



## SOCIAL MEDIA GUIDELINES

The Harmonie Group Technology Committee

Social media networking by lawyers is becoming increasingly prevalent. Social media networking can have unintended and possible adverse consequences including unintended attorney-client relationships, violation of rules of professional conduct, and potential damage to a firm's reputation.

The Harmonie Group Technology Committee has reviewed a number of cases and notes the following points for social media networking:

1. Consider adoption of a social media networking policy providing attorneys and staff direction on what is permitted, discouraged, or prohibited.
  - There is no one-size-fits-all policy
  - Policy should fit firm's culture/personality
  - Consider applying your firm's existing standards on confidentiality, marketing, and communications to your social media networking policy
2. Consider the following when formulating a social media networking policy:
  - Define what social media networking means and what types of social media networking activities are subject to the policy; consider the following activities:
    - Participation on social media sites, including:
      - YouTube
      - Facebook
      - Google+
      - LinkedIn
      - Twitter
      - Legal Onramp
      - Blogs
    - Commenting on "media sites" of newspapers, televisions networks, etc. or on blogs
    - Participation on listservs
  - Clearly differentiate work v. personal social media networking activities
    - Define firm-related activities (ex: all posts made using the firm's name, firm e-mail address, or link to the firm's website or that are generated using a firm computer/system or e-mail address)
    - Use of firm e-mail address and computer vs. use of personal computer and e-mail address

- Emphasize that user should not attribute anything published on a personal site to the firm and any personal posts should not concern firm business
  - Clarify whether employees are permitted to use firm's IT system to access personal social networking sites
- Determine who is covered by the social media policy (lawyers, staff, others)
- Determine what types of social media networking activities (if any) are permitted using the firm's IT system and when firm approval is required before social media networking activities may commence
- Determine who is in charge of monitoring content on firm's social media sites and who is allowed to post content on firm's social media sites
- Inform users that they have no expectation of privacy when they access a social network through the firm's IT system
- Require users to identify materials that are subject to copyright or that are borrowed with appropriate citations, and obtain permission to use such materials when necessary
- Advise on limiting social media networking activities to avoid, among other things, forming a lawyer-client relationship, disclosing client or firm-related confidential information (including client contacts), giving legal advice, taking a position on a legal issue (unless authorization is first received), and expressing opinions about others (judges, clients, other attorneys) or on controversial topics
- Include appropriate disclaimer language stating that posts: 1) are intended for general informational purposes only and do not constitute legal advice or a legal opinion; and 2) reflect the view of the participant only and not of the firm
- Inform users that they are personally responsible for content they post on social media sites
- Prohibit the following activities:
  - Prohibit users from making posts that:
    - Provide legal advice
    - Attribute content to the firm or discuss firm business, unless firm has expressly authorized user to do so
    - Disclose confidential information or client contacts
    - Are deceptive, false, defamatory, or misleading
    - Create a conflict of interest
  - Prohibit users from uploading contact lists to social media sites, to avoid revealing client contacts

- Prohibit social networking communications with clients about legal matters and with opposing parties known to be represented by an attorney
  - Prohibit users from misrepresenting their identity online (ex, creating a fake profile to obtain online information)
3. Review ABA regulations and local rules of professional conduct and ethical rules in any state where your firm has an office, advertises, or has attorneys admitted to practice, to determine additional content/disclaimers to include in social media networking policy
  4. For law firm blogs:
    - Define who will manage the blog and its content
    - Address whether blog contributors should have their work reviewed prior to uploading content to the firm website
    - Make sure that website disclaimers also apply to blogs
    - Consider whether comments will be permitted and how they will be monitored
  5. Stay up to date on changes in social media, and adapt social media networking policy as needed

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