

Old Lessons, New Technology: Seizing the Benefits and Avoiding the Pitfalls of Social Media and Other Free Internet-Based Tools

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Technology surrounds us. From touch-screens to tablets, innovations that change how we connect, perform, and produce are ever-present and while such technology enriches many lives, it has left some industries struggling to catch up. Take the field of journalism: with the advent of citizen-journalist blogs and microblogs like Twitter, newsrooms around the country have had to rethink how they gather and publish stories. Gone are the days when scoops are limited to beat reporters. Now, anyone with a smartphone and an audience can “break news.” The impact of advances in technology and social media have been less fundamentally challenging for the legal field, but the practice of law is far from insulated from these developments.

At the Maryland State Bar Association’s 2012 Annual Meeting, several Maryland lawyers discussed ways in which lawyers can embrace technology to better serve their clients. In a presentation entitled “Going Geek,” available in its entirety via [YouTube](#), these lawyers shared several different perspectives but reached a cohesive conclusion - use technology and social media to suit your own needs, but be smart about it. While the speakers touched on a broad range of technologies, their discussion of free web-based resources was of particular importance to lawyers.

At first blush, using social media seems pretty harmless. But as presenter (and co-author of this article) [Heather Pruger](#) noted, when it comes to social media, be wary of mixing the professional with the overly personal. It’s a warning that we have all heard before. For law students heading into the on-campus interviewing period, that means un-tagging all those “less than flattering”

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photos on Facebook from your college days and making sure that your privacy settings reflect the kind of content that you post.

For practicing lawyers, the implications of such a warning are much more nuanced. Remember that Maryland and ABA Rules of Professional Conduct apply to all social media conduct, which means that even comments made via social media may be subject to scrutiny by bar counsel. Exaggeration in an online resume or on a networking site like LinkedIn may amount to misrepresentation and over-sharing may violate confidentiality or the attorney-client privilege, not to mention business sensibilities. Moreover, social media sites like Facebook are often cross-linked to other sites. A movie ticket you purchase on Fandango or a song you stream on Spotify might appear on your page. Although these details may be far from salacious, they are personal and might reveal information about your tastes that you wish to keep private.

At the same time, using social media without respecting its inherently personal nature may come across as disingenuous. For example, presenter [Bruce Godfrey](#) cautioned lawyers against focusing too heavily on creating a “brand” for themselves. Clients hire lawyers for “private crises and problems.” Using social media sites like Facebook to develop a brand where other users can “Like” your business seems forced and may remove the personal element that makes social media worth using in the first place. As Godfrey put it, “we aren’t cans of soup or pizza or liquor.” That said, Pruger responded that establishing a professional page in Facebook can be helpful so long as it doesn’t become exclusively commercial and instead remains focused on educating and developing relationships.

While Facebook may be one of the most prominent forms of social media, it isn’t the only social media avenue to present potential benefits and pitfalls for lawyers. Godfrey also pointed to websites and blogs. While large law firms maintain complex and well-designed websites, for the solo practitioner, hiring a web design company to develop a website could be cost prohibitive. For the latter, Godfrey urged do-it-yourself web design that gives the lawyer direct control over the content and domain name, rather than allowing a non-lawyer, who may not be familiar with the professional rules of conduct, to control the lawyer’s public persona. In Godfrey’s words, “outsourcing marketing = outsourcing ethics.”

No matter how cutting edge or basic your website, Going Greek speakers agreed that once it is up and running, the next step is to populate it with useful information. Don’t turn it or your blog, if you have one, into a fake law blog, or “flawg,” by limiting its content to advertisements. A better use of your website or blog is to post frequent, clear, and informative updates on areas of law that you practice (without crossing the line into giving legal advice, of course). These posts can then be linked and pushed out, using other sites like Twitter, LinkedIn, and Facebook, to name a few.

But the Internet provides more for free than just social media. One free web tool that presents a wealth of resources for lawyers is Google. Many attorneys use Google for basic searches only, unaware that there are a myriad of ways in which the search engine giant can be used. Presenter [Laurie Wasserman](#) ticked through many of the Google functions that can help lawyers in the daily practice of law. For example, Google Scholar allows users to run searches on scholarly content only. This content includes articles, books, abstracts, court opinions, and more. Rather than typing the phrase “rule against perpetuities” in the standard Google search engine and receiving a Wikipedia entry as the first hit, a lawyer can type that phrase in Google Scholar and receive portions of a more authoritative book on the subject or limit the search to return only court opinions within a specific jurisdiction and date range. Wasserman also highlighted that lawyers can establish Google alerts whereby they receive new online content, newspaper articles, or blog entries that match a customized search term such as a client’s name.

Powerful as these Google tools are, however, there are notes of caution. Lawyers should verify the source and accuracy of a Google alert before relaying its information to clients. Similarly, before citing to a court opinion that turned up in a Google Scholar search, it is still important to *shepardize* the case to make sure it is good law.

While many other technological tools – web-based and not – exist to help lawyers more efficiently practice law and serve their clients, such as those outlined by presenters Godfrey and [Hughie Hunt](#), these tools all have one thing in common: new technology or social media tools will present risks along with their rewards. Lawyers are, of course, not strangers to such risks. Indeed, the risks posed by these new technologies are much the same as those that have been faced by the legal profession for years, but are now appearing from a different angle. Similarly, while technology may have changed the way the practice of law looks, it has not changed the fact that, as lawyers, we have a professional obligation to provide our clients with timely, competent, and cost-effective legal services. Technology can provide great tools to help us serve our clients, but cannot be allowed to detract from our professional ethical obligations. As the “Going Geek” presenters underscored, use technology and social media to suit your needs but remember that all ethical and professionalism rules still apply.