications and messages in a chronologically organized manner. The law firm may also select the **Activity** tab in the top left-hand corner to browse messages, notifications, and requests.
- ✓ Another valuable feature available to a law firm is the ability to draft multiple posts at one time and schedule their release at a later date. A law firm that posts regularly, yet strategically, will reach the most number of people and expose their content to a varying user base. For instance, some users log into Facebook only in the morning or only in the evening. Others do not monitor Facebook every day. Therefore, posting at the same time of day or the same days of the week will limit the number of users that the law firm's content ultimately reaches. The **Schedule Posts** option located on the **Activity** page allows the law firm to draft numerous posts in one sitting and randomly select dates and times to post the content.

Conclusion and Next Steps



The *Social Media Guide for Lawyers v. 3.0* should serve as a helpful handbook for lawyers and law firms who want to use social media to more effectively promote their practice. The next steps will depend on each lawyer's personal and professional goals and interests for using social media in his or her career. Meritas recommends the following three steps as a good place to start:

1. Determine the Lawyer's Specific Marketing Goals

Everyone's marketing goals are different. An experienced lawyer will have different goals from first year associates. A lawyer interested in research and writing will have different marketing goals than those who are passionate about public speaking and in-person networking groups. A law firm will have aligned, but slightly different goals from their lawyers. Figuring out the specific marketing goals for the lawyers and law firm will help determine how social media can be used effectively for marketing.

2. Determine the Most Effective Social Media Strategies to Accomplish Those Goals

Just as there is no one-size-fits-all approach to legal marketing, there is also no one social media platform or strategy that will accomplish everyone's marketing goals. Each lawyer's social media marketing strategy should take into account which social media sites they currently use, consider how each site can benefit them or their law firm, and then design a strategy that most effectively accomplishes their marketing goals. For example, if a lawyer's goal is to target members of a specific industry, the lawyer could accomplish that goal more effectively by joining a LinkedIn Group tailored to that industry instead of sharing industry related information to the lawyer's personal Facebook friends. On the other hand, a lawyer who wishes to educate their personal network about how they can help in family law matters may be better served sharing information to their friends on Facebook.

3. Still Need Help? Don't Be Afraid to Ask

Not everyone is a social media-marketing expert. The lawyer should seek assistance from their marketing director or a social media-marketing consultants to help them develop the right strategy for their goals. Marketing professionals experienced in both social media and the law will help a lawyer and law firm understand how social media marketing strategies can be implemented effectively within the practice of law in a manner that complies with advertising ethics rules. If the lawyer has any questions about the *Guide*, or how they can incorporate social media into their practice, they are welcome to contact the author listed on the following page. The author can serve as a helpful social media resource and is available for speaking engagements and social media training sessions.

See you on social media!

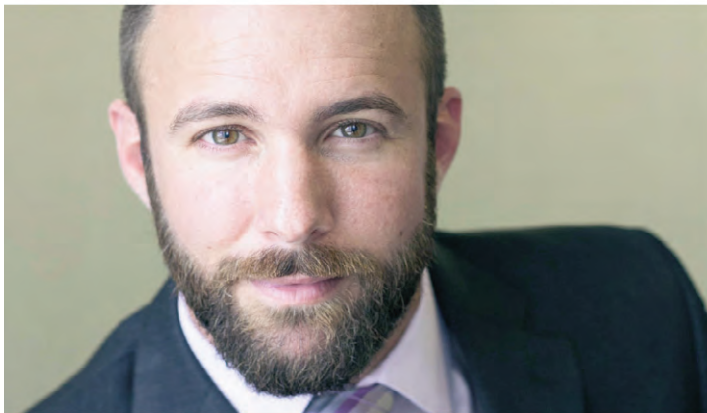
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Ethan Wall is the founder of Social Media Law and Order where he pursues his passion for educating, consulting, and training lawyers and law firms on all areas of social media. Ethan previously practiced social media, Internet, and intellectual property law at a former Meritas affiliate in Miami, Florida. After serving on the Meritas Leadership Institute, and co-authoring the prior versions of the Social Media Guide, Ethan quickly became widely recognized as an authority on the effect of social media on the law. He has since authored three books including *Fire over Facebook: A Primer on Protected Social Media Activity in the Workplace* and *Best Practice Guide for Managing Employee Social Media Use*. Ethan also developed the Social Media Law and Order blog to chronicle the effect of Facebook, Twitter, and other social media on the law. High profile news organizations, including CNN, NPR, and Thomson Reuters have turned to Ethan for commentaries on social media legal issues.

Ethan has an exceptional reputation for delivering engaging presentations and training programs in the area of social media and the law. Over the last few years, Ethan delivered more than 100 seminars and workshops at national and international legal, business, and industry symposiums including the Meritas Annual Meeting and Regional Meetings, and has published dozens of scholarly articles on social media legal issues. He also teaches a law school course he developed titled Social Media and the Law. He has lectured at the University of Miami School of Law, Nova Southeastern University, and Florida International University School of Law.



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Ethan also pursues his dream to leave the world better than how he found it through a charitable initiative called Let's Plant a Seed. He delivers motivational speeches, workshops and programs designed to help people identify their dreams, inspire them to pursue their passions, and encourage them to give back to the world in a lasting way through community service. Ethan regularly volunteers and schedules community service events in South Florida and in locations where he speaks, consults and trains.



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