

Blogs, Facebook & Twitter:
How Instant Communication Can Help or Hurt Celebrities¹

By

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Two years after the devastating 7.0-magnitude earthquake that hit off the coast of Port-au-Prince, Haiti, support is still needed for that area of great despair and that message is being delivered via the viral online campaign movement known as “HAITI: Aid Still Required.” The primary messengers via Twitter and Facebook are the socially conscious celebrities that understand the power of this instant connection with fans around the world. This viral message, still in its early stages, easily obtained 40 celebrities eagerly willing to join in the campaign, people such as Maroon 5, Sting, Alicia Keys, and Martha Stewart. Between these first 40 celebrities alone, they have a combined social following of more than 125 million people and at a cost no greater than that required to simply link to the internet.

The Majestic Power of Social Media

Social networking has made it very simple for celebrities to communicate with their fans. In the past, celebs had to get a Web guru to create a stand-alone site and set up bulletin board systems or something similar. It was a struggle and required using these third party webmasters to keep web pages current and relevant. But now, social media sites like Twitter and Facebook allow fans and celebrities to converse in a direct way in real time without any middlemen or rules—and neither the fan nor the celebrity need to be the least bit technically savvy.

Lady Gaga is considered by many to be the celebrity queen of social media. With more than 11 million Twitter followers and over 37 million Facebook “Likes,” she is one of the most celebrated and engaged celebrities on social media. Her twitpic recently had over 24,000 views in just a few hours. Self-promotion-- fast, cheap, and incredibly effective. In addition, as agents and attorneys learn how to best monetize the fan followers on a social media site, the opportunity for commercial promotion of goods and services that the celebrity wishes to endorse can provide an enormous ancillary revenue stream. Millions of Americans want to

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know what the Jersey Shore crew or Paris Hilton likes to drink, eat or wear. Innocent tweets or Facebook postings making reference of name brands are a highly efficient means of targeting demographic advertising for companies that enter endorsement deals calling for tweets to reference their goods.

Companies such as www.Adly.com and www.Beachmint.com help unite brands with their target audiences via the celebrities that follow those target audiences on Twitter. These types of companies offer “influencer marketing platforms” that matches a particular product with celebrities that have the power to spark organic conversations among their followers and drive click-thru traffic generation to a destination site where the product can be purchased.

As evidenced by the “*HAITI: Aid Still Required*” initiative, social media is much more than just a new platform for self-promotion, celebrities can also use their status and Tweet-reach to improve the human condition. When ordinary people can start revolutions as seen by the Arab Spring, and the owners of popular websites can lead a protest to kill the Congressional SOPA bill, it is apparent that we have yet to even see what the true power of superstar celebrities banning together with purpose can actually have.

But, Is Too Much Power A Dangerous Thing?

Celebrities need to be cautious. Like so many things, the bitter is inextricably linked to the sweet that social media offers.

Paid commercial endorsements are a great source of income, but with a carefully vetted script, overblown statements could subject the company and the commercial endorser to FTC violations. Moreover, the FTC has specific regulations governing commercial endorsements and applies those regulations to social media venues, but few celebrities (or their representatives) ever consider these provisions which are a very large waiting trap for the unwary.

Just a few years ago, a celebrity interested in publicly joining a charitable or political cause in a meaningful way had an entourage of publicists, agents, managers, lawyers, accountants and the rest of the inner-circle to discuss the celebrities’ involvement prior to actually becoming involved. Even the most self-sufficient celebrity was unlikely to find his or her way to a mass public forum without his advisor’s assistance. Those advisors could vet the so-called charity group or cause. Is it legit? Is it politically correct? Do we fully understand what this group does and what they want from our superstar? Is there another more established group with whom we might prefer our superstar to be affiliated?

But, today, quicker than a celebrity can say, “*My mind’s made up,*” he or she can be on the record before millions as being affiliated with cause X or position Y.

An advisor to a celebrity would be best served to commit to memory the quote from an early scene from the film “*The Social Network,*” where the character Erica Albright angrily states:

The internet is not written in pencil Mark, it's written in ink. And you published that Erica Albright was a bitch right before you made some ignorant crack about my family's name, my bra size, and then rated women based on their hotness!
--"The Social Network" written by Aaron Sorkin.

Therefore, just because a celebrity has the ability to immediately speak on impulse to the world, does not mean it is ever a good idea for a celebrity to do so. The celebrity's protective bubble created by agents, managers, publicists and attorneys has been popped. Reps need to realize this and develop new rules in this age of instant interaction with the public. Reps also need to counsel their clients about the same. Conveying the sentiment that if we wouldn't put it in a press release then we shouldn't put it in tweet is easier said than done. It's tough to control the larger than life superstar who people follow precisely because they know the star will make outrageous statements (tweets). It's equally tough to convince the squeaky-clean celeb known for being a good girl or boy that the gravity of the loss of tone, intonation and context that results from a 140 character tweet. Of course, we know our celeb meant something innocent and their good girl nature never even considered the twisted context in which the public took it. But unfortunately, angry mobs can develop fast. Faster than publicists can douse the torches of those angry mobs who because of one careless tweet now sees your client as a monster.

New York Congressman Anthony Weiner fell into the fire, when he briefly posted a lewd self-portrait thinking it was for certain eyes only, but ultimately was available for all of his constituents to see on Twitter. After saying he was a victim of a practical joke or a political dirty trick, he admitted it was intended as a direct message to a Seattle woman as "a joke." Now painfully aware that you cannot DM a photo, Weiner no longer holds elected office.

Weiner is not alone in mistaking public for private. Charlie Sheen Tweeted: "*310-954-7277 Call me bro. C.*" The former *Two and a Half Men* star, who gained 5 million followers in his first year on the site, thought he was sending his personal cell phone number only to Justin Bieber. He thought wrong, and to no surprise, a few of his 5 million followers who considered themselves to be Charlie's "bros" honored his request for a call.

Rocker Courtney Love settled a lawsuit for approximately \$430,000 brought against her by a fashion designer Dawn Simorangkir (aka the "Boudior Queen") who claims she was defamed in a series of messages posted on Twitter. The case arose after Simorangkir became embroiled in a dispute with Love over a \$4,000 payment for clothing. Love escalated the dispute by posting public social media messages about Simorangkir, who in turn accused Love of ruining her business. In specific, Love allegedly posted defamatory tweets during a 20 minute on-line rant in 2009. Love argued that her rantings were merely an expression of opinion and that Simorangkir could not prove how they damaged her business. The fashion designer, on the other hand, pointed to Love's influence as an entertainer and the power of social media to disseminate damaging comments, including that Simorangkir was an "*asswipe nasty lying hosebag thief.*" Presumably the argument goes if companies pay big money for a celebrity to express their glowing opinion about a product then other companies should be entitled to recover damages if a celebrity expresses unflattering opinions designed to discourage fans from

patronizing that establishment. How courts will balance the strong First Amendment rights of all to offer opinions (which are not facts and thus per se non-defamatory) against a claim for an intentional tort to harm a plaintiff's business will have to be saved for another case in light of Love's decision to settle (*However, the authors of this article would bet on the sanctity of the First Amendment to render opinions*).

From minor embarrassments and aggravation to political nightmares and career suicide, mismanaged social media accounts offer it all.

Managing Social Media-- Abandoning the Dangerous Pioneer Path For A Safer Route

It is no understatement that many people were very upset after *Two and a Half Men* star Ashton Kutcher tweeted a misguided protest against the firing of Penn State coach Joe Paterno in wake of the child molestation charges levied against a subordinate under Paterno's line of command. Kutcher was bombarded with angry responses.

Kutcher is widely recognized as one of the first tech savvy celebrities who blazed the social media trail for all others. Yet Kutcher did not recognize the danger of off-the-cuff impulse tweets. However, after being thoroughly burned by the angry mob, Kutcher was savvy enough to recognize the instant gratification of a Twitter tweet is something that should be maintained by more reasoned and tempered souls. Thus, the celebrity that introduced celebrity to Twitter has now according to widely published sources, turned over his tweeting duties to a seasoned publicist to manage. When the trailblazer makes a right turn, perhaps other stars will again follow in that direction. The event of Kutcher surrendering his Twitter password to a publicist may mark a new era for how stars communicate via social media and a thin security bubble may again come into form around the celebrity in his public interactions with the world.

CAA in a joint venture with Amazon.com has developed www.whosay.com as a way of attempting to have some unified control over celebrity names and images in social media. However, celebrities still have the ability to freely post on impulse unless they turnover their social media to others. The fact that Whosay and other companies are beginning to harness the odd mish mosh collection of social media outlets suggests that the entertainment industry has reached a realization that social media is but one more aspect of a celebrities life and means of livelihood that is in need of professional agents and managers to manage. Celebrities and their assorted representatives need to be fully educated to understand that social media is more than just a hobby when your livelihood is selling your name, likeness and image ("image" in terms not only of photos but in terms also of demeanor and public persona). Social media must be viewed as one more bona fide part of the overall business of marketing and monetizing the celebrity and that a real bottom dollar and bottom line is associated with it.

When teaching this message. Experts agree that there are five basic rules to follow for social media postings: (1) Think before you link or post; (2) Are you disclosing non-public or confidential information?; (3) Exercise good judgment; (4) Be respectful of others (i.e., are you posting something embarrassing or offensive?); (5) What would your family, friends, co-workers and fans think about what you are posting? If you wouldn't want to read what you wrote on the front page of a newspaper. . . don't tweet it.