SOCIAL MEDIA 101
FOR LAWYERS:
WHAT YOU NEED TO KNOW ABOUT IT
TO BUILD YOUR BUSINESS
AND STAY OUT OF TROUBLE

PRESENTED FOR THE

LOUISVILLE BAR ASSOCIATION

BY

STUART ADAMS

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SOCIAL MEDIA 101 FOR LAWYERS:

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1. **What are:**
    - "viral marketing"
    - "social media,"
    - "social networking,"
    - "Web 2.0" et seq.?

2. **Why do I need to know about this?**
    - marketing
    - branding
    - reputation
    - what clients and others think if you do or don't participate

3. **How does this relate to my law practice?**
    - research
    - litigation
    - transactions
    - vet jurors, parties, witnesses, etc.
    - marketing

4. **How can I measure the potential and dangers?**
    - Privacy
    - Ethics for lawyers
    - Issues for and with judges and other "friends"

5. **Who are the "players" in the social media field?**

   LinkedIn, Facebook, Twitter, et al.

   - How to use LinkedIn

   - How to use Facebook

   - How to use Twitter

6. **How does this fit into my current marketing/rainmaking?**

7. **How do I vet a consultant or other "expert" to help with social media marketing?**

8. **How do I build a social media plan?**

   - The 7 golden rules for using social media

   - Inbound Marketing and Marketing Automation

9. **How can I measure the ROI?**

10. **Were is this all going?**

    Q & A (if time permits)

Stuart L. Adams, Jr.
Short Professional Biography

Stuart Adams is a 1974 graduate of the University of Louisville, School of Law and been licensed to practice law in Kentucky (1974), Massachusetts (1985), Indiana (1994) and admitted to practice before the Supreme Court of the United States (1977). He started his legal career in a dual role as a prosecutor and handling complex civil litigation, and has practiced at all levels of the court system.

He has also been engaged in the private practice of law for over 35 years, assisting entrepreneurs on business issues and business litigation, with a concentration in technology matters. He has represented private businesses and been legal counsel for local economic development agencies in the public sector. A major area of his law practice involves representation of entrepreneurs and small to medium-sized businesses, which are embarking on, or engaged in, issues relating to technology and electronic commerce.

Several years he formed Adams Business Consulting Service, LLC to assist clients with many of those services and to help guide his entrepreneurial clients and their companies in achieving their goals. His consulting company concentrates on management issues, competitive intelligence, integration and implementation of technology solutions, disaster preparation and recovery, and executive coaching. Additionally, he is a founding equity member and has served on the executive committee of Intellas Group, LLC, a multi-disciplinary technology and business management consulting company.

He has lectured on subjects including entrepreneurship, business litigation, and business strategies. He has frequently presented seminars to various industry groups, state and local bar associations, and other organizations on technology problems and solutions, as well as on e-commerce and business management issues for lawyers. He recently made a presentation at the Kentucky Bar Association Annual Convention on electronic information management, discovery, and disclosure, and was a presenter for the 2009 KBA Kentucky Law Update on the topic of social networking for lawyers.

Mr. Adams has volunteered his time to create and serve as instructor for an adult education course for his local public school system on "Entrepreneuring" and starting a small business. He was president of the Entrepreneur Society, and a co-founder of the Bluegrass Inventors Guild, He has served on the Board of Directors of KNITE (Kentucky Network of Information Technology Enterprises), the Board of Directors of TeN (Technology Network of the Greater Louisville Region), the Board of Directors of The Venture Club of Louisville, as chairperson of the Board of Directors of This I Believe, Inc., and currently serves on the Board of Directors of the Norton Commons Residential Village Association, and as chairperson of the Norton Commons® neighborhood association, The Commons Community Council. He volunteers his time as a counselor with the Louisville chapter of SCORE, a resource partner of the United States Small Business Administration.

He has contributed to a number of publications on business issues, including the Courier Journal, Business First, Louisville Computer News, and TechRepublic. In early 2009, Mr. Adams created a new LinkedIn® group, *Applied Entrepreneurship*, to provide a free network to facilitate entrepreneurship by sharing ideas, opportunities, and tools, which will help entrepreneurs start and grow their business. This was later expanded to a Facebook group by the same name. He also manages other social networks and writes two blogs:
- *Applied Entrepreneurship* (http://bizlawblog.wordpress.com/) and
- *SociaLies* (http://socialies.wordpress.com/)

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Introduction

What is/are Social Media?

Lots of people these days seem concerned, if not obsessed, with social media and social networking. When the authors of *The Social Media Bible* conducted a survey, however, they found that:

> *"…nearly 70 percent of 600-plus respondents were not especially familiar with the term social media. Again, many people think they should know what the term means, but most are not sure. About the same percentage were not completely confident in defining the term Web 2.0. The reluctance to offer quick and confident definitions of these terms reflects the cautious and often confused discourse that many businesspeople exhibit today when the topic of social media enters the conversation.*
> *It seems as though people are living in a strange new ecosystem of innovative and highly disruptive applications. People tend to fear what they don't understand. There is a lot to learn about this complex and rapidly evolving ecosystem – the social media ecosystem.*
> *The Social Media Bible*

1. What are:

- "viral marketing"

- "social media,"

- "social networking,"

- "Web 2.0" et seq.?

Technically, social media is a variety of technical tools and platforms such as social networks, online communities, video or picture networks and similar online tools to allow anybody to share information and communicate with anybody else, without be required to install software to do so. Social media is primarily used for individuals to stay in touch and communicate through these media.
(paraphrased from The Social Media Academy Web site)

In "Social Media" there is "Media," which means that social media are digital places for publication.

In "Social Media" there is "Social", which implies sharing (files, tastes, opinions…) but also social interactions (individuals gathering into groups, individual acquiring notoriety and influence…).

Yes, you get the point: social media are places, tools, services allowing individuals to express themselves (and so to exist) in order to meet, share…

Check out the Social Media Glossary at the end of the material.

2. **Why do I need to know about this?**

- marketing

- branding

- reputation

- what clients and others think if you do or don't participate

One reason you need to know is because communications via systems like social networking sites:

- will be used by your firm and other organizations;

- will be recognized by the courts;

- will be subject to regulation; and

- will be sought in discovery.

A recent article in the Courier Journal points out some of the reasons lawyers, like others in the business world, should pay some attention to the world of social media.

"We very quickly found out that as we started reaching out to people on Twitter, things started to change," said Pesce, who now leads the Overland Park, Kan., telecommunications company's five-person social media team and trains others in the company as "social media ninjas."

Maybe the explosion of social networking isn't just a giant time drain. Perhaps, companies are concluding, interactive media can be good for business.

The potential varies by product and by customer. It turns on finding the best way to bond corporation to opinion leader, and hinges on nimble strategy and an investment of money and manpower that keeps pace with the tell-me-now tempo of the Internet.

A world where a static come-see-us website sufficed for online outreach is fading like the battery in a 2-year-old iPhone. Increasingly, companies wander beyond their own sites into the wilds of other virtual venues, greeting strangers on strange turf.

"Companies flock to social media: Twitter, Facebook become valuable tools for customer relations" by Scott Cano; McClatchy Newspapers, May 8, 2010;
http://www.courier-journal.com/apps/pbcs.dll/article?AID=20105080337

3. **How does this relate to my law practice?**
• research
• litigation
• transactions
• vet jurors, parties, witnesses, etc.
• marketing

Research

Social media provide a rich resource for conducting all sorts of research, but there are issues. Google and others have recently begun indexing many social media sites not previously discoverable by traditional online search methods. Facebook has made significant changes in the privacy policy for users and as a result, the default puts much of their data at the mercy of researchers of all sorts.

Q Are social media sites legally discoverable?
A Yes, with some rules similar to long standing rules on discovery of e-mail.

Are Social Networking Sites Discoverable? by Ronald J. Levine and Susan L. Swatski-Lebson; Product Liability Law & Strategy, November 13, 2008
http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202425974937

Social Networking Data Presents Challenges by H. Christopher Boehning and Daniel J. Toal
New York Law Journal, July 1, 2009
http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202431893552

These are especially tricky issues given the scant guidance on preservation obligations for ephemeral data of the type associated with most social networking activity. Although some courts have considered ephemeral data within the context of the duty to preserve, courts have yet to determine

specific obligations for preservation and production of social networking activity.

As with any new technology, companies need to think about preservation and collection before they adopt the technology.

Companies that already have embraced social networking should ensure that they are prepared to preserve, collect and produce social networking data for an appropriate case and that their electronic communications policy is ready for the new social networking reality.

Social media sites are becoming a source of evidence.

From drunk driving to sexual harassment to assault, Facebook and MySpace pages are providing a mountain of evidence in court. At this rate these sites may someday make private detectives obsolete.

- (Feb 2009 – Dallas)

Raul Cortez was found guilty in one of the four murders in McKinney and MySpace played a role in sending him to death row.

During the trial, a detective testified that Cortez had gang ties after seeing him display gang signs and colors on his MySpace page.

- Dallas family attorney Mary Jo McCurley uses social networking websites in divorce cases to prove infidelity. "There it is for the whole world to see," she said.
-

McCurley says spouses often turn up in compromising photographs on a secret lover's MySpace or Facebook page.

"For a lawyer, it's almost like a 'ha' moment. It's kind of fun when you see something that you can use as evidence to prove the opposing party is having an affair," said McCurley.

- Dallas attorney Mark Stradley says the sites are invaluable when proving insurance fraud. His firm often uncovers video or pictures of "so-called" disabled workers on skis rather than in a bed.

"If they say they can't work but you show that they can work, or they say that they can't dance, but you prove that they can; it not only defeats that particular claim but it casts doubt on all the other claims that they're making," he said.

- A child's MySpace or Facebook page has been used in custody battles. Attorneys will unveil photos or videos of kids smoking pot, drinking or fighting to show that a parent is unfit.

The first man in the United Kingdom was convicted for sending a menacing electronic communication on Twitter
Twitter Rant Over Closed Airport Leads to Conviction by Debra Cassens Weiss; May 11, 2010; http://bit.ly/9i9aON

E-Discovery

Specific rules governing the discoverability of online personal information have not kept pace with new opportunities for online expression, which are being developed faster than regulations can be revised or promulgated.

Four basic issues with discovery before and after the advent of social media are:
- The sheer volume of data being generated
- The continuous morphing of the data into various forms
- Location of the date on multiple remote servers and other repositories
- The ability to manipulate digital data in ways not as easily available for prior forms.

Web 2.0 Collides With E-Discovery by Dan Regard & Tom Matzen
Law Technology News, May 30, 2008
http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1202421780523

United States: The Next Generation of E-Discovery: Social Networking and Other Emerging Web 2.0 Technologies by Therese Craparo and Anthony J. Diana
Originally published July 31, 2009
http://www.mondaq.com/article.asp?articleid=84000

Jury Selection and misconduct

Widespread use of the Internet has taken a lot of the guesswork out of jury selection. Web users, especially those involved with social networking sites, are revealing much more of their personal information, often unknowingly. The Web also makes it easier for professional investigators to uncover personal information from official records not available to casual users.

Internet juror research can be revealing by Jack Zemlicka and Peter Vieth
http://wislawjournal.com/article.cfm/2009/11/30/Internet-juror-research-can-be-revealing

Juror contacts witness via Facebook MARCH 5, 2010
http://kennedy-law.blogspot.com/2010/03/juror-contacts-witness-via-facebook.html

> *After deliberating through a day in a criminal case revolving around the death of two firefighters, juror Karen Krell looked up a firefighter who had testified on*

Facebook and sent a request to be friends. The firefighter did not accept her request.

Supreme Court justice Margaret Clancy denied a defense motion to set aside the verdict based on Ms. Krell's conduct but did overturn the conviction based on insufficiency of the evidence.

Ms. Krell's conduct was unquestionably a serious breach of her obligations as a juror and a clear violation of the court's instructions. The fundamental right of a fair trial cannot be guaranteed if jurors fail to take their obligations seriously and disregard their oaths to follow the court's rules. Before a court can set aside a verdict based on a juror's violation of a rule, however, the misconduct must have prejudiced a substantial right of the defendants.

In May 2009, the Office of Court Administration's Committee on Criminal Jury Instructions amended its recommended "jury admonitions" to suggest that trial judges state that "you must not communicate with anyone about the case by any other means, including by telephone, text messages, email, internet chat or chat rooms, blogs, or social websites, such as Facebook, MySpace or Twitter."

Jury Admonitions In Preliminary Instructions
http://www.nycourts.gov/cji/1-General/CJI2d.Jury_Admonitions.pdf

In anticipation of such behavior, the Office of Court Administration amended its suggested jury admonitions to cover various forms of social media.

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The simple fact is that there is no way to prevent jurors from logging on to their computers or using their phones to "conduct research." To walk into a courtroom and assume that jurors are going to listen to the evidence and make their decision solely on the evidence presented in the courtroom is naive these days. You must assume if there's something bad out there that someone on that jury is going to find it.

**

With the widespread use of social media, it's nearly impossible for us not to leave some sort of "paper trail" in cyberspace. That is particularly true of potential jurors. With sites such as Facebook, LinkedIn and Twitter (among others), there is a wealth of information to be mined on those who will sit in judgment of your client.

Unfortunately, in the names of judicial economy and efficiency, courts have reduced the amount of time lawyers have to interact with potential jurors to find out about any deep-seated biases or beliefs that could be harmful to a client.
<u>Mining the Internet in Jury Selection</u> by Paul B. Kennedy, http://kennedy-law.blogspot.com/2009/12/mining-internet-in-jury-selection.html

People v. Rios, No. 1200/06 (Feb. 23, 2010).
In anticipation of such behavior, the Office of Court Administration amended its suggested jury admonitions to cover various forms of social media.

<u>Social networking among jurors is trying judges' patience</u> by Del Quentin Wilber, Washington Post Staff Writer, January 9, 2010 http://bit.ly/bxaMnp

A New Jersey appeals court in July overturned the aggravated manslaughter convictions of three cousins because a juror had done Internet research about the victim, the defendants and the amount of prison time they faced and had told her colleagues about it. The men will get a new trial.

In Baltimore, defense attorneys for Baltimore Mayor Sheila Dixon, who was convicted of embezzling about $500 in retail gift cards, accused five jurors of improperly becoming friends and chatting about the case on Facebook.

The attorneys alleged that the "Facebook Friends" may have bullied other jurors into the guilty verdict, contending that they were "a caucus separate and apart" from their colleagues. The counselors wanted Circuit Judge Dennis M. Sweeney to throw out the conviction and hold a new trial.

Impact of Social Media Marketing on Lawyers

Are your clients, including corporate counsel, using social media to cut legal costs?

<u>Legal Cost-Cutting and Social Networking: Strange Bedfellows,</u> *b*y Neetal Parekh; September 10, 2009
http://blogs.findlaw.com/in_house/2009/09/legal-cost-cutting-and-social-networking-strange-bedfellows.html

The article reports on a general counsel's online exchange of ideas of how his legal department saves company green by drafting trademark applications in-house before sending to outside counsel. The initial social media post met with responses by corporate counsel at other companies offering their own money-saving techniques.

Lawyer Fees Cut as Company Counsel Network for Tip, by Cynthia Cotts,
September 9, 2009
http://www.bloomberg.com/apps/news?pid=20601109&sid=a5gfKD5Y2IP0

4. **How can I measure the potential and dangers?**
- Privacy
- Ethics for lawyers
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General Privacy Concerns

The New York Times recently did an article on the growing complexity of Facebook's privacy policy. Facebook's privacy policy statement has grown from 1,004 words in 2005 to 5,830 in 2010 and is now longer than the United States Constitution without the amendments. As with most social media channels, the incentive is to get the users to increase the amount of information they share with others and to increase the number of others with whom they share information.

This policy would obviously tend to increase the use, dependence, and arguably the value of the social media channel. Facebook and others do this like any "good" business, by making what they want the default when using their service. This may not necessarily be the best for all users and may result in identity theft and other major problems.

Facebook Privacy: A Bewildering Tangle of Options, Published: May 12, 2010
http://www.nytimes.com/interactive/2010/05/12/business/facebook-privacy.html

Facebook's Privacy Policy, Date of last revision: April 22, 2010.
http://www.facebook.com/policy.php

For a nice article giving the current state of trying to protect your privacy on Facebook, check this out, including the slide show:

How To Put Facebook On A Privacy Lockdown, by Nicholas Carlson, May. 11, 2010
http://www.businessinsider.com/how-to-lock-down-your-facebook-profile-2010-5

Geolocation: We already know who you are; now we know where you are!

Another example of concerns over privacy can easily be found with the growth of geolocation devices in iPhones, computers, automobiles, and other social networking tools. Adding to this issue is the variety of "trip apps," in which users are encouraged to post where they are going and what they are doing on business trips and vacations. As with essentially all social media companies, those engaging in applications related to geolocation have a vested interest in

getting users to report their location when they "tweet" or otherwise enter the social media ecosystem.

> *TripAdvisor® Media Network, operated by TripAdvisor, LLC, attracts nearly 36 million monthly visitors… TripAdvisor-branded sites alone make up the most popular and largest travel community in the world, with more than 25 million unique monthly visitors, 11 million+ registered members and more than 25 million reviews and opinions.*
> *TripAdvisor and the sites comprising the TripAdvisor Media Network are operating companies of Expedia, Inc.*
> http://www.linkedin.com/companies/tripadvisor

Now we know where you are going, when you're leaving, and how long you'll be gone!

The danger of location-based social media tools is growing.

> *Social sites like Localtweeps make it easy for thieves to find Twitter users to size up based on zip code.*
>
> *Yep, that's right. While you are busy checking in at home, work, the grocery, your favorite restaurant . . . even your child's school. . . (What the HELL are you thinking?) There are people just waiting for your next move . . . plotting your habits and sizing you and your home up.*
>
> *There are ways to responsibly use Location-based social networking, but checking into every single place you visit on a daily basis . . . especially your home – is not it.*
> *Please Rob Me – Location Based Social Networking Burglary* by Danielle Hatfield, Feb 26, 2010
> http://mobilelocalsocial.com/2010/please-rob-me/

The folks who started the pleaserobme.com Web site say "the goal of this website is to raise some awareness on this issue and have people think about how they use services like Foursquare, Brightkite, Google Buzz etc.

Another geolocation-based service is FourSquare. Here is what they say they can give you:

> *Real-time venue stats*
> *Once you claim your venue on foursquare, you'll be able to check real time stats about your venue, including:*
> *most recent visitors*
> *most frequent visitors*
> *the time of day people check in*
> *total number of unique visitors*

histogram of check-ins per day
gender breakdown of customers
portion of foursquare check-ins broadcast to Twitter and Facebook
... and more coming soon!
http://foursquare.com/businesses/

On the other hand, the folks at pleaserobme.com say:

Hey, do you have a Twitter account? Have you ever noticed those messages in which people tell you where they are? Pretty annoying, eh. Well, they're actually also potentially pretty dangerous. We're about to tell you why.

Don't get us wrong, we love the whole location-aware thing. The information is very interesting and can be used to create some pretty awesome applications. However, the way in which people are stimulated to participate in sharing this information, is less awesome. Services like Foursquare allow you to fulfill some primeval urge to colonize the planet. A part of that is letting everyone know you own that specific spot. You get to tell where you are and if you're there first, it's yours. O, and of course there's badges..

The danger is publicly telling people where you are. This is because it leaves one place you're definitely not... home. So here we are; on one end we're leaving lights on when we're going on a holiday, and on the other we're telling everybody on the internet we're not home. It gets even worse if you have "friends" who want to colonize your house. That means they have to enter your address, to tell everyone where they are. Your address.. on the internet.. Now you know what to do when people reach for their phone as soon as they enter your home. That's right, slap them across the face.
http://pleaserobme.com/why

9 Hidden Dangers of Social Networking; How Facebook & Twitter Can Be Hazardous to Your Wealth, By Ken and Daria Dolan; 10-16-2009
http://bit.ly/aMRQ0h

6 Simple Rules to Protect Yourself on Social Media Sites, by Ken & Daria Dolan
October 20, 2009
http://www.dolans.com/blog/entry/72798/6-Simple-Rules-to-Protect-Yourself-on-Social-Media-Sites/

1. Be choosy about your friends.
2. Don't tell strangers that no one's home.
3. Don't tell strangers your name or where you live.
4. Put yourself in someone else's shoes.
5. Don't accept gifts from strangers.
6. Lock the door behind us.

Legal and ethical risks for lawyers

As more lawyers and clients use more social media platforms, ethical issues are rapidly increasing, and often in previously uncharted waters.

*Risk-Averse Lawyers Surf Net Into Stormy Ethical Sea, b*y Martha Neil; May 13, 2010
http://www.abajournal.com/news/article/risk-averse_lawyers_abandon_caution_surf_net_straight_into_stormy_ethical_s/

The growing number of lawyers facing actual or potential sanctions due to conduct that perhaps might have gone unnoticed in the past but is now documented online.

"It's not as if lawyers never misbehaved before," writes the National Law Journal. "But now they're making the same old mistakes—soliciting for sex, slamming judges, talking trash about clients—online, leaving a digital trail for bar counsel to follow."

Cuyahoga County Common Pleas Court Judge Shirley Strickland Saffold has been linked to anonymous Internet comments about cases to which she was assigned, resulting in her removal from a high-profile serial murder case. (The Cleveland Plain Dealer, which now says a Web moniker she has used is linked to online comments related to her cases on a number of sites, has been sued by Saffold for invasion of privacy.)

Lawyers' Ethical Stumbles Increase Online, Tresa Baldas, The National Law Journal; May 11, 2010
http://www.law.com/jsp/lawtechnologynews/PubArticleLTN.jsp?id=120245793824 6

Ethics Officials Seeing More Cases from Lawyers' Online Foibles, by Debra Cassens Weiss; May 11, 2010
http://www.abajournal.com/news/article/ethics_officials_seeing_more_cases_from_lawyers_online_foibles/

• A Chicago immigration lawyer posted an ad on Craigslist seeking a secretary and asking for measurements and photos. In a follow-up e-mail, the lawyer said one of the job requirements would be "sexual interaction with me and my partner." The disciplinary penalty is pending.

• A Florida lawyer called a judge an "evil, unfair witch" on his blog. He was reprimanded in April 2009.

• A Tampa lawyer listed four lawyers who weren't licensed in Florida as attorneys on the website for his law firm. He was suspended for 90 days.

Attorney Can't Ask 3rd Party to 'Friend' Witness on Facebook, Opinion Says, by Martha Neil; May 5, 2009
http://www.abajournal.com/news/article/attorney_cant_ask_3rd_party_to_friend_witness_on_facebook/

A lawyer who wants to see what a potential witness says to personal contacts on his or her Facebook or MySpace page has one good option, a recent ethics opinion suggests: Ask for access.

Alternative approaches, such as secretly sending a third party to "friend" a Facebook user, are unethical because they are deceptive, says the Philadelphia Bar Association in a March advisory opinion.

Not telling the potential witness of the third party's affiliation with the lawyer "omits a highly material fact, namely, that the third party who asks to be allowed access to the witness's pages is doing so only because he or she is intent on obtaining information and sharing it with a lawyer for use in a lawsuit to impeach the testimony of the witness," the opinion explains.

"The omission would purposefully conceal that fact from the witness for the purpose of inducing the witness to allow access, when she [might] not do so if she knew the third person was associated with the inquirer and the true purpose of the access was to obtain information for the purpose of impeaching her testimony."

THE PHILADELPHIA BAR ASSOCIATION PROFESSIONAL GUIDANCE COMMITTEE; *Opinion 2009-02* (March 2009)
http://www.philadelphiabar.org/WebObjects/PBAReadOnly.woa/Contents/WebServerResources/CMSResources/Opinion_2009-2.pdf

Using Google to Conduct Juror Tampering
http://juries.typepad.com/juries/2010/03/using-google-to-conduct-juror-tampering-.html

Issues for judges

Judges and lawyers in Florida can no longer be Facebook friends. In a recent opinion, the state's Judicial Ethics Advisory Committee decided it was time to set limits on judicial behavior online. When judges "friend" lawyers who may appear before them, the committee said, it creates the appearance of a conflict of interest, since it "reasonably conveys to others the impression that these lawyer 'friends' are in a special position to influence the judge."

Stephen Gillers, a legal ethics expert at New York University, said the Florida rule went too far. "In my view, they are being hypersensitive," Professor

Gillers said. He noted that the differences within the committee probably indicated a generational gap, which Judge Jones said was not the case. In the case of a truly close friendship between a judge and a lawyer involved in a case, the other side can simply seek to disqualify the judge, Professor Gillers said.

One Florida county judge, Nina Ashenafi Richardson of Tallahassee, said the rule was "probably a good idea, just to avoid any perceptions of impropriety." Although the judge has a Facebook page that a friend put together for her political campaign — "it was an amazing tool to get my message out" — she said she had not used it since.

For Judges on Facebook, Friendship Has Limits by John Schwartz, 12/10/2009
http://www.nytimes.com/2009/12/11/us/11judges.html?_r=2

Judge Reprimanded for Discussing Case on Facebook, Ryan Jones, The-Dispatch, June 1, 2009
http://www.the-dispatch.com/article/20090601/ARTICLES/905319995

Public Reprimand, Inquiry No. 08-234, North Carolina Judicial Standards Commission, April, 2009
http://www.aoc.state.nc.us/www/public/coa/jsc/publicreprimands/jsc08-234.pdf

Lawyers and judges always have rules. Here are some more to check out.

Rules of Conduct for Social Networking, Bob Ambrogi, Legal Blog Watch http://legalblogwatch.typepad.com/legal_blog_watch/2009/05/my-entry.html

Mind the Ethics of Online Networking, B. C.C. Holland Law.com,
http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=11942 57030032

The Ethical Pitfalls of Online Social Networking, C. Amy Spach Law Marketing Portal.
http://www.lawmarketing.com/pages/articles.asp?Action=Article&ArticleCategoryID=13&ArticleID=731

5. **Who are the "players" in the social media field?**
   LinkedIn, Facebook, Twitter, et al.
   • How to use LinkedIn
   • How to use Facebook
   • How to use Twitter

The following are not references on "how to" but are my addresses. There are materials in the references section at the end of this material and in the following section on "how to."

LinkedIn   http://www.linkedin.com/in/stuartadams
Facebook   http://www. facebook.com/stuartadams.law
Twitter   http://twitter.com/StuartAdamsLaw

6. How does this fit into my current marketing/rainmaking?

Social Media should be a deliberate piece of your marketing and sales plan. There are substantial differences, however, in how to approach using social media for marketing purposes.

> *There are many things that make social media great. You can keep in contact with friends, you can exchange info with classmates and former co-workers from around the world, and you can even be introduced–or introduce yourself–to large audiences or prominent people that were never before accessible to the likes of you and me. Social media continues to open the lines of communication by making relevant information accessible and available in a timely manner.*
> http://thesocialmedialawyer.wordpress.com/2009/09/03/social-media-for-professionals-taking-on-google-amazon-microsoft-yahoo/

Here is a quote that pretty much sums up the difference between much of the traditional marketing lawyers and others have done over the years vs. how social media marketing must be done.

> Q *What, in your opinion is the single most important topic or technique to know about Facebook marketing?*
>
> A *Become a part of the online conversation and don't just throw up a display ad. Don't assume traditional targeting and banner creatives work within Facebook, because almost all users will simply tune out. Your audience on Facebook is primarily young adults that have been weaned on digital media who are very savvy when it comes to understanding whether they are being talked to or talked with in the online world. Talk with them by creating compelling content and applications that engage users so they share your messaging with their friends. The best advertising is a recommendation, and social networks' viral aspect enables advertisers to tap into this virality, assuming the message and the interaction with the consumers is right.*
> Eddie Smith, VP, Marketing & Business Development, SocialMedia Networks; quoted in *Facebook; Leverage Social Media to Grow Your Business.*

Everyone seems to have a set of new rules for use of social media. This set is pretty good.

The 7 Fatal Mistakes Lawyers Make In Marketing Their Practices
By Ken Hardison
http://www.legalmarketingblog.com/uploads/file/The_Seven_Fatal_Mistakes_Lawyers_Make.pdf

Mistake # 1   Copying what every other lawyer is doing in their market

Mistake # 2   Not Having a Unique Selling Proposition (USP)

Mistake # 3   No Consistency in Marketing Message

Mistake # 4   No Marketing Plan

Mistake # 5   Not Tracking Your Marketing

Mistake # 6   Lack of Follow-Through

Mistake # 7   Not Getting Everyone in Your Firm on Board with the Marketing Plan and Goals

Sharlyn Lauby posted a nice article on how to do damage control using social media. Her points follow.

Minimize the damage
Before we even talk about how to fix what goes wrong, let's talk about the positives. One of the best ways to minimize social media damage is to proactively create an environment that encourages positive feedback. There are two main things you should do to keep the accolades coming.
- *Foster a positive culture.*
- *Train employees on the proper use of social media tools.*

1. Monitor social media sites 24/7

2. Respond quickly with a consistent message. Communication is key here.

3. Reply to the social media world

4. Educate employees on proper messaging

5. Develop a Crisis Strategy

If you or your client don't have a PR firm on retainer, there are still some things you can do to help with a social media PR mess:

1. Assemble a team of trusted employees who are willing to work round the clock (it won't be for long – just a few days at most) to help you evaluate the situation and possibly respond

2. Assess the situation online by harnessing the tools that are publicly available, such as Google Search, Blogs, Technorati, Twitter Search and Who's Talkin'. Also watch RSS feeds to the online publications of both mainstream and industry media sources.

3. Track these sources constantly to see what and how the situation is developing. Watch the "attacker's" website or blog as well. They may change their tune or consumers may react negatively and post comments about it on their site.

Then assess the situation:

– Trend the volume of response and the type of consumer reaction over time: Is it growing or waning? Is it supportive or negative? How is this changing over time?

– Identify what your target audience's reaction is. This will determine your response. Remember: your response could validate that there is an issue and may further perpetuate a negative situation.

– If consumers are silent on the situation, continue to monitor but don't respond publicly. Assess the need to respond on an ongoing basis – hourly, twice daily, daily, etc.

– If consumers are demanding a response, be sure that the initial upswell of outrage has passed and that the issue is, in fact, continuing. The online audience is fickle – if something more interesting breaks in the news, they may abandon your issue to move on to something more "important."

– When responding, be sure to really listen and determine what consumers want – do they just want an apology/acknowledgment or do they demand change? Be sure to address these things in your response.

– DO NOT RESPOND too quickly, too thoroughly, in too much of a 'corporate' tone or via a press release posted on your website (as the sole response mechanism). These tactics are typically not well-received in the social media landscape.

5 Steps for Successful Social Media Damage Control by Sharlyn Lauby
http://mashable.com/2009/07/09/social-media-damage-control/

LinkedIn

Ten Ways for Small Businesses to Use LinkedIn by Guy Kawasaki
April 12th, 2010

- Acquire new customers through online recommendations and word of mouth. Satisfied customers are the best source of new customers.
- Keep in touch with people who care most about your business.
- Build your industry network—online and in person.
- Get answers to tough business questions with a little help from your real friends.
- Network with peers in your industry for repeat business referrals.
- Convince potential customers of your expertise by sharing unique blog content.
- Keep your friends close and your competition closer.

Twitter

The 11 Commandments of Corporate Tweeting by Bernhard Warner, March 5, 2010
http://www.thebigmoney.com/blogs/c-tweet/2010/03/05/11-commandments-corporate-tweeting

Should the company be tweeting? Only if it can live up to these 10 (um, now 11) Commandments:
1. We can articulate the company vision in 140 characters or less, minus PR puffery and cliché.
2. We are willing to give credit to cool, innovative, or thought-provoking ideas, even if coined by someone else.
3. We are willing to challenge a potentially destructive position even if our position generates criticism.
4. We are willing to listen to and engage with others, even if "others" = employees, customers, or activists.
5. We will not get carried away, never tweeting about a fresh "cuppa," or worse, some banal corporate achievement.
6. We will dedicate time each week to reading what others have to say and promise to retweet ("RT") the most clever, valuable, and even humorous.
7. We will never include in a press release, speech, or annual report our "Twitter followers" figure, no matter how tempting.
8. We actually have something meaningful to say.
9. If we don't have something to say, we'll find the person in the organization best suited for speaking/tweeting on behalf of the company.
10. If we cannot live up to these commandments we will reflect on whether corporate marketing is the right role for us.
11. We will use our Twitter channel not just to bump out cheery news, but to keep customers informed in the event of bad news (i.e., a product recall, a hostile take-over, a PR crisis), too.

- Bernhard Warner is editorial director of Social Media Influence. http://ow.ly/1rPxP

Creating a social media policy for you or your firm.

Here is an example social media policy from Gartner, a leading information technology research and advisory company:

1. All Gartner policies apply: Know and follow Gartner's policies.

2. Think before you post: Use sound judgment and think about reactions to your post before you post it.

3. Respect your audience: Avoid negative personal comments or inflammatory subjects.

4. Have productive conversations: For Gartner and its associates, the primary benefits of Web participation are for others to learn about Gartner and for Gartner to learn from others.

5. Don't "give away the farm": Avoid posting the kind of information and advice for which clients pay Gartner.

6. Protect and enhance the value of the Gartner brand: Present Gartner in a positive light and avoid making derogatory comments about Gartner, our products, services, management, employees, or systems.

7. Protect confidential information: Protect Gartner's and our clients' confidential information.

8. Be personable and have fun: Web participation is about enjoying personal interactions, not delivering corporate communications. http://blogs.gartner.com/gartner-public-web-participation-guidelines/

7. How do I vet a consultant or other "expert" to help with social media marketing?

As with any apparent "gold rush" opportunity, the social media "experts" are coming out of the woodwork. There is, to some extent, a snake oil salesman feeling to the marketplace. Some have challenged those who called some of the early social media "experts" by another name.

Beware the Social Media Charlatans, by Robert Strohmeyer http://www.pcworld.com/businesscenter/article/165227/beware_the_social_media_charlatans.html

Is Everyone A Social Networking Expert? by Stuart Adams
http://socialies.wordpress.com/2009/11/02/is-everyone-a-social-networking-expert/

In Search of a Social Media Expert (Part 1) by Stuart Adams
http://socialies.wordpress.com/2010/01/01/in-search-of-a-social-media-expert-part-1/

Social Media Madness – Who's the #1 Expert? by Erik Qualman
March 19, 2010
http://socialnomics.net/2010/03/19/social-media-madness-whos-the-1-expert/

There are still no clear standards, but as the market matures and clients start to get experience in what works and what does not, some thoughts are developing.

> [In] *my experience, buzzwords are tools of obfuscation, of smoke and mirrors ... and with "social media" pretty much having supplanted "viral" as King Buzzword du jour, the situation keeps getting worse. At the risk of putting too much emphasis on a little bit of snark: When I hear someone referring to the "social media space" my teeth begin grinding -- the phrase indicates to me a general mindset of either a complete and utter newbie, or of someone who is attempting to take a purely quantitative and dispassionate view of something that is fiercely qualitative and, at its best, very passionate.*
>
> *"I guess a certification in Social Media is no different than any other certification. It documents that a person learned a clearly defined set of tools or rules or behavior or philosophy and sticks to it. So if you hire a certified social media (fill in the blanks) you will hopefully find a list of things that person went through. Whether this is social media, sales, marketing, database design, painting or whatever."*
> Axel Schultze
> Social Media Academy http://www.socialmedia-academy.com
> "Tuition" for 16 hrs is $2,000.00

Other quotes about social media "experts"

"I'm not saying there aren't qualified and capable communicators out there who understand SMM. Of course there are. The thing that is problematic is the certifications seem to be misleading. Unless the certifications come from a reputable source, what's the point?"

"There is no such thing as a certified social media specialist as we have no industry standards, there is minimal academic coursework in the area of social media, and there is no agreement industry-wide on who or what organization should control credentials/certifications."

"I've only ever used the term "practitioner" since social media as a marketing channel is still very new compared to other disciplines of marketing."

"… these "consultants" who have no deeper experience in public relations/communications and marketing. That don't understand social media is a part of the overall marketing mix, not a be-all end all solution."

"A good consultant in social media will be the one able to build a real strategy with his client (with a full package on how to listen customers, define objectives, choose tools..etc...), but I think the most important part is to engage his client to make sure he can manage it himself. The best entity able to discuss with customers is the company itself and not a marketing agency. Therefore a consultant who is not able to engage company to change processes for listening customers & taking advantges of it, is not a good one from my point of view."

Following are two article that give some help in ways to vet your social media consultants.

5 Criteria For Qualifying Social Media Consultants by Andrew Ballenthin
October 20, 2009; http://bit.ly/3kLW99

1. How many years have you applied social media in business in a results oriented manner? Note: most industries consider a novice to have less than 3 years experience.

2. Over your years of experience, how many years were focused on your needs versus clients? Note: personal experience is an asset but often not as rigorous as a business that expects ROI (Return On Investment).

3. What have you accomplished in monetization, PR, database building? Note: follow-up with how were these results accomplished and look for clear answers.

4. What is your past business experience in the communications industry? Note: a solid business background is a good indicator of business sense for your needs.

5. What is your specialism and how has that lead to your greatest achievement in social media? Note: social media is a broad discipline and one size does not fit all or every business.

Here is a starting point for your discussions with any social media coach.

1) Ask about the consultant's presence in the social web: LinkedIn Groups, Facebook Fan Page, Twitter and other sites that are important to your business. The number of connections is not as important as the quality. Your social media consultant should be connected to people and companies that matter to you and your customers.
2) Read their blog posts to make sure they understand your business activities. There are generic social media consultants, but you deserve a specialist.
3) Look for experience in helping companies with "business processes" not just social media. Your consultants should be talking about customers, opportunities, marketing and sales processes, not just Twitter, Facebook, Digg, and YouTube.
4) Make sure they have an assessment and planning process. Everyone knows how to set up a Fan Page on Facebook, but not everyone knows how to help create a decent social media plan. Ask about ROI calculations, competitive analysis, opportunity development, etc.
5) If they are "certified," find out who certified them and what had to be done to earn the certification.
6) Find references and contact them. Identify customers and reach out through LinkedIn or even email. (If there are no other customers, then that's a cause for concern.)

8. **How do I build a social media plan?**
   - The 7 golden rules for using social media
   - Inbound Marketing and Marketing Automation

Develop a custom social media marketing strategy unique to your business and goals:

- Determine realistic goals for your social media outsourcing

- Create focused messaging in social media to lead to accomplishing these goals

- Assess your unique value positioning vs. your competitors in social media

- Advice on narrowing your target audience and where to find them in social media

- Crafting your marketing message into a social media 'friendly' brand to be used in your profiles

- Brainstorm with you on key words for Search Engine Optimization, improved visibility and profile optimization

- Discuss and advice naming your group in Linkedin properly so that it pre-qualifies your connections and converts them into leads

- Critique your website, traffic conversion strategies, and current social media activities

Create a Free Email Newsletter Service using WordPress
http://www.wpbeginner.com/wp-tutorials/create-a-free-email-newsletter-service-using-wordpress/

One example of a well known lawyer who has evolved into the world of social media can be found here:
Gerry Spence's Blog http://gerryspence.wordpress.com/

If you're looking for lawyer blogs, this is a good place to start:
American Bar Association Blawg Directory
http://www.abajournal.com/blawgs/

9. How can I measure the ROI?

How do you measure the ROI of a cell phone? The following is one analysis methodology:

The model needed to be mathematical compatible to: Financial ROI = measuring the investment in a given currency and compare it with the corresponding profitability or margin in the same currency. Dollars on both sides of the equation!

In search of a robust method for Social Media ROI we started with social media's closest ancestor "marketing" and tried to find well-proven methods for marketing ROI. Search engine results for "Marketing ROI method" were quite unexpected. While random key strokes like "dfasdf" returned 172,000 findings, Marketing ROI method returned only 3 and they were actually irrelevant. So even "somewhat" acceptable methods for calculating marketing ROI are not available And that is actually OK. Is there a ROI for bookkeeping? No. Is there a ROI for facilities management? No. Is there a ROI on producing business cards or creating a logo? No. Is there a ROI on providing support to our customers? No. All this is financially speaking "Cost

of doing business". This lead us to believe that we are hunting a ghost if we are looking for a Social Media ROI.

Social Media Effects
In social media we have a few very powerful mechanisms like customer referrals, customer advocacy, customer content contribution and several other contributing factors which all help a company financially to make substantial improvements, when done right way beyond any of the previous market interaction models.

The ROI Formula (SOMA-Formula)
Without going too deep into all the methods and techniques here is a financially verifiable and mathematical doable ROI calculation for Social Media:

Contribution Margin CM in currency generated from externally referred customers
over Interaction Cost IC in currency for human interaction and other cost to manage and engage in the ecosystem
= Social Media ROI SM-ROI

CM / IC = SM-ROI.

With the "SOMA-Formula" for social media ROI we have US$ or "currency" on both sides of the equation. And guess what we have benefits from the investment for both: the business AND the customer community. Of course this is only possible if you know your ecosystem and if you did your "customer mapping" as we call it, but with the tools we have today this is easily possible.

10. Where is all this going?

Have you seen the movies, *Minority Report* or *Blade Runner*, where information is everywhere and advertisements follow you? I tried to have a little fun with it on one of my blogs, devoted to social media:

<u>*My Big Fat, Geek Thanksgiving; Web 3.0 Takes Over*</u>, by Stuart Adams; 11/30/2009
Here is the real URL
http://socialies.wordpress.com/2009/11/30/my-big-fat-geek-thanksgiving-web-3-0-takes-over/
and here is the bit.ly, shortened version of the URL:
http://bit.ly/5k7u6H

Social Media Glossary

above the fold: the section of a Web page that is visible to a visitor without the need to scroll down

Adsense: Google's pay-per-click, context-relevant program available to blog and web publishers as a way to create revenue

Adwords: advertiser program that populates the Adsense program. The advertiser pays Google on a per click basis

affiliate: partnership site that links to your own site is called an affiliate

affiliate marketing: partnership between a website owner (affiliate) and a retailer (affiliate merchant) whereby the website owner advertises the retailer on their site and receives a fee for every lead or sale generated

affiliate network: ads for multiple retailers across multiple publishers. Ex. Affiliate Window, TradeDoubler

aggregation: gathering information from multiple web sites, typically via RSS. Aggregation lets web sites remix the information from multiple web sites, for example by republishing all the news related to a particular keyword.

AJAX: acronym (Asynchronous Java Script and XML) representing a way to create real-time Web applications

alerts: search engines allow you to specify words, phrases or tags that you want checked periodically, with results of those searches returned to you by email. You may also be able to read the searches by RSS feed. This form of search allows you to check whether you, your organization, your blog or blog item has been mentioned elsewhere, and to respond if you wish

algorithm: technology that a search engine uses to deliver results to a query. Search engines utilize several algorithms in tandem to deliver a page of search results or keyword-targeted search ads.

anonoblog: blog site authored by a person or persons who don't publish their name

API: application programming interface) allows users to get a data feed directly into their own sites, providing continually updated, streaming data.

app: application that performs a specific function on your computer or handheld device.

astroturfing: fake grassroots campaign seeking to create impression of legitimate buzz or interest in a product, service or idea.

asynchronous communications: transmission of data without the use of an external clock signal. Any timing required to recover data from the communication symbols is encoded within the symbols. Examples of asynchronous communication are email lists, bulletin boards and forums.

avatar: graphical image or likeness that replaces a photo of the author of the content on a blog

badge: image, usually squared and displayed on a blog, which signifies the blogger's participation in an event, contest, or social movement

bliki: blog that can be edited by readers or an agreed group of collaborators. A combination of a blog and a wiki

blog: online journal updated on a regular basis with entries that appear in reverse chronological order.

blogroll: list of recommended sites that appears in the sidebar of a blog. These sites are typically on similar topics, sites that the blogger reads regularly, or sites that belong to the blogger's friends or colleagues. Bloggers often reciprocate by posting links to blogs that link back to their own blogs.

blog storm: A blog storm or blog swarm is bloggers in the blogosphere writing thousands of posts about a subject which then forces the story into the mainstream media

bulletin boards: early vehicles for online collaboration, where users connected with a central computer to post and read email-like messages. They were the electronic equivalent of public notice boards. The term is still used for forums

business intelligence (BI): compendium of online news and social media reports addressing a variety of client needs, including reputation management, image development, tracking of competitor movement, and other meaningful analyses of customer trends, preferences and sentiments. Collected current and critical marketplace feedback can be used for strategy development in such areas as branding, customer service, and new product/service introductions.

chat: interaction on a web site, with a number of people adding text items one after the other into the same space at (almost) the same time

civic media: a form of communication that strengthens social bonds within a community or creates a strong sense of civic engagement among its residents.

click through rate (CTR): rate (expressed in a percentage) at which users click on an ad. This is calculated by dividing the total number of clicks by the total number of ad impressions. CTR is an important metric for Internet marketers to measure the performance of an ad campaign.

cloud computing: system to allow users to access their data from anywhere rather than being tied to a particular machine.

content: text, pictures, video and any other meaningful material that is on the Internet

content management systems (CMS): software suites offering the ability to create static web pages, document stores, blog, wikis, and other tools

context ads: advertisements placed directly inside or next to relevant content or features. Eg. Celebrity ads on Spotted!, FMCG goods as virtual gifts

copyleft: the practice of using copyright law to remove restrictions on distributing copies and modified versions of a work for others and requiring that the same freedoms be preserved in modified versions.

Creative Commons: not-for-profit organization and licensing system offering creators the ability to fine-tune their copyright and spelling out the ways in which others may use their works.

crowdsourcing: harnessing the skills and enthusiasm of those outside an organization who are prepared to volunteer their time contributing content or skills and solving problems.

CSR: corporate social responsibility, a concept whereby businesses and organizations perform a social good or take responsibility for the impact of their activities.

Delicious: social bookmarking site and a property of Yahoo! Allows users to quickly store, organize (by tags) and share favorite web pages. You can also subscribe to RSS feeds of other users and share a page specifically with another user

Digg: popular social news site that lets people discover and share content from anywhere on the Web. Users submit links and stories and the community votes them up or down and comments on them. Users can "digg" stories they like or "bury" others they don't.

dooced: term associated with someone getting fired for the content written in a blog post or web site (not for the act of writing, but for what was published)

Drupal: free, open-source platform and content management system written in php and often used as a "back end" system to power community features on many different types of sites, from personal blogs to large corporate and political sites.

ebooks: electronic version of a traditional printed book that can be downloaded from the Internet and read on a computer or handheld device.

embedding: the act of adding code to a website so that a video or photo can be displayed while it's being hosed at another site.

Facebook: one of the most popular social networking site in the world, with more than 200 million members.

fair use: doctrine in U.S. law that permits limited use of copyrighted material without obtaining the permission of the copyright holder, such as use for scholarship or review as delineated in Section 107 of the U.S. Copyright Code.

feed: Web feed or RSS feed is a format that provides users with frequently updated content. Content distributors *syndicate* a Web feed, enabling users to *subscribe* to a site's latest content. By using a news reader to subscribe to a feed, you can read the latest posts or watch the newest videos on your computer or portable device on your own schedule.

FeedBurner: Google tool allowing web sites, blogs and podcasts to "burn" content into a simple way for readers to subscribe (incl. email)

flash mob: a group of individuals who gather and disperse with little notice for a specific purpose through text messages, social media or viral emails. It's now generally considered a somewhat dated term.

Flickr: currently the world's premier photo sharing and hosting site. Its members have uploaded more than 3 billion photos

folksonomy: categorization taxonomy agreed by democracy rather than by authority. Eg. del.icio.us Folksonomy: Taxonomies are centralized ways of classifying information - as in libraries. Folksonomies are the way folk create less structured ways of classifying by adding tags.

forum: discussion area on a website, where people can post messages or comment on existing messages asynchronously (i.e. independently of time or place)

friend (noun): person with whom you have a mutually agreed connection

friend (verb): the act of adding a person to your social graph on a particular social network. Eg. "friend me on Facebook"

friend list: A user's personal sub-categorisation of friends on a social network eg. co-workers, current friends, clients, old friends

geotagging: the process of adding location-based metadata to media such as photos, video or online maps. Geotagging can help users find a wide variety of businesses and services based on location.

geo-targeting: delivery of ads specific to the geographic location of the searcher. Geo-targeting allows the advertiser to specify where ads will or won't be shown based on the searcher's location, enabling more localized and personalized results.

Googlebot: Google uses several user-agents to crawl and index content in the Google.com search engine. Googlebot describes all Google spiders. All Google bots begin with "Googlebot;" for example, Googlebot-Mobile: crawls pages for Google's mobile index; Googlebot-Image: crawls pages for Google's image index.

GPL: GPL is short for GNU General Public License, often used with the release of open source software. An example of a copyleftlicense, requires derived works to be made available under the same license.

GPS: Global Positioning System, a global navigation satellite system. GPS-enabled devices, most commonly mobile handhelds or a car's navigation system, enable precise pinpointing of the location of people, buildings and objects.

groundswell: social trend in which people use technologies to get the things they need from each other, rather than from traditional institutions like corporations

hashtag: hashtag (or hash tag) is a community-driven convention for adding additional context and metadata to your tweets. Similar to tags on Flickr, you add them in-line to your Twitter posts by prefixing a word with a hash symbol (or number sign). Twitter users often use a hashtag like #followfriday to aggregate, organize and discover relevant posts.

hat Tip: public acknowledgment to someone (or a website) for bringing something to the blogger's attention

hits: Web analytics measurement often defined as any request for a file from a Web server

hosting: a service that runs Internet servers, allowing organizations and individuals to serve content to the Internet. There are various levels of service and various kinds of services offered. A common kind of hosting is web hosting. Most hosting providers offer a combined variety of services. Web hosting services also offer e-mail hosting service, for example. DNS hosting service is usually bundled with domain name registration. A blog, video or podcast needs a hosting service before it can appear online. Companies sometimes host their blogs on their own servers.

inbound link: hyperlink to a particular Web page from an outside site, bringing traffic to that Web page. Inbound links are an important element that most search engine algorithms use to measure the popularity of a Web page.

instant messaging (IM): a chat with one other person, using an IM tool like AOL Instant Messenger, Microsoft Live Messenger or Yahoo Messenger

Internet newsroom: an area of a corporate website that communicates corporate messages and makes content available to the news media and the public. Rather than just feature little-read press releases, a true Internet newsroom incorporates features such as videos, podcasts, high-resolution image galleries, surveys, forums, blogs and other online marketing communications materials.

keyword: a word or phrase entered into a search engine in an effort to get the search engine to return matching and relevant results. Many Web sites offer advertising targeted by keywords, so an ad will only show when a specific keyword is entered.

lifecasting: an around-the-clock broadcast of events in a person's life through digital media. Typically, lifecasting is transmitted over the Internet and can involve wearable technology.

lifestreaming: the practice of collecting an online user's disjointed online presence in one central location or site. Lifestreaming services bring photos, videos, bookmarks, microblog posts and blog posts from a single user into one place using RSS. Friendfeed and Tumblr are examples of lifestreaming services.

link bait: editorial content, often sensational in nature, posted on a Web page and submitted to social media sites in hopes of building inbound links from other sites.

LinkedIn: the largest social network for professionals. According to Wikipedia, as of April 2010, LinkedIn had more than 65 million registered users, spanning more than 200 countries and territories worldwide. http://www.linkedin.com

logging in: the process to gaining access to a website that restricts access to content, and requires registration. This usually involves typing in a username and password. The username may be your "real" name, or a combination of letters and/or numbers chosen for the purpose.

lurker: someone who reads social media content but rarely contributers.

mashup: a music mashup is a combination of two or more songs, generally the vocals of one song overlaid on top of the melody of another. A video mashup is the result of combining two or more pieces of video, such as news footage with original commentary. A Web mashup results when a programmer overlays information from a database or another source on top of an existing website, such as homes for sale taken from Craigslist and plotted on a Google Map.

metadata: information including titles, descriptions, tags and captions that describe a media item such as a video, photo or blog post. Some kinds of metadata such as camera settings such as exposure, aperture, focal length and ISO speed, can be captured automatically from the device without needing a human to enter the data.

microblogging: the act of broadcasting short messages to other subscribers of a Web service. On Twitter, entries are limited to 140 characters, and applications like Plurk and Jaiku take a similar approach with sharing bite-size media.

Moblog: a blog published directly to the Web from a phone or other mobile device. Mobloggers may update their sites more frequently than other bloggers because they don't need to be at their computers to post.

MySpace: online social network similar to Facebook. MySpace caters to artists and bands, who enjoy the flexibility of creating an individual "look" for their page. As with Facebook, MySpace allows users to "friend" each other and create groups.

net neutrality: the principle requiring Internet providers to act as common carriers and not discriminate among content or users — for example, by providing degraded service to rich-media sites, by throttling file-sharing services, by penalizing customers who watch or download a lot of videos or by blocking Internet applications and content from competitors.

news reader: a news reader (sometimes called a feed reader, RSS reader or news aggregator) gathers the news from multiple blogs or news sites via RSS feeds selected by the user, allowing her to access all her news from a single site or program. Popular examples include Google Reader, NetVibes and Bloglines (all accessed through a Web browser) and FeedDemon or NetNewsWire(applications that runs on one machine).

NGO: nongovernmental organization, (i.e. an entity apart from the business and government sectors)

nptech: shorthand for nonprofit technology. nptech encompasses a wide range of technologies that support the goals of nonprofit, NGO, grassroots and other cause organizations.

oedipost complex: the curious neurosis that compels folks to sleep with their Blackberry or iPhone. The afflicted can't stop checking -- even in late hours -- for responses to tweets or blog and Facebook posts.

open innovation: an innovation process that incorporates outside expertise and opinions as well as internal expertise. In the case of online communities, this usually involves using your consumers for ideas and solutions relating to research and development.

open media: In its most common usage, open media refers to video, audio, text and other media that can be freely shared, often by using Creative Commons or GPL licenses.

open platform: a software system that permits any device or application to connect to and operate on its network.

open source: in its strict sense, open source refers to software code that is free to build upon. Open source has taken on a broader meaning, such as open source journalism and open source politics, to refer to the practice of collaboration and free sharing of media and information to advance the public good. Well-known open-source projects include the Linux operating system, the Apache Web server and the Firefox browser.

open video: the movement to promote free expression and innovation in online video. With the release of HTML5, publishers will be able to publish video that can be viewed directly in Web browsers rather than through a proprietary player.

OpenID: single sign-on system that allowing Internet users to log on to many different sites using a single digital identity, eliminating the need for a different user name and password for each site.

paid search marketing: placement of paid ads for a business or service on a search engine results page. An advertiser pays the search engine if the visitor clicks on the ad (pay-per-click or PPC).

pay-per-click (or PPC): a form of advertising online wherein the advertiser pays per click on the advertisement. PPC is possible both on Google and now on Facebook. An alternative to ppc would be paying per "impression," or by how many times your ad actually appears on a users monitor.
permalink: direct link to a blog entry. A blog contains multiple posts, and if you cite an entry you'll want to link directly to that post.

personal media: user-created material, such as grassroots works such as video, audio and text. When the works are shared in a social space, the works are more commonly referred to as social media.

platform: the framework or content management system that runs software and presents content. WordPress, for example, is a service that serves as a platform for a community of blogs. In a larger context, the Internet is becoming a platform for applications and capabilities, using cloud computing.

podcast: a digital file (usually audio but sometimes video) made available for download to a portable device or personal computer for later playback. A podcast also refers to the show that comprises several episodes. A podcast uses a feed that lets you subscribe to it so that when a new audio clip is published online, it arrives on your digital doorstep right away.

podsafe: any work that allows the legal use of the work in podcasting, regardless of restrictions the same work might have in other realms, such as radio or television use.

profile: online representation of an individual's identity

public domain: a work enters the public domain when it is donated by its creator or when its copyright expires. A work in the public domain can be freely used in any way, including commercial uses.

public media: any form of media that increase civic engagement and enhance the public good. The term often brings to mind public broadcasting such as PBS and NPR, but many initiatives and organizations that receive no public funding fall within the scope of public media.

Real-Time Web: a paradigm based on pushing information to users as soon as it's available, instead of requiring that they or their software check a source periodically for updates. It's being implemented in social networking, search, news and elsewhere – making those experiences more like Instant Messaging and facilitating unpredictable innovations. Early benefits include increased user engagement ("flow") and decreased server loads, but these are early days. Real-time information delivery will likely become ubiquitous, a requirement for almost any website or service.

remix: any work that takes elements from two or more media files and mashes them together to create a new piece of media Often, these are called mashups.

retention Loop: the application dynamic that encourages a visitor to return regularly to an application or Web page.

return on investment (ROI): the amount of money an advertiser earns from their ads compared to the amount of money the advertiser spends on their ads.

retweet: reposting something from another person's tweet. Users add RT in a tweet if they are doing this on Twitter.

Rich Media Ad: a display advertisemente that includes video or interactivity

RSS: Really Simple Syndication, sometimes called web feeds, is a Web standard for the delivery of content, such as blog entries, news stories, headlines, images, video, enabling readers to stay current with favorite publications or producers without having to browse from site to site.

screencast: a video that captures what takes place on a computer screen, usually accompanied by audio narration. It is often created to explain how a website or piece of software works, but it can be any explanatory video that strings together images or visual elements.

search engine marketing: (SEM) is a series of online tactics that, when combined with SEO, helps attract customers, generate brand awareness and build trust. SEM (sometimes called search marketing) seeks to increase websites' visibility chiefly through the purchase of pay-per-click ads and paid inclusion.

search engine optimization: (SEO) is the process of arranging a website to give it the best chance of appearing near the top of search engine rankings. As an Internet marketing strategy, SEO considers how search engines work and what people search for. Optimizing a website primarily involves editing its content, identifying high-traffic keywords and improving the site's layout and design.

sidebar: a column (or multiple columns) along either or both sides of a blog site's main content area. The sidebar is often includes contact information of the author, the blog's purpose and categories, links to archives, honors and other widgets the author includes on the site

smart phone: handheld device capable of advanced tasks beyond those of a standard mobile phone. Capabilities might include email, chat, taking photos or video or hundreds of other tasks.

SMS: Short Message Service, is a system that allows the exchange of short text-based messages between mobile devices.

social bookmarking: method by which users locate, store, organize, share and manage bookmarks of Web pages without being tied to a particular machine. Users store lists of personally interesting Internet resources and usually make these lists publicly accessible. Delicious is the best-known social bookmark site.

social capital: concept used in business, nonprofits and other arenas that refers to the good will and positive reputation that flows to a person through his or her relationships with others in social networks.

social enterprise: a social mission driven organization that trades in goods or services for a social purpose.

social entrepreneurship: the practice of simultaneously pursuing both a financial and a social return on investment (the "double bottom line"). A social entrepreneur is someone who runs a social enterprise (sometimes called a social purpose business venture), pursuing both a financial and social return on investment.

social media: works of user-created video, audio, text or multimedia that are published and shared in a social environment, such as a blog, podcast, forum, wiki or video hosting site. More broadly, social media refers to any online technology that lets people publish, converse and share content online.

social media optimization: (SMO) is a set of practices for generating publicity through social media, online communities and social networks. The focus is on driving traffic from sources other than search engines, though improved search ranking is also a benefit of successful SMO.

social networking: the act of socializing in an online community. A typical social network such as Facebook, LinkedIn, MySpace or Bebo allows you to create a profile, add friends, communicate with other members and add your own media.

social news: sometimes called social sites, social news sites encourage users to submit and vote on news stories or other links, thus determining which links are showcased.

social return on investment: a social return on investment (SROI) refers to the non-financial returns sought by a social entrepreneur.

social tools: social tools (sometimes called social software) are software and platforms that enable participatory culture, such as blogs, podcasts, forums, wikis and shared videos and presentations.

spider: a search engine spider is a program that crawls the Web, visiting Web pages to collect information to add to or update a search engine's index. The major search engines on the Web all have such a program, which is also known as a "crawler" or a "bot."

splogs: short for spam blogs, refers to blogs not providing their own or real content. Unscrupulous publishers use automated tools to create fake blogs full of links or scraped content from other sites in order to boost search engine results.

streaming media: unlike downloadable podcasts or video, streaming media refers to video or audio that can be watched or listened to online but not stored permanently. Streamed audio is often called Webcasting. Traditional media companies like to stream their programs so that they can't be distributed freely onto file-sharing networks.

subscribing is the process of adding an RSS feed to your aggregator or newsreader . It's the online equivalent of signing up for a magazine, but usually free.

sustainability: in the nonprofit sector, sustainability is the ability is to fund the future of a nonprofit through a combination of earned income, charitable contributions and public sector subsidies.

tag cloud: a visual representation of the popularity of the tags or descriptions that people are using on a blog or website. Popular tags are often shown in a large type and less popular tags in smaller type.

tags: keywords added to a blog post, photo or video to help users find related topics or media, either through browsing on the site or as a term to make your entry more relevant to search engines.

taxonomy: an organized way of classifying content, as in a library. Providing contributors to a site with a set of categories under which they can add content is offering a taxonomy. Allowing people to add their own keywords is to endorse folksonomy.

technology steward: someone who can facilitate community and network development. Technology stewards are people with enough experience of the workings of a community to understand its technology needs, and enough experience with technology to take leadership in addressing those needs. Stewardship typically includes selecting and configuring technology, as well as supporting its use in the practice of the community.

terms of service
Terms of service (TOS) are the legal basis upon which you agree to use a website, video hosting site or other place for creating or sharing content.

threads: strands of conversation. On an email list or web forum they will be defined by messages that use the use the same subject. On blogs they are less clearly defined, but emerge through comments and trackbacks

trackback: some blogs provide a facility for other bloggers to leave a calling card automatically, instead of commenting. Blogger A may write on blog A about an item on blogger B's site, and through the trackback facility leave a link on B's site back to A. The collection of comments and trackbacks on a site facilitates conversations

triple bottom line: the triple bottom line (sometimes abbreviated as "TBL" or "3BL") is rapidly gaining recognition as a framework for measuring business performance. It captures the values that some organizations embrace: people, planet, profit, social, environmental and economic factors.

troll: Internet slang meaning someone who posts controversial, inflammatory, irrelevant or off-topic messages in an online community, such as an online discussion forum or chat room, with the primary intent of provoking other users into an emotional response or to generally disrupt normal on-topic discussion.

tweet: a post on Twitter, a real-time social messaging system. While all agree on usage of tweet as a noun, people disagree on whether you "tweet" or "twitter" as a verb. RT stands for retweet: Users add RT in a tweet if they are reposting something from another person's tweet.

Tweetup: an organized or impromptu gathering of people who use Twitter. Users often include a hashtag, such as #tweetup or #sftweetup, when publicizing a local tweetup.

Twitter: a popular social network, unveiled to the public in July 2006, that lets members post updates of no more than 140 characters. People have begun using Twitter in interesting ways to point to news stories, to raise funds for charity, and other unexpected uses. http://twitter.com/

Twitterverse: akin to blogs and the blogosphere, the Twitterverse is simply the universe of people who use Twitter and the conversations taking place within that sphere.

UGC: user-generated content, an industry term that refers to all forms of user-created materials such as blog posts, reviews, podcasts, videos, comments and more.

URL: Uniform Resource Locator is the technical term for a web address, (ex. http://bizlawblog.wordpress.com/)

unconference: a collaborative learning event organized and created for its participants by its participants. BarCamp is an example of a well-known unconference.

vertical Intelligence: content collection that drills down into specific industries and interests, countries, and languages.

viral marketing and viral advertising: refers to marketing techniques that use pre-existing social networks to produce increases in brand awareness or to achieve other marketing objectives (such as product sales) through self-replicating viral processes, analogous to the spread of pathological and computer viruses. It can be word-of-mouth delivered or enhanced by the network effects of the Internet.[1] Viral promotions may take the form of video clips, interactive Flash games, advergames, ebooks, brandable software, images, or even text messages. The goal of marketers interested in creating successful viral marketing programs is to identify individuals with high Social Networking Potential (SNP) and create Viral Messages that appeal to this segment of the population and have a high probability of being taken by another competitor.

Voice over Internet Protocol (VOIP): enables you to use a computer or other Internet device for phone calls without additional charge, including conference calls, ex Skype

videoblog: a blog that contains video entries. It is also called a vlog, is video podcasting, vodcasting or vlogging.

virtual world: an online computer-simulated space like Second Life that mixes aspects of real life with fantasy elements. Typically, you can create a representation of yourself (an avatar) and socialize with other residents for free, though you can also buy currency (using real money) to purchase land and trade with other residents. Second Life is being used by some nonprofits and businesses to run discussions, virtual events and fundraising.

Web 2.0: the second generation of the Web, which enables people with no specialized technical knowledge to create their own websites to self-publish, create and upload audio and video files, share photos and information and complete a variety of other tasks. In this new world, the Internet becomes a platform for self-expression, education and advocacy that "regular people" can use on their own without having to go to an expert to do it for them in contrast to the less interactive publishing sites of Web 1.0. Some of the best-known Web 2.0 websites include Wikipedia, MySpace, Digg, Flickr and YouTube.

web analytics: the measurement, collection, analysis and reporting of Internet data for the purpose of understanding who your visitors are and optimizing your website.

Web conferencing: is used to conduct live meetings or presentations over the Internet. In a web conference, each participant sits at his or her own computer and is connected to other participants via the Internet. This can be either a downloaded application on each of the attendees computers or a web-based application where the attendees will simply enter a URL (website address) to enter the conference.

Webcasting: the ability to use the Web to deliver live or delayed versions of audio or video broadcasts. The chief distinctions between webcasting and traditional radio broadcasting include the following: Listeners can tune into webcasts from anywhere in the world, whereas radio broadcasting is generally local; webcasts may be "interactive" (for example, users may rewind the show) whereas radio broadcasting generally is not; listeners may receive textual or visual data (artist and song titles, ads, album artwork, etc.) during a webcast; if music is included, a "copy" is stored in the memory of the listener's computer and thus webcasters are required to obtain a license from and make payments to a licensing agency such as BMI, ASCAP or SESAC.

webinar: a Web-based seminar, a webinar is a presentation, lecture, workshop or seminar that is transmitted over the Web. Participants typically register in advance and access the presentation in real time over the Internet and listen to the presenter either through computer speakers or a telephone connection. Webinars are generally one-way but can involve chat or polls.

wi-fi: Wi-fi (or wifi) stands for wireless fidelity, a simple system allowing enabled devices to connect to the Internet within short range of any access point without cables or adaptors.

widget: a widget, sometimes called a gadget, badge or applet, is a small block of content, typically displayed in a small box, with a specific purpose, such as providing weather forecasts or news, that is constantly updating itself (typically via RSS). Widgets make it easy to add dynamic content to your site or blog.

wiki: a collaborative website that can be directly edited by anyone with access to it. Small teams often find that they can accomplish a task easier by creating a collaborative online workspace.

Wikipedia: a Web-based, multi-language, free-content encyclopedia written collaboratively by volunteers. Sponsored by the nonprofit Wikimedia Foundation, it has editions in about 200 different languages.

word-of-mouth marketing: sometimes called grassroots marketing or conversational marketing, it is an umbrella term for dozens of techniques that can be used to engage and energize customers. By building relationships with influencers through WOM, marketers can get people to become so enthusiastic about a cause, product or service that they drive sales through conversations.

WordPress: popular open source blog publishing application.

XML (or Extensible Markup Language): an advanced language developed by the World Wide Web consortium (W3C) to complement HTML. HTML is about displaying information, while XML is about describing information

YouTube: the world's most popular video hosting site, estimated to make up more than ten percent of all bits that travel across the entire Internet.

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