

# **How to Handle a Social Media Movement: Advice for Your Clients and Your Law Firm**

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Social Media networks such as LinkedIn, Twitter, and Facebook, to name a few, are almost requirements in some form or fashion in today's legal framework and community. Whether it is communicating the recent victory in Court, a promotion, or even a job opening, Social Media can be an effective form of communication if used appropriately. It can reach, hundreds, thousands and millions of interested and disinterested users in a matter of seconds and a few clicks of the like or share button. While the hope is that no one reading this article will be faced with the negative implications of the same firestorm of a social media movement that would put their firm or client in a negative light, the reality is that sooner or later a Social Media Movement will hit like a wave of unwanted publicity. How you handle the situation early on as a firm and how you advise your clients when they are hit with this wave is one of the most important things you can do. In fact, it starts with a plan before anything even happens. The goal of this article and accompanying presentation is to provide some guidance on how to be proactive and if the need arises handle a movement spurred on and sped up by social media.

## **Plan for What May Inevitably Come**

Create your crisis management team now. If you wait until something comes up the wave will hit you, knock you down and the damage will be out of control before you have even figured out what the message in response should be. Whether it is a Social Movement like #METOO, the wave of negative publicity that can hit a company like Starbucks or Chipotle, or a crisis related to romaine lettuce that is not even distributed by your company, preparation and

immediate response is the key. Even on smaller scales, a social media posting by a customer or client with incorrect or inaccurate information can quickly be shared, liked and it can go viral much faster than can be imagined. While large multi-national companies may be better prepared, the local hardware store or daycare probably does not have a crisis management team in place. Your law firm probably does not have one either. Whether it is the complaining client who was not happy with the result or the sudden departure of a practice group that turned ugly and now has folks internally and externally concerned about the viability of the firm, these are movements that can be addressed and should be addressed quickly.

### **Creation of the Crisis Team and Plan for your Firm**

A crisis plan must identify a crisis team made up of members with unique roles. Ideally, the team should include, at a minimum:

- A lawyer who oversees and has final say on all the legal implications of the crisis
- A fact-finder who is tough and high level, and will get the answers about what occurred
- A researcher who can help the team understand the media and specific reporters who are most focused on this crisis, as well as handle other research needs
- An experienced PR person
- A spokesperson who can take criticism well; is level headed, factual and eloquent; and can handle being under pressure (A good crisis spokesperson is objective, doesn't get defensive and is an experienced presenter who can speak comfortably and clearly to the public. This may not always be the CEO or managing partner.)

The spokesperson is where the firm will be judged. The message must be delivered with confidence and focused on the message. Avoiding arrogance and even the perception of being a know it all is equally as important. It is not what you say it really is how you say it. Be prepared with the facts that you gathered into the situation. Remember that this issue started are the result

of a post or posts from sources that likely only have part of the story. Be prepared to address the media quickly with a statement that addresses the pertinent facts as you currently know them, and leaves open the possibility of changes in the situation. Be aware that reality and perception are two different things that often get molded into one in these situations. The proper message and how you handle the crisis can be an avenue for growth and improvement. Showing how you can change, adapt and grow can be a positive result following an otherwise unplanned and less than ideal situation. From the law firm's perspective, keep in mind the ethics and professional responsibility rules. Communications related to the firm's clients, responses related to client contacts or professional relationships among attorneys may be governed by your jurisdiction's rule on professionalism and ethics. Make sure to consult those as part of the initial crisis management plan. It is also a good idea to make sure there are consulted when preparing the firm's social media policy. A good policy can prevent some of the issues from ever occurring.

### **Crisis Management Assistance for the Client**

When Starbucks decided to close all its stores on May 29, 2018 for an afternoon of training on diversity and racial bias, some applauded others claimed it was a media stunt. What we do know is that it changed the message that was out there for the prior days and turned the discussion away from the events and towards the healing and social side of the issues the company hoped to deal with. Now, almost a year later the training is more frequently talked about than the initial facts and events that occurred. Starbucks is obviously a much larger and world-wide example of issues. There could be a list that would fill up this paper and then some of companies that have had to deal with a social media movement or disaster. Chipotle, Choicepoint, and the entire movie industry to name a few. The advice for a client is not much different than the advice on how a law firm should deal with the crisis. Planning is still paramount. Being able to answer the question of what the message is and who is our spokesperson, immediately, is the best way to be able to deal with the social media movement as well.

Small clients who are mainly local to an area can also fall victim to the social media momentums and movements. Take for instance a local restaurant that has a disgruntled former employee. An incorrect report of serving expired food and poor treatment of customers is made on social media and a local community message board. It is quickly shared by several of the friends and followers of the employee with each one listing the restaurant in the post. It quickly makes it to the local papers e-desk and boom it is now being linked through a network of sites. Since the Facebook page of the restaurant is rarely checked by management this is not even noticed until someone mentions seeing one of the posts. The first call in a situation like this usually is to counsel since it is unlikely smaller clients are not staffed with marketing and public relations teams. While the crisis may be smaller, the impact can be much more severe if it is not properly and timely addressed.

Get the crisis team in place and have the improper posts pulled down. This is the stop the bleeding move. Consider a strongly worded letter after evaluation of the options and goals in handling this issue. Keep in mind that sometimes the reaction and steps taken to counter the negative can make matters worse. Perception also can become reality. If the message comes across as too strong or attacking it can be picked up as new story in and of itself. Be calculated with your plan, focused on the facts and aware at all times of the legal ramifications. A good rule of thumb is to assume that your response will be the story and how can it be defended and supported.

### **Social Media Policy for Your Firm**

Many law firms do not have a Social Media policy. Even if they do they probably have not updated it in many years to be in compliance with jurisdictional authority or local ethics rules. Certain states and jurisdictions are more stringent with their ethics rules than others and consider social media posts to be subject to the same guidelines as advertising. Education of firm members is also of top priority. Whether administrative staff or senior partners, all members of the firm should undergo a series of social media trainings that deliver a

comprehensive review of your law firm's social media policy and a discussion about how one's digital footprint can affect the firm's reputation. Firms should spend resources to monitor its social media footprint and expanse. In today's online environment, knowing when your firm and attorneys garner social media mentions is crucial. By monitoring social networks, you can respond timely and appropriately to discussions involving your firm. Respond strategically to an issue. A lapse of online etiquette by a partner or staff member can easily happen. Having a strategy to mitigate the damage an errant post renders makes good public relations sense. A law firm crisis communication plan should include a social media section with a strategy for overcoming such transgressions. Should a violation occur. A social media policy without any teeth is an inadequate policy. Firms must determine how to handle violations that fall outside of what is considered protected activities under the National Labor Relations Act or the international and jurisdictional equivalents. Explain the potential consequences in the social media policy, and deliver frequent reminders so enforcement is expected and understood by all.

### **The End Result is Start at the Beginning**

Being prepared for a Social Media Movement requires planning on the front end and significant planning. Be prepared and ready to move a moment's notice because social media works fast and the term "going viral" is appropriate. If you are not prepared and are not ready to address certain things immediately you face the risk for your firm or your clients from suffering catastrophic consequences.