



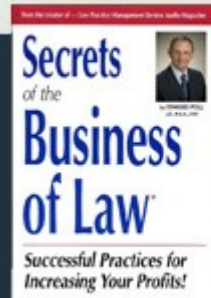
Week of **September 1, 2009**

The Tangled Web of Web Ethics

The interaction found on Web 2.0 (social networking sites, blogs, listservs) and Web 3.0 (the constant, searchable, interconnected content of Twitter) is a source of tremendous marketing power. But on more than one occasion, I've talked about how Facebook, *Twitter* and LinkedIn can be dangerous. That's because posts in these public environments never disappear, cannot be erased and can be searched by anyone. New lawyers have had job offers retracted, lawyers have been asked to leave their firms, and secretaries have been fired, all because of posts of personal activities or comments seemingly unrelated to the job at hand. But everything is relevant, as the advocate would say.

There are many examples of the dangers. Earlier this year, the Internet was buzzing about the advertising agency executive who went to Memphis to visit major client Federal Express, and was moved to comment on Twitter that Memphis "is one of those towns where I scratch my head and say 'I would rather die than live here'" - a tweet that some FedEx executives, who don't feel the same way about their hometown, saw and took offense. More recent was the uproar about a Chicago corporate landlord suing a former resident for an apparent offhand remark on Twitter about her supposedly moldy apartment. In comes the "sheriff" (the landlord) with a suit for libel.

Some might put such news stories under the heading of "any publicity is good publicity," but few in the legal profession believe that. The real lesson is to think twice not only about what you post publicly, but also about when you sue. Both sides will suffer in public opinion.



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Another issue in the news is ghost blogging. The CEO of a major food retailer got in big trouble when it was revealed that for years he had blogged under a pseudonym about his company and competitor. He contends that he was merely expressing personal opinions; the SEC contended (and recently settled charges relating to that contention) that his words directly affected the stock prices and proposed merger of both companies. Quite a different issue arises when companies pay bloggers for otherwise un-attributed positive blog reviews of products. Another is when lawyers offer personal criticism or evaluation of peers in the profession. An online criticism of an expert witness in a current case could become an *ex parte* communication if the judge hearing the case reads the criticism.

Bottom line - it's a new world out there, and as in any new world the map on how to proceed is still being laid out.

Personal Commentary

We're back in the Airstream for a few days while I work on my soon to be published book from West Pub. Co., *Thriving in the New Economy*.

The warranty work was completed after our recent maiden voyage. This is our second trip in the new trailer and we've learned new skills each trip. Backing up has been the most challenging, but getting easier each time. Sounds like becoming a better lawyer - getting a little better with each case we handle.

Bandit, our new rescue Boxer, seems to be enjoying himself and is a great companion, as well. A bundle of energy!

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What Readers Are Saying...

Secrets of The Business of Law® is the most insightful book I've read on this topic. It is written in an engaging, easy-to-digest style, and there was never a dull moment. I recommend it to anyone who runs a law firm and needs to turn a profit.

-CM, Massachusetts

Best wishes,

Ed Poll

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