

Book excerpt: *Social Media for Lawyers: The Next Frontier* by Carolyn Elefant and Nicole Black

CHAPTER THREE

Busting the Legal Profession's Myths of Social Media

IN THE PREVIOUS CHAPTER, we described the increasing importance of social media in the legal profession. Even so, we recognize that many lawyers' misconceptions about social media are deeply entrenched and must be addressed head on. So here, we'll bust the ten most common myths about social media.

1. There's no point in using social media in my practice because none of my target clients use it.

Even if your target client population isn't online, that's no reason to dismiss social media. For starters, you can use social media to cultivate client referrals rather than directly generate client leads. For example, by blogging about a particular issue intelligently, you may impress other lawyers with your analysis and in turn lead to referrals for cases that they can't handle.

Moreover, direct client generation isn't the only reason to engage in social media. You can also use social media tools like Twitter to track emerging issues in an area or launch a blog to establish expertise in a particular subject matter which can lead to speaking engagements or media appearances, which in turn may generate clients and referrals.

Further, even if your clients aren't using social media right now, expect that to change in the next 3-5 years as the first wave of college students raised on social media enter the workplace and becomes potential consumers of legal services. As we've already mentioned, users who are ages 35 and up represent the fastest growing social media demographic. So by engaging social media now, you gain a first mover advantage.

2. Social media is undignified for lawyers.

This same criticism could be leveled against any type of lawyer communication, from a newspaper advertisement to in-person "meet and greets" at a party. No doubt, you've seen your share of cheesy newspaper ads or bill-boards by lawyers, or attended a conference where a loudmouth lawyer passed out business cards while glad-handing with participants like a used-car salesman.

Just as lawyers aren't forced to employ these types of techniques in traditional advertising, social media doesn't compel a race to the bottom. Social media doesn't require you to drown Twitter followers in a stream of tweets or write blog posts with screaming headlines like "14 year old boy killed by drunk trucker!!" and to follow each post with a blazing yellow box urging readers to call you about a legal problem.

Sure, like any other marketing tool, social media can be abused, but at the same time, lawyers can use it for loftier purposes. Because of social media's low cost barriers and ease of use, lawyers can upload forms and e-books to sites like JD Supra to create short educational pod or video casts, or write a series of how-to articles at their blog to help potential clients better understand their rights and to educate the public on the legal process. In short, by engaging in these types of educational-based marketing that social media readily supports, lawyers can improve their public image. What's so undignified about that?

3. Social media is a waste of time—I don't want to learn about Joe's breakfast on Twitter or read about Jane's kids on Facebook.

Do you brush by the receptionist when she shares news of her learning disabled son's most recent accomplishments? Do you avoid law firm get togethers or bar association happy hours because people engage in idle chatter rather than talk shop? Even in a traditional offline work setting, it's not unusual for lawyers and their colleagues to engage in personal banter or discuss their family or hobbies.

There's a good reason for why so many business deals are closed on the golf course or at the ballpark. Clients prefer to do business with lawyers with whom they share common interests and whose company they enjoy both in and outside the office. Like the water cooler or the ballpark, social media facilitates more casual interaction between lawyers and their colleagues and clients. In doing so, it enables the kind of trusted relationships and lasting friendships that enrich and add dimension to our otherwise stressful and confined professional lives.

4. My colleagues and clients will think that I have too much time on my hands if they see me blogging or tweeting all the time.

Image matters in the legal profession, so it's not unreasonable to consider how clients and colleagues will view the level of your participation in social media. Incessant tweeting or Facebooking can convey that you're less than busy or all too willing to disrupt work on client matters, neither of which will make a favorable impression. Plus, even if you're using a virtual assistant or auto-feed functions to generate tweets or posts (and therefore, not taking time out of your day), a constant barrage of status updates, announcements, and links annoys other users and ultimately, lead them to unfollow.

So, set a schedule for social media—perhaps logging on for a block of time at the start and close of your day, with perhaps another segment in between. Write blog posts in batches and set them to auto-post throughout the week, leverage the skills of a virtual assistant or college or law student to update online profiles and upload documents to sites like JD Supra. You might even write a blog post or a blurb for your website explaining how you manage social media so that clients will get a sense of your efficiency and ability to leverage technology to multitask.

5. I've heard stories of clients trying to friend their lawyers on Facebook or worse, writing negative reviews of them at client rating sites. I'd rather avoid that kind of thing altogether.

As the saying goes, you can run from social media—but you can't hide. Much as you'd prefer to avoid using social media, you may find yourself dragged into the fray. After all, nothing prevents a disgruntled client from posting negative reviews at sites like Yelp [see for example,

<http://www.yelp.com/topic/new-york-review-lawyers>] or an envious competitor from swiping large chunks of your blog content and disseminating it, without attribution, on his website.

First of all, most lawyers' concerns about negative ratings are overblown. Think about it— isn't it more fun to share information about a terrific hole-in-the-wall restaurant that your friends wouldn't have discovered on their trip rather than harping on places they should steer clear of? As it turns out, that's how most consumers approach online ratings: the vast majority of product reviews left by consumers on websites are positive. [Bazaarvoice Study via Econsultancy.com Blog (December 2007).] The Bazaarvoice study found that 90 percent of consumers who comment on product sites do so to inform others' purchasing decisions, while 79 percent wrote reviews to reward the company by raving about its product. Thus, if you avoid ratings sites like Avvo for fear of criticism, most likely, you'll miss out on compliments instead.

In addition, even though there will always be a small handful of ne'er do wells who criticize lawyers or steal content, social media can help contain the damage. By employing social media tools like real-time web search or RSS feeds, lawyers can monitor what's said about them online, discover damaging information immediately and try to nip it in the bud (perhaps through a polite take down request) instead of having it crop up several months later during a Google search by a prospective client. In addition, by familiarizing themselves with how social media works, lawyers can avoid inadvertently embarrassing themselves—such as posting suggestive comments to a friend on a Facebook page that turns out to be accessible to clients (use the message function, not the public wall post!) or turning a minor mishap into a public relations nightmare by taking a heavy-handed approach .

Moreover, lawyers can also use social media proactively. As we'll discuss, lawyers can e-shame a lawyer who stole another's content or generate positive reviews from satisfied clients at sites like Avvo or LinkedIn. Thus, by taking proactive steps, you can overshadow the grousing of a single malcontent.

Bottom line: in today's interconnected world, there's no such thing as opting out of social media. Instead of fearing or ignoring the inevitable, lawyers should learn to use social media to control and manage their online reputation.

6. Social media is simply too time consuming for a busy lawyer like me.

If that's your attitude towards social media, you may not be busy for long. Increasingly, consumers are using the Internet for much more than buying books and gadgets online. For example, a full 45 percent of consumers turn to social media in times of trouble for assistance with real estate, health, or tech problems [Source: Pew Report, 2009]. Likewise, demand for consumer reviews of service providers continues to grow, as evidenced by the popularity of sites like Angie's List, which rates home contractors (and receives more than 1 million visits a year) and the proliferation of sites that rate doctors. [<http://blogs.wsj.com/health/2009/07/22/new-online-doctor-rating-site-treads-carefully/>] The legal profession won't remain immune from these trends for much longer and if you haven't invested the time to cultivate an online presence or brand, you're likely to be overlooked.

Never fear—there are plenty of ways that you can incorporate social media into a busy schedule. In fact, social media is far more cost and time efficient than traditional marketing methods, such as speaking engagements (which require lengthy prep and possibly out-of-town travel), advertisements (cost prohibitive for many lawyers), or networking lunches (nothing takes a bite out of a day like a two-hour bar lunch). And, best of all, your online networking can be incorporated into a daily routine without sacrificing time with family (like evening networking functions or out-of-town trips).

Let's face it, most social networking activities—such as updating a profile, posting a status report on Facebook, drafting a quick blog post, or reading through RSS feed—don't require the same level of focus as an appellate brief or complex transaction. Generally, you can accomplish them while watching TV with your partner or spouse, or alongside your kids as they do their homework. And with mobile applications available for many social media activities, you can engage while waiting in line to go through security at the courthouse or while waiting in the carpool pickup line. As we will discuss, there are a host of tips for efficiently managing social media, including delegating ministerial tasks, carving out blocks of time to avoid “social-media seep” and repurposing content.

7. I'm a gregarious person and prefer to meet others face-to-face. With social media, I'll be stuck behind a computer screen 24-7.

Social media won't force you to sacrifice face-to-face meetings. Recent studies show [Pew Report 2009] that participation in online social media actually facilitates and increases interaction offline. For starters, social media tools like Twitter, blogs, or Facebook help disseminate information about offline events, thus increasing attendance and providing face-time aficionados with an endless list of activities to attend. Moreover, many social networking tools like Meet-Up, Biznik, or even Twitter (with its Tweet-ups) actively encourage users to organize in-person meetings or get together offline. In addition, social media can serve as an ice-breaker, thus making in-person meetings more inviting for shy or less socially-confident lawyers. Social media gives you an opportunity to get to know colleagues online, so by the time you meet in person, approaching a colleague is far less awkward and the resulting conversations flow easily. So don't worry—in person interaction isn't going the way of the dinosaur and we don't believe it ever will. Instead, social media will enhance the quality and enjoyment factor of face-to-face networking events and lead to richer, more satisfying offline connections rather than the other way around.

8. If I give away free advice through blogging or responding to questions at directory sites, why would anyone hire me? Plus, what's to prevent competitors from stealing my content?

Remember the old maxim “Why buy the cow if you can get the milk for free?” In today's world, that adage no longer holds true. For starters, with an abundance of free resources and services online—like Wikipedia, Gmail, Google Voice, logo design, video games, and forms for simple wills or LLCs, consumers are no longer willing to pay for basic services or information. If your website doesn't offer a free e-book or guide on filing for bankruptcy or an extensive list of FAQs, clients will move along to the next site. In short, for lawyers seeking to do business online, free is no longer optional.

At the same time, far from deterring sales, free access to information whets consumers' appetite for fee-based services. As Chris Anderson explains in his book, *Free: The Future of a Radical Price*, even in a time of free, people will pay:

People will pay to save time. People will pay to lower risk. People will pay for things they love. People will pay if you make them (once they're hooked).

In other words, by letting consumers or colleagues sample your work product—in the form of sample pleadings at JD Supra or a series of posts on how to file a patent—you'll make them realize, by showing rather than telling, why they need to hire you. As for the problem of competitors swiping material, you need to remain vigilant in monitoring use of your blog posts and vigorously enforcing your copyright. Fortunately, plagiarism can get a lawyer sanctioned by the bar, which, hopefully, serves as a sufficient deterrent to unauthorized use.

9. I've thought about getting onboard with social media, but it seems that it's already dominated by people with thousands of followers. It's going to take too much time to play catch up.

Don't panic. Despite all the hype, we're still in the nascent stages of social media. Though some early lawyer adapters with hundreds of connections on LinkedIn or thousands of followers on Twitter attract much attention, they're far from the norm.

More importantly, focusing on numbers misses the point of social media. Social media's advantage over traditional Internet marketing is that it allows for narrowly focused activities directed at your target market.

Back in the day of traditional websites, a lawyer with a general business practice would have been foolish to set up a site directed exclusively at home-based entrepreneurs living in Western Iowa because the costs of creating the site and optimizing its SEO could have been as high as \$10,000 to \$15,000, thus outweighing the benefits of any potential business. Instead, the lawyer would have set up a single site, with a page devoted to home-based entrepreneurs, and hoped for the best. But with social media, a lawyer can, with little effort, build a hub to attract this particular group of prospects by creating a blog (addressing legal issues for home-based entrepreneurs and perhaps profiling a few), sponsoring meet-ups, posting slides from the events on Slideshare, and following business owners in the community. Sure, the social media campaign might yield far less traffic than a grand website, but the quality of the leads are far better and more likely to convert to clients.

10. My teenager can teach me everything I need to know about social media.

Sure your teenager can teach you a few things about the basics of social media, like how to create a Facebook account or set up a blog. If you're a complete novice, spend a couple of days observing how your children, grandchildren, or younger friends integrate social media applications into their day-to-day lives. In fact, observing his university-aged son's sophisticated use of Facebook (for managing contacts, organizing events, and keeping-up with friends' activities) convinced Richard Susskind that "Facebook-like technology will become indispensable to lawyers in communicating with clients." [The End of Lawyers: Rethinking the Future of the Legal Profession]

Still, to really leverage the power of social media to build your online reputation and brand or to generate business, you'll have to go beyond what a teenager can teach you. This book provides one resource, as do blogs like Mashable.com, and Socialmedialawstudent.com, which offer up-to-date information on trends in social media. You can also find free or inexpensive seminars on social media sponsored by companies like Avvo, G2Media, Lexblog, Martindale Hubbell, the ABA, and state and local bar associations.

As for hiring a social media consultant, that's your call. But in our view, we'd advise against doing so until you first gain some practical social media experience on your own. Familiarity with what is feasible using social media will enable you to evaluate the consultant's proposed plan in an informed manner and, more importantly, ensure that it's ethically compliant. In the absence of vigorous oversight, "outsourcing marketing = outsourcing ethics," as New York Personal Injury Attorney blogger Eric Turkewitz has said. Additionally, it's important to realize that because the phenomenon of social media is so new, bonafide "experts" haven't yet emerged.