“Commit the oldest sins the newest kind of ways.”

The Bard of Avon may not have had a Facebook account or a Twitter handle, but he certainly knew that even as times changed and new inventions transformed society, mankind would still fall prey to age-old character flaws—they would simply manifest themselves in shiny new ways. And so it is with social media. These platforms enable people, including lawyers, to share all kinds of information with potentially worldwide audiences and at the speed of a search engine. Technology has truly altered the legal landscape and improved the speed and efficiency with which we can provide legal services, but it has also provided new ways for the unwary or uninformed lawyer to commit the “oldest sins,” like breaching attorney-client confidentiality, making misrepresentations to third parties, or engaging in *ex parte* communications.

Why is a book like this necessary? Because even as technology impacts what we do as a profession and arguably improves how we do it, lawyers need to know that our existing rules of ethics still apply in a brave new world of status updates, tweets, Instagram followings, and YouTube uploads. And as our book details, the tension between the inexorable advance of technology and the comparatively slow pace of the law translates to a world in which we need all the guidance we can get in shaping our digital communications to our ethical responsibilities.

We wrote this book to assist all lawyers, whether a millennial just embarking on practice, a somewhat tech-conversant lawyer who’s comfortable enough to tap away at a keyboard but who still has uncertainty about where the ethical boundary lines are drawn, or even a legal Luddite who’s being dragged kicking and screaming into the Digital Age. After all, we feel your pain. Neither of us came from a tech background.
As authors and attorneys, we continue to be fascinated by the evolving nature of social media, and we are particularly compelled by social media’s impact on legal ethics and the practice of law. We’ve witnessed social media (and technology generally) go from being regarded as merely another useful tool in the attorney’s toolbox to being viewed as a vital part of providing competent representation in the twenty-first century. Being a competent lawyer now requires more than what it did in “the good old days,” such as keeping abreast of new case law or statutory changes. Attorneys need to understand the benefits and risks of technology in order to do their jobs competently. Social media is encompassed within the definition of technology.

We realize that lawyers are not only extremely busy people, but also that they occupy a broad spectrum concerning their knowledge about social media, so we decided to share our knowledge in bite-size chunks—a question-and-answer format so that a lawyer with a particular question could zero in on our guidance. For those who may be interested in an overview of social media’s impact throughout the practice of law, the chapters provide an itinerary to tour through the various aspects of legal practice.

We hope in sharing our interest and insights to smooth the road ahead by providing a road map that both cautions lawyers to avoid the ethical land mines lying in wait for the uninformed traveler and also provides inspiration for the adventurer who is ready to explore and embrace the digital age.