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## Social media: Proceed, but with caution

BY MARTIN DAKS

Each morning as Jason Scotto D'Aniello drives to his law office in North Brunswick, he's thinking about the day's caseload. But D'Aniello, a 29-year-old solo practitioner who's been on his own since September, also ponders what to post on Facebook and other social media sites.

"As an entrepreneur I must get my name out there, and social media makes it a lot easier to do so efficiently and at a low cost," he said. "There are so many outlets including blogs, Facebook — which has more than a billion users — and Twitter. [There are] also forums like Avvo.com and Nolo.com, where people post questions and I can respond. Social media activity helps to drive people to my website, where they can learn more about me and the services I provide, and it's also led directly to client relationships."

In one case, a person lamented on Avvo.com that he was driving down a major road in Middlesex County using a navigation feature on his cellphone when he was pulled over and

slapped with two traffic violations: using a handheld device while driving and making an unsafe lane change.

"Online, I responded that he could be looking at fines of up to \$500 and two points on his license, and that he might want to retain an attorney," D'Aniello said. "I invited him to contact me for a free consultation. Eventually, I represented him in traffic court, got the phone charge dismissed and got the lane-change charge reduced to an 'improper turn at signal,' which carried a \$156 fine with no points. Between the reduced fine and avoiding possible insurance surcharges, he basically saved more than he spent on my fee. From my view, I never would have landed him as client if it wasn't for social media."

### Being cautious with a powerful tool

But the way D'Aniello handled the encounter also highlights the way lawyers have to tread carefully when they're on social media.

"One big concern is avoid-

ing the unintentional formation of an attorney-client relationship," he said. "I avoid this by explicitly noting in all my social media postings that our conversation does not constitute an attorney-client relationship and by avoiding giving any specific advice online to someone who is not yet a client. Anything I tell them is general in nature — like 'you may wish to contact an attorney' — or I may quote a specific statute that anyone can find out about. But I won't interpret the statute or advise someone on whether they should fight a ticket or anything else. You have to be cautious."

Said Nicole Alexander, director of professional and business development at McElroy, Deutsch, Mulvaney & Carpenter in Morristown: "You want to connect with and inform a broad audience that includes clients and potential clients, but you also want to be very mindful about ethical and other rules that govern attorney communications. Also, while we want our postings to reflect the personalities and experience of the partners [we] have to be careful not

to alienate our clients." All attorney posts are reviewed in advance by the firm's marketing group. McElroy Deutsch also tracks the return on its activity with web-based tools like Google Analytics.

"We're in the process of adding Hootsuite, a dashboard social media management platform that will allow us to track metrics of all our social media platforms in detail," said Kristen Di Leo, the firm's manager of marketing and business development. "We use a variety of platforms to ensure that we are reaching a broad audience because not every company or person relies on the same professional media resource."

A social media presence is no longer optional, Alexander said.

"Prospective clients use blogs and social media to validate a firm's expertise," she said. "People have said, 'We read your post on your blog and we would like to retain you.' The blog posts and other activity can help demonstrate the firm's expertise. Then when other organizations repost or otherwise share our material, we all benefit."



Jason Scotto D'Aniello, solo practitioner and managing member of JSD Legal LLC. - AARON HOUSTON

softer, although we continue to evaluate it. We're also looking into Instagram, although that's more of a visual platform." The firm's attorneys try to post to the nine Brach Eichler website blogs every two months, "because their primary focus is on servicing clients."

The marketing department, which uses Hootsuite to track social media activity, currently posts to LinkedIn and Twitter

several times a week, with the aim of getting to daily posts.

"The marketing department will highlight our attorneys' speeches, or published articles and new blogs," Sheehy said. "We may also do an email blast to clients, accompanied by a link and brief description of the article or event."

"Social media is a great outlet that can showcase news that clients or potential

clients may be interested in, as well as the accomplishments and thought leadership of the firm's attorneys," she added. "Because the platforms let readers share the posts with their own followers, social media can be an exponential way to spread information and potentially lead to more business relationships. Additionally, our followers can use the repostings to build their own relationships."

### Social media a la carte

Some firms, like Roseland-based Brach Eichler, are selective about the social platforms they use.

"Our focus is on LinkedIn and Twitter, which we see as being oriented towards professional services firms," said Andrea Astor Sheehy, director of marketing and business development. "Facebook is a bit