

## Don't Be A Twerp When You Tweet

By [Robin E. Shea](#) on March 09, 2012

The *Wall Street Journal* has a feature on "[Five of the Costliest Tweets Ever](#)." (Subscription required, but I'll tell you all you need to know below.) This morning, Jon Hyman of [Ohio Employer's Law Blog](#) tweeted a link to a great flow chart from *HR Bartender* entitled "[Should I Send This Email](#)." Both are worth reading.

**Number 1** of the "Five Costliest Tweets" was, of course, our old friend, former Congressman Anthony Weiner. If you don't know enough to refrain from [tweeting what Wiener tweeted](#), then you probably don't read this blog, and it wouldn't do you any good if you did.



But Rep. Weiner aside, some of these tweets were not so *clearly* idiotic, and so they provide good lessons for employers and everyone else.

**Case No. 2** - A juror in a murder trial tweeted, despite the judge's instructions not to talk about the case. Now the convicted defendant gets a new trial at an estimated taxpayer cost of \$600,000. Pretty dumb of this juror not to listen to the judge, but [the tweet that was quoted struck me as innocuous](#) (if a bit self-important): "Choices to be made. Hearts to be broken. We define the great line." Criminal defense lawyers said the judge was right to order a new trial.

**MORAL: A running narrative of your life on social media\* is not only boring to everyone but you, but it will make your fellow jurors, who lost a week of work and agonized over a life-and-death decision for nothing, really mad at you.**

*\*Facebook users, you know what I'm talking about: "Doing laundry. Then gas and a cheeseburger at McDonald's. Weather today is partly cloudy." With photos of before-and-after laundry, gas pump, cheeseburger sitting on top of crinkled yellow wrapper, and a gray cloud.*

**Case No. 3 (employment related)** - Mickey Arison, owner of the Miami Heat, was fined \$500,000 by the National Basketball Association for tweeting about contract negotiations with the players, in violation of NBA rules. The *WSJ* didn't provide details, but according to [Bossip](#), Arison responded to a tweet from a disgruntled fan who criticized "greedy owners." Arison said, "You're barking up the wrong tree," which allegedly undermined the owners' claim to have a united front against the players. In another tweet, Arison was asked what he thought of Donald Sterling, owner of the LA Clippers, and Arison responded "lol."

**MORAL: When you're tweeting, don't be a maverick. Tehe - get it?**

**Case No. 4** - Spirit Airlines was [fined](#) \$50,000 for tweeting about \$9 one-way air fares from Los Angeles because the tweets didn't include the fine print about taxes and fees charged in addition to the air fares. C'mon, DOT, cut 'em a break - what are they supposed to do with only 140 characters?

**MORAL: Never tweet about air fares. You will never be able to fit all those required disclaimers in a tweet.**

**Case No. 5 (employment related)** - Octavia Nasr, a senior editor for Middle Eastern affairs at CNN, was [fired](#) after 20 years for tweeting that she was sorry a man had died and that she respected him "a lot." (*What?*) Well, it's like this. You see, it turned out that the deceased was an *ayatollah* who criticized U.S. foreign policy and, according to the *Wall Street Journal*, had expressed support for suicide bombings in Israel. (Oh.) Ms. Nasr apologized and explained that she respected him because he was relatively progressive about women's rights . . . (as *ayatollahs* go?). Her explanation didn't save her job. One of her bosses was quoted as saying that Ms. Nasr should not have made such a "simplistic" comment without "context." But, in Ms. Nasr's defense, how do you do "context" and "nuance" in 140 characters?

Answer: You can't. So if you have something "nuanced" to say, use another forum.

**MORAL: If you can't tweet ill of the dead, then don't tweet anything at all.**

**FREE BONUS POST!** Here are my top five email mistakes:

**1. Overuse of "Reply All."** Not everybody needs to know everything, *duh*.

**2. Hostility or argument expressed via email.** I don't think every substantive communication needs to be face to face, but if you have a problem or are in an argument with someone (or even think it may move in that direction), you should call or discuss it face to face. If the "real-time" discussion doesn't resolve the problem, then you might need to confirm that in an email, but keep the email courteous and constructive.

**3. Snarky comments in emails that are not attorney-client privileged.** Lawyers can get away with some snark (at least, when they're talking with or about client matters) because of the attorney-client privilege. But HR people and managers, and other non-lawyers, emailing among themselves, cannot. In more than one lawsuit we have had to turn over to our adversaries emails with snippy comments that the authors deeply regret having made in hindsight. When you're annoyed with an employee, use your mouth to get it off your chest -- don't put it in an email. I have yet to hear of someone being sorry that they *didn't* express a nasty thought in an email.

**4. Snarky comments about other people in emails, period.** Before you send an email, think about how you will feel if the person you are talking about gets hold of it somehow. Especially after you've made up. Or he gets a promotion and becomes your boss. This can and does happen. Is it worth it to

ruin your relationship with a co-worker so that you can vent a little in a "perpetual" format? Again, if you're frustrated, go run around the block, or vent some other way.

**5. Jokes (sexual, racial, ethnic, or otherwise), videos, chain emails, etc.** Need I say more?

**\*CONFESSION IS GOOD FOR THE SOUL:** At one time or another, I have violated every one of these five email rules. With the exception of sending chain emails, which are of the devil

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