


Ethics & Social Media Usage



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It's About to Get Really Real



Big Themes

- Public, Private, Priblic?
- Social media activities must follow rules
- Clients must be counseled about usage



Public World: this should not be ur profile pic



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Think Before You Tweet

“Naughty, naughty boy”

“Why is Phil Klein smiling? There is nothing to smile about, douchebag.”

Tweets by Sarah Peterson Herr, a court research attorney, at an ethics hearing

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Tweet Resulted In...



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So Many Rules, So Little Time

- Revealing confidential information
- Embarrassing your client, yourself, your employer, others
- Violating advertising/solicitation rules
- Violating "no contact" rule
- Pretexting
- Ex Parte communications with judges
- Inadvertently entering into an attorney-client relationship
- Committing unauthorized practice of law
- Getting caught in a lie
- Violating substantive law (infringement, defamation, etc.)



Confidentiality & Embarrassment





Advertising Issues

“Got that W! My client is delighted. Who wants to be next?”

- Can be “communication” or “advertising” or “testimonial” but definitely a violation



More Advertising Issues

- False or Misleading Statements:
 - [South Carolina Ethics Opinion 12-03](#), for example, concluded that lawyers may not participate in websites designed to allow non-lawyer users to post legal questions where the website describes the attorneys answering those questions as “experts.”
- Everything you do on social media is potentially an advertisement
- Know the T&Cs: inadvertent prohibited solicitations



Ex Parte Communications



Now About Those Clients



AS YOUR LAWYER
I RECOMMEND YOU DELETE THIS
POST IMMEDIATELY

SOCIAL MEDIA?
WHY?

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Don't, Just Don't

- Hack or attempt to hack anyone's account
- Friend anyone represented by opposing counsel
- Investigate an individual without legal grounds or reason to do so
- Advise clients to delete or withhold content that has been already requested by opposing counsel

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