

# INTERNET SOCIAL NETWORKING SITES FOR LAWYERS

By Christopher B. Hopkins

If you have avoided social networking sites, or if you are limiting your use of social networks to get in touch with friends from high school, it may be time to give some thought to how your public profile can contribute to your professional development. This article provides an introduction to new ideas in Internet connectivity, along with two specific examples of how to use social networking websites: enhancing jury selection, and marketing your legal practice.

Over the past few years, the Internet has changed from an information highway to a social network. With the emergence of the “Web 2.0,” lawyers need to update their bookmarks and understand the research and marketing potential of networking sites such as Facebook, LinkedIn, Youtube, and Twitter.

## Introduction to Internet Social Networking

Social networking websites allow users to create a “profile” of themselves which can then be “connected” or “linked” to other users based upon overlapping interests, employment, schools or contacts. Once the connection is made, usually by both users agreeing to be “friends,” the two users and their respective circle of “friends” are brought together.

A typical Facebook profile, for example, might include a personal biography listing a user’s hometown, interests such as favorite movies or sports teams, and a short list of schools attended and recent jobs held. The user can manually invite “friends” or let Facebook propose other people, either based upon similar interests/schools/employment or by cross-referencing the user’s email address book with Facebook’s membership roster. Over time, the site will propose new “friends” who are connected to two or more people in the user’s friend list. Using a computer or even a smartphone, users can post short updates on their interest or activities (“*Christopher is working on*

*a TAQ article*”) or even upload photos or videos (“*Check out this view from our hotel in Palm Beach*”).

The concept of Internet social networking grew out of the tech-savvy community of high school and college graduates who wanted to keep in touch with their former classmates. Since the mid-1990’s, several websites have jockeyed for the crown of being the most populated: Classmates, MySpace, and Facebook.

Only a few years ago, it was a widely-held belief that social networking websites were the exclusive domain of teenagers and twentysomethings who were carelessly endangering their potential careers by posting images of underage drinking and other incriminating misadventures. While this ill-advised practice certainly continues,<sup>1</sup> sites like Facebook and LinkedIn have successfully begun to draw a broader crowd who seek to reconnect with distant friends and relatives. Forward-thinking business people immediately recognized the various potentials of social networking.<sup>2</sup>

While many users are on more than one social networking website, the current crop of favorite sites appears to be MySpace, Facebook, and LinkedIn. MySpace and Facebook are premised upon social contacts. On MySpace, the user creates a mini-website with photos, music, information, and web-based games. On Facebook, users write comments on each other’s “walls” as well as post

## ABOUT THE AUTHOR...



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images and messages. LinkedIn, meanwhile, connects users based upon their professional contacts.

As of this writing, MySpace generally appeals to younger users who want to express themselves on self-created web pages. Facebook has developed a vast number of “older” users (“older” meaning 35 years and older), alumni groups, and special interest groups because of the connectivity and ease of communication. LinkedIn is almost exclusively professionals with a reduced level of “chatter” between the users.

One distinct social network, Twitter.com, has arisen since 2006 to become surprisingly popular among lawyers.<sup>3</sup> After setting up a Twitter account with an abbreviated biography, a user can “follow” other users as well as “tweet” spontaneous updates and comments. Each tweet (or comment) is limited to 140 characters and appears as an instant message on the follower’s cell phone.

Twitter is not just made up of individual users; organizations like CNN, local newspapers, FEMA, and the Red Cross all have joined and regularly broadcast “tweet” updates. The service is comparable to Facebook and LinkedIn since users either manually add contacts or let the site inspect the user’s email address book to find contacts who have already enlisted. The difference is that Twitter users never again need to visit a website – the tweets are sent from or “pushed” to the user’s phone. Twitter appeals both to Blackberry “addicts” as well as people who frequently use instant messaging. Tweets can be informative (breaking news), revealing (*Christopher is looking through his thesaurus for the right word*) or a social tool (*Anyone going to the Bar function at 7 p.m.?*).

What is the use of social networking?<sup>4</sup> All of these sites provide subtle and informal data about clients, witnesses, adversaries, and jurors which you might not otherwise read on

a company website or ascertain during a conversation or voir dire. Equally as important, social networking sites provide the opportunity to project yourself, via your “profile,” to these same groups. Carefully honed, a lawyer’s profile should reveal limited but spirited personal information to complement the savvy professional persona.

### **Research: Using the Web 2.0 For Jury Selection**

Most courtrooms in Florida offer free wireless Internet access for quick case law research during hearings and trials. Using a paralegal and a laptop, that same wireless connection can be used during jury selection to research prospective jurors.<sup>5</sup> The following list of searches can be used in almost all civil trials.

Before jury selection begins, ask the bailiff for an extra copy of the prospective juror list, which you will then give to your paralegal. While the judge and the plaintiff’s lawyer begin questioning the potential jurors, the paralegal should sit unnoticed in the corner or in the hallway with the laptop and run the names on the juror list through the searches below. The paralegal can put neatly written notes next to each potential juror or simply describe the more important “hits.” Defense counsel can then use this information during questioning.

If voir dire lasts several days, overnight research may reveal detailed individual profiles of the prospective jurors, which avoids tedious examination and may provide you with exclusive information that opposing counsel had not uncovered. In short, the lawyer’s team can accomplish the same outside research performed by jury consultants without the expense.<sup>6</sup>

Even if a jury is selected in a matter of hours, continued Internet research during the trial may reveal interests, backgrounds, and social/political opinions which should help

a lawyer target themes of the case and closing argument to resonate with that particular jury. Consider the trial of a property dispute or a premises liability case where the lawyer, using Google Streetview, could “virtually” stand in the frontyard of each juror’s house to “see” their property or “walk” down their street. Alternatively, imagine trying a business or employment case armed with a juror’s workers’ compensation claim history and the list of consumer complaints filed against the juror’s business/employer. That kind of information, custom-tailored to your jury, may provide crucial insight into how to best persuade the panel.

For almost any case, Internet research will confirm the veracity of prospective juror responses by searching the county sheriff’s online arrest records or may reveal political views by obtaining the exact dollar amounts and dates of a juror’s recent contributions to political campaigns. Finally, imagine the potential impact of a well-placed metaphor in your closing argument tailored to a juror’s interests or social views as described on Facebook or Twitter.

For cases with a limited period of time for jury selection, perform these Internet searches:

- (1) **Google:** [name] + [hometown] or [business/occupation] for a general search;
- (2) **Google News:** search to determine if [name] has been the subject of a news story;
- (3) **Local News:** search the local newspaper and/or television website(s) for [name] in news stories which may not have reached Google;
- (4) **Employer/business:** search company website for [name]’s biography;
- (5) **Wink.com:** a catch-all search for [name] in blogs, websites, and social network profiles;

(6) **Zoominfo.com:** search [name] in this “business information search engine” for announcements and business information.

(7) **Blogs:** for a more specific blogging information, search [name] on [www.blogsearch.google.com](http://www.blogsearch.google.com);

(8) **Facebook/MySpace:** a search on Facebook should reveal a photo and [name]’s group of friends; a “Find Friends” search on MySpace will reveal [name]’s page;

(9) **Other networking sites:** search [www.yoname.com](http://www.yoname.com) to see if [name] uses any other social networking sites;

(10) **“Photo sharing” sites:** do a general or “people search” on YouTube, Shutterfly, Flickr, and Photobucket.com to see if [name] appears in videos or images;<sup>7</sup>

For voir dire which lasts several days, or to continue your investigation during trial, consider these searches:

(11) **Arrests and lawsuits:** check the county sheriff’s office “booking blotter” site for recent arrests as well as the local clerk of the court website for civil, traffic and criminal cases;<sup>8</sup>

(12) **Workers’ compensation:** search for [name] at [www.jcc.state.fl.us/JCC/searchJCC](http://www.jcc.state.fl.us/JCC/searchJCC) for prior workers’ compensation claims;

(13) **Political Contributions:** search the county supervisor of election site for [name];<sup>9</sup>

(14) **Consumer Complaints:** search for [name] and [name]’s business or employer on the county consumer affair site;<sup>10</sup>

(15) **Twitter:** search [name] at [www.search.twitter.com](http://www.search.twitter.com);

(16) **Google Streetview:**<sup>11</sup> search [name]’s address on [www.maps.google.com](http://www.maps.google.com);

(17) **Corporation search:** search [name] at [www.sunbiz.org](http://www.sunbiz.org)/search.

Of note, since the foregoing seventeen Internet searches are fairly invasive, a careful lawyer should avoid overt references to a juror’s personal information during jury selection and trial. Likewise, the lawyer should coordinate a discreet method for Internet research while in the presence of the jury. Most importantly, lawyers are reminded of the ethical prohibition against improper contact with or influencing of a juror.<sup>12</sup>

### Using the Web 2.0 For Marketing

Like any other business, law firms joined the “information highway” during the mid-1990’s and most firms now have websites. The Florida Bar has been considering supplemental regulations for lawyer websites since the pre-Facebook and Twitter era – unfortunately, without results. While the Bar struggles with the question of whether a lawyer’s website is comparable to the yellow pages,<sup>13</sup> there has been no specific guidance for lawyers who use blogs or social networking sites.<sup>14</sup>

That said, within the confines of the current advertisement regulations,<sup>15</sup> lawyers can participate in social networks and other Web 2.0 technologies in ways which create professional visibility.<sup>16</sup> Many lawyers host legal blogs which address specific legal issues;<sup>17</sup> while these are not intended as advertisements,<sup>18</sup> a would-be client searching for “Florida not for profit law” might email the lawyer who hosts a legal blog on the topic before calling a lawyer with a “standard” website. Moreover, much like writing a law journal article or a piece for a local publication, hosting an informative legal blog may increase

your reputation as a lawyer knowledgeable in that area of the law.

Participation in social networking sites may lead friends, relatives or even fellow alumni to contact you with legal questions or for representation. It is common in large law firms for emails to circulate asking if anyone knows of a reputable lawyer in a distant city or state. Through Facebook or LinkedIn, a lawyer can research fellow law school alum in that area and make a referral. That connection may result in a return referral.

While Twitter is capped at 140 characters, a lawyer could tweet a comment about recent legal developments or, better still, offer a link for “followers” read a particular story on the lawyer’s blog. Done properly, none of these are intended as “advertisements,” yet they appropriately create and strengthen a lawyer’s Internet presence. Moreover, using social networking and other Internet tools makes it easier for prospective clients to find you, because social network “profiles” appear in the results of a standard Google search.

### A Final Word on Best Practices & Ethics

An incomplete or abandoned blog or profile may be worse than none at all. Creating a blog is time-consuming and requires knowledge of a topic, writing skills, and Internet prowess to develop the website and post the blog content. Consider this step carefully and make sure you have the resources (most of all, your time) to keep the blog alive.

Developing and maintaining a social networking profile, however, is free and takes less than an hour with little technical skill required. At a minimum, weekly or monthly updates are enough to simply keep the profile up-to-date. Users often find they actually enjoy networking; however, it bears repeating that a careful lawyer will want to cultivate

just enough personality on the Internet profile to balance the professional side.

For the uninitiated, it is difficult to understand the nature (or appeal) of social networking sites. It is nearly impossible to guess how, or whether, these new methods of communication will result in novel attorney regulations. For that reason, careful adherence to the current advertising rules (including Rules Regulating the Florida Bar 4-7 and 4-15) is required.

- <sup>1</sup> See "Lawyers Mine Web Sites," *Orlando Sentinel*, July 19, 2008, at A10 (prosecutors in a DUI case found incriminating pictures on Facebook of a 20-year old defendant dressed as a "jail bird" at a party taken weeks after the arrest).
- <sup>2</sup> A current marketing tool is to combine social networking "fans" (friends), blog content, and "search engine optimization" concepts in order to boost a company's message. See [www.hubspot.com/archive/sbsm-webinar](http://www.hubspot.com/archive/sbsm-webinar).
- <sup>3</sup> "Twitter Becoming 'Incredibly Mainstream' for Blogging Lawyers," Jan. 30, 2009, [www.abajournal.com/news/twitter\\_becoming\\_incredibly\\_mainstream\\_for\\_lawyers/](http://www.abajournal.com/news/twitter_becoming_incredibly_mainstream_for_lawyers/)

- <sup>4</sup> For an interesting debate on this issue among lawyers, see [www.legaltalknetwork.com](http://www.legaltalknetwork.com) for the podcast, "The Pro's and Con's of Twitter," January 15, 2009.
- <sup>5</sup> For further discussion on jury selection via the Internet, see [www.abanet.org/litigation/podcast/podcast.xml](http://www.abanet.org/litigation/podcast/podcast.xml), "Should I Google the Jury, Parts I & II," June 29 and July 12, 2007.
- <sup>6</sup> "Trial Consultants Add Facebook/Myspace to Juror Research Toolbox," Sept. 29, 2008, [www.abajournal.com/news/trial\\_consultants\\_add\\_facebook\\_myspace\\_to\\_juror\\_research](http://www.abajournal.com/news/trial_consultants_add_facebook_myspace_to_juror_research)
- <sup>7</sup> Turning this issue around from lawyers finding information online to lawyers posting it, an interesting question is whether lawyers can use Youtube.com or other video sharing sites to distribute portions of videotaped depositions or other video evidence. See "Judge Orders Deposition Clip Be Removed From YouTube," *Daily Business Review*, December 17, 2009, at A10.
- <sup>8</sup> In Palm Beach County, for example, search [www.pbso.org/corrections/index.cfm?fa=blotter](http://www.pbso.org/corrections/index.cfm?fa=blotter) or [www.courtcon.co.palm-beach.fl.us/pls/jiwp/ck\\_public\\_qry\\_main.cp\\_main\\_idx](http://www.courtcon.co.palm-beach.fl.us/pls/jiwp/ck_public_qry_main.cp_main_idx).
- <sup>9</sup> For example, [www.pbcelections.org/items.aspx?id=181](http://www.pbcelections.org/items.aspx?id=181).
- <sup>10</sup> For example, [www.pbcgov.com/publicsafety/consumeraffairs/lookup.htm](http://www.pbcgov.com/publicsafety/consumeraffairs/lookup.htm).

- <sup>11</sup> If you only have a name and city, consider searching the county property appraiser's website or [www.zabasearch.com](http://www.zabasearch.com) for a street address.
- <sup>12</sup> R. Regulating Fla. Bar 4-3.5.
- <sup>13</sup> "Supreme Court Takes Up Lawyers' Websites," *Florida Bar News*, February 1, 2009.
- <sup>14</sup> See "New Advertising Rules Have Louisiana Lawyer in a Twitter," *Daily Business Review*, December 10, 2008, at A10.
- <sup>15</sup> See "Companies Turn Up the Heat Over Those Little Tweets," *Daily Business Review*, January 7, 2009, at A11.
- <sup>16</sup> In a particularly creative and cutting-edge effort, one law firm recently sponsored an "app" (application or program) exclusively for iPhone users who were traveling to Washington, D.C. for the Presidential Inauguration. See <http://tinyurl.com/bhozdh>.
- <sup>17</sup> See [www.abajournal.com/blawgs/florida](http://www.abajournal.com/blawgs/florida) and [www.flbwatch.com](http://www.flbwatch.com).
- <sup>18</sup> Entrepreneurs avoid the brash, if not anachronistic, notion that social networking is "advertising." Often, you will see phrases such as "branding," "exposure," and "reputation management."

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