

Social Media and Social Networking Policy Procedures and Guidelines

This document sets forth the firm's procedures and guidelines for participating in social media or Web 2.0 platforms (i.e., any technologies or online communication tools that incorporate user-generated content). You should adhere to them any time you are using the firm's name or e-mail address, or commenting on the firm in an official or unofficial capacity.

Introduction

With the proliferation of social media and other Web 2.0 platforms on the Internet, there are more opportunities than ever for attorneys to express their thoughts and opinions in a public forum. It is each attorney's decision to participate in a blog, wiki, message board, or any other form of online publishing or discussion. However, it is essential that all representatives of the firm act responsibly when they discuss the firm or express views that could be construed as legal advice. Keep in mind that you are responsible for what you post; what you share may be copied or republished and may linger in electronic form for years, even when you believe you are communicating privately (such as through online chats or posts on private password-protected sites).

In addition, participating in social media and other Web 2.0 platforms may implicate ethical considerations governing the conduct of attorneys. The firm's lawyers practice in multiple jurisdictions, and these guidelines are not meant to be used as a substitute for adhering to the rules of professional conduct that govern the firm's lawyers in the specific jurisdictions in which they practice.

This policy is divided into three sections. **Section 1** sets forth specific guidelines for attorneys using social media or Web 2.0. **Section 2** is a series of definitions of various social media and Web 2.0 platforms. The terms of the Policies and Procedures apply to each of the platforms described in Section 3. Because social media and Web 2.0 are constantly evolving, the terms are not limited to these platforms. **Section 3** will be provided separately and describes the benefits of and recommendations for participating in social media platforms as well as the initiatives of the marketing department to assist in social media.

This policy will be revised as technologies and best practices evolve. Attorneys with questions about the policy are encouraged to contact their practice group leaders; the firm's ethics counsel; or the firm's marketing partner, as appropriate.

Section 1: Guidelines for Attorneys

1. **You are accountable for what you post.** You are personally responsible for any of your online activity conducted with a firm e-mail address, and/or which can be traced back to the firm's domain, and/or which uses firm assets. The firm's domain associated with your name/e-mail address implies that you are acting on the firm's behalf. When you use a firm e-mail address or firm assets to engage in any social media or professional social networking activity (for example LinkedIn and Legal OnRamp), all of your actions are public and you should understand that you are fully responsible for them.

2. **Firm Attributions.** Statements that you publish on social media networks and personal online sites should never be attributed to the firm and should not appear to be endorsed by or originated from the firm. If you choose to list your work affiliation on a social network, then you should regard all communication on that network as you would on a professional network. Online lives are ultimately linked, whether or not you choose to mention the firm in your personal online networking activity.
3. **Behave Ethically.** Remember that blogs, tweets, and other types of participation in social media and Web 2.0 are still forms of attorney communication and are subject to the usual ethical rules and concerns. In particular, it is imperative that our attorneys and staff follow the following ethical guidelines:
 - a. Do not make false, deceptive or misleading statements.
 - b. Follow the rules in the firm's personnel manuals. These rules also apply to employee behavior within social networking and other public online spaces.
 - c. Follow the terms and conditions of use that have been established by each venue used for your social networking activities.
 - d. Obey the law. Don't post any information or conduct any online activity that may violate applicable local, state, or federal laws or regulations.
 - e. Do not make statements that cannot be substantiated or that create unjustified expectations about future results. In particular, do not list past results without a disclaimer stating that such results are no guarantee of future outcomes.
 - f. Never give anything of value to another person for referring work to you.
 - g. Include your name and office contact information, practice areas, experience, bar admissions, and years of practice whenever practicable.
 - h. Comply with applicable rules regarding statements of areas of practice or legal specialization. Do not state that you are an "expert" or a certified "specialist" unless permitted by your jurisdiction's rules of professional responsibility.
 - i. Do not give legal advice or answer specific legal questions because of the inability to screen for conflicts, lack of confidentiality, and prohibitions against solicitation.
 - j. Know and follow the ABA and the applicable states' Bar Rules and Codes of Professional Conduct as concerns commercial speech and client confidentiality.
 - k. Use disclaimers or link to disclaimers on the firm website to make clear that (1) information you provide is for general informational purposes and not intended to be a solicitation or convey legal advice, (2) such information is not intended to be used as a substitute for specific legal advice, nor should it be considered as such, (3) viewing your information or sending information to you does not create an attorney-client relationship, (4) information sent to you may not be considered confidential, and (5) no attorney-client relationship will be formed until the firm conducts an appropriate conflict inquiry and an engagement letter is executed.

4. **Identify yourself and, when appropriate, your role at the firm.** The firm strongly discourages attorneys and staff from making anonymous postings that relate to its business. It is suggested that you write in the first person, identify yourself, and when appropriate, your role at the firm, if you discuss the firm or firm-related matters. It is also important that you make it clear that you are speaking on behalf of yourself and not on behalf of the firm. It is also important to be aware of your association with the firm. If you identify your role with the firm in a social media context, it is important to make sure that all content and postings associated with that site reflect how you want to be viewed by clients and colleagues.
5. **Use privacy settings.** Go to privacy settings FIRST when signing on to a new service. Default settings are often WIDE OPEN. (For assistance contact XXXX or call the Help Desk.)
6. **Protect client and firm-sensitive information.** Any confidential or proprietary client or internal firm information is off limits for public discussion online. Firm attorneys should obtain permission before mentioning any clients or client-related matters. Many social media sites' terms of use state that the website owns all rights in the materials, documents, pictures, comments, or other information posted by users. Social media sites also usually require users to represent that users have the right to post information, documents, pictures, materials, or comments. Posting information you do not own or have the right to post could constitute a breach of other firm policies or of your employment agreement and expose you to liability. Check with the firm management – your practice group leader or department head - (or your BDM/link to marketing whom to call list?) if you are unsure as to whether the information you wish to post is considered confidential or proprietary.
7. **Respect intellectual property and fair use laws.** It is important to show proper respect for the laws governing intellectual property, including patent rights, trade secrets, copyrights, trademarks, and any confidential information, whether it is ours or that of third parties. Rather than quoting, paraphrasing, or reproducing an article you find online, link to the article you want to discuss or share with others. Keep in mind that intellectual property laws are often complex and vary depending on where you live and work. Thus, use extreme caution when posting any information that is not your own original idea.
8. **Treat firm news or potential news with care.** When sharing information, consider whether the information has already been publicly disclosed and whether it is appropriate for a public forum—and if there is any doubt, err on the side on confidentiality. Also, remember that through the Internet, news you think is local can become global in a matter of minutes. Posts about the firm can generate media and other public inquiries. If a member of the media contacts you about a firm-related blog posting or requests information about the firm of any kind, contact the firm's vice-chair, or its marketing partner. Do not attempt to respond to media inquiries yourself, whether made by telephone, e-mail, or social media interactions, unless you are expressly authorized to do so.
9. **Take care in discussions with possible competitors.** When sharing information in an online forum, be aware of who else is participating. Keep in mind that other

participants in public social media sites may be competitors, even if they do not state their affiliation.

10. **Be mindful of the amount of time you spend on social media sites during working hours.** Although occasional, brief visits to social media sites are permissible, in general, time spent on a social media site is similar to time spent surfing the Internet or sending personal e-mails and should be kept to a minimum during working hours, and is governed by the firm's other policies regarding use of the Internet.
11. **Logo use.** Do not use the firm logo without permission from the Marketing Department. For permission, please contact XXXX.
12. **Potential conflicts and red flags.** Get approval for a post when:
 - a. **Responding to a negative post.** If a blogger or any other online participant posts an inaccurate, accusatory, or negative comment about the firm or any firm clients, do not engage in the conversation without prior approval of the firm's vice-chair or marketing partner.
 - b. **Posting recommendations for colleagues.** Posting recommendations for colleagues is a tool of professional social networking sites. The recommendations and comments you post about other current and former firm attorneys can have consequences, even if you are making the recommendations personally and not on behalf of the firm. Therefore, we ask that you clear all potential recommendations and comments with HR for anyone who is or was ever associated with the firm.
 - c. **Responding to a journalist.** If you are contacted directly by a journalist regarding issues of concern to the firm, be sure to direct the matter in the first instance to the firm's vice-chair or marketing partner.

Section 2: Definitions/Terminology

Blog – Short for Web log; Web sites containing a series of journal entries, usually updated at regular intervals. Blogs may include text, photos, videos or audio files and are often written in an informal tone. The term may refer to self-published sites maintained by individuals, industry-related and journalistic sites, and official corporate sites. Blogs usually invite the reader to participate by offering a space for comments and discussion.

Blogosphere – Term for the community of all blogs on the Internet and their interconnections.

Chat – Conversational, text-based exchanges on Web sites or mobile devices that occur between two or more people in "real time."

Folksonomies – Platforms that allow users to tag images and text on the Web, thus creating user-generated indexes and recommendations for Web content. These resources can include general tagging tools, such as Delicious, and tools for specific subject areas, such as Library Thing for personal libraries and book recommendations.

Image Networks – Sites that allow users to share videos and photographs. Examples of popular image networks are YouTube (for videos) and Flickr (for photographs).

Mash-up – Allows the combination of online content from multiple sources into a single Web page or online application. Google Maps providing restaurant locations is an example of content mash-up.

Marketplaces – Online shopping sites in which users can both buy and sell products and services, analogous to the classified ads that appear in a newspaper. Transactions take place strictly between the buyer and seller and are generally not moderated or monitored by any third party. Sales may take place directly or through auctions; examples of online marketplaces include Craigslist and eBay.

Message Boards or Forums – Web pages that allow users to post comments and respond to other people’s comments in a centralized area. Multiple discussions or “threads” can occur in a single message board.

Open Source/Creative Commons Licensing – Licensing arrangements popular on social media sites that allow users to designate how their material may be used by others. When using material from a site offering user generated content, it is important to understand the licensing agreement and what restrictions, if any, have been placed on duplication or adaptation of content.

Peer-to-Peer (P2P) Networks – Platforms that allow users to share content, such as music or documents, amongst each other; generally, content is stored on the user’s own hard drive or server and is accessed directly by other users who wish to download it, rather than being stored on a central, company-maintained server.

Podcasts – Media files that are distributed online and that can be played on a computer or a portable media device, such as an iPod. Podcasts are often used as audio supplements to blog posts, both by individuals and companies.

RSS Feeds – Syndicated Web content allowing for automatic updates of content such as news articles or blogs. RSS Feeds can be accessed from Web pages, Web browsers and desktop modules.

Social Networking – Web sites that provide places for individuals to create profiles, make comments, post blog entries and develop online communities. Examples of social networking sites include LinkedIn, Facebook and MySpace.

Virtual Worlds – Three-dimensional graphical representations of physical surroundings in which users interact with each other to create a simulated culture and economy. Virtual worlds can be goal-oriented games, such as World of Warcraft, or environments that focus on social interaction, such as Second Life.

Widgets – Small portions of code that users can embed on their Web sites without the need for additional programming knowledge or technical sophistication. Examples of widgets include the tools users use to mark text or photos for tagging, or stock tickers.

Wiki – A series of Web pages that can be edited collaboratively. Approved site users can add, delete or modify content within wiki pages. While the online encyclopedia Wikipedia is the most popular wiki, a wiki can include any type of content that requires collaboration from multiple sources. Wikis may be found on internal corporate sites as information libraries, as well as on the general Internet.