
Introduction: Social Media—What It Is and Why We Wrote This Book

LET'S FACE IT, SOCIAL media can be overwhelming. You've probably been inundated with articles, emails, and free webinars from self-professed social media experts who rave about the magical power of social media to attract dozens of clients, invigorate your practice, and transform a kid out of law school into an "insta-expert" on a specific legal topic in sixty days or less. On the other end of the spectrum come the naysayers, of course, who warn that social media is at best a frivolous time sink and at worst a risky proposition that exposes lawyers to ethics violations and jeopardizes their privacy and reputations.

From our perspective, though, social media is neither inherently wondrous nor worthless, but rather derives its value from what you make of it. We believe lawyers should use a practical, goal-centric approach to social media, which would enable lawyers to (1) identify the social media platforms and tools that fit their practices and (2) implement them easily, efficiently, and ethically.

With that in mind, here are three themes that lawyers must grasp in order to use social media effectively in 2010 and beyond.

1. *Social media is not a fad or a frivolity, but a paradigm shift sweeping both the legal profession and society at large.*

I simply cannot see how major changes in the way we communicate, collaborate, network and trade are somehow irrelevant for lawyers and their clients. Nor, given the sheer scale of [social networking] systems and the levels of their usage can I conceive that this is a passing fad.

—Richard Susskind, *The End of Lawyers: Rethinking the Nature of the Legal Profession* (2008), Ch. 3.3.

Many lawyers view social media either as a passing fad or a frivolity for those with too much time on their hands. But lawyers who dismiss social media do so at their peril. Not only is social media gaining traction within the public at large, but as it does, it is permanently altering the way that potential clients—from individual consumers to the in-house counsel of mega-corporations—evaluate their need for legal services and identify and select the lawyer best-suited to serve those needs.

There are at least four reasons why social media will continue to grow in prominence:

The Face of the New Generation. Social media is no longer just for kids. Consider Facebook, a top three social media platform with more than 350 million users worldwide (<http://www.facebook.com/press/info.php?statistics>). Facebook initially launched across college campuses in 2003 and its first generation of users are entering the workforce en masse, poised to become tomorrow’s potential law firm clients, if they haven’t already. Rather than abandoning Facebook after leaving campus, new graduates are integrating Facebook into their professional lives, using it to stay in contact with friends and coworkers, network, make hiring decisions (or at least vet potential candidates), and promote their companies. Moreover, these early adopters are converting others; the fastest growing demographic on Facebook is 35 years old and older.

The Informed Consumer. When is the last time you called a travel agent for assistance in planning a trip or consulted the Yellow Pages to find a pet sitter or a music teacher? Chances are that you—and most other consumers—jump right online instead, not just to find hotels or service providers, but also to see how they’ve been rated by other users.

Not surprisingly, these same habits apply when individuals seek legal assistance. Gone are the days when consumer clients pick up the Yel-

low Pages to find a lawyer, or corporate counsel cracks open a tome of Martindale-Hubbell to locate representation in another jurisdiction. Instead, empowered by the deep pool of resources available online, consumers and corporate counsel alike are inclined to educate themselves about various legal issues through blogs, online video, and conversations in online community sites before they even compile a list of potential lawyers. Moreover, once prospective clients start to gather names of lawyers—either directly through Internet searches or via personal referrals—they then return back online to check out the lawyers' credentials, experience, and testimonials and get feedback from other clients and colleagues.

Further, recent studies show that consumers trust the information they locate online. The Pew Report (<http://hbr.harvardbusiness.org/2009/11/community-relations-20/ar/1>) found that nearly 40 percent of Americans doubted a medical professional's opinion or diagnosis because it conflicted with information they had found online. Likewise, consumers take peer reviews seriously, with 78 percent relying on ratings and reviews in making purchase decisions (<http://itpromarketer.com/2009/11/social-media-revolution/>).

Social media gives lawyers the tools to provide potential clients with the kind of in-depth information that they've come to expect online prior to making any kind of decision requiring a significant commitment of resources. Bottom line: If you're not using social media, you can't deliver the kind of information that today's clients demand before hiring a lawyer.

The Need for Personal Connections. Even as we spend more time online, as humans we still crave some form of personal connection. In business, personal connections continue to matter since we're more likely to do business with people whose company we enjoy.

Social media satisfies our longing for human contact and provides a tool for building trusted, multidimensional relationships. Platforms like Twitter and Facebook give lawyers a chance to reveal a little piece of personality or share tidbits about family, hobbies, and quirky likes and dislikes. Meanwhile, for those uncomfortable mixing business with pleasure, there are other tools—like blogging—for expressing your views and engaging in conversation about court cases or other legal matters. Whether it's through a recipe exchange or rooting for your favorite sports team on Twitter, or a heated discussion through blogging, the interactive nature of social media helps lawyers build

deeper and more meaningful connections online, which eventually translates into offline business and friendship.

Social Media Is Fast and Cheap. In a society that's on the go 24-7, social media delivers the news at a record pace. A few minutes a day on Twitter can update participants on the news more quickly than scanning the newspaper. And as society continues to move at a record pace, social media's currency will become even more valuable. What's more, social media is largely free, which makes it harder to ignore.

2. A social media presence is a tool for achieving your goals and not, in itself, a goal.

You may be familiar with some of social media's power users owing to the media coverage that they've garnered—like David Barrett, who describes himself as “the most LinkedIn lawyer in the world” with over 12,000 connections on LinkedIn; solo lawyer Richard Vetsein, who gathered 600 fans for his law firm's Facebook Fan Page in a matter of weeks; or Rex Gradeless, a recent law graduate who has over 73,000 followers on Twitter.

While these numbers are impressive, don't let them intimidate you or prevent you from jumping on board with social media. We can't emphasize enough that social media is a tool which can be used to achieve your professional goals, not a goal in and of itself. In contrast to a frequent flier program where accumulated miles translate into a free trip, racking up friends, followers, or blog visitors just for the sake of doing so won't necessarily confer rewards like more referrals or clients. Moreover, you're likely to annoy your colleagues and waste your time with obsessive efforts to gain more followers.

Actually, social media eliminates the need to generate a presence through big numbers, which is a loser's game, particularly for solo and small firm lawyers. Instead, social media gives you the ability to focus your message on your specific target audiences and develop a strategy tailored to carry out your goals.

3. Use of social media doesn't transform otherwise appropriate conduct into something unethical.

Many lawyers are hesitant to adopt social media, concerned that unresolved ethics issues could put them at risk of a grievance. What's important to understand, however, is that social media changes the medium,

not the message. In other words, lawyers don't check their ethics obligations at the social media portal. Even in this new frontier, the same familiar ethics rules guide lawyers' conduct.

For example, a communication that's inherently unethical—such as revealing a client confidence—doesn't become any more acceptable when the information is disclosed in a 140-character tweet [e.g., “In NYC court. Client just told me that the heroin belonged to him! Ugh, case ruined.”] Conversely, a blog post analyzing a recent case or explaining how to file for bankruptcy isn't transformed into bar-regulated advertising merely because it's self-published online, whereas it would be viewed as harmless if published in a law journal or as a newspaper column.

Once lawyers recognize that communications on social media don't differ much from those in other arenas, they can readily conform their use of social media tools to existing ethics requirements, just as they do for other areas of their practice.

How This Book Is Organized

This book is organized as follows. Part I opens with a brief historic overview of social media. We'll describe some of the current trends in social media and share statistics on existing use. Thereafter, we'll show why social media is important for lawyers and bust some of the myths that deter lawyers from engaging social media. If you're new to social media or are simply interested in reading a generalized overview of social media, start with this section.

In Part II, we'll get down to brass bytes, with descriptions and screenshots of various social media platforms, and guidance on how to seamlessly coordinate, integrate, and promote your social media presence.

In Part III, we'll then focus on how to use social media to accomplish specific goals such as establishing expertise, building relationships with colleagues and engaging in damage control. In this section, we've adopted a practical, goal-centric approach to implementing social media.

In Part IV, we'll focus on the nuts and bolts of setting up social media profiles and engaging in social media. We'll also discuss the dos and don'ts of social media, including best practices and appropriate “net-iquette.”

Finally, in Part V, we'll focus on the ethical and legal issues of social media, including bar rules, Federal Trade Commission (FTC) disclosure requirements, as well as copyright issues, defamation, damage control, and in-house blogging policies. Then we'll conclude with our predictions of where social media is headed in the future.

One topic we won't cover: For at least a decade, lawyers have been using the Internet, and more recently, social media as investigatory tools in legal matters. Because this book focuses on how lawyers can use social media to accomplish professional goals, such as networking with colleagues or establishing themselves as experts, social media as a discovery tool is beyond the scope of this book. If you're interested in that topic, consult *The Cybersleuth's Guide to the Internet* by Carole Levitt, JD, MLS and Mark E. Rosch.