



Social Media: A Double-Edged Sword for Attorneys

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It is essential in this technology-obsessed era that attorneys are aware of the impact of the Internet and social media on the legal field. This topic may be obvious to most people; however, there is a conspicuous gap between what attorneys know about the Internet and how they choose to execute that knowledge when handling a case. The amount of information that is available about plaintiffs and attorneys on the Internet is surprising.

What this means for plaintiff attorneys

Plaintiff attorneys should thoroughly research potential clients before taking on a case. Their social media presence may give you a good idea of the validity of their claims. Oftentimes, an attorney might find photographs or postings about injured plaintiffs surfing, rock climbing and engaging in other activities that their claimed injury would prohibit them from.

This research can also be invaluable for exposing potential client management issues. You may want to avoid taking on a client that complains bitterly about the incompetence of her prior lawyers, or who has posted long, over-dramatic monologues about her dysfunctional relationships.

Be aware that any information you can find is also something a defense attorney will likely see. It is wise to talk to all of your clients about their social media presence and setting up strict privacy settings in your initial interview.

What this means for defense attorneys

As a defense attorney, one of the first things that should be done when you receive a new case is conduct an Internet search for the plaintiff and other parties. Sometimes the plaintiff has no social media presence, however most often there will be some information about their lineage, prior residences, places of employment, etc. This information can be extremely helpful in making an early assessment of a plaintiff's claims or how he or she may appear to a jury. This minimal amount of effort becomes worthwhile when a photograph is found of a plaintiff with a broken leg from a snowboarding incident just weeks after their alleged injury, or posting photographs of ongoing drug use while making a brain injury claim.

Social media is an excellent source of information for defense attorneys. For attorneys who are not very experienced in this sort of Internet research, a standard Internet search using a person's name is a good start. If they have a very common name, you may want to add their city or state to your search. Social media sites, such as Facebook and Twitter can be very beneficial for obtaining personal information on the plaintiff. If you are dealing with a wage loss or loss of future earnings claim, you may want to conduct a search on LinkedIn to get information about their past and current employers.

If you find anything that may be useful, be sure to save it as a screen shot and print it. People regularly take information off their websites or change their privacy settings, making this information unavailable later. If a plaintiff makes regular postings on a website, be sure to return to it to see if there are any useful updates.

Your social media presence as an attorney

Social media has a vast number of uses, no longer is it exclusively to connect individuals. In September 2012, Facebook officially registered 1 billion users. Just a few weeks ago, Hillary Clinton joined Twitter, adding to speculation that she may be vying for a presidential bid given that social media plays such a significant role in marketing.

Social media has quickly evolved into a valuable marketing tool for businesses. The Research Intelligence Group found that 56 percent of people seeking an attorney in the past year used social media during their search. It seems that most attorneys are missing an opportunity to use these sources for marketing. Make sure your firm has a presence on the Internet and at an absolute minimum, invest in a modern, professional website with background and contact information so that potential clients will feel comfortable using your firm's services. Also, create a firm page on LinkedIn, Facebook and Yelp.

It is absolutely essential that any professional evaluate the information he or she shares in a public forum. It is never, under any circumstances, appropriate to complain about your clients, opposing counsel, or your bosses on social media websites. Not only is the entire purpose of these websites to mass distribute this information such that it is almost inevitable that these posts will get to unintended recipients, but it also makes you appear very unprofessional to people who may otherwise be interested in referring cases.

Social media is a double-edged sword for attorneys. If you are not careful, it may harm your reputation, but when used appropriately, it can be an excellent tool for research and marketing.

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