

focus on Technology

Inside focus:

Maintaining a blog may take time but many say it's worth it. Page 12

Tips for maintaining a law blog Page 12

Online mock jury trials offer convenience, but pitfalls too. Page 13

Many everyday devices allow others to track your actions and movements. Page 14

There is a generation gap when it comes to tech in the office. Page 15

Software patents and protections still in flux. Page 16

Sending a tweet in the right direction

Social networking opens attorneys to fresh world of new contacts — and clients

Technology

By Douglas J. Levy

Attorneys not yet engaging in online social networking seem to be forfeiting a huge opportunity to attract new clients.

Lawyers and legal specialists who have strong online presences through such social networking sites as Twitter, Facebook and LinkedIn say those holdouts need to break free from the one-sided Web 1.0 form of 10 years ago.

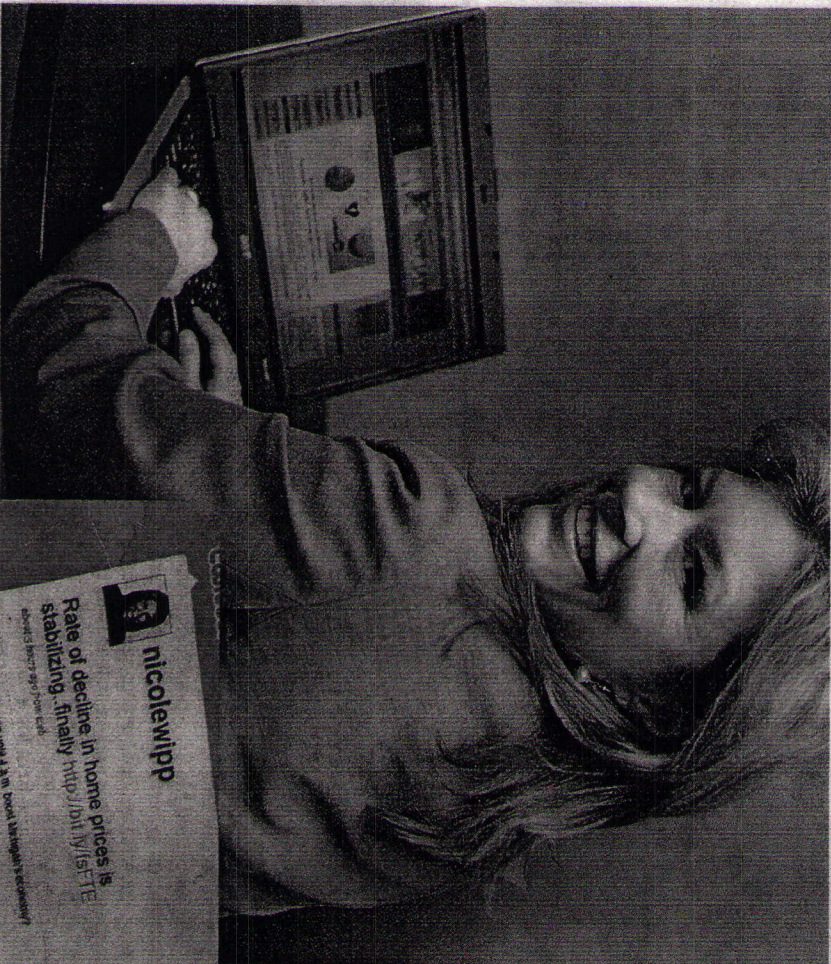
"One of the biggest complaints I have about lawyer Web sites is that they're all brochure sites," said Nicole C. Wipp, a Milford, Mich.-based business, family law and criminal defense attorney. "They don't tell consumers anything. They're not interesting. And they don't provide enough about you and your firm or the topic [potential clients] are looking for to make you look like you have expertise in anything."

But the progression of Web 2.0 — which, unlike Web 1.0, is more directly interactive with blogs, video-sharing and audio streams — has opened doors that give the business of law practice a more humanized approach.

Twitter:

Content plus conversation

Take, for example, direct contact to users



Milford attorney Nicole C. Wipp helps small businesses market themselves through social media.

LinkedIn, which allows profiles to be posted in a resumé-like way.

"I've had more success by being an open

"[Right now, there's an amazing opportunity for lawyers to jump [into the social media market]. Because even though the market is saturated with other professions, it's not saturated and done right by lawyers yet. So this is the time to learn how to do it, how to do it right, get on there and get the client. In this economy, there's no choice anyway."

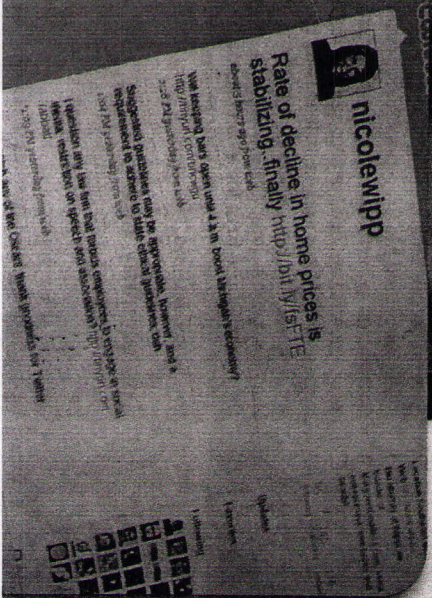
Nicole C. Wipp, Milford, Mich.-based attorney and expert in small-business social media marketing

Best of all, pages and profiles stemming from LinkedIn almost always are in the top 10 list returned from Google searches for law-practice fields.

Facebook:

Remember me?

Then there's Facebook (www.facebook.com), which trails only MySpace in traffic for a social networking site. Last August, online sta-



messages of no more than 140 characters, are sent to followers of a specific topic, be it Supreme Court rulings or folk art.

And to that the capability of adding links to recent news items or law-journal stories and all of a sudden, the tweeter is given credibility just for bringing up the subject.

Heather M. Milligan, director of marketing at Los Angeles-based Barger & Wollen LLP, and founder of The Legal Watercooler blog (legalwatercooler.blogspot.com), said using Twitter breaks down the perception of lawyer-as-untouchable-figure and turns him or her into lawyer-as-person.

That's because posts can include lawyers' reflections on current events or breaking news or their contemporaneous accounts of day-to-day activities.

"I like to get that 360-degree view of people," Milligan said. "To know all about them, from the business to their families, what's going on with them, what their social interests are. Because we are identifying common interests. And with lawyers, clients hire people who they know, like and trust. And Twitter for me is an area where you can be known, liked and trusted very easily."

That's important, said Wiipp, who, in addition to her law practice, helps small businesses market themselves through social media. She said that big-business scandals over the years, and the bad press that accompanied them, have put distrust in the minds of the public.

Social networking, by its content-plus-conversation model, dispels distrust by revealing the real person behind the business card, she said.

"One of the biggest rules is listening first, and then sharing and disseminating information," said Wiipp, who has made tweeting a daily matter since joining Twitter a few months ago. "Social media is a conversation, not a sales pitch — or it should be, if it's done right."

LinkedIn:

The 'relationship initiator'
Nobody knows that better than David Barrett of Boston-based Hullen & Barrett, LLC. A civil litigator, Barrett is known as "the LinkedIn Lawyer," as he has the most lawyer connections on the professional networking site (www.linkedin.com).

More than 35 million registered users spanning 170 industries are registered at

Ship Initiator," Barrett said.

As an example, Barrett recalled a Pittsburgh attorney who contacted him recently through LinkedIn, asking if Barrett could recommend a litigator in Los Angeles. Because Barrett had set up specialty law groups within LinkedIn, he quickly made a match.

Forming such groups within the site, which can bring attorneys or followers together by area of practice, discipline or expertise, can add credibility, and thus, more referrals. "By getting noncompeting lawyers from

With a wider swath of people following others online on social-networking sites, there's a potential for pitfalls.

That can be a concern for attorneys who want to safely expand their presences online. "Lawyers as a whole are, with the nature of our business, cautious people," said Nicole C. Wiipp, a Milford, Mich.-based business, family law and criminal defense attorney. "This cautiousness translates into a fear of stepping out and putting ourselves forward in this way because it's, 'Am I going to get in trouble ethically somehow?'"

For example, is an attorney-client relationship established if someone visits an attorney's LinkedIn page, or sends him or her a Twitter tweet?

If a disclaimer is present somewhere on the site, then no. That means having to phrase postings very carefully, especially for potential clients who need help or want to feel involved.

"Content is king, and that is never going to change," Wiipp said. "People want to have some kind of answers, especially people with legal problems. Even if you're providing information on how a court process happens, people want to feel empowered by information. We have the ability to do that without actually providing legal service. There's a difference."

Also, attorney-client confidentiality is crucial. "Don't talk about clients, not even in the abstract," Wiipp said. "Or bash clients. And I know there are people out there who have

other parts of the U.S., or around the world in a lot of cases, to join those groups, ... you're the individual who people are looking to as being the head of that group," said Steve Matthews, who runs Stem Legal Web Enterprises, a Mission, British Columbia-based consulting group for law firms. "That's an authority-establishing strategy you're going to put in place."

Watch what you say

David Barrett of Boston-based Hullen & Barrett, LLC, said it's important to think of any online posting as the same as publishing something in print for all to see.

As an example of casual tweeting gone wrong, he recalled an incident in which a FedEx staff member met with a potential new client in a rural setting. The employee tweeted, "I'm out in the country," a remark that the potential client found offensive.

Heather M. Milligan, director of marketing at Los Angeles-based Barger & Wollen LLP and founder of The Legal Watercooler blog, said that when in doubt, attorneys should simply follow the legal ethics and rules of conduct for their states and jurisdictions.

With a little careful planning on the profile holder's behalf, Twitter, Facebook and LinkedIn can be connected so that Twitter tweets and Facebook status updates can be shared and viewed among all three sites. But that can have a spam effect depending on how much gets posted, and followers on one site can become annoyed by the ramblings from another.

"You always want to keep on topic and keep things relevant," Wiipp said. And although Wiipp urges lawyers to use social networking to reveal their human side, she said to remember that everyone should think before they post.

"Your law practice is a business," she said. "Lawyers are businesspeople, whether they want to be or not, so you have to act like one."
— DOUGLAS J. LEVY

networking traffic is at Facebook, with uses lasting an average of 20 minutes.

An iStrategyLabs report said that Facebook users between the ages of 35 and 54 grew from 1.85 million in June 2008 to 6.98 million in January 2009.

Setting up a profile includes adding high school and college names, graduation years and employment history. Then names of people an attorney may know will come up, and that's where Milligan, of The Legal Watercooler blog, said the journey gets interesting. "Just close your door and have some fun," she said. "Just realize that, in the beginning, you're going to start connecting with your friends from college and law school, past people ... you've worked with."

The next step, she added, is to identify where those people are now and determine how they can help your practice. Matthews said sometimes that could mean thinking strategically by reaching further back.

"One of the things people don't think about is your childhood contacts," he said. "If you grew up in an affluent community — and a lot of lawyers have — it's one of those situations where you may have a childhood friend who's now in their forties or their fifties who's in a very prominent, decision-making position."

Wiipp has been on Facebook for 1½ years, and said through it, she gets at least one contact per week from someone she knew in the past, whether from high school or college. When her profession is brought up, she said it often has led to her being hired, or at least referred to someone else, simply because she has an instant connection with the acquaintance.

And, as attorneys know, referrals are just as good. Wiipp said one of her neighbor's employees just recently discovered Wiipp when the neighbor had Wiipp's Facebook page up. It led to Wiipp's becoming the employee's attorney.

A matter of time, economics?

Yet, with all the advantages in social-media marketing and opportunities to become one with the public, what's making attorneys hold back?

Barrett suggested a general refusal to look past the home page that the firm has used for years, and thus to face the din of

Tweet

Continued from page 11

Web users.

"I think a lot of lawyers are a bit skeptical about social media in general," he said, "and really haven't had a lot of opportunities to use a platform where open networking was something that could bring them business."

Pat Whipp, the Michigan lawyer and marketing consultant, said because whole industries revolve around social media marketing. "The legal profession, by and large, is nowhere near any of this. So right now, there's an amazing opportunity for lawyers to jump in. Because even though the market is saturated with other professions, it's not as saturated and done right by lawyers yet. So this is the time to learn how to do it, how to do it right, get on there and get the client. In this economy, there's no choice anyway."

Speaking of economics, there's no cost to join Twitter, LinkedIn or Facebook, meaning the only investment is time.

Whipp said attorneys should not hesitate to put in the extra hours.

"If you don't devote a portion every single day to marketing, then you are losing opportunities every single day. It's really about survive-and-thrive. You have to be disciplined and say, 'I'm going to spend one half-hour every day to doing this,' ... whatever you have to do to continually engage your audience."

If you would like to comment on this story, please contact Douglas J. Levy at (248) 865-3107 or douglas.levy@ml.lawyersweekly.com.

You've mastered LinkedIn. You understand Facebook. You know what it means to

Twitter. The ever-expanding arena of social networking has attorneys wondering what's next and what's worth their time.

An explosive new networking site is Ning (www.ning.com), which has tripled its number of users in a year.

Founded in October 2005, Ning is a largely professional social networking site that features more than 700,000 custom networks and 3 million-plus users.

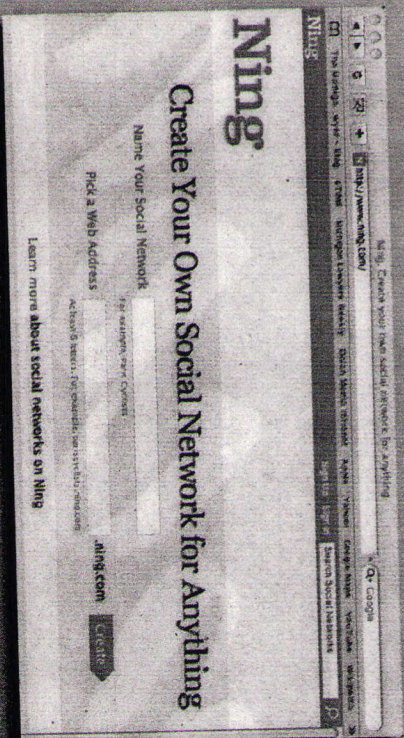
Ning is actually a network of social networks, allowing users to create their own LinkedIn and/or Facebook page and call in other members based on a common interest, niche or demographic.

A cursory search for "lawyers" found more than 100 networks consisting of anywhere from five to 1,000-plus members. Social networks are popping up everywhere these days, and it's not easy for lawyers to keep up. So why choose Ning? After spending some time on the site and speaking with some of its users, here are the top reasons to consider.

The broad nature of other social networks is overwhelming: LinkedIn has more than 35 million users and Facebook has 175 million-plus users.

What Ning allows you to do is choose a forum specific to what you're interested in, anything from young lawyers in the New York metropolitan area to transgendered attorneys to the Los Angeles Catholic Lawyers Association.

Is Ning the thing?



If you don't find one that matches your interests, create one. Race- and gender-specific groups also have found popularity on Ning.

You're looking for video capability:

While Facebook supports some video, LinkedIn does not. But Ning allows you to share from any source, such as YouTube or a private domain. Mina Sirkin, a Los Angeles trusts and estates lawyer who belongs to "Law Marketing: a National Network" on Ning, is planning to use the group to run and moderate CLE courses.

"What it does is give you a much smaller market to find the right providers and people for [a CLE] course," she said. "It's extremely interactive, even compared with other sites."

Other networks seem too impersonal:

The interactivity of Ning is by far its most compelling feature. Sirkin, in addition to using Ning as a forum for CLE courses, also regularly meets with the other users with whom she networks. And while LinkedIn and Facebook don't accommodate much creativity, almost everything about a Ning network is customizable, including the design and arrangement of text and widgets in your network. The functionality is similar to a WordPress blog.

"This site is very focused on trying to get lawyers to create marketing products for each other," Sirkin said. "Because it's a much smaller market, you more easily enter into a conversation on this site, so you basically get what you put into it."

— BY JUSTIN REBELLO