

- 88 percent of the firms in the survey are listed on LinkedIn;
- 55 percent have Facebook pages;
- up to 22 percent host their own blogs; and
- 13 percent maintain a Twitter presence.

These activities, Brainin said, all present risks relating to client confidentiality, prohibited forms of advertising and solicitation, unauthorized practice, and the unintended formation of professional relationships.

Let's also remember that lawyers in law firms have an ethical duty to supervise subordinate lawyers and non-lawyer staff to ensure that their conduct complies with applicable rules of conduct, including the ethical duty of confidentiality. See Rules 5.1 and 5.3.

Social media policies should be sensitive to the generational differences that generally make younger attorneys less cognizant of the professional risks posed by their online activities, the speakers indicated. The importance of safeguarding client confidentiality is "not as intuitive" to younger attorneys and firms should develop training and orientation programs with an eye towards the age gap.

Similar care should be taken when creating website profiles that list an attorney's "representative cases" or "prior successes". Simply disclosing a client's identity may constitute a breach of confidentiality in some instances and the risk might not be eliminated by omitting names. Client names could be listed on other portions of the firm's website and it's not that difficult to piece things together and connect a matter to a name.

H. Social Media Tips:

1. Keep personal and professional interests separate. Facebook is better suited for personal, family, and friend connections.
2. **Remember:** "the whole world is watching!"
3. Frequently monitor and update your posts
4. Regard social media as a powerful marketing tool.
5. Use the built-in privacy capabilities of the social networking sites, and consider limiting the access of users you are connected with.
6. Remember that what you put out there is permanent!
7. Remember the RPCs still apply to all social networking!