

Five Ways to Avoid Running Afoul with Your Social Networking Program

By Todd Felts and Bob Gero



Legal marketing professionals can learn a lot about social media from something that happens every day in small towns across Italy. On the side of a building, usually near the center of town, important information is posted. Lost pets, the recently deceased and announcements about new products or services in town, are prominently displayed. As the day develops, people begin to assemble in front of the postings, and conversations begin. These postings are created with a long tradition of rules and ethics (even a few laws). The information is effective because it is simple and always manages the expectations of the audience. The information addresses the things people care most about. It gets people talking. Social media programs serve the same purpose as that wall on the side of the building. But they run afoul when the individual or business posting the information forgets about the audience and fails to live up to their needs and expectations. Most issues arise when we forget about the audience, and fail to monitor our messages after posting information.

Here are five things every legal marketing professional should know about his or her social media postings and how they can keep the right conversation going to avoid running afoul.

1 Don't Navigate with the "Publish then Filter Model"

Many articles and publications discuss how social media has changed the way we approach communications. Perhaps, Clay Shirky in his book, *Here Comes Everybody*, makes the best case for what we must know about what he calls an emerging Publish then Filter model. He points out that we no longer rely on professionals (or editors in the case of newspapers) to determine what is important. We are all publishers and we can all create original information and share it with anyone we want because of new tools like Wikipedia, Twitter and Blogs. As communication professionals, we must be aware that the best way to reach our audiences is to understand them and to understand that they no longer need permission to share their own information or comment on ours. By understanding this, we become experts at knowing how to focus on specific issues, instead of the old model where geography limited us and we could reach the people only in our market, mailing list or within ears-reach of our message. With this new model, however, comes a new responsibility.

continued on page 18

Because our best communication revolves around issues, social media takes dropping a press release or writing legal articles to a new level. We now are tasked with talking to people who are passionate about specific causes, products and ideas. We communicate with them through meet-up sites, walls, rooms and communities to which they belong. We must learn that the art of posting good messages is based on solid research. Thus, we need to be skilled at monitoring and adjusting those messages when our audience responds. One of the things that keeps inappropriate information off the walls of small Italian towns is peer-pressure. Small communities have a code of conduct (or ethics), and if you post the wrong material, people will respond unfavorably. In the world of social media, you will lose credibility and without a respected voice, the result is an ineffective program.

2 Post Often, Monitor More Often

Legal marketing professionals know the power and importance of a good message. The message is the key to any good campaign or firm marketing effort. Social media create new issues for us. We must post information with our audience in mind and continue to monitor the feedback we get about our message post. In many ways, this is a tremendous research opportunity. We get quick feedback and can alter our information quickly. It also brings about new ethical issues in regard to communicating our products or services. People can now criticize and respond to our claims, and if we do not adjust our message appropriately, our brand can be hurt. For example, a post about a good experience at a hotel or restaurant will lead other users to use the services. Similarly, bad postings often sway people away. Knowing this, we must alter our message to address the concerns posted. If we don't monitor and adjust with real solutions, our brand will be hurt.

3 Adjust, but Don't Fight

Stick by your message and whatever you do, do not get into a fighting match with a disgruntled user, regardless of whether you feel the information is unfounded or inappropriate. If you do, you risk crossing the defamatory line. Stay professional, but stick to your guns. Often times, a simple post reestablishing your position can have tremendous benefits to the audiences, as most businesses do not monitor and do not bother to respond. It's also worth remembering that good messages are well-positioned. Positioning requires us to make statements that always resonate with our audiences and distance us from our competition. The rule is most important in social media, where many things are competing for our clients' attention.

4 Be Ethical and Targeted

Don't expect your audience to come to you. It's your job today to go to them. Your audience is very likely having a conversation and it's up to you to join it. If the people you are trying to reach are deeply involved on

Twitter, do not expect them to read your legal blog, unless a link to a blog that is relevant to a tweet is provided. Social media is yet another tool to reach people, so the rules used in organizations and businesses must remain strong on any social media. If we join a conversation or a group, it is our responsibility to be ethical and know what is expected within the group. If we fail to understand, then we will not be taken seriously, and even worse, we could be "defriended," blocked or literally run out of town.

5 Know the Law

When all else fails, we must know that social networking users do not enjoy any of the immunities granted to social networking sites under the law. People should be careful to always act appropriately when posting messages or files to the sites. Users can get themselves into trouble by posting defamatory content or content that infringes on intellectual property rights. In other words, it's not the owner of the wall in the center of town (Facebook or Twitter in today's terms) who will get in trouble. It is the individual or business that posts harmful information, such as making inflammatory or false statements about another, or using language or images of another. Users who publish content can be liable for their publication choices just like other content publishers, such as newspapers or magazines. To avoid legal issues, check before you post and remember that the comments or postings you make are permanent and live a lot longer than the information on the wall of the Italian town, which is replaced with new content every morning.

The next time you are building a marketing campaign and use social media, consider the small Italian town. Understand that the court of public opinion rules, and that what we say can have a tremendous impact on our brand and the services we provide. Always think: "Does this information have defamatory language or potentially copyright infringing material?" To be effective in social media, whether you are trying to reach clients with a Facebook fan page, a targeted blog or by tweeting, you must post strategic information based on solid research. Make sure to also consider the ethical implications of what we say and how we say it. It is important to post relevant, new material often so that we become a source of information to which people turn. Monitor, monitor and monitor more and be willing to adjust your message based on the important feedback you get. Your audience and your brand will say, "Grazie." ■

M. Todd Felts is a professor of integrated marketing communications and director of graduate studies in the Reynolds School of Journalism at the University of Nevada, Reno. He spent years working in communications and business development for large law firms and regularly consults for the Closers Group. He can be reached at mfelts@unr.edu

Bob Gero, formerly CMO of Milbank Tweed and other global, national and regional law firms, is a strategic business development, marketing communications and public relations consultant to professional service firms, and is a Strategic Partner with the Closers Group. He can be reached at bgero@closersgroup.com, or 610/818-4619.