

**Alabama State Bar  
2017 Annual Retreat  
Social Media CLE Materials**

# 1 How People Use Social Media

For many people, especially to those immersed in it, social media can seem ubiquitous. #Hashtags are everywhere and on everything. On TV, people have their Twitter handles on display below their name. Everyone knows that everyone else is on Facebook. The Internet, and social media, are here in a big way.

Every year, Kleiner Perkins releases an [Internet Trends Report](#) by partner Mary Meeker. [TechCrunch](#) calls it “the ultimate compilation of essential tech statistics.” Suffice to say, if you want to get a handle on where Internet technology is going, it’s a must read. But it’s lengthy, and there is lots of superfluous information in there that we don’t need. Let’s break out the essentials.

According to the report, roughly 40% of the population is on the Internet in some manner.

## **That’s a lot of people.**

There are 2.8B Internet users, & 2.1B Smartphones with Internet data subscriptions. In a lot of emerging markets, Smartphones are becoming often the only means of accessing the Internet. But in other places, notably the United States, it means people are using multiple devices.

Of the 280 million Americans using the Internet, they spend an average of 5.6 hours a day on the Internet.

## **That’s a lot of time.**

And 51% of that time is now spent on mobile devices. So no wonder Google rolled out a big update that [punishes websites who aren’t mobile friendly](#). Technology companies are also increasingly mobile-focused Facebook, Twitter, Apple, Google, and Microsoft. Particularly in stand alone app development. Why? In 2013, [Flurry](#) released a study of how users spent time on mobile devices:

The average American is on their phones about three hours a day. Of that time, 80% is likely devoted to app usage. Probably more than that as the above data is from 2013.

The 2015 Internet Trends Report also made something else clear: Communication is King. Six of the top ten most used apps globally were messaging apps. Three were social media services. The odd app out was a video game.

Also worth noting, Facebook owns the top four spots. Facebook owns Instagram, Messenger is their messaging app, and they [bought WhatsApp in early 2014 for \\$19B](#).

The Internet, and social media, is now where most of the communication between people (and businesses) takes place. When engaged in any type of litigation, lawyers need to be sure to include social media as part of the discovery process.

## 2 Demographics of Social Media Use

Before we get into specific services, let's take a moment to look at the *type* of people are on these services. Just a few days ago, [Business Insider](#) teased out a bit of their demographic research that looked at a variety of social media services. Looking at their breakdown, as expected, younger people are increasingly spending their time on more “visual” social media services – ones that focus on pictures and video, almost to the exclusion of text (the exception being Snapchat, which is more a messaging app than a social media service). The older, established social media services have more diverse user bases.

The [Pew Research Center](#) has also been tracking Internet usage, generally, and on social media services for some time now. In a recent study, they shared their research on the demographics of what they identified as the “top five” social media platforms. This research is based on American adults (18+) who use the Internet. The “top five” social media services among adults identified in their surveys and research are:

- **Facebook**
- **Linkedin**
- **Pinterest**
- **Instagram**
- **Twitter**

Facebook, while easily the dominant platform, still faces some competition from these other services.

Another significant factor to consider is also how frequently people use these services. Are they the type of thing that people pay attention to everyday or once a week? Again, we see Facebook being the dominant platform.

### **70% of online adults are on Facebook daily.**

Likely multiple times a day – between desktop and mobile devices. On the other services, daily usage falls off quickly, with LinkedIn coming in at only 13%.

Many adults only use one service (Facebook). To these people, Facebook IS social media. Nothing else is on their radar. But looking at the results from 2013 to 2014 it's clear that this is changing. As adults become more comfortable with social media, they are inclined to begin to explore other services. Children and young adults are likely already on multiple services already. The growth rate of using multiple services is among older adults.

But before we get into other services, let's start with the king: Facebook.

### 3 Facebook

The funny thing about [Facebook](#) at this point is that they sort of presume that you know what it is. That's how huge it is. Normally when you go to a new app, website, or service, they will have an "About" page explaining what it is. Or a video that gives an overview. Not with Facebook. If you visit Facebook not logged in, from a clean/no cookie browser, you get the following:

**"Connect with friends and the world around you"**

There is an About link at the bottom of the page, which takes you to a PR/brand page devoted to Facebook. At this point, Facebook is so ubiquitous and confident that they run with just the basic copy on the above page, along with subheadings of "see photos and updates," "share what's new," and "find more." Pretty nebulous really, but also essentially what Facebook it is.

It's a place where people go to see what's going on in people's lives.

It's your sister complaining about cleaning her house. It's a co-worker talking about being at a ball game the night before. It's your neighbor's photos of their grandkids. You already know about it because everyone you know is already on it.

**Facebook is a record of the past.** It is a digital scrapbook of kid's birthday parties, vacation & wedding photos, and birthday wishes. Facebook is also the news for many people, but not breaking news. It can be stories of significance and substance (a post on the debt Greek crises from The Economist, shared by your uncle), or the banal and forgettable ("You Won't Believe These 7 Things To Do To Lose Weight," shared by that one person you went to high school with and wish you hadn't friended).

Regardless, for many it has become manner in which they interact with other people online. Facebook is what AOL wishes it had become: the default gateway for getting online – **but in the specific context of knowing what is going on in people's lives that are relevant to them.** Facebook attempts to do this by relentlessly tracking every single interaction on the service. It tracks who you look at, how long you look at it, where you click, what you like, etc. Then it feeds all that information into algorithms that attempt to show you the most relevant information on your main page (along with advertising of course).

[Read more about Facebook at their Wikipedia Entry.](#)

## 4 LinkedIn

[LinkedIn](#) describes itself as “the world’s largest professional network with 300 million members in over 200 countries and territories around the globe.” LinkedIn also has a mission statement that might help give some insight: “connect the world’s professionals to make them more productive and successful. When you join LinkedIn, you get access to people, jobs, news, updates, and insights that help you be great at what you do.”

Yet, as I stated earlier, it’s pretty much just people’s online resume. Headhunters and job placement services regularly use the service.

LinkedIn is not only your resume, there are groups to join and discussion areas. These can be as broad as “Lawyers,” to as narrow as you law school’s alumni or a specific practice area and region. Yet, the vast majority of people on LinkedIn don’t use groups. Joining groups and then participating in them is opaque at best. LinkedIn is just not very intuitive.

LinkedIn is also very vanilla and corporate. There are no grandkid photos here. The majority of the information on LinkedIn is relating to business in someway. Career updates. An article someone has written on a specific industry. Job postings. It has become a sort of one-stop shop for news and information related to the users’ careers.

LinkedIn is also important because it tends to rank very highly in search engines. When someone searches for a specific lawyer, “Jane Doe lawyer,” a LinkedIn profile is often one of the tops results.

[Read more about LinkedIn at their Wikipedia Entry.](#)

## 5 Pinterest

Pinterest describes itself as “a place to discover ideas for all your projects and interests, hand-picked by people like you.” In search results, their brief tagline is “Discover and save creative ideas.”

Pinterest offers brand new users to their service with unique splash pages. Right away, Pinterest attempts to give people a sense of what it is about. Gardening, cooking, travel. It’s about much more than that really. Often times, **Pinterest is about the future**. It is where people place their hopes, dreams, and desires.

The garden they want to plant in their backyard, a recipe they hope to make, a destination they desire to travel to.

Pinterest is also heavily skewed towards women. The vast majority of users on the service are women. **Among adult women who use the internet, 42% of them have a Pinterest account.** That’s significant for advertisers who want to reach women, especially when they are “pinning” their hopes, desires, and dreams for all to see.

Really, Pinterest is just a way for people to save things they like or want from around the web. It’s a sort of visual bookmark system. Just like people used to save web pages they wanted to see again in their bookmark folder, now many people use Pinterest instead.

For example, Attorney Alice has decided she wants a new desk to go with her new office chair. Alice begins to scour the web looking at desks. She some she likes on Amazon, and hits the “Pin-it!” button on her browser, the image of the desk and other information are immediately whisked away into a “Pin,” that Alice can review later. She looks at Pottery Barn and Office Depot too. Now she has 1/2 dozen desks too look at. She can also explore similar items on Pinterest and create of visual collage of possible interests. Here the thing, **if you were a desk retailer, wouldn’t you want to advertise right next to this page?**

The answer, of course, is yes. But is that really relevant to lawyers and other providers of professional services? Do people create “divorce boards?” Are there corporate executives putting up “strategic catastrophe” boards where they list their companies weaknesses and fears? Not exactly.

But they might be posting information or ideas about what they are planning to do in the future.

[Read more about Pinterest at their Wikipedia Entry.](#)

## 6 Instagram

[Instagram](#) (“Insta”) is a mobile photo/video-sharing social media service that enables its users to take pictures and videos, and share them on Insta (it also integrates with a variety of social networking platforms, such as Facebook, Twitter, Tumblr and Flickr). Insta describes itself as the place to “Capture and Share the World’s Moments.”

What Insta really is, to be quite frank, is a set of photo “filters” that let people feel like they can take good photos. For a long time on all phones, not just smartphones, the camera application/utility was fairly basic. Only in the past few years have the sensors in phones become of a high quality enough to take decent pictures.

Even then, good photography requires talent. Framing, composition, arrangement all come into play. But these are things that can’t be corrected or fixed with software. Yet what you can effect with software is lighting, mood, and effects. These things used to be the sole purview of expensive photo editing software.

But when Insta came out, it came with “filters.” These are settings you can choose to overlay on a photo you take, in order to give it a different feel or mood. Suddenly, everyone felt like they could take artsy, comment worthy photos. It also piggybacked onto already existing social media services like Facebook and Twitter by easily allowing Insta users to post one photo to multiple services easily. In just a few months Insta shot over one million users.

Insta is incredibly popular with younger people. Whereas many older people tend to post their pictures solely to Facebook, the opposite holds true for younger people. It’s quite likely that younger people will post pictures exclusively to Insta and not anywhere else.

[Read more about Instagram on their Wikipedia Entry.](#)

## 7 Twitter

[Twitter](#), while having the lowest penetration among adults among these top five social media services, punches well above it's weight.

Twitter is on everything. Twitter is where #hashtags come from. Twitter is where people are discussing Super Bowl while it is being played. People are talking about the concert they are at. People share the story they just wrote, or the picture they just took.

### **Twitter is now.**

More so than any other social media service, Twitter is real-time. If you want the latest in breaking news, Twitter is where you need to be because it turns every user into a reporter. How real-time? Back in 2011, [a Twitter user inadvertently gave live updates during the assassination of Osama Bin Laden](#). He didn't realize it until nine hours later. Even then, when the news did break, [it was on Twitter, not on cable](#).

When user makes a post on Twitter (a "tweet"), it might be their brief thoughts on topic (Twitter posts are limited to 140 characters), or a photo of their lunch, or a video of a parade they are attending. It is a window into a small slice of someone else's life.

People on Twitter tend to follow news sources, celebrities, friends, and acquaintances that share news and information relevant to their interests. And because Twitter is so fast and so powerful, it tends to attract sort of social media "power users," people comfortable with managing and self-organizing their information.

Twitter is also more "open" than the other social media services. By default, a user's profile is public and anyone can access it. So it is much easier to stumble into people and conversations that you aren't a part of. This sort of "organic discoverability" sets Twitter apart from the other social media services. As a result, Twitter is an incredibly strong driver of traffic. If something becomes popular on Twitter, and there is a hyperlink to a particular website, that site can likely expect a high degree of traffic.

[Read more about Twitter on their Wikipedia Entry.](#)

## 8 Messaging Services

While many people might not think of texting as a social media service, increasingly it is. While older adults generally rely on the stock, built-in SMS messaging systems that come with their phones, younger people have flocked to third party apps. These services might focus on messaging at their core, but all of them continue to evolve into stand-alone social platforms.

### **WhatsApp**

[WhatsApp](#) is free to use for the first year, afterwards it costs \$0.99 a year. In countries that still charge fees per message sent, this is huge. The app is incredibly easy to use and has a broad array of features for all types of media messaging. It has an installation base of over 450 million people. Facebook paid \$19 billion to acquire the company.

### **Facebook Messenger**

Facebook has their own messaging app of course. [Facebook Messenger](#) is a dedicated messaging app that uses your Facebook account and friends. It just crossed over 700 million users a few weeks ago. If you use Facebook on your phone and ever want to message with other people, you use this app.

### **Line**

[Line](#) is another app that also reached a milestone, crossing into over 300 million users. Users can send free text and voice messages, record/share movies, and make free voice and video calls between users. Users can also call non-Line users for a fee. Big in Asia.

### **KakaoTalk**

[KakaoTalk](#) is a messaging app that is big in Asia, but is increasingly gaining foothold around the world. It has around 150 million users. Users can make free calls and send messages, as well as share photos, videos, voice messages, location, and contact information. It also enables users to play games, follow celebrities and brands, receive coupons and purchase real world goods.

### **SnapChat**

The reigning champion of self-destructing messaging, [SnapChat](#) is a media-rich messaging app that deletes users' "snaps" (messages) after 10 seconds. In 2014, Snapchat stated that its users were sending over 700 million photos a day. Huge with anyone under 20.

### **Telegram**

[Telegram](#) is for people who want to make their messaging secure. Telegram features encrypted chat messaging and client-server encryption for chats. There is also a Secure Chat mode that provides end-to-end encryption, preventing anyone from snooping on your messages. The app also has a "self-destruct" setting akin to SnapChat, which makes messages readable for only a short time before deleting themselves from both phones.

### **CyberDust**

Another entry in the security and privacy conscious realm of communication, [CyberDust](#) offers encrypted, self-destructing messages that can include a variety of media. Unlike some issues that have been reported with other self-destructing messaging apps, Cyberdust is adamant they store nothing and all data about a message is deleted after 30 seconds.

## 9 Multi-Media Services

You'll note that as we move through many of these services, that they won't seem to be "social media" as you might traditionally think of it (i.e. – Facebook, Twitter, etc). **But, that's because all media on the Internet is social. There is no non-social media online.** Even if a service has no community or sharing functionality built-in, people will build communities around it in other places. Turn off comments on a blog? People go to Twitter or Reddit to talk about it. Conversations about media spiral off into far corners of the Internet.

With that note, let's look at the media focused services.

### Youtube

At this point, everyone should be familiar with [Youtube](#). It's the largest video sharing site in the world. Also, it's the second largest search engine in the world by number of queries it handles per day (behind its parent company, Google). How popular is Youtube? **It has over a billion users and they upload 300 hours of video every minute of the day.** There are other video centric services, but they all fall far short of Youtube. It's also popular among lawyers. Many lawyers record videos on topics related to their practice (though most of these are bad), upload them to Youtube, and then display them on their firm website.

### Flickr

One of the oldest and largest dedicated photo sharing services, [Flickr](#) has been in continual operation for eleven years. It hosts over six billion images. Still popular but lagging behind due to Facebook, Google Photo and other services that host photos. Regardless, Flickr remains the best place to go for [CC licensed](#) images for use in social media or other projects.

### Periscope

[Periscope](#) enables you to broadcast live streaming video from your smartphone to the world.

Competitor [Meerkat](#) launched first, but Periscope offers lower latency (video is not delayed as much) and is backed by Twitter, giving it an immediate boost in popularity. These services allow anyone to be a live reporter of breaking news...or just broadcast themselves eating cereal. They also give rise to [incredible piracy problems](#) with movies and tv, but especially with live sporting events. Thousands of people watched the Mayweather-Pacquiao match on Periscope via users who simply pointed their smartphones at their TV.

### Soundcloud

Based out of Berlin, [Soundcloud](#) has become the leader in hosting audio-related content. There is a lot of music on the service, but it is also becoming a home for many podcasts. Users upload around 12 hours of audio every minute. It also lets people share unique URLs that link directly to a specific timestamp on a piece of audio. This feature has made it popular for sharing on other social media services.

## 10 Discussion Services

While the hum of conversation is constant across all of social media, there are some services that dedicate themselves to conversations exclusively. These services attempt to become the centerpiece for people looking to talk about a variety of issues or topics. These services are largely text oriented and focused on in-depth conversations between users.

### Reddit

The self-described “[frontpage of the internet](#)” – and in many ways, it is. Any time you see a picture, meme, or video become popular on Facebook, it was likely on Reddit a couple of weeks ago. It has a discussion centric interface that leads to thousands of comments on any given post. That being said it can also be difficult to penetrate its user interface and culture. Reddit is one of the top 100 websites in the world and hosts thousands of “sub-reddits.” These are forums dedicated to a single topic. These forums can be as broad as [r/pics](#), with nearly 9 million subscribers, to the terrifically narrow such as [r/TaydolfSwiftler](#), dedicated to pictures of Hitler with quotes from Taylor Swift superimposed on them (over 10,000 subscribers).

Lawyers might want to check out [r/Law](#) (40,000 subscribers).

### Quora

[Quora](#) is a discussion platform focused on Q&A. People submit questions and users can provide answers. It’s attracted a fair bit of attention over the years, but has never really “broken through” to get mainstream attention. That being said, there are many well known experts in a variety of fields on the platform and it can be a good source of learning. There are a fair number of lawyers on the service.

### Disqus

This is a bit of an outlier, but [Disqus](#) is increasingly becoming more social and appearing on more sites across the web. Disqus is a commenting platform that replaces the default comment system on websites. Users can follow other users’ comments not just on a single site, but around the web. If you’ve commented on websites in the past, there is a good chance you have a Disqus account even if you don’t know it.

### Slack

Slack is a cloud-based team collaboration tool. It was originally patterned after older Internet Relay Chat. Now, Slack has morphed into an all-in-one communications and messaging platform that is heavily relied on by IT companies and distributed teams.

## 11 Anonymous Services

With all this social activity, much of it tied to an individual's real name and identity, people have realized they need to be careful how they conduct themselves online lest they become victims of the [Streisand Effect](#). This is especially true for younger people who came to realize that being on Facebook, etc. is great...except that their parents, teachers, and everyone else they know is one there as well. **It's difficult to cut loose, gossip, and be yourself when all the adults in your life are looking over your shoulder.** This has given rise to Anonymous Social Media.

These services still provide social interactions, but no one is forced to use their real identity. Nor are you required to create any sort of profile. Simply download the app and you can jump right into conversations (you'll be assigned a randomized username). If you're in an office park and use one of these services, you might not see much on these services. But get near a local University or high school and you'll be deluged with posts.

### **Whisper**

One of the original anonymous social media services, [Whisper](#) lets you upload a few sentences in block letters over stock photography – think [memes](#). Posts with names are banned and it also allows you to only see posts by people within 1, 5, 15, 25, and 50 miles radiuses as well as popular posts on the service as a whole. The focus on close geographic proximity allows people to essentially “gossip” or blow off steam while the message still reaches people close to them – a huge boon in settings such as high school and college.

## 12 Blogs

Finally, we have blogs. Blogs are platforms that allow users to publish text, images, video, etc. on whatever topic they wish. Blogs leveled the playing field regarding news dissemination and have become a source of knowledge and expertise across almost every industry. For lawyers, a blog is sort of a “homebase.” You can be on Facebook, Twitter, and the like, but eventually you are going to want to point people back to a central point that you can control and display long form content. For example, these past few posts have all been over 2000 words. They wouldn’t fit on any social media service. Instead, the social media services are a means to promote and publicize this material, and funnel people to the blog. **For lawyers looking to use social media services as a means of displaying expertise or generating business, this is the manner in which you will use social media.**

### Medium

Medium has become quite popular in a short period of time due to its simple user interface and pleasing layout and themes. Posts are sorted by category and not by writer. It has a very organic “discovery” experience that naturally leads readers to new content. Nothing posted to Medium exists independent from the Medium.com platform. That is, the content is hosted there and users have little control over it.

### Tumblr

Tumblr is one of the most popular blogging platforms for young people. As of June 2015, they reported hosting 238.8 million blogs. These can range from extensive collection of a [90s cyberpunk future that never was](#), to [Minecraft updates](#) to [drunk furniture](#) and everything in-between. It’s image/gif centric and users often “re-blog” other’s updates. A library of rabbit holes for the Internet’s hivemind.

### WordPress

WordPress is the largest blogging platform in the world, and used by more than 23.3% of the top 10 million websites as of January 2015.

Users can use the hosted [WordPress.com](#) service or install the [WordPress software](#) on a hosting provider of the user’s choice. WordPress is the most robust blogging platform out there and users can do pretty much anything with it. At this point, the majority of all blogs are hosted on WordPress. If someone wants to start an independent blog, WordPress is what he or she’ll likely go with.

## About Keith R. Lee

Keith is the founder and editor of [Associate's Mind](#), one of the most popular legal blogs in the US. Associate's Mind has been linked to by the New York Times, the Wall Street Journal, Washington Post, BBC, ABA Journal, and many other media outlets. Associate's Mind was selected as one of the "Blawg 100" by the ABA Journal for 2011 and 2016. Keith also wrote a weekly column for [Above The Law](#) for many years.

Keith is the author of [The Marble and the Sculptor: From Law School to Law Practice](#), published by the American Bar Association. He is currently working on another book that will be published in the future.

Keith was also selected to serve on the Editorial Board of the ABA Young Lawyers Division magazine, *The Young Lawyer* for the 2013-2014 session. He served as an advisor to the ABA YLD Assembly Speaker 2014-2015. In 2016, Keith was selected to be the co-chair of the Birmingham Bar Association's Transitions Committee.

He currently serves as a consultant and an advisory member to [IAALS'](#) Foundations For Practice initiative.