

# Warning for Lawyers: Facebook Is Not Always Your Friend

By Donald Scarinci

Two New Jersey lawyers recently learned a valuable lesson when it comes to social media. While [sites like Facebook and Twitter can be an effective marketing tool for law firms](#), they should never be used as a weapon.

John Robertelli and Gabriel Adamo are facing ethics charges after allegedly asking a paralegal to send a Facebook friend request to the plaintiff in a personal injury lawsuit. The Office of Attorney Ethics maintains the request “was a ruse and a subterfuge designed to gain access to non-public portions of [the] Facebook page for improper use.”

As detailed by the [New Jersey Law Journal](#), the lawyers argue that they asked the paralegal to conduct general Internet research, but never asked her to send a friend request to the plaintiff. They also maintain they were unfamiliar with Facebook privacy settings and did not understand the distinction between what was public and what was private on the social media site.

Nonetheless, the [New Jersey lawyers](#) are facing a number of ethics violations, including rules governing communications with represented parties; failure to supervise a nonlawyer assistant; conduct involving dishonesty and violation of ethics rules through someone else’s actions or inducing those violations; and conduct prejudicial to the administration of justice.

*What should lawyers take away from this case?*

**1. Facebook is not the enemy.** It just must be used responsibly and within the confines of state ethics rules. Many state bar associations are offering advisory opinions and other guidance on the use of social media by attorneys, and it is a good idea to stay on top of legal developments in this evolving area of law.

**2. Public information is still fair game.** This case involved lawyers “friending” parties to the lawsuit. It is still perfectly acceptable to search for publicly available information about a current or potential party to litigation. Depending on a user’s privacy settings, some Facebook profiles can be found by using a simple Google search and can be viewed by anyone.

**3. Employee training can prevent problems.** The paralegal in this case likely did not know that what she was doing was wrong. To avoid the pitfalls of social media, it is important that everyone in the firm understand what is considered acceptable and unacceptable social media activity. A written social media policy is often the best way to ensure everyone is on the same page.