

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

Best Practices Guide



USING SOCIAL MEDIA TO ADD VALUE AND GENERATE BUSINESS

Social media is an essential marketing and business development tool. Lawyers and law firms now recognize that social media is a valuable tool for branding and relationship building. Social media is an effective channel for communicating a lawyer's practice, skills, and personality in today's online marketplace and helps lawyers and law firms establish and maintain relationships with clients and contacts.

Social media adds brand value. A law firm's brand is critical to its success. Lawyers serve as a reflection of the law firm's brand in the courtroom, boardroom, and through their social media activities. Responsible and effective social media activities can add value to the law firm's business and help generate new clients in the following ways:

- **Promote the law firm and its lawyers.** News about the law firm's success stories and accomplishments can be disseminated to a vast online community.
- **Establish lawyers' knowledge and skills.** Blog posts, articles of interest, publications, and presentations can help build a lawyer and law firm's reputation.
- **Build a sense of community.** Share personal interests in a professional manner as clients want to hire law firms with lawyers they know, like, and trust.
- **Highlight the law firm's values.** Social media becomes an extension of the law firm's brand in an area where clients spend the majority of their time on the Internet.

USING SOCIAL MEDIA RESPONSIBLY

Lawyers' personal and professional identities intersect on social media. They are not mutually exclusive domains. Lawyers' personal lives and activities will undoubtedly contribute to their reputation and be attributed to their law firm. What lawyers say and do on social media is also governed by advertising ethics rules. As a result, they should follow this general rule: If there is anyone, anywhere, who should not see certain information, lawyers should not put it on the Internet.

Use judgment. Outside the workplace, privacy rights and free speech may protect certain activity conducted on a personal social media profile with a personal email address. However, information published on social media by an individual lawyer may ultimately be attributed to the law firm and therefore must comply with lawyer rules of professional conduct.

Some tips for posting responsibly:

- **Be a team player.** If lawyers choose to list their work affiliation on social media, they should regard all communication on that social media profile as they would in any professional network. Even if they do not mention their law firm in personal online networking activity, they should remember that online lives are ultimately linked.
- **Be respectful.** Refrain from posting about controversial or potentially inflammatory subjects, including politics, sex, religion, or any questionable non-business-related subjects. Keep the tone of any comments respectful and informative. When in doubt, leave it out.
- **Be mindful.** Whenever contributing to any online social and professional network, lawyers should remember that everything posted on social media can be seen by clients, colleagues, and other members of the bar.

BEST PRACTICES FOR LAW FIRMS

Develop a profile for the law firm on the primary social media platforms before someone else does. Since clients search for lawyers and law firms on social media, having a professionally branded profile will allow potential clients to easily find a law firm and its lawyers' social media profiles. It will also prevent others from usurping the law firm's name. To reserve and create social media profiles on Facebook, LinkedIn, and Twitter, follow the step-by-step instructions provided later in this *Guide*.

Consult with an experienced legal social media professional to create and manage a social media strategy for the law firm. This person could be an internal or external marketing professional. The following guidelines are recommendations to be included when developing a law firm's social media strategy:

- **Develop a plan.** Social media are tools to accomplish a particular objective. Once a law firm and its lawyers develop their marketing goals, a marketing professional can help implement effective social media strategies to accomplish those goals in a manner that fits within the law firm's culture.
- **Use privacy features.** Become familiar with privacy features offered by each social media platform to control the content and the ability for third parties to interact with lawyers' and the law firm's social media profiles. This *Guide* provides instructions on how to implement appropriate privacy features.
- **Redirect traffic.** The law firm's blog and website should still be the focus of its online presence. Use social media to direct potential clients, current clients, and law firm contacts to the blog or law firm website.

BEST PRACTICES FOR INDIVIDUAL LAWYERS

Protect yourself and the law firm. Lawyers are responsible for the content they share on social media. They must familiarize themselves with the applicable advertising rules and how they apply to their personal and professional social media use. Never identify a client, partner, or coworker by name without their permission and never discuss details of a client engagement or confidential communication.

Avoid making social media a full-time job. Online activities should not interfere with a lawyer's job or commitments to clients. We recommend the following protocol:

- **Set aside time.** Schedule time on the calendar to interact on social media sites. This step will help you avoid constantly monitoring new messages, contact requests, and updates that can interrupt your work. Schedule as little as 20 minutes each week to as much as 20 minutes each day, whether early in the morning, during the lunch hour, or at the end of the day.
- **Limit distractions.** Create folders for social media email alerts in Microsoft Outlook or another email system and establish rules that automatically direct email notifications from Facebook, LinkedIn, and Twitter to specific folders. These emails can be addressed during scheduled social media time.
- **Keep it simple.** Lawyers using social media for the first time should not attempt to join multiple social media sites at once. They should determine which social media platform(s) best suits their professional and business development needs. Start with one social media site, create a complete profile, and interact regularly before becoming active on another.

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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ABOUT THE AUTHOR

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.



ethan@socialmedialawandorder.com

Tel: (407) 484-5100

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.



LAW FIRMS WORLDWIDE

800 Hennepin Avenue, Suite 600
Minneapolis, Minnesota 55403 USA

+1.612.339.8680 www.meritas.org

