

## **ABCD Law Firm**

### **Guidelines and Policy on Blogging, Social Networking, and Electronic Communications and Media**

#### **DRAFT POLICY**

[ date ]

#### **Introduction**

Online networking sites, websites, online discussion forums and Twitter (“online networking sites”) generally consist of commentary on a defined subject and frequently include links to other sites pertaining to the same subject. While online networking sites can serve a useful function, if improperly used, they can result in unintended attorney/client relationships being established, sensitive information being disclosed and defamation and copyright issues being created.

#### **Content of Online networking sites**

[LAW FIRM] attorneys should be careful that their blog postings do not provide legal advice. In addition, [LAW FIRM] attorneys should refrain from taking any position on a legal issue, should not express personal opinions on potentially controversial topics such as politics and religion and should be alert to potential defamation and copyright issues. The content must be informative only. If [LAW FIRM] attorneys have any question about the propriety of any posting, he or she should consult the Department Chair and/or the Managing Attorney.

#### **Client Confidentiality**

All of the Firm’s policies relating to confidential information apply to internet communications. No [LAW FIRM] employee may reveal any information relating to the representation of a Firm client, former client or prospective client. Similarly, no [LAW FIRM] employee may disclose or distribute the Firm’s internal communications, whether relating to Firm activities, business, personnel, or other Firm matters.

#### **Responding to Blog Postings**

All responses to reader postings should be composed in a thoughtful, careful manner. If a reader posts a comment in response to something an [LAW FIRM] attorney has written, the attorney should not provide any specific advice or opinion of the law or even indicate what course of action the [LAW FIRM] attorney might take with respect to an issue. All responses should be respectful, informative and professional.

#### **Participation in Third-Party Online networking sites**

Any use of the Firm’s network to post or comment on third-party online networking sites should be limited to circumstances related to firm business. Attorneys writing postings to third-

party online networking sites must refrain from offering or appearing to offer (a) legal advice or counsel, and (b) unauthorized endorsement or appearance of endorsement by the Firm of any commercial product or service not provided by the firm.

Other points to consider when responding to blog postings and/or participating in third-party online networking sites (a) be direct, informative and brief and never use a Firm client's name in a blog posting, unless you have written permission to do so from the client, and approval from the Department Head and/or Managing Attorney, (b) be sure to identify all copyrighted or borrowed material with citations and links and give credit where appropriate, and (c) fact-check all posts; before posting any online material, ensure that the material is accurate, truthful, and without factual error.

### **Disclaimer and Privacy Statement**

All online networking sites should have an appropriate disclaimer and privacy statement as well as any other notices deemed necessary by the Department Chair and the Managing Attorney. All disclaimers and privacy statements should be clear and reviewed by the Firm's Advertising Committee.

### **Personal Blog Sites**

[LAW FIRM] employees may not create personal blogs using the firm's technology or equipment. If [LAW FIRM] employees maintain a personal blog on a home computer, neither the employee nor the blog may be identified as being affiliated with the firm and must not provide legal advice or counsel.

### **General List Serv Policy**

List Servs are essentially electronic mailing lists where subscribers can post messages and communicate with one another or lists can be set up to distribute information.

[LAW FIRM] employees may participate in listservs on the firm network so long as the content is not illegal, obscene, defamatory, threatening, infringing of intellectual property rights, invasive of privacy or otherwise injurious or objectionable. Under no circumstances should [LAW FIRM] employees share any confidential firm or client information or impinge on any attorney/client relationship while participating in a list serv.

### **Social Networking**

Online Social media encompasses a broad sweep of online activity, all of which is trackable and traceable that is discoverable in litigation. These networks include not only the blogs you respond or write to, but social networks. When using firm approved social networking sites, [LAW FIRM] employees are responsible for what they post and are expected to comply with the firm's policies of professional conduct and to use the same care and diligence when engaging in social networking as they do when engaging in other correspondence and communication with clients or contacts.

Under no circumstances may [LAW FIRM] employees (a) post confidential or proprietary information, (b) make comments or statements that attack or threaten another person in any online forum, demean, disparage, or insult another person based on their age, gender, nationality, race, religion, or sexual orientation or preference, or (c) make disparaging comments or statements about [LAW FIRM], [LAW FIRM] employees, clients, vendors or competitors.

[LAW FIRM] attorneys should politely decline requests for legal or business advice made through any blog or social networking site and can never offer legal advice. If a person making an unsolicited inquiry discloses potentially confidential or proprietary information relating to an actual or potential representation, the communication must be reported to the Managing Attorney.

[LAW FIRM] employees may not describe their positions, practices, professional qualifications or professional accomplishments differently on personal websites or online networking sites, or social networking sites than those same items are described, where applicable, on the [LAW FIRM] website.