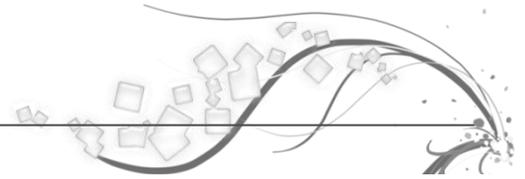


**The Solicitors Regulation Authority,
the Law Society and social media:
some practical advice**

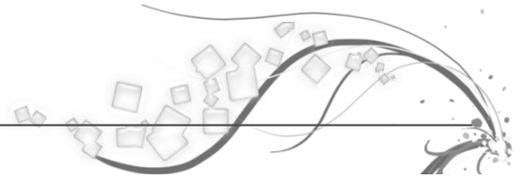
April 2013



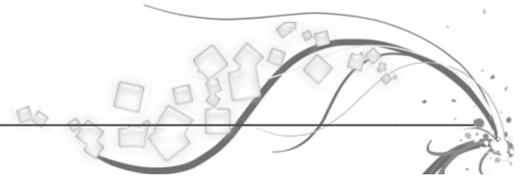


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Introduction

Law is a sector in transition. While the last year has seen many firms embracing social media, a lack of knowledge and a reluctance to tackle the industry's own guidelines on using social channels is preventing more from doing so – and putting a brake on potential growth and profits even when services for solicitors are in demand.

This guide is for law firms who are committed to a social media strategy and need to understand how legal governance and codes of conduct might impact its implementation at a practice and an individual level.

In this guide, we reference two key documents: the [Solicitors Regulation Authority \(SRA\) Handbook](#) - Principles and Code of Conduct - and the practice notes on social media issued by the Law Society. The SRA principles that are of most concern to legal firms in a social media context are the following:

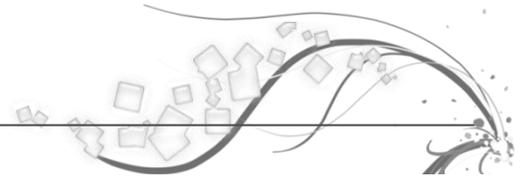
This guide will eliminate grey areas in social media practice by matching the legal guidelines to actual operations and features of online platforms.

Principle 2 – act with integrity

Principle 3 – do not allow your independence to be compromised

Principle 6 – behave in a way that maintains the trust the public places in you and in the provision of legal services.

Business Tendrils is a social media company that understands the specific needs and concerns of practising solicitors and helps many legal businesses to compete and succeed online.



With or without you – individuals versus the firm

Some of our clients who work for larger legal firms use social media independently because they feel that the partners are not interested in using it for the business.

It's true that many solicitors work hard to build their own client portfolio through social media channels and other networking activities; but while this might be fruitful, both the individuals and the firm are missing a trick.

When solicitors use social media independently they can only flag up their own speciality without the backing of a brand and the firm's wider capabilities. Nobody wins because neither the individual solicitor nor the firm get the visibility or the work opportunities they deserve.

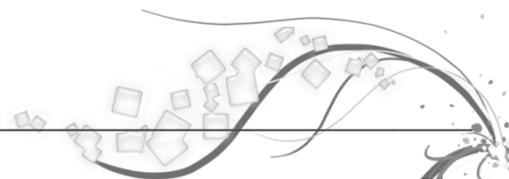
Taking a collaborative, cross-selling approach will increase returns and everyone will benefit.

Practical guide to the Law Society and SRA advice

Location issues

Guidelines issued by the Law Society suggest that your presence online '*may inadvertently impact on your professional obligations toward your clients*' because you could inadvertently disclose a client's identity (based on location) and so breach the outcome 4.1 which states you must '*keep the affairs of clients confidential unless disclosure is required or permitted by law or the client consents*'.

Many people do not know of all the applications on devices that show their location – even if their tweet doesn't.



WE SAY: If you restrict your location devices when you're using social media this won't happen – for example avoid tweets with location giveaways or Facebook's check-in facility. Be aware too that Google latitude and fitness applications such as Map My Run are examples of this. Your personal and business devices will all have their own settings – a professional social media company or agency can adjust all settings on your devices to put your mind at rest.

Best practice is not to tweet or post your message until after the event. This is recommended as a general guideline for security purposes and is unrelated to the SRA code of conduct or the Law Society.

Most firms and individuals are advised to either:

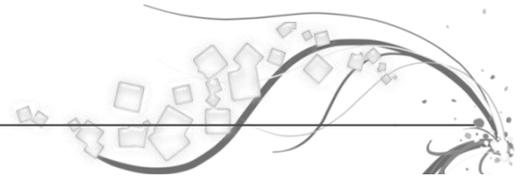
- a) Understand the controls and set them in line with the firm's policy
- b) Disable any location-sending on all devices and applications to prevent disclosure and maintain your own safety

Features such as 'check-in' on Facebook and Google give businesses free advertising highlighting their facilities and offers around whole networks every time someone clicks on them. Great for some sectors but perhaps not for many law firms.

The check-in feature allows each click to result in exposure to the network of the person checking-in. The purpose: free advertising.

Law firms wishing to achieve similar momentum can do so by clearly displaying signs of applications they use online. Put simply, a LinkedIn and Facebook logo lets visitors know where they can subscribe and interact with you.

A disclaimer with the logo can remind visitors that they could be disclosing their location and they do so at their own risk. Of course these check-ins may be happening already if your Facebook page is not carrying any disclaimer. We urge you to be vigilant in this way across all social platforms and we can advise you where the traps are and how to deal with any problems.



Connections and friends

There is much debate from the Law Society about the possibility of breach when you become **connections** (a LinkedIn term) or **friends** (a Facebook term) with your clients.

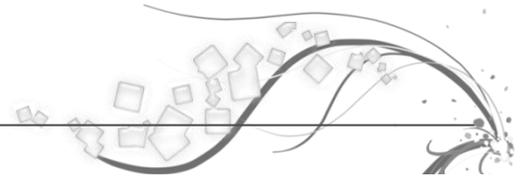
The Law Society asks you to consider the confidentiality aspect in terms of whether the act of connecting (or becoming friends) is the same as disclosing your client's identity.

Connecting on LinkedIn = disclosure? We have yet to come across a member of LinkedIn who connects only with clients.

WE SAY: We know nobody on LinkedIn who only connects with clients and ask you to think hard about doing this – especially as this is a networking environment. Even if the client initiated the connection the question remains: did the client implicitly give consent to a disclosure of their identity? It's our belief that an online connection or friend does not represent any specific type of relationship.

The Law Society also asks you to think about client care and whether contact with a client via social media may affect your obligations to provide a proper standard of service.

WE SAY: We strongly recommend that you think very hard about the implications of anything you write on a tweet, an update, a post, a blog, an email or anywhere else. It's all in the public domain. A useful rule of thumb is not to say anything in writing that you wouldn't be happy to tell someone face to face. Online messages are no different from email in terms of being forwarded, read and published by anyone at any time.



Personal versus professional

The Law Society states that it is difficult to distinguish between formal and informal communications but highlights the importance of not confusing personal and professional use.

In the Law Society's words:

'the same ethical obligations that you adhere to professionally also apply to your conduct in an online environment'

This refers to our requirement to act with integrity, to not allow our independence to be compromised and to behave in a way that maintains the trust our public places in us and in our ability to provide legal services.

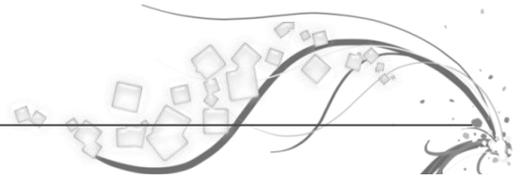
The guidance notes go further and refer to issues relating to defamation, confidentiality and control over information.

WE SAY: Your online environment is like an extension of your workplace and it is your 'public profile' for both friends and work associates. Because the line between personal and professional profiles is blurred you should always remember that your online profiles will be seen by colleagues, clients, suppliers and contacts and may reflect on your work 'persona'.

What you write on your online profiles will be seen by colleagues, clients, suppliers and contacts. Unless you use Protected Tweets on Twitter.

This need for caution is reinforced by the fact that you cannot always control who is connected to you. Unlike Facebook and LinkedIn which require two-way agreements, **people can follow anyone they wish to on Twitter** – although you can block this with a special feature that 'protects' your tweets. Only

those firms with an advanced internal and external social media strategy should consider this because it defeats the purpose of using Twitter publicly.



One way round this is to educate staff about protected tweets so as they can build an online community that is not open to the general public if appropriate.

Finally, any good social media strategy will have **keyword search** options which you and your contacts can use to let you know when given words are mentioned – these could include the name of your firm or people who work there. Knowing as much as you can about these features will help you avoid pitfalls.

Client confidentiality

The question we're asked most often about confidentiality is whether or not it's alright to post or tweet about a client.

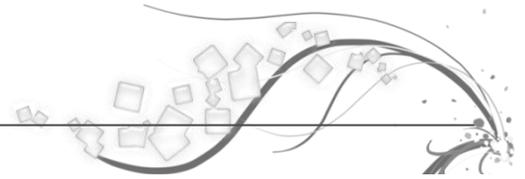
The SRA says: *'you must keep the affairs of your clients confidential unless they agree otherwise.'*

WE SAY: Posting or tweeting anything that could disclose the **identity** of the client or their matter without consent is a breach – this includes any posts or tweets that reveal **your location** and so help to identify the client or their matter.

Tweets and posts that you feel unsure about are not essential to your social media efforts anyway.

The same principle applies to online conversations where the potential for more 'listeners' to identify who you are speaking about is graver still.

The SRA principles do cover 'protecting the client' and so anything that prejudices client confidentiality is not worth the tweet (or post of any type online) and should always be left out of your strategy.



Disrepute

Any posts or tweets which may bring the profession into disrepute will result in breach of the SRA guidelines in accordance with the Code of Conduct 2007.

WE SAY: It is worth noting that this includes **forwarding** of updates by using ‘like’, ‘share’ or ‘retweet’. Any of these actions will circulate the original message from your personal or company account though its source will also be visible.

These features give us the opportunity to attract continuous and real time recommendations and so should be used enthusiastically but with a constant eye on confidentiality issues.

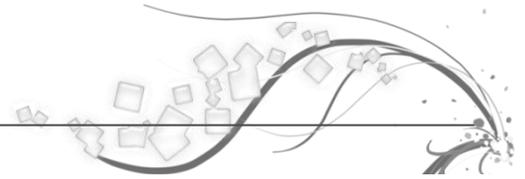
Remember that your social media activity is all about promoting your expertise and the firm’s services – anything that compromises this will put a question-mark on your service, integrity and commitment to the SRA. The reputation of your business is at stake here.

Profiles and email addresses in LinkedIn

The Law Society suggests that it may be more practical to attach a personal email address to your individual LinkedIn profile unless you are using it to promote your firm’s services.

WE SAY: The use of more than one email address is very likely to confuse everybody and we don’t recommend it. If you have used your personal email address to create your LinkedIn profile and then receive an invitation to connect to your work email address, accepting the new connection will create a duplicate profile which will be messy for you and will complicate aspects of the firm’s visibility.

We have created online [video tutorials](#) to help resolve this issue because it’s a common problem for many business sectors and happens



after LinkedIn asks an individual about their place of work and then attaches two duplicate profiles to the company profile.

There are ways to handle several email addresses with a single LinkedIn profile, avoiding duplication and incorrect company profile data. These will eliminate the possibility of losing your LinkedIn account if you move to another firm, as mentioned in the practice notes from the Law Society.

You may want to provide staff with text to use in their LinkedIn Profiles. Not to take ownership, but to protect the firm's name.

Further, the guidelines for all staff should include a section to ensure that individual profiles connect to the single, approved company profile.

Depending on the firm, your guidelines could include text to use in the Summary or Position section of each individual's profile – not to take ownership of them but to protect your firm's name and its use.

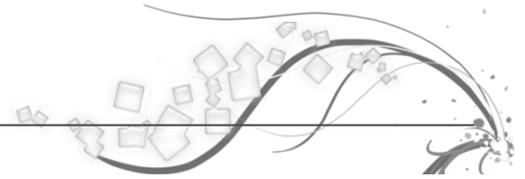
Your right to be forgotten

You can always remove yourself from a social network but be aware that accidentally logging into an account you've previously deactivated will activate it again – eg if you deactivate your Facebook account and later decide to open a new one using the same email address, your old account will be live again and the same friends will appear.

Posting comments and opinions

An example used in this section of the practice notes from the Law Society is that a posting intended for one person may accidentally be published to everyone connected to you on a social media site.

WE SAY: This is a good example of where training really makes a difference. With solid set-up advice you can separate posts using internal communication systems such as protected tweet accounts and



closed LinkedIn groups, together with public systems. Most firms would need to use a social media company to set up the system and train people to manage profiles on an ongoing basis. Firms who need more support can outsource the social media function and be confident that a buffering process will be applied to posts that may need to be filtered before posting.

Referring to a possible breach of Principle 6, the practice notes discuss individuals who adopt anonymous identities to make comments about a client or a case of a personal nature on a social media site.

A good setup of a social media system can allow for 'protected tweets'. These are used for internal purposes only.

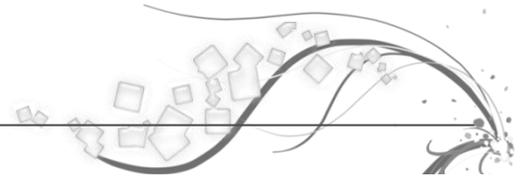
WE SAY: Anonymous postings are highly discouraged for any firm in any industry as there is little point and no benefit to this behaviour. Added to this, identities are not always anonymous even when you think they are – the very least that can be identified is the location the post is coming from.

Regular Review of content

The practice notes suggest that *'you should regularly review the content of your personal social media channels, which will enable you to remove any information that you feel could reflect negatively on you or you do not feel comfortable with.'*

WE SAY: What has been said cannot be unsaid and posts are very difficult to delete because they circulate at such speed once you've released them, making social media the powerful tool it is.

We should take heed though from celebrity twitter indiscretions and particularly the memorable examples of football players who tweeted without any buffering system in place, damaging their own and their club's reputation.



Remember too that this Law Society statement also applies to static information on places such as the summary section of your LinkedIn profile – review it regularly and change it as soon as anything becomes out of date or sensitive.

Limited value in using Facebook, YouTube and Flickr

The Law Society has suggested that *'channels such as Facebook, YouTube and Flickr may only have limited business use as they are more widely recognised as channels for personal use.'*

WE SAY: Not long before these practice notes were issued the features and demographics of social channel use changed significantly.

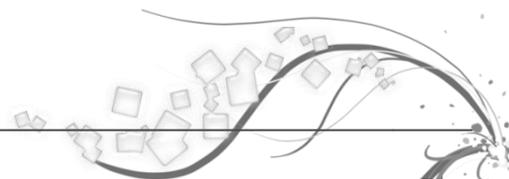
As described in our document 'Getting started with social media', the corporate video is now crucial to business, as is a firm's YouTube channel. People gain so much from being able to see who they might be dealing with and naturally, a moving picture has more impact than a still. YouTube is becoming the norm within regulated and non-regulated industries – a definite shift from when the Law Society started their research.

A corporate video has become crucial to business and in the same way, the popularity of a firm's own channel has grown to become important.

Not incorporating Facebook into a strategy risks the name of the firm being used incorrectly by mistake and also with malicious intent.

The same applies to Facebook which is now a major player in the Business to Business and Business to Consumer market. In fact, omitting Facebook from your strategy risks the name of your firm being used incorrectly by mistake or with malicious intent – as mentioned before when we discussed the potential perils of Facebook's check-in feature. Facebook provides domain name registration which protects the name and its use.

Firms realise that there will always be some people at any firm who use Facebook on a personal basis. When these individuals enter their place



of work in a profile they can create duplicate and incorrect entries for their company – mistakenly producing a number of company pages. A solid set-up gives a firm the assurance that they're protecting their name by incorporating the Facebook platform into their social media strategy – it also allows them to monitor all mentions of their name.

With everything properly set up, partners, solicitors and all other employees can safely declare their place of work on Facebook – with the correct format, entry, and spelling of the name there's no danger of duplicates or mistakes.

Defamation and Disclosure

The practice notes warn of the risks of defamation and disclosure.

WE SAY: this might seem obvious but it's worth adding to the firm's guidelines that online activity should be treated in the same way as emails. Items can be saved, forwarded, printed and used by parties to take legal action.

Engagement with clients

'There are no quantifiable benefits of engaging in social media activities' (practice notes issued by the Law Society).

WE SAY: Many firms are now questioning this statement. The real quantifiable results of using social media have now been published by enough specialists for the professional services industry to feel comfortable in this arena.

Now the situation is different as we see brands and social media firms publishing evidence of business development as a direct result of social media efforts.

The statement may have had some justification when it was written because there was no published evidence at the time, but now we see



brands and social media firms publishing statistics that support exciting business development as a direct result of using social media.

The above statement prompted further scepticism about the potential for developing your business using social media but most of this came from firms who have not yet dipped their toes in the water or alternatively, those who haven't sought skilled help. As firms begin to use social media companies, agencies and experts in the field businesses are noticing that they are developing faster and with more confidence.

'Some clients may use social media channels, rather than email, as their main method of communication.'

The same section of the practice notes refers to the need to adopt social media as *'some clients may use social media channels, rather than email, as their main method of communication'*.

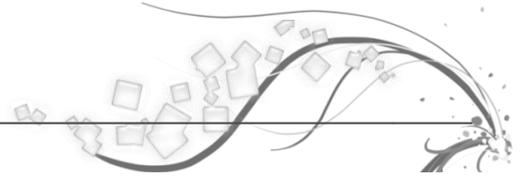
Although this situation can be a useful prompt for firms to embrace social media it should never be done on a knee-jerk, need-only basis because without taking the time to acquire sufficient knowledge and skills it's likely their social media campaign will fail and all the risks outlined above will be heightened. Social media marketing demands a full and carefully conceived strategy if it is to be a worthwhile investment in the growth of the business. Without this any money spent will remain a cost rather than a route to new revenue.

Control over information

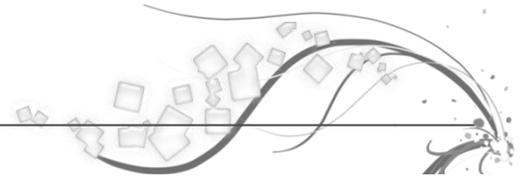
The practice notes refer to the control over information:

'The speed at which information can be circulated, and the proliferation of that information, is something over which your practice will have little control.'

The speed is indeed the reason that social media is as powerful as it is. Take advantage of this.



WE SAY: This is absolutely right and although a little alarming at first, the speed of social media communication explains why it is as powerful as it is. Your practice should use this to your advantage especially as your industry is a key influencer in the personal and private matters of most people at some point in their lives.



Some further practical recommendations

Training to mitigate the risks that come from a lack of knowledge

A lack of knowledge can create difficult situations which go on to trigger a negative impact on your business – incidents which could easily have been avoided. Whichever online platforms your firm decides to use it's essential that you carry out a thorough training needs analysis to make sure that everyone involved is aware of the settings and the potential for unwanted publicity.

One example of this is when a social network regularly asks you to enter your email address to find 'people you know'. This usually results in an automatic invitation to 'connect' to your entire address book – all with a click of one button.

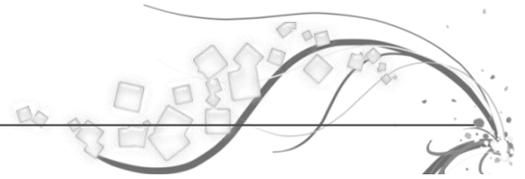
Knowing about such features helps you to avoid these mistakes. Now that you have read it here, are you still going to add your email address when the application asks you to? Probably not.

Team allocation

We recommend that you utilise internal resources even if your firm is outsourcing your social media activity – generally this means allocating specific staff the responsibility for managing various communications. These people should also be prepared to work alongside the recruited social media company.

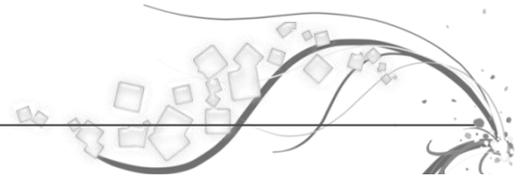
Should the firm have an internal marketing team and wish to keep the social media operation in-house, consultants from the social media company can help identify a structure to implement and manage the social media strategy and operation. The social media company should also help identify any training needs the marketing team has and provide this either on a one-to-one or group level.

To stay within the SRA Guidelines, a firm's social media activity should be treated like any other marketing initiative – some parts requiring



partner approval (such as a company profile) and other parts, careful consideration using internally issued guidelines.

If in doubt, contact your internal communications team or speak to a social media body that specialises in law. Experts in the field of social media can also advise on any requirements for training internal staff.



Our quick guide to social media vocabulary

Platforms

Twitter

Twitter is a micro-blogging site allowing for short messages to be published providing instant news, updates, questions and answers.

On Twitter, a user can follow other users and gain followers to their own account. Following is like subscribing to the updates of an account. Users can create several accounts and follow anyone using the platform. The only time a follower is prevented from following is if they are intentionally blocked by whoever they are attempting to follow or if a user is using protected tweets.

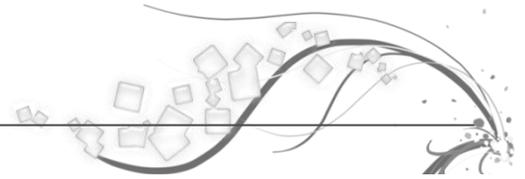
Twitter is used as a business to business and business to consumer marketing tool and for keyword monitoring.

LinkedIn

This is a professional networking site representing individuals (personal profiles), firms, practices, businesses (company profiles) and forums called 'groups' for discussion.

Personal profiles are linked to the company profile when properly set up. The company profile is populated automatically by LinkedIn and by data entered into personal profiles.

The platform uses the three degrees of separation model to stimulate networking. People connecting on this platform are referred to as connections. Connecting with another individual requires agreement from both parties. Connections receive updates from their own connections and can also receive updates from company profiles by 'following' them. This performs as a subscription service to the company's updates.



Facebook

Facebook was initially known for its personal use and was used to share information and images with friends (contacts linked to each other).

Becoming a friend requires agreement from both parties.

Facebook has changed dramatically to become one of the leading platforms for business to consumer, and now also business to business marketing. Businesses are represented using a business 'page'. Pages are subscribed to by other pages and individual profiles using a feature called 'like'.

The high level of targeting made possible by features such as 'tagging' and 'like' has increased the need to use this platform in order to protect business names and brands.

YouTube

YouTube is fast becoming very popular for businesses to promote products and services by video. The platform allows for comments and reviews and subscription to channels of interest. Even the most formal of businesses offering only services are also using this platform to showcase their experts, case studies and the real people behind the firm's great service.

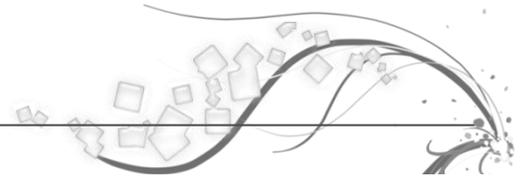
Flickr

Flickr is an image holding application that operates as an image based networking platform.

Pinterest

This is a more visual network where images are used to network with others –it's great for generating traffic for any business but is more popular with companies that use images as their work, such as photographers and artists.

The huge amount of website traffic that Pinterest can generate is prompting big new interest and activity from the service industry.



Google+

This is Google's very own social network with personal profiles for individuals and company profiles for businesses.

The advantages of representing your firm on Google stems from its much talked-about and highly effective search algorithm. To appear favourably in searches many businesses make sure they are at least visible on Google+ even if they're not active on the network.

Using Google Ads works favourably when a firm is already using Google+.

Wordpress or e-Blogger (blogs, or blogging)

A blog is effectively an online journal of topics, stories and comment that you can speak with authority about and that will demonstrate your expertise and interests. An example of a blog that's relevant to the legal industry can be found here: <http://www.lxbn.com/>

Terms

Post

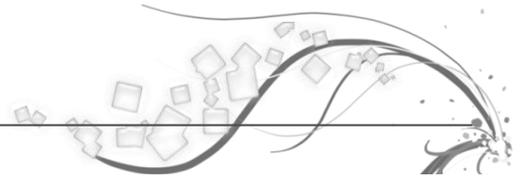
A post is a message about an update – usually something of interest to the person or the firm that originated it. 'Posting' is the act of sending out the message and is usually associated with platforms like Facebook.

Update

An update is the same thing as a post - this term is usually used when referring to LinkedIn.

Tweet

A tweet is a message delivered on the Twitter platform. Tweets are limited to 140 characters and often contain a few words of opinion, thought or description with a link to an article.



Twitter messages are public unless your set-up uses the ‘protected tweets’ feature or you are communicating with others on the platform through direct messages.

Retweet

A retweet is the forwarding of someone else’s tweet. Retweeting allows you to share messages with your network whilst also crediting the tweet’s originator.

Protected Tweet

‘Protected tweets’ are set up for use internally and they work like an instant messaging system between colleagues only, but in conjunction with public twitter accounts that are open to the world.

Like

Like is a feature started by Facebook but now common on other platforms. To use the ‘like’ feature is the same as subscribing or recommending something to your own readership (connections, followers or friends).

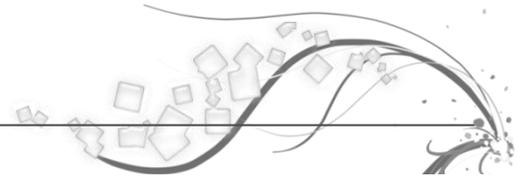
Share

Share is a feature that will literally share a piece of information with your whole readership (connections, followers or friends). The share feature is heavily used in Facebook and works in real-time rather than as a written testimonial that is static and remains displayed.

Tag

Tagging is a feature that allows users and others to attach names to images, posts or updates – commonly used in Twitter during online conversations and in Facebook to promote, highlight or catch the attention of the person or business tagged.

Tagging can be disabled but the Facebook user will need to be registered on the platform to apply the setting.



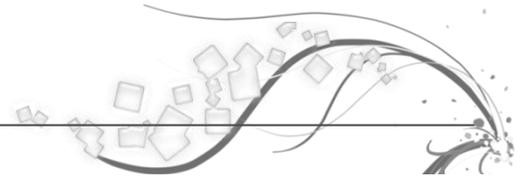
For business development purposes, tagging provides additional free exposure in a similar way to likes and shares.

Comment

A comment is very much like an update or a post, except that it is also used to refer back to comments that have been submitted in response to an initial post or update.

Profile and Pages

Profiles can be personal or business oriented depending on the platform. Generally a profile refers to a personal account and a page is allied to a company identity.



For more information

Call: +44 (0) 20 8144 8875

Email: info@businesstendrils.com

Read these additional documents on our website:

The benefits of social media for law firms – a practical guide to what every law firm can achieve through social channels.

Getting started with social media – covers the steps you can take to ensure a smooth implementation from a carefully planned and well designed strategy.

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