

Report to Legal Management

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Policy Recommendations for Lawyer Use of Social Networks



Pamela Woldow

By Pamela Woldow

Social networking is new and is being used by an ever-increasing number of lawyers. Just as for Internet use, prudent firms and companies are developing policies to govern participation in social networks. Set forth below is a series of policy recommendations for your consideration.

- Check with the firm's professional liability carrier, as it may require a social networking policy or specific language in the policy. The carrier may even have a sample policy that you can use. If not, a qualified individual or attorney who is also insured against omissions should write that policy.
- Know and follow the ABA and the applicable states' bar rules and codes of professional conduct as they concern commercial speech and client confidentiality.
- When signing on to any social network, e.g., LinkedIn, Facebook or Plaxo, go to privacy settings first and make the proper adjustments. Default settings are often wide open.
- Don't give legal advice. Be mindful of creating an attorney-client relationship. It is not wise to recommend any course of action with respect to a particular set of facts. There can be a fine line between supplying legal information and supplying legal advice.

- Maintain client confidentiality. Work for clients and the identities of clients must be held in confidence to the extent appropriate for that client and relationship.
- Don't cite or reference clients, partners or suppliers without their approval. Generally speaking, all references, where possible, must link back to the source.
- Identify yourself — name and, when relevant, role at your law firm — when you post comments.
- When you discuss the law firm or law firm-related matters, write in the first person. You must make it clear that you are speaking for yourself and not on behalf of the law firm. Content that is published to any website that is related to the work you do or related to subjects associated with firm clients, partners or staff, should use a disclaimer such as

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this: “The postings on this site are my own and don’t necessarily represent my law firm’s positions, strategies or opinions.”

- Think first. Remember you are publishing in a public forum, so don’t publish anything that you wouldn’t want to be viewed by your family and colleagues or to appear on the front page of the New York Times. Content is easily transferred and replicated across the Internet and is nearly impossible to delete once it has been published.
- Be respectful of stakeholders, competitors, clients, colleagues, vendors, business partners and others in the firm. Rumors and gossip spread like wildfire on the Internet.
- Individuals are personally responsible for the content they publish on blogs, Wikis, or any other form of user-generated media. What is published will be public for a long time — protect your firm’s good reputation.

- Respect copyright, fair use and financial disclosure laws. Do not upload materials without permission. All postings should comply with applicable confidentiality, privacy and disclosure policies.
- Speak about the issues of law generally and factually.
- Don’t criticize the judiciary in any way.
- Don’t provide confidential or other proprietary information. Always secure permission to publish or report on conversations that bear the assumption of privacy or are internal to the law firm or its clients.
- Respect audiences. Don’t use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in the workplace. Show proper consideration for others’ privacy and for topics that may be considered objectionable or inflammatory such as politics and religion.
- Be aware of associations in online social networks. If you are identified as an employee or

partner with the law firm, ensure the profile, connections, and related content are consistent with how you want to present yourself with colleagues and clients.

- Let your overall goal be one of adding value. Provide worthwhile information and perspective; the law firm’s brand is best represented by its people; what you publish may reflect on your law firm’s brand.
- Do not use the firm logo without permission from its marketing department. ♦

Note: *Altman Weil DOES NOT provide any legal advice. The contents of this article are offered for informational purposes only and should not be construed as legal advice. You should consult with an attorney for advice regarding your individual situation.*

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