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TYLA POCKET GUIDE:
SOCIAL MEDIA 101



Social Media 101

How the TYLA Pocket Guide helps lawyers navigate an uncharted digital world.

BY ARDEN WARD

Social media is no longer just a buzzword; it is an increasingly important business vehicle. Facebook, Twitter, LinkedIn, and Instagram are part of daily life—personally and professionally. As lawyers turn to social media to build profiles, grow professional networks, and advertise their services, they must proceed with caution to avoid certain ethical pitfalls in the uncharted digital world. The Texas Young Lawyers Association’s new *TYLA Pocket Guide: Social Media 101* aims to help lawyers navigate social media with ease.

The pocket guide is the first initiative of TYLA President Kristy Blanchard of Plano. A series of two guides will be developed this year to help lawyers understand unfamiliar territory; the first covers social media, and the second tackles malpractice and grievance. *Social Media 101* was published in November and is available for download from the TYLA website, tyla.org. It covers the do's and don'ts of social media, a topic that Blanchard believes is imperative for lawyers of all backgrounds to understand. "Everybody is putting stuff up on LinkedIn and Facebook and advertising themselves, and there's a lot more opportunity now to do something wrong," Blanchard said. "I just want to make sure that everybody is educated on the rules." While lawyers working in established firms often have access to resources for ethical questions—such as those that arise with social media—many lawyers working outside of firms are not afforded the same support. She hopes to change that with the pocket guide.

judges, and accepting LinkedIn recommendations are addressed. The guide also reviews in detail what constitutes advertising on social media and how to advertise in accordance with the TDRPC. "In order to save money, [lawyers] are handling their own advertising and are using social media to help them do so," Pretorius said. "It will be important for young lawyers to understand that we have to be extremely careful about what we post on our social media accounts and how we interact with the public using social media in order to not run afoul of the rules." Just as *Social Media 101* will cover TDRPC and proper application in detail, it will also provide invaluable practical examples and useful tips. "The pocket guide provides helpful hints and guidance for maintaining a website, Facebook profile, professional reference sites, blogs, and Twitter," Pretorius said. "The TDRPC also requires that lawyers file specific electronic communications and solicitations with the State Bar. The pocket guide explains when and how to file and what the

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In July, Blanchard met with the TYLA Member Service and Outreach Committee to work on the guide. The team included chairs Bill Gardner, Sam Houston, and Sally Pretorius and vice chairs Alex Bell, Laura Docker, Andrew Dornburg, Alex Roberts, John Shaw, L. Brook Stuntebeck, and Brandy Wingate Voss. The group consulted with State Bar of Texas Compliance Division Director Gene Major and State Bar ethics attorney Ellen Pitluk to create a social media road map that outlines the Texas Disciplinary Rules of Professional Conduct (TDRPC) as they relate to social media.

"While the disciplinary rules were clearly drafted before social media became a part of life, all lawyers need to know that the principles embodied in the rules also apply to actions taken with respect to social media," Houston explained. "Because social media has become such a part of life, new lawyers need to be made aware of the issues so that they may conduct themselves ethically when communicating with others in cyberspace."

The *TYLA Pocket Guide: Social Media 101* provides thorough guidelines for a host of social media actions. Issues such as building online profiles, creating status updates, engaging in dialogue on Twitter, "friending"

penalties are for not filing."

For example, the guide explains Disciplinary Rules 7.07(a), (b), and (c), which address the filing requirements for public advertisements and written, recorded, electronic, or other digital solicitations. Unless exempted, a lawyer must generally file solicitation communications, advertisements in public media, and website copy with the Advertising Review Committee of the State Bar of Texas. Lawyers who do not file advertising for review may subject themselves to the grievance process. Non-exempt advertising that was not filed could result in a \$225 fee for the attorney as well as a \$75 review fee for failure to comply.

TYLA leaders believe that *Social Media 101* will serve as a resource for established lawyers who are engaging online for the first time. Blanchard hopes the guide will be "a refresher of the rules for the older lawyers and will help them when they're now trying to get into social media." Houston said the guide and ethics go hand in hand. "The project provides an opportunity to remind lawyers that their conduct on the Internet and in social media may come under the purview of the disciplinary rules."

Given its timely nature, outreach initiatives are in

place to put *Social Media 101* in the hands of new lawyers as soon as possible. TYLA is reaching out to local young lawyer affiliates with the help of its board members and through its eNews correspondence to ensure the resource is available to newly licensed lawyers as they begin their careers. “We have so many young lawyers that are getting out of law school and having to hang out their own shingles because they’re not able to find jobs,” Blanchard said. “I want to make sure that those young lawyers have a reference guide to help them navigate social media issues.” Blanchard will be presenting the pocket guide initiative to students when she visits law schools across the state this year.

Still in its early stages, the pocket guide’s value is already clear, and its mentorship capabilities unmatched. “Many young lawyers don’t have the time or access to resources or mentorship to guide us through our practice,” Pretorius said. “The pocket guides will help lawyers by providing clear, concise information that addresses issues we face in our practice.”

With plans in place to update the guide each year, the project will be a reference aid for years to come and a lasting symbol of Blanchard’s overall goal of service.

“One of my big initiatives this year is trying to help make a lawyer’s job easier,” Blanchard said. “We have so much to worry about in this economy with finding a job and servicing our clients that I wanted to try and provide resources.”

The *TYLA Pocket Guide: Social Media 101* can be downloaded from tyla.org; hard copies can be ordered by calling (800) 204-2222, ext. 1529. A companion pocket guide, which covers malpractice and grievance, can also be ordered via phone or downloaded from tyla.org. **TBJ**



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