



## Law Student Perspective

by Tessie L. Smith

# The Digital Handshake

## How Law Students Can Protect Their Online Identities and Create a Professional, Personal Brand Online

**“Your first impression isn’t made with a firm handshake**  
—it’s with a Google search.” —Dan Schawbel<sup>1</sup>

Social media is increasingly becoming employers’ first stop for information on a job candidate before the candidate even sits down for an interview. In the legal profession, where litigators search the Internet for information about jurors, witnesses, and parties to a case, it is almost certain that they do their due diligence in researching law student candidates who may join them in practice. Employers are looking more and more to social media to gauge a candidate’s suitability for a given position, including how well a candidate will interact with co-workers and clients.<sup>2</sup>

Close to half of employers use social media sites to research job candidates, and an even higher percentage of employers will at least conduct a Google search to find information about candidates. Further, of the employers who screen job candidates using social media, about 50 percent have turned down candidates based on the content found. Some of the largest reasons include (in order of impact):

- Posting provocative or inappropriate photos or information
- Posting information about drinking or using drugs
- Bad-mouthing previous employers or colleagues
- Making discriminatory comments related to another’s race, gender, religion, etc.
- Lying about qualifications
- Sharing confidential information from previous employers<sup>3</sup>

However, law students may want to hold off deleting their profiles to avoid mishaps with potential employers. With more and more companies relying on Google and social media websites as a way of uncovering information, it can also be a red flag for the hirer who finds little to no information. Employers who aren’t able to find any information from a Google search of a candidate may question the candidate’s overall qualifications and ability to navigate the most recent technologies and trends. Career expert Dan Schawbel suggests that

job candidates maintain pages on Facebook, Twitter, and LinkedIn to remain worthwhile to recruiters.<sup>4</sup>

Although all employers hope to have ethical and responsible employees, legal employers have additional concerns when hiring a new lawyer, whether or not he will adhere to the rules of legal ethics. Across the country, legal ethics regulators have begun to pay close attention to the social media activity of legal professionals. They are monitoring what legal professionals are doing, how they are doing it, and why they are doing it. The way legal ethics rules apply to social media activities is quickly evolving, and responsible use of social media is becoming imperative from a legal ethics standpoint. With this in mind, a hiring firm does not want to worry about potential claims of ineffective assistance of counsel, legal malpractice, and other disciplinary actions when hiring a young, social-media-using lawyer.<sup>5</sup>

One rule in particular that maybe examined is a candidate’s ability to adhere to Model Rules 1.18 and 1.6. These rules strictly prohibit the disclosure of information regarding clients and potential clients. Rule 1.6 has further been explicated by American Bar Association in Formal Opinion 10-475, stating that lawyers are required to obtain consent before posting any information about clients on websites or blogs. A law student’s activity on social media and blogs may create a risk of disclosure of privileged or confidential information, whether that disclosure is intentional or inadvertent. For law students who have grown up in the era of over-sharing their day-to-day and work-related activities, the possibility of inadvertently breaking these ethics rules is sizable. A legal employer can simply check a law student’s social media profiles to evaluate how much the student shares and how he chooses to discuss his work. Additionally, in the worst scenario, a hiring law firm may find that the student has already broken this rule in his legal internships.

### How Can Law Students Protect Their Online Identities?

The concerns addressed above are not new. Law students are aware of some of the pitfalls that social media can have on their professional careers. Discussions of social media in law school often

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come with a ubiquitous warning. Career service officers, professors, and administrators caution students to be vigilant about what they post and about their general use of social media. They inform students of the negative repercussions that posts can have. However, there appears to be important information missing; no one really teaches students how to evolve their social media usage into something that can be both personal *and* professional. This leaves many students disjointed and wanting to disconnect by abandoning their social media accounts altogether.

Law students should not abandon social media when beginning their careers but instead should learn how best to use it in a professional manner. Abandoning social media could be disastrous in itself. Not only do many employers expect job candidates to be up-to-date on technology and social media platforms, but many firms are now using social media to market and network. Compared with a few years ago, lawyers and law firms are beginning to have a steady presence on all forms of social media, from Facebook and Twitter to personal blogs, with approximately 55 percent of law firms participating.<sup>6</sup> Law students would be remiss if they decided to expel themselves from social media to avoid having the personal aspects of their lives available online. Instead of giving up on social media altogether, law students should be taught how to balance a professional and personal approach to social media usage.

In fact, although poor use of social media can have negative repercussions and lose a candidate a potential interview, studies have shown that proper use of social media can have a positive effect on job prospects. The same study addressed above showed that 33 percent of employers have found content on a candidate's social media page that either made them more likely to hire or directly resulted in the hiring of a candidate. The following have been some of the positive attributes of a candidate's social media use:

- Providing a positive impression of personality and organizational fit within the company
- Containing information that supports the candidate's professional qualifications for the job
- Portraying a professional image
- Showing a candidate as well-rounded with a wide range of interests
- Displaying good communication skills
- Expressing interest by interactions with the employer's social media accounts<sup>7</sup>

This information, taken along with the fact that employers prefer a candidate to have some social media presence, makes it all the more clear that law students should *not* abandon or avoid social media to protect their online identities; rather, they should make better use of it to show their true personalities and develop a personal brand.

### **How Law Students Can Develop a Professional, Personal Brand**

A study published in 2012 revealed that scanning a person's Facebook page was as effective in gauging the individual's workplace performance as traditional personality tests that human resources companies have used for years. This study did not just focus on information that may disqualify a candidate for a job, such as photos of the candidate engaging in troublesome acts, but also on personality traits that employers would like in an employee, such as whether he was "social, curious, has interesting hobbies

or a sense of humor."<sup>8</sup> This study further shows that a law student needn't post only photos of himself reading or engaging in scholarly/professional behaviors, but he may show his personality and fun traits, too. The trick is figuring out a way for a student to present his "best, most employable self."<sup>9</sup>

### **Present Professional Personality Traits**

Social media sites can be a great place to show off positive qualities and personality. The *Journal of Applied Social Psychology*, which published the study mentioned in the paragraph above, has compiled a list of the "Big Five" personality traits that a person's Facebook profile can reveal.<sup>10</sup> They are conscientiousness, emotional stability, agreeableness, openness to experience, and extraversion. Law student candidates should attempt to portray themselves in a positive manner for all these traits. First, a student can show conscientiousness by posting thoughtful and organized material. For example, he can post purposeful content such as a news article with a thoughtful caption, taking the time to think of how the post will be perceived before publishing it. Part of being conscientious is also proofreading posts for grammatical and spelling errors before placing them permanently online. These same guidelines also apply to pictures that a law student posts. Next, to be viewed as having high emotional stability, a law student should avoid using social media as a way to vent his emotions. Similar rules should be followed to show agreeableness; here, a student should not post rants and condescending or negative comments attacking the views of others. He should show that he is respectful of others' opinions and can disagree in a civilized manner. To show the fourth personality trait, openness, a student should post materials that show his interests, whether it be sports teams, books or articles of interest, charities, or anything else that shows diverse interests. Finally, a student should attempt to show extraversion through his network of friends and willingness to post on other's content. Also note that although a student should attempt to bolster these personality traits, he should do so authentically.<sup>11</sup>

Students should not only attempt to maintain these five personality traits in their current posts, but they should also take the time to edit or delete old posts and pictures that may shed a negative light. If a suspect photo or post was made by a friend, then the student should kindly ask his friend to delete it. If that fails, privacy settings often allow a user to untag himself.

### **Keep Track of Your Online Identity Through Regular Searches**

It is a student's responsibility to be proactive in guarding his privacy and reputation. The student must realize how he is being perceived to optimize his online presence. To do this, open a private/incognito window to make certain that the search is free from any customization or past searches that may bias the results. Next, Google your name in several different variations (first, last, and any previous names or nicknames you may have). If you have a common name, try adding other identifiers that may distinguish you, such as your hometown, school, employer, etc. Examine the results that appear after each search; if your social media accounts appear, click on them to examine what information can be publicly viewed. Whatever you are able to find in this search is likely what an employer would be able to find. Take some time while you are conducting this search to think of how the information would be perceived by a potential legal employer. Would the content be likely to move your resume to the top of the stack or move it to the trash? Do you display the top five personality traits well? Re-

peat this step as necessary after adjusting privacy settings and over time to keep on top of your image.

### Know the Site's Privacy Settings, But Don't Rely on Them

What if the student doesn't want his pictures to be available to the public but also doesn't want to get rid of them? It is likely that there is way to hide your profile or pictures from public view. However, this rule contains a caution. Even with the most strict privacy settings on the account, the student should not abandon the other rules in this list. He should treat every post as if it is public and adopt the state of mind that whatever he posts to the Internet is there forever. Remember, online privacy is a misnomer. Social media sites are frequently changing the way a user controls privacy settings. Often, these changes can leave the user unaware that new material he posts may be completely public.

### Learn the Legal Rules of Ethics That Pertain to Social Media and Follow Them

Legal ethics rules are quickly evolving and dictating what a lawyer can and cannot post about his work. Students who use social media should attempt to stay on top of the ethics rules for their jurisdiction and attempt to follow these rules at all costs.

### Use Social Networks To Do Just That: Network

Finally, students should begin to use social media to further network with people they have met. Meeting attorneys and members of the bar and bench may be futile if the student does not follow up. One easy way to stay in touch with attorneys a student meets is to add them on social media sites like LinkedIn and to follow or like the attorney's firm on Twitter and Facebook. Finally, for sites that require direct networking with others in the legal profession, such as LinkedIn, the student should use a professional-looking photo as the profile picture. If the student doesn't have a head shot, he can see if anyone at his school, such as the school's event photographer or career services officer, can take one.

### Conclusion

With more employers looking to social media to gauge a candidate's qualifications for a job, following these guidelines will help job-seeking law students make the *right* first impression, regardless of how firm or lengthy his handshake may be. ☺

### Endnotes

<sup>1</sup>Laura Vanderkam, *How Social Media Can Affect Your Job Search*, CNN.com (Oct. 9, 2012), [www.cnn.com/2012/10/09/living/real-simple-social-media-job/](http://www.cnn.com/2012/10/09/living/real-simple-social-media-job/).

<sup>2</sup>Alissa Reyes, *Social Media Can Impact Future Employment*, THE CALIFORNIA AGGIE, (Feb. 14, 2014).

<sup>3</sup>*Number of Employers Passing on Applicants Due to Social Media Posts Continues To Rise, According to New CareerBuilder Survey*, CareerBuilder.com, [www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?sd=6%2F26%2F2014&id=pr829&ed=12%2F31%2F2014](http://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?sd=6%2F26%2F2014&id=pr829&ed=12%2F31%2F2014).

<sup>4</sup>Dan Schawbel, *How Recruiters Use Social Networks To Make Hiring Decisions Now*, TIME (July 9, 2012), [business.time.com/2012/07/09/how-recruiters-use-social-networks-to-make-hiring-decisions-now/](http://business.time.com/2012/07/09/how-recruiters-use-social-networks-to-make-hiring-decisions-now/).

<sup>5</sup>Christina Vassiliou Harvey, et al., *10 Tips for Avoiding Ethical Lapses When Using Social Media*, ABA BUSINESS LAW TODAY, [www.americanbar.org/publications/blt/2014/01/03\\_harvey.html](http://www.americanbar.org/publications/blt/2014/01/03_harvey.html).

<sup>6</sup>Menachem Wecker, *Law Students Should Embrace Social Media, Study Suggests*, U.S. NEWS AND WORLD REPORT (Sept. 7, 2012), [www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/09/07/law-students-should-embrace-social-media-study-suggests](http://www.usnews.com/education/best-graduate-schools/top-law-schools/articles/2012/09/07/law-students-should-embrace-social-media-study-suggests).

<sup>7</sup>*Number of Employers Passing on Applicants Due to Social Media Posts Continues To Rise, According to New CareerBuilder Survey*, CareerBuilder.com, [www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?sd=6%2F26%2F2014&id=pr829&ed=12%2F31%2F2014](http://www.careerbuilder.com/share/aboutus/pressreleasesdetail.aspx?sd=6%2F26%2F2014&id=pr829&ed=12%2F31%2F2014).

<sup>8</sup>Johs Sanburn, *Your Facebook Profile Can Predict Your Job Performance*, TIME (Feb. 22, 2012), [business.time.com/2012/02/22/your-facebook-profile-can-predict-your-job-performance/](http://business.time.com/2012/02/22/your-facebook-profile-can-predict-your-job-performance/).

<sup>9</sup>Dan Schawbel, *How To Shape Your Facebook Profile To Help You Land a Job*, TIME (Mar. 1, 2012), [business.time.com/2012/03/01/how-to-shape-your-facebook-profile-to-help-you-land-a-job/](http://business.time.com/2012/03/01/how-to-shape-your-facebook-profile-to-help-you-land-a-job/).

<sup>10</sup>See Donald H. Kluemper, et al., *Social Networking Websites, Personality Ratings, and the Organizational Context: More Than Meets the Eye?*, 42 JOURNAL OF APPLIED SOCIAL PSYCHOLOGY 1143 (2012).

<sup>11</sup>Dan Schwabel, *How To Shape Your Facebook Profile To Help You Land a Job*, TIME (Mar. 1, 2012), [business.time.com/2012/03/01/how-to-shape-your-facebook-profile-to-help-you-land-a-job/](http://business.time.com/2012/03/01/how-to-shape-your-facebook-profile-to-help-you-land-a-job/).

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While calls for term limits on the justices may grow louder in the coming months, casting aside lifetime tenure would be no easy task. It would require amending the Constitution, for which there are two routes. In one, a super-majority of votes in the House and Senate, followed by the approval of three-quarters of the states, is required. Seventeen amendments have been added to the Constitution since 1791

through this method. The other route involves a Constitutional convention, called by two-thirds of the states, a method never yet employed.

If an amendment were to be ratified about term limits for justices, it wouldn't be the first amendment to the Constitution about term limits. The 22nd Amendment, ratified in 1951, placed term limits on the office of the president.