

INTRODUCTION

Once upon a time, there was no Facebook, LinkedIn, MySpace, YouTube, or Flickr—not even Twitter. Back in the “olden days” (less than a decade ago), “tweeting” was a sound that birds made; “connections” were made at the golf course, club, or a cocktail party; and “friends” were . . . well, friends. Some of you reading the terminology in the preceding sentences may be muttering to yourself something along the lines of “What the heck are they talking about?” But for others, it is undoubtedly difficult to remember a day without a new “friend” request, an interesting wall post or status update, a request to link in with a business acquaintance, a family vacation slide show, or an amusing (and maybe irreverent) tweet.

The continuing rapid growth of Internet technology has led to the rise of social media applications, which in turn has created a new way of socializing, conducting business, and marketing one’s self and profession that has redefined how we communicate with friends, family members, colleagues, clients, and acquaintances. Social media has even spawned a new “tech-lingo” that has turned *blogging*, *Facebooking*, and *tweeting* (never *twittering*) into verbs.¹

The growth of social media applications in the government context places an expectation on attorneys who work in or who provide counsel to the public sector to advise their organizations not only about the repercussions of the use of social media but also about members of the increasingly information-hungry general public, who similarly expect local, state, and even the federal government to use these technologies to more effectively disseminate information and allow a forum for comment. Indeed, social media provides the public sector a wealth of

opportunity to communicate with the public, with interested stakeholders, and with each other about new proposals and ideas. Additionally, social media may be used by all parties interested in public-sector decision making, including developers, applicants, individual advocates, nonprofit organizations, and governmental entities.

However, the general benefits of the use of these new technologies—which include the promise of greater transparency and greater public participation—must be weighed against the potential drawbacks, such as the truthfulness and accuracy of posted information, the source of the posted information, and the longevity of inaccurate information in cyberspace. Additionally, there are a number of professional ethical considerations for government attorneys and other public officials who choose to utilize social networking tools,² as well as a host of legal issues when local governments choose to create and host these sites.

The purpose of this book is to provide practical information to government attorneys and officials in their use of social media in the government context. In chapter 1 of this book, we explain what social media is and who uses it. We also provide examples of the most popular and widely used social media applications and sites. In chapter 2, we discuss how local governments can benefit from use of social media and give examples of how communities across the country implement social media in their communication activities. Chapter 3 delves into the legal issues that local governments can encounter and should be aware of in their use of social media, including a discussion of First Amendment issues, sunshine laws, and copyright and privacy concerns, among many others. In chapter 4, we discuss issues relating to usage of social media by public employees, whether at the workplace or on their own time. In chapter 5, we summarize some of the ethical issues faced by public officials in the social media context, including members of quasi-judicial boards and commissions, as well as municipal planners. In chapter 6, we discuss issues that government attorneys may encounter in their own use of social media. In the conclusion, we discuss the importance of adopting and implementing a social media policy to address many of the legal and ethical concerns discussed in this book. Finally, the appendixes provide a practical checklist that you can use to craft your own social media policy, as well as sample policies and an employee acknowledgment form adopted by cities and other local governments.

NOTES

1. See, e.g., Chichester in Partnership, *Social Media Jargon Buster*, FACEBOOK.COM (Feb. 24, 2011), http://www.facebook.com/note.php?note_id=190921660940372 (last visited May 26, 2012).

2. For example, ethical issues have already arisen from attorney and judge use (or misuse) of social networking sites such as Twitter, Facebook, LinkedIn, and Wikis. See, e.g., Robert L. Shaver, *Legal Ethics Rules Apply to Attorneys' Social Media and Websites*, IDAHO ADVOC. 16 (Feb. 2010).

<http://www.pbookshop.com>