



# *Your Court's All-A-Twitter:*

## *Social Media's Threat to the Legal Community*

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# The *Messenger*

- Advisor to ProfNet
- Designed first website for Texas Tech University
- Live Journal-er turned Blogger
- Social Media Early-Adopter
- Public Relations Strategist



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# Introduction of ***Message***

Social Media and the impact of social media tools on the judiciary and the law.

The genie's out of her bottle – do we accept her wishes, or try to cram her back into the bottle?

# A *Human Need*

- Cave Painters shared life in pictures to foster society.
- People have a need to share a secret or news.
- Courts and Law at center of societal events.



# Social Media = *Rapid Sociology*



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# A Social Network for *Everyone*



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# Threat or *Normal Behavior*?

- A juror in Arkansas tweeted after a \$12 million verdict.
- Nine jurors in Florida searched Google for more information resulting in a mistrial.
- A juror in New York tried to “friend” witness on Facebook during a trial.
- A juror in the United Kingdom reportedly asked her Facebook friends to help her decide a case.

# The *Tweet* That Rocked Little Rock



# Mistrial by *Social Media*

The screenshot shows the top portion of a New York Times article. The header includes the site name 'The New York Times' and navigation links for 'HOME PAGE', 'TODAY'S PAPER', 'VIDEO', 'MOST POPULAR', and 'TIMES TOPICS'. The article title is 'Mistrial by iPhone: Juries' Web Research Upends Trials' by John Schwartz, published on March 17, 2009. The main text begins with: 'Last week, a juror in a big federal drug trial in Florida admitted to the judge that he had been doing research on the case on the Internet, directly violating the judge's instructions and centuries of legal rules. But when the judge questioned the rest of the jury, he got an even bigger shock.' A 'Readers' Comments' section is visible, with a comment stating: 'Eight other jurors had been doing the same thing. The federal judge, William J. Zloch, had no choice but to declare a mistrial, wasting eight weeks of work by federal prosecutors and defense lawyers.' The article continues with a quote from the defense lawyer, Peter Raben, and a paragraph discussing the use of BlackBerrys and iPhones by jurors. A sidebar on the right contains utility links like 'COMMENTS (10)', 'SIGN IN TO E-MAIL', 'PRINT', 'SINGLE PAGE', 'REPRINTS', and 'SHARE', along with a 'NOW PLAYING' video player for 'THE WRESTLER'.

- Social media tools change the rules.
- Juror cell phones.
- Cell phone cameras.
- Can people be trusted to be quiet?

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# Closing the *Barn Door*

- New Court Rules.
- Specialized Jury Instructions.
- Admonitions.
- Decorum Orders.
- Collecting and banning cell phones and laptops.

# ***Court Limits* Social Media**

- ... during your deliberations, please remember you must not provide any information to anyone by any means about this case. Thus, for example, **do not use** any electronic device or media, such as the telephone, a cell or smart phone, Blackberry, PDA, computer, the Internet, any Internet service, any text or instant messaging service, any Internet chat room, blog, or website such as Facebook, My Space, YouTube or Twitter, to communicate to anyone any information about this case until I accept your verdict.

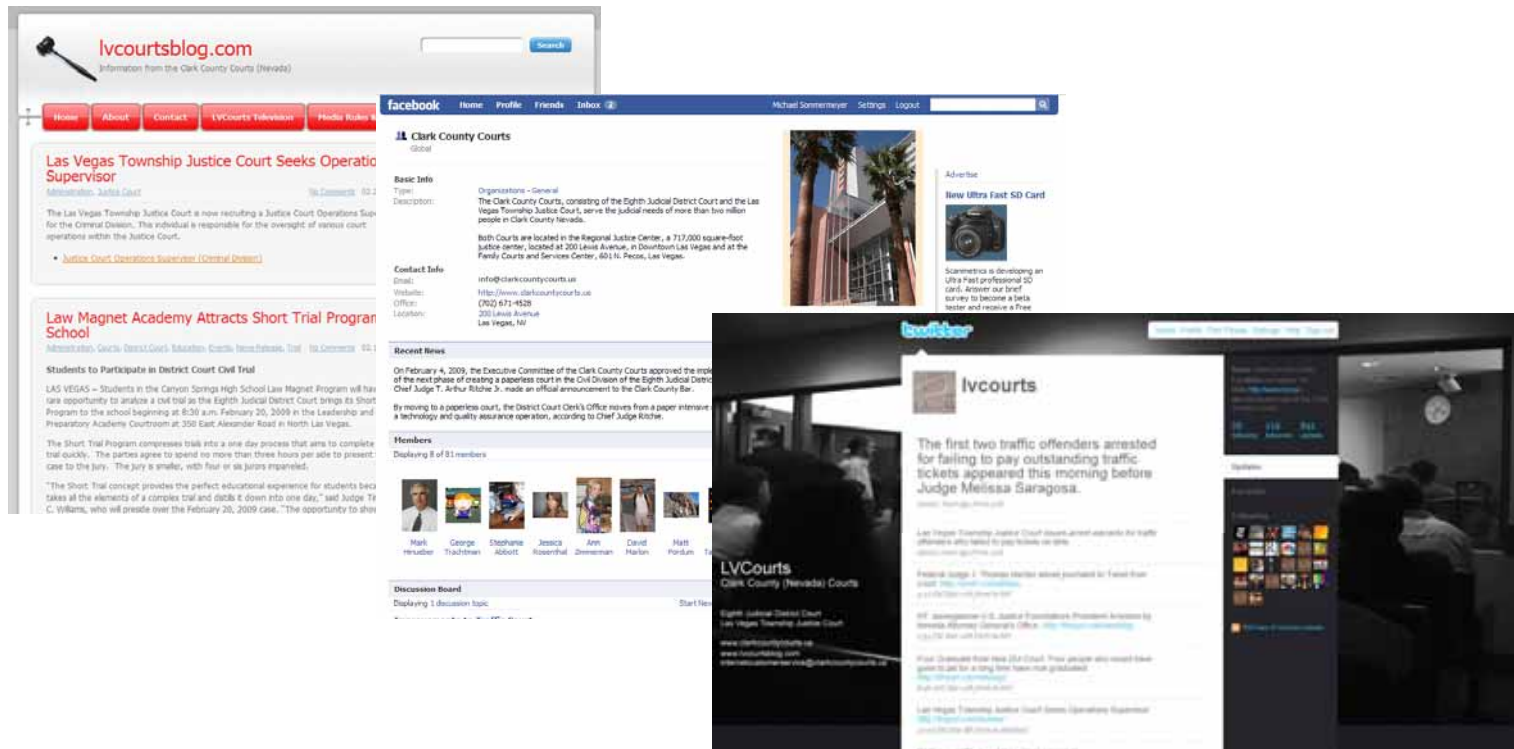
# Must We ***Block Social Media?***

- It's human nature to talk about an event.
- Establish appropriate-use rules.
- Ignore social media at your peril.
  - People are talking about you. At least monitor.
  - Engagement leads to better relationships.
  - Traditional media less relevant.
  - Reach new engaged audiences.

# Embrace *The Beast*

- Federal Court allows live Twittering.
- Courts offering Blogs, Facebook and Twitter.
- Lawyers seeking two-way communication.
- Bar Associations developing social media strategies.

# Multiple *Channels and Audiences*



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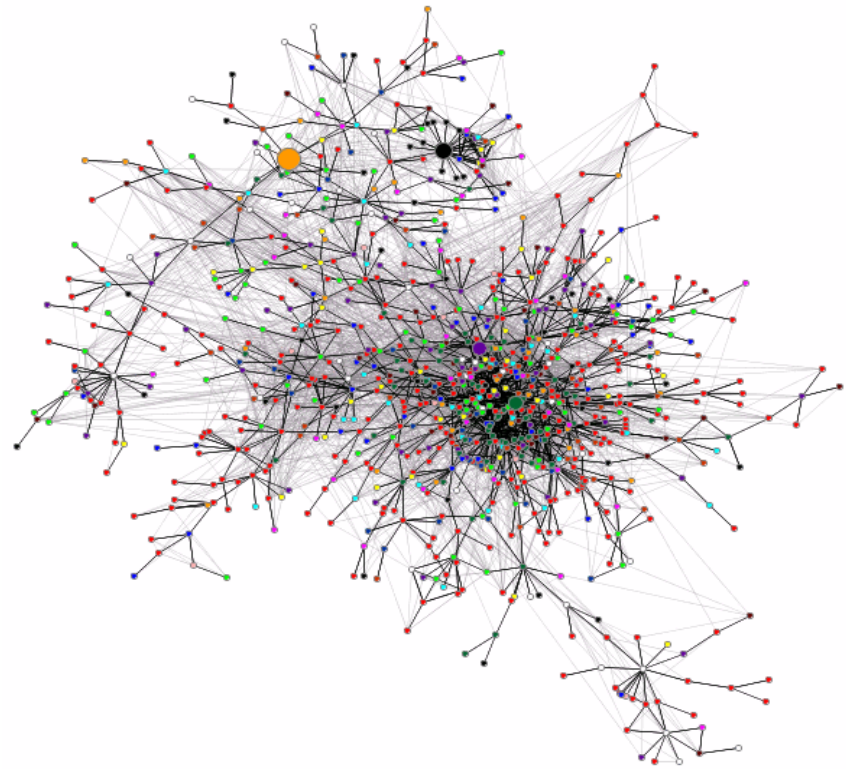
# Law *Tweeters*

The image displays three overlapping screenshots of Twitter profiles and tweets. The leftmost screenshot shows the profile for CBA ColumbusBar, featuring a tweet from The National Law Journal v. law.com about the Uniform Bar Exam. The middle screenshot shows the profile for LegalRebels (@tommclain), featuring a tweet about a 24-hour legal webinar. The rightmost screenshot shows the profile for @tommclain, featuring a tweet about Atlanta-based international corporate/M&A lawyer @tommclain and a list of tweets about law practice.

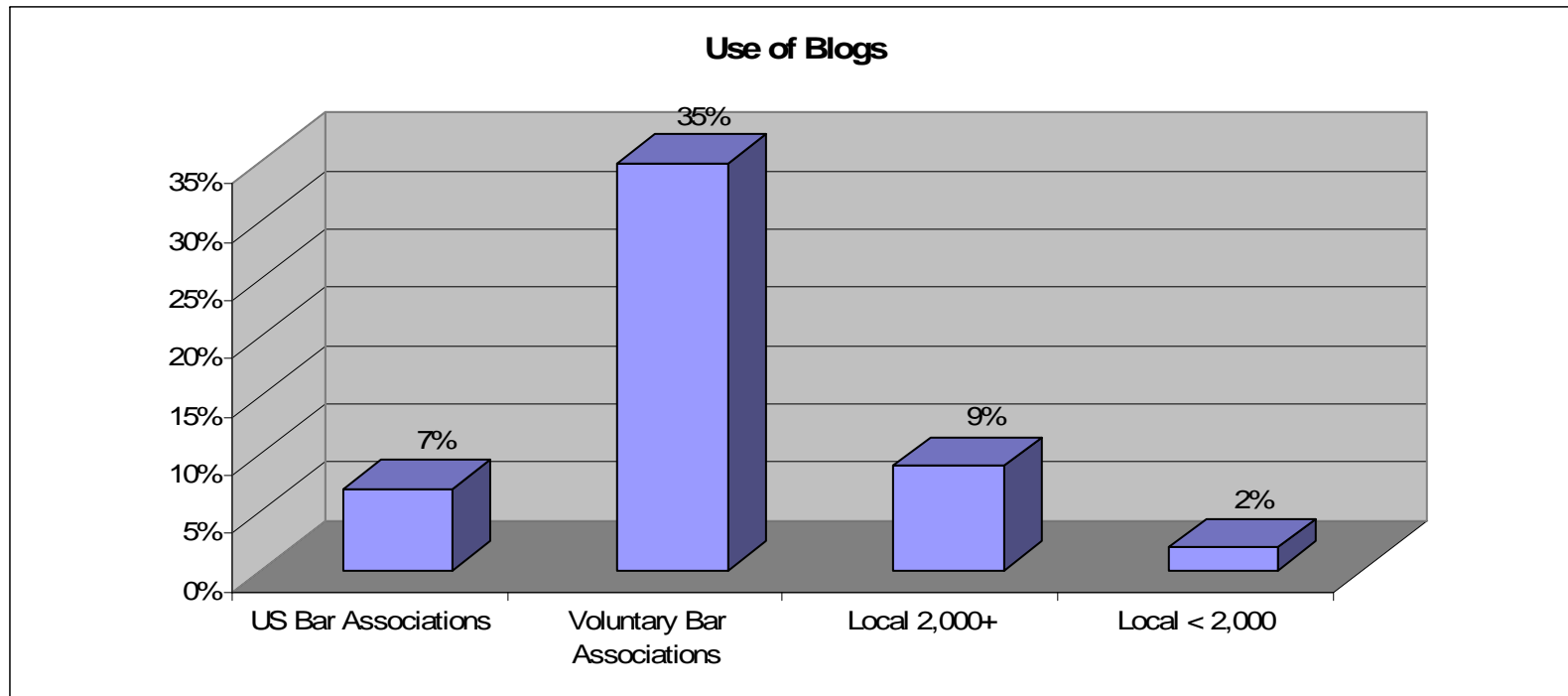
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# Strategy First – ***Social Media Second***

- Never leave without a map.
- Some channels better than others.
- Strategy dictates the channel (tactic) used.
- Just because it's there doesn't mean you have to use it.



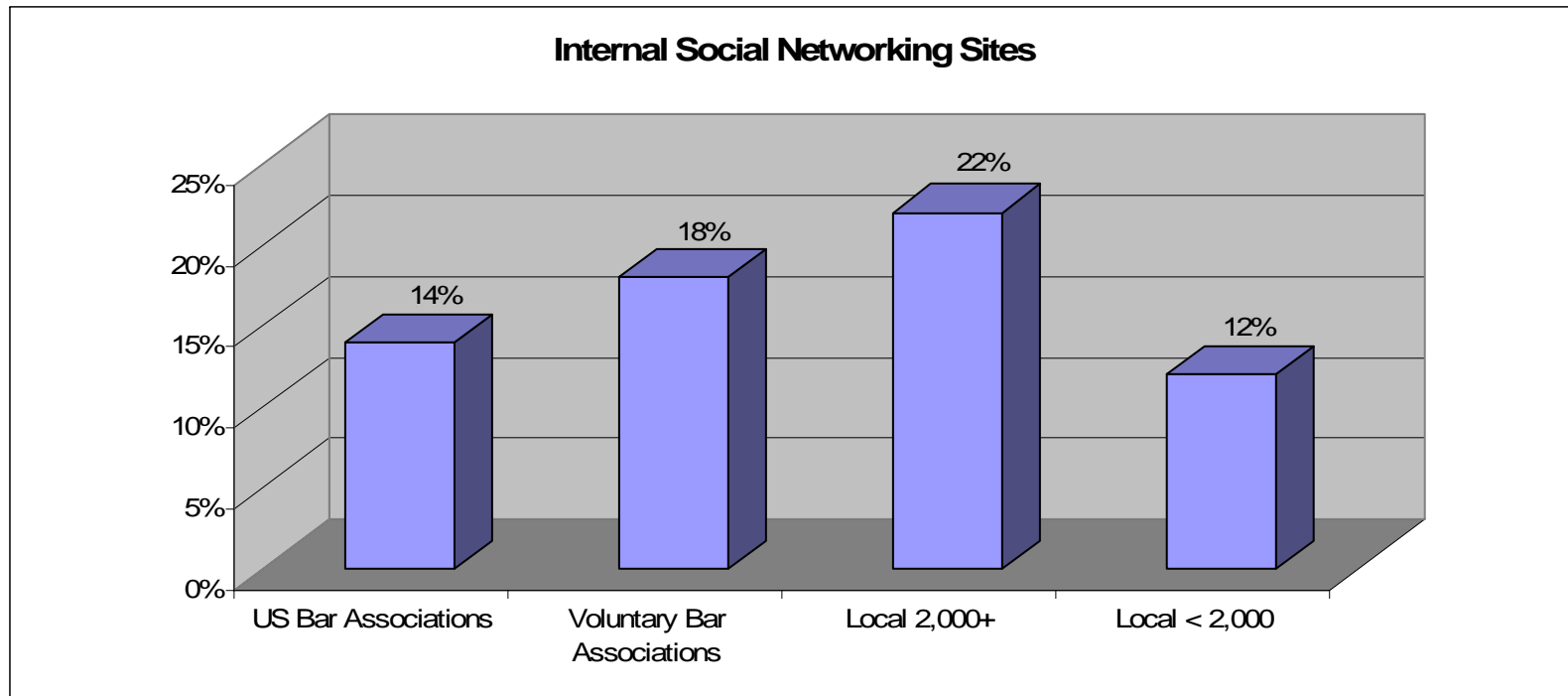
# ***Bar Association Use of Social Media***



Source: ABA, August 2009

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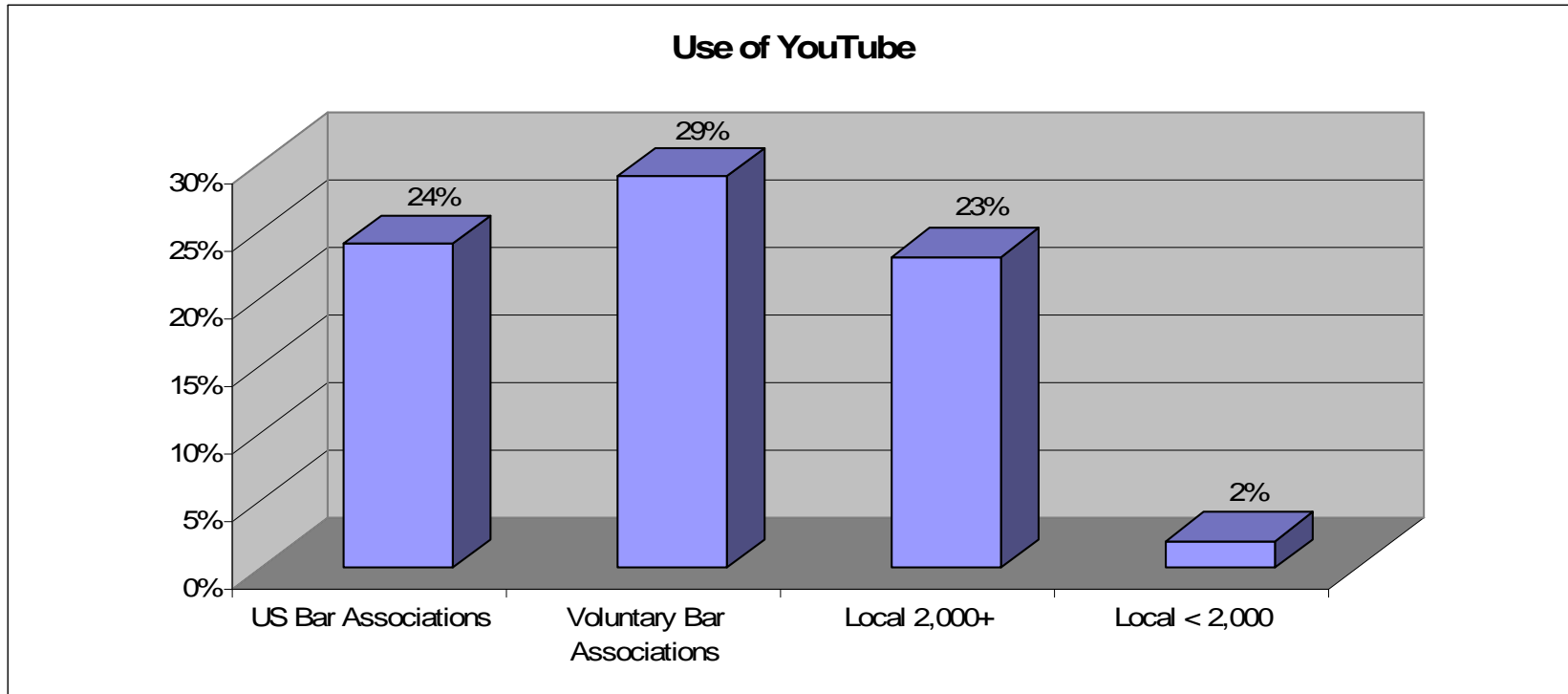
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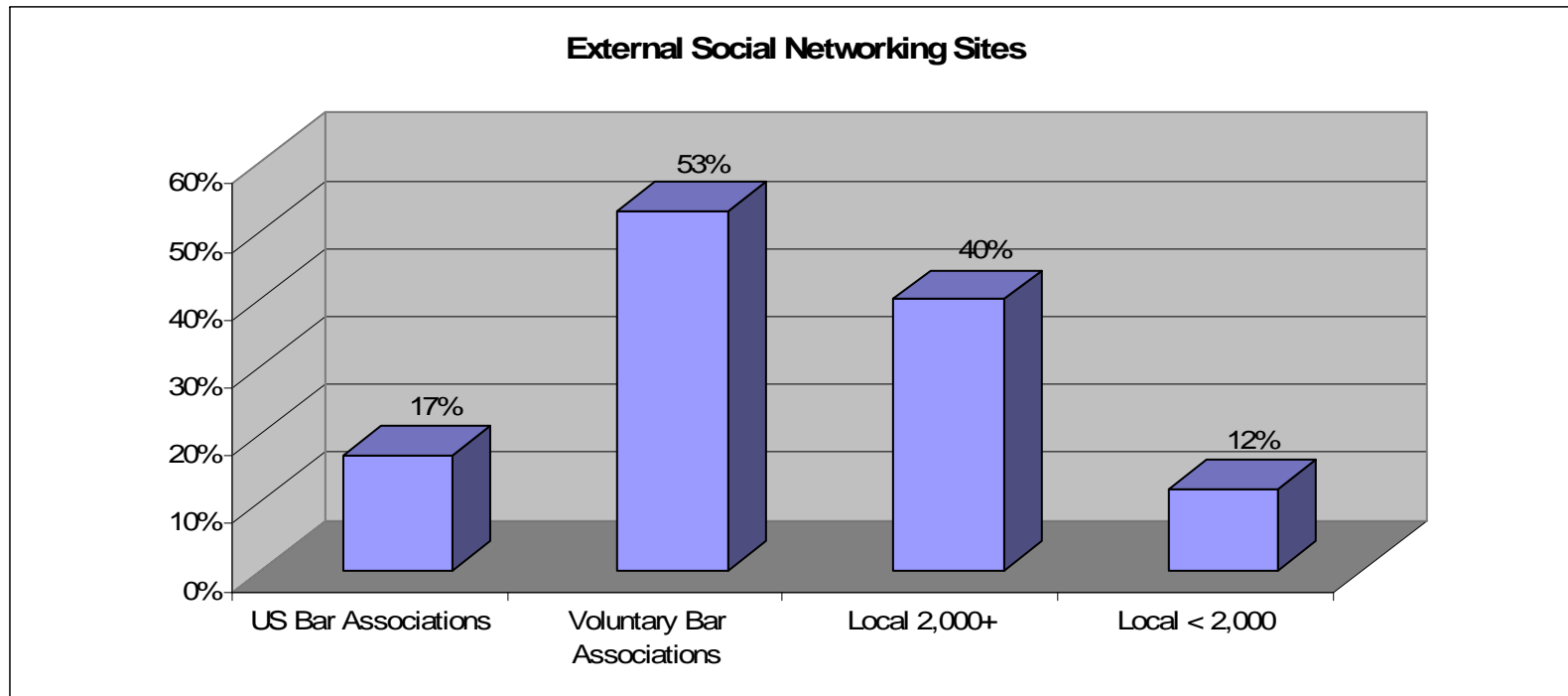
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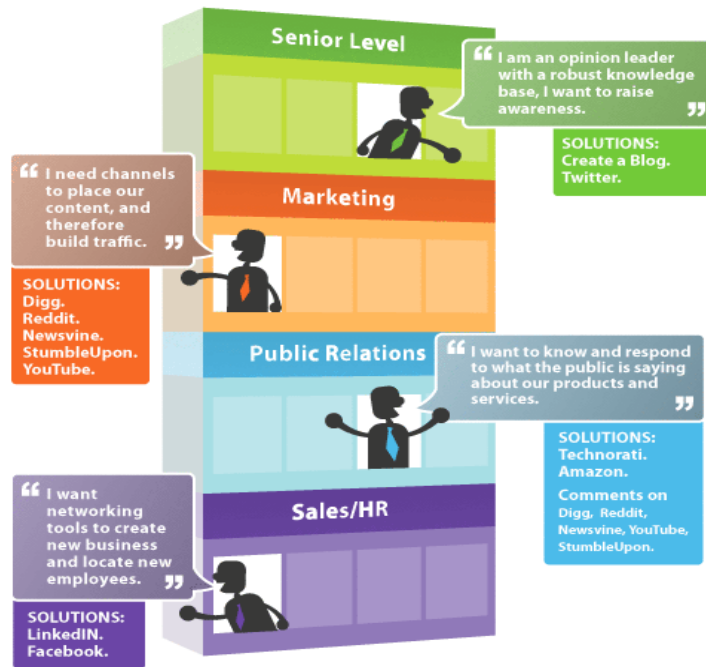


Source: ABA, August 2009

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# A Channel for *Every Objective*

## Building a Company with Social Media



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- Choose channels according to strategy.
- One channel may not work for every goal.
- Certain channels require content creation – others require content monitoring.

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# Risks and *Rewards*

- Social Media allows for instant monitoring.
- Ignore at your peril.
- Tell your story directly to many audiences.
- Time intensive and requires diligence.
- Rapid response needed to be effective.

# Social Media *Resources*

- Twitter.com – Build community
- Facebook.com – Involve constituents
- Wordpress.org – Create/Distribute Blog content
- Linkedin.com – Build Professional relationships
- Lextweet.com – Lawyer Professional Networking
- Google Alerts – Monitor Social Media
- TweetBeep.com – Monitor Twitter Mentions

# So Is There a *Threat*?

- NO! Social Media opens doors when used appropriately.
- Rules and strategies required – limits are needed for certain forums.
- Social media tools encourage communication.
- Use them to engage communities, clients and customers.

# End Notes

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