

Social Media Guide



for Lawyers
v. 3.0

© Copyright 2016, Meritas, Inc. All rights reserved.

DISCLAIMER: The information provided in this *Social Media Guide for Lawyers* is made available for general informational purposes only, and is not intended to constitute specific legal advice or to be a substitute for advice from qualified counsel. The information may not apply to your specific situation or jurisdiction or may be incomplete. You should not act or refrain from acting or rely on any information herein and should seek the advice of an attorney before taking any action.

INTRODUCTION

In the first edition of the *Social Media Guide for Lawyers*, the 2010-2011 Leadership Institute proclaimed that “the world is changing.” Nothing could have been closer to the truth. Over the last five years, hundreds of thousands of lawyers have flocked to LinkedIn, Twitter and Facebook to develop personal and professional profiles to connect with family, friends and colleagues. Now, lawyers and law firms are increasingly turning to social media for marketing and business development. In doing so, the question is no longer *whether* lawyers and law firms should use social media to promote their practice but *how* it can be done effectively while avoiding serious ethical pitfalls with lawyer advertising. The world has indeed changed.

The first edition of the *Guide* featured a “Best Practices Guide” on how law firms and individual lawyers could use social media to add value and generate business. The *Guide* also provided step-by-step instructions for effectively using the “Big Three”—LinkedIn, Facebook, and Twitter. Basically, that first edition served as “Social Media 101,” providing a foundation for those just diving into the social media pool.

With the second edition, Heather Melick of the 2010-2011 Leadership Institute and I elevated Meritas to the next level of social media use by showing lawyers and law firms how to harness social media to their advantage by integrating “traditional” media with these new technologies to further expand visibility and exposure. The second edition is largely incorporated into this *Guide* with significant updates, new features, and effective tips on how to take advantage of the current features offered on social media.

In this third edition, I address the primary reason why lawyers and law firms have yet to fully embrace social media for marketing: the uncertainty surrounding how the advertising ethics rules apply to social media. While advertising rules generally govern the message, not the medium, many lawyers and law firms are still uncertain about how the lawyer advertising rules apply to social media and how they can use these marketing tools safely. The *Guide* will empower lawyers and law firms to use social media safely by summarizing the applicable advertising rules, explaining how the advertising rules apply to a lawyer’s personal and professional social media use, and providing examples of actual social media profiles to assist Meritas lawyers. Armed with this information, lawyers can connect with confidence, develop their professional online presence, and effectively use social media to generate business.

I hope you enjoy the *Social Media Guide for Lawyers v. 3.0*.

Ethan Wall, Social Media Law and Order
Member of the 2010-2011 Leadership Institute

How-To Guide to Social Media Platforms





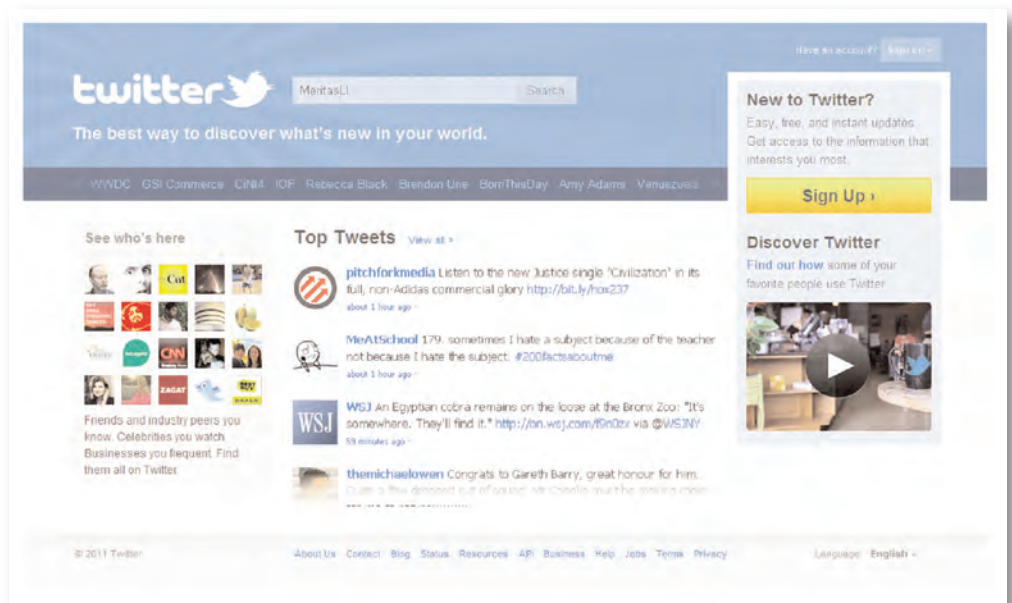
TWITTER FOR LAWYERS

Twitter is a real-time information and “micro-blogging” social media tool that enables a lawyer and law firm to send potential clients and referral sources brief updates on what’s new with themselves, their law firm, and the industries they serve. Lawyers also use Twitter to discover new information and learn breaking news about topics that affect their practice and clients. Twitter posts are limited to 140 characters and are called tweets. Tweets are sent in real time to any Twitter account holder who has decided to “follow” (subscribe to) the lawyer’s or law firm’s account and can include images, videos or links to other web pages, such as a law firm website, blog, or article of interest.

The primary benefit of Twitter is to allow a lawyer to easily share information on their area of practice without the time-management and third-party content concerns associated with a Facebook profile. Twitter is not ideal for the lawyer interested in creating a robust profile that they may be accustomed to on other social media sites.

How to Create a Twitter Account

1. Go to <http://twitter.com/>
2. Select **Sign Up** on right side of the page.
3. Complete the necessary fields (name, username, password, and email). The lawyer may select the “Tailor Twitter based on my recent website visits” box. If the lawyer selects this feature, Twitter will build a unique list of relevant suggestions about who to follow based on the lawyer’s online activity.
4. Select **Sign Up**.
5. Once welcomed to Twitter, select **Let’s Go** to review a brief tutorial. Twitter will prompt the lawyer to select categories of interest in such areas as sports or music that will enable Twitter to suggest other profiles to follow.



The lawyer does not need to select any categories or suggested followers to continue creating an account. Select **Continue** to proceed.

6. Twitter will prompt the lawyer to customize their profile by adding a photo. Select **Upload Photo** to add a professional image of the lawyer or law firm logo. Select **Continue** to proceed.
7. The next page will allow lawyers to find people they know on Twitter by using their AOL, Gmail, Outlook or Yahoo account to search Twitter for existing Contacts who have Twitter accounts. The lawyer may bypass this process by selecting **Skip This Step** in the lower right corner.
8. An email will arrive at the registered email address. Confirm the account by selecting the link provided in the email. After this step, the lawyer has access to their full Twitter page.
9. Once the lawyer has full access to their Twitter page, they can also search for accounts they want to follow by using the search field at the top of the page. We suggest searching for the current Meritas accounts, which are “MeritasLawFirms” and “MeritasLI” by entering “Meritas” in the search field. Select **Follow** opposite the description of each account listed after the search. The lawyer can search for clients, professional firms, professional contacts, media outlets, etc. to follow; chances are good that many of their interests, colleagues, clients and competitors will have Twitter accounts. The lawyer can also search by subject matter (i.e., social media law).
10. All tweets from accounts the lawyer follows will appear chronologically in the center of the Twitter home page.

How to Send a Tweet

1. Send a tweet by selecting the quill in the upper right corner of the Twitter home page. A rectangular window will appear with the words **Compose New Tweet** on top.
2. Type up to 140 characters of text, include images, videos, or links to other web pages, such as a law firm website, blog, or article of interest. As typing begins, Twitter will display the amount of allowable characters remaining. Select **Tweet** in the lower right corner to publish the tweet to the lawyer’s Twitter followers. Tweets may also be seen by other Twitter users who visit the lawyer’s account.
3. One or more hashtags may also be included within a tweet. A hashtag is any word or phrase immediately preceded by the # symbol (such a #socialmedialaw). When a hashtag is entered into a tweet, other users can select the hashtag to see other tweets containing the same keyword or topic. Using hashtags is an excellent way to demonstrate experience and interest in a topic, locate other tweets and Twitter users who share interests, and quickly find information on topics or keywords a lawyer is interested in learning more about.

How to Communicate on Twitter

In addition to composing Tweets that are directed to all of their Twitter followers, a lawyer can also communicate with specific Twitter users.

Tweeting to Another Twitter User

1. To communicate with someone publicly, the lawyer can **Mention** another Twitter user with a tweet. To mention someone in a tweet, place the @ symbol immediately preceding another Twitter user's name (for example, @ethanwall). There should be no space between the @ and the Twitter user's name.
2. Once the tweet is sent, the Twitter user mentioned in the tweet will be notified. This will enable the Twitter user to easily **Reply** to the original tweet.

Replying to a Tweet

1. By replying to a tweet, the lawyer shares a public conversation on Twitter that other users can see by viewing either user's Twitter profile.
2. The lawyer may reply to a tweet in which they are mentioned by clicking the **Reply** button next to the tweet, which looks like a curved left-facing arrow found in the bottom left of a tweet.
3. Once the reply is sent, the original Twitter user will be notified and the conversation continues.

Forwarding a Tweet

1. The lawyer may also forward another Twitter user's tweet to their own followers by selecting the **Retweet** button. The **Retweet** button looks like two L-shaped inward facing arrows that form a square.
2. Retweets are used to pass along news or other valuable information on Twitter. Since retweets are information previously posted by other users, they retain original attribution when retweeted. As a result, the retweeted tweet will be displayed with the original user's name and photo.
3. Sending a retweet promotes the free flow of useful information, permits a Twitter user's profile to feature other user's content that the Twitter user finds interesting, and helps to build relationships between Twitter users by sharing information to each other's network.

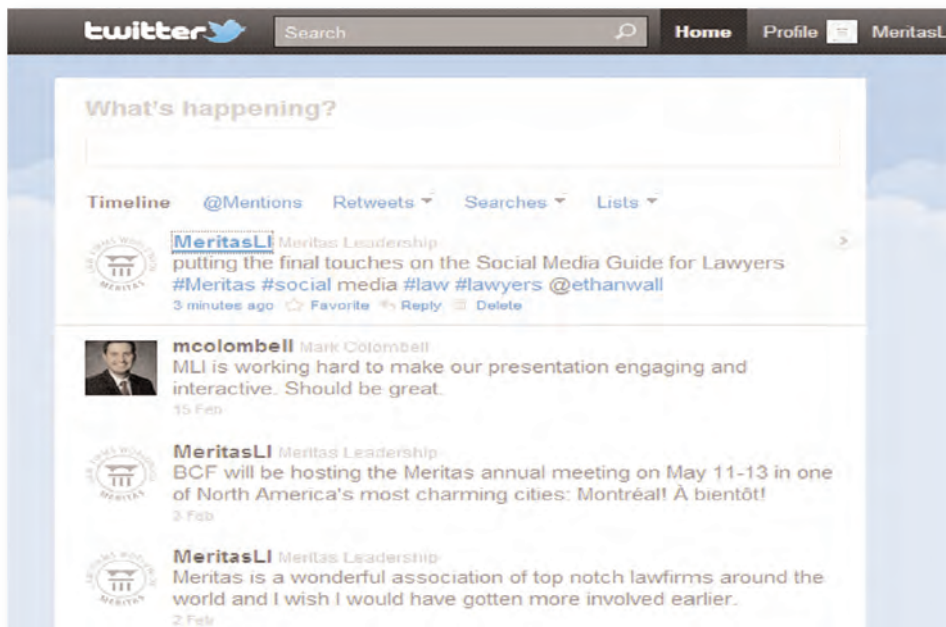


Sending a Private Message

1. To send a private message to another Twitter user, select that person's profile and select the speech bubble shaped message button under the user's profile photo. A new window will open with the words **Direct Messages** on top.
2. Type a private message, which may include images, videos, or links to other web pages. These messages are only visible by the Twitter users participating in the conversation.

Establish Twitter Privacy Settings

1. A significant benefit of using Twitter is that it allows the lawyer to grow their online network by becoming introduced to other Twitter users who share similar interests. Accordingly, activating privacy settings interferes with a primary purpose of Twitter.
2. Although Twitter privacy settings are discouraged and limited, they can be established by selecting the lawyer's profile picture at the top right of the Twitter page.
3. A new web page will open. Select **Edit Your Profile** on the right side of the page and select



Settings from the drop-down box. The lawyer can customize their account settings from this page.

4. By selecting the **Protect My Tweets** box opposite the **Tweet Privacy** heading at the center of the page, the lawyer can limit followers to only those who they approve to follow their Tweets.
5. The lawyer can also change their account

settings to prohibit other Twitter account holders from finding their account by the registered email address (emails are not publicly displayed) and identifying them in photos. They can also limit how Twitter uses their information to affect their Twitter experience and ad content.

6. Select Save Changes to confirm that all changes are made.
7. Select Privacy on the left side of the page (in the greyed out section below Twitter) to view additional information regarding Twitter's privacy policy.

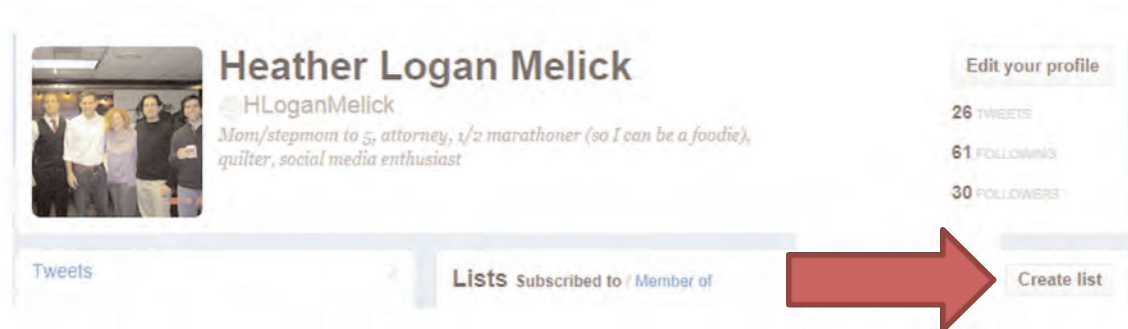
Twitter Lists

Twitter Lists can be very useful to control the stream of information, or tweets, the lawyer receives on their Twitter feed. Twitter Lists allow the lawyer to organize other Twitter users into Lists that help them more easily monitor different networks of friends, colleagues, and interests. Setting up a List enables the lawyer to view only the stream of Tweets from people included in that List. For example, the lawyer could create a List called “Meritas,” which would allow them to quickly review any Tweets by Meritas lawyers or law firms without reviewing every tweet in their Twitter feed.

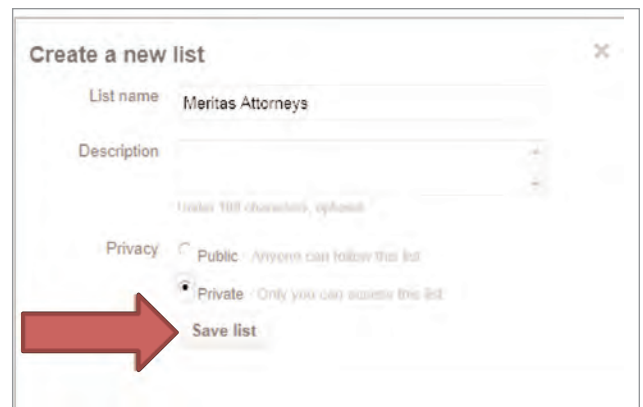
Lists also allow the lawyer to monitor a person without officially “following” that person. This can be useful if the lawyer wishes to monitor competitors or gather specific market research.

Creating Twitter Lists

1. Selecting the lawyer’s profile picture located in the top right corner of their Twitter home page will produce a drop-down menu.
2. Select **Lists**, which is the second option on the drop-down list.
3. Select **Create new list**, which is located in the bottom center of the screen.



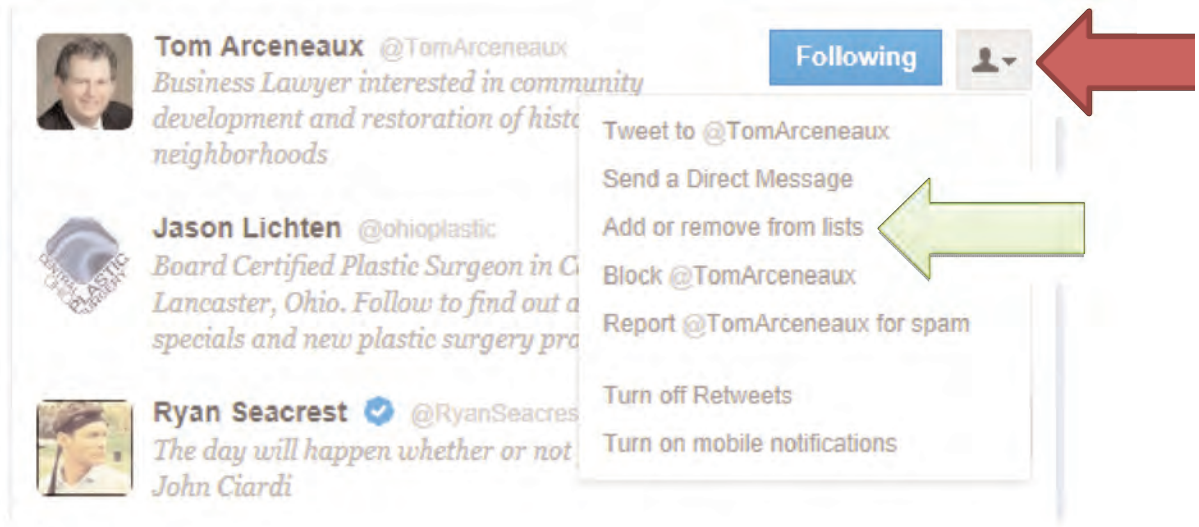
4. A window will open with a prompt to enter **List name**. Type in a title for this List (i.e., Meritas Lawyers, etc.). The lawyer has the option to describe the List (which is limited to 100 characters) and to choose whether it is Public (anyone on Twitter can subscribe to or follow this List) or Private (only the lawyer can access the List).
6. Select **Save list**. Repeat the steps in this section to create more Twitter Lists.



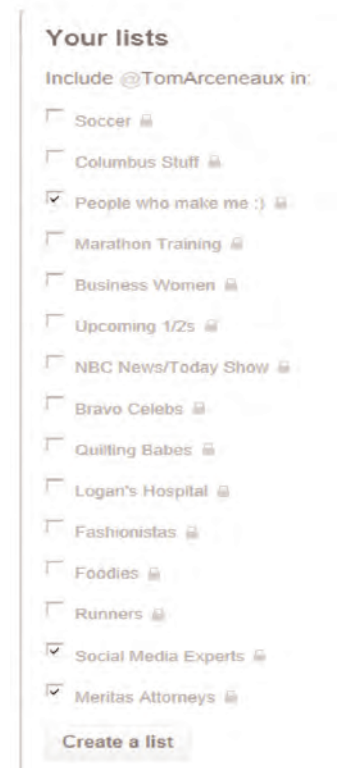


Adding Users to Twitter Lists

1. Twitter will display a new page inviting the lawyer to find people to add to their List. The lawyer can then search for other Twitter users by name and add them to the list.



2. The lawyer may also add a Twitter user to a List by visiting their profile, selecting the **gear icon** to the left of the **Following** icon and selecting **Add or remove from lists** from the drop-down menu.
3. The lawyer can select the List(s) they want to add a Twitter user to by selecting the empty box next to the desired List(s). A checkmark will appear in the box. Once the lawyer has selected the List(s) to add that person to, they select the **x** at the top right to close that window. The lawyer's choices will be saved.
4. Follow the same procedure to add other Twitter users to the various Lists.

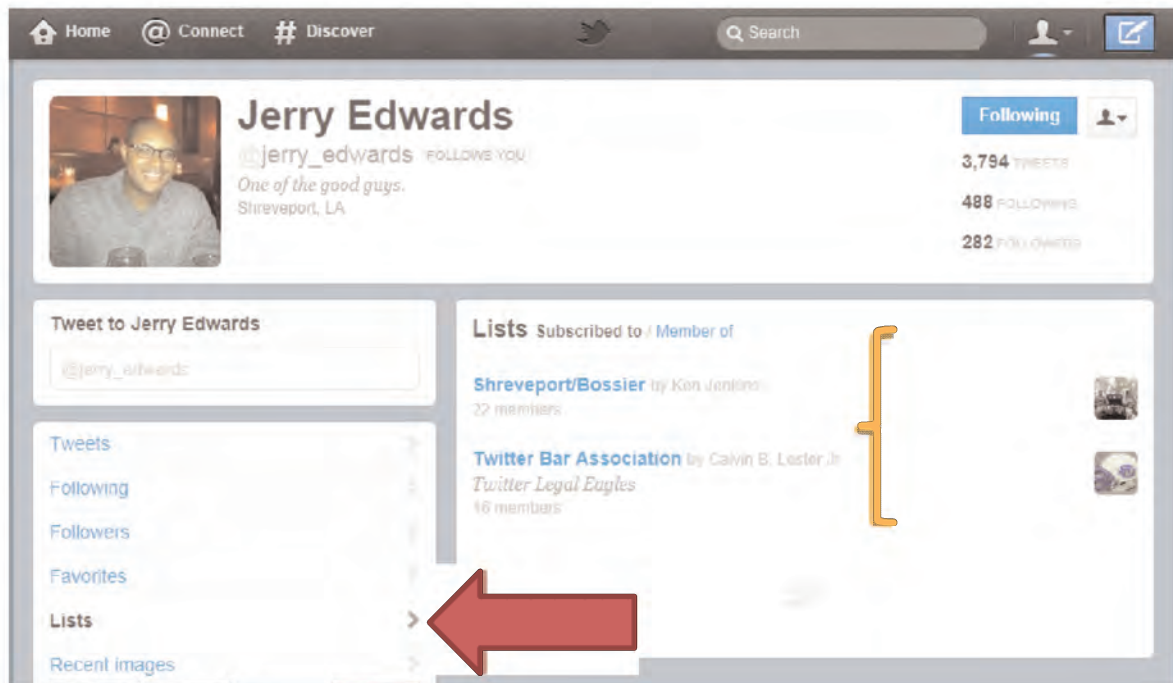


Viewing Lists

1. To view the Tweets from the group of people in the Lists, go to the lawyer's home page.
2. Select the lawyer's profile picture located in the top right corner. A drop-down menu will appear.
3. Select **Lists**, which is the second option on the drop-down list.
4. Select the desired List, and a stream of Tweets only from the members of that List will appear on the screen.

Subscribing to Other People's Lists

1. To follow another Twitter user's List, select a user's name until you reach that person's Twitter home page.



2. Choose the **Lists** tab on the left side of the screen, and the Lists that person subscribes to will appear on the right-hand side of the screen.
3. After selecting a List of interest, select **Subscribe** in the upper left corner by the List's title. The lawyer is now a follower of that List.



Practice Tips for Effective Twitter Marketing

- ✓ To maintain an audience of followers, a lawyer and law firm should tweet frequently. A Twitter account associated with a law firm without frequent tweets may create the impression that the law firm itself is no longer active or in business.
- ✓ A law firm and a lawyer should use consistent hashtags when tweeting about certain subject matters (such as #socialmedialaw or #NLRB) to demonstrate their knowledge in a given field and in order for Twitter users interested in that subject matter to easily find the lawyer's or law firm's tweets.
- ✓ A law firm and a lawyer should follow other Twitter accounts owned by persons/entities in the legal industry, which will generate increased awareness of the follower's Twitter account.
- ✓ A law firm and a lawyer should seek out and follow other Twitter accounts owned by clients and other professional firms related to their practice areas, along with media outlets, and in some jurisdictions, courts, to receive information that may have an impact on a practice area or client.
- ✓ In the **Bio** section of the account profile, a law firm and a lawyer should insert a written profile of the account holder, list the name of their law firm and primary office location if the account will be used for marketing, and include a disclaimer that they are not offering legal advice through tweets.
- ✓ A law firm and a lawyer should feature the law firm's logo or lawyer's headshot to personalize their Twitter profile.
- ✓ The background/theme of the account holder's page may also be customized to reflect the nature of the Twitter account.
- ✓ A Twitter badge may be placed on the law firm's or lawyer's website so that potential clients can easily find the associated Twitter account.
- ✓ A law firm should designate someone to tweet regularly. Tweets sent on behalf of the law firm should be approved before being sent out by the person or persons at the law firm with the authority to approve public announcements. This process should be streamlined in order to enable efficient and timely postings.
- ✓ Under no circumstances should confidential information, client names, or other information that may be privileged or considered legal advice be published through Twitter. A lawyer should consult the applicable rules of professional responsibility to ensure that the content of all tweets complies with all rules concerning confidentiality or commercial speech.

Conclusion and Next Steps



The *Social Media Guide for Lawyers v. 3.0* should serve as a helpful handbook for lawyers and law firms who want to use social media to more effectively promote their practice. The next steps will depend on each lawyer's personal and professional goals and interests for using social media in his or her career. Meritas recommends the following three steps as a good place to start:

1. Determine the Lawyer's Specific Marketing Goals

Everyone's marketing goals are different. An experienced lawyer will have different goals from first year associates. A lawyer interested in research and writing will have different marketing goals than those who are passionate about public speaking and in-person networking groups. A law firm will have aligned, but slightly different goals from their lawyers. Figuring out the specific marketing goals for the lawyers and law firm will help determine how social media can be used effectively for marketing.

2. Determine the Most Effective Social Media Strategies to Accomplish Those Goals

Just as there is no one-size-fits-all approach to legal marketing, there is also no one social media platform or strategy that will accomplish everyone's marketing goals. Each lawyer's social media marketing strategy should take into account which social media sites they currently use, consider how each site can benefit them or their law firm, and then design a strategy that most effectively accomplishes their marketing goals. For example, if a lawyer's goal is to target members of a specific industry, the lawyer could accomplish that goal more effectively by joining a LinkedIn Group tailored to that industry instead of sharing industry related information to the lawyer's personal Facebook friends. On the other hand, a lawyer who wishes to educate their personal network about how they can help in family law matters may be better served sharing information to their friends on Facebook.

3. Still Need Help? Don't Be Afraid to Ask

Not everyone is a social media-marketing expert. The lawyer should seek assistance from their marketing director or a social media-marketing consultants to help them develop the right strategy for their goals. Marketing professionals experienced in both social media and the law will help a lawyer and law firm understand how social media marketing strategies can be implemented effectively within the practice of law in a manner that complies with advertising ethics rules. If the lawyer has any questions about the *Guide*, or how they can incorporate social media into their practice, they are welcome to contact the author listed on the following page. The author can serve as a helpful social media resource and is available for speaking engagements and social media training sessions.

See you on social media!

ACKNOWLEDGMENTS

The author would like to thank and acknowledge the 2010-2011 Meritas Leadership Institute class: Heather Logan Melick, Gabriella Villagomez, Mark Colombell, Thomas Sullivan, Stephen Campbell, Andres Montoya, Pascal Lauzon, Michael Pagni, David Darden, and Hiromasa Ogawa, along with advisors Steve Gennett (Johnston, Allison & Hord, Charlotte, North Carolina), Samantha Prasad (Minden Gross, Toronto, Ontario, Canada), and Kim Heinrich (Meritas), without whose guidance the first Social Media Guide would not have been a success. The author would also like to especially recognize Heather Melick (Luper, Neidenthal & Logan, Columbus, Ohio) for her outstanding leadership, authorship, and companionship in developing the second Social Media Guide. Finally, the author would like to recognize Jacqueline Wirtz (Luper, Neidenthal & Logan) for her outstanding research, revisions, and contributions to the current *Guide*. I am grateful to have had the opportunity to work with such talented people on such a meaningful project.

ABOUT THE AUTHOR

Ethan Wall is the founder of Social Media Law and Order where he pursues his passion for educating, consulting, and training lawyers and law firms on all areas of social media. Ethan previously practiced social media, Internet, and intellectual property law at a former Meritas affiliate in Miami, Florida. After serving on the Meritas Leadership Institute, and co-authoring the prior versions of the Social Media Guide, Ethan quickly became widely recognized as an authority on the effect of social media on the law. He has since authored three books including *Fire over Facebook: A Primer on Protected Social Media Activity in the Workplace* and *Best Practice Guide for Managing Employee Social Media Use*. Ethan also developed the Social Media Law and Order blog to chronicle the effect of Facebook, Twitter, and other social media on the law. High profile news organizations, including CNN, NPR, and Thomson Reuters have turned to Ethan for commentaries on social media legal issues.

Ethan has an exceptional reputation for delivering engaging presentations and training programs in the area of social media and the law. Over the last few years, Ethan delivered more than 100 seminars and workshops at national and international legal, business, and industry symposiums including the Meritas Annual Meeting and Regional Meetings, and has published dozens of scholarly articles on social media legal issues. He also teaches a law school course he developed titled Social Media and the Law. He has lectured at the University of Miami School of Law, Nova Southeastern University, and Florida International University School of Law.



ethan@socialmedialawandorder.com

Tel: (407) 484-5100

Ethan also pursues his dream to leave the world better than how he found it through a charitable initiative called Let's Plant a Seed. He delivers motivational speeches, workshops and programs designed to help people identify their dreams, inspire them to pursue their passions, and encourage them to give back to the world in a lasting way through community service. Ethan regularly volunteers and schedules community service events in South Florida and in locations where he speaks, consults and trains.



800 Hennepin Avenue, Suite 600
Minneapolis, Minnesota 55403 USA
+1.612.339.8680 www.meritas.org

