PUTTING SOCIAL MEDIA TO WORK FOR YOU

Presented by the
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Putting Social Media to Work for You

October 10, 2014

Faculty Bios

Nicole Black, a Rochester NY attorney, is the Director of Business Development at MyCase, a cloud-based LPM software company. She is the author of the ABA’s Social Media for Lawyers: the Next Frontier, and other books, including Cloud Computing for Lawyers. A legal technology enthusiast, a Daily Record columnist, and a popular public speaker who blogs at MyCase, Sui Generis, and Legal IT Pros, Nicole is a 1995 JD from Albany Law School with a BA from the University of Rochester in 1992.

Kevin O’Keefe is the CEO of Seattle-based LexBlog, Inc., which he created to help lawyers network online via blogging and social media. His blog, Real Lawyers Have Blogs, illustrates his point of view that online visibility is imperative for lawyers. A trial lawyer for 17 years who used the internet to grow his practice in the 90’s, Kevin has been an entrepreneur for the last 15 years. He received his JD in 1982 from the University of the Pacific – McGeorge School of Law and his BBA in 1978 from Notre Dame.
Moderator Bio

Kathy Morris is the moderator of the American Bar Association’s monthly Career Advice Series. A former criminal defense attorney, she has taught law, pioneered professional development initiatives in law firms, and in 2000, launched the original Career Resource Center of the ABA. She counsels law students, lawyers, law schools, and law firms through her longstanding practice Under Advisement, Ltd., www.underadvisement.com.

She received her JD from Northeastern in Boston in 1975 and her BA in 1971 from the University of Michigan.

Program Agenda

- Top Issues
- Tips on the Topic
- Participant Questions
- Agree/Disagree
- More Participant Questions
- Takeaways
- ABA Resources
Top Issues

- What are the various forms of social media and how can they help lawyers?
- How do you decide which social media to use...and for what purpose?
- Are there concerns to consider, or barriers to overcome in the use...or non-use...of social media?

Tips on the Topic

- Law students looking for their first job and lawyers who want to change jobs should use social media in their searches
- Capitalize on the use of social media in the practice of law, too
- Getting outside your circle of visibility will bring you more work and more opportunity
- Using social media can save you money
Questions?

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?        ?

?        ?        ?

Agree/Disagree

Using social media actually makes you less social.
Agree/Disagree

Employers would be wise to *encourage* the use of social media on the job.

More Participant Questions?
Takeaway

• Try to spend some time every day on social media

Takeaways

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• Test out the social media you like for 90 days and see what happens
Takeaways

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• Push past any concerns: the only thing to be afraid of with social media is doing nothing

Final Takeaway

• Try to spend some time every day on social media
• Test out the social media you like for 90 days and see what happens
• Push past any concerns: the only thing to be afraid of with social media is doing nothing
• Don’t drive and Tweet!
Visit the ABA Job Board to:

- **Search and apply** for more than 450 high-quality legal jobs nationwide
- **Upload your resume** for review by hundreds of potential employers
- **Receive email alerts** when new jobs are posted that meet your search criteria
- Or **post a job** if you have an open position to fill
Visit www.ambar.org/advice to register for our next Free Career Advice Series Program:

Choosing and Pursuing Alternative Careers

November 14, 2014
1:00 to 2:00 PM ET
I'm often asked — by lawyers and non-lawyers alike — for tips on how to stand out in today's competitive job market. People are often referred to me because of the way I've used my online presence to leverage my connections and reach to find a niche and job that I enjoy immensely.

As a result, I often find myself talking to young lawyers, lawyers seeking to change their current job situation, or people in other fields who are looking to alter their career paths.

Without fail, I tell each and every one of them that the key is to get out there. Don't just sit behind your computer, looking for job openings and blindly sending out resumes. Instead, identify your chosen niche and make it yours.

Learn all there is to learn about it. Subscribe to blogs where people write about your chosen focus. Subscribe to Google searches that will bring news articles about your future job right to you.

Next, locate the movers and shakers in that field, whether it's a specific area of law practice or another career path in a different field. Start to follow what those people are saying. On a daily basis, read their articles, blog posts and social media posts.

Reach out to them, whether via email or on social media, and ask for their advice. And whenever possible, take the online relationship offline. If they live locally, suggest meeting for coffee. If they live far away, suggest a phone call or attend an industry conference that you know they'll be at. Once you have their ear, pick their brain and — most importantly — listen to what they have to say!

Next — and this is key — make yourself a part of the space you want to be a part of. Join a few select social media sites and connect with the people you’ve identified as important in the space.

And then, start a blog. No, I don’t want to hear excuses. Just do it. And do it now. As long as you have basic writing skills, you can start a blog. Your blog can consist of in-depth posts about topics that interest you — topics that you’ve been reading about now that you’re following people who write about your chosen field.

You can quote a line or two from one of their posts and then add your own spin on the issue. And then — this is key — drop that person an email and let them know how much you enjoyed their post, tell them why you liked it, and let them know you wrote about their post and provide a link.

Share your post — and theirs — on social media, along with links to other content relevant to your chosen field, and continue the conversation. Like I said — make yourself part of the space.

Alternatively, if you hate writing, then create a blog that features videos or podcasts or simply a microblog where you provide short commentary on relevant topics. But the point is — create a blog that showcases your ideas and your interest in the industry that you’ve chosen.

And — this is important — keep blogging! It doesn’t matter if you don’t have a large audience. That’s not the point. By blogging, you are accomplishing a number of important things.

First, you’re forcing yourself to stay abreast of topics trending in your field of choice. Second, you’re engaging in conversations with people interested in the same ideas, both by blogging about their thoughts and by sharing — and discussing — your posts on social media. Third, you’re creating a body of work that showcases your thought processes and your passion for the field you want to become a part of — something you can refer to when you apply for jobs or connect with others in the space. Finally, you’re interacting with others in your field of choice. This type of engagement is invaluable and is often what leads to connections and referrals that will lead to a job offer.

So, if you’re looking for a legal job or are simply looking for a change, that’s what you need to do. Good luck, and may the force be with you!

Nicole Black is a director at MyCase.com, a cloud-based law practice management platform. She is also of counsel to Fiandach & Fiandach in Rochester and is a GigaOM Pro analyst. She is the author of the ABA book “Cloud Computing for Lawyers,” coauthors the ABA book “Social Media for Lawyers: the Next Frontier,” and co-authors “Criminal Law in New York,” a West-Thomson treatise. She speaks regularly at conferences regarding the intersection of law and technology. She publishes three legal blogs and can be reached at niki@mycase.com.
Build your own communities for valuable engagement

By Kevin O'Keefe on September 30, 2014 in Social Media Principles

Social networks combined with blogs represent opportunities we’ve never had before to network and collaborate. The fact that the networks with huge numbers of people can create a lot of noise ought not prevent us from worthwhile engagement — if we create our own communities on these networks.

Greg Storey (@brillioncrank), CMO of Happy Cog and former creative director of LexBlog, shared yesterday that as the World Wide Web gets wider, the quality of interaction tanks.
Greg’s post was prompted in part by two friends of his, both widely respected, Jason Santa Maria (@jasonsantamaria) and Erin Kissane (@kissane) ditching Twitter. They found Twitter had evolved into something impersonal, lacking in conversation and even toxic.

Greg laments, acknowledging he may be a curmudgeon (me too occasionally):

There was a time when blogs and their related discussions were engaging, sometimes enraging, but otherwise fun and interesting to take part in. These exchanges of ideas, thoughts, and their related discussions helped to create the foundation of today’s web design and development community. Twitter helped to extended and then eventually replaced the platform for discussion within the community. And our discussions and connectedness has never been the as it once was.

Times have changed in networking and collaborating online. I am not sure anyone could have imagined blogs when we were using Bulletin Board Systems (BBS). I certainly didn’t foresee Twitter, Facebook, and LinkedIn when blogging 11 years ago.

Blogs, especially Greg’s Airbag, generated significant comments. Some collaborative, others in rage. Blogs were a conversation among themselves. We listened to other blogs in our RSS readers and for longer form responses posted on our blog, rather than in comments on the other blog.

Whatever we were doing, it was, as Greg calls it, an exchange of ideas, thoughts, and related discussion that formulated the business practices we have today. For Greg, design and development. For me, networking online for business development in the law. For lawyers, advancement of legal ideas.

Like it or not, today we have new platforms for community engagement. Facebook and Twitter by far the largest.
It’s up to us to leverage these new social networks to create our own communities — to friend and follow those who can add value to our lives. To develop our own personal feel for how to use these networks to get what we need – that exchange of thoughts and ideas.

I find Facebook an excellent place for professional and personal engagement. My experience is getting better as I work at the “Friends” I have and how I like and comment on what they share.

Twitter works for me because I have worked to follow a relatively small number of people and have grouped many others into Twitter lists for easy perusal.

My blog remains my needed hub. It’s the rock where people can hopefully see that I am of substance on the matters on which I help folks. It’s also a place where people can go for research, generally via a Google search.

My blogging usually follows the same regimen as 11 years ago. Pick up commentary in my RSS reader, like here with Greg, and engage.

But the discussion on what I have posted has moved to Twitter, Facebook, and Google+ (when I share at the last). Engagement, ideas, learning, and advancement of knowledge coming in spades via the folks who follow me on Twitter and who are my Friends on Facebook.

Rather than something impersonal, lacking in conversation and toxicity, I find the discussion to be the most valuable I’ve ever had on the net.

Harness the gifts we have in open social networks. Build your own communities on these platforms. Communities that will serve, as Greg calls them, as inspiring and supportive places for your community to exchange thoughts and ideas.
Ten Social Media Legal Myths

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Social media platforms, smart phones, tablets, and applications are changing the way we conduct business and interact socially with friends, family, and colleagues. Today, discussions involving Facebook®, Android®, Words with Friends® and Angry Birds® are common. But it is not all fun and games. The financial payouts and consequences of social media for those involved, including vendors, developers, and clients, are becoming more apparent. New cases emphasizing social media mistakes costing reputations, resources, and jobs are becoming just as common as new releases of applications and putting everyone on alert.

1. Social Media is Free and Should be let Free...

Social media is not as expensive as traditional media, but it does have a cost— the cost of time and resources (including staff) to apply it correctly and to protect the most valuable thing your company owns— its reputation! As for letting it be free, employees and customers can be wonderful ambassadors for your brand— but do you know what they are saying? Do they rave or do they rant? Are you part of the conversation? Are you responding in a way consistent with the law? Make sure you have the right legal guidelines, policies, and protocols in place to help you maximize your social media benefits and minimize your risks such as a potential PR crisis.

2. Anyone Can Do It...

Would you let a techie balance your company books? Would you let your accountant do your marketing? Would you let your lawyer design your logo? Unless those professionals have these other skills, the answer is probably a resounding NO! Everyone has specialized skills, job description and a role to play to get your company the success it is aiming for in cyber space. So make sure to get the right professional to help you with your social media strategies and make sure to get the right lawyer with the right expertise— who understands social media and knows the law— to make sure you are protected against liability in this digital environment.

3. Do it Now and Do it Fast...

It takes less than 5 minutes to set up a Twitter® Account, a little longer for a Facebook® Fan Page. The technical logistics are 1-2-3. But before you do (even if you’ve done so already) think about what you are trying to achieve with social media? Is it more customers, more exposure, more sales? Do all your social media accounts have the same name? Do they relate to your company name? Are you protecting your trademark as you create these different accounts? Thinking about these questions is one thing, but you need to take some time to answer and reflect on your responses. Then you need to put the answers in a central location that you and your company can refer to keep you on track [and legal]. You need a social media plan that is feasible, effective, and in compliance with professional, ethical, and legal rules (such as with the National Labor Relations Board Memorandums in regards to employee termination in social media cases). Make sure you seek guidance from the right professional(s).
4. No One Needs to Know Who I Really Am

In the beginning of the World Wide Web the magazine, The New Yorker, published a cartoon depicting a dog on a computer speaking to another dog at its side. The caption read “On the Internet nobody knows you’re a dog.” In today’s socially connected world, not only does everybody know you’re a dog, but they also know what breed you are and if you’ve gotten your shots! “Anonymous” has taken on a new connotation in the digital era – indicating that someone has something to hide – whether an agenda or a private vendetta – or is a “troll” – an individual who wants to create trouble for trouble’s sake. Today, people who are avid social media users apply the principal of transparency in order to build trust with their constituents, clients, and colleagues. They put out there who they are with their credentials. Their social media profiles offer more than just standard resume particulars, including details of achievements, community engagement, and samples of their work (i.e. Slide Share app on LinkedIn, etc.). Key item to remember is to make sure you are who you say you are. The Federal Trade Commission (FTC) issued a notice in December of 2011 that they would begin to crack down on fraudulent credentials listed on social media profiles as false advertising. Also important is disclosing any affiliation or sponsorship (like being given a product for free to review it) when blogging or posting about a product or company. “Astroturfing,” giving a review under a false identification, is considered an ethical violation and can have certain financial consequences.

5. Privacy is Automatic

It’s mentioned on the news, in broadcast, in print and online almost every day, sometimes every hour. It has brought Facebook® under FTC scrutiny for the next 20 years, and Google® to revise and consolidate its policies into one simple declaration. It is – privacy. But as we continue to talk about it, what exactly is it? A clear definition for us to use as it relates to social media would be that privacy is “a person’s right to control access to his or her personal information.” The legal concern would be invasion of privacy: “intrusion into the personal life of another, without just cause, which can give the person whose privacy has been invaded a right to bring a lawsuit for damages against the person or entity that intruded. It encompasses workplace monitoring, Internet privacy, data collection, and other means of disseminating private information.” The concern about what information is collected on us and how it is used has lead to some interesting developments and catch-22’s. The marketing and public relations industries struggle with how to use data available in the open graph and not violate their customers’ privacy (such as in contests and sweepstakes). For those in the healthcare, medical and pharmaceutical industries, complying with the Health Insurance Portability and Accountability Act of 1996 (HIPPA) is priority. However, what about insurance companies using publicly accessible social media data to determine insurance rates and/or coverage? Institutions of education have their own regulation to deal with – the Family Educational Rights and Privacy Act of 1974 (FERPA) – which has led to many college athletic departments banning student athlete use of social media. It is estimated that a single tweet can violate up to 17 federal privacy laws and over 100 state privacy laws (88 of them in California alone!). As an individual are you using your privacy settings and opting out of your personal data being used to socially market the social media platforms you are using? As a social media platform, are your privacy policies in compliance?

1 http://www.unc.edu/depts/jomc/academics/dri/idog.html
2 http://www.duhaime.org/LegalDictionary/P/Privacy.aspx
3 http://definitions.uslegal.com/j/invasion-of-privacy/
6. I Can Put Up Anything and I Can Take Down Anything

This may be tempting to believe, but may be a wrong assumption on your part that can lead to being sued for violation of the First Amendment and Freedom of Speech. If you allow individuals to post comments on your site (user-generated content) have you put up guidelines so they know the purpose of the forum, what they can and cannot post, what would be considered offensive, that the forum is moderated, and that you reserve the right to delete such comments? If you have not, you have created a “public forum” and you have no right to just delete information posted there that you do not like. It is a “free speech zone” and the only way to remove something is to have a compelling reason to regulate and take down. Also, if your readers notice that you take down all the negative comments about yourself and/or your company, your credibility is reduced greatly. Also keep in mind that Freedom of Speech is not absolute and never was in this country. It is counter-balanced by factors such as national security, personal safety and public interest. For example, hate speech or speech that incites violence is never tolerated and in the UK, it can lead to imprisonment, as it did for two young gentlemen who were convicted of inciting riots through Blackberry® messages and Facebook® posts. They are both serving 4-year sentences.

7. Don’t Tout Your Success…Everyone Will See It...

You’ve heard about them, and probably seen a few – viral videos – the funny brothers pulling an ear, the playful kitten that stops wiggling in mid-air, the airline that broke a guitar and wouldn’t compensate its owner. The list goes on and on. But these are just a select few of the millions of videos that are uploaded to YouTube everyday! You use social media to market yourself and you can use other media to market your social media presence and you use social media to loop back to your website, etc., etc., etc. So, you have to shout about your success – and that’s fine. Just make sure you get everyone’s permission if you are using their name or photo – and don’t violate anyone’s privacy, publicity, or intellectual property rights.

8. Information Expires

The European Union is fighting for what it believes is a basic right being threatened by today’s digital and social media giants – the Right to be Forgotten (in French le droit à l’oubli—or the “right of oblivion”). It is based on the idea that people may put something up that they later regret and should have the right to delete it – or more to a public interest concern – that criminal records and really, really bad mistakes that people commit should be “forgiven” and “forgotten” and deleted from the Internet. The Stanford Review gave an example of a possible effect of the law if passed: “The right to be forgotten could make Facebook and Google, for example, liable for up to two percent of their global income if they fail to remove photos that people post about themselves and later regret, even if the photos have been widely distributed already.” This proposed law, more than any other, really brings to light the clash between the US and the rest of the world in terms of privacy and free speech. In 2014, The European Union issued a directive to Google to “delete” EU citizens from the Internet if they request it. Google can delete them from Google’s search directory but it is leading to some interesting results. For now the rule in the US is that what you post and put out there is permanent. There are back-ups to back-ups, memory caches, copies sent to friends, etc. As they say “What happens in Vegas ends up on Facebook” – and most times it’s because we put it there. Don’t want people to see it – don’t put it up.

9. My Data Makes Me Immortal

4 Look at CNN’s iReport Community Guidelines as an example of a great set of guidelines:
http://ireport.cnn.com/guidelines.jspa

5 http://www.stanfordlawreview.org/online/privacy-paradox/right-to-be-forgotten
Do you want to be immortal? And just how will your immortal digital self be represented? Your digital legacy is the combination of your many points of digital interaction in the online space – including financial accounts, social media accounts, content you posted online, online subscriptions, online photo collections, and more. Do you know the access information to all these accounts? Does your spouse know for the personal accounts and/or does your partner know for the business accounts or will it all be lost when you are no longer around? When you are gone who will inherit your digital property? Do you want to control who does and what they do with it? It is estimated that most individuals in developed countries will create approximately 88 GB of data in their lifetime. This includes Twitter tweets, Facebook posts, bookmarks, photos, artwork, logos, videos, blogs, email, etc. It is also estimated that less than 35% of Americans have a will, trust or power of attorney, to take care of their things when they pass. What then will happen to all this digital property? If not prepared for, these digital possessions, expressions, artifacts, become lost, closed down, deleted, or removed. We don’t want that because these digital assets chronicle life, history, identity, and wealth. They have value – some financial, some chronological, and some emotional. But value is something YOU want to protect.

A note of caution – there may be a lot of YOU out there. Consider doing some “curating” of your online presence. Clean up some of the digital litter now to make it easier for others later. Evan Carroll and John Romano put it nicely in their book, Your Digital Afterlife, “the things you value simply may not be valuable to your heirs.” However, if you are currently in the middle or about to initiate a lawsuit, do not touch anything online. It could be considered “spoliation of evidence.”

10. There are No Rules and Current Laws Don’t Apply

There are rules in the social media world – unwritten cultural norms in this digital environment. There is a language that the insiders know and there is a protocol to the conversation. Social media is about currency (what is important at this moment), authenticity (credibility and trust), and relevancy (to who is reading or interacting). Violating any of these rules can lead to a slippery slope of legal violations. Current laws do apply – because they are the laws that we have. But these laws are being challenged, changed, modified, and recreated, with new laws proposed every day – including two new laws on privacy introduced in 2011. Which ones apply to you?

Remember, social media is public, permanent and powerful. Think before you post.

Deborah Gonzalez, Esq. is an attorney and founder of Law2sm, LLC, a legal consulting firm focused on helping its clients navigate the digital and online world legally, securely, and in compliance. She is the author of two Butterworth-Heinenman books “Managing Online Risks: Apps, Mobile, and Social Media Security” and “Online Security for the Business Traveler.” Find out more about Deborah and her books at www.law2sm.com and www.managingonlinerisk.com.

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