

## **Social media: Everybody else is doing it**

By now everyone has heard the term *social media*. It is everywhere: on the news, in the paper, on fliers advertising seminars, and in publications for almost any industry—including the law. Yet, for those only slightly familiar with the term, these references to social media fail to address three significant questions: 1) What is it? 2) What is it used for? and 3) How is it best used?

The answers to the first two questions will largely be the same regardless of the industry in which a person or business operates. The third question will be answered differently based on the type of person or entity using the social media. In the context of lawyers, however, we add a fourth question, which inquires about the ethical risks and obligations invoked by social media.

### **What is *social media*, and what can you use it for?**

A reference on the social media website Wikipedia defines *social media* as a term “used to describe media which are formed mainly by the public as a group, in a social way, rather than media produced by journalists, editors and media conglomerates.”

While this definition may be technically accurate, it provides no insight into what social media is in the minds of those using it. Here’s a better definition that actually conveys meaning for an Internet user: *Social media* means any sort of online interactive communication.

“Online interactive communication,” however, is really just a concept that requires a platform to facilitate the communication. It is the platform that people use to communicate online that actually gives meaning to the concept of social media. These platforms include Facebook, LinkedIn, Twitter, MySpace, blogs, and essentially any website that allows a user to comment on an item or converse with another user online.

Of all of the social media platforms that now exist, three have risen to the top and have shown a remarkable ability to maintain their position. These front-running platforms, Facebook, LinkedIn, and Twitter and serve as the focus of this article.

Fundamentally, individuals, businesses, and organizations all use the available social media tools for one thing: to communicate a message. The nature of the message will vary based on who is using the service and which service is being used. A lawyer will communicate the message, “Hire me,” a retailer will say, “Buy my goods,” and a literary scholar will write, “If he had not ended the last heading with a preposition, this would have been a brilliant article about social media.”

Regardless of the message, the premise remains the same: The social media user is looking to share its message with other social media users. For a bar association to determine how to best communicate its message, some deliberation is necessary. I believe the bar association must first consider how the lawyers who make up its membership are using the social media platforms. That’s a good idea, anyway: If members turn to you for advice about social media, you need to know how they and other lawyers are already using it.

### **How lawyers can use social media to develop their practice**

When a lawyer is considering whether to turn to Facebook, LinkedIn, or Twitter to create a social media presence, he or she should view the decision to start a social media campaign in the same way that any marketing effort is viewed: Don't do it if you won't enjoy it.

If a lawyer does not like baseball, taking a client to a Milwaukee Brewers game will not be an effective business development tool. Social media should not be treated differently simply because marketing consultants around the world are telling everyone that they must be online.

If the lawyer does wish to begin a social media campaign, the first step is to visit the platform website and create a profile. The extent of the profiles will vary, but all require the selection of a username and password. Once an account is established, the online connections with other people, groups, or organizations are made. On Facebook, one becomes "friends" with other people, "joins" groups, or "likes" causes or organizations. On LinkedIn, a user becomes "connected" with other people, and on Twitter one chooses to "follow" others, and others may choose to "follow" that user.

On Facebook and LinkedIn, once connections are made, users are able to see the information that the other chooses to share. Twitter relationships are more one-sided. When "following" a Twitter user, a lawyer will have access to the information that the other user shares, but because Twitter relationships are not automatically reciprocal, the users that a lawyer follows will not necessarily see what he or she writes. On Twitter, other users must affirmatively decide to "follow" the lawyer before they will see his or her updates.

Once these online connections are made, the user can choose to share information. This is done principally through typing a comment or observation in a designated spot on the platform's homepage. A user can also share links to interesting articles or comment on the updates written by other users. It is in this way that online relationships are forged, grown, and maintained.

To best use any online social media platform to build a legal practice, it is essential to understand for what reason others use the specific platform. The saying "know your audience" is particularly relevant here. Here is some information you can share with members who might ask you how the different platforms might best be used to market a practice.

When thinking about how to use Facebook, a lawyer should consider that it originated as a means for college students to keep in touch with one another when they shipped off around the country to attend different schools. Many users disregard this, but Facebook's own recommendation is that users only become "friends" with those people that they already know. This means that the Facebook platform is inherently personal. It is the most personal of the three social media platforms discussed in this article and can be considered the backyard barbecue equivalent of the online networking world.

People often use Facebook to keep updated on the lives of their real-life friends. They are not looking for a hard sell of a service. Lawyers using Facebook to market their practice should keep this in mind and should include status updates that are a mixture of personal and professionally oriented material. By mixing personal and professional updates, lawyers can keep others interested in what they have to say. The mix gives the

audience a sense that the lawyer is sharing his or her personality while increasing top-of-mind awareness about what the lawyer does.

LinkedIn and Facebook share notable similarities in how a lawyer can use these services to market his or her practice. How the services are perceived, however, makes each a significantly different tool. At first glance, LinkedIn may be mistaken for a professional profile website. Certainly the website can serve as a detailed curriculum vitae, but the connections and ability to frequently update a user's status make it an effective tool.

The resume aspect of LinkedIn gives the platform the perception that it is more professionally oriented than other social media websites. Unlike Facebook, a LinkedIn user is more likely to be connected to people whom they may have met only on one occasion or to whom they have at some point been referred. In this manner, it is not unlike a detailed online Rolodex. Because of LinkedIn's professional nature, its users do not expect to find updates concerning a child's first loose tooth. Rather, the status updates can, and should, be more professional in nature. Users expect to read about professional developments without such regular statements of accomplishment appearing as pretentious.

Twitter is the broadest of these social media platforms. The Twitter platform does not assume that its users have ever had any in-person communications before. Rather, Twitter's best use is to create collaborative online relationships based on mutual interest. As Twitter has grown, it has become apparent that its most effective use is through collaboration with other users. This is done largely through responding to other's messages, by reposting messages from others, and by providing updates that other perceive as useful.

With all three of these platforms, the key to their use in developing a legal practice is to build and maintain relationships. Whether these relationships have their genesis online or off, regular use of these website platforms can keep an attorney's name in the minds of his or her connections so that he or she is the first person contacted when the need arises.

### **How bar associations can use social media**

In addition to being useful in practice development, social media can also provide a wealth of information that lawyers may want to receive. For this reason, social media should be viewed not only as a way to get the word out about a lawyer, but also as a way for the lawyer to have the information he or she wants delivered directly to him or her.

The principal reason that a bar association would use social media is to expand communication with its members. It can do so by establishing a presence on each of these platforms in a similar fashion as an individual. Once it does so, it can share the information that it would like its members to receive. This can include developments within the bar association, significant administrative rulings, case law, or legislative developments. Additionally, a bar association can request comments and opinions or motivate its members to action through the updates it provides.

Those establishing a bar association's social media presence should recall that lawyers using these platforms must first choose to receive the information that the association wishes to share. Once they have done so, the lawyer has chosen to become

part of a willing and captive audience that has expressed a desire to be informed about the association's happenings.

Not all social media presences are, however, equal. If a bar association aims to be useful to its membership through its online efforts, it must consistently provide information. Moreover, its presence will be amplified by using all three major platforms. Not all social media users have a Facebook, LinkedIn, and Twitter account—some might have only one or two of these. To reach a larger portion of its audience, a bar association should communicate across each. Fortunately, there is a reasonable degree of automation that can be used so that updates can be made to all three through minimal effort.

### **Ethics considerations**

Each of these social media platforms, while different in their details, share a similar culture. Profanity is discouraged, collaboration is expected, and common sense concerning the transmission of personal information should be exercised.

Lawyers must also be mindful of potential ethical issues. There are many questions being asked regarding whether the current ethics rules are capable of addressing all of the issues raised by social media. Unfortunately, there is little fact-specific guidance governing the legal profession's use of social media websites. The questions, however, do not appear to be all that different from those asked upon the advent of e-mail. As was the case at that time, and as appears to be the case now, the current ethics rules provide considerable guidance.

By applying the current ethics rules, it seems as though social media does not provide new ways in which to violate the rules of professional responsibility, but rather, simply new opportunities to do so. Social media makes public what used to be more private. If a rule is violated, not only is it public, but it also becomes a permanent part of the Internet for anyone with sufficient computer savvy to uncover. Online, even minor or inadvertent breaches of confidentiality can become notable.

To guard against potential ethical violations, lawyers should use common sense, not say or do anything online that they would not do in front of a crowd, and review the existing ethics rules for guidance. In an ideal situation, the increased public nature of lawyers' comments will cause them to pay more attention to the rules of professional conduct and create an even greater focus on professional ethics.

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