

Pennsylvania Association of Criminal Defense Lawyers

Section: Members
Policy: Listserv and other Social Media Guidelines
Adopted: February 10, 2017

Purpose.

The Pennsylvania Association of Criminal Defense Lawyers (“Association”) offers a variety of community group social media channels for its members. Those channels and, in particular, its listserv is recognized as an invaluable resource by its members for exchanging ideas and strategies, obtaining assistance in legal research, locating experts and investigators, and keeping members informed of the latest developments on issues. The Board of Directors of the Association has established guidelines for members when using its listserv and other social media groups to ensure the best possible experience and to more efficiently provide these benefits.

The Association will post this document on its website and periodically send this document out to the listserv and other groups as a friendly reminder for experienced users and to assist newer users with listserv operations and other social media groups. The guidelines will also be posted on the Association’s website.

The Association is committed to free speech and the free exchange of ideas. The guidelines are not intended in any way to chill the free exercise of these rights. They are intended to encourage the exchange of ideas while exercising common sense and courteous restraint.

Social Media Guidelines. The listserv and other social community groups are a great medium with which to solicit the advice of your peers, benefit from their experience, and participate in an ongoing conversation. Please take a moment to acquaint yourself with these important guidelines. By joining and using the Association’s social media communities, you agree that you have read and will follow these rules and guidelines. You also agree to reserve discussions and share files and content to that best suited to the medium. If you have questions or technical questions on association management issues, please contact the Association’s executive director.

In order to preserve a climate that encourages both civil and fruitful dialogue, we reserve the right to suspend or terminate membership in any of our social communities for anyone who violates these rules. If you do not accept these guidelines, please unsubscribe from the listserv and other social community groups established by the Association.

(a) Content.

1. Keep Posts Criminal Law-Related. The purpose of the Association’s listserv and other social community groups is to share information related to the Pennsylvania criminal defense bar and provide networking between members across the state who are current members of the Association. Please limit your messages that are not related to a defense bar issue or are not respectful of the Association’s mission and designate any such item as off-topic at the front of the subject line.

2. Members Only. The use of the Association’s listserv and other Association social media groups is for the exclusive benefit of its members. Do not share or forward this exclusive Association member benefit

with non-members. Do not post messages from non-members, but invite them to join as a member instead.

3. Subject Lines. Send a message to the listserv or a community group when it contains information that everyone may find beneficial. State concisely and clearly the topic of your comments in the subject line and in your email. The more descriptive you are, the more likely people will read and respond to your posting. Please do not use generic subject lines such as “help,” “need help,” and “need info.” If your message is lengthy, either in the subject line or at the beginning of the message body indicate it is a long message.

4. Research First. Before posting a question, take the time to do some research if possible and note where you have already checked for information so responders can direct you quickly to the right resource.

5. Be Specific and Concise. Respond to queries clearly and share concise and specific information. Please cite to case law or statutes if you can and attach briefs or research if you are willing and able to share. While rapid communication is key, good spelling, grammar, punctuation, and style always contribute.

6. Discretion. Information posted on the listserv and other groups is available for all to see, and comments are subject to libel, slander, and anti-trust laws. Keep sensitive subjects within the criminal defense bar. Users shall not assume that confidential or sensitive information will remain so. Accordingly, inquiries about the judiciary, police officers, district attorneys and experts are acceptable as long as they are professional, but discussions and responses regarding those individuals should go off-line.

7. On v. Off-List Conversations. Be careful when addressing email and remember to choose whether you want to reply to the author only or to the entire listserv. Respond directly to the sender, not the listserv, when your reply is not of general interest. Whenever a discussion is—or has become—primarily among a few individuals and is not relevant to others, take it off-list. Questioners who obtain useful replies off-list should collect, edit, and post them to the list. Please see above regarding individual inquiries.

8. Out of Bounds. Please use information from the listserv and social media groups for all legitimate purposes. Do not post advertisements (including others’ continuing legal education courses without PACDL’s prior approval), surveys, chain letters, joke lists, petitions, endorsement of causes, soliciting employment opportunities, virus warnings, letters related to pyramid schemes, missing persons, once-in-a-lifetime deals, political commentary, commercial offerings, or self-promotional items. Do not post commercial messages on any listserv or community group. All messages must add to the body of knowledge. Questions or discussions initiated by Association members about products or services are appropriate as we want to provide a forum for help and recommendations among colleagues. Announcements of job opportunities in the criminal defense field are welcome. We reserve the right to reject any message for any reason.

9. Disclaimer and Legal Rules. Please note below the Association’s legal disclaimer and legal rules regarding copyright ownership of information posted to the list and community groups. The Association and other participants have the right to reproduce postings to the listserv and other social media groups.

10. Right Audience and Right Venue. Before you send your message, check the “to” field to determine if your message is addressed to the whole list or group or just the sender of the email. When replying to a message, determine if you intend for the reply to go to the entire listserv or group or only to the person who posted the question. Only send a reply message to the entire list or group when it contains information that benefits everyone. Send your message only to the most appropriate community – the listserv, Facebook group, etc. Do not spam several community groups with the same message.

11. Social Invitations. Do not use the listserv or other Association community groups to invite the entire list to join your social network (Facebook, LinkedIn, etc.)

12. Administration Messages. Do not send administrative messages such as “remove me from the list,” through the listserv. To subscribe or unsubscribe from the list or groups, contact the Association directly at 717.234.7403 or pacdl@pacdl.org.

(b) Etiquette.

1. Be polite and supportive. Do not “flame,” challenge or attack others. The discussions on our community groups and listserv are meant to stimulate conversation not to create contention. Flaming includes the making of derogatory comments, ridicule, excessive sarcasm, and innuendo. Be constructive if you must disagree with someone. Do not send heated messages with antagonistic criticism. Please be courteous and civil, and humor is appreciated, but be cautious as it can easily be misinterpreted.

2. Defamatory. All defamatory, abusive, profane, threatening, offensive, or illegal materials or language are strictly prohibited.

3. Continue Threads. Unless the topic has migrated, use a continuous thread rather than starting a new message. Use the reply function in your email application.

4. Provide Context. To provide context, do quote from messages you are replying to, but edit out whatever is not directly applicable. Take the time to delete long header text and footer ads and delete your own useless disclaimer footers.

5. Insert your Response. Include only the relevant portions of the original message in your reply. Delete any header information, and put your response before the original posting.

6. Attachments. Describe in the body of your post any attachments, so others can decide whether to open them. Attachments should be Word, WordPerfect, or .pdf files.

7. Archive and Empty. If you direct your listserv emails to a special email box, please review, archive and delete your inbox to avoid the administrator suspending your account until you empty your inbox.

8. Signatures. We strongly suggest that your contact information is included at the bottom of the message. Some subscribers may receive email messages with the header information stripped away so they do not know the author of a particular posting. Make it easy for people to contact you.

(c) Disclaimer and Legal Rules.

1. No Verification of Truth or Accuracy. Answers to queries posted on this listserv or other community social groups have not been verified and should not take the place of valid legal research. The Association makes not warranties regarding the confidentiality of messages sent to the listserv or other social groups.

2. Attachments. No attachment has been scanned for viruses.

3. Reproduction. The Association and other participants have the right to reproduce postings to the Association's listserv and other community group sites unless you specify otherwise.

4. Rejection. All messages must add to the body of knowledge. The Association reserves the right to reject any message for any reason without prior notice.

5. Not Responsible for Opinions Expressed. The listserv, Facebook groups, and other social media channels are provided as a service for the members of the Association. It is not responsible for the opinions and information posted on this site. We disclaim all warranties with regard to information posted on this site, whether posted by the Association or any third party; this disclaimer includes all implied warranties of merchantability and fitness. In no event, shall the Association be liable for any special, indirect, or consequential damages or any damages whatsoever resulting from loss of use, data, or profits, arising out of or in connection with the use or performance of any information posted on the listserv or its other social media sites. By using the listserv or our community groups, subscribers agree to indemnify, defend, and hold harmless the Association, its committees, its subsidiaries, officers, employees and agents from and against all losses, claims, demands, causes of action, liabilities, expenses, including reasonable attorney's fees and costs arising from any claims arising out of or resulting from any breach of these guidelines by the user or any omission or act taken by the user.

6. Copyright. Do not post any information or other material protected by copyright without the permission of the copyright owner. By posting material, the posting party warrants and represents that he or she owns the copyright with respect to such material or has received permission from the copyright owner. In addition, the posting party grants the Association and users of the listserv and other social media channels the nonexclusive right and license to display, copy, publish, distribute, transmit, print, and use such information or other material.

7. Anti-Trust. Messages should not be posted if they encourage or facilitate members to arrive at any agreement that either expressly or impliedly leads to price fixing, a boycott of another's business, or other conduct intended to illegally restrict free trade. Messages that encourage or facilitate an agreement about the following subjects are inappropriate: prices, discounts, or terms or conditions of sale; salaries; profits, profit margins, or cost data; market shares, sales territories, or markets; allocation of customers or territories; or selection, rejection, or termination of customers or suppliers.

8. Access Termination or Suspension. The Association does not actively monitor the site for inappropriate postings and does not on its own undertake editorial control of postings. However, in the event that any inappropriate posting is brought to the attention of the Association, we will take all appropriate action in response. The Association reserves the right to suspend or terminate access to any user who does not abide by these guidelines or for any other reason without prior notice. The lists of subscribers to the listserv and other social media groups are audited periodically to maintain the

security and integrity of the lists for the benefit of Association members. If you are no longer a member of the Association, it is your responsibility to unsubscribe from the listserv and other groups.

(d) Privacy Policy.

1. We Respect Your Privacy. Any personal information you provide to us including and similar to your name, address, telephone number and e-mail address will not be released, sold, or rented to any entities or individuals outside of the Association except as part of our membership list on our public-facing website and as noted below.

2. With Whom Do We Share the Personal Information We Collect Through Our Web Site or Community Groups.

Our Service Providers.

We may share your personal information with companies (including our affiliates) that perform services on our behalf, for example, companies that help process credit card payments. Our service providers are required by contract to protect the confidentiality of the personal information we share with them and to use it only to provide specific services on our behalf.

Business Transfers.

Your personal information may be transferred to another entity (either an affiliated entity or an unrelated third party) in connection with a merger, reorganization, dissolution or similar corporate event. If such a transfer were ever to occur, the acquiring entity's use of your personal information will still be subject to this Privacy Policy.

Government and Legal Disclosures

We may disclose the personal information we collect through our social media channels or web site, when we, in good faith, believe disclosure is appropriate to comply with the law (or a court order or subpoena); to prevent or investigate a possible crime, such as fraud or identity theft; to enforce our Terms and Conditions or other agreements that govern your use of this Site; or to protect the rights, property or safety of our company, our users, or others.

3. External Sites. We are not responsible for the content of external Internet sites. You are advised to read the privacy policy of external sites before disclosing any personal information.

4. Remember The Risks Whenever You Use The Internet. While we do our best to protect your personal information, we cannot guarantee the security of any information that you transmit to us and you are solely responsible for maintaining the secrecy of any passwords or other account information. In addition other Internet sites or services that may be accessible through our site have separate data and privacy practices independent of us, and therefore we disclaim any responsibility or liability for their policies or actions. Please contact those vendors and others directly if you have any questions about their privacy policies. For any other information please contact us using pacdl@pacdl.org.