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ANALYSIS

**'You're Going to Miss Out': How to Mine Social Media for Clients Without Alienating Your Firm**

"This is going to become a recruitment concern," Wayne Pollock, a lawyer and founder of legal marketing firm Law Firm Editorial Service, said. "They're going to realize they have a burgeoning rainmaker. Even if they don't understand how they're a rainmaker on social media, they're going to understand when those first clients start coming in."

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Law Firm Management



**Max Mitchell**  
Bureau Chief



Social media is becoming a resource for enterprising young attorneys, not only when it comes to landing clients, but also as a tool in today's competitive lateral market.

But, with most law firms intent on having rigid social media policies, tensions between young lawyers and their firms over the use of social media is a growing area of concern.

Formal problems like advertising rule violations, or muddled origination credits, and less formal worries about culture clashes, or competition between a firm and an individual attorney's brands are all areas that firm leaders and social media-savvy attorneys are running headlong into with varying degrees of success.

But marketers and active social media users say the future is increasingly digital, and attorneys and firm leaders will need to begin honing their policies and practices if they want to avoid headaches down the road.

"The most successful attorneys out there on social media are putting themselves out there as knowledgeable attorneys, as wise attorneys, but also as human beings. That scares law firms terribly," Wayne Pollock, a lawyer and founder of Philadelphia-based legal marketing firm Law Firm Editorial Service, said, adding that firms would rather attorneys stick to posting about their status as being named a Super Lawyer or sharing a white paper. "That's safe and not going to ruffle any feathers, but it's not going to gain any traction."

## Firm vs. Attorney

Social media policies at most large firms generally favor their attorneys following a more buttoned-up style of engagement, designed to bolster the firm's brand in favor of the individual attorney's.

But many tech-savvy lawyers find the approach stifling.

"If you do anything out of the ordinary, it's like a nail sticking out. They'll pound you back in," said SMB Law Group's Eric Pacifici. An ex-Big Law attorney, Pacifici branched out on his own last year after his anonymous Twitter account revealed an underserved business sector that was being priced out from the larger firms.

However, according to Texas-based law firm marketer Stacey Burke, who focuses much of her work on social media, the strict policies make sense for a multitude of reasons.

For one thing, having individual lawyers associated with the firm posting their own materials can dilute the broader firm brand. And it also exponentially increases the risk of a lawyer posting something that tarnishes the firm's brand.

"Once you link up your individual personal social media to the entity, it becomes a hybrid of sorts. ... Whatever they post could reflect on [the firm]," Burke said. "For the firm, there's so much to review and manage, and so much quality control. And it's not necessarily going to have access to those accounts. ... It's perilous to the entity."

But some see a tradeoff to that approach as well.

With such tight reins, the older guard is forgoing a lot of value and good will that the individual attorneys could be creating in terms for potential clients, law students and lateral partners looking to interact through those less formal channels.

"I think that Big Law is making a huge mistake," Pacifici said. "I understand they have a lot of people to control, but what a lot of people don't realize is the marketplace wants to meet the individual."

## Harnessing Potential

Underlying much of the discussion about social media is the conflict of cultures, where younger attorneys are increasingly seeing social media as essential, and the older firm leaders who view it as unnecessary and a distraction from the older ways of networking.

But, according to marketers, more immediate problems are looming—problems like origination credit and digital asset ownership.

According to Burke, while most large firms have formal social media policies, for many smaller and midsize firms, "it's not even on their radar."

Burke said she has run into several instances where a firm's lack of a clear policy caused serious problems later on. Some leaders, she said, leave control of their firm's social media accounts to specific employees or vendors, which can wreak havoc if a dispute arises, or the employee suddenly quits or passes away.

In another example, Burke said she worked with a firm where one of its bilingual paralegals created an Instagram account that quickly started bringing in more clients than the firm's. Not only did this lead to concerns about potential violations of the state's attorney advertising rules, but it also raised questions about credit for originating cases and the strict prohibitions against nonlawyers engaging in legal activities.

A dispute touching on similar issues is also now playing out in Philadelphia between the high-profile personal injury firm Kline & Specter and [Thomas Bosworth](#), a former associate, who amassed a sizable presence on TikTok.

Both Bosworth and a [lawsuit](#) the firm filed against him after he was fired in November say the attorney had brought in hundreds of client leads through the platform. According to the suit, Bosworth was so active on social media he was neglecting his other duties, but Bosworth has countered that he was fired after he sought more pay from the firm to account for all of the additional leads he was bringing in.

The lawsuit also contends that Bosworth breached his employment agreement by improperly contacting clients after he was fired.

“Employers need to be careful to define those terms in their employment agreements,” Burke said, speaking generally and not specifically about the dispute involving Kline & Specter and Bosworth. “If I’m able to get 10 clients a month, are they mine or are they the firm’s because I did it on the job? You just need to make sure you have that as defined as possible on the front end.”

## Making It Work

Not all law firms take a draconian approach to social media, and one attorney at Davis Wright Tremaine has found the Am Law 500 firm to be very encouraging.

Bradford Hardin, who co-chairs the firm’s financial services practice, has an active presence on Twitter and more than 4,000 followers. Hardin says his handle has become a useful tool in meeting new clients, strengthening bonds with existing clients and interacting with potential lateral hires.

“People in those categories can think, ‘Hey, I like how that guy does things,’ or ‘I like how that firm’s run. I’d like to do business with them,’” he said. “It’s not very different from what people are trying to do in a more traditional social setting.”

As a member of management, he said the firm is very encouraging of individual attorneys developing an online presence.

“We are totally in favor of lawyers being active on social media. It’s something I encourage people to do. It’s something a number of other lawyers at the firm are engaged in,” he said. “We think it’s important. It’s an important part of our brand projection and how we interact with our clients.”

Hardin said he began intentionally developing his presence in the early days of the pandemic, when, like so many attorneys, he found himself at home wondering how he was going to stay in touch with people. Given his narrow focus, he said he was skeptical such a broad form of communication would be effective, “but that was totally wrong.”

“It takes a little while to find your people, but they are there,” Hardin said. “The next generation of law firm clients is online, and if you’re not going there to find them you’re going to miss out.”

Although the conventional advice is to keep your personal and private separate, Bradford said he considers his account to be both personal and professional, but he does have some ground rules. Being part of a 600-lawyer firm, he said there’s no way to tell if a tweet about a given topic might directly impact one of the thousands of firm clients, so, instead of providing any technical advice, he mostly focuses on activities related to being a lawyer.

The tactic provides followers a window into what it would be like to work with Hardin and others at the firm—useful insights for both clients and lateral recruits.

“It’s a delicate mix trying to balance the right level of posts that will get a lot of traction and other posts that are a little more business-like, or serious,” he said. “It has to be fun for me. If I’m going to keep it up, it has to have a layer of me in it.”

Pollock, the communications adviser, said lawyers should look to be an active consumer on the platform and follow the feeds they would like to emulate. Also, he said, you need to have an understanding of your goals, which can help inform what you post.

Firms also will also likely increasingly consider social media prowess of their laterals, he said.

“This is going to become a recruitment concern,” he said. “They’re going to realize they have a burgeoning rainmaker. Even if they don’t understand how they’re a rainmaker on social media, they’re going to understand when those first clients start coming in.”

Hardin said familiarity with a firm or partner developed over social media can help candidates during the interview process, but he said social media usage is not a deciding factor in hiring. However, the networking opportunities it affords can be invaluable for the individual lawyers.

“If you have your own presence and audience and network, it will serve you well in any of those objectives,” he said. “You definitely don’t want to feel like you need to make a career change and have nobody to call.”

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