



TECHGEAR



The iPhone 4 from Apple (\$199-\$299, with contract), features a front-facing camera for videoconferencing, a rear camera with LED flash, a high-resolution "Retina" display, and an all-new aluminum enclosure. Edit videos on the go with iMovie for iPhone.

WEBLINKS



CHRIS SCHMIEDEKE is a solo attorney practicing family law in Dallas and Collin counties, where he searches for ways to streamline his practice and assist the public in understanding family law through the use of technology. He blogs at TheDallasDivorceBlog.com.

Rocketmatter.com

This is a cloud-based practice management program that is easy to use and very powerful. Rocket Matter also offers access through any mobile device capable of running a full browser, including iPhone, BlackBerry, Palm Pre, and Android.

Bill4Time.com

This is a cloud-based billing program that I can access from anywhere. My favorite feature is a web link that is included in emailed statements that allows clients to view all their past bills. Bill4Time is also accessible from all major mobile platforms.

Dropbox.com

Dropbox is a cloud-based file management program that allows you to sync your files online across multiple computers, automatically. Files are synced across all computers anytime you change, add, or delete a file. If you sync across multiple computers (including a home computer), you have an automatic backup of all of your files, including an offsite backup. Dropbox has an iPhone, iPad, and Android app that lets you access your files from your phone.

ProDocEFile.com

This site allows you to file legal documents from anywhere you have Internet access. Combined with a laptop and a document creation program such as Pro Doc, you can create and file documents from anywhere in the world.

The Effective Use of Social Media Within the Texas Advertising Rules

BY GENE MAJOR

The State Bar of Texas Advertising Review Committee (ARC) supports Texas lawyers' use of technology, including social media, to disseminate information about their services, and provides guidance on which attorney communications fall within the parameters of Part VII of the Texas Disciplinary Rules of Professional Conduct (TDRPC), commonly referred to as the "Ad Rules."

The ARC recently revised a previous Interpretive Comment (IC) to assist lawyers in using electronic media within the advertising rules. The interpretive comment relates to issues concerning different forms of electronic media, including, but not limited to, Internet advertising, social media pages, and blogs.

Part VII of the TDRPC applies to information disseminated digitally via the Internet — whether by website, social media site, blog, or any other form of digital media. If the contents of any such communication: (1) address the qualifications or the services of any lawyer or firm; (2) are not exempt under Rule 7.07(e); and (3) are generally available to the public, the communicating attorney must file the electronic communication with the ARC. It is important to review what exactly is exempt under Rule 7.07(e).

Generally, the exemptions under Rule 7.07(e) can be categorized as the traditional "tombstone" information. Note that the 2005 revisions to Part VII of the TDRPC expanded the information that an attorney can disseminate about his or her legal services without having to file the communication with the Advertising

Review Department. Excerpts from Rule 7.07(e) demonstrate that the exempt information, when cobbled together, would make an effective, compliant social media page that would not need to be filed with the ARC. The exempt information includes:

- The name of the lawyer or firm and lawyers associated with the firm, with office addresses, electronic addresses, telephone numbers, office and telephone service hours, telecopier numbers, and a designation of the profession such as "attorney," "lawyer," "law office," or "firm";
- The areas of law in which the lawyer or firm specializes or possesses special competence;
- The areas of law in which the lawyer or firm practices or concentrates or to which it limits its practice;
- The date of admission of the lawyer or lawyers to the State Bar of Texas, to particular federal courts, and to the bars of other jurisdictions;
- Foreign language ability;
- Identification of prepaid or group legal service plans in which the lawyer participates;
- Any fee for initial consultation and fee schedule;
- Other publicly available information concerning legal issues, *not prepared or paid for by the firm or any of its lawyers* (emphasis added), such as news articles, legal articles, editorial opinions, or other legal developments or events, such as proposed or enacted rules, regula-



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tions, or legislation;

- That the lawyer or firm is a sponsor of a charitable, civic, or community program or event, or is a sponsor of a public service announcement; and
- An announcement card stating new or changed associations, new offices, or similar changes relating to a lawyer or firm, or a tombstone professional card.

One thing overlooked when these exemptions to the rules were originally written in 1995 was the inclusion of an attorney's educational background. Since this type of information was usually reserved for resumes and legal directories, it was not considered information that would be included in an advertisement. The relevance of this omission became important because the social media website LinkedIn includes educational background in member profiles. This information can be used and would be considered to fall under the exemptions, provided it is not false, misleading, or deceptive.

Attorney blogs follow the same rationale. Blogging can be an effective tool in demonstrating that the lawyer has a deep understanding of a particular issue, possibly has a creative interpretation on a statute, or how a court decision might impact a practice area. It would stand to reason that people want to read content, not a resume. These types of educational or editorial blogs generally fall out of the filing requirements under the Rules. Understand, however, that blogs still need to be compliant. If a blog, while containing educational or editorial information, also includes information about a lawyer's legal services, and it goes beyond the exempted language covered in Rule 7.07(e), then the attorney would have to file only that portion of the blog (usually the framework).

Be wary of social media etiquette. As social media communications mature, certain unwritten rules bubble up to the surface. Whether you are blogging or on your Facebook page, always keep in mind these five rules for effective electronic communications.

- **Don't overpost.** Resist the urge to

post all the time. Not only does it tax those you are trying to keep updated, but also will make clients or potential clients wonder if you are effectively using your time.

- **Don't overprofessionalize.** Leave out phrases such as "heretofore," "the aforementioned," and Latin terms for briefs.
- **Be careful whom you add as your friend.** As in "real life," the people you associate with online can play a role in client development.
- **Know what you want to be known for.** Or, put another way, find your niche. Select your area of interest and have your blog and social media sites focus on that topic. As your sites and content mature, you will establish yourself as a "go to" person for that area.
- **Online reputation management.** This is real, it is important, and it

is probably the next niche area of practice.

What would be the best strategy? First, have your website submitted and approved by the ARC. Use social media to drive potential clients and attorney referrals to your website. Have your blog linked to your website. Have your social media landing sites orbit around and make references to your website.

Always keep in mind that if you have any questions about electronic media or the Rules, you can contact the State Bar of Texas Advertising Review Department at (800)566-4616 or gmajor@texasbar.com. For more information on Interpretive Comment 17 or other advertising review information, go to the new Advertising Review Facebook page (search for "Texas Bar Advertising Review"). You can find additional advertising review information at www.texasbar.com/adreview. ❖

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