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Pitfalls for Real Estate Agents in the Electronic Age

With Great Power Comes Great Responsibility

THE electronic age has changed the communication tools for real estate agents and brokers. Real estate professionals must display some proficiency with some form of electronic media, including email, texting, blogs, Facebook, Twitter, YouTube, LinkedIn, and many others. In today's world, social media is everywhere. A recent study found that 98% of Americans aged 18 to 24 visit some social media site at least once per month. Real estate professionals have found social media to be an effective marketing strategy. Electronic media provides a vehicle for immediate communication and marketing, but it also comes with great responsibility.

The social media explosion has scared many professionals into participating in social media before they were ready. Social media is a great way to get close to the public, but can have drastic consequences if the forum is abused. Many major companies have had their Facebook and Twitter accounts hacked by users who make embarrassing and inflammatory statements. Other companies have had a rogue employee take it upon themselves to express negative opinions on company practices, coworkers, or clients. More frequent, however, are those who have made disastrous impromptu decisions with the late-night post or an unflattering photo. With a little oversight, the disaster would have been easily avoided. Simply thinking before typing or posting a picture would have saved many individuals thousands of dollars.

One of the most dynamic areas in the legal world right now is the field of electronic discovery. Courts around the nation are increasingly moving toward allowing every detail of a litigant's electronic footprint to be subject to investigation by opposing counsel. Forensic computer experts have become valuable partners for attorneys to inspect an opposing party's hard drive to recover deleted messages. In addition, the law is replete with instances where an improvident Facebook post or picture secured victory for the other side.

Perception Is Reality: Write Emails Like Real Letters

Portray professionalism with your electronic

communications; perception is reality. The ease of emailing and texting fools people into thinking that a different set of rules apply. Last week, I received an email from an attorney I had never met. The email began with a greeting of "Hey." Needless to say the first impression of this attorney was not a positive one. Similar scenarios have caused many large corporations to provide training on proper email etiquette.

As another example, following a recent real estate transaction, the buyers' agent sent an email to the sellers' agent complaining about the buyers. The sellers' broker responded in a similar manner. The emails were intended to be a humorous exchange between colleagues. The emails were later produced during a lawsuit filed by the buyers against both brokers concerning undisclosed issues with the property. The improper emails were discussed at length during the litigation. Both agents learned a valuable lesson the hard way. Remember, emails and texts should be used as professional tools. One day the communication may be read out loud in a courtroom.

Social media and other electronic communication should be used to increase the number of clients rather than discourage business. A few office rules and a little training will prove to be beneficial.

Warning! Information on the Internet Makes People Jacks of All Trades, but Masters of None

The primary reason agents and brokers get sued by their clients is by over-stepping their responsibilities or the scope of their expertise. When typing on a blog, website post, email, or chat forum, the author can be anyone he or she wants to be. The dentist is transfigured into a football coach, the plumber becomes a doctor, and the real estate professional becomes an engineer or industrial hygienist. Most real estate professionals want to help their clients by offering opinions and advice. Real estate professionals have specific responsibilities set forth in contracts and statutes. Agents who convey opinions regarding structural issues, legal issues, termites, mold, tax implications, or other specialized matters may go beyond the scope



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of their expertise as a real estate licensee. In doing so, agents may also breach their responsibility to their client and expose themselves to liability. A common example is when an agent gives advice to a buyer on a quick and inexpensive way to eliminate mold in a home. (Many of you know the method I am referring to which does not effectively eliminate mold or address the cause of the mold.) The buyer should be advised to contact an expert on the issue. Social media posts with opinions on all such specialized matters should be avoided. The social media forum is more than just an informal chat. Clients are seeking professional advice. Respond in a professional manner by referring the client to seek an opinion from professionals who specialize in the particular field.

Embrace the Electronic Age

Electronic communications are valuable means for keeping in contact with clients and friends or in developing new clients. We cannot ignore the different platforms for electronic communications. The forums should be embraced, but study the forum first before reacting. After gaining confidence and knowledge about the forum, get started, but stay professional.

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NAR's Resources for Social Media

The NATIONAL ASSOCIATION OF REALTORS® (NAR) offers members a four-part Social Media Kit. A summary of each part is included below. The kit can be ordered at www.realtor.org/topics/social-media/social-media-for-realtors.

The ***Social Media for REALTORS®: 101 Do's and Don'ts*** guide will help you:

- Expand your sphere of influence
- Generate leads
- Make connections
- Improve your business
- Build relationships
- Gain referrals

The ***Social Media for REALTORS®: Your Website*** guide is broken down into sections that take the reader through:

- Today's website
- Creating a blog worth visiting
- What kind of blog will you create for your website
- Finding a niche
- 11 step-by-step instructions on how to develop dynamic content in the "Writing Your Site Content" section
- Promoting your site
- Using NAR member-only resources in your marketing

The ***Social Media for REALTORS®: Facebook*** guide covers:

- Creating your personal profile
- How to manage your friends using the smart list feature
- How to maximize the business page
- What and how to post
- Facebook case study
- 18 putting-it-into-practice tips to turn theory into action
- 10 ways to use content to get results
- 10 ways to optimally manage your time on Facebook
- 5 items that make a good business page
- 5 topics with expanded video tips

The ***Social Media for REALTORS®: Digital Marketing*** guide discusses:

- Hub and spoke concept
- Social networking and its relation to marketing
- Budget and timing recommendations
- Marketing inventory analysis
- How to analyze and use online analytics
- SEM and SEO practices
- Putting-it-into-practice examples for all how-to tips

