
DOCKET

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Guiding Your CEO's Social Media Adventures

Technology, Privacy, and eCommerce



You would have thought I had asked him to dance the hula at a board meeting. In a prior corporate counsel role, I told my determinedly old-school GC that I would tweet major news for the company. He scolded, "Olga, we are lawyers. We do NOT tweet."

I thought to myself, “No, you are a lawyer who does not tweet. I am one who does.”

There's no stopping a determined Tweeter. More than 450 million people started [using social media](#) over the past year. That boosted the number of social media users worldwide to 4.14 billion as of October 2020 — more than the entire planet's population in 1979!

Social media is now one of the main — and still mainly free — tools CEOs use to communicate directly with the public and investors (especially during pandemic lockdowns). It's the modern way to build a positive brand image, earn trust, and lead through uncertainty. As corporate counsel, your role is to de-risk your CEO's social media adventures, not stop them. Here's how.

Social media is a two-way conversation.

Is your CEO just starting out? Some executives take longer to adjust to social media's peer-to-peer engagement style. It contrasts with the more typical experience of issuing statements to passive readers. CEOs also may not recognize how quickly they need to respond to others to meet the expectation for instant and ongoing dialogue.

Key points to tell your CEO:

- You're there to build relationships. It is critical to actively engage with others. Ask questions that invite discussion. Like and comment on the content that clients, business partners, and industry thought-leaders post.
- Always — always — respond quickly to the comments others make on your posts. Don't post right before you'll be offline for hours. Turn on automatic notifications and use social media monitoring tools to ensure you know immediately when you need to respond.
- Also, don't spread yourself too thin. It's better to perform well on two or three platforms than to perform poorly across Facebook, Twitter, Instagram, LinkedIn, Snapchat, Pinterest, YouTube, and TikTok. Start with one platform and see where it leads.

Responding to negative comments or press

An active social media presence allows CEOs to take charge of fast-moving situations online. People don't expect perfection, but they do demand sincerity and authenticity. Quickly responding to posts from unhappy customers with a genuinely humble and open approach can head off larger catastrophes.

The CEO's direct involvement can also help restore public confidence during a crisis. The words, “The CEO said it” carry significant weight. The advisory firm Brunswick found that nine in 10 financial publication readers believe it's important for a [CEO to communicate on social media](#) during a company crisis, while 80 percent of employees expect the same.

Key points to tell your CEO:

- It is especially critical to respond to negative messages quickly. Some [42 percent of customers](#) expect a response within an hour, while 32 percent expect to hear from you within half an hour.
- Approach it as if you're in a one-on-one conversation that's occurring on a world stage. Not sure what to say? The rule is that when the CEO is in doubt, let legal check it out.

On-point and unified messaging

Social media is not a place to blare an endless stream of commercial marketing messages. CEOs also want to avoid tone-deaf comments or posts that make them sound insensitive or out of touch.

Marketing and PR teams should work with the CEO to ensure: (1) the CEO's words and actions embody the brand's guiding principles, and (2) the company and the CEO send consistent and unified messaging across all social media accounts.

Key points to tell your CEO:

- Re-read every comment and consider how it sounds from multiple angles. Then re-read it and consider how current events may affect the perception of your words.
- Share useful or entertaining information, not a barrage of self-promotional posts. Before posting, ask yourself: Am I being helpful? Does the content I'm about to post inform or educate my audience? Does it entertain or inspire?
- And always remember, when in doubt, let legal check it out.

Put your company's values on display for all to see.

Social media posts are corporate speech subject to the same legal risks as advertisements, press releases, and corporate information disclosures. An effective refrain for executives to know is: "When in the slightest doubt, let legal check it out."

Then curb your initial impulse to instantly quash a post or response. For corporate lawyers, the refrain is: "When in doubt, figure it out." Collaborate with communications colleagues if necessary.

You may need to adjust the CEO's messaging on occasion. But, forward is the only way we can go. Key into the power of social media to put a human face to a brand. Use it to meet the demand for increased corporate transparency and authenticity in a highly public way. A CEO's flourishing social media presence indicates an approachable brand is displaying trustworthiness and care for the whole world to see.

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Mack is also an award-winning (such as the prestigious ACC 2018 Top 10 30-Somethings and ABA 2022 Women of Legal Tech) general counsel, operations professional, startup advisor, public speaker, adjunct professor, and entrepreneur. She co-founded SunLaw, an organization dedicated to preparing women in-house attorneys to become general counsels and legal leaders, and WISE to help female law firm partners become rainmakers.

She has authored numerous books, including *Get on Board: Earning Your Ticket to a Corporate Board Seat*, *Fundamentals of Smart Contract Security and Blockchain Value: Transforming Business Models, Society, and Communities*. She is working on her next books: *Visual IQ for Lawyers* (ABA 2024), *The Rise of Product Lawyers: An Analytical Framework to Systematically Advise Your Clients Throughout the Product Lifecycle* (Globe Law and Business 2024), and *Legal Operations in the Age of AI and Data* (Globe Law and Business 2024).