

Social Media for the Reticent Attorney

By Shawn J. Roberts

Social networking websites such as Facebook, Twitter and LinkedIn offer the user the opportunity to participate in a community. However, blogging and podcasting allow the creator the opportunity to speak directly to anyone with access to the Internet, without any filter.

BLOGGING

A blog (a contraction of the term “web log”) is a type of website, usually maintained by an individual, with regular entries of commentary, descriptions of events or other material such as graphics or video. Entries are commonly displayed in reverse-chronological order.¹ Blogging is writing, on the Internet.

Sometimes attorney-blogs or blogs about law are referred to as “blawgs.” A blog or blawg is designed to allow the dissemination of information and participation by readers of the blog through commenting and sharing the information. Blawgs are numerous among attorneys. Well-done blawgs are, however, less numerous.

Matt Silverman writes on Mashable.com that “[o]ne of the best ways to put a face and voice on your legal expertise is to blog. Building a credible discussion resource on topics in your practice area can serve as the foundation for your professional presence on the social web.”²

Consider attorney Roy Ginsburg and his blog, *Quirky Employment Questions*. He has been blogging weekly for three years, and earlier this year he hit over 10,000 unique visitors. He attributes landing a six-figure client to the blog and has won the Author of the Year award

from Lexology.³ All through simply sharing interesting employment issues that he came across in his practice.

PODCASTING: SPEAK DIRECTLY TO YOUR AUDIENCE

Podcasting is often associated with Apple’s iTunes software, the world’s largest repository of podcasts (as well as Apple’s ubiquitous iPod and iPhone). However, a podcast is any:

- Digital media file(s) (either audio or video);
- That is subscribeable;
- Released episodically; and
- Often downloaded through web syndication (RSS).⁴

Consider a podcast like radio, only it is more focused and can be listened to at any time, at the convenience of the listener. Podcasts are overwhelmingly free and cover a variety of topics; if it interests someone, there is probably a podcast covering the topic. For an example of a podcast related to law, check out Jim Calloway’s podcast with Sharon Nelson called “The Digital Edge.”

There is a tremendous amount of variety in podcasting. Consider this description of podcasts from Microsoft's Zune store: "Some podcasts are as short as five minutes per episode; others can go on for an hour or more. They range from professionally produced podcasts to others that are more than a bit rough around the edges. Podcasts are usually produced on a regular basis, either as episodic programs (like newscasts) or as serial programs (like entertainment dramas). To automatically download each new episode of a podcast when it's released, subscribe to it using your Web browser or podcast managers like the one in Zune software."

A person either downloads podcasts and listens to them through a podcatcher (such as iTunes or the Zune Store) or listens directly by going to the website where the podcast is loaded and streaming the audio and/or video. A podcatcher is useful because it automatically downloads the latest episode of each podcast to which you are subscribed. You can listen to a podcast on your portable media player (iPod, iPhone, Zune, other MP3 player), your computer and many other devices. You can get podcasts through software, like iTunes (which will download the newest episodes automatically) or on your computer or listen to them directly from web.

Podcasts are surprisingly easy to create with only a few tools, many of which you probably already own. Basically, you can create a podcast with a USB microphone,⁵ a computer and audio recording software. A USB microphone cost \$20 at Best Buy or RadioShack and most readers already have a computer that comes with audio recording software. On a Macintosh computer you have GarageBand. Even if you have no native audio recording software, you can download the free audio recording program Audacity which works on a PC or a Mac.

The podcast is created by you recording audio about something interesting or helpful, saving the audio and then publishing a "feed" which allows other people to subscribe and listen to the podcast. Podcasters usually submit their podcast to software such as iTunes so it is available and easy to subscribe to for millions of people. There is no cost to add a podcast to iTunes and you do not need to own an Apple computer to do so.

There are many opportunities along the way in podcast creation to optimize your audio and content and promote the podcast, however, the bar to getting started is low. What might you podcast about? Maybe provide information on technology for lawyers, a series of questions and answers shows about a legal issue on which you work or perhaps a general discussion of legal issues listeners would find interesting.

Since a podcast is an audio file that the listener hears unfiltered, an attorney can speak directly to potential clients and influencers. Contrary to the radio, the listener does not have to tune in at a certain time but can listen at any convenient time. The attorney has the opportunity to project herself as someone who is reasonable, trustworthy and useful by communicating valuable information through a podcast.



BECOME A RELIABLE NEWS SOURCE

An attorney can use a blawg to become a news source in a given practice area. In addition to creating your own content, aggregating and curating news about your industry is important. Twitter is ideal for this, and using it effectively to share pertinent information can help attorneys brand themselves as subject matter experts, said Adrian Dayton, an attorney, author and social media strategist for major global law firms.

According to Dayton, a great example of using social media to be a news source "Bob White, a partner-level attorney in Florida [who] uses Twitter to share the best tech articles he finds each week. After a few months of finding and sharing great tech articles, Bob was able to bring in a couple of tech companies as new clients," Dayton notes. "They came to recognize, by the quality of his research and the articles he shared, that he really gets it."⁶

PRACTICAL TIPS FOR SOCIAL MEDIA SUCCESS

Getting Started in Social Media

Choose a few services that are a good fit for you. There are hundreds of services you could use and many that have gained a lot of traction. Pick out one or two that you are comfortable with. In general, for an attorney, I recommend starting with LinkedIn because it is business focused and Twitter because it is easy to get started.

Create your account and fill in your profile. After setting up your accounts, on most services, you are offered a chance to create your profile and a description of what you do. Do not miss out on this opportunity. A blank profile section is a signal to many people that the user does not understand the service and/or has not taken the time to learn it or invest in it. Describe what you do and how what you do can provide value to people who might want to work with you. Share some personal information; even mentioning you are married with three children gives other users comfort in approaching you.

Research how other users use the service. Consider how other attorneys and people who are doing well in social media are using it. Also, keep an eye out for what you do not like and try to avoid those things.

Look for guidance from trusted sources. You can hire a “social media expert” to help you get started. However, the proliferation of self-appointed social media “experts” makes it difficult. I recommend looking at trusted sources first, such as blogs that are widely read, books and other attorneys.

Start posting and participating. All the planning in the world is for naught if you never execute. If your network of choice is Twitter, send out a few tweets: say hello to a colleague or friend, describe something you are doing, compliment a user on a well-done article or project or share a website you find useful.

Look for ways to add value. While social media is about conversation and not broadcasting, sharing usual and interesting information is often acceptable. For instance, sharing information about a change in the law, resources to improve a law practice, technology tips, good deals on goods and services (with some moderation), an article you wrote or activities you are involved in that might interest others.

Six Rules of Social Media Success

I created these “rules” as guidelines for my use of social media because I found it was easy to lose focus without them.

1) Keep it positive. The world is full of negative events and people. For an example, follow any major news stream. There is no reason to

add to it. Emphasizing negative points and people’s perceived “failings” does not add any value; it simply poisons the atmosphere.

2) Respond to messages (particularly “@” messages and direct messages on Twitter). If someone talks to you in “real” life, you usually answer. Why should it be different in social media? It should not. Acknowledge people when you are singled out through a Facebook wall posting or Twitter “@” message. It only takes a couple of seconds.

3) Post value. Common sense dictates people will want to follow if you offer something valuable to them. It might be a tip, an interesting news story or interesting local events. There are millions of messages to read; the ones that stand out add value.

4) Provide links that work. This is a minor item, but clicking on links to interesting content that are broken is annoying. If it happens more than once or twice with a particular source, I’m not inclined to keep clicking.

5) If you understand it, leave it alone. No one likes a nitpicker: in social media or in life. It’s easy to mistype or leave out a word. Usually it is clear what the poster meant; if it is, there is no need to correct or question the post. If there is a legitimate question about the post, ask the question in a way that is not smug or condescending.

6) Be real. This phrase means different things to different people. When I use it, I’m talking about allowing all of the content I generate on this site to be a reflection of who I am. Where I am going wrong? Where I am getting it right? I would love to hear your comments.

Beware the Social Media “Expert”

If you know more than five people, chances are you now know someone who declares themselves a social media expert.⁷ However, many so-called social media “experts” are nothing more than frequent users of social media services who have a mechanism to charge people to learn the basics. This is not to say there cannot be a social media expert or that it is always wrong to pay someone to learn social media. Instead, the attorney new to social media should exercise caution asking



some or all of the following questions to determine if the expert is going to provide the expected value:

- 1) Do you have a blog?
- 2) When did you start in social media?
- 3) What is social media?
- 4) What's a social media campaign?
- 5) How do you monitor social media for a client?⁸

These queries are designed to flush-out the critical question in evaluating any expert: whether the person can provide knowledge, information or skill that an ordinary person does not possess.

Success in social media is defined more often by numbers of Twitter followers, blog mentions or YouTube hits than by traditional measures, such as return on investment. Beware of the social media "snake oil" salesman.⁹

Monitor the Conversation about You with Google Alerts

What if you had your own personal Google search engine that searched the far corners of the web for the very things that interested you, automatically and then delivered the results to you at regular intervals each day or even as the terms appeared? Does this sound awesome? Well, you can almost have all of that with Google Alerts.

Google Alerts are e-mail updates of the latest relevant Google results (web, news, etc.) based on your choice of query or topic. Enter the topic you wish to monitor, then click preview to see the type of results you'll receive. Some handy uses of Google Alerts include:

- Monitoring a developing news story
- Keeping current on a competitor or industry
- Getting the latest on a celebrity or event
- Keeping tabs on your favorite sports teams

Google Alerts are a valuable tool to monitor what people are saying about you (reputation management), what people are saying about



your clients and what is being said about topics that interest you (the iPhone 4 for instance). All that is required to get started is a Google account.

AVOIDING ETHICAL ISSUES IN THE USE OF SOCIAL MEDIA

This article is not about legal ethics nor the ethical implications of social media for the attorneys. However, since very few, if any, public actions of an attorney are devoid from ethical considerations, I will mention a few.

First and most obvious, all the rules that apply to online activity covering confidential information apply equally online. An attorney would not disclose confidential information while at lunch so do not do it on Facebook or Twitter. Be particularly careful to not even provide information which would allow someone to figure out who your clients are unless you have pre-written approval from clients for this type of disclosure. While one might tweet about working on a difficult motion for summary judgment response, one would not go any further and say "for a case in Oklahoma County District Court." There is just no reason to go there.

Second, if you cannot directly solicit a potential client offline then you should not be doing it online. Not only is it bad form to ask a Facebook "friend" who has been in a car accident if she needs an attorney, it might violate the rules on direct solicitation. Attorneys are mining social media sites for information, particularly in divorce cases.¹⁰

Finally, watch for going too far in information gathering. Debra Bruce, guest blogging in

Solo Practice University, warns of the dangers of "pretexting":

Many lawyers find useful information about a litigation party or witness in their postings on social media. Due to privacy settings, sometimes valuable information would not be visible to the public in general, but would be visible to hundreds of "friends" of the target on Facebook or other media. Lawyers may be tempted to disguise their identity in order to friend the target, or to ask someone else to friend the target and share what they see.

“Beware of the social media ‘snake oil salesman.’”

In March 2009, the Philadelphia Bar Association issued an opinion that such pretexting would involve dishonesty, fraud, deceit or misrepresentation on behalf of the lawyer, or the encouragement of such behavior, in violation of the Pennsylvania ethics rules.¹¹

If you are not monitoring and managing your reputation in the social media sphere, someone else will define it. Mining social media for data useful in your lawsuit — I have not had it work for me, but there are many examples of it being useful.

CONCLUSION

Social media has permeated the culture. It is not a fad that will slowly wane and then completely disappear. While individual social networking sites may come and go (remember MySpace?), this medium of interaction is solid. Clients and potential clients are using social media. Attorneys' reputations are being shaped through the conversation in social media. Join the conversation, start telling your story and sharing value with others.

1. Blogging, from Wikipedia, the free encyclopedia, <http://en.wikipedia.org/wiki/Blog> (<http://bit.ly/zpVI>).

2. "How Lawyers Are Using Social Media for Real Results," Matt Silverman, <http://mashable.com/2010/06/01/lawyers-social-media/> visited July 26, 2010 (<http://bit.ly/bLu7vP>).

3. *Id.*

4. Podcast, from Wikipedia the free encyclopedia, <http://en.wikipedia.org/wiki/Podcast> (<http://bit.ly/cMneOA>).

5. Technically, you could use the built-in microphone in your computer, but the audio quality is consistently poor enough using this microphone that it is worth a \$20 investment in a USB microphone.

6. "How Lawyers Are Using Social Media for Real Results," Matt Silverman, <http://mashable.com/2010/06/01/lawyers-social-media/> visited July 26, 2010 (<http://bit.ly/bLu7vP>).

7. "10 Questions to Evaluate a Social Media 'Expert,'" Ian Lurie, *Conversation Marketing*, www.conversationmarketing.com/2009/07/10-questions-for-social-media-experts.htm#ixzz0u08Gs5y1 visited July 26, 2010 (<http://bit.ly/bFvhvc>).

What are Some of the Social Media Outlets?

Social media outlets come in a variety of forms, including those that simply broadcast information and those that are focused on networking:

- Networking and friendship sites such as Twitter, Facebook, MySpace, Google's Buzz and LinkedIn
- Photo sharing such as Flickr, Picasa and Photobucket
- Video sharing sites such as YouTube, Blip.tv and Vimeo
- Social bookmarking sites such as Delicious
- Location-based networking and games sites such as Foursquare and Gowalla
- Blogs (or "Blawgs")
- Podcasts

8. *Id.*

9. "Beware Social Media Snake Oil," Stephen Baker, *Bloomberg Businessweek*, www.businessweek.com/print/magazine/content/09_50/b4159048693735.htm visited July 26, 2010 (<http://bit.ly/7kyASH>).

10. "Divorce attorneys turn to social-networking sites for dirt," Kim Komando, *USA Today*, <http://bit.ly/b2FSU9> visited July 27, 2010.

11. "12 Social Media Ethics Issues for Lawyers," Debra Bruce, *Solo Practice University*, <http://buildasolopractice.solopracticeuniversity.com/2010/03/11/a-dozen-social-media-ethics-issues-for-lawyers/> (<http://bit.ly/9HZnS7>) visited July 26, 2010.

ABOUT THE AUTHOR



Shawn J. Roberts is an attorney working with small businesses and individuals in the Oklahoma City area to help build and grow businesses by addressing a wide variety of legal issues including contracts, employment law, litigation and many other things. Mr. Roberts is a social media enthusiast who sees social media as a largely untapped resource for attorneys to communicate with and add value to people's lives.