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## Marika: The Adventures of a Young Lawyer Like No Other!

### Marika and the Bird of Doom: Beware of Social Media!

On a beautiful Friday in February, Marika is enjoying her mochaccino in her office, her mind wandering to the wonderful ski weekend that awaits her in Vermont. However, before she can put her new skis to use, she still has to meet with some new clients. The telephone rings, tearing Marika away from her daydream. It's her assistant informing her that her clients have arrived.

They explain to her in great detail that their neighbour, a young single man, moved in a few months ago. The latter had a spa installed and often hosts parties late into the night. He also had a heat pump installed which encroaches on their land, as well as a light that shines directly into their bedroom. Although they tried to come to an agreement with the neighbour to move the heat pump and the light, he categorically refused. Given that their sleep at night is really being disturbed, they want to find an amicable solution to put an end to their neighbour's behaviour as well as a solution to the encroachment of the heat pump. Marika therefore suggests sending a formal notice to encourage the neighbour to contact her so they can arrive at a compromise. Marika's clients are relieved and accept her proposal.

Monday morning, after telling her assistant about her wonderful weekend and praising the gastronomy of the small inn where she stayed, Marika gets down to work and writes the formal notice on behalf of her clients.

A few days later, the young neighbour contacts her. He is outraged by the statements contained in the formal notice and claims to have made all the necessary verifications before installing the heat pump. He refuses any amicable agreement and accuses Marika's clients of being "old fuddy-duddies". He promises to retaliate. In fact, two days later, the clients contact Marika and inform her that the neighbour blew all of his snow onto their property. Moreover, each time the couple exits their home, the neighbour comes out of his home and insults them right there out in public. The wife is now afraid to go out alone. Marika reassures her clients as best as she can and promises to quickly contact the neighbour in order to put a stop to his behaviour.

In the evening, while working on a book of authorities for M<sup>e</sup> Pagé, Marika is interrupted by the audible alarm of her inbox notifying her that a message has just arrived. She has received an email from her clients who have sent her a screenshot of their neighbour's Twitter account. The latter cheerfully comments on the disagreement between the parties and makes derogatory comments about them. Marika cannot believe her eyes! Maybe it's because she's tired due to the long nights spent preparing M<sup>e</sup> Pagé's trial, but she decides to respond on Twitter to the young neighbour's comments. Alleging his bad faith, she asks him to stop insulting her clients and states that he is the type of neighbour that anyone would hate to see move in next door. Satisfied, Marika gets back to work, but the neighbour quickly responds! Not only does he continue to prey on her clients, but he makes her his next target. He threatens her with defamation proceedings. Marika, who is insulted, replies, still on Twitter, that he should do whatever he wants.

The next morning, Marika notices that there is a message in her voicemail. Her clients want to withdraw their mandate, because they feel she behaved unprofessionally and exacerbated the situation. As Marika is barely recovering from the shock, M<sup>e</sup> Pagé, his face purple, arrives in her office. One of his clients has passed on the heated exchanges between Marika and the neighbour. M<sup>e</sup> Pagé is having a hard time explaining his protégé's conduct and says he is very disappointed, all the more so since it is damaging to the firm's reputation. Ashamed, Marika apologizes to him and locks herself in her office.

But the story does not end there. A few weeks later, poor Marika receives an originating application for small claims proceedings instituted by the young neighbour who claims to have been defamed. Having no other choice, she informs the Insurance Fund. Several months later, the judge in charge of the case dismisses the originating application, but berates Marika, deeming that her conduct was not worthy of a legal professional. After this terrible misadventure, Marika decides to get off all social media.

**What you should remember:** In an era when everyone is connected, it is sometimes tempting for lawyers to use social media to communicate with their clients or potential clients. That said, this mode of communication is not without its risks! Remember that social networks cannot guarantee the confidentiality of information exchanged on their platforms.

Thus, no communication covered by professional secrecy should take place on a social network since it is impossible to know who could have access to it. No legal opinion and no representation that could be perceived as legal advice should be transmitted using social media.

Don't accept just anyone as a "friend" or connection on your social networks. After giving it some thought, you may decide not to give your colleagues access to your Facebook page or to refuse the LinkedIn request of someone who might embarrass you.

Finally, be it with your clients or third parties, it's best to keep a polite and professional approach and pay attention to the comments you post. This will reduce your risk of being the subject of defamation proceedings.