

7-1-2016

## Law Firm Marketing in the Age of Social Media: A Toolbox for Attorneys

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### Suggested Citation

Annie Mentkowski, Law Firm Marketing in the Age of Social Media: A Toolbox for Attorneys, 36 N. Ill. U. L. Rev. 1 (2016).

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# Law Firm Marketing in the Age of Social Media: A Toolbox for Attorneys

ANNIE MENTKOWSKI

*This Article provides many sources for a broad spectrum of attorneys interested in learning more about social media. Part I explores the social media platforms popular in the legal profession. Part II presents select secondary sources that are intended to enhance attorney engagement with social media. Part III looks at popular resources for managing law firms' social media efforts. Part IV provides popular technology and social media current awareness resources. Part V lists case examples where attorneys have been disciplined for ethical violations stemming from the use of social media.*

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## INTRODUCTION

In the past decade, social media use has dramatically risen across almost all demographics in the United States.<sup>1</sup> In fact, nearly two-thirds of all American adults interact with social media.<sup>2</sup> Given that the use of social media has become almost ubiquitous in American life, it is no surprise that the use of social media in the legal profession has also increased. A 2014 technology survey conducted by the American Bar Association found that a significant number of attorneys are using social media as some sort of marketing tool.<sup>3</sup> Interestingly, the results of the survey indicated that most attorneys are comfortable using social media, especially when it comes to the more passive activities such as reading blogs for continuing education purposes.<sup>4</sup> However, those same attorneys reported that they did not gain clients or get referrals in large numbers by using social media tools.<sup>5</sup> On the other hand, the attorneys who were more personally engaged and active with their social media tools reported being successful in growing their business with social media.<sup>6</sup> In the twenty-first century law practice, social media as a tool for marketing is a must, because when “[u]sed carefully, social media can give your firm a voice, amplify your professional reputation, and help drive new business.”<sup>7</sup>

This article is intended to function as a toolbox for attorneys looking to expand their use of social media for marketing purposes. It provides sources for a broad spectrum of attorneys, from those who have never used social media for marketing purposes to those who are seasoned users but are looking to expand their repertoire. Part I explores the social media platforms popular in the legal profession. Part II presents select secondary sources that are intended to enhance attorney engagement with social me-

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1. *Social Media Usage: 2005-2015*, PEW RESEARCH CTR., <http://www.pewinternet.org/2015/10/08/social-networking-usage-2005-2015/> (last visited Feb. 13, 2016).

2. *Id.*

3. Allison Shields, *Blogging and Social Media ABA Tech Report 2014*, THE AM. BAR ASSOC., <http://www.americanbar.org/publications/techreport/2014/blogging-and-social-media.html> (last visited Feb. 11, 2016).

4. *Id.*

5. *Id.*

6. *Id.*

7. A.B.A. L. TECH. RESOURCE CTR., [http://www.americanbar.org/groups/departments\\_offices/legal\\_technology\\_resources/resources/social\\_media.html](http://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/social_media.html) (last visited Feb. 27, 2016).

dia. Part III looks at popular resources for managing law firms' social media efforts. Part IV provides popular technology and social media current awareness resources. Part V lists case examples where attorneys have been disciplined for ethical violations stemming from the use of social media.

#### PART I. POPULAR SOCIAL MEDIA PLATFORMS DEFINED AND EXPLAINED

Today, there are many different social media platforms. Each platform serves a unique purpose and a unique user base. Harnessed properly, social media can be a relatively inexpensive marketing tool. However, selecting the appropriate platform to engage with is an important decision. The following is a brief survey of popular social media platforms in the legal community. The platforms are listed in alphabetical order.

**AVVO:** this is a consumer website where people can find information about attorneys. Attorney users can create profiles that are essentially resumes. They can also post links to their own websites.

AVVO, [http://www.avvo.com/about\\_avvo](http://www.avvo.com/about_avvo) (last visited Feb. 27, 2016).

**FACEBOOK:** this website allows registered users to create a profile. After a profile is created, users are permitted to upload photos and videos, and send messages to other registered users.

FACEBOOK, <https://www.facebook.com/about/> (last visited Feb. 27, 2016).

**GOOGLE+:** this is a website for Google users and requires a Google account. Users create profiles, and after the profile is created users are permitted to upload photos and videos, and send messages to other registered users.

GOOGLE+, <https://plus.google.com/+google/about> (last visited Feb. 27, 2016).

**INSTAGRAM:** this is an application for photo sharing where users display one photo at a time.

INSTAGRAM, <https://www.instagram.com/about/us/> (last visited Feb. 27, 2016).

**LAWYRS.NET:** this is a website designed to be an international directory of attorneys. Attorneys and firms register with the website, and create profiles. Registered attorneys can interact with other attorneys from around the world.

LAWYRS.NET THE LAWYERS NETWORK, <http://www.lawyers.net/about> (last visited Feb. 27, 2016).

**LINKEDIN:** this is a website site designed specifically for professionals to interact with each other. Registered users set a profile emphasizing employment history, education, and expertise. Then, users build a network by connecting with other users.

LINKEDIN, <https://www.linkedin.com/about-us> (last visited Feb. 27, 2016).

**MYSPACE:** this is a website that allows registered users to create a profile. After a profile is created, users are permitted to upload photos and videos, and send messages to other registered users.

MYSPACE, <https://myspace.com/pressroom/aboutmyspace> (last visited Feb. 27, 2016).

**PINTEREST:** this is an online bulletin board. Registered users create virtual bulletin boards, and are permitted to share images or videos from their own boards with other users. They are also permitted to search and view other users' boards.

PINTEREST, <https://about.pinterest.com/en> (last visited Feb. 27, 2016).

**PODCASTS:** are usually "a series of digital media files, usually audio, that are released episodically and often downloaded through an RSS feed."

Carly Stec, *Social Media Definitions: The Ultimate Glossary of Terms You Should Know*, HUBSPOT.COM (Aug. 24, 2015), <http://blog.hubspot.com/blog/tabid/6307/bid/6126/The-Ultimate-Glossary-120-Social-Media-Marketing-Terms-Explained.aspx>.

**QUORA:** this is a question-and-answer website where questions are asked and answered. Questions get posted by people from the general public. Then the questions are answered by people Quora considers to be experts in their perspective field.

QUORA, <https://www.quora.com/about> (last visited Feb. 27, 2016).

**SNAPCHAT:** this is an application where users can send short video clips and pictures that can only be viewed for a short period of time.

SNAPCHAT, <https://support.snapchat.com/ca/howto> (last visited Feb. 27, 2016).

**TWITTER:** this is a social media platform for exchanging quick, frequent messages. The posts are known as tweets, which may contain photos, videos, links, and up to 140 characters of text.

TWITTER, <http://www.about.twitter.com> (last visited Feb. 11, 2016).

**WEBLOGS (BLOGS):** these are online journals. An individual usually publishes a blog. The author will generally post entries on a regular basis. Aside from written content, blog entries will often contain graphics and videos.

Carly Stec, *Social Media Definitions: The Ultimate Glossary of Terms You Should Know*, HUBSPOT.COM (Aug. 24, 2015), <http://blog.hubspot.com/blog/tabid/6307/bid/6126/The-Ultimate-Glossary-120-Social-Media-Marketing-Terms-Explained.aspx>.

**WIKIPEDIA:** this is a user driven online encyclopedia. Users may add and edit content.

WIKIPEDIA, <https://en.wikipedia.org/wiki/Wikipedia:About> (last visited Feb. 27, 2016).

**YOUTUBE:** this is a platform for people to watch and share “originally-created” videos.

YOUTUBE, <https://www.youtube.com/yt/about/> (last visited Feb. 27, 2017).

## PART II. SELECT SECONDARY SOURCES FOR USING SOCIAL MEDIA AS A MARKETING TOOL

This section provides an extensive list of sources dedicated to various aspects of social media. The selected books range in variety from handbooks for starting a Facebook page to social media textbooks and treatises. The selected articles discuss effective social media marketing for attorneys, avoiding ethical lapses, protecting one’s reputation online, and creating firm social media policies.

### BOOKS DEDICATED TO LEARNING HOW TO USE SOCIAL MEDIA FOR MARKETING PURPOSES

#### **Jared Correia, *TWITTER IN ONE HOUR FOR LAWYERS (2012)*.**

This book is a primer for attorneys who are interested in using Twitter as part of their marketing plan. In the preface, the author points out that Twitter is a free and effective tool, yet it is deceptively simple to use. The book is geared to those who may be slightly familiar with Twitter but have never really engaged with it. Therefore, before he dives into the nuts and bolts of Twitter, the author provides a “glossary of terms” that gives simple definitions for key Twitter terms. For example, he defines the term hashtag (#). The book itself is divided into five parts: styling your profile, tweeting, engaging, third-party applications, and ethics, confidentiality, privacy, and security. Each section takes a step-by-step approach for cultivating an effective Twitter presence. The book covers the gamut from seemingly simple things like selecting a user name to more complex issues like security

and privacy concerns that may arise when using Twitter because it is a free platform.

In addition to assisting with building an effective Twitter presence, the book also provides three helpful appendices. Appendix A provides a detailed list of the most common abbreviations used on Twitter. This is an important feature of the book considering that users only have 140 characters per post. Appendix B provides a list of “Legal-Related” Twitter accounts the author feels are worth following. Finally, Appendix C provides a list of web resources for the reader to learn more about Twitter and keep up-to-date on changes and trends in the world of Twitter.

**Carolyn Elefant & Nicole Black, SOCIAL MEDIA FOR LAWYERS:  
THE NEXT FRONTIER (2010).**

The authors begin the book with the premise that social media is not a passing fad, and when properly implemented it is a cost effective tool for growing your business. This book is divided into five parts. Part one provides a brief overview of the history of social media and explores why social media is particularly effective and helpful for attorneys. Part two provides descriptions of the top social media platforms. It also explores how to use those platforms to develop an online presence. Part three focuses on implementing social media in a law practice. For example, it provides guides for establishing oneself as an expert and developing relationships online. Part four explores the “nuts and bolts” of setting up various social media profiles. It also discusses the “dos and don’ts” of using social media, as well as the basics of “net-iquette.” Part five discusses some of the ethical considerations attorneys must make when engaging with social media.

The book also provides useful appendices. Appendix A is a quick ten-step guide to setting up and starting a blog. Appendix B provides a glossary of Twitter terms. Appendix C is a chart to help determine one’s goals for using social media, and to discover which social media platforms will help one best accomplish those goals. Appendix D provides a recommended reading list to further explore social media. Finally, Appendix E provides even more information for setting up profiles on various social media platforms.

**Ursula Furi-Perry, SOCIAL MEDIA LAW A HANDBOOK OF CASES  
AND USE (2013).**

This textbook explores the legal and policy issues associated with using social media. While largely dedicated to the issues attorneys may run into advising clients, it still offers useful information for attorneys interested in learning about issues that directly impact their practice, as well as their use of social media. The book is divided into six sections: copyright and fair use, freedom of speech, business law, in the courtroom, privacy,

and cybercrime. But, there is a chapter that discusses virtual law practice and issues associated with professionalism and the use of social media.

Chapter four specifically addresses social media and professional responsibility issues using ethics opinions from around the country. Each selected opinion discusses a professional responsibility issue associated with social media. Coupled with each ethics opinion, the author provides: an issue statement, a digest of the case including the rules of conduct at issue, a statement and facts, a detailed discussion of the case, and hypothetical situations applying the rule.

**Kirsten Hodgson, LINKEDIN FOR LAWYERS: CONNECT, ENGAGE AND GROW YOUR BUSINESS (2012).**

This is a guide solely dedicated to LinkedIn and how lawyers can use it to grow their practices. It has two overarching goals. The first is to provide the nuts and bolts for creating an effective LinkedIn profile. The second is to provide a structured approach to using LinkedIn as an effective marketing and business development tool.

The guide itself is divided into sixteen chapters. Each chapter explores an aspect of using social media to market a law practice. For example, there is a chapter on content marketing and a chapter on measuring your performance. Within each chapter, the author provides useful examples and visual aids. She also provides action items in the chapters where appropriate. For example, an action item in the chapter on “Connecting with Others” challenges the reader to “make two new connections a month.”

Perhaps the most useful aspect of this book is the “Online Resource Centre.” The author provides a link and a password and a QR code, so readers may access the articles, videos, and other resources referenced throughout the book from the resource center.

**Dennis Kennedy & Allison C. Sheilds, FACEBOOK IN ONE HOUR FOR LAWYERS (2012).**

This book is intended to teach lawyers how to use this social media tool for professional purposes. The book is divided into four parts. The first part, the introduction, explores why a lawyer might benefit from being active on Facebook. The second part, the glossary, provides a list of key vocabulary terms and definitions for those terms. The third part, the lessons, is the bulk of the book. There are ten lessons and they cover a broad array of topics from “*getting started*” to “*friending effectively*.” Each lesson provides detailed instructions for the lesson topic, and visual aids to help the user. The final section of the book, advanced topics, explores issues that are of particular interest to attorneys, such as ethical considerations and separating your personal social media presence from your professional social media presence.

**Dennis Kennedy & Allison C. Shields, LINKEDIN IN ONE HOUR FOR LAWYERS (2013).**

This book offers its reader a quick, yet thorough, entry into LinkedIn. The book is divided into two parts. The first part of the book provides ten lessons that walk the reader through setting up a LinkedIn profile all the way to monitoring your network and optimizing your settings. The second part of the book is dedicated to more advanced topics, such as ethical considerations, advanced searching tips, and using LinkedIn in the hiring process. Readers will find this book particularly helpful because it provides many visual aids. And, its explanations of the platform and how to use it are written in such a way that it does feel as though one can truly master LinkedIn in an hour.

**Catherine Altman MacDonagh & Beth Marie Cuzzone, THE LAW FIRM ASSOCIATE'S GUIDE TO PERSONAL MARKETING AND SELLING SKILLS (2007).**

This guide is intended to help attorneys enhance their personal marketing skills, so that they can grow their businesses. While the guide focuses largely on the intricacies of developing personal marketing plans, it is also a useful tool when thinking about expanding your social media presence. Chapter two is especially helpful because it addresses the visibility aspect of implementing a marketing plan. This chapter provides guidance on how to figure out who is the target audience and how to communicate with that audience in a way that effectively explains the services you provide and how you are different from the competition. Essentially, the authors are providing guidance on creating and maintaining an effective personal brand. All the tips and explanations can easily be transferred to creating a personal brand via social media. In addition to the advice, the authors provide branding check-lists, advice (such as getting professionally-done photos for your marketing materials), and many visual aids.

**Paul D. McGrady, Jr., MCGRADY ON SOCIAL MEDIA (2011) (ebook).**

This is a comprehensive practice guide that is intended to be a quick ready-reference. It explores a broad spectrum of issues that come into play with social media. In addition, it explores the most popular social media platforms and attempts to frame potential issues within the context of each platform. For example, the introductory chapter defines social media and the primary forms of social media.

While the book does not directly discuss attorney marketing and social media there are several chapters that would still be of interest. For instance, there is a chapter dedicated to privacy and social media and there is a chapter dedicated to copyright issues and social media. But, chapters twenty-one through forty are perhaps the most useful. Each chapter dissects a particular

social media platform. For example, chapter forty is “Understanding Tumblr.” Each chapter provides a summary of useful information, such as: the platform’s function, the target audience, privacy limitations, and use and access restrictions.

**Kathryn L. Ossian, SOCIAL MEDIA AND THE LAW, Bloomberg Law (2014 ed.).**

This treatise is intended to help readers “mitigate the risks of using social media platforms,” by exploring the current legal environment associated with social media. The treatise explores a wide range of issues such as privacy, defamation, and copyrights. While the treatise does not specifically address attorneys and marketing via social media, it does provide useful information to confidently use social media platforms for professional interactions. For example, chapter one “The Social Media Phenomenon” traces the rise of social media and explores and discusses the various types of platforms. It also examines the different ways social media platforms may be used (e.g. photo sharing versus networking or sharing opinions on current events). The chapter on advertising discusses other regulations that come into play outside of the attorney rules of professional conduct. But, perhaps the most useful part of the treatise is the detailed footnotes provided in each chapter. The information provided in the footnotes leads to not only primary sources, but also other useful secondary sources on a specific topic.

**Gregory H. Siskind, Deborah McMurray, & Richard P. Klau, THE LAWYER’S GUIDE TO MARKETING ON THE INTERNET (3d. 2007).**

While the most recent edition of this book was published nearly ten years ago, this book still has relevant and useful information for attorneys looking to include social media in their marketing plans. There is an entire chapter devoted to developing an Internet marketing plan and the tips within the chapter also apply to social media.

There is also a chapter dedicated to blogs and podcasts. This chapter highlights how to use a blog as a marketing tool. It also provides guidance on how to establish yourself as an expert and tips for maximizing your blog or podcast.

The book also gives a detailed discussion and guide to using technology as a marketing tool. Many of the ethical considerations that attorneys must factor when using social media are explored at length in this chapter. Another highly useful chapter in this book is the chapter dedicated to measuring the success of your marketing efforts. It provides guidance on the tools needed to measure the return on investment, and provides guidance on how to analyze the data once it is collected.

ARTICLES DEDICATED TO LEARNING HOW TO USE SOCIAL MEDIA FOR  
MARKETING PURPOSES

The first selection in this section is actually an entire issue of a bar journal. The entire January/February 2012 issue of the ABA's *Law Practice* is devoted to social networking for lawyers. Each of the featured articles explores a different aspect of using social media in a law practice. The following is a list of the featured articles:

**Michelle R.J. Allinotte, *Finding Friends (and clients) on Facebook*, L. PRAC., Jan.-Feb. 2012, at 31.**

This article explains how to set up an effective Facebook page, the dos and don'ts of Facebook, the tools to manage a Facebook profile, and the ethical issues associated with using Facebook.

**Simon Chester & Daniel Del Gobbo, *Social Media Networking for Lawyers: A Practical Guide to Facebook, LinkedIn, Twitter and Blogging, How Should Law Firms Approach Social Media?* L. PRAC., Jan.-Feb. 2012, at 26.**

This article is a primer on how attorneys can/should use social media platforms. The article explains the ins and outs of Facebook, LinkedIn, Twitter, Google+, and blogs.

**Simon Chester & Daniel Del Gobbo, *How to Create a Law Firm Social Media Policy*, L. PRAC., Jan.-Feb. 2012, at 50.**

This article discusses the importance of creating law firm social media policies and gives pointers for crafting effective policies.

**John Hellerman & Rudy Burwell, *When to Engage (or not) in The Social Media Conversation*, L. PRAC., Jan.-Feb. 2012, at 54.**

This article discusses the importance of being vigilant with a firm's online reputation. The article gives pointers on several aspects of social networking, building a network, and responding to posts.

**Denise Howell, *10 Reasons to Use Google+*, L. PRAC., Jan.-Feb. 2012, at 48.**

This article explains the benefits of using Google+ over other social networking platforms.

**Dan Pinnington & Steve Matthews, *Learn More: Useful Social Media Resources*, L. PRAC., Jan.-Feb. 2012, at 47.**

This article is a list of books, blogs, and websites to learn more about effectively using social media.

**Daniel Schwartz, *I Tweet, Therefore, I am.*, L. PRAC., Jan.-Feb. 2012, at 39.**

This article provides the ins and outs of using Twitter. It explains what Twitter is and why it is useful for attorneys. It also lists the dos and don'ts of Twitter, along with tips for monitoring and managing Twitter feeds.

**Allison C. Shields, *The Professional's Social Network: LinkedIn*, L. PRAC., Jan.-Feb. 2012, at 35.**

This article provides the ins and outs of using LinkedIn. It explains the basics of setting up a strong profile and why this platform is useful for attorneys. It provides tips on sharing and participating on LinkedIn.

**Ernest Svenson, *Building a Better Blog*, L. PRAC., Jan.-Feb. 2012, at 44.**

This article provides tips and guidance for creating effective blogs.

The rest of this section of the bibliography is dedicated to individual pieces selected from a broad range of bar journals and law review journals from around the country.

**Kimberly Alford Rice, *Using Social Media to Raise Your Professional Profile Keep Content Fresh to Keep Traffic Coming to Your Website*, 100 WOMEN LAW. J. 25 (2015).**

This article is a brief discussion about how attorneys can raise their profiles by keeping their social media platforms up-to-date. The author also provides a brief list of ideas for generating content. In addition, she provides statistics about how many people are using social media and why it is important from a marketing standpoint. In addition, she conducts a very brief discussion of Google's indexing system and what type of things an attorney can do to ensure that his or her firm's website is at the top of the Google search page.

**Rodney Dowell & Erik Mazzone, *A Lawyer's Social Networking Toolbox: Tuning Up Your Online Business Development*, L. PRAC., Nov.-Dec. 2009, at 42.**

This article provides strategies for getting the most out of social networking to develop business. The authors explore various settings and third-party applications that make maintaining a presence on social media seamless and easy. They look at the three most popular social media platforms used by attorneys: Twitter, Facebook, and LinkedIn.

In the section on Twitter, they explain what Twitter does and provide four ways to make the most out of Twitter. In addition, they explain how three of the most popular third-party Twitter applications work, and how

the applications can improve user efficiency. They also discuss some of the best smartphone applications to help manage and streamline Twitter posts.

Next, the authors turn to Facebook. This portion of the article focuses more on the importance of maintaining control of Facebook. For example, they provide detailed instructions on how to create separate lists for friends and family, and a list solely dedicated to professional contacts. They provide advice on privacy settings and monitoring your Facebook wall. They also provide advice for how to utilize the business page feature of Facebook.

Finally, the authors discuss LinkedIn. Here, the authors discuss how to develop a strong profile and how to take advantage of many of LinkedIn's features. For example, the authors provide detailed instructions explaining how to use LinkedIn to distribute one's blog or how to publicize upcoming speaking engagements using the events feature. The authors also share tips for raising one's profile by establishing oneself as an expert and actively participating in LinkedIn groups.

**Stephen Fairley, *7 Rules for Social Media Rain Makers*, FAM. ADVOC., Spring 2015, at 36.**

This article looks at marketing through the small firm lens. The author points out that social media can be the "great equalizer" for small firms with regards to marketing. However, he asserts that to use it effectively, it is much more than posting a few things online. To use social media well, an attorney must take a targeted approach to social media, and understand that there is more to building business than simply making a connection online.

The author provides seven rules to this targeted approach. The first rule is to understand that different social media platforms reach different markets. So, before diving into the world of social media, determine which platforms will likely reach the most potential clients for your firm. (This article provides interesting data on the major social media platforms.) The other six rules range from being authentic to producing great content.

**Thomas Roe Frazer II, *Social Media: From Discovery to Marketing – A Primer for Lawyers*, 36 AM. J. TRIAL ADVOC. 539 (2013).**

In this article, the author explores four distinct topics. First, he traces the evolution of social media and he discusses the basics of the major social media platforms. Second, he discusses how courts are dealing with social media, addressing a range of topics from discoverability and admissibility of social media evidence to juror misconduct with social media. Third, he provides lengthy instruction on how to search various popular social networking websites. Finally he provides a marketing primer for attorneys. This section provides guidelines for an effective social media marketing plan and an extensive discussion of the most widely used social media tools.

The marketing section is particularly useful. The author begins by highlighting the potential pitfalls attorneys may experience when using social media to market their services. In addition, he discusses the five platforms he feels are best suited for attorneys: Twitter, blogging, YouTube, Quora, and Wikipedia. But, perhaps most useful are the business guidelines the author provides for successfully using social media in a marketing plan. The five guidelines are: stay positive, use a “thank you concept,” embrace your community, have a conversation, and mind your “storefront.” Coupled with the guidelines is a detailed explanation for each guideline.

**Robert McClurg, *Digital Marketing is Key to Practice Growth: Making Sense of SEO, PPC, DIY, DID, and Social Networking*, FAM. ADVOC., Winter 2013, at 28.**

This article begins by discussing the benefits of online marketing, such as the low cost, the breadth of the audience that can be reached, and the fact that most consumers turn to the Internet for researching attorneys. The author also briefly explores some standard digital marketing tools, such as websites and search engine optimization (SEO) and pay-per-click (PPC) tools. The bulk of the article is dedicated to leveraging social media to increase business.

The author spends a fair amount of time discussing marketing strategies. He explains why it is important to create a plan before beginning. The plan should include two things: (1) what should be accomplished and (2) how the effectiveness will be measured. He also claims the two major ways to achieve success with digital marketing are to strengthen your brand and to tend to your brand. He provides tips to accomplish this. He also provides statistics that support his assertions about branding.

Finally, he looks at tools that will help support do-it-yourself (DIY) marketing plans, and he provides some tips for selecting an outside marketing partner. His DIY discussion is particularly helpful because he goes into an in-depth explanation of search engine optimization (SEO). He also gives an example of the importance of SEO.

**Catherine Sanders Reach, *Choosing Social Media for Client Development*, L. PRAC., Mar.-Apr. 2013, at 68.**

This article provides useful tips for choosing with which social media platforms to engage. The article is divided into three main parts. The first part discusses the importance of selecting an appropriate platform. The author suggests doing some research on the platforms you are interested in using. She also provides useful demographic information for Facebook, Twitter, Pinterest, and LinkedIn. The next section of the article is devoted to what to do after you have assessed the social media platform and the user demographics. She suggests getting to know the culture of the platform. She provides tips for engaging and creating a positive reputation on the

platform by authentically interacting with the platform users. Finally, she discusses how to obtain content to keep active on the selected social media platform. In this section, she provides sources and strategies for finding good content to discuss and post.

**Susi Schuele, *Social Networking for Lawyers: the Lawyer's Guide to Making Friends*, GP SOLO, June 2009, at 40.**

In this article, the author asserts that social networks are platforms for demonstrating one's expertise and establishing oneself as a leader. Therefore, when thinking about using social media to grow your practice and ROI, the benefits can be more than the "return on investment," but also a "return on influence." Under this premise, she provides several hints for spreading your influence. To do this, she explains one must have an interesting profile. She provides an extensive list of tips for creating an interesting profile. Then, she suggests when one is using the platform "be social at the networking party." She suggests one think of a social networking site as a cocktail party, and do everything one would do at party, essentially make friends. She also provides extensive suggestions and advice for accomplishing this.

The author takes the socializing analogy one step further. If the social network is the cocktail party, then the blog is one's home. She suggests that in conjunction with the social network interactions, one should consider establishing a blog. Think of blogging as inviting one's friends to one's home. She also provides tips and advice for creating an interesting blog. Finally, the author provides a detailed list of sources to help manage and analyze one's social media presence. In addition, she provides a list of "ten ground rules for social networking."

**Michael J. Zussman & Glen R. McMurry, *44 Million Reasons Why You Should Use Social Media in Your Law Practice*, THE COMPUTER & INTERNET L., Oct. 2013, at 5-9.**

The authors of this article, rather than discussing why attorneys should be using social media, assert that they can *prove* why attorneys should be using social media. They claim social media should be used to highlight one's strengths and expertise, and to engage with a wide audience for a relatively low cost. The first section of the article discusses why an online presence no longer means just having a website. The next section dissects the social media numbers, especially how consumers evaluate businesses based not only on web content, but also on mobile content. The authors also explain how "big law" engages prospective and current clients with mobile content and social media. The authors also provide pointers on how to thoughtfully engage with consumers and become a "thought leader." Next, the authors discuss the legal ethics of social media use. The authors also

explore online disclosures, online endorsements and online testimonials. Finally, the article concludes with seven suggested practice tips for effectively using social media in the practice of law.

ARTICLES DEDICATED TO AVOIDING ETHICAL LAPSES WHEN USING SOCIAL MEDIA FOR MARKETING PURPOSES

**Dean R. Dietrich, *Social Media: Responding to Clients' Negative Comments Off Limits*, WIS. LAW., Nov. 2015, at 41.**

This article provides guidance to attorneys who have received negative feedback from a client on a social media platform. The article points out that this is a relatively unsettled area of professional responsibility. Therefore, attorneys must carefully consider if and how to respond to negative comments. In general, attorneys may not disclose information about the representation of a client; unless the client provides an informed consent to the disclosure or there is implied consent. This is where the gray area comes into play. Many ethics opinions have determined that feedback posts are not considered implied consent. Here, the author concludes that responding may not be worth the risk of disciplinary action, and it may be best not to respond at all. However, he does note that an attorney could respond with something to the effect of "the client has not accurately described all the facts relating to the attorney-client relationship." This innocuous comment likely would not subject an attorney to an ethics challenge.

**Bradley C. Nahrstadt and W. Brandon Rogers, *Think Before You "Speak": What Lawyers Can and Cannot Say in the Digital Age*, DEF. COUNS. J., July 2013.**

This article examines the rules of professional conduct that govern attorneys' speech. It provides guidance on what attorneys can and cannot say online. The article discusses attorney websites, blogs, social networking sites, legal forums/chats, and how to communicate to and about opposing counsel. The authors discuss appropriate uses of the forums and examine the rules of conduct that apply. The authors also include ethics opinions applying the rules discussed.

**Elizabeth E. Spainhour, *5 Ways to Protect Your Online Reputation*, YOUNG L., July-Aug. 2011, at 6.**

This article shifts gears a bit and discusses the importance of protecting your online reputation. This of course is going to be a concern for any attorney. And, at first glance, this concept seems obvious and perhaps even simple. However, the author provides several tips that one may not immediately think of. Her over-arching mantra is do not post or send anything digitally that you would not want to share with everyone on the public Internet. But in the age of tagging, this is no longer that simple. Therefore,

protecting one's online reputation requires vigilance. She offers several useful suggestions for monitoring one's reputation. She provides suggestions for overcoming "bad information" or unwanted information. She also provides suggestions for which social media platforms to engage with and how to establish the most professional profiles. Finally, she ends with the sage advice of getting familiar with all the privacy settings available on social media platforms and taking advantage of them.

**Daniel J. Siegel, *Avoid Social Media Missteps*, TRIAL, Jun. 2014, at 54.**

This article provides guidance on avoiding ethics violations when using social media. This article discusses the three main rules to always keep in mind: be truthful in all communications, do not reveal confidential information, and do not inadvertently create an attorney-client relationship. In addition, the author recommends always taking "the high road" when communicating online. Finally, the author also provides guidance on creating a firm social media policy and not running afoul of Federal Trade Communications regulations.

**Julie Tolek & Justing L. Kelsey, *Hazards of an Online Life How to Use Social Media Safely*, GPSOLO, Jul./Aug. 2015, at 56.**

This article stresses the emerging importance of social media in the practice of law. Using this definition of social media: "(1) a virtual, Internet-based community, with (2) widely accessible tools, and (3) access to publish and view information publicly in many different formats," the authors break down what each element means for the practice of law. Then, the authors provide tips for both clients and attorneys. The overarching theme being, "[r]egardless of the platform, assume everything you post online will be seen by a client or judge and could be considered for business use."

The article also explores how ABA Model Rule 7.2(b) and Rule 7.2(c) may be implicated for attorneys using social media. The article provides sample tweets that could be construed as violations of the Model Rules. In addition, the article highlights some innovative uses of social media in the practice of law, such as serving divorce papers over Facebook.

**Christina Vassiliou Harvey, Mac R. McCoy, and Brook Sneath, *10 Tips for Avoiding Ethical Lapses When Using Social Media*, BUS. L. TODAY, Jan. 2014, at 1.**

This article is a quick primer on how to avoid blunders that could lead to ethical violations. Along with each tip, the authors provide examples of attorney errors and ethics opinions from jurisdictions around the country. The article is not meant to dis-sway attorneys from being active in the social media sphere. Rather, the tips are based on seemingly innocent actions

that have led to ethics violations. The ten tips are: (1) social media may constitute legal advertising, (2) do not make false or misleading statements, (3) avoid prohibited solicitations, (4) do not violate privilege and confidentiality rules, (5) do not assume you can “friend” a judge, (6) avoid communicating with represented parties, (7) be careful when communicating with people who are not represented, (8) do not inadvertently create attorney-client relationships, (9) be aware of potential unauthorized practice violations, and (10) be mindful of endorsements and ratings.

### PART III. SELECT TOOLS TO MANAGE SOCIAL MEDIA EFFORTS

This section is dedicated to tools to help manage marketing efforts after an attorney or firm’s presence has been established on a social media platform. Each tool was selected because it is designed to help manage an aspect of digital marketing or social media and it is appropriate for use in a law firm. The types of tools range from aiding in blogging and posting on social media, creating dynamic landing pages, website management, to creating email campaigns. Along with each tool there is a description of what it does, whether it is appropriate for a small, mid-size, or large firm, and (if available) the price range.

#### **Buffer**

The Buffer application acts like a "social media" assistant. Users set up a posting schedule on Buffer and save items (links, posts, etc.) they would like to share on a social media platform. Then Buffer posts the items on various platforms according to the pre-established schedule. This tool is useful for the attorney who would like to be an active social media user, but does not have the time to log in at regular intervals. Buffer will post to most social media platforms including Twitter, Facebook, LinkedIn, Pinterest, and Google+. This would be appropriate for a small, mid-size, and large firm. Buffer offers several different price plans ranging from free up to \$250.

BUFFER, <https://buffer.com/about> (last visited Feb. 13, 2016).

#### **ClearView Social**

ClearView Social is a content sharing platform that is geared toward midsize and large law firms. It allows attorneys to share their content with their professional networks through LinkedIn, Twitter, and other social networking sites. Using this platform, one person in the firm can create a content queue that is emailed to the attorneys in the firm. If an attorney wishes to share the content, he or she can click on the button for the platform they would like the item to post to and it is automatically linked to his

or her profile in that particular social network. For example, if the attorney clicks the LinkedIn button next to the item, the item will be posted to the attorney's LinkedIn page. In addition, each attorney's "share" can be tracked so the firm can assess which items are the most popular and who is sharing the most items. Pricing is available upon request.

CLEARVIEW SOCIAL, <http://clearviewsocial.com/#features> (last visited Feb. 13, 2016).

### **Feedly**

Feedly is a news aggregator. It allows users to add URLs of favorite blogs and websites. Then users are able to customize and share the content with others. Users can share the selected content on many platforms including Facebook, Twitter, LinkedIn, and Pinterest. In addition, users can schedule posts with Hootsuite or Buffer. Feedly is a very low cost service, it has a free service and its premium service is \$12.08 a month. Therefore it would be appropriate for a firm of any size. FEEDLY, <http://feedly.com/i/welcome> (Feb. 13<sup>th</sup> 2016).

### **Google Analytics**

Google Analytics will provide users information on who is looking at their websites and blogs. It will also provide detailed information about which webpages and blogs are getting the most traffic. The service is free after a website or blog is linked to Google Analytics. There is a premium service that provides more detailed analysis. This tool is appropriate for a firm of any size.

GOOGLE ANALYTICS, <https://www.google.com/analytics/> (last visited Feb. 13 2016).

### **Hootsuite**

Hootsuite is a social media management system. It allows subscribers to manage and connect with over thirty-five social networks all in one place, such as Facebook, Twitter, Instagram, Google+, and YouTube. The dashboard provides detailed analytics and allows subscribers to keep track of multiple social media streams in one place. Users can store prewritten responses and schedule posts on a regular basis, and it also has an alert system that allows users to respond quickly to posts. There are three different price plans: free, "Pro" for small businesses, and "Business" for larger enterprises. The small business account is \$9.99 a month. Based on the fee structure, Hootsuite is suited for a firm of any size.

HOOTSUITE, <https://hootsuite.com/plans> (last visited Feb. 13, 2016).

### **JDSupra**

JDSupra is a content marketing platform. It provides guidance to attorneys and firms with regards to improving content, improving visibility, and increasing readers. After a firm creates a profile, firms may post content that will be published in JDSupra's searchable database. However, before anything is published, the item is reviewed by a JDSupra editor and tagged with keywords. After the item is published, it can be found either through the author's profile, or on the page/news feed relating to its subject matter. Another service JDSupra provides is syndicated content that members may publish on their own sites. This service is geared to mid-size to large firms and prices are available upon request.

JDSUPRA, <http://www.jdsupra.com/services/> (last visited Feb. 13, 2016).

### **MailChimp**

MailChimp is an email marketing service. This service allows users to send marketing emails to a large audience. The service assists with designing and sending the content. It also provides analytics to assess the effectiveness of the emails. MailChimp also provides many resources to design and analyze the email campaign. MailChimp has several price plans, ranging from free to \$35.00 a month. Based on the fee structure MailChimp is suited for firms of any size.

MAILCHIMP, <http://mailchimp.com/about/> (last visited Feb. 13, 2016).

### **Manzama**

Manzama is a news aggregator and data mining service all in one. Based on its subscribers' individual specifications, it will mine the web for news and the latest information about individual clients and industries. It then packages that information into formats that make the content easy to share. This service is geared for mid-size to large firms and prices are available upon request.

MANZAMA, <http://www.manzama.com/client-facing-professional/> (last visited Feb. 15, 2016).

### **Pocket**

Pocket is an application that allows users to "read it later." Users can save and access all sorts of content in one place. For example, the application allows users to save articles, videos, and images. Then the saved content may be accessed from a variety of devices (tablet, smartphone, desk-

top) at a later date. This service is geared to the individual user. It has a free version, as well as premium versions that range from \$4.99 a month to \$44.99 a year. Based on its fee structure Pocket is suitable for a firm of any size.

POCKET, <https://getpocket.com/about/> (last visited Feb. 15, 2016).

### **TypePad**

TypePad is a blogging service. It is fully customizable, but templates are also available for a sleek professional look. It also offers hosting services and technology support to its users. In addition, it is linked to Google Analytics so that its users may analyze the success of his or her blog. TypePad is optimized so that users' blogs will be discoverable on the web, as well as on other social media platforms. The fee structure Ranges from \$8.95 a month to \$49.95 a month, therefore TypePad is suitable for a firm of any size.

TYPEPAD, <http://www.typepad.com/benefits> (last visited Feb. 17, 2016).

### **Wordpress**

Wordpress allows subscribers to design dynamic, multi-page websites. It is geared towards businesses and bloggers. It allows users to own their own domain names and easily create and update designs. It also provides tools to create designs that will function and look good on mobile devices. In addition, it provides analytic features so that users can gauge what is and is not working on the webpage. Based on its fee structure, Wordpress is suited for a firm of any size.

WORDPRESS, <https://wordpress.com/create/> (last visited Feb. 15, 2016).

## **PART IV. SELECT WEBSITES, DIRECTORIES, AND BLOGS FOR CURRENT AWARENESS**

The following is a list of popular resources for staying current with legal technology and firm marketing trends. While there are an abundance of resources of this type available on the Internet, these selected resources are the ones this author relies upon on a regular basis.

### WEBSITES

#### **American Bar Association Law Technology Resource Center**

This is a comprehensive website dedicated to all things related to legal technology. Not only does it publish the monthly e-newsletter *Law Practice*

Today and house the *Legal Technology Blog*, it provides many other useful legal technology resources. For example, in the “Resources” section there are primers on the latest technology and an extensive library of training material. For attorneys interested in exploring social media there is an entire section dedicated to the topic.

Under the social media resource section there are sections dedicated to: social media basics, legal and ethical issues, Twitter, Facebook, and LinkedIn. Each section provides an extensive list of resources with hyperlinks to each resource.

A.B.A. L. TECH. RESOURCE CTR,  
[http://www.americanbar.org/groups/departments\\_offices/legal\\_technology\\_resources.html](http://www.americanbar.org/groups/departments_offices/legal_technology_resources.html) (last visited Feb. 16, 2016).

### **Illinois State Bar Association –Marketing and Attracting Clients Practice Resource Center**

This resource center is available to members of the bar association. It provides PDFs of select articles that discuss marketing in Illinois. It also has PDFs of advisory opinions on professional conduct related to marketing. And, it has links to other resources, such as the Illinois Rules of Professional Conduct related to advertising.

Ill. State. B. Assoc.,  
<https://www.isba.org/practiceresourcecenter/marketing> (last visited Feb. 28, 2016).

### **Internet For Lawyers**

At its heart, Internet for Lawyers is a company that provides CLE seminars on topics associated with legal technology. The proprietors of the company have a vast wealth of experience with legal technology and marketing. Not only are they accomplished presenters, they have authored many books on legal technology, especially in the area of using the Internet effectively for investigative and legal research. So, it is not a surprise that the company’s website offers a wealth of information. There is the Internet for Lawyers blog, which regularly posts interesting updates on technology, as well as tips and tricks for using it. The website also has a library of archived articles.

INTERNET FOR LAW, <http://www.netforlawyers.com/> (last visited Feb. 18, 2016).

### **Legalproductivity.com**

This website and blog provide information on the business side of practicing law. Its goal is to provide attorneys with information and tools to increase productivity and business organization. It also focuses on effective marketing practices. The blog has six different topic areas that it regularly

addresses: get organized, market your firm, make money, leverage technology, go mobile, and boost wellness. The blog also has a section dedicated to white papers and e-books written on topics associated with the blog's six areas of interest. The home page provides a list of the blog's top posts and a tag cloud linking to posts. It also provides a top ten list for other areas, such as top ten legal Ted Talks and top ten legal podcasts. The blog is sponsored by "Rocket Matter" and edited by Tim Baran, but it hosts many guest authors.

LEGAL PRODUCTIVITY, <http://www.legalproductivity.com> (last visited Feb. 16, 2016).

### **Myshingle.com**

This website and blog is published by Carolyn Elefant, a solo practitioner in Washington D.C. and Bethesda, Maryland. In addition, Ms. Elefant is a frequent speaker on using social media in practice. Her blog is largely dedicated to issues of interest to attorneys running solo and small firms, and she spends a fair amount of time blogging about legal technology. The blog has archived the posts dating back to November 2004. In the "lab" section of the blog, Ms. Elefant tests new applications and tools, and she welcomes feedback from readers and users. In the "Resource" section of the website she also provides a resource guide that provides an extensive list (with links) to free technology that may be of interest to attorneys.

MY SHINGLE, <http://myshingle.com/> (last viewed Feb. 16, 2016).

### **Technolawyer**

Technolawyer is an email community with a website at its center. The community requires membership, but the membership is free. This website is dedicated to providing up-to-date information on legal technology, law practice management, and law firm marketing to its members. Technolawyer publishes nine different free newsletters. In addition, it publishes a blog that posts "[a]ll the legal technology and practice management news that's fit to blog." There is an archive that is a searchable "Web-based repository of its newsletters and posts," and it is updated on a daily basis. Technolawyer also has a library that is available to its subscribers. The library houses research reports in PDF format.

THE TECHNO LAWYER COMMUNITY, <http://www.technolawyer.com/> (last viewed Feb. 27, 2016).

## DIRECTORIES

### **Justia's Legal Birds**

This is a Twitter community for attorneys. First and foremost it is a directory of tweeting legal professionals. The directory organizes tweets from attorneys, law librarians, and scholars. Tweets are organized in several dif-

ferent ways. They are organized by practice area, location, recent tweets, hashtag, word cloud, and most popular tweeters. The directory also provides a useful Twitter resource guide. This is a great one-stop resource for staying current in the world of legal tweeting.

LEGAL BIRDS, <http://legalbirds.justia.com/> (last visited Feb. 16, 2016).

#### **Justia's Blawg Search**

This is a directory of legal themed blogs that is fairly comprehensive. At last look, in the practice area section alone, the directory housed over 6,000 blogs in seventy-six different subcategories. The blogs are further indexed by state, law school, and country. The directory also houses over 45,000 blogs from outside of the United States.

JUSTIA'S BLAWG SEARCH, <http://blawgsearch.justia.com/blogs> (last visited Feb. 16, 2016).

#### **ABA Journal Blawg Directory**

This is a directory of legal blogs that the ABA has indexed in several different ways to make searching easier and more comprehensive. The blogs are indexed by topic, author type, region, law school, and court. Some other unique features of the directory include links to "recently featured" blogs and "random topics." The ABA Blawg Directory is also well known for its "100 Blawg." Since 2007, at the end of the year, the staff of the ABA publishes its list of the top 100 blogs for the year.

A.B.A. J. BLAWG DIRECTORY,  
[http://www.abajournal.com/mobile/blawg\\_directory](http://www.abajournal.com/mobile/blawg_directory) (last visited Feb. 16, 2016).

#### **BLOGS**

##### **Law Technology Today**

This blog is published by the American Bar Association. ABA Technology Resource Center staff members edit the blog, but the blog also hosts many reputable authors. The blog is intended to provide the community with guidance on the latest technology available to the members of the legal field. The blog not only provides regular technology related posts, but it also provides videos, podcasts, quick tips, and book recommendations/reviews.

L. TECH. TODAY, <http://www.lawtechnologytoday.org> (last visited Feb. 17, 2016).

##### **Sui Generis –A New York Law Blog**

New York attorney and author Nicole Black writes the blog. She has been actively blogging since 2005. While the blog is intended to discuss legal issues of interest to New York attorneys, Ms. Black routinely posts

about topics of interest to attorneys in all jurisdictions. For example, she has discussed Colorado ethics opinions about using social media for investigative purposes and she posts fairly regularly about issues surrounding cloud computing. She only posts a few times a month, but her posts are informative and thought provoking.

SUI GENERIS, <http://nylawblog.typepad.com/> (last visited Feb. 16, 2016).

### **Technology & Marketing Law Blog**

This blog makes regular appearances on the ABA's 100 Blawg list. Eric Goldman, a law professor at Santa Clara University School of Law, publishes the blog. Mr. Goldman regularly posts about legal technology and marketing issues. The blog has archived posts dating back to 2005. The blog is also indexed and searchable by topic, as well as by author.

TECH. & MKTG. L. BLOG, <http://blog.ericgoldman.org/> (last visited Feb. 17, 2016).

### **3 Geeks and a Law Blog**

This blog is written and maintained by three attorneys who work in "big law." The bloggers regularly post about Internet marketing and technology affecting law practice. The topics and issues discussed on this blog stand out from other blogs because the authors are: a knowledge management expert, a law librarian, and an attorney. Their posts offer a unique perspective that is not often found in the legal blogosphere. The respect this blog garners is evidenced by its regular appearances on the ABA's 100 Blawg list. In addition to the blog, you can follow the authors via Twitter and email. Recent posts include a discussion of Lex Machina and teaching technology in law school.

3 GEEKS AND A LAW BLOG, <http://www.geeklawblog.com/> (last visited Feb. 17, 2016).

### **Law Sites**

Robert Ambrogi, an attorney and consultant started this blog in 2002. Mr. Ambrogi is an expert in the field of legal technology and the Internet, and social media. His blog frequently makes it onto the ABA Journal 100 Blawg list. He frequently blogs about social media and technology. In addition to the blog posts, Mr. Ambrogi actively tweets, and his tweets are available on the blog. Mr. Ambrogi also provides an archive to all his old posts. The posts are indexed with a tagged word and by a calendar.

LAW SITES, <http://www.lawsitesblog.com/> (last visited Feb. 27, 2016).

PART V. SELECT DISCIPLINARY MATTERS WHERE ATTORNEYS MISUSED  
SOCIAL MEDIA

This section presents cases and articles that are examples of attorneys running afoul of various rules of professional conduct, while using social media platforms. While many of the selected secondary sources in part two discuss the ethical rules at issue when attorneys engage in social media, this section stands as reminder that if an attorney opts to use social media in a professional capacity, then it must be used with careful consideration of the rules of professional conduct that apply in his or her jurisdiction.

CASES

***In the matter of Peshek, 798 N.W.2d 879 (Wis. 2011).***

In this case, an attorney's license was suspended for misusing her weblog. Ultimately, the attorney, who was licensed in both Illinois and Wisconsin, was disciplined in both states. She was suspended for sixty days in both Illinois and Wisconsin. The disciplinary action resulted in part due to the attorney revealing confidential client information and for making disparaging comments about her clients and the judges she appeared before on her blog.

The original misconduct took place from June 2007 to April 2008, while the attorney was publishing a blog. It was determined that the attorney revealed privileged information on her blog, as well as making disparaging comments about judges. On June 8, 2010, the Illinois Supreme Court suspended the attorney's license for sixty days in part for violating Rule 1.6(a) of the Illinois Rules of Professional Conduct—revealing a client's confidence, and for violating Illinois Supreme Court Rule 770—conduct that brings the legal profession into disrepute. In June 2011, the Wisconsin Supreme Court suspended the attorney for another 60 days under a theory of imposing reciprocal discipline.

***In the matter of Gilsdorf, Ill. Atty. Registration & Disc. Comm., 2012 PR 6 (Feb. 6, 2012) (Ill. Att'y. Reg. & Disc. Comm'n. Compl.), [http://www.iardc.org/HB\\_RB\\_Dispatch\\_Html.asp?id=109](http://www.iardc.org/HB_RB_Dispatch_Html.asp?id=109).***

In this case, an Illinois attorney's license was suspended for five months. The attorney was representing a defendant in a criminal proceeding. Prior to the preliminary hearing on the charge, the attorney posted a video on Facebook and Youtube. The attorney titled the video "Cops and Task Force Planting Drugs." The video in question was footage provided by the state's attorney assigned to the case. The Illinois Attorney Registration and Disciplinary Commission (ARDC) found that the attorney violated Rule 1.6(a) of the Illinois Rules of Professional Conduct, revealing confidential information, when he posted the footage online. In addition, the

ARDC found that the attorney violated Rule 1.4(a)(2) of the Illinois Rules of Professional Conduct—reasonably consulting with the client about the attorney’s strategy for representation—because he failed to discuss his strategy of posting the videos with his client beforehand.

**In the matter of Tsamis, Ill. Atty. Registration & Disc. Commn., 2013 PR 95 (Jan. 15, 2014) (Ill. Att’y. Reg. & Disc. Comm’n.), <http://www.iardc.org/13PR0095CM.html>.**

In this case, the attorney was reprimanded by the Illinois Attorney Registration and Disciplinary Commission, in part for responding to negative online feedback from a former client. The attorney was retained to help her client receive unemployment benefits. After the client was denied unemployment benefits, he left a negative review for the attorney on the website, AVVO. Specifically, the client stated “[sh]e only wants your money[...]she took my money knowing full well a certain law in Illinois would not let me collect unemployment. Now is billing me for an additional \$1500 for her time.”<sup>8</sup> The attorney responded to the post, asserting that she did indeed advise him of the possible negative outcome. As part of her response, the client revealed information about the client’s case. The hearing board determined that the attorney violated Rule 1.6(a)—revealing client information without obtaining the client’s consent.

***In the matter of Denison, 2013 PR 1 (May 28, 2015) (Ill. Att’y. Registration & Disc. Comm’n.), No. 13PR00001 (May 28, 2015) [http://www.iardc.org/HB\\_RB\\_Dispatch\\_Html.asp?id=11550](http://www.iardc.org/HB_RB_Dispatch_Html.asp?id=11550).***

In this case, the attorney’s license was suspended for three years. The suspension stemmed from comments the attorney posted on her weblog. The attorney blogged about an adult guardianship case that was pending in the Probate Division of the Circuit Court of Cook County. The hearing board determined that the attorney made false statements regarding the integrity of the judge, attorneys, and guardian ad litem involved in the case at issue. The Hearing Board determined that the false comments on the blog violated Rule 8.2(a)—prohibiting knowingly making false statements with reckless disregard for the truth and Rule 8.4(d)—prohibiting conduct that is prejudicial to the administration of justice.

#### ARTICLES

***Debra Cassens Weiss, Is Grievance Filed Over Lawyer’s Blog Post a ‘Lightweight Defamation Claim’?, A.B.A. J. (Feb. 1, 2016 5:45 AM***

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8. In the Matter of Tsamis, 2013 PR 95 (Aug. 26, 2013) (Ill. Att’y Reg. Disc. Comm’n Compl.), <http://www.iardc.org/13PR0095CM.html>.

CST),

**[http://www.abajournal.com/news/article/is\\_grievance\\_filed\\_over\\_lawyers\\_blog\\_post\\_a\\_lightweight\\_defamation\\_claim/](http://www.abajournal.com/news/article/is_grievance_filed_over_lawyers_blog_post_a_lightweight_defamation_claim/).**

This article describes a Michigan Attorney Discipline Board investigation where an attorney blogged about an expert witnesses testimony. The attorney in question referred to the expert's testimony as "hatchet job tactics."

**John Milburn, Sarah Peterson Herr, Kansas Appeals Court Attorney, Fired Over Foul Tweet, HUFFINGTON POST (Jan. 19, 2013), [http://www.huffingtonpost.com/2012/11/19/sarah-peterson-herr\\_n\\_2161556.html](http://www.huffingtonpost.com/2012/11/19/sarah-peterson-herr_n_2161556.html).**

This article describes a Kansas Court of Appeals attorney's firing over several Tweets. The Tweets in questions were posted during an ethics investigation of the former Kansas Attorney General Phil Kline.

**Martha Neil, Goldberg Segalla Announces Partner's Firing on YouTube After He Insulted Liverpool Fans on Camera, A.B.A. J. (Nov. 10, 2015 2:35 PM CST), [http://www.abajournal.com/news/article/goldberg\\_segalla\\_announces\\_partners\\_firing\\_on\\_youtube\\_after\\_he\\_insulted\\_liv/](http://www.abajournal.com/news/article/goldberg_segalla_announces_partners_firing_on_youtube_after_he_insulted_liv/).**

This article describes the firing of a corporate insurance law partner. The firing itself was posted on YouTube. The termination stemmed from the attorney's rant about the fans of Liverpool's soccer team. This rant was also posted to YouTube.

**Martha Neil, Senior Judge Reprimanded for Facebook Posts About His Trials, A.B.A. J. (Nov. 20, 2015 4:10 PM CST), [http://www.abajournal.com/news/article/senior\\_judge\\_reprimanded\\_for\\_facebook\\_posts\\_about\\_his\\_trials](http://www.abajournal.com/news/article/senior_judge_reprimanded_for_facebook_posts_about_his_trials).**

This article describes the public reprimand of a Minnesota judge. The judge in question posted comments on Facebook about trials he was overseeing. The judge told the board he did not know his posts were publicly available, as he thought he had the proper privacy settings in place.