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## Introduction

So, you want to be an artisanal book-binder? Sorry, this workbook is for lawyers who want to use social media well (Man, book-binders get no love!).

If you are an attorney doing great work, have developed a unique focus, have built a really great team or just want to move forward professionally, this book is for you.

This short, integrated workbook will help you create and sustain a professional online presence, particularly on social media. Read the materials, answer the questions, and do the exercises to create a simple online plan. If you don't have time for this process give this book to a team member to draft a plan for you.

Although this book is a good place to start, it does not cover all the nuances of creating a successful presence. Also, although we discuss legal ethics, this work does not address all the ethical issues you may face. Thus, we've linked to external resources on ethics.

We assume a very basic familiarity with social media that most will possess. If you find yourself a bit beyond your depth just ask a social-savvy friend for help.

A quick note about terminology. To avoid wordy phrases, we refer to social media sites, such as Facebook or LinkedIn, as "platforms" and we call individuals or businesses using those platforms "users."

So, let's create some great social media for you.



## What Is Social Media Success?

Let's jump into a question. (By the way, you'll notice the questions are designed to focus your thoughts while exercises give you specific tools to carry out your plan. You may wish to save your responses as one document that can become your first online plan).



**Question: Assume social media is a huge success for you. What does that success look like a year from today?**

As you may have just experienced, it can be hard to define success – particularly social media success. Of course, you want other users to see and share your content and that may be enough. But if that online activity does not result in benefits in real life (aka “IRL”) the online activity may not be a success.

Go back to your answer(s). Did you pick a particular platform or type of user? Did you identify a specific number of likes on Facebook or new LinkedIn connections? Or, did you define success by an offline activity like increased business, better clients, media interviews or something else?



**Questions: Revisit your definition of success:**

1. Can you make your goal(s) quantifiable, such as a specific number of followers or an amount of new business in a set period?
2. How will you measure your progress toward achieving that success?

We will now discuss some unique aspects social media, but we will revisit your definition of success later.





## **Know Who You Are Before You Go Online**

### **Quiz:**

**Set a timer for ten seconds.  
Then hit “start,” advance the  
page and complete the exercise.**

A large orange speech bubble with a thick border and a tail pointing downwards and to the left. Inside the bubble is the following text:

In each blank fill in the LAST name  
that comes to mind:

- i. Kim \_\_\_\_\_
- ii. Donald J. \_\_\_\_\_
- iii. J.K. \_\_\_\_\_

- i. Kim \_\_\_\_\_
- ii. Donald J. \_\_\_\_\_
- iii. J.K. \_\_\_\_\_

Turn the page to see answers.

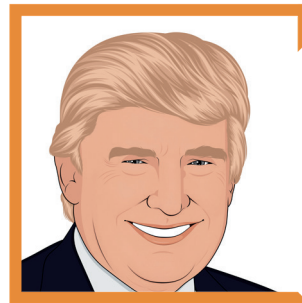


## The Answers Are:

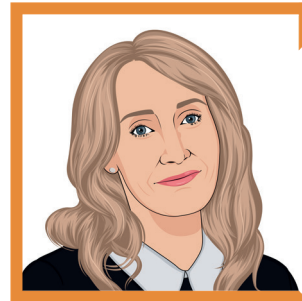
i. Kim **Kardashian**



ii. Donald J. **Trump**



iii. J.K. **Rowling**



Although these public figures were known without an Internet presence their online activities extended their personal brands and changed how people perceived them. They are also a good example of how an Internet persona can be a brand.

Of course, you're probably not seeking larger-than-life Internet fame. Rather, you should focus on creating a niche that highlights your unique abilities and speaks to the community you want to engage.



**Questions: Define who you are online. Your online persona need not mirror who you are in real life, but it must be something you're comfortable with and not deceptive. Answer the following:**

1. What is your personality? For example, are you humorous, serious, intellectual, artistic, insightful, spiritual, curt, straight-talking, boisterous?
2. Is there an online figure whom you admire? Is there someone whom you find distasteful? What aspects of these individuals account for your views?
3. What image do you want to present?
4. How would your clients or employer feel about that image?
5. What are you unwilling to share? Some things you may wish to keep private are information about your family, medical issues, financial matters, where you live, bad habits, political or religious affiliations, etc.
6. Is this account for purely business purposes or is it a mix of business and personal use? A hybrid account (personal and professional) may need to comply with ethical requirements. See Guideline No. 2.A, discussed in the *Relevant Ethics* section below.





Most platforms offer a biography section. Here are suggestions to optimize your bio:

- Use a professional picture
- Say what you do – “Joe Jones, Criminal Defense Attorney”
- Social media may be considered attorney advertising and require certain disclaimers. We will revisit this in the [Relevant Ethics](#) section. Here is the disclaimer your author uses on LinkedIn. Feel free to use or modify it:

***\*\*This profile and its contents are Attorney Advertising.  
Prior results do not guarantee a similar outcome.\*\****

- Your author also added the following to his LinkedIn bio to limit potential communications from non clients:

*Communications Rules: \*DO NOT\* send or post time-sensitive or confidential information. Anything you send or post will NOT be treated as confidential and sending/posting will NOT create an attorney-client relationship or prevent me from representing someone else.*

Now that you’ve got some more basics, let’s revisit your definition of success from the [What is Social Media Success](#) section.



## The Benefits of Social Media

Attorneys can get many benefits from social media, including:

- Securing new clients or generating client reviews
- Building a reputation or expertise
- Connecting with local or specialty media
- Following legal and business developments
- Understanding evolving technology



**Questions: Look at the bullet points above and ask:**

1. If you could have one person (or person holding a certain job) read your posts consistently, whom would that be?
2. If you could consistently receive one benefit from social media what would that be?
3. Revisit your answer(s) from the last part of the *What is Social Media Success* section. Based on the multiple ways attorneys can use social media, do your goals change?

Now we turn to selecting a platform.



## What Platform Is Best for You?

Determining the “right” platform to use can be hard. Different platforms have different users and cultures, strengths and weaknesses.

Some of the key points for you to consider when picking a platform are:

- How many people use it?
- Who uses it? For example, LinkedIn is popular among professionals.
- How do people use it? Each platform has a different feel. LinkedIn is generally considered a business platform. Pinterest is well known for recipes, party planning, home and decorating ideas and expressing one’s style.
- Is it popular with your target audience(s)? For instance, most professional journalists use Twitter as a place to link to news as well as follow and debate developments.
- What kind of content does the platform allow? Facebook features long posts, videos, user groups and lots of user data if you advertise. If you prefer shorter posts, Twitter’s 280-character limit may work for you.



**There are some quick ways to identify your target audience and their interests:**

- **Review your KPIs.** What kinds of matters are driving your success? If you use practice management software look at matter tags or run practice reports. Smokeball clients can look to the [Law Firm Insight](#) Dashboard.
- **Whom did you email or bill most in the last six months?** Should you be connecting with them on social media? Smokeball’s [Automatic Time and Activity Tracking](#) captures your time automatically and provides daily and custom profitability and activity reports.

Start small. It is better to use one platform consistently and well than to start on several but lose steam. An account that does not have recent posts will not encourage users to engage with you. We address how often you should post next.



## How Frequently Should You Post?

There is no exact science on how often to post. Some have suggested that blogs should be updated once or twice a week while Pinterest may need to be updated up to five times a day.

How often you post depends upon you, your target audience(s), the platform(s) and how much time you have. Your author likes to post 1 to 3 times per weekday per account.

Also consider when you don't want to be online. Social media can be all-consuming. Set times when you can be offline, such as nights, weekends and periods during working hours when you don't want to be disturbed.

Let's take a break from the mechanics and talk about the ethics of social media.



## Relevant Ethics

The following discussion highlights important social media ethical issues. You may also find the following resources, and your state's rules, helpful background materials:

- The [Social Media Ethics Guidelines of the Commercial and Federal Litigation Section of the New York State Bar Association](#) (updated May 11, 2017 and hereinafter the "Guidelines") are a thorough, free and easy-to-use resource for attorneys. The Guidelines are organized by activity (advertising, communicating with clients, finding evidence, researching jurors, etc.) so you can quickly find guidance for your situation. This workbook cites to the sections of the Guidelines. Your author was one of the contributors to the Guidelines.
- The [ABA Center for Professional Responsibility](#) has numerous resources and publications on attorney ethics, including evolving technology.
- The [ABA/BNA Lawyers' Manual on Professional Conduct](#) is an authoritative source on legal ethics. Your author is on the editorial board of the Manual.

Ethical concerns are frequently cited as a barrier to attorneys using social media. Attorneys must comply with legal ethics when using technology but shouldn't let uncertainty keep them from using social media. The better practice is to start slowly and understand how a tool or platform works (e.g. is a post available to the whole world, friends or just the account owner) before using it for highly sensitive functions. Some basic ethical issues to consider when using social media:

- **Confidentiality.** You must maintain client confidences. Although it may be tempting to tell war stories about clients or vent online after a bad day, resist. For example, merely eliding the client's name from a post may not be sufficient to protect confidences. The client may follow your posts and identify him or herself or other users may be able to complete the story with additional information you did not post. See Guideline No. 5.E.
- **Competence.** Know how to use the tools. As of this writing, 31 states have adopted the Duty of Technological Competence. [Here is a list of states who have adopted this duty, via Bob Ambrogi's Law Sites blog.](#) At base, this duty requires attorneys to understand the benefits, risks and ethical implications of modern technology. See Guideline No. 1.A.
- **Attorney Advertising.** Any post you make may fall under your state's definition of attorney advertising. As such, the post may need ethical disclaimers. If a platform does not provide the room or ability to post such disclaimers, you may be better off posting materials that don't qualify as attorney advertising. See generally, Guideline No. 2. Also see the [Know Who You Are Before You Go Online](#) section above.

**Exercise: Follow individual attorneys active online to see the character of their posts and how they are received.**

Now you have a general idea of how to protect your ticket when going online. Review the resources above for more details and citations.

Moreover, if you've done the questions and exercises above, you know yourself, your audience(s) and your platform. Next, you must determine what to say.



## What Should You Post?

It is tempting to talk all about yourself – don't. Many law firms use social media merely to trumpet achievements. Would you want to follow such accounts?

Moreover, talking about yourself will bore your audience(s) and probably not achieve your goals. Many advise following the "80/20" rule. Only 20% of your posts should be about you or your endeavors. Eighty percent of your content should educate, engage or entertain your audience(s). Potential topics might include:

- **Current news, especially related to your practice area.** Beware hot button topics like politics, religion and similar issues. Also, be careful of humor. It can be hard to be funny and it is easy to offend.
- **Legal developments that may affect your audience(s) or potential clients.**
- **Content posted by others.** Follow people you want to connect with and reshare or thoughtfully comment on their posts.
- **Awards, media appearances or volunteer work.** A post recognizing a colleague's or friend's accomplishment is a great way to help another and engage your followers. Don't forget to tag\* everyone involved and all relevant organizations. All of them will be more likely to share your post.

Whenever useful, your posts should include hyperlinks to relevant material. For example, if a blog post discusses a rule change link to the blog post so those seeking more information can get it. Certain programs allow you to track link clicks, giving you another way to see what interests your audience(s). Also, you can tag the blog's author and he or she may reshare your post.

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\*"Tagging" means a user employing your user name in a post so you receive notice of the post and the tag links back to your profile. Usually, a tag is indicated or initiated by using the at sign (the "at sign" or "@"). For example, you tag Smokeball on Twitter by writing "@SmokeballNews".



## Question & Exercise:

1. What online sources do you read that your audience(s) may find interesting? As you read consider sharing through your social media. You can add your own thoughts to demonstrate your expertise.
2. Ask your friends and colleagues if they blog or use social media. Follow them and reshare their content. You can ask them to share your posts as well.

Additionally, here are some basic suggestions that will help:



**Hashtags** (the pound sign or “#”) – A hashtag identifies a concept so users can easily find posts about the concept. For example, a post about electronic discovery might use “#eDiscovery” as in “NY High Court overturns 4th Department’s controversial Smith v. Jones decision. #eDiscovery.” Using hashtags expands your potential audience(s) as users who don’t follow you may be interested certain hashtags.



**Repurpose Whenever You Can.** See the [How to Consistently Post](#) section below for a detailed discussion.



**Remember, anything posted online may be seen by clients, potential clients, colleagues, coworkers, neighbors and beyond. People have lost jobs because of foolish social media posts.**

Images and other visual materials also can be excellent content and we address them next.



## Images, Useful but the Devil Is in the Details

Even for word lovers, endless streams of text can be boring. Use images, emojis, stickers, GIFs or recorded video to garner greater engagement. Unfortunately, images are much harder to create and present a host of legal issues such as copyright, the right of publicity, expectations of privacy and ethical concerns. Watch how interesting accounts use images and then consider how to generate your own.

Here are some potential sources of visual content:

- **The platform may provide images such as emojis, GIFs, stickers, etc.** Although conveniently placed on the platform, you may find these resources hard to search, not particularly professional and not creative when used excessively.
- **The platform may also automatically embed images** from sources you link to such as an article.
- **Stock image providers may be helpful** but confirm any restrictions on how such images may be used and all costs for intended uses.
- **Other social media users** may license their images to you. Again, confirm terms and costs.
- **Creating your own images can be useful and fun.** Take pictures of things that interest you and access your photo gallery when posting. You may also find that the image helps you be more creative because you innately want your text to relate to the image. Additionally, if you have taken the image you own the copyright and know the image's provenance.

Now you have all the tools to create great posts. The following sections tell you how to put it all together and consistently post and interact with your audience(s).





## How to Consistently Post

As mentioned above, there is little point in starting a social media account and not maintaining it. The following tips will help you post consistently and interact with other users.

- **Make time each day.** Set aside 5 to 20 minutes for your social media. You can use a social media manager to schedule all your posts, see the [Posting Tools and Times](#) section below.
- **Take a break.** Social media can easily become a time drain. You may want to take evenings and/or weekends off.
- **Repurpose, Repurpose, Repurpose.** Almost anything you create may be repurposed. If you draft an article or blog consider reusing it in the following ways:
  1. Discuss the blog/article on your social media and link to it.
  2. Create a variety of social media posts describing different aspects of the blog/article. You should allow one or more days between these posts.
  3. Ask a friend to discuss the blog/article on his/her social media and tag you.
  4. Talk about the issue on a podcast or other interview.
  5. A recorded video can be edited to capture portions of the video and those smaller portions can be posted as stand-alone content.
  6. If you retain the rights to the blog/article you can revise it, such as with new developments, and renew the cycle.



### Exercises:

1. Delete “junk food apps” that waste time but deliver no benefit.
2. Drop newsletters, feeds or blogs that you no longer want.
3. Download relevant social media app(s) on your phone. Sign in immediately. Use the apps during downtime.
4. Waiting in line is a good time for social media posts. As you read consider sharing the content. As a side benefit – posts from your phone tend to be shorter and mobile-friendly.

As you can see, there are many options. Fortunately, social media management tools, which we discuss next, can help you save time.



## Posting Tools and Times

You can't, and shouldn't, drop everything to post multiple times a day. Social media management software solves this problem by posting for you. Some social media users create a queue of posts to be sent out later that day, week or while they are on vacation. Management software may also give you additional tools, such as posting to multiple platforms at once, tracking the popularity of a post or allowing multiple people to post to social media accounts. Examples of social media management software offerings are: Hootsuite, Buffer, Sprout Social and many others.

Even if you have the time, determining when to post can be difficult. A social media manager may suggest posting times. Also, you may find it convenient to post in the morning to get the attention of followers who are early risers. Change your practices over time and see what works.



**Don't forget time zones. If your intended audience(s) is in a different time zone, you may wish to post accordingly.**

If all goes well you will start connecting with others. What should you do when your phone buzzes or computer beeps with a connection?



## Responding to Others and Online Criticism

Negative posts frequently dominate the news and attorney worries about social media. So, although most of your interactions will be positive, here are suggestions on how to minimize interactions that may create problems. We end with practices to maximize positive interactions.

### BAD PRACTICES TO AVOID:

- **You need not respond to every message, tag or mention of you.** This is true even if the message is negative or critical of you.
- **Don't answer individual or specific legal questions;** it may put you at risk of forming an attorney-client relationship. See Guideline No. 3.A.
- **Post wisely.** Posts can get you fired. Your boss, your client or the guy whose parking space you bogarted may find the post objectionable and cause you offline problems.
- **Online battles are not productive.** Lawyer & legal innovator Cat Moon (@InspiredCat) said it best:



I have a note in @Evernote  
called "tweets I didn't send."

It's very cathartic.

Cat Moon (@InspiredCat)

<https://twitter.com/inspiredcat/status/979405385932173317>





If an account sends/posts spam or wasteful messages/posts you may wish to unfollow/unfriend, mute or block the account; see what options the platform offers. If the interactions are abusive or otherwise violate the platform's rules you may wish to report the incident. As an example, here is a link to "[How to Report Things](#)" on Facebook's Help Center.

#### GOOD HABITS TO CULTIVATE:

- **Whatever platform(s) you use, be prepared to connect with potential clients or contacts on that platform.** Don't expect someone who finds you on Facebook to contact you via email.
- **If a user contacting you is a potential client, move the conversation to your established systems when practical.** You don't want a client sending you messages on a social platform you are not monitoring.
- **Remember to check for conflicts and ask for full, real names.** Running a conflict check against "@MegaAwesome57" won't be helpful and will haunt you at firm at cocktail parties.
- **Track how clients find you** to determine if your social media or other online activities are generating clients or otherwise meeting your goals.



Be aware of your state's rules on client record keeping. A social media communication with a client may need to be retained. See Guideline No. 3.C.



## Enjoy It

That's it. We hope you learned a bit and had fun. Use your answers to questions and the exercises as a basic social media plan. Revisit and revise as necessary.

You've probably noticed there are no screenshots or technical instructions in this book. Too often social media advice focuses on *how* to post and *how* to chase likes. That misses the real goal. Your social media activity should assist, not supplant, your offline goals. We will leave you with some exercises to keep you on track. Add these questions to your calendar (the dates below are just suggestions):



### Exercises:

1. In two weeks, ask yourself "Have I consistently posted? If not, why not?"
2. In two months ask yourself "Am I enjoying my online interactions? If not, why not?"
3. In six to nine months, ask yourself "Have I realized some of my goals? If not, why not? And, am I basing my conclusions on measurable facts or just my gut?"
4. If needed, revisit your answers, exercise responses and this workbook.



## Author & Publisher Notes and Contact Information

Social media involves a doting-grandma-sized-dollop of self-promotion. In that spirit, if you want to follow your author on social media here links to my main accounts:

### Scott L. Malouf, Esq.

- i. Twitter: @ScottMalouf
- ii. LinkedIn: <https://www.linkedin.com/in/socialmediaattorney/>
- iii. Facebook: <http://tiny.cc/ScottMaloufEsqFB>
- iv. Website: [www.scottmalouf.com](http://www.scottmalouf.com)

### Smokeball

- i. Twitter: <https://twitter.com/SmokeballNews>
- ii. LinkedIn: <https://www.linkedin.com/company/smokeball-com/>
- iii. Facebook: <https://www.facebook.com/SmokeballUS/>
- iv. Website: <https://www.smokeball.com/>

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