

# **Social Media Policies for Law Firms, Why You Need Them and What They Should Contain**

Wednesday, November 11, 2015

Presented By the IADC Technology Committee and In-House and Law Firm Management Committee

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# Presenters



**Douglas Moore**

*Irwin Fritchie Urquhart & Moore LLC*

*New Orleans, LA*

[dmoore@irwinllc.com](mailto:dmoore@irwinllc.com)



**Joi Scardo**

*Jaffe PR*

*Santa Rosa Beach, FL*

[jscardo@jaffepr.com](mailto:jscardo@jaffepr.com)



# Social Media Policies

Why Law Firms Need Them, and What They Should Say



IRWIN FRITCHIE  
URQUHART & MOORE LLC  
— COUNSELLORS AT LAW —

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406FOLLOWING  
217FOLLOWERS  
99LIKES  
38

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@IrwinFritchie

A New Orleans based law firm focusing on defense litigation.

📍 New Orleans, LA

🌐 irwinllc.com

🕒 Joined February 2012

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Irwin Fritchie @IrwinFritchie · Nov 9

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Irwin Fritchie @IrwinFritchie · Nov 6

Showing our football pride in the office today. #GeauxTigers #WhoDat #WhoDatNation



Irwin Fritchie @IrwinFritchie · Nov 5

Off to the @fbanola Federal Judges Reception



1



Irwin Fritchie Retweeted



John Sinnott @JohnWSinnott · Nov 2

Social media guidelines issued by the West Virginia Bar - helpful summary by @ALegalEthics - legalethics.org/west-virginia

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Just started trending

Daniel Fleetwood

16.9K Tweets about this trend



Irwin Fritchie Associate

@partygirl



IRWIN FRITCHIE  
URQUHART & MOORE LLC  
— COUNSELORS AT LAW —

TWEETS 406 FOLLOWING 217 FOLLOWERS 99 LIKES 38



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A New Orleans based law firm focusing on defense litigation.

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**Irwin Fritchie** @IrwinFritchie · Nov 9  
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**Trevor Elbert** @74BIGTrev74

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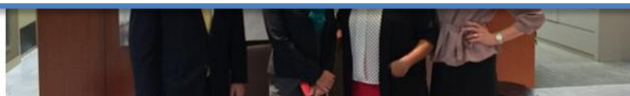
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Social media guidelines issued by the West Virginia Bar - helpful summary by @ALegalEthics - [alegalethics.org/west-virginia](http://alegalethics.org/west-virginia)



The Party Girl



**The Party Girl**

@partylethbridge

TWEETS  
33K

FOLLOWING  
2,072

FOLLOWERS  
3,093

LIKES  
9,174

LISTS  
74



Tweets

Tweets & replies

Photos & videos



**The Party Girl** @partylethbridge · 23h

My product is 99% pure. #MethParty



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Black Friday starts early with...

Promoted by Best Buy

**Allen Toussaint**

20.6K Tweets about this trend

Tweet to The Party Girl







# Why Should You Manage Your Firm's Virtual Presence?

1. Ethical Concerns
2. Professionalism Concerns
3. Public Relations / Marketing



# Online venting

*In re Denison*, Illinois Supreme Court

- Posted online comments about the judge, lawyers, and guardians in a probate proceeding
- “feeding frenzy” of lawyers, a “classic case of corruption” and a court “being spoonfed BS law by atty miscreants”
- Suspended for 3 years:

8.2(a) "shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge... or legal officer.

8.4(c) "conduct involving dishonesty, fraud, deceit or misrepresentation“

8.4(d) which prohibits "conduct that is prejudicial to the administration of justice."



# Tweeting yourself to the unemployment line

*In re McCool*, Louisiana Supreme Court

- Contentious divorce and custody proceedings in MS and LA
- Attorney “took to twitter”
- “Shouldn’t judges base decisions about kids on evidence?”
- “Judges are supposed to know shit about ... the law ... aren’t they. And like evidence and shit? #Dueprocess?”
- On-line petitions
- Disbarred for Improper Ex Parte Communication (Rules 3.5(a), 3.5(b) and 8.4(a)), Dissemination of False and Misleading Information (Rule 8.4(c)) and Conduct Prejudicial to the Administration of Justice (Rule 8.4(d)).



The Facebook logo, consisting of the word "facebook" in its characteristic blue, lowercase, sans-serif font, is centered within a white rectangular box. This box is superimposed on a background of a dense, multi-colored grid of numerous small, square photographs of various people's faces.

# Don't Trust your "Friends"

## *State of Florida vs. Fermin Recalde*

- Murder trial
- Defendants' family brings change of clothes for court
- Clothing is inspected by the deputy at the jail
- 31 year-old Lawyer snaps photo of deputy holding up leopard skin underwear
- Posts it on face book with caption "Appropriate attire for court"
- Judge "alerted" to post on "private" facebook page
- Mistrial declared
- Disqualified from the case and then fired

Reply

Trash

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## RE: PICTURE

To: Alexander Carter-Silk

September 7, 2015, 5:58 PM

Alex

I find your message offensive. I am on linked-in for business purposes not to be approached about my physical appearance or to be objectified by sexist men. The eroticisation of women's physical appearance is a way of exercising power over women. It silences women's professional attributes as their physical appearance becomes the subject.

Unacceptable and misogynistic behaviour. Think twice before sending another woman (half your age) such a sexist message.

Charlotte

On 9/7/15, 9:16 AM, Alexander Carter-Silk wrote:

-----  
Charlotte, delighted to connect, I appreciate that this is probably horrendously politically incorrect but that is a stunning picture !!!

You definitely win the prize for the best Linked in picture I have ever seen

Always interest to understand people's skills and how we might work together

Alex

# Professional Networking

# Other Examples

A former prosecutor was charged with making a felony threat after he allegedly posted messages on Facebook threatening bodily injury to his former employer

Assistant district attorney had a Facebook page displaying inappropriate and offensive photos of himself.

South Carolina Supreme Court publicly reprimanded a 2008 law school graduate for exaggerating his experience and making misleading statements about his legal skills on sites like LinkedIn

A deputy attorney general was fired from his job after sending offensive tweets

An ethics complaint was filed against a criminal defense attorney for allegedly posting on YouTube a discovery video of an undercover drug buy in an attempt to sway public opinion

An assistant public defender was disciplined for disclosing client confidences





# The Moral of The Stories...

- 1. The need for self-perception applies to social media**
- 2. Ethical rules apply to social media**
- 3. Professionalism should be maintained for your virtual self**



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# Social Media and Legal Marketing



Adapt to change.

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## Social Media & Legal Marketing

If social media connects the brand and it's community, can social media be used by lawyers for business development purposes?

YES – once you develop the right formula for your firm.



Adapt to change.

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## Social Media & Legal Marketing

The paradigm of social media only being used by the younger generation should be put to rest now.

- 72% of all internet users are now active on social media
- 18-29 year olds have an 89% usage
- The 30-49 bracket sits at 72%
- 60 percent of 50 to 60 year olds are active on social media
- In the 65 plus bracket, 43% are using social media



## Social Media & Legal Marketing

There are now over 1.15 billion Facebook users  
47% of Americans say Facebook is their #1 influencer of purchases

There are now over 550 million registered Twitter users  
Twitter was the fastest growing network with a 44% growth over the last year

LinkedIn has over 3 million company pages with over 1 billion endorsements.





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## Social Media & Legal Marketing

In-house counsel are using LinkedIn to interact with outside counsel on multiple levels — to connect, participate in groups led by outside counsel and consume content produced by outside lawyers.

LinkedIn's new open publishing platform likely will provide an opportunity for lawyers producing top content to garner attention and prominence.





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## Social Media & Legal Marketing

Law firms and their lawyers need to take full advantage of LinkedIn — clients are congregating there professionally more than on any other social platform.

In-house counsel follow lawyer-authored blogs as closely as those written by professional journalists



## Social Media & Legal Marketing

Firms and their lawyers must develop and maintain strong profiles and take full advantage of LinkedIn's publishing opportunities.

These profiles need to be consistent across all channels including the firm website and should be both professional and personal.





## Social Media & Legal Marketing

The majority of In-house counsel navigate the Web in listen-only mode — but they are reading.

We believe law firms' content should spark conversation among target audiences and inspire readers to promote the firm's content by sharing and recommending it to others.

Make sure your firm's content is relevant, compelling and timely because In-house counsel are reading.



## Social Media & Legal Marketing Policy Best Practices

### Learn state ethics rules.

The ABA has not published guidelines, but a few states have stringent guidelines.

Example:

Florida—social media must comply with Rule 4-7.12 and include attorney name and office location.



## Social Media & Legal Marketing Policy Best Practices

### Be realistic.

The goal of a policy is not to quash enthusiasm or to be overly controlling. Be realistic is the parameters you place on your attorneys and staff.



## Social Media & Legal Marketing Policy Best Practices

### Educate.

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.

Provide examples of acceptable and unacceptable posts and explain.



# Social Media & Legal Marketing Policy Best Practices

## Monitor.

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.





## Social Media & Legal Marketing Policy Best Practices

### **Respond strategically.**

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 PR sense.

A law firm crisis communication plan should include a social media section with a strategy for overcoming such transgressions.



## Social Media & Legal Marketing Policy Best Practices

### Enforce consequences.

A social media policy without any teeth is an inadequate policy.

Determine how you will handle violations that fall outside of what is considered [protected activities](#) under the National Labor Relations Act.

Explain the potential consequences in the social media policy, and deliver frequent reminders so enforcement is expected and understood by all.



# Social Media & Legal Marketing Policy Best Practices

## Policy Content Suggestions

- Treat social media platforms as public activities.
- Be thoughtful. Take care that nothing you say online will undercut your creditability or that of the firm.
- Staff should not associate their personal social media accounts with the firm.



# Social Media & Legal Marketing Policy Best Practices

## Policy Content Suggestions

- Lawyers should identify themselves; do not use a handle that masks your identity.
- Be polite and civil.



# Social Media & Legal Marketing Policy Best Practices

Download Jaffe's Social Media Policy Template

<http://www.jaffepr.com/policy-templates/social-media-policy-template>





# Questions for Presenters?



**Douglas Moore**

*Irwin Fritchie Urquhart & Moore LLC*

*New Orleans, LA*

[dmoore@irwinllc.com](mailto:dmoore@irwinllc.com)



**Joi Scardo**

*Jaffe PR*

*Santa Rosa Beach, FL*

[jscardo@jaffepr.com](mailto:jscardo@jaffepr.com)

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