



**LAWYER TO LAWYER MENTORING PROGRAM  
WORKSHEET N  
INTRODUCTION TO SOCIAL MEDIA/TECHNOLOGY**

Worksheet N is intended to facilitate discussion about appropriate use of social media by lawyers including ethical obligations, effective use for professional and practice development, and strategies to manage social media.

\* \* \*

- Discuss a lawyer's ethical obligations when using social media including the duty of competence that requires lawyers to not only stay informed about the changes in the substantive law, but also to maintain the knowledge and awareness about technological changes that could impact the legal profession.
- Discuss the duty of client confidentiality and how this obligation requires lawyers to protect the client's identity, including contact information. Discuss ethical obligations to maintain attorney-client privileged information or other information related to the representation of a client, even if the information is publicly available.
- Address how social media posts could create an attorney-client relationship.
- Discuss circumstances in which social media posts can be construed as advertising and subject to limitations contained in the Ohio Rules of Professional Conduct. Consider how social media posts may violate the prohibition against soliciting represented parties.
- Discuss the obligation to ensure that a social media post does not contain misleading statements. Explore how testimonials, endorsements, and ratings can violate the obligation to ensure statements are not misleading.
- Discuss the ethical limitation of using social media to undertake "digital digging" on a client's behalf and using "friend requests" to access an opposing parties' posts.
- Address the lawyer's responsibility over all content posted on social media and the risks in delegating these responsibilities to non-lawyers.
- Share suggested social media "do's and don'ts" with support staff and colleagues and develop a clear policy about the use of social media.



- Address the importance of disclaimers and how they should be used on social media posts.
- Discuss how social media can be used to build professional relationships. Explore the mentee's goals in using social media including the type of use (*e.g.*, LinkedIn, Facebook, blogging etc.) Explore the time commitment available to use social media consistently.
- Discuss the importance of having consistent profiles across social media sites. Help the mentee to explore ways to describe the nature of their practice and related experience.
- Discuss the propriety of using social media to discuss pending matters/work – even vague, innocuous statements about court appearances or client work can be revelatory of client information/identity.
- Discuss the propriety of posting comments about other lawyers and judges.
- Discuss the propriety of posting details of matters relating to attorney's own employment (criticism of firm/legal organization, complaining about difficult clients).
- Discuss the wide-ranging consequences to social media posts (scrutiny by disciplinary authorities, other regulators, opposing counsel, potential clients, current clients, potential employers, current employer).
- Discuss the nature and extent of the mentee's historical posts and address the fact that even if deleted, posts are never truly gone. Recent news stories of negative posts made by athletes and celebrities as teenagers have had negative impacts on careers.
- Help the mentee develop a strategy to respond inquires related to negative or unfavorable historical posts, including during employment interviews.