Social Media Savvy: It's a Matter of Competence

Email, Social Media and Online Student Interaction
AALS January 4, 2018
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Why Talk About Social Media?
A Few Statistics...

Social Media Statistics

- Facebook: 1.71B monthly active, Daily: 1.3 billion
- Twitter: 313M monthly active
- LinkedIn: 450M registered members
- Instagram: 500M monthly active, Daily: 300 million
- Snapchat: 100M daily active

UPDATED AUG. 31, 2016
A Few More Statistics...

Social Media Brand Used Most Often

Base: Currently use any social networking brands

2015
- Facebook: 65%
- Snapchat: 4%
- Instagram: 7%
- LinkedIn: 5%
- Pinterest: 5%
- Twitter: 4%
- Others: 10%

2016
- Facebook: 61%
- Snapchat: 8%
- Instagram: 7%
- LinkedIn: 4%
- Pinterest: 4%
- Twitter: 5%
- Others: 11%
And Just a Few More Numbers

https://www.clickz.com/social-media-will-have-5-4m-more-users-by-2016/27621/
Another View...

Based upon the 86% of American Adults who use the Internet:

56% of online adults now use two or more social media sites

79% are on Facebook
76% engage in daily use
62% of all online adults 65 and older use Facebook.

24% use Twitter

32% use Instagram
51% engage in daily use.
59% of online young adults (18-29) use Instagram.

29% use LinkedIn

Lawyers on Social Media

- 96% of responding lawyers say
  - 84% use LinkedIn
  - 80% use Facebook
  - 59% use Twitter

- 70% of responding lawyers say social media is part of overall marketing strategy

- Facebook is the most regularly used platform (48%)

- 94% of solos say they use social media, up 10% from last year
- 40% of all respondents use paid social advertising;
- 50% of those use Facebook ads

Source: Attorney at Work Annual Survey, February, 2017 Published in *The National Law Review*, June 20, 2017
The Ethics & Professionalism Question:

GOT COMPETENCE?
Defining Social Media Competence

**Florida Rule 4-1.1 Competence:** Competent representation requires the *legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.*

**ABA Comment [8] (2012):** To maintain the requisite knowledge and skill a lawyer should keep abreast of changes in the law and its practice, *including the benefits and risks associated with relevant technology.*
Florida’s New Amendments

♦ In addition to the ABA language...

♦ “Competent representation may also involve the association or retention of a non-lawyer advisor of established technological competence in the field in question.

♦ Competent representation also involves safeguarding confidential information relating to the representation, including, but not limited to, electronic transmissions and communications.”

♦ 3 Additional CLE Credits in Technology
Competence:

“(1) have a basic knowledge of how social media websites work, and
(2) advise clients about the issues that may arise as a result of their use of these websites.”
Culture of the Legal Profession
Social Media Culture

Share

Connect

- qoncept | Dreamstime.com - Two Smart Phones Sharing Data Shaking Hands Photo
Law Students on Social Media

[Image of a logo: culture shock]
“Happy Mother’s Day to All of You Crack Hoes Out There. It’s never too late to tie your tubes, clean up your life and make a difference to someone out there that deserves a better life.”

“...proper attire for trial”
Rogues Gallery

Streets Safe from Somalis

Gilligan’s Island

How are you fixed for skittles and Arizona watermelon fruitcocktail?

Use live ammunition

Geauxjudge

Anonymous in New Orleans

“Baby Mama” in Ohio

“Uncool” McCool?

Tweeting from Federal Ct.
Practical Pointers for Law Students

1. Reputation --The “Big Picture”
2. Should it Be in Writing?
3. Pause before Posting
4. Impact on Future Employment
5. Rules of Professional Conduct
6. First Amendment vs. Professionalism
7. Your Grandmother?
There’s Always Mindful Awareness

By pausing to gain insight into what is influencing your thought process, you may be able to reflect and more consciously deliberate to thoughtfully decide upon a response rather than quickly react in a regrettable manner.

The Train Has Left the Station... Get on Board!