

THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

Five things lawyers should know about social media

"[S]ocial media is a shift in how people discover, read and share news, information and content. It's a fusion of sociology and technology, transforming monologues (one to many) into dialogues (many to many) and is the democratization of information, transforming people from content readers into publishers. Social media has become extremely popular because it allows people to connect in the online world to form relationships for personal, political and business use. Businesses also refer to social media as user-generated content (UGC) or consumer-generated media (CGM)."

— WIKIPEDIA ENTRY FOR SOCIAL MEDIA

Online interaction is now commonplace.

Networking sites, including Facebook, LinkedIn and Twitter, are becoming mainstream. Opportunities for attorneys to connect and interact with potential clients are endless.

Before jumping on the "social media" bandwagon, however, there are a few important things about social media that lawyers must comprehend. The failure to do so will result in unsuccessful and disappointing forays into the online marketplace.

Social media is useless without goals

Come up with a plan, then interact online.

Is your goal to appear higher in search engine results, showcase a particular area of expertise, or interact with other attorneys in the same practice area? Would you like to target local or national clientele?

The answers to those questions necessarily affect your overall social media strategy.

Learn about social media. Figure out how it works and how it can work for you. Then, implement a social media strategy that promotes your goals. Be patient. Results don't occur overnight.

Different social media sites serve different purposes

An entire firm does not need to actively participate in social media, but a few lawyers should be familiar with emerging Web 2.0 technologies and the ways in which those technologies can help and harm a firm's bottom line.

At the very least, all members of a firm should have online profiles which include their areas of practice posted at LinkedIn, Justia and Avvo. It's free to create profiles at those sites, and doing so allows you to piggyback on the SEO (search

engine optimization) of large, established sites.

Facebook is another site to consider. It allows lawyers to reconnect with people they've lost touch with, opening up an entire network of potential client and referrers.

If a lawyer enjoys writing and is passionate about a particular area of the law, blogging is the perfect way to showcase the lawyer's expertise and writing skills, while simultaneously increasing SEO (due to the unique characteristics of blogs) and humanizing the attorney.

Twitter is ideal for lawyers seeking to expand their national network, increase their exposure and connect with influential people in all major industries.

Lawyers don't have to participate in every form of online interaction, but one way or another, participate and ensure the chosen forums promote the firm's overall goals.

'Social media' is a misnomer

Some lawyers discount the potential of "social media" due to the incorrect assumption that it's got nothing to do with business and is all about socializing. This is a serious mistake.

All online interactions, whether they are with other lawyers, old friends, or people you've just met and with whom you share a similar interest have the potential to benefit your career.

Social and professional networking necessarily overlap. A person's interests are not limited to their profession unless, of course, the person is an unbelievably one dimensional and boring human being.

People are more than their careers. Lawyers are more than their law firms. Which brings me to my next point:

People want to hire other people, not businesses

While it is important to have a static website for your business, it is equally important for lawyers to cultivate a uniquely individual online presence as well.

The best way to do this is to take off your "lawyer hat". Talk to people, not at them. Interact, don't advertise. And, most importantly, share a little bit about yourself and your interests.

It is the overlap between the social and the professional that makes a lawyer more likeable, more approachable and more human.



By **NICOLE BLACK**

Daily Record
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Continued ...

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People want to pick up the phone and call a specific person — not an intimidating, faceless entity — when they have a problem. Large businesses hire law firms; people hire other people.

Lawyers cannot afford to be left out of the loop

Attorneys who successfully leverage social media tools to communicate, collaborate and network have a distinct advantage over those who don't.

Stand out from the crowd. Use online resources to your advantage. Take advantage of the opportunity to interact with

potential clients and referral sources.

Be patient, persistent and positive. Use social media wisely and narrowly tailor your online activities toward the pursuit of specific goals.

Take my advice and you will see results. I guarantee it.

Nicole Black is of counsel to Fiandach and Fiandach and is the founder of lawtechTalk.com, which offers legal technology consulting services and publishes four legal blogs, one of which is Practicing law in the 21st Century (<http://21stcenturylaw.wordpress.com>); she may be reached at nblack@nicole-blackesq.com.

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Promote your practice through social media

By **NICOLE BLACK**
Daily Record Columnist

Online identities are becoming increasingly important in the Web 2.0 world in which we live, along with the need to understand how to use social media to promote a law practice and manage online identities.

The Internet no longer is a quaint phenomenon, but rather an integral part of our daily lives, and the lives of our clients. People turn to the Internet for information, advice and social connections.

Career counselors were among the first to recognize the importance of responsibly utilizing social media and social networking to further one's career. They continue to be at the forefront of the movement.

The Rochester Institute of Technology's Office of Cooperative Education and Career Services, for example, recently hosted a program for alumni that focused on social networking and managing online identities. At that presentation, I served as moderator for a technologically astute panel of knowledgeable local professionals: Juli Klie, president of Veritor LLC and co-founder of Digital Rochester; Greg Taylor, the managing partner of Excelsior Search Partners, a recruiting firm; and Steven Tylock, author of "The LinkedIn Personal Trainer."

A number of the panelists said they believed a LinkedIn (www.linkedin.com) presence is the cornerstone of a professional online identity. Others, myself included, recommended the use of other types of online social media platforms, such as Facebook (www.facebook.com), Twitter (www.twitter.com) and blogs. All participants agreed each platform has unique benefits, depending on a user's goal — obtain a job, promote a business or network with other professionals.

The legal profession slowly, but surely, is beginning to realize the importance of an effective online presence. When I began my first legal blog, "Sui Generis," in 2005, only one other Rochester-based law blog existed. Since that time, a number of Rochester lawyers now blog. Two local law firms entered the blogging scene within the last year. Attorney Alexander Korotkin publishes the "Rochester



Family Lawyer" (rochesterfamilylawyer.korotkin-law.com/), which discusses recent state family law decisions and provides practical advice for clients and lawyers alike.

The newly established law firm Easton, Thompson Kasperek LLC recently joined the blogosphere as well. Its "New York Criminal Defense" blog (newyorkcriminaldefense.blogspot.com/) provides insightful commentary and analysis regarding New York appellate criminal law decisions from some of the most experienced criminal defense attorneys in Rochester.

Another lawyer, Elizabeth Randisi, who is associated with the Rochester law firm WeinsteinMurphy, posts regularly at "Sui Generis" (nylawblog.typepad.com) regarding trusts and estates and elder law issues.

Local lawyer Gregory Bell, an editor at Thomson Reuters, blogs about law and technology at "Practicing Law in the 21st Century" (21stcenturylaw.wordpress.com/) and also about blogs and another passion of his, the local Rochester jazz scene, at "Jazz@Rochester" (www.jazzrochester.com).

Blogs are not the only way to create an online presence, but maintaining an online identity, in one form or another, should be the crux of any law practice's marketing plan. People no longer reach for the Yellow Pages when they need an attorney. Instead, they ask friends for advice and seek information on the Internet. If your firm does not have an online presence that is easily located, without a doubt you are losing potential clients left and right.

Promoting a law practice online is a no-brainer. It's easy to create and manage an online presence using any one of the many free or low cost online platforms I've discussed. I assure you, the minimal monetary and time investment will be well worth the effort in the end.

Nicole Black is of counsel to Fiandach & Fiandach and co-authors Criminal Law in New York, a West-Thomson treatise. She also publishes a popular New York law blog, Sui Generis, nylawblog.typepad.com and a blog devoted to legal humor, Legal Antics, nylablog.typepad.com/legalantics.

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Are social and professional networking mutually exclusive?

By **NICOLE BLACK**
Daily Record Columnist

Last week I attended the LegalTech conference in New York City. LegalTech New York is sponsored by Incisive Media and focuses on distributing information about technology and law practice management.

While at the event, I attended a number of seminars regarding Web 2.0 and its application and uses in legal practice—specifically in law firms. A prevailing theme that emerged from many panelists is that online social networking and online professional networking are two very different beasts.

In fact, one of the panelists carried two Blackberrys with him wherever he went — one for his professional network and the other for his social network. His explanation for his dual Blackberry methodology is that it helps him keep the two networks separate.

I wonder whether his attempts to keep the two separate is futile, at best, and pointless, at worst. And, even to the extent that online networking can be confined to the professional sphere, doing so is short sighted.

Networking can be loosely defined as “an extended group of people with similar interests or concerns who interact and remain in informal contact for mutual assistance or support.”

The online arena is a perfect place to network and for that very reason online networking has become mainstream. Facebook now has more than million 36 million members, Linked In has 8 millions users and Twitter has more than 3 million and is increasing exponentially in popularity.

The number of online legal networks is increasing as well. Many new forums and networking sites devoted to the legal field have been launched in the last year, including include Lawlink (lawlink.com), Martindale-Hubbell's Connected (martindale.com/connected) and the American Bar Association's legal network, Legally Minded (legallyminded.com).

While it is encouraging to see established legal organizations attempt to participate in the Web 2.0 world, such forums are not, in

my opinion, nearly as useful as the mainstream networking sites.

Certainly useful information can be gleaned from the sites; however, busy lawyers have only a limited amount of time to devote to networking, and their time would be better spent at mainstream online networking sites.

Furthermore, attempting to limit online participation to networks devoted to the legal field is counterintuitive, as is attempting to separate so-called social networking from professional networking.

Social and professional networking necessarily overlap. A person's interests are not limited to their profession unless, of course, the person is an unbelievably one dimensional and boring human being. People are more than their careers.

Separating one's professional and social online identities and interactions is a mistake. It is the overlap between the two that makes a lawyer more likeable, more approachable and more human.

People would rather hire a lawyer who is person to whom they can relate — someone with whom they can connect — and understand. If you limit your social networking to a circle of people you already know, you miss out on the chance to interact with potential clients on a more personal level.

Successful networking, therefore, doesn't occur in such a delineated fashion and lawyers who believe that they can or should control and separate their online networks in such a way are missing the point. In the process, they're also missing out on opportunities to connect with others, including potential referrers and clients.

The social and professional arenas are not mutually exclusive. They can and should overlap since it is the overlap that makes all the difference.

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Waking the sleeping giant

By **NICOLE BLACK**
Daily Record Columnist

"A year ago [a law firm] commissioned a song celebrating [their nomination as one of the best companies to work for] ...

The law blog 'Above the Law' put the song on youtube.

Merriment ensued.

Then [the firm] found out that people were laughing at them.

So, they laughed and said 'Yeah, it is a silly song.'

No, of course not.

So they started to act like a bunch lawyers.

They sent YouTube a DMCA takedown notice. Youtube took it down.

That got [the firm] some attention. ...

Heck, nobody was even sure it was real. Until they lawyered up."

— YouTube video commentary (54,959 views as of June 5)

When I first started my New York law blog, "Sui Generis," in November 2006, very few lawyers knew what a "blog" was.

Quite frankly, not many lawyers actually cared.

Time has a way of changing things. The increasing popularity of social media, including the indisputable and viral effect of blogs, has finally caused those at the top of the legal profession to sit up and take notice.

The major impetus behind this change has been a number of notable public relations disasters occurring over the last year involving large law firms, that were, at the time, unfamiliar with the social media landscape.

The most notable incident, described above, involved a large firm's rather lawyerly response to the leak of a celebratory song commissioned by the firm. In another case, a disgruntled associate's parting e-mail to her former employer, Paul Hastings, was leaked on the internet, causing untold amounts of negative publicity for the firm.

These and other online public relations gaffes by large law firms over the past year have forced the legal profession to reluctantly acknowledge the existence and importance of blogs and other online social media, as evidenced by a recent New York Lawyer article: "Gossip Girls (and Boys): Blogs Bedeviling BigLaw."

As explained in the article, "The immediacy — and, at times, the brutality — of the media form is presenting a challenge for firms that are wary of their private matters entering the public domain."

For that very reason, that article notes that many large law firms, now painfully cognizant of the viral effects of online media, are trying to track blogs and other social media in an attempt to engage in damage control.

In response to the growing need to monitor social media, software companies have emerged which provide businesses with tools to track and measure what's being said about their company online in real time, such as Techrigr, a locally-based technology start up.

Techrigr provides SM2, a software solution, which allows businesses to search and analyze what is being said about their company and their competitors on blogs, message boards and forums, social networking sites, and video sharing sites such as YouTube.

It's inevitable. Companies such as Techrigr will be in increasing demand as the importance of monitoring online discourse becomes more apparent to businesses with reputations to maintain.

Technology is changing rapidly. Information is being exchanged online in ways not previously encountered or envisioned.

The legal profession has always been somewhat slow to embrace change. But, much like a slumbering giant, once awakened, it can be a force to be reckoned with. So, let the reckoning begin.

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Twitter 101 for lawyers

By **NICOLE BLACK**
Daily Record Columnist

While I've often repeated my recommendation that lawyers ought to take advantage of the networking and micro-blogging service, Twitter, I've yet to explain how to do so.

Not surprisingly, it is the "how" that matters because, at first glance, Twitter seems like anything but the wonderful tool that it is.

First things first — what is Twitter? Twitter is a free, Web-based communications platform that allows users to share information with others who have similar personal and professional interests. Users communicate using text-based posts ("tweets") of up to 140 characters in length.

Twitter currently has more than 3.2 million accounts registered, and its user base is expanding quickly. Companies and individuals use Twitter in a variety of unique ways, which are constantly evolving.

For example, large businesses, including Jet Blue and Wegmans, use Twitter to provide information and, occasionally, personalized customer service. Sen. Barack Obama's presidential campaign uses Twitter to connect with and update supporters. News outlets such as the BBC use Twitter to rapidly disseminate breaking news.

In some cases, news breaks on Twitter before the major news outlets report on it, which happened during the recent earthquake in California. California-based Twitter users were the first to "tweet" about the earthquake as they experienced it.

Of course, you're probably wondering whether Twitter has any value to you as a lawyer. It does. With Twitter you can network with other lawyers across the country and the world; promote your practice and its Web site or other online presence; receive news updates relevant to your area of practice and connect with potential clients or referral sources.

Twitter is an invaluable resource, as long as you know how to use it.

The first step is to create an account at Twitter.com. Make sure to choose a user name that is easily recognizable and promotes your practice.

The next step is to locate people and organizations you'd like to follow, including people you already know, those who practice in the same area of law, potential clients and users with similar personal interests. There are a number of ways to do this.

Locate people you already know by running your Web-hosted e-mail address through Twitter's system. (You'll be prompted to do so when you first sign up.) Once you've connected with people you know, check their follower lists and "follow" anyone who interests you.

Online directories, such as Twellow.com, conveniently categorize Twitter users for you. Review the directory to locate people with whom you'd like to connect.

Recently, two really useful lists were published by JD Supra.com (an online platform that allows lawyers, law firms and legal professionals to publish and distribute work online to a wide audience) at their blog, JD Scoop.

Both lists were created by Adrian Lurssen. The first is a list of "145 Lawyers (and Legal Professionals) to Follow on Twitter" (scoop.jdsupra.com/2008/09/articles/law-firm-marketing/145-lawyers-and-legal-professionals-to-follow-on-twitter). The second is a list of "Legal News Feeds on Twitter" (scoop.jdsupra.com/2008/10/articles/anothercategory/legal-news-feeds-on-twitter).

You also can search Twitter using Summize.com to locate people who are discussing topics that interest you. For example, if you're interested in wine, you can run a search for "wine" and other wine-related terms to locate other oenophiles.

After you've located people and companies, consider using a Web application such as Tweetdeck.com or Twhirl.com, which make the interface far more user-friendly by allowing you to organize and keep track of your conversations on Twitter.

Once you've set up an account and connected with a few people, start Tweeting about your day-to-day law practice, your firm's blog or other online presence, news of interest to you and your followers and any other topics that interests you.

Engage in conversations with other users by responding to their Tweets. Simply type "@username," then add your comment.

It only takes a short amount of time to set up an account and familiarize yourself with Twitter. Once you do, you may wonder how you ever practiced law without this amazing resource.

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The Court of Appeals 'gets it' when it comes to technology

It is indisputable that technology is changing the world and the practice of law. Technological advances have increased our ability to rapidly disseminate information, and lawyers and non-lawyers alike have used this to their benefit.

Of course the Internet is the obvious medium that comes to mind, but the advent of the fax machine was the beginning of a revolution in the rapid exchange of information.

For years now, lawyers have used the fax machine to communicate and to conduct business.

One lawyer's creative attempt to use this medium to share information with other lawyers resulted in a lawsuit against him that ended up before the New York Court of Appeals.

From 2003 to 2005, Andrew Lavoot Bluestone, a New York attorney and law blogger (New York Attorney Malpractice Blog, <http://blog.bluestonelawfirm.com>) who represents plaintiffs in attorney malpractice matters, used fax machines to distribute an "Attorney Malpractice Report" to other attorneys. The reports included short essays regarding attorney malpractice issues and included his firm's contact information and Web site addresses.

An attorney who had received a number of these reports commenced a lawsuit against Bluestone alleging violations of Telephone Consumer Protection Act of (TCPA) 1991.

Bluestone was represented on appeal by attorney Scott Greenfield, author of the well-read blog Simple Justice (<http://blog.simplejustice.us>).

Last fall, the Third Department concluded that Bluestone's faxes violated the TCPA:

"While Bluestone contends that his faxes were purely informational and do not explicitly offer services, his position defies common sense. The faxes at issue certainly have the purpose and effect of influencing recipients to procure Bluestone's services, which are for the specialized field of legal malpractice claims." *Stern v. Bluestone*, 47 AD3d 576 (Third Dept. 2008).

However, last week, the New York State Court of Appeals overturned the Third Department's ruling concluding that the primary purpose of the faxed reports was informational rather than promotional:

"We conclude that Bluestone's 'Attorney Malpractice Report' fits the FCC's framework for an 'informational message.' ... In these reports, Bluestone furnished information about attorney malpractice lawsuits; the substantive content varied from issue

to issue; and the reports did not promote commercial products. To the extent that Bluestone may have devised the reports as a way to impress other attorneys with his legal expertise and gain referrals, the faxes may be said to contain, at most, '[a]n incidental advertisement' of his services, which 'does not convert the entire communication into an advertisement' (*Id.*)." *Stern v. Bluestone*, 2009 NY Slip Op 04740 (2009).

This is an important decision for New York law bloggers, whose numbers have increased exponentially since I began blogging in 2005. Although the court's decision was limited to its interpretation of certain provisions of the TCPA, its rationale applies equally to the vast majority of law blogs.

The primary purpose of most law blogs is the dissemination of information. Like Bluestone's "Attorney Malpractice Report," blogs educate the reader about a subject matter that is unrelated to the self-promotion of the blogger.

Certainly increased visibility of the blogger is a byproduct of the publication of a successful blog; and as a result of that visibility, new clients may follow. But, that doesn't mean that the primary purpose of the blog is the retention of clients.

In comparison, I think that most people would agree that the primary purpose of television and radio ads, billboard ads, professional Web sites and yellow page ads is the retention of clients. Blogs are different because the primary purpose of blogs — sharing information — is separate and distinct from the self-promotion that is the essential element of most advertisements.

Thankfully, the court's decision in *Stern v. Bluestone* is a strong indication that the highest court in New York understands this distinction. The court understands that lawyers' creative use of emerging Internet technologies is, in many instances, simply an extension of traditional networking activities, including speaking at a seminar, authoring an article in a legal publication, distributing a newsletter via e-mail or joining a committee at the local bar association.

It's good to know that the highest court in New York "gets it." Do you?

Nicole Black is of counsel to Fiandach and Fiandach and is the founder of lawtechTalk.com, which offers legal technology consulting services and publishes four legal blogs, one of which is Practicing Law in the 21st Century (<http://21stcenturylaw.wordpress.com>); she may be reached at nblack@nicole-blackesq.com.



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Social media latest networking tool for lawyers

By **NICOLE BLACK**
Daily Record Columnist

“Social media is an umbrella term that defines the various activities that integrate technology, social interaction, and the construction of words, pictures, videos and audio. ... Social media or social networking (one example of social media) has a number of characteristics that make it fundamentally different from traditional media such as newspapers, television, books and radio. Primarily, social media depends on interactions between people as the discussion and integration of words builds shared-meaning, using technology as a conduit.”

— Wikipedia entry for social media

All lawyers understand the importance of networking.

Interacting with colleagues, current clients and potential clients is a surefire way to increase business opportunities and referrals.

In the past, networking traditionally occurred in many forums, including events sponsored by bar associations or other professional organizations, on the golf course or while participating in community activities. Not all lawyers relished the concept of networking, but the general school of thought was that it was a necessary part of doing business, and staying cooped up in an office day in and day out was counterproductive to rainmaking.

With the recent explosion of social media and online networking opportunities, however, traditional notions regarding networking may no longer be applicable. The time-tested, traditional methods certainly still apply, but emerging social media technologies are expanding networking opportunities exponentially.

Social media appears in many forms, including e-mail, blogs, online forums and message boards. The ability to network with other lawyers and potential clients from the comfort of your office, on your own terms and your own schedule, is now a reality.

The only drawback to this new form of interaction is that it is not time tested, and its effectiveness has yet to be proven. Nevertheless, opportunities to network online are increasingly available and lawyers who ignore the possibilities do so to their own detriment.

Examples of social media applications that facilitate professional and social networking include Facebook, LinkedIn and, most recently, micro-blogs such as Twitter.

Facebook (www.facebook.com), likely the most well known of the three networking sites, originally launched as a social network for college students, but was opened to the public in Sep-

tember 2006. While it remains predominantly a social networking site, it can provide valuable professional networking opportunities for lawyers.

Over the last year, lawyers have flocked to Facebook in droves and created networking groups centered around various areas of practice. It is a cost-free and useful way to meet other lawyers from across the country and to re-connect with law school and undergraduate colleagues.

LinkedIn (www.linkedin.com) is a free online professional networking site that consists of a membership “of more than 20 million experienced professionals from around the world, representing 150 industries.” Its primary goal is to increase business opportunities for members by providing the ability to connect with potential clients, employees, employers and other members of their profession. LinkedIn has been around for a while now and shows promise. Only time will tell if it will live up to its potential as a professional networking resource.

One of the newer, emerging technologies seeing a huge amount of growth is Twitter (www.twitter.com). In my opinion, it is one of the most promising professional networking resources available.

Twitter is a free networking and micro-blogging service in which conversations occur in, at the most, 140-character snippets. Once a member, you can locate others with similar interests or backgrounds through a directory such as Twellow (www.twellow.com), then follow and reply to Twitter posts.

There has been a great influx of practicing and non-practicing lawyers onto Twitter in recent months, allowing for exchanges on topics such as recent court decisions and law practice management. In addition to facilitating law-related discussions, Twitter allows member to get a good feel for the people with whom they converse, since posts also include people’s thoughts regarding their day-to-day activities and current events.

Emerging social media technologies are leveling the playing field and changing the way lawyers interact and network. Time-tested and proven networking methods should not be abandoned, but astute attorneys will recognize the potential for increasing one’s professional network by taking advantage of free, online networking opportunities.

Nicole Black is of counsel to Fiandach & Fiandach and co-authors Criminal Law in New York, a West-Thomson treatise. She also publishes a popular New York law blog, [Sui Generis, nylaw-blog.typepad.com](http://SuiGeneris.nylaw-blog.typepad.com) and a blog devoted to legal humor, [Legal Antics, nylablog.typepad.com/legalantics](http://LegalAntics.nylablog.typepad.com/legalantics).



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Technology (already) invades the courtroom

By **NICOLE BLACK**
Daily Record Columnist

I've said it before and I'll say it again: The times they are a-Technological advancements are affecting courtrooms across the country, much to the consternation of many in the legal profession who staunchly resist technological change.

Two recent events — a decision from Appellate Division, First Department and live reporting of a trial via Twitter — are further examples that technology is here, and it's here to stay.

At the end of December, the First Department handed down its decision in *People v. Wrotten*, 2008 NY Slip Op 10226. At issue in *Wrotten* was whether the trial court erred in allowing the complainant to testify at trial via two-way, televised video.

The court held that the trial court improperly admitted the testimony since New York statutory law did not specifically provide for it, but also noted: "At the very least, even assuming that [the] defendant's Sixth Amendment right of confrontation was not violated, she was denied a valuable component of that right. In our judgment, in the absence of express legislative authorization, depriving [the] defendant of a face-to-face meeting with her principal accuser — indeed, the person whose testimony was necessary for the prosecution to make out a *prima facie* case — tainted the fairness of the trial."

The majority and the dissent in *Wrotten* noted that for a variety of constitutional and procedural reasons, federal and state courts are split on the issue of allowing a witness' court testimony via a live, two-way video feed.

While the law regarding live televised testimony remains unsettled, one thing is certain: It's an issue that won't go away.

Another technology trend that only will increase with the passage of time is live reporting of trials via micro-blogging services such as Twitter.

Twitter is a free, Web-based communications platform that allows users to share information with others with similar personal and professional interests. Users communicate using text-based posts ("tweets") of up to 140 characters in length.

Twitter has more than 3.2 million accounts registered, and its user base is expanding quickly. Twitter can be used in a variety of unique ways, which are evolving constantly.



Courtrooms are not immune from the effects of the popular phenomenon, as reporters increasingly seek to use Twitter to report live in the midst of trials.

The most recent example occurred in a Colorado courtroom. Wichita Eagle reporter Ron Sylvester sought to post to his blog and Twitter throughout the trial. As he explained on his blog, *What the Judge Ate for Breakfast* (<http://blogs.kansas.com/courts/>), his intention to do so stemmed from historical tradition: "The notion of public courts predates our Constitution and even the Magna Carta. There are records of public trials following the Saxon invasion in England, where trials were held on the public square of villages. Our public squares now include Twitter."

Over the objections of both the prosecution and defense counsel, the trial judge allowed the use of cell phones and computers in the courtroom during the child abuse trial.

Last week, Sylvester chronicled the happenings of the trial. At one point, he posted on Twitter about an evidentiary issue: "Getting ready for pretrial hearing of George Tiller, Day 2. 9:58 a.m. yesterday from txt"

"Judge Owens has called the hearing to order. He is ruling on whether Kline has to turn over personal diary to Tiller's attorneys. 10:28 a.m. yesterday from txt"

"Kline gets to keep his diaries private. 10:32 a.m. yesterday from txt"

"Owens ruled that 'work product' applies to prosecutors, such as notes on opinions and theories of a case. 10:32 a.m. yesterday from txt"

Many found it fascinating to watch the trial unfold live, as it happened, rather than reading accounts of it after the fact. Technology made that possible.

Technology has invaded our lives, our homes, our offices, our courtrooms. Technological change has made a lot of things possible that once were unimaginable.

Technology is here to stay. There's no looking back. Let's accept that fact and move forward, shall we?

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