

## **YOUR ONLINE PRESENCE**, by Annette T. Burns

Like it or not, you as a family law attorney have an online presence. It comes from your website, your blog, your LinkedIn profile, your Facebook page, your tweets, your email, and places you could never imagine.

Want a quick overview of how pervasive the internet is, and how much it affects our lives today? It's worth 4 minutes of your time to watch this, right now, before finishing this article:

<http://www.youtube.com/watch?v=x0EnhXn5boM&feature=related> (Stats current as of June 11, 2011, which means you can guarantee that they've all changed dramatically since then.)

**Your Reputation:** Google Yourself. There are attorneys out there who don't even use email yet. I Googled a few attorneys that I'm pretty sure don't use email on their own (although their assistants might). Sure enough, they have an online presence and they don't know it. You need to know what's being said about you out there, in writing.

**LinkedIn.** LinkedIn can be a powerful tool for interstate and local connections with other lawyers, other specialties, and resources that you need. When a local client of mine needed to check out a Los Angeles attorney for a family law-related matter, I went to my LinkedIn connections to check out several attorneys. I was able to easily email a few LA attorneys I already knew for input. LinkedIn is incredibly easy to use. Just remember that LinkedIn is completely business, so don't post cute, funny and ironic messages and forwards (as you might do on Facebook). This is the place to pass on interesting, business-related information, events and links that business associates will appreciate.

**Google Scholar as a Research Resource.** When using Google Scholar, you at least don't have to worry about your online reputation. Google Scholar is about research, information and billing time and not about you.

If you can use Google, you can use Google Scholar. Try it out this way: Go to the regular Google home page; at the top where various Google services are listed, click "more" and then on the drop-down menu, click "Scholar".

The Google Scholar home page looks a lot like the regular Google home page. Save it to your favorites.

On the opening Google Scholar page, go to "Advanced Scholar Search".

On this page, for a keyword, type in something fairly specific to Arizona family law, such as "Drahos", "Cockrill", "Rueschenberg", or the like. (If you don't know how to spell Rueschenberg, best not to use that example.)

Before hitting "search", scroll down further on that page and check the box next to Arizona, so your search is limited to Arizona court opinions.

Now hit the "Search Scholar" button, and bingo— one of the results (or perhaps the sole result) is your case, in full. Arizona cites within the case are hyperlinked so you can go directly to other cases from there. What a great way to quickly grab a case that you know!

Another example: I had to find the Arizona case that states that while a wage assignment can only take up to 50% of the obligor's disposable earnings, the obligor still owes any child support which is ordered in excess of that amount. I used Google Scholar to search "wage assignment", again limited my search to Arizona, and a page of Arizona cases was produced. The case I wanted — *Fuentes* — was right there on the first page of search results.

### **Online Ethics and Email Dilemmas.**

Question: You receive an unsolicited email from a person you don't know, asking about getting legal advice or meeting with you. The email says only that he was referred to you and then goes into great detail about his case---names, dates, and specifics are included. You glance at the email and realize that this is a case where you already met with this person's spouse and you were planning on representing her and filing soon. What do you do? Has reading this email now conflicted you out of representing the person you were going to represent? If not, and if there was something in this email that is useful to the case (such as "she doesn't know about my cocaine conviction" or "I just turned down a promotion that would have paid me a lot more, because I don't want to pay her"), can you use that information in the case? Or do you have to keep this emailed information (that you didn't ask for or seek out) confidential from your own client and case?

The answer might surprise you. According to the State Bar's ethics panel held at the Bar Convention on June 17, 2011, and numerous other sources, the attorney receiving this unsolicited email has not formed any attorney-client relationship with the person writing this single email, is not conflicted out of representation of the other side to this case, and can use in the litigation the information gleaned from this email.

Question: You notice, after exchanging emails with your own client, that she is using her work-related email to communicate with you about virtually everything to do with her case. Beneath her signature and contact information on the email is a standard employer disclaimer/ warning that states that all email content belongs to the employer and is subject to monitoring. If a copy of some of her emails gets disseminated somehow, are those email communications privileged?

Probably not. When an employer clearly designates that employer-based emails are monitored and belong to the employer, an employee has no reasonable expectation of privacy in those emails. One court went so far as to state that a client's revealing of personal information in employer-owned email is akin to "consulting her lawyer in the employer's conference room, in a loud voice, with the door open, so that any reasonable person would expect that their discussion of her complaints . . . would be heard."

**iPad for lawyers.** If you're using an iPad and aren't reading at least one blog about iPads at the office, or if you don't own the book *iPad in One Hour for Lawyers*, you're not getting the most out of it. I personally am just starting to learn everything my iPad can do for me at the office, and I'm regularly practicing with the Pages app (word processing; compatible with Word) and Notes (simple note-taking on the iPad, and the notes are easily emailed to yourself).

Blogs to check out to find out more about how lawyers can most effectively use iPads include:

Tablet Legal (<http://www.tabletlegal.com/>)

TechnoESQ (<http://www.technoesq.com> )

iPhone JD ([http://www.iphonejd.com/iphone\\_jd](http://www.iphonejd.com/iphone_jd)

MacsInLaw (<http://www.macsinlaw.com> )

The Mac Lawyer (<http://www.themaclawyer.com>

Hytechlawyer ([www.hytechlawyer.com](http://www.hytechlawyer.com))

Walkingoffice.com

iPad 4 Lawyers (<http://www.tommighell.com/ipad>)

WalkingOffice (<http://www.walkingoffice.com/>)

iPadmania (<http://almipad.wordpress.com> ) (not just for lawyers, but general iPad stuff)

You can buy the book *iPad in One Hour for Lawyers* at the ABA online store:

<http://apps.americanbar.org/abastore/index.cfm?section=main&fm=Product.AddToCart&pid=5110719>

**Your Personal Use of Email. Email Etiquette Applies to Everyone.** Let's say that you're convinced you have no problems with your online presence, because you have a professional prepare and review your website; you have no blog; you couldn't be paid enough to be on Facebook; you feel LinkedIn is useless to your practice; and you definitely don't tweet. Do you email? If so, you have an online presence that you can improve.

The single best advice I can give you about email is **Stop and Think before Sending**. So many things to think about---is this email really necessary? Is it professional? What's the purpose of this email, and does it fulfill that purpose?

In that vein:

1. Respect the time of your recipient. Do whatever is necessary to minimize the time the recipient has to spend processing your email. This includes formatting your email for easy reading (paragraphs, either numbered or bulleted are important), and including other relevant information. If this email refers to a past email, make sure the past email is attached (using "Attach Item", a choice at the top of the Outlook bar).

2. A brief reply is okay. We all have volumes of email to read. Keeping the reply to yes, no, or only pertinent information is acceptable. (But for these short responses, you have to make sure the original question/ email is part of your reply, or simply saying “Yes” is too vague.) And stop the worthless responses. If your response says only “You know it!” or “smiley face”, then the response isn’t necessary.

3. Clarity. The subject line should clearly state the topic and should never be blank. If the email is going to be longer than 4-5 sentences, the FIRST sentence should state the reason for writing. Please, please delete those weird fonts, colors and backgrounds, and make sure your assistant deletes those too. They are confusing and hard to read for business email.

4. Forget the open-ended questions. An email that drags on for 50 lines and ends with “Thoughts?” is not going to get a response, at least not from me. If you have specific questions, state them specifically.

5. Watch the cc’s, then double-check the cc’s, then check them again before hitting “Send”. When responding to an email from opposing counsel, you hit “reply all” at your peril.

I go through each “reply all” recipient individually, checking to see that my responsive emails are going only to opposing counsel and other addresses at opposing counsel’s office, and I delete any “reply all” recipient addresses that I don’t recognize. My Reply is copied separately to my own client (or blind cc’d), so my client’s email address doesn’t get caught up in a bunch of subsequent replies. Sorry, but if you include your own client’s email address in the string, you look like an idiot later when you complain that opposing counsel’s responsive email communicated directly with your client.

6. Shorten the email string. Is the entire email string necessary to your email or response? If not, delete the parts not necessary for your response. There’s no rule, anywhere, that an email has to keep going back and forth endlessly in its exact original form. This relates back to #1--- you’re trying to make things easier for the recipient on the other end.

7. Graphics files and logos. Logos on emails often show up as attachments, wasting the recipient’s time trying to open them to see if there’s something important attached. If your email logos are showing up this way, ask your IT guy how to change it.

8. Just sign off. The less time you spend sending email, the less time is wasted with responses. Consider spending long blocks of time during the day (4-5 hours?) when you don’t allow yourself to check email or even go online. Then catch up on email in large blocks. It’s far more

time-efficient. One colleague told me that he instructs his worthy clients to start an email to him (with questions, comments, etc.) at the beginning of the day, but hold onto it as a draft for several hours, add to it as necessary, delete things that have become irrelevant throughout the day (many of them do), and then send ONE email later in the day, instead of 30 throughout the day. So efficient.

9. Use BCC for Your E-mail Blasts. If you must send something to a large group of people (a newsletter, for example), don't just put every email address into the "To": or "CC" line. Instead, address the email to yourself and put ALL other email address into the BCC (blind carbon copy) line. Everyone will get your e-mail blast, but the others won't see every other e-mail address. You're preserving the privacy of all recipients, and saving them from scrolling through six inches of address information.

10. Clean Up Your Forwards. Before forwarding an email or email string, clean up those arrows (>>>>>>) that have accumulated from all the forwarding. They make things difficult to read. (Paste the message into Word; use Find and Replace to search for the ">" character and replace it with nothing.) And then make sure the Subject line is still relevant, and remove extra "RE"'s from the Subject.

11. Delete the Legalese. This doesn't make much sense for lawyers, does it? But those giant email disclaimers at the bottom of every single email aren't doing anyone any good and are especially annoying in email strings. When your actual e-mail message is far shorter than your legal disclaimer, you look silly. Yes, I realize that your firm may require the disclaimer and there's nothing you can do about it; but see #10 above---- can you at least delete it 19 of the 20 times it appears in a forwarded email string? And finally: consider that you are waiting until the END of the email to tell someone not to read it. No wonder non-lawyers make fun of us.

Also, the little note at the end of emails to "Consider the environment and please don't print this email unless necessary" is condescending and unnecessary. Give your recipient some credit for not being an idiot.

12. Consider putting your responses in the email body, highlighted and colored for clarity. If you're replying to a message that had a lot of different statements or questions, consider clicking after each response-requiring sentence, hitting Return, and typing your answer there, then making your response a different color and bolded. The result looks like a conversation, and makes it clear what you're referring to and what question you're answering. Or, if the email needs only one response, it's probably best to put it up top so the recipient doesn't need to scroll down.

Many of these email suggestions come from [www.emailcharter.org](http://www.emailcharter.org).

**Protect Your Email and Other Online Accounts: Passwords.** In a recent survey, it turns out that the most popular six-character password is 1-2-3-4-5-6. The fourth most popular password is “password”. Other widely-used passwords are “iloveou” and “abc123”. No wonder accounts are frequently hacked. It’s the online equivalent of leaving the front door key under the front mat.

Go with a long, long password --- the more letters, numbers or symbols, the better. If a site allows you to use a 14-character password, use all 14. Instead of cursing the next time a website demands that your password use a symbol, be happy that’s being forced on you. Spend a few minutes and come up with a password that uses numbers and symbols as well as letters, and then come up with a memory cue so you won’t forget it.

Symbols are security. According to Imperva Application Defense Center (ADC), a security research group, there are over 1500 symbols a hacking program needs to run through to try and guess one character of your password. So, adding one extra symbol [ ! )( \$ \* ] can make it 1500 times more difficult for a hacker to get into your account.

Steve Gibson is a security research specialist, and some of his password protections can be found at <https://www.grc.com/haystack.htm> That site gives practical tips for password creation. Having a password like P66&\*((%ellq4831 isn’t going to help anyone, because no one’s going to remember or use it. His site shows how to develop a truly difficult-to-hack password that will be surprisingly easy for you to remember.

Finally ---- every law firm or sole practitioner should have a website, period. There are some terrific ones out there. Family law attorneys and professionals must at least consider the integration of social media into their practice, somehow. Even if the professional isn’t directly participating in social media, you must have a solid understanding of social media in order to provide the services we’re hired for.