

Digital footprint – What’s that?
Who Controls Your Digital Footprint?
By Judge Arthur M. Monty Ahalt (Ret.)*

Ten years ago, a large percentage of the legal profession—lawyers, judges, administrators and marketing experts were consumed by the privacy debates. The fear, in some cases paranoia, was that “bad people” would misuse personal data. Even public data in public files at the courthouse were thought to be protected in some sort of cloak of confidentiality. After all, real estate marketers were doing “bad things” with online court data; they were obtaining foreclosure records and marketing their services to the distressed homeowner, many of who were no doubt embarrassed by their financial plight. Never mind that those “bad things” were happening in newspaper ads and handmade signs on the community telephone poles.

Consider what has occurred over the past ten years; the amount of information about an individual which is accessible on the internet, without the specific permission of that individual, is astounding. Try googling your own name and see how much information you find about yourself; you will be shocked!

This is your “digital footprint”; information about an individual, law firm or business which resides on the World Wide Web. This information can be used to your benefit, or it can be used in an unfavorable manner. It is collected from content on a website, and it is collected from your browsing history. Think of the various search engines you visited just today; Google, Yahoo, Bing. Check it for yourself and see how much information is revealed in a single month of history.

One company Executive put it this way; “They leave a data footprint. They tell me what they are interested in. They tell me what kinds of things they are searching on. They tell me what kinds of article they are reading. They tell me whether a user is interested in preparing for the tax season next year. They tell me.....” – the list goes on and on. Put several years together and it is possible to paint a very relevant picture.

How to monitor your digital footprint.

Monitoring your digital footprint is really very easy.

1. Perform a google search of your name, your law firm or your business.
2. Schedule a monthly or quarterly google search.
3. Create a google alert on your name, your law firm or your business.

How to manage your digital footprint.

There are three principles to managing your digital footprint: content, content, content. The best and surest way to manage a digital footprint is to create content on the World Wide Web. Rather than allowing others to create this content, take a proactive approach.

1. Create and manage a personal website.
2. Create a professional profile on a professional networking site such as LinkedIn or Plaxo.
3. Create a business/profession page on Facebook, LinkedIn, Avvo, and Lawyers.com.
4. Publish articles in your area of expertise for other professionals and the general public.

The more information that you put on the web about yourself, your practice and your law firm, the more the web will reflect what **you** say, not what others say for you.

Rules of Professional Conduct and Ethical Consideration

What about the Rules of Professional Conduct and Ethics? Currently, the discussion traffic about ethics is heavy and the speed of response is “warped speed”. Blogs and Twitters on the subject abound. One side says you cannot do much; the State Bar Counsel and Ethics Panel says you are ethically responsible for what others might be saying about you on sites like Avvo, LinkedIn. The other side says all options are open. As usual, the truth and practice will lie somewhere in the middle – although the “middle” is still being defined.

When dealing with technology and the Internet, the tendency is to forget the occurrences and problems in the regular non-technology universe. For instance, social networking for a legal professional is as old as the profession. Lawyers are social by nature; they have neighbors, join country clubs, and belong to churches, service organizations, and community associations. Their friends and families are interconnected often by several generations. They call each other, meet with each other, and talk over the back fence or on the front porch. All of these activities must comport with ethical standards, yet are impossible to track or trace.

So what is different about this new and evolving technological Internet world? How is Facebook different from the community bulletin board and the local telephone tree? How is LinkedIn different than the Rotary Club, Kiwanis or Lions

Club? How is Avvo different than the yellow pages? A close look will lead to the conclusion of - not much. Yes, the speed and distance by which information and connections travel is multiplied and sometimes cubed. But at the same time, the tracks are easier to find and follow.

For the legal professional, the pathway seems pretty clear – get involved, use these new tools, learn about them, experiment with them, find out their strengths and weaknesses. While conducting activities, continue to guide them by basic ethics.

1. Don't give legal advice.
2. Don't solicit work.
3. Don't let people think you are representing them and creating a lawyer client relationship.
4. Make sure your words are not misleading.
5. Make sure you protect client confidences.
6. Watch out for conflicts of interest situations.

We should adapt our technology and internet use to the ethical standards that have always guided our conduct. We should not create a new set of rules in reaction to new technology.

*Judge Ahalt is currently recalled as a Circuit Court Judge and serves private parties as a mediator and arbitrator in personal injury, commercial, real estate and construction disputes. www.montyahalt.com. All of the prior articles of VirtualCourthouse can be accessed at www.virtualcourthouse.info/Articles. Follow Monty Ahalt Blog - <http://montyahalt.blogspot.com/> Monty Ahalt Twitter - <http://twitter.com/MontyAhalt> Follow VirtualCourthouse Blog - <http://virtualcourthouse.blogspot.com/> VirtualCourthouse Twitter - <http://twitter.com/virtualcourt>