

A Social Media Policy Checklist

July 13, 2010

From HBC's Sound Bites Blog (www.hellermanbaretz.com/soundbites)

Nervous about networking online? If you're a lawyer and you said yes, you're not alone. Many attorneys we speak with feel anxiety around social networking. The sources of this understandable (yet irrational) fear are many - some are afraid of the time commitment required to learn the ins and outs of a network like LinkedIn, others fear their social networking efforts won't succeed, and still others worry that the effort is futile; that no matter how many "friends" or "followers" they get, competitors will always have more relationships and leverage them more wisely.

Law firms have an important role to play in putting their individual attorneys' minds at ease about social media. In fact, given the importance of social networking in business development today, it's imperative that firms encourage their attorneys to get active. If your firm is doing the opposite -- if it's one of the few that prohibits attorneys from participating in social media as a professional -- then our advice is simple: Run. Social media has reached a point of influence that failing to participate is a career killer.

The best, and easiest, place for a law firm to start encouraging social media use is by developing its own social media policy. There are plenty of other reasons for establishing a policy, of course, including branding concerns, liability prevention, and the fact that such a policy could be required by your firm's malpractice insurer. But the most important function of a simple, clear policy are the comforting messages it sends to your firm's attorneys that 1) it's okay to get involved; and 2) there are easy rules to follow that will keep bad things from happening.

So, what are those simple, clear rules? Well, every firm is going to have its own unique considerations, but you'll do well to go light on unnecessary regulation (e.g., items already covered in your firm manual and/or state ethics rules) and heavy on common sense.

Indeed, an ideal policy might simply say: "Don't be stupid!"

If you need more than that, here is a list of questions to consider when drafting your policy:

1) Who should create the policy?

Our answer: involve the end users - but not too many. An appropriate drafting team might consist of a marketing/communications professional, two partners, and two associates.

2) What are the major goals you are trying to accomplish through participation on social media sites?

Our answer: relationship building and its corollary, business development.

3) What Internet sites does this policy apply to?

Our answer: focus on the biggies like LinkedIn, Twitter, Facebook, You Tube, and JD Supra. What applies to these will apply to most all others.

4) Who is authorized to create a professional profile on a social media site?

Our answer: Individual attorneys (relationships are with people), practice groups and office locations, and the firm.

5) Do you want to establish a process for approving content posted to social networking sites (e.g., a blog entry)? And if so, what is the process, who gives the approval, and what types of content are required to go through this vetting?

Our answer: Keep it simple! The less "oversight" and "approval" the better. Social media sites are personal and their power lies in their ability to convey that sense of personality that "approval processes" are designed to stifle.

6) What restrictions, if any, are there on inviting others to join your network (e.g., sending a "friend" request on Facebook)? And what restrictions, if any, are there on accepting invitations from others to join their networks (e.g., accepting a "friend" request on Facebook)? Will these restrictions differ for individual accounts as opposed to firm or practice-group accounts?

Our answer: the fewer restrictions the better. Really.

7) What restrictions, if any, are there on linking to content written by someone not affiliated with the firm?

Our answer: again, the fewer restrictions the better. The power of these social media platforms is their ability - and some are much better than others - to allow professionals to share (receive and distribute) content. Don't let your policy get in the way of that. Simply make it clear that what your attorneys share and highlight will say a lot about who they are and what's important to them.

8) What image do you want lawyers to use when creating individual or firm accounts on social media sites (personal photo, firm headshot, firm logo, etc.)?

Our answer: Let them choose - within reason. Make clear that no matter where they have a profile, they are professional representatives of the firm and should present themselves that way (i.e., shirtless photos involving alcohol are not professional).

9) Who will enforce the policy, and how will they be empowered to do so effectively?

Our answer: choose someone nice and empower them to reward performers more than they can punish dummies. People will wise-up if they are given good examples to emulate.

Lawyers are a risk-averse group, and many are inclined to eliminate any risks associated with social media by not participating in it. Your social media policy should protect your firm, of course, but its most important function lies in overcoming that "do-nothing" mindset and [encouraging attorneys to build relationships online](#). Because in this day and age, failure to do so is going to cost you business.