

MONTHLY
LUNCHTIME SEMINAR
SERIES

54TH SESSION:

WHY EVERYONE IS A
'TWITTER'
THE ETHICS OF SOCIAL
MEDIA

Mr. Mark C. Palmer
Judge Lynn M. Egan

July 27, 2017

Mark C. Palmer

Mark C. Palmer is the Professionalism Counsel of the Illinois Supreme Court Commission on Professionalism. Mark strives to serve judges, attorneys, law students and people of the State of Illinois with a dedication to the quality of justice and the rule of law.

As Professionalism Counsel, Mark leads professionalism programming through the statewide mentoring program, collaborating with stakeholders from Galena to Cairo. Mark also supports the development and delivery of educational programming to lawyers and in law schools, and performs outreach across the state on behalf of the Commission.

Prior to joining the Commission, Mark was in private practice at the Champaign law firm Evans, Froehlich, Beth & Chamley where his law practice focused on areas including commercial litigation, municipal law, banking law, and creditor's rights, among others. He represented private and appointed clients in both civil and criminal cases in state and federal courts.

Mark continues his work as an Adjunct Professor at the University of Illinois College of Law in its trial advocacy program and as a Trial Teams' Coach since 2009. Additionally, he has trained hundreds of law enforcement officers in Illinois at the University of Illinois Police Training Institute, lecturing on topics such as use of force and police liability.

Mark received his undergraduate degree from the University of Illinois at Urbana-Champaign and his law degree from The John Marshall Law School. He is active in numerous bar and civic organizations including as an assembly member for the Illinois State Bar Association and as the chair of the Public Interest Law Initiative (PILI) 6th Judicial Circuit Pro Bono Committee.

SECTION A

- *“What is Social Media All About: Relevant Rules, Opinions & Caselaw,”* by Mr. Mark C. Palmer, 2017.
- *“Technology As Legal Asset,”* by Ms. Jane R. Reardon, 2017.
- *“How Reliable Are Those Online Attorney Reviews?”* by Mr. Mark C. Palmer, 2017.
- *PowerPoint: “Everyone is a ‘Twitter’ Over Social Media: Why It Is Time for You to Embrace It Too,”* by Mr. Mark C. Palmer.



WHAT is social media all about?

Social media is not just a “website” rather, in broad terms, a tool or service that facilitates online conversations. Social media often allows people to:

- construct a profile
- develop connections with other users, often sharing a common connection
- view and share content with their connections and often the public

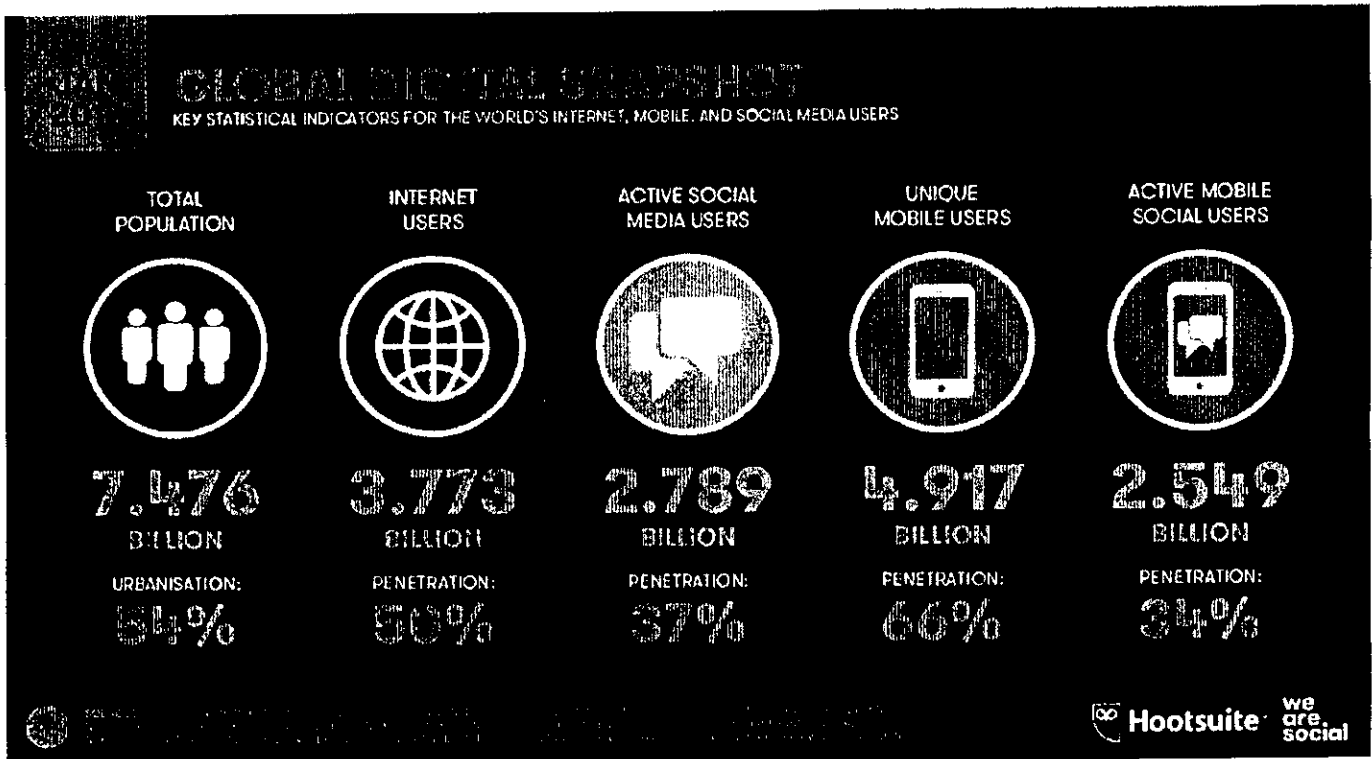
What makes social media so revolutionary is the ease by which users can share their own original content, or other’s content that they find interesting. And not only is it easy to share one’s “voice” but it is done in an instant and across the world, thanks to the forum of the internet.

So, with that instantaneous sharing of content often comes a choice for the user – “how public or private to I want my content to be?” Because once you hit that “SHARE” button or that “POST” button or that “TWEET” button, it is forever out there for the world to see...including even if you attempt to delete it later on.

Social Media Usage

- **2.8 billion** people were using social media by the end of 2016, up 21% from 2015.
- Social media use on mobile increased by 30% year-over-year in 2016, surpassing **2.5 billion** users globally (91% of all social media users)
- **83%** of Americans have a social media account.

Source: two Hootsuite partner studies—one conducted by Harris Poll, and the other, “Digital in 2017,” from global social media agency We Are Social.”





RELEVANT RULES, OPINIONS, AND CASELAW

Communications including “Friending”

Opinions on “Friending” Opposing Parties, Potential Witnesses and Jurors and other social media communications:

1. Relevant Rules of Professional Conduct (RPC):

- a. RPC 4.1(a) (**Truthfulness in Statements to Others**) “In the course of representing a client a lawyer shall not knowingly: (a) make a false statement of material fact or law to a third person.”
 - b. RPC 4.3 (**Dealing with Unrepresented Person**) “In dealing on behalf of a client with a person who is not represented by counsel, a lawyer shall not state or imply that the lawyer is disinterested. When the lawyer knows or reasonably should know that the unrepresented person misunderstands the lawyer’s role in the matter, the lawyer shall make reasonable efforts to correct the misunderstanding. The lawyer shall not give legal advice to an unrepresented person, other than the advice to secure counsel, if the lawyer knows or reasonably should know that the interests of such a person are or have a reasonable possibility of being in conflict with the interests of the client.”
 - c. RPC 8.4(c) then states that “It is professional misconduct for a lawyer to ... engage in conduct involving **dishonesty, fraud, deceit or misrepresentation.**” When attempting to use a third-party to conduct the social media connect for the attorney, the third party may be violating RPC 8.4(c) and, pursuant to RPC 5.3(b) and (c), so is the attorney. RPC 8.4(a) misconduct includes knowingly inducing another to do so or through the acts of another.
 - d. RPC 5.3(b) (**Responsibilities Regarding Nonlawyer Assistance**) “With respect to a nonlawyer employed or retained by or associated with a lawyer ... (b) a lawyer having direct supervisory authority over the nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with the professional obligations of the lawyer.” Rule 5.3(c) states: “a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if: (1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved.”
 - e. RPC 7.1-7.5 (**Advertising**) Includes online/social media.
2. ABA Standing Comm. on Ethics and Prof. Resp., Formal Op. 466, “Lawyer Reviewing Jurors’ Internet Presence” (2014) – Unless limited by law or court order, a lawyer may review a juror’s or potential juror’s internet presence, which may include postings by the juror or potential juror in advance of and during a trial, but a lawyer may not communicate directly or through another with a juror or potential juror.
 - a. Okay to passively access social media w/o access request.
 - b. You can drive by the house, just don’t get out and ask juror to look inside house.
 - c. Also, okay even when social media site auto notifies juror of public visit. (NYC Op. 2012-2 and NYCLA Op. 743 disagree).
 - i. NY City Opinion 2012-2: The Association of the Bar of the City of New York Committee on Professional Ethics, in Formal Opinion 2012-2 concluded that a network-generated notice to the juror that the lawyer has reviewed the juror’s social media was a communication from the lawyer to a juror, albeit an indirect one generated by the ESM network.
 - ii. NY Lawyers Opinion 743: The New York County Lawyers’ Association Committee on Professional Ethics in Formal Opinion 743 agreed with ABCNY’s opinion and went further explaining, “If a juror becomes aware of an attorney’s efforts to see the juror’s profiles on websites, the contact may well consist of an impermissible communication, as it might tend to influence the juror’s conduct with respect to the trial.”



- iii. **HOWEVER, ABA Opinion 466 says it's NOT a communication:** The lawyer is not communicating with the juror; the ESM service is communicating with the juror based on a technical feature of the ESM. This is akin to a neighbor's recognizing a lawyer's car driving down the juror's street and telling the juror that the lawyer had been seen driving down the street.
3. San Diego County Bar Association Legal Ethics Committee, Legal Ethics Opinion 2011-2 (May 24, 2011). – Explains that an attorney may freely access an individual's public pages, but may not communicate with a member of the opposing party to access restricted content.
4. The Philadelphia Bar Association Professional Guidance Committee, Opinion 2009-02 (March 2009). – "Friending" as deceptive because party wants to access page "because he or she is intent on obtaining information and sharing it with a lawyer for use in a lawsuit to impeach the testimony of the witness."
5. New York State Bar Association Committee on Professional Ethics, Opinion #843 (9/10/10). – A lawyer representing a client in pending litigation may access the public pages of another party's social networking website for the purpose of obtaining possible impeachment material for use in the litigation.
6. New York City Bar Formal Opinion 2010-2 – A lawyer may not attempt to gain access to a social networking website under false pretenses, either directly or through an agent.
7. N.H. Bar Ass'n, Op. 2012-13/05 – Lawyers "have a general duty to be aware of social media as a source of potentially useful information in litigation, to be competent to obtain that information directly or through an agent, and to know how to make effective use of that information."
8. Oregon State Bar Formal Op. 2013-189 – Assessing information about third parties through a social media website ("cold friending" someone not actually known to have counsel is okay, so long as truthful)
9. Mass. BA Op. 2014-5 – Opposing Oregon + NYC; requires attys to affirmatively assert they are opp. counsel.

Disclosure of Confidential Information

1. Relevant Rules of Professional Conduct (RPC):

- a. RPC 1.6 (**Confidentiality of Information**) (a) A lawyer shall not reveal information relating to the representation of a client unless the client gives informed consent, the disclosure is impliedly authorized in order to carry out the representation, or the disclosure is permitted by paragraph (b) or required by paragraph (c).
- b. RPC 3.6 (**Trial Publicity**) (a) A lawyer who is participating or has participated in the investigation or litigation of a matter shall not make an extrajudicial statement that the lawyer knows or reasonably should know will be disseminated by means of public communication and would pose a serious and imminent threat to the fairness of an adjudicative proceeding in the matter. **RPC 3.6(b)** provides what a lawyer may state.
- c. RPC 7.1-7.5 (**Advertising**) Includes online/social media.

2. Blogging

- a. *In re Peshek, Commission No. 09 CH 89* – Assistant public defender posted personally identifiable information about her clients on her weblog, including some confidential information about their cases, as well as disparaging remarks about two judges.
- b. *In re Hunter, VSB No. 11-032-084907* (Va. State Bar, 3d Dist. Comm. Nov. 8, 2011) – Lawyer publicly admonished for not including advertising disclaimer on legal issues blog available on his firm's website.

3. Responding to Negative Online Reviews

- a. PA Bar Assoc. Op. 2014-200 "Lawyer's Response to Client's Negative Online Review" – atty may reveal info to extent reasonably believes necessary to defend criminal or civil claim against atty where client involved, or respond to allegations in any proceeding concerning atty rep of client.
 - i. Neg. online op. is NOT a controversy; otherwise atty could always publish info.
 - ii. Needs to be in a "proceeding" too.



- iii. When ok, must still be **proportional and restrained**
- b. NYSBA Op. 1032 – Cannot disclose client information unless actual or threatened proceeding.
- c. Texas Op. 662 – Online reviews of become the modern source of public info. Atty may reply ONLY w/ any confidential info and response is proportional and restrained.
- d. NYSBA Op. 912 – Attorney may blog about/review another attorney so long as not dishonest or prejudicial to admin of justice. BE CIVIL
- e. ***In re Tsamis [sam-ees], Commission No. 2013PR95*** – Illinois attorney “exceeded what was necessary to respond to [the client’s] accusations.”; revealed confidential info

Conduct Prejudicial to the Administration of Justice

1. Relevant Rules of Professional Conduct (RPC):

- a. RPC 3.3(b) (**Candor Toward the Tribunal**) (b) A lawyer who represents a client in an adjudicative proceeding and who knows that a person intends to engage, is engaging or has engaged in criminal or fraudulent conduct related to the proceeding shall take reasonable remedial measures, including, if necessary, disclosure to the tribunal.
 - b. RPC 3.4 (**Fairness to Opposing Party and Counsel**) A lawyer shall not: (a) unlawfully obstruct another party’s access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act.
 - c. RPC 8.4(d) (**Misconduct**) It is professional misconduct for a lawyer to: (d) engage in conduct that is prejudicial to the administration of justice.
2. FL Advisory Ethics Opinion 14-1 (2015) – Lawyer may advise a client pre-litigation to change privacy settings on the client’s social media pages so that they are not publicly accessible.
 3. Philadelphia Bar Assoc. Professional Guidance Committee Op. 2014-5 – Evidentiary and discovery issues regarding social media, particularly Facebook.
 4. NYCLA Ethics Op. 745 – Advising a client regarding posts on social media sites.
 5. In re Frank R. Wilson, CSB No. 185591 (California). – Juror (lawyer) blogged about criminal case

Improper Advertising / Marketing / Fee Sharing

1. Relevant Rules of Professional Conduct (RPC):

- a. RPC 1.18(b) (**Duties to Prospective Clients**) “Even when no client-lawyer relationship ensues, a lawyer who has learned information from a prospective client shall not use or reveal that information, except as Rule 1.9 would permit with respect to information of a former client.
 - b. RPC 7.1-7.5 (**Advertising**) Includes online/social media.
2. Philadelphia Bar Association Professional Guidance Committee Formal Opinion 2010-6 (2010) – Attorneys’ interaction with prospective clients via a blog; might end up unintentionally creating an attorney-client relationship.
 3. State Bar of California Ethics Opinion 2012-186 – Looks to if the social media would constitute a communication of an advertisement
 4. NYSBA Op. 1052 – Giving client \$50 bill credit if client posts online review – credit on legal bill OK so long as NOT contingent on content, NOT coerced or compelled, and comes from client.

General Social Media Opinions and Guides

1. NYSBA Social Media Ethics Guidelines (June 9, 2015) – Various guidelines on social media issues.
2. Pennsylvania State Bar Opinion Formal Opinion 2014-300 (2014). “Ethical Obligations for Attorneys Using Social Media”
3. State Bar of California Standing Committee on Professional Responsibility and Conduct Formal Op. 2015-193 – Attorney’s ethical duties in handling discovery of ESI.



Technology As Legal Asset

By Jayne R. Reardon

Those of us with teenage children know that "texting" is the preferred communication method of the young. But texting is no longer just for casual conversations between friends.

Increasingly, texting has become the *modus operandi* of our clients and others with whom we do business. This new wave of client communication has led to a host of ethical and professionalism quandaries.

Fortunately, the ethical rules are elastic enough to provide guidance even though the available methods of communication seem to be changing monthly. The rules proscribe behavior regardless of the means used. For example, the confidentiality of information governed by Rule 1.6 requires a lawyer not to reveal information relating to the representation of a client regardless of the method that could be chosen.

Unlike ethics, professionalism cannot be condensed to clear ethical rules. Rather, as modern lawyers, we must remain aware of core concepts of professionalism as we collect more devices and engage in digital communication. Simultaneously, we must consider how technology has transformed the information that we provide clients, and the various ways we use to communicate that information.



We are an information providing profession. In terms of service to our clients and building a community of legal professionals, the Internet provides resources far beyond those available in our local libraries and communities. We can access information that affects our client, whether it be a court decision, stock price or administrative ruling, nearly instantaneously from anywhere in the world. We can focus and manage incoming information to better serve our clients by monitoring conferences, events and seminars.

Technology Transforms Communication

Technology has radically transformed how we communicate that information. Over the past couple decades, a plethora of new ways to communicate have sprung up, complicating lawyers' professional lives. The proliferation of social media and other Internet-assisted communication makes it more important than ever that lawyers understand professional communication and guard the core values of the profession while embracing the possibilities to better serve clients that the new media provide.

Where to draw the professionalism line depends upon whether the communication is intended to be public or private. In terms of private communications, emails have replaced phone calls and faxes in

communications between lawyers and between lawyers and clients. It is important to protect confidentiality of client communications by passwords or encryption. Use "strong" passwords that combine letters, numbers and symbols, not the easy-to-remember, easy-to-hack passwords.

Now that email is regularly reviewed on mobile devices, we also have to be aware of publicly accessing emails within the view of passersby on the street or in the coffee shop, or our neighbors on the train or in an elevator

The same goes for texts. Often, cell phones are placed on the table at a social gathering. If the phone is face up and another at the table reads the beginning of a text message from your client, is privilege compromised? Why be the first test case in Illinois? Instead, set your cell phone notifications to not show a preview of messages.

Because our phones, tablets, laptops and other mobile devices contain memory, they also should be equipped with kill switches—commands that "brick" or deactivate the device on connection to the Internet should they be lost or stolen. Steps should also be taken to fully erase a device's memory before it is discarded

Social Media Opportunity

In terms of communications intended to be public, social media channels offer an opportunity for lawyers to maximize their reach and access information and resources beyond what is readily available in their geographic region. Remember, however, that social media is public and should never be used to communicate with clients or about their matters.

LinkedIn offers an opportunity for lawyers to put their credentials on a network and to publish articles in their field. According to research conducted by the American Bar Association, nearly 90% of attorneys responded that they used LinkedIn. Lawyers may use Twitter to keep up on research and individuals who are thought leaders in their field.

Facebook is generally viewed as a more personal channel though it too can be used for business purposes. Although privacy settings may restrict who may have access to Facebook postings, lawyers should be careful about posting photos or comments that may put them in a compromising position.

For litigation attorneys, social media platforms' real value may be in investigating. The American Bar Association in April of this year issued [Ethics Opinion 455](#) stating that a lawyer may passively review a juror or potential juror's public presence on the Internet without violating Rule 3.5(b) which prohibits *ex parte* communications with a juror. The opinion likened the public areas of a juror's pages as any other publicly available information that may be gleaned, such as from driving down a potential juror's street. However, requesting access to a private area on a juror's social media platform, through a "friend" request on Facebook or otherwise, would be deemed an improper communication. The opinion also stated that an automatic notification informing a juror or potential juror that her site has been viewed would not constitute a communication from the lawyer in violation of Rule 3.5(b).

It's a brave new world of communication out there. Clearly we cannot put our heads in the sand and avoid using technology to better serve our clients. To be successful, lawyers must understand and use technology and embrace efficiency and innovation. We owe it to both our clients and ourselves.



How Reliable Are Those Online Attorney Reviews?

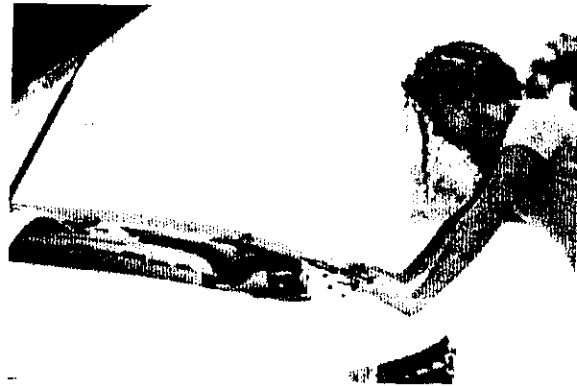
By Mark C. Palmer

As Professionalism Counsel at the Illinois Supreme Court Commission on Professionalism, Mark C. Palmer promotes civility and delivers statewide professionalism programming, including its mentoring program, across Illinois to lawyers and law students with a dedication to justice and the rule of law.

When your car needs repairs, you look up a mechanic. As you discover your pants need an alteration, you call upon a tailor. Should you need the services of an attorney, you likewise hope to find such a person with the proper skills and knowledge to address your needs.

So where does one properly begin? For those who are not lawyers or do not know attorneys, and need to find one, word of mouth is a common tool for referrals. Friends and neighbors may offer suggestions for attorney recommendations from their own interactions and personal opinions.

The traditional yellow pages ads might offer some guidance. But surely the bigger, bolder advertisements do not always equate to the increased qualifications of representation you are seeking. Then comes technology.



If the Internet Is the Tool, What Is the Source?

Today, multifaceted algorithms give web-based lawyer rating systems, i.e. legal marketing websites, a stage to serve a consumer demand for finding lawyers. And finding qualified lawyers at that, or so consumers hope. But just as such online resources like Avvo are "changing the way people find legal help" as they put it, they continue to receive criticisms for lacking merit, accuracy and legitimacy. Whether they are an authoritative legal support tool or a marketing ploy that is inherently bias to lawyers who contribute to the website's fiscal options, such online attorney reviews are the modern phonebook for finding legal services.

Is the measure of a quality attorney best done by such mathematical models? Or should it be just one of many factors in selecting the right counsel for the right consumer on the right area of the law?

The landmark case of *Bates v. State Bar of Arizona*, 433 U.S. 350, 379 (1977) emphasized that, "Because the public lacks sophistication in legal matters, it may be particularly susceptible to misleading or deceptive advertising by lawyers." Thus, how could lawyers and consumers alike have confidence in a propriety algorithm that generates a "Superb" rating when lawyers of greater experience and abilities come in a distance second? Or with no rating at all?



The Utah State Bar took on the question of attorney rating systems in 2014 with its Ethics Advisory Opinion 14-04, wherein it focused its attention on the methodology of how the ratings or reviews are formulated. It required transparency for the lawyers to guard against misleading communications via advertising, as well as for the public to measure the value of the rating product. But only vague basics behind the real makeup of the rating models are shared by Avvo, limiting how informed either can be.

Can Positive Online Attorney Reviews Be Bought?

Additionally, the uncertain line where the raw data end and the possible gamesmanship begins draws further speculation as to the veracity of the ratings. Restaurants have garnered criticism by dishing out freebies (pardon the pun) to customers for positive reviews on Yelp and similar consumer guides. Why can't lawyers?

The New York State Bar Association issued its Ethics Opinion 1052 (2015) concluding, "A lawyer may give clients a \$50 credit on their legal bills if they rate the lawyer on an Internet website such as Avvo that allows clients to evaluate their lawyers, provided the credit against the lawyer's bill is not contingent on the content of the rating, the client is not coerced or compelled to rate the lawyer, and the ratings and reviews are done by the clients and not by the lawyer."

These paid ratings and quid pro quo attorney endorsements between members of the bar further call into question the value of online rating systems. Nevertheless, like it or not, online attorney reviews, rankings and marketing companies for such are here to stay.

And you really do not have to like it, as your profile page is very likely already populated whether or not you have claimed your profile. So should attorneys "claim" their existing profile on lawyer marketing websites? If they do, what responsibilities do they have to ensure and monitor that only accurate information is provided?

Advisory Opinion 201402 (2014) by the Washington State Bar Association applied its Rules of Professional Conduct to attorneys' "[p]articipation in online social media profile websites." In addressing these questions, the Opinion essentially says that if attorneys choose to participate in the website, they must not make false or misleading communications, and reasonably correct any inaccurate information that exists.

Avvo says it has rated more than 87% of lawyers in the U.S. May for-profit lawyer rating content providers maintain the profiles of attorneys who do not claim their profiles, or consent to the published content including their photograph?

That very question of privacy intersecting with commercial gain is being put to the test in Illinois by a recently filed complaint in Cook County seeking damages for using the unauthorized likeness of attorneys without their involvement or consent. The Illinois Right to Privacy Act states, "A person may not use an individual's identity for commercial purposes during the individual's lifetime without having obtained previous written consent from the appropriate person..." 765 ILCS 1075/30(a). Punitive damages may be awarded against a person found to have willfully violated the Section 30 of the Act. 765 ILCS 1075/40(b).



The twist in this freedom of commercial speech debate may come in how Avvo and similar business models structure the advertising content. For example, it may be one thing to use publicly available information to build a searchable database for consumers to find lawyers, and another thing to advertise and market space on competing attorneys' profile pages.

Attorneys: Know Your Review Content and Update It

Whether attorneys decide to embrace and optimize their online presence on rating websites or disregard its potential, their ethical obligations under the Rules of Professional Conduct continue regardless of the technological impacts. Lawyers need to educate themselves on how the rating systems are formulated before participating in them, and be vigilant about the accuracy of the information used for such calculations and what is displayed to the public. As some firms and attorneys may find great benefits from applying these marketing tools to their practice, they should take comfort in relying on the Rules of Professional Conduct to steer their use until more advisory opinions can provide guidance.

For consumers, online attorney review and ranking websites should be used as just one tool in conjunction with other means of finding the lawyer who is the best fit for the consumer and the legal assistance needs. Hiring the first attorney you see with a "Superb" ranking may not necessarily mean your representation is best suited for that attorney. Don't just look for the shiniest car on the lot; check under the hood first.

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About the Illinois Supreme Court Commission on Professionalism


The Commission on Professionalism was established by the Illinois Supreme Court in September 2005 to foster increased civility, professionalism and inclusiveness among lawyers and judges in the State of Illinois. By advancing the highest standards of conduct among lawyers, we work to better serve clients and society alike. These duties we uphold are defined under Supreme Court Rule 799(c). For more information, please visit www.2civility.org, the Illinois Supreme Court Commission on Professionalism's website.

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Who's Supreme Court Panel was on Professionalism



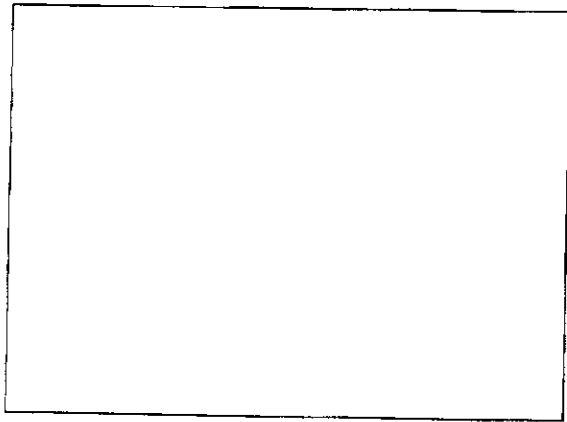
Everyone Is a "Twitter" Over Social Media: Why It Is Time for You to Embrace It Too

Mark C. Palmor, Professionalism Counsel
Illinois Supreme Court Commission On Professionalism

2Civility | Who We Are



Building Bridges, Changing Minds



Learning Objectives

1. WHY should lawyers care about social media?
 2. HOW may lawyers ethically use social media?
- ...#ReadyToRoll?

WHY Should Lawyers Care?

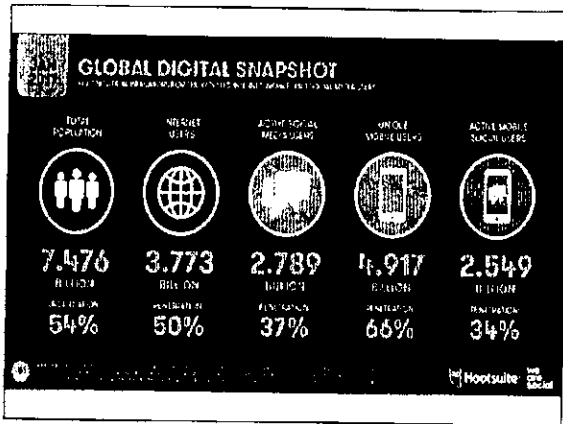
Competency suggests demands it!

- Illinois Supreme Court Rule of Professional Conduct 1.1

Social Media Snapshot

- 2.8 billion people were using social media by the end of 2016, up 21% from 2015.
- Social media use on mobile increased by 30% year-over-year in 2016, surpassing 2.5 billion users globally (91% of all social media users).
- 83% of Americans have a social media account.

Source: Harris Poll. Digital In 2017 study



WHAT is Social Media All About?

Social media is not just a "website" rather, in broad terms, a tool or service that facilitates online conversations.

WHY Should Lawyers Care?

For Lawyers - Competency, Client Development, Etc.

For Clients - Important Evidence

All the while avoiding PITFALLS!

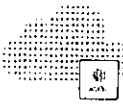

Social Media Often Allows People To:

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- Develop relationships with other users, often sharing a common connection
- View and share content with their connections and often the public









Good - The Three "I"s	Bad - The Three "C"s
<ul style="list-style-type: none">• Interactive• Immediate• Informal	<ul style="list-style-type: none">• Continual• Compelled• Committed



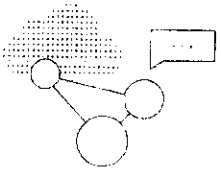
of law firms maintain an online presence compared to 55% in 2012.

Source: ABA's 2015 Legal Technology Survey Report

LAWYERS USE SOCIAL MEDIA FOR A NUMBER OF REASONS:

 71% career development/ networking	 48% client development	 education/ current awareness	 case investigation
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Source: ABA's 2015 Legal Technology Survey Report




of lawyers have had a client retain them directly or via referral because of their online networking.

Source: ABA's 2015 Legal Technology Survey Report

Develop a Social Media Plan

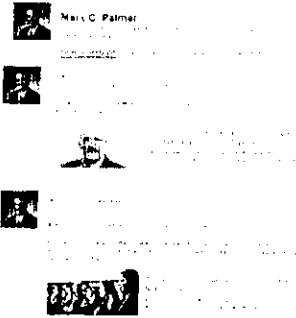
- Market what you DO... Brand who you ARE
- Be REAL
- Be YOURSELF





Mark C. Palmer
JAG Officer at Department of Defense
2007-2011

Your headline is key!
Think: What + Who + How

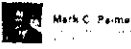


Mark C. Palmer
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Put Down the Negativity: Letting Communication...

Entering the Profession: Connecting with Mentoring

A JAG Officer's Service and Veterans Legal...



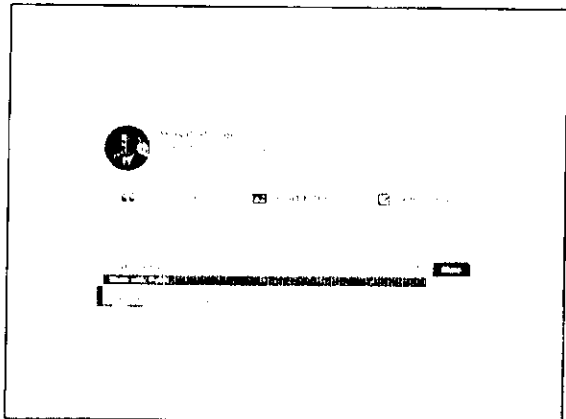
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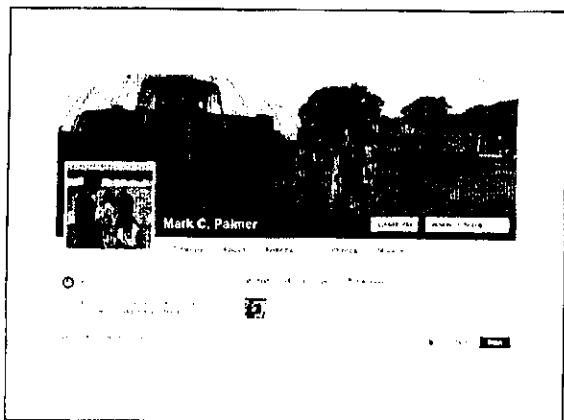


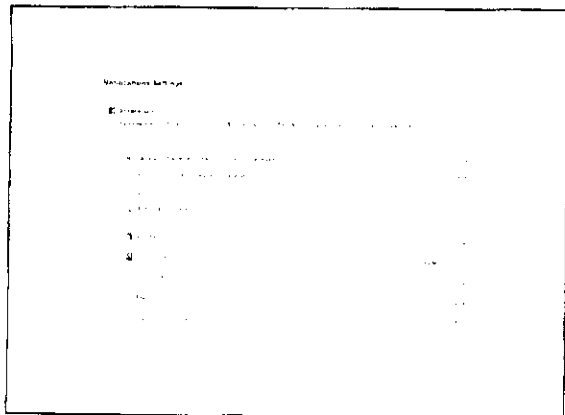
Put Down the Negativity: Letting Communication...

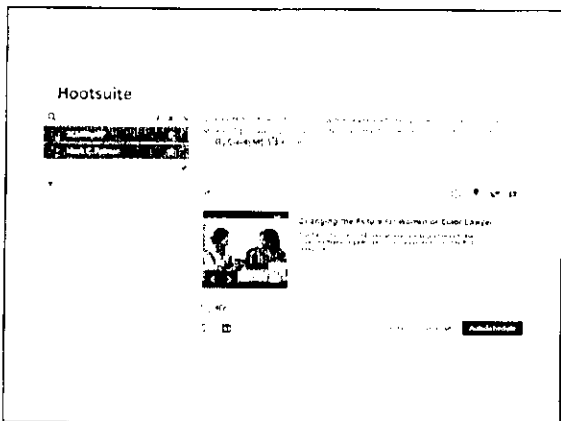
Entering the Profession: Connecting with Mentoring

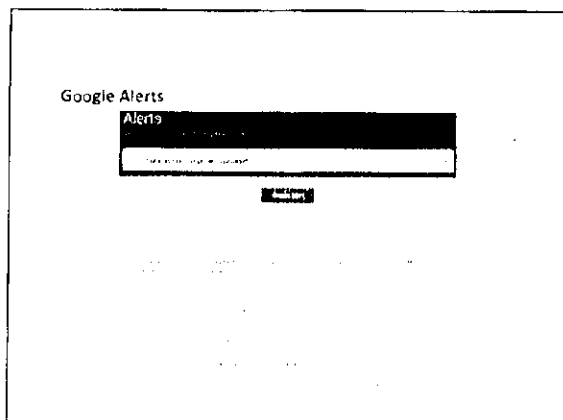
A JAG Officer's Service and Veterans Legal...













ADVERTISING / SOLICITATION

Before logging off, LinkedIn asked Sam if he would like to connect his email account to LinkedIn so it may automatically send a batch invitation to connect with ALL his contacts who are on LinkedIn and invite those who are not on to join.

"Great idea!" thought Sam.

Is he right?

What practical and ethical pitfalls might occur here?

BLOGGING

Sam's been tweeting and posting on his law firm's Facebook page about recent legal news and opinions. After sharing a lot of content, he decides it's time he to write his own content.

Sam posts his first blog about his newest criminal defense case. He reviews the complaint against his client and identifies the legal issues and precedent in his jurisdiction.

Is Sam off to a good start with his blog?

ONLINE REVIEWS

Sam joins an online lawyer rating website. He's built his profile (with true, accurate information), but his rating "score" is not as good as he'd like.

In an effort to boost his score and ratings from clients, he offers them a \$75 billing credit if they are willing to submit a review.

Is this approach a win-win for everyone?

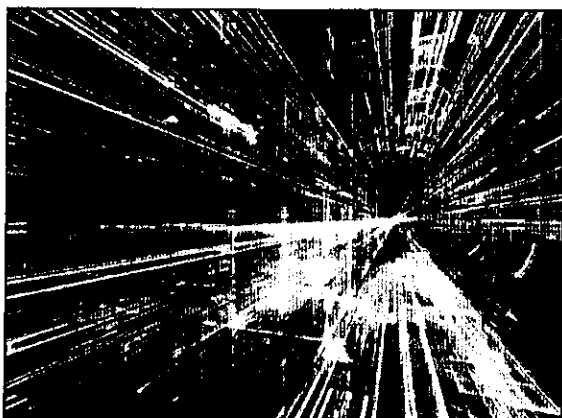
NEGATIVE REVIEWS


It turns out that a former client of Sam's (who declined the \$75 discount option) later wrote a negative review of Sam. The comment emphasized that Sam was friendly and responsive, but he "ran up his bill" with too much research and court time on a relatively simple case.

Sam wants to respond to the comment to clarify the complexity and uniqueness of the case.

Should Sam:

1. Ignore the comment?
2. Reply to the comment?
3. Attempt to have the comment removed?



2 CIVILITY 

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Course Evaluation Form

Title of Course: **"Why Everyone is a Twitter: The Ethics of Social Media"**

Date of Course: July 27, 2017 Location: James R. Thompson Center Assembly Hall
Auditorium

Directions: On a scale of 1 to 5, (5 being the highest or best and 1 being the lowest or worst), please rate the program:

Rate how well this course satisfied your personal objectives **5 4 3 2 1**

Comments: _____

Rate how well the environment contributed to the learning experience **5 4 3 2 1**

Comments: _____

Rate how well the written materials contributed to the learning experience **5 4 3 2 1**

Comments: _____

Rate the level of significant intellectual, educational or practical content **5 4 3 2 1**

Comments: _____

Please rate the faculty using the same 1 – 5 scale:

Name: JUDGE LYNN M. EGAN

Comments: _____

Name: MR. MARK C. PALMER

Comments: _____

Overall Teaching Effectiveness					Effectiveness of Teaching Methods					Significant Current Intellectual or Practical Content				
5	4	3	2	1	5	4	3	2	1	5	4	3	2	1
5	4	3	2	1	5	4	3	2	1	5	4	3	2	1

SUGGESTIONS FOR FUTURE SEMINARS: _____
