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## Wary of signing up for social media? Ease into it

# Driving social media responsibly can help grow your practice

Imagine you just won a million-dollar verdict for your client. All that time you spent researching, writing, negotiating and advocating; neglecting family and friends; laser-focused on achieving a good result for your client really paid off.

You and your client (and your partners) are popping Champagne corks. In your excitement, you write a post to your LinkedIn page that reads: "Won a million-dollar verdict for the Smith Widget Co. Tell your friends and check out my website."

Before you hit the send button: Hold on. Stop the car. Think.

Is this post ethically permissible?

That exact post was deemed to be a violation of Rule 7.1 in California Ethics Opinion 2012-186 (2012). The problem with this post is that it has potential "to lead a reasonable person to form an unjustified expectation that the same results could be obtained for other clients in similar matters without reference to the specific factual and legal circumstances of each client's case" (Comment 3 to Rule 7.1). This comment also appears in the Illinois ethics rules.

Wait. Don't I have a right to post whatever I want?

Even though it seems that everyone is posting whatever they want, no matter the content, lawyers are held to a higher standard of conduct that limits what we can say and, by analogy, what we can post.

In *In re Sarelas*, 50 Ill. 2d 87, 97, 277 N.E.2d 313 (1971), cert denied, 406 U.S. 968, 92 S.Ct. 2412, 32 L.Ed.2d 666 (1972), the court stated that as "officers of the court,

attorneys accept the imposition of certain standards of conduct, some of which impact upon First Amendment rights."

Lawyer speech and conduct is limited, in part, because of the enormous power our words and deeds have in the minds of the public.

Lawyers who drive social media without reviewing their ethical obligations — or without recognition of the power of their words — have a high risk of becoming the subject of a disciplinary claim.

Consider the following disciplinary cases as cautionary tales: *In re Peshek*, 09 CH 89 (2010) (Illinois) (revealed confidential client information on her blog); *In re Conway*, SC08-326(2008) (Florida) (posted derogatory comments about a judge on his website); *In re Dickey*, 27090 (2010) (South Carolina) (made misrepresentations about his expertise on his LinkedIn profile); *In re Gilsdorf*, 2012PR006 (Illinois) (posted discovery video on YouTube); and *In re Denison*, 13 PR 0001 (2014) (Illinois) (blog attacks on the integrity

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of lawyers and judges in probate matter).

Understandably, many lawyers are concerned about the disciplinary risks and choose not to engage in social media. But from a marketing perspective, ignoring social media will limit your reach



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and the growth of your practice.

"A strong law practice grows from great referrals. The most powerful foundation for word of mouth from trusted connections today comes from social media," said Sue Koch, chief navigator at Soaring Solutions LLC. "A consistent fore-of-mind presence to your network can ensure an attorney will be referred more than those that are not leveraging social media in some way. In addition to referrals, social media allows attorneys to establish thought leadership and client service to further those relationships."

While there are, of course, numerous social media platforms for lawyers to choose from, there is a consensus that LinkedIn is the most beneficial platform for lawyers. Koch advised that

lawyers who are new to social media start with LinkedIn.

JD Gershbein, a LinkedIn strategist and consultant at Owlsh Communications, wholeheartedly believes that "those in business who do not represent on LinkedIn are going to operate at a significant disadvantage. LinkedIn is a social networking site focused on business development. Most paid business today comes from the core of one's own professional network."

Engaging in social media may be intimidating and overwhelming at first, but you should give yourself time to navigate social media in small steps to increase your comfort level.

"Think about how you can add value and educate people through content sharing, versus selling or inspiring fear-based interest," Koch said. "Become a trusted thought leader eager to help."

So before you hit the send or share button, consider your ethical obligations and the power of your words. Consider, for example, whether your post might be false or misleading, whether you are disclosing confidential client information or whether your post may have an adverse affect on a pending matter.

Notably, the million-dollar post referenced above that is likely a violation of Rule 1.7 fails to either educate or add value to people. Hence, driving social media responsibly with the intent to add value will not only reduce your disciplinary risk, it will help you grow your practice.

As 18th century Japanese scholar Okakura Kakuzo said: "The art of life lies in a constant readjustment to our surroundings."