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Attorneys and Social Media – The World You Are In!

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By James D. Crosby, Attorney at Law

Attorneys are generally curious, bright, articulate, and unafraid to interact with others. The fast, interconnected world that social media represents should be a natural for them. And a great many attorneys are jumping in. Anything that allows attorneys to work smarter, expand professional reputations, assist clients, and make more money will ultimately be embraced, provided it is ethical.

Why, then, are so many other attorneys reacting so vehemently to the meteoric rise of social media?

Some cite ethical issues. Yet attorneys deal with thorny ethical issues all the time. Some cite the risk of an online presence. But attorneys deal with risk all the time. They litigate serious cases and structure large transactions involving other people's lives and money. Some say they don't like the "always on" aspect of social media. But, come on, how many attorneys do you know are afraid to voice an opinion or troll for business over drinks? Most attorneys, by nature or necessity, are always on.

Others dismiss social media as a fad that won't last. Really? Facebook is helping to oust dictators across the Middle East. The White House posts on Facebook and Twitter. Queen Elizabeth tweets! The "it's just a fad" argument is not credible.

So what is it? I think that two core things make many attorneys very uncomfortable.

First, social media blurs the lines between one's personal, public, and professional life. Attorneys operate in a complicated professional world. There are confidences to protect, privileges to defend, relationships to grow, reputations to cultivate. Many attorneys feel that if they embrace social media, they will let the genie out of the bottle. They will lose control over their various lives and the boundaries between them, and this loss of control will somehow



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hurt them or threaten their livelihoods.

Second, I think many attorneys fear the interconnected, no longer hierarchical, world that social media represents. Gone are the days of sitting in a big office, above the fray. Social media is a world where peers and clients rate attorneys in real time on digital forums viewed by thousands of people. Clients expect immediate responses — not a call back on a land line the next day. Faxing is dead, email is waning and texting is a “new normal”. Potential clients are on line, pre-qualifying attorneys. Existing clients are online finding an alternative when their expectations are not swiftly satisfied. Small firms and solo practitioners compete with mega-firms for big clients and complicated high-end cases. And, attorneys can no longer rely solely upon colleague referrals and a healthy reputation to sustain a practice. Simply put, because of social media, attorneys are increasingly down in the real-time muck with everybody else. And a great many attorneys don’t like this level playing field.

These are legitimate concerns. Many can be addressed with a clear strategy and the appropriate on-line tools.

But, attorneys really don’t have the luxury to choose to be involved in this new interconnected world. We ARE already in it! Attorneys may choose not to embrace it. But, they must recognize its significance. Their future choices will surely have personal, professional, and economical consequences.

I welcome your thoughts on attorneys and social media.

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About James D. Crosby, Attorney at Law



James D. Crosby is a civil trial attorney with 27 years experience. Mr. Crosby represents entities and individuals in general and complex business, commercial, intellectual property, unfair competition, securities, business tort and real property litigation in state and federal courts. Mr. Crosby is admitted to practice in all state and federal courts of the state of California, and has represented clients not only in California but also in state and federal courts in New York, Nevada, New Jersey, North Carolina and South Dakota. He has tried numerous jury and non-jury cases, and has represented clients in JAMS and AAA business arbitrations, as well as NAFTA arbitration under UNCITRAL Rules. Mr. Crosby is AV Preeminent peer review rated by Martindale-Hubbell for ethical standards and legal ability - the highest possible rating indicating that his peers rank Mr. Crosby at the highest level of professional excellence.

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