

# The Importance of Law Firm Social Media Policies

Article By:

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Social media is a prevalent topics among marketers and public relations practitioners these days. Regardless of industry, social media skeptics and naysayers need to pay attention to the data and statistics that demonstrate its longevity. Although it is not the end-all-be-all, let's face it; social media is here for the long haul.

I remember when I was a judicial law clerk in the early 90s and we did not have e-mail. E-mail was considered a passing fad. Several years later, when the courts implemented e-mail, they were pigeonholing HR policies into employee usage. Social media is no different. It exists. Individuals and corporations are using it. And smart businesses are implementing policies via HR, marketing and in some cases, IT.

There is a lot of buzz about corporate social media policies and how to engage effectively without jeopardizing your law firm's reputation or its bottom line. [Reuters](#) recently released their social media policy, which prevents their journalists from breaking news on [Twitter](#), essentially prohibiting them from scooping their employer.

At this point there is little debate as to whether companies should be engaging in social media. The new debate has become how to manage your company's social media presence to avoid gaffes, negative publicity or loss of control over your message and brand. And by management, I don't mean blocking its use.

According to a report released on February 3, 2010 by [Manpower](#), only 24 percent of companies in the United States have a formal social media policy for employees who use social networking sites such as LinkedIn, Twitter, [Facebook](#) and [YouTube](#). To avoid confusion, law firms should absolutely implement social media policies, but it is important that they consider a few things before doing so.

Alice Grey Harrison, APR, shares her guidance in Public Relations Tactics, [Considerations for developing a social media policy](#). She encourages companies to sit back and think about their corporate culture prior to developing their social media policy – and this is especially important for law firms. If your organization has a less formal, relaxed or otherwise progressive culture, then your social media policy should reflect that. (Although this is less likely the case, progressive law firms do exist.) Likewise, if your law firm has a conservative and formal culture (which most do), then you will want to develop a social media policy in keeping with that atmosphere. Either way, consistency is key.

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Harrison encourages social media policies to address “who can initiate media on behalf of the organization.” I add that if you don’t already have a media policy for your law firm – it is about time you implement one. She also says you need to define what is “personal and professional.” I agree. This comes up all the time in our office and for our clients and there is a fine line. Some personal interests can easily add to relationship development so discussion of personal interests on personal profiles used for business should be encouraged with caution.

There are also inherent benefits and risks involved with social media in the legal industry. For instance, social media has become a critical issue in litigation from discovery to witness identification to jury instructions. When drafting a social media policy, provide attorneys the tools they need to understand how to manage and harness social media while not running into trouble. In fact, it is even important to share with them sample requested jury instructions, language to use with clients about their usage of social media during litigation, intellectual property issues to be aware of, and the categories of individuals who they should NOT friend online. In fact, judges cannot be Facebook friends with litigants in Florida. I suspect this is going to become a norm throughout the country over time.

It is very important to provide clear guidelines to lawyers and staff. Harrison also outlines the two different schools of thought on this. Essentially, there is the “unified front” approach where the company designates one department or committee to oversee all social media communications. In one respect, this approach works best for firms that are reluctant about engaging in Web 2.0 or those that tend to be more conservative in their message and brand. In another respect, this approach also works well when firms create a digital communications committee to oversee all things online. That being the rare exception, typically these duties fall under HR, IT or Marketing.

There is also the “all-in” approach that allows anyone in the organization to blog, tweet, etc. on its behalf. There are certainly risks to this strategy – which in turn – require additional internal monitoring systems. The benefits include perception of an internal trust that the attorneys and staff will “do the right thing;” the generation of online content and fresh ideas (assuming the attorneys and others engage); and additional search engine optimization (also assuming your engagers have been taught how to incorporate key words and other valuable tools).

No matter which approach your firm takes, you will want to communicate the decision internally. Make sure that your policy stipulates who is designated to use social media on behalf of the organization – including your external marketing and public relations partners.

Whenever you are venturing into a new realm there are risks. If your firm decides to implement a social media policy, offer training for social media usage and guidelines. In fact, you may be able to get CLE credits for your training if you incorporate ethics and substantive issues. Outline in your social media policy what is off limits for employees to discuss via social media and encourage them to ask if they are not sure. Encourage them to include firm approved language that their views are not necessarily those of the firm.

The bottom line is that you should provide the rules and tools for social media success without leaving your law firm vulnerable to a public relations snafu or worse, a lawsuit.

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