

**Looking through the Looking Glass:
The Digital Legal Horizon
for Solo Practitioners**

***Digital Identity:
Physical, Digital, & Legal***

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SOLO PRACTICE UNIVERSITY®
the 'practice of law' school

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2

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Overview

- Defining Identity
- Who is the Client in the Digital Age?
- Determining Value & Worth
- Protecting Identity

The Context

Excerpt from the report: *Digital Identity Matters* (2010)

“Our relationship with the Internet is changing. Mobile devices, wireless connectivity, and our increasing virtual presence across multiple social media services have all but collapsed the boundary between being online or offline.”

The Context

“Together the virtual and the real form the seamless space in which many of us live out our daily lives. We fashion the self through social interaction, community and network affiliations, and here come to construct our identities as well as interpret the identity of others.”

<http://www.pontydysgu.org/2010/06/digital-identity-matters/>

Defining Identity

Our identity is constantly evolving.

There is a relationship between internal and external characteristics that defines us.

Defining Identity

Internal:

- Physical
- Emotional
- Intellectual
- Spiritual
- Innate gifts, talents, strengths, capabilities, and personal preferences

Defining Identity

External:

- Cultural Characteristics
- Nationality
- Race
- Religion
- Gender
- Societal characteristics of family, career, position

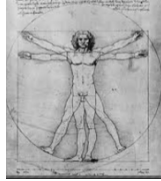
Defining Identity: Physical

- Physical Appearance
- Your Body
- Your Face
- Your Health
- Your Age
 - Can you hide your birthday?
- Your Gender/Sexuality

Defining Identity: Physical

Legal Issues

- Discrimination
- Health Insurance
- Alive or Dead



Defining Identity: Physical

Legal Issues (cont.)

- Biometrics (Security Trends/ID)
- Fingerprints, Footprints, Retina Scans
- Google Glass



Defining Identity: Physical

Legal Issues (cont.)

- Physical Innovations
- Enhancing the self - robotic limbs/unfair advantages in sports - how much and then not human?



Defining Identity: Physical

Legal Issues (cont.)

- QR and Bar Codes as Tattoos on People



<http://haydex.net/wiki/637>

Defining Identity: Digital

A set of data that uniquely describes a person or thing and contains information about the subject's *relationships* to other entities.

http://en.wikipedia.org/wiki/Digital_identity

Defining Identity: Digital

Digital Identity Elements:

1. Authentication Elements
ID #, IP address, email address, user name, password, etc.
2. Data
3. Identifiers
Photographs, avatars, logo, images, etc.
4. Digital Traces
Contributions to blogs, links, etc.

Source: CRIM & Quebec Government

Defining Identity: Digital

- Digital Presence?
- Personal, Professional, Social
 - Reborn Identities
 - Identity Synchronization
 - Secret Identities

Defining Identity: Digital

- Profiles
 - Dating Sites
- Online platform silos



Defining Identity: Digital

Legal Issues

- Identification and Authentication
 - Authenticity v Anonymity (No hiding with an IP address)
- Business Cards vs. Resumes vs. LinkedIn Profiles
 - (Novel visual resumes - infographics, etc.)

Defining Identity: Digital

Legal Issues (cont.)

- FTC Credentials/Disclosures
- Avatars
- Logos and TM
- Electronic Signatures

Defining Identity: Digital

Legal Issues (cont.)

- Identity Theft
 - Astroturfing
 - Hijack Identities (imposters)
- Apps to Change Your Identity
 - Ex. "Make Me Asian" (Removed from Google Store)

Defining Identity: Digital

Legal Issues (cont.)

- Living in a Surveillance Society
 - Privacy
 - Right to Not Be Online?

Defining Identity: Digital

Legal Issues (cont.)

- Digital Identity Audits
 - Google Alerts
 - Digital Passports
 - <http://24posts.com/2011/02/02/online-profile-and-digital-identity-audit/>

Defining Identity: Legal

- Your Rights to Your Identity (Identities)
 - Your name(s)/Your account name(s)
 - Baby Hashtag (b. 2012)
 - Baby Facebook (b. 2012, Egypt)
 - Access & Control

Defining Identity: Legal

- When do you get these rights?
 - Parents putting photos of their children on social media sites? (Consequences later on??)

Defining Identity: Legal

- How do you use your identity?
 - Endorsements, etc. (Ethics Rules)
 - Liability for Psychological Harm - Facebook "Like" or "Unfriend"

Defining Identity: Legal

- Identity Crisis
 - Image = Perception
 - Digital Natives v Digital Immigrants

Defining Identity: Legal

- Identity Economy
 - Identity Providers?
 - Good will/ Trust Factor
 - Spin Doctors

Who is the Client?

- A person?
- A corporation?
- A brand?
- A movement?
- An avatar?
- A robot?



Who is the Client?

A combination of all of the above:
physical, digital, and legal.



Value & Worth

- Our worth is determined by the variety of identity characteristics in good part by others and their perceptions.
- But there are new tools & technologies that are impacting those perceptions.

Value & Worth

Social Proof = Influence

- Measuring a person's social influence via an algorithm that takes into consideration a person's online activity across a multitude of social networks and platforms

Value & Worth

Social Proof = Influence

- Ex. Klout: Your score can range from 1 to 100, but according to one author, if it's below 50 you are not worth connecting with, receiving a post or Tweet from, or otherwise waste valuable time with. Does this sound harsh? Superficial? Ridiculous? Discriminatory?

Value & Worth

Social Proof = Influence

- Are these systems violating FTC rules on the prohibition of false advertising since they can be gamed and therefor yield inaccurate over-inflated results?
- See my blog:
<http://law2sm.com/book-review-roi-return-on-influence-by-mark-w-schaefer-2012/>

Value & Worth

Social Proof = Influence

- LinkedIn Influencers
- Paying for an Influencer's Time
 - Or even to send a message to someone

Value & Worth

Social Proof = Badges/ Mayorships

- Evidence of capability?
Certification? Skill set?
Achievement?
- Accredited
organization? Third-
party?
- Other



Value & Worth

Social Proof = Yelp & Review Websites

- Are they liable for providing a means for negative comments about your business and therefore leading to harm to your reputation or should they be given credit when the reviews are good and your reputation points go up?
- Can they be gamed?

Value & Worth

Social Proof = Number of Followers and Fans

- How do they convert to dollars?
 - Promoting Posts in Facebook (\$)
 - Premium Tweets/Hashtags (\$)
- Who owns them?
- Are your contacts yours?

Value & Worth

- Legal Rights
 - Personality/Publicity Rights
 - Defamation/Libel
 - Trademarks & Copyrights
- The sale of identities/avatars
 - Ex. Online games

Protecting Identity

- Is identity protection the same as reputation management?
- Digital Lockers
- Digital Legacy
- Data Brokers/Information Resellers
 - Open Graph
 - Facebook Graph Search

Protecting Identity

- Reputation.com
 - \$99 vs. \$500 White Glove Service
 - Can they really get rid of the online bad stuff?
 - Ex. Mug Shots
- Free data reports like free credit reports? (Government Action?)

Protecting Identity

Best Practices:

- Be careful what you post online.
- Be careful of who you allow to post online on your behalf.
- Use strong passwords.
- Don't use the same password for multiple accounts.

Protecting Identity

Best Practices:

- Take a digital inventory.
- Use privacy preference settings on ALL your online accounts.
- Use secure hubs and not public Wi-Fi.

Protecting Identity

Best Practices:

- Set up Google Alerts (also see Mention) to monitor the conversation regarding your name and your company name
- Unsubscribe from newsletters, RSS feeds, etc. that you do not read.
- Clean up abandoned accounts.

Questions??



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