Effective Legal Tweets to Avoid Sounding Like a Twit!

Atticus Graduate Network
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Helping Individuals
Cross Thresholds to New Lives

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[2] **This article is offered only for general informational and educational purposes. It is not offered as and does not constitute legal advice or legal opinions. Although we intend to keep this information current, we do not promise or guarantee that the information is correct, complete, or up-to-date. You should not act or rely upon the information in this article without seeking the advice of an attorney.**

1. What is Twitter?

Created in 2006, Twitter is a ***free*** social networking and microblogging site that lets you communicate and stay connected with people you choose to "follow" and those who choose to "follow" you.

"Twitter is a service for friends, family, and co-workers to communicate and stay connected through the exchange of quick, frequent answers to one simple question: What are you doing?"[3]

"The essential purpose for lawyers and other professionals is to keep connected to friends, acquaintances, clients, and prospects. Lawyers may wish to use Twitter to share information on developments in their practice area or news regarding their activities. The benefits include increased visibility within the lawyer's professional sphere."[4] However, in some states, such as South Carolina, attorneys must be very cautious not to promote themselves or appear to solicit business through any social media. Otherwise, such actions are considered a violation of South Carolina's Rules of Professional Conduct 7.1b-e.[5]

Twitter Stats:

- Most people on Twitter are between the ages of 45 and 54.[6]
- According to ComScore, Twitter had 4,033,000 US visitors in Feb 2009 but by April had 9,313,000 US visitors - an *increase* of **131%.**[7] By the end of May, 2009, Twitter was reported to have 32.1 million users worldwide.[8]

2. How does it work?

Twitter is an online community where members can post messages to the Internet. Messages are short and limited to only 140 characters. (i.e. spaces). Thus, making your point succinctly is key. However, you can also provide a

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[3] LexTweet is a service of LexBlog. http://www.lextweet.com/faq

[4] Stephen C. Bennett, "Look Who's Talking: Legal Implications of Twitter Social Networking Technology," NYBSA Journal, May 2009, at 11.

[5] Note that Rules 7.1b-e are not part of the Model Rules of Professional Conduct.

[6] ComScore Releases Surprising Twitter Statistics, http://blog.searchenginewatch.com/090408-122803 (Accessed April 8, 2009).

[7] ComScore Media Metrix Ranks Top 50 U.S. Web Properties for March 2009, http://www.comscore.com/Press_Events/Press_Releases/2009/4/Twitter_Traffic_More_than_Doubles/(language)/eng-US (Accessed April 22, 2009).

[8] Mark Evans, *How Many Users Does Twitter Really Have?* http://www.twitterrati.com/2009/05/27/how-many-users-does-twitter-really-have/ (Accessed August 3, 2009).

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link to a much longer article by including the URL in your post. More about this later.

3. Will Twitter really help me professionally as a divorce attorney?

- Twitter and other social networking technology are unfamiliar to many attorneys, but it is here to stay in one form or another. Taking advantage of the fact that Twitter is so new will allow you to benefit in several ways:
    - You will have a better selection of usernames. But beware of using names such as "Best Divorce Attorney" or a name that promises an ability to obtain certain results.
    - You will be able to create a large following early on.[9]
    - You will benefit from "top of mind" awareness (being the first divorce attorney that comes to mind) from potential clients without soliciting business but because of your mere presence.

- Social networking websites rank high in Internet searches so joining Twitter, LinkedIn, Facebook, Plaxo, and others, increases your search engine ranking and helps set you apart from other attorneys *for free*.

- It is important for lawyers to view Twitter as a publishing tool rather than a marketing tool.
    - Lawyers are often too busy to truly understand all aspects of marketing themselves and their firms. If you are not savvy at creating marketing tools such as websites and advertising, it is unlikely that you will have much success marketing yourself or your firm on Twitter, and the pitfalls of posting tweets that might violate ethics rules in some states are great.
    - As a publishing tool, Twitter allows one to learn about your followers, find out what they care about and find a way to supply it to them with helpful information, or point them in the right direction. It's not about what you have, but what your followers need.[10]
    - Build your personal brand through what you tweet.

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[9] Stephen C. Bennett, "Look Who's Talking: Legal Implications of Twitter Social Networking Technology," NYBSA Journal, May 2009, at 11.
[10] Jordan Furlong, April 27, 2009.

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- Tweeting puts your name in cyberspace 24-7. Thus, if you pick a name relevant to Family Law, Divorce Law, Adoption Law etc., your name alone identifies the area of law in which you are interested.

- Creating a custom Twitter page that includes your website address and other contact information can help direct potential clients to your website, so followers learn more about you professionally.

- Social networking also allows you, as a user, to access volumes of information and resources useful to your practice.

- Providing current articles, information, and case law indicates you are someone with valuable resources in a practice area without screaming, "I am a great custody lawyer."

- Tweeting also helps connect you with other attorneys to build relationships with colleagues of similar interests. New social networking technologies have made lawyers recognize their interdependence with other professional disciplines, even if they never choose to actually use the technology with which they must become familiar.[11] For example, lawyers may benefit from the advice and information posted by forensic computer experts, forensic accountants, transcriptionists, therapists, etc. that they would not otherwise find so easily by simply searching the internet.

- Posting on Twitter makes it easy to ask questions and obtain answers from a large audience.

- Tweeting and other social networking can even help notify others in the event of emergencies such as court closings or severe weather updates.

[11] Stephen C. Bennett, "Look Who's Talking: Legal Implications of Twitter Social Networking Technology," NYBSA Journal May 2009, at 13.

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Many state bars and local courts are already using Twitter.[12] The following are a few examples; some are active; some are not.

- Arlington County (Va.) Bar Association, @arlingtonbar
- Bar Association of San Francisco, @sfbar
- Beverly Hills Bar Association, @bhba
- Boston Bar Association, @BostonBar
- Boston Bar Association, Business Law Section, @BBABusinessLaw
- Colorado Bar Association CLE division, @cleincolorado
- Columbus Bar Association, @ColumbusBar (Over 400 followers)
- Connecticut Bar Association @CTBar (160 followers)
- Denver Bar Association, @DenverBarAssoc
- Federal Bar Association, Oregon Chapter, @FBAOregon
- Los Angeles County Bar Association, @LACBA
- Minnesota State Bar Association, @mnbar
- New York State Bar Association, @NYSBA
- Ohio State Bar Association, @OSBA
- Oklahoma Bar Association, @OklahomaBar (608 followers)
- Oklahoma Bar Association CLE, @OBACLE
- South Carolina Bar Association, @SCBar (301 followers)
- State Bar of Texas, @statebaroftexas (667 followers)
- Virginia State Bar, @VAStateBar

On the local Bar Association Twitter sites, you can:

- Learn from experts regarding software, hardware, marketing, web designs, in addition to useful legal information.

- Promote an event or seminar by tweeting about event.

- Distribute news about your firm **that does not solicit business for your firm.**

- Locate experts, businesses, etc. in various areas of the country as well as highlight those at your back door.

- Rank higher in search engine results when you are involved with multiple social media profiles.

[12] Article that lists Bar Associations that are on Twitter. http://tinyurl.com/cqcqal

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4. How to sign up and get started:

- Go to www.twitter.com. Click on "Get Started--Join!" in the green box.

- Enter your Full (i.e. real) Name

- Choose a user name:
  - Unless you have built a personal brand around a name other than your own (e.g., @OKAdoptionLaw), using your real name is a good idea- it is is your brand, after all![13]
  - Also, since few lawyers have signed up for Twitter, great names are still available.
    - My Twitter name is "ComplexDivorce"
    - My team members in my office use the following names:
      - FamLawParalegal
      - FamLawAssistant
      - SCDivorceAtty
      - SCDivorceLaw
      - SCDivorce

- Create and enter a **secure** password
  - Don't share your password with any suspicious third-party sites or new pop-up applications.
  - Don't use the same password for Twitter, email, online banking, etc., so if someone hacked into your Twitter account, they would not have a universal password for all your online accounts.

- Enter the E-mail address where you want updates sent

- Identify the security image to verify this is a legitimate new account

- Create your account!

[13] Steven Matthews, "Lawyer Twitter Practices: 29 Do's and Don'ts," http://www.slaw.ca/2009/04/25/lawyer-twitter-practices-29-do%e2%80%99s-and-don%e2%80%99ts/ (Accessed April 25, 2009).

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- Once your account is created, Go to Settings:

    - Add your picture.
    - Choose your time zone.
    - Enter your website.
    - Enter your bio information: You only have *160 characters* so get to the point. Address who you are, what you do, and include great keywords people are likely to use when searching for information on topics about which you will write. I only wrote "Complex Divorce/Custody Attorney" because my custom background provides more information about me.
    - Choose your location: This helps establish you in your local community.
    - Choose your preferred language.
    - Decide whether or not to protect your updates. If you want people to follow you, checking this box is a mistake.

- Customize your background: I hired Adriana Linares to help me with mine. (She also designed my Professional Facebook page.)

    Adriana Linares
    LawTech Partners, Inc.
    407.583.6811
    alinares@lawtechpartners.com

- Start Following People:

    Upon signing up, Twitter will automatically offer to help you locate people you through searching your email (provided you use a web based email such as gmail, yahoo, aol, hotmail, & msn, etc.). However, most law firms use Outlook for email, so this service may not be particularly helpful to you, but there are numerous other ways to find people to follow.

    I started following people by checking out who my friends were following and that gave me great ideas about people I would want to follow.

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5. Searching on Twitter

A. Search Features:

Twitter's search feature is plagued by problems so try these search alternatives:

www.twellow.com is "a search directory of people by area of expertise, profession or other attribute listed in personal profiles on Twitter."

www.tweetdeck.com is very helpful. Not only does it have a great search engine, but it keeps you organized (compared to basic Twitter) because it allows you to have up to 10 columns which you can follow twitter, facebook, direct messages, and even conferences all on one page.

www.outtwit.com uses Outlook to manage Twitter. (Personally, I have trouble managing the e-mails I already receive so getting hundreds more as tweets does not appeal to me, so I do not use this application.)

www.search.twitter.com

Features:

- Update your Twitter status directly from Outlook.
- Receive your friend updates in Outlook.
- Archive, manage, group and search your tweets the same way you manage your email.
- Search, track keywords. OutTwit will automatically download ALL tweets matching the keywords you specify, even if you are not following the tweet sender. This feature is perfect for keeping up-to-date with the Twitter buzz on your name, brand, interests, etc.
- Group tweets by sender, topic, etc using the Search feature.
- Upload and post picture files and Outlook email attachments.
- See new tweets at a glance.
- Assign custom folder and categories to new messages.
- Use Outlook's "Reply" and "ReplyAll" commands to send twitter direct messages and @replies.
- Automatically sort new tweets into per-sender folders.
- Shorten URLs with tinyurl.
- See graphs of your Twitter usage statistics.
- Tweets sent to you (@replies and direct) are marked with high importance, so you can see them at a glance.

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B. More on Searching:

By place: go to www.localtweeps.com where you will be prompted to enter your zip code to find local tweeters.

By industry:
www.LexTweet.com
www.legalbirds.justia.com allows you to search for attorneys on Twitter by practice area.

By keyword: www.twellow.com is the "Twitter Yellow Pages."
Lee Rosen, a well-known divorce attorney from Raleigh, NC has 21,088 followers as of August 3, 2009, and Steve Worrall from Marietta/Atlanta, GA has 3,552 followers.

By recommendation: www.mrtweet.com makes recommendations on whom you should be following.

By popularity: www.twitterholic.com lists users with the most followers.

Also keep an eye out for any references or "**chicklits**" to Twitter that people include in their email signatures, on their facebook accounts, linkedin site, myspace, blogs, websites etc. This is commonplace now and is an easy way to connect to someone on Twitter or other social media sites to follow them!

C. Twitter Terminology

Your Timeline: shows tweets by all the people you follow. Also includes responses that have been directed at you, including people you may not follow.[14]

Tweet: when you post to Twitter, you only get to write a message with a maximum of 140 characters, including spaces.

Here are some examples of a few of my posts:

[14] Scott Allen, "A Twitter Mini-Guide: 60+ Useful Twitter Resources," http://www.hybrid6.com/webgeek/2009/01/a-twitter-mini-guide-60-useful-twitter-resources.php (Accessed Jan. 30, 2009).

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My second "tweet example" references a very short "url." This was created by going to the website www.tinyurl.com and inserting a long url and the sight automatically shortens the long string so it fits on your tweet! This is particularly helpful when re-tweeting since your limited to only 140 characters.

> To Shorten a URL: Highlight the long URL. Go to www.tinyurl.com and when the page pulls up, paste your long URL into the blocked space and click on the button that says "shorten URL." In seconds, a shortened URL is displayed below.

Follow: when you choose to follow someone on Twitter, their tweets are then posted in your twitter stream.[15] To follow someone, just click on the follow button next to their profile pic or at the top of their profile page.

Sometimes, you may want to review who you are following and stop following people whose tweets provide no "value" to you. To "unfollow," go to your "following" link and click "delete" to the right of their name.

[15] "What is this Twitter thing, and why should I care?" *Tips by Tony,* http://www.tipsbytony.com/2009/05/what-is-this-twitter-thing-and-why-should-i-care/ (Accessed May 12, 2009).

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Re-Tweet: forwarding a Tweet to your followers. **"rt @username'"** and their tweet & it also copies the original drafter so they know you appreciated one of their comments and passed it on to others!

Direct Message:[16] **"d @username'"**
Can only be sent to your followers and can only be seen by the recipient. It won't appear in your tweet stream.

Reply Tweet: replying directly to a tweet; **@username**. Your reply tweet goes to the person's timeline to which you are replying as well as all of your followers. So again, you can promote someone else.

D. Twitter Warnings

- Security- While you can always use direct messages or monitor who can follow you, keep in mind that your tweet can always be Re-tweeted by others.[17] Posts from any social networking site can always be copies and pasted and sent to others, too.

- Anyone can visit your twitter profile page- even if they aren't following you.[18]

- Ethical Issues

  Check your state Bar rules. In some states, such as South Carolina, client testimonials are not allowed and neither are lawyer "nicknames" or trade names that imply results. Example of such nicknames include "The Strong Arm" or "Best Family Law Attorney."

  One of my former law school ethics professors recommended I add a disclaimer to my Twitter and my professional Facebook pages.

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[16] "What is this Twitter thing, and why should I care?" *Tips by Tony*, http://www.tipsbytony.com/2009/05/what-is-this-twitter-thing-and-why-should-i-care/ (Accessed May 12, 2009).
[17] Jim Calloway, "Twitter: The Good, the Bad, and the Ugly," *Oklahoma Bar Association Management Assistance Program*, http://www.okbar.org/news/onlineexclusives/twitter.htm (Accessed April 28, 2009).
[18] Id.

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My disclaimer on Twitter and my professional Facebook pages:
Melissa F. Brown, Esq. is licensed to practice law in the State of South Carolina. Our principle office is located in Charleston, SC. The information provided on this webpage is offered for informational purposes only; it is not offered as and does not constitute legal advice, and your visit does not create an attorney-client relationship with our firm.

It is unethical to:

Directly solicit business.

Be false or misleading.

In South Carolina it is unethical to provide testimonials or misleading nicknames in any form of advertising, and all social media and websites are considered in SC as forms of advertising.

Informal messages that may appear to provide legal advice or could be characterized as soliciting legal work may cause unintended consequences. Thus, do not tweet anything that could rise to the level of having a competitor report you to your state's grievance committee.

Never reveal privileged or confidential information in any Twitter message or on any other social media format.

Timing of posts is also important. Do not post about a ruling or client's issue too soon after an important decision was made or hearing held if there is a chance your tweets might be viewed as inappropriately commenting upon what just took place in court.

Lawsuits: Bloggers and even celebrity Courtney Love have gotten sued over tweets. Thus, be wary of writing anything libelous, threatening or negative such as something bad about your employer, an unjustified complaint or threat because you are mad at someone as you tweet.

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> This summer in Illinois, a landlord sued a tenant for libel over a tweet about a "moldy apartment." The tenant posted to her 17 followers, "Who said sleeping on a moldy apartment was bad for you? Horizon realty thinks it's okay." Now the lawsuit has made this issue a national discussion.[19]

It has been suggested that Twitter messages may become powerful evidence in the event of litigation, just as e-mail has become. Some messages may be admissible as exceptions to ordinary hearsay rules and under Rule 803(3) of the Federal Rules of Evidence.[20]

Potential issues of bias: Lori Nelson's associate was Facebook friends with a child custody evaluator with whom she was working on a case. Upon discovering this, opposing counsel tried to claim the custody evaluator was biased. The Judge allowed questions as to the bias, but ultimately found that the Facebook "friendship" did not affect the evaluator's job in this particular case.

**Keep in mind that twitter is public, and search engines like Google can pull tweets into search engines information!

E. Twitter Etiquette

- ***Do***:

Do have a plan. Ask yourself why you are using Twitter, and make sure it is worth your time and effort.

Do add value/contribute--Twitter is for people who want to engage in conversation and not for those merely looking for an audience.[21] Complete self-promotion is a huge turn-off and for lawyers, a potential grievance problem. So use the Twitter community to help one another.

Do make sure you give original author credit when re-tweeting.

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[19] Rob Pegoraro, "Landlord Torches Reputation With Twitter-Driven Lawsuit," *Washington Post*, http://voices.washingtonpost.com/fasterforward/2009/07/landlord_torches_reputation_wi.html?hpid=sec-tech (Accessed August 3, 2009).

[20] Joshua L. Konkle posting on DCIG http://www.dciginc.com/2008/02/twitter-and-federal-rules-of-e.html (Accessed Feb. 20, 2008).

[21] Jordan Furlong, "Figuring out Twitter," http://www.law21.ca/2009/04/27/figuring-out-twitter/ (Accessed April 27, 2009).

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Do respond when people engage you in conversation.

- ***Don't***:

  Do not waste people's time.

  Do not try to sell something or solicit business - not only is it against many states' ethics rules, but people hire attorneys for their reputations, not what you say about yourself.

  Do not use Twitter simply as a tool for self-promotion. Make sure your tweets provide something of substance to your followers.

  Do not spend so much time tweeting that people start to wonder when you actually work.[22] Employee dedication to social networking can decrease the efficiency of an organization. System monitoring may need to be implemented to confirm that employees use corporate communication systems in conformity with established policies. [23]

  Do not tweet off-topic so frequently that followers will decide not to follow you.

  Do not mis-tweet (say something you will later regret….) Future clients, employers, even judges or the opposing party may be following you. When writing your tweet, imagine seeing it on the front page of the newspaper to next day.

F. Twitter Tips

- To see replies to your own tweets: click on "@replies" from your profile page

- Replying to tweets - When you reply to a tweet, respond so your followers understand what the original tweet was about especially where your followers aren't following the original tweeter.

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[22] Jim Calloway, "Twitter: The Good, the Bad, and the Ugly," *Oklahoma Bar Association Management Assistance Program*, http://www.okbar.org/news/onlineexclusives/twitter.htm (Accessed April 28, 2009).
[23] Stephen C. Bennett, "Look Who's Talking: Legal Implications of Twitter Social Networking Technology," *NYBSA Journal* May 2009, at 12.

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- Write strong headlines - indentify the most important keywords in your tweet and incorporate them into your headline- it draws more attention to your tweets.

  Example: Instead of using the headline of "Help" when you have a question, use the headline "Alimony Question" because you are more likely to get a response.

- Hashtags- using the # sign at the end of your tweet allows you to categorize your tweet by content instead of by friends. For example, if you wrote a tweet about alimony, you should put #alimony at the end of the tweet and this way anyone who is interested in alimony will be able to find your tweet, even if they aren't following you. On the reverse side, when you do a twitter search using a hashtag, you will see results from ALL tweets containing the tag you are searching for--even if they aren't posted by people you are following.[24]

  Example: If we all included **#atticustweet** at the end of our posts about this phonecast, we could easily search for and find all posts related to it at a later date.

- Saving tweets - Have a tweet that you want to save? Move your curser over the tweet and click the star symbol (*) on the right side of it, and you will save it to your "favorites" tab to easily find later.

- Posting a link - When posting a link, shorten it by going to the website www.tinyurl.com. By shortening the long URL, you will have more room for your message.

[24] "What is this Twitter thing, and why should I care?" *Tips by Tony,* http://www.tipsbytony.com/2009/05/what-is-this-twitter-thing-and-why-should-i-care/ (Accessed May 12, 2009).

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G. To Tweet or Not to Tweet…

Do Tweet about…[25]

- Questions/polls. If you have built up a large professional network, you can get quick answers to simple questions or referrals.

- Provide Answers. Help your friends and colleagues with questions they may have. Educate your followers!

- Quotes. Quotes are retweetable without being completely self-promotional. Make them short and funny or thought-provoking.

- Links to interesting news articles or blog posts and important. This way you can monitor the buzz on up-and-coming issues.

- Job leads. Mention great employees looking for work in new city or if you need to hire someone. I recently responded to a colleague's Facebook post requesting a referral for a legal assistant. I sent him the name of one of my former legal assistants, and she got the job! Free advertising!

Do not Tweet about…

- Specifics of your case from the courthouse especially in states with family court jury trials! Many courthouses have begun to ban all electronic devices for this reason….jurors and lawyers are posting information that has lead some cases to mistrial.[26]

- Lies! A facebooking judge in Texas discovered on an attorney's site that the attorney had lied about her father dying when she missed an important hearing.[27] Even when privacy controls are in place, keep in mind that anyone can cut and paste!

- Personal information about yourself that needs to remain private.
- Negative comments about other attorneys or judges.

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[25] Susa Johnston, "10 Things to Tweet About," *Urban Muse,* http://www.urbanmusewriter.com/2009/04/10-things-to-tweet-about.html (Accessed July 29, 2009).
[26] Rebecca Porter, "Texts and Tweets by Jurors, Lawyers Pose Courtroom Conundrums," *American Assoc. for Justice*, http://www.justice.org/cps/rde/xchg/justice/hs.xsl/10049.htm (Accessed July 29, 2009).
[27] Molly McDonough, "Facebooking Judge Catches Lawyer in Lie," *ABA Journal,* http://www.abajournal.com/news/facebooking_judge_catches_lawyers_in_lies_crossing_ethical_lines_abachicago (Accessed August 3, 2009).

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H. Helpful Twitter Applications

www.TweetLaw.com

www.jdsupra.com: is a great source for legal documents on Twitter.

www.Twitscoop.com, www.TwitterSearch.com, & www.Monitter.com allow you to instantly search for any mention of your business and find out what is being said.[28]

www.TweetDeck.com can help you filter topics, create groups, maximize time on Twitter.

www.TweetBeep.com allows you to set up an alert about a key word or phrase and you are sent an email when it is used.

www.Twibs.com is a directory of businesses on Twitter--add yourself!

www.TweetPro.com helps you to build a twitter account that is highly relevant to your target audience. It also helps you to find other users who share your company's interests.[29]

www.Twellowhood.com, www.NearbyTweets.com, and www.LocalTweeps.com help you find local Twitterers.

www.TweetLater.com - allows you to schedule tweets and set up auto-responses when someone new follows you.[30]

www.useqwitter.com- emails you when someone stops following you on Twitter.

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[28] Paul Gillen, "Still Don't Get Twitter? Maybe This Will Help," *Pistachio Consulting,* http://pistachioconsulting.com/figuring-out-twitter/ (Accessed May 10, 2009).

[29] Scott Allen, "A Twitter Mini-Guide: 60+ Useful Twitter Resources," http://www.hybrid6.com/webgeek/2009/01/a-twitter-mini-guide-60-useful-twitter-resources.php (Accessed Jan. 30, 2009).

[30] Id.

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I. Integrating Twitter…

- Twitter on your phone:
  www.TwitterFon.com for IPhone/IPod Touch
  www.TwitterBerry.com for Blackberries

- Twitter & Facebook - you can set up Facebook so that all your tweets update as your current Facebook status. I find this set-up annoying because Facebook participants do not usually update their status as often as Twitterers tweet.

- Blogging- www.twitterfeed.com allows your blog to post directly to Twitter.

- Integrating tweets into other social media (like Facebook & Linked In) by tweeting via http://ping.fm/ increases blog posts and tweet exposure.[31]

And, start Tweeting!
Feel free to follow me, and I will happily return the favor!

Twitter and other social networking technology and associated updates and news occur every day.
Please visit www.melissa-brown.com
after September 1, 2009 for more current information.

[31] David Harlow, "Marketing Your Legal Practice Using Social Media," http://www.slideshare.net/DavidHarlow/Social-Media-Legal-Marketing20081212 (Accessed Jan. 21, 2009).

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