

§ 6.7

Social Media

Tread Carefully

YOUR POSTINGS ARE ALWAYS FAIR GAME

It may not seem fair. It may seem like an invasion of privacy. But once you post something online it is no longer private. That is not just an opinion. It is fact. Even if you secure your comments by posting them as “private,” it likely will not save you from repercussions for posts that are sexist, racist, intolerant, bigoted, or demeaning to businesses, clients, coworkers, or employers. The legal standard is likely to be whether a person posting on a social network has a legitimate “expectation of privacy.” A high standard.

There is a truism that most good attorneys know, and some follow:

Never, ever put something in writing that you do not have to.

This applies not only to typed or written documents, it applies to emails, message boards, comment sections on websites, and especially to social networks. If you must stay on Twitter, Facebook, Pinterest, WeChat, or other platforms, try to follow these rules:

1. **Don't be too racy.**
Keep your poolside and beach shots PG-13. This will invite less scrutiny from employers.
2. **Avoid posting photos of alcoholic beverages being served or consumed.**
By itself, posting a picture of friends and family toasting each other with wine glasses is innocent, but after a few drinks those innocent photos can slide into less desirable images. The law firm does not want its employees posting images where they are red-faced, falling down, or passed out. A coworker may just start making a collection of less-than-flattering postings.
3. **Never discuss or comment on your law firm or clients.**
You will probably be proud of where you work and want to share that with the world. But it is too easy to wander into dangerous territory where confidential information could be shared.

Consider Quitting Social Network Platforms

Many people are leaving social networks, for various reasons. Harassment, liability, reputation, personal relationships, and more. If you are concerned about employers or coworkers accessing postings about which you are uncomfortable, just quit. Delete old accounts and do not start new ones. That way if a coworker who you do not know very well asks for your screen name you can just tell them you do not have one. Problem solved, and future issues averted.