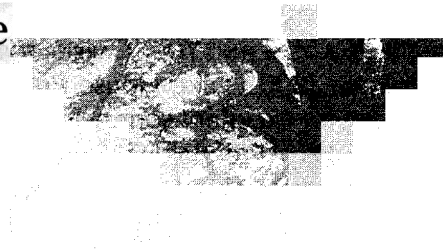

Technology Corner

By Joseph G. Hodges, Jr.

Social Networking Rules of Etiquette



Some time ago I wrote a column on Internet netiquette for this publication. Recently I wrote a column on social networking in which I opined on whether this was a communications medium that lawyers ought to be using as part of their law practices. While my conclusions about lawyers and social networking were not all that encouraging, it has since occurred to me that a trip through the various rules of etiquette that have grown up around social networking would be worthwhile, as while many lawyers and financial planners may choose not to use social networking for marketing their individual practices, they likely will use it to communicate with others on a more personal basis.

In preparing this article, I want to give due credit to attorney Alli Gerkman, the Manager of Online Content and Development for the Colorado Bar's CLE Department, who published a very informative article on this subject entitled *Know Thyself and Have Fun—A few Words on Facebook Etiquette* in the February 2010 issue of *The Docket*, which is a monthly newsletter that is published by the Denver Bar Association. This article first inspired me to consider writing this column, and I will be discussing here a lot of what she has to say in that article. In addition, I did some BING searching for online materials on this subject and came across a few that I think might be of interest to the readers of this column. One of those is *The Ultimate Social Media Etiquette Handbook* by Tamar Weinberg, a self-professed social media enthusiast. Another is *Social Networking Etiquette* by Sabah Karimi of Associated Content, Inc. Still another is *Social Networking Etiquette: How to Introduce Yourself and Others Politely* by C. G. Lynch of CIO, which was published in the May 2009 issue of *PC World* and discusses some of the tips Kirsten Dixson has put forth in her position as a reputation manage-



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ment and online identity expert. Another is *Social Networking Etiquette: Making Virtual Acquaintances* by Pamela Lewis Dolan of The Amednews Staff. Still another is *The Rules of Social Networking Etiquette* by Brenda Powell, President and CEO of Social Networking Girls. The last one is *Social Network Etiquette* by Shelly Palmer, which is excerpted from her book *GET DIGITAL: REINVESTING YOURSELF AND YOUR CARRIER FOR THE 21ST CENTURY ECONOMY* (2009 Lake House Press). In addition, if you want an excellent source for discussion of some of the Rules of Professional Conduct that might apply to the use of these networks by lawyers, you may want to get a copy of attorney Elizabeth Lewis's March 2010 Denver Bar Association slide presentation called *How to Keep Clients (and Not Lose Friends): An Introduction to the Ethics of Social Media*, which is available from SlideShare via her Web site at www.eclewis.com.

Perhaps the sagest advice in all of this material comes from the concluding part of Alli's article. That advice is to not give too much credence to articles telling you how to use social networks (her's and mine included), as there are a multitude of articles on line and books about how to use social networks, and in particular Facebook. In fact, she notes that consultants have created a whole new business that is focused on telling you how best to use these networks. However, the truth is there really is no right or wrong way. While there are guidelines, warnings and suggestions that are good to think about that can make everyone's experiences with these networks much more enjoyable, in the end you can within reason write your own rules, as long as you are comfortable with them and those you interact with will accept and obey them. As Brenda Powell says at the beginning of her article, "social networking etiquette mimics that of etiquette in daily life." On the other hand, Shelly Palmer notes in her article that "it is important to never underestimate the potential disruptive force social networks can wield ... be mindful of who might see your profile," and be mindful of whether or not your profile is intended for personal or business use, as it can not be both.

With that preface in hand, let me now regale you with some of the rules of social network etiquette as I have gleaned them from the various resources that are mentioned above.

A good one to start with is to be professional, but be yourself. These networks should not be your public diary, as everyone who participates in them and has your permission can view the posts and photos

you upload. Know the image you want to project in both social and professional settings and proceed accordingly, and think about the consequences of your engagement on any social network. Try as best as you can to separate your home life from your work life, and remember that what you post leaves a virtual permanent reflection of your identity that likely will never go away.

A second rule that may not be so obvious to many people, especially on Facebook, is know your privacy settings. These are the settings that determine the limits of what your various contacts can see, and you can group those contacts if need be in order to better manage them.

A third one is do not annoy your contacts with self-promotion. This is particularly important with all the recent emphasis by consultants on using these networks for promotion of your business. Networks like Facebook can be used for business promotion, but at least for lawyers Alli says it is not necessarily "a direct link." The business value of the networks really lies in the professional relationships you develop there.

A fourth rule is to untag liberally and use discretion when posting about others. Untagging comes from the fact that, in Facebook, when someone posts content, they have the option of tagging people who they want to be part of the post. Unfortunately, this makes the posts visible to all the contacts of the tagger person. The solution is to untag that content, which removes it from your profile. The flip side of this rule is use discretion when posting about others and tagging such content.

A fifth is that you do not have to be a friend to everyone. Feel free to ignore "be my friend" invitations from people you do not know or you dislike, and for heaven sake do not pay a search or investigation fee to find out more information about one of these people. Just remember, it is OK to ignore a request from someone who is purely a professional contact. If you invite contacts from others, that is fine, but whatever you do, do not pester them to death with repeat invitations to do the same if they do not respond. If they are truly interested, they will eventually accept.

Since Social Media mimics real relationships for the most part, a really good rule of thumb is to ask yourself if you would do whatever you are doing within the network if this was a real face-to-face relationship. Some examples from Facebook are add-

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cisions. And finally, analogies, not analysis will get at the heart of what clients want and foster that connection you need to be effective as a planner.

Noncompliance is a tenet of human behavior. Our job is to manage that behavior in such a way that the best interest of our clients is served and the integrity of our practice is preserved.

ENDNOTES

- ¹ National Alliance of Caregivers/AARP: 2007.
- ² Dubofsky and Sussman, *The Changing Role of the Financial Planner: From Financial Analytics to Coaching and Life Planning*, JOURNAL OF ESTATE PLANNING, Aug. 2009, Vol. 22 No. 8.
- ³ *Id.*

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ing users as friends without proper introductions, using a fake name, publishing a private conversation on a public wall post or tagging individuals in unflattering pictures. Some examples from Twitter are asking your friends to Retweet your Tweets on a consistent basis, not humanizing your profile or using it to repost personal and confidential correspondence. Some examples from LinkedIn are mining e-mail addresses there for later e-mail blasting, asking for endorsements from people you do not know or writing a recommendation for someone who you are about to fire. Some examples from the Social News networks are submitting only your own articles and posts, and constantly asking for votes, but never giving back. Some examples from YouTube are repeatedly asking someone to watch your videos or forcing people to subscribe to your channel.

In her article, Sabah Karimi addresses how to minimize e-mail overload from social networking sites so that the user can get the most accurate, relevant, credible and worthy-of-attention information in the shortest time possible. While somewhat on the side of wishful thinking, it is nonetheless a goal worth striving for. Some of her suggestions include using only invite sites, not uploading address books and sharing contact lists, sharing your personal e-mail addresses carefully, looking into using e-mail junk filters wisely and starting your online searches at credible portals.

Kristen Dixon in her capacity as a reputation management and online identity expert focuses on tips for crafting an online contact strategy. These tips include that “everything has to do with the company you keep, so you really do want to think about who you accept or let in to your network.” She cautions that privacy settings are hardly foolproof, with the cardinal rules being that somehow, someway, all information about you may be accessed. Another tip is to communicate your policy with regard to making connections and friends clearly and concisely, such as not connecting with people you work with, so those people will know where you stand and why. As a corollary to this rule, you should always communicate with any person you reject whom you know to give them the reasons for the same vs. simply rejecting and then ignoring them. Another rule is when you are courting a new friend or connection who you think might be on the fence about accepting, you should explain how you know this person.

Pam Dolan’s article contains a great bullet list of things not to do.

It includes not posting personal information about clients, proprietary or inflammatory information about your employer, not being disrespectful, sending or posting spam messages, putting people you do not know in an awkward position by asking them to join your network, confronting someone who does not want to be in your network when asked and typing in all CAPS. I would add to this list doing a Google or BING or Yahoo search on any potential friends or contacts before accepting them into your network.

I hope, as you work with social networks, that you will find the bulk of these rules both informative and helpful. I am sure you will develop some rules of your own as you proceed and experience first hand how these social networks operate in the real world. If you do, let me know what they are so I can include them in any future updates of this column.

Addendum: On May 26, 2010, Facebook publicly announced that it had added some new features that were intended to offer its hundreds of millions of users simpler privacy choices. CEO Mark Zuckerberg discussed the details regarding the enhanced, simpler privacy controls, the centerpiece change of which is a single page for setting Facebook information that is visible to just friends, friends of friends or the Web at large. Prior to this, Facebook had been pilloried by privacy activists and even slammed by some members of Congress due to an increasing public exposure of more of the user’s privacy data. According to Zuckerberg, there will be three basic changes: first, is a simple control to set who can see the content a user posts; second, they have reduced the amount of basic information that must be vis-

ible to everyone; and third, they have made it simpler to control whether applications and Web sites can access any of the user's information. It remains to be seen whether these modifications will be sufficient to restore the shaken confidence of their users in this social networking tool.

Featured Web Sites:

- ABA TechShow 2010, March 25–27
new.abanet.org/calendar/TECHSHOW/Pages/default.aspx
- Gizmodo—How to Clean Your Filthy Gadgets
gizmodo.com/5419737/how-to-clean-your-filthy-gadgets
- Office 2010 Is Coming—June 2010
www.microsoft.com/office/2010/en/default.aspx
Firefox for Lawyers
www.ncbusinesslitigationreport.com/2009/01/articles/why-firefox-is-the-best-internet-browser-for-lawyers

Life Insurance

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Mortality Ratio

The mortality ratio measures how accurately the carrier has estimated the deaths that will occur among its life insurance policy holders and, therefore, its benefits payout obligations. This ratio is computed as:

Mortality Ratio = (Death benefits paid minus reserves released at death)/Tabular Cost (Tabular Cost is the net amount at risk based on actuarial tables)

If the mortality ratio is rising, then the carrier's mortality experi-

ence could be getting worse. This could indicate an underwriting issue which ultimately impacts the profitability of the company. You want to see a mortality ratio that is low and going lower.

Insurance Company Financial Ratings

A carrier's financial rating provides a glimpse into what an independent financial evaluation agency thinks of a company's financial strength. The higher the rating, the better. However, ratings change. Indeed, last year, many insurance companies were downgraded by Moody's and Standard & Poor's—two of the major rating agencies.

Ratings change for a variety of reasons which increase the company's risk profile. Generally speaking it has to do with the amount of surplus the company is holding relative to the risks that it is taking in term of business risk and investment risk.

There are few major insurance carriers with the highest ratings from Moody's (Aaa) and Standard & Poor's (AAA). Along with ratings, see if the carriers in which you're interested have too many complaints lodged against them. State insurance commissioners publish the list of complaints ranked by the carrier's market share. It's easily accessible and demonstrates due diligence in evaluating your client's insurance carriers.

Client Circumstances

A critical component of any quarterly risk evaluation is your client's personal health situation. Any changes in a client's health—physical as well as mental capacity—will affect his or her insurance premiums and the

ability to get life, disability income, and/or long term care insurance coverage. Changes in either will have a negative impact on the estate plan you created and oversee. Definitely include questions regarding the client's health changes, changes in lifestyle, illnesses, family health history and the results of the client's last physical examination. Note the answers in the client's file.

Establish Procedures

Procedures for evaluating insurance carriers are a two-edged sword. First, the procedures must actually provide some level of assurance that the carriers are financially stable. Second, estate planners must actually follow the procedures and consistently document the results.

Go on the assumption that some formalized review is better than nothing. To establish your procedures, meet with the insurance agents involved. Explain that you are establishing quarterly review procedures designed to identify problems. Let them help you design a review protocol. Include at least the five measurements shown above. Add to that any negative press the carriers may have suffered during the preceding quarter that a prudent person would include in an evaluation. Google Alert is one such clipping service. There are many others.

Some estate planners get their CPA firms to assist in designing the review procedures. Once completed, your CPA firm may review the documented results and decisions made for thoroughness and presentation before it becomes part of the client's permanent file. Note that client files and everything in them are discoverable evidence in case of a lawsuit.