

## SOCIAL NETWORKING GUIDELINES

**Introduction.** Social networking is becoming increasingly popular among lawyers, as well as with the general public. While social networking can be useful, if improperly used, it can result in a variety of adverse consequences, such as unintended attorney-client relationships, contrary positions advocated against the firm or its clients, disclosure of sensitive or confidential information, copyright violations, violations of the rules of professional conduct, and potential damage to the firm's reputation.

**Definition of Social Networking.** As used in this policy, "social networking" means communicating with others over the Internet for social purposes. Typically, this interaction occurs on sites like Facebook, Twitter, LinkedIn, Legal OnRamp, YouTube, and MySpace, but can also occur on "media sites" that are offered by television networks, newspapers, and magazines, and permit readers to post comments.

**Application of Policy.** This policy applies to all types of social networking activity (a) using firm computers, mobile devices, or other technology, and (b) using non-firm technology when linked to the firm's systems. Nevertheless, when engaged in social networking on non-firm technology that is not linked to the firm's systems, lawyers and staff should use this policy as a guide. In addition, they should never attribute such postings to the firm or imply that they are endorsed or written by the firm; if work affiliation is listed, the posting should include the following disclaimer: "The statements and views expressed in this posting are my own and do not reflect those of my law firm."

**Information Technology (IT) Policy.** The firm has adopted an IT policy [see XXX Policy] and appointed an IT Committee to be responsible for the implementation and oversight of both the IT policy and this policy. Use of the firm's IT systems for social networking must comply with the firm's IT policy. Any questions regarding the provisions of the IT policy or this policy should be directed to the IT Committee.

[*Option 1: Limited Approval.* Personal use of the firm's IT systems to access social networking sites is permitted, but should be limited, not interfere with or impact normal business operations of the firm, comply with all firm policies, not compromise the security or reputation of the firm, not burden the firm with unreasonable incremental costs, and comply with all other provisions of this policy. Firm lawyers who participate in social networking sites on the firm's IT systems for work-related reasons, for example on LinkedIn, [*Option A:* may do so only if the site has been specifically approved in advance by the firm's IT Committee; *Option B:* must advise the firm's IT Committee of any site used for that purpose. ; *Optional:* No one may agree to the terms of service for a social networking site without the prior approval of the IT Committee.

[*Option 2: Social Interaction Prohibition.* Use of the firm's IT systems to access social networking sites for purely social interaction, for example, on Facebook, MySpace, and YouTube, is prohibited. However, firm lawyers may participate in professional social networking sites on the firm's IT systems for work-related reasons, for example on LinkedIn, [*Optional:* and then only if the site has been specifically approved in advance by the firm's IT Committee. No one may agree to the terms of service for a social networking site without the

prior approval of the IT Committee.]

***Social Networking Site Terms of Use.*** Anyone participating in a social network for any reason is responsible for reading, understanding, and complying with the site's terms of use. Any concerns about the terms of use for a site should be reported to the IT Committee.

***Client Contact Information.*** Many networking sites permit users to search for or import contact information from the user's contact list. Due to confidentiality and privacy concerns, users are prohibited from importing or uploading any client contacts to any networking sites.

***Content of Postings.*** Some social networking sites may provide an appropriate forum to keep current on matters of interest, to make professional connections, and to locate links to other pertinent sources. Users must be careful, however, that their online postings do not adversely impact or create problems for the firm, its lawyers, or its clients. Users are personally responsible for all content they post on social networking sites. Remember that it is difficult to delete content once posted to a site, so be cautious when writing any posting.

If a user has a question about the propriety of any posting, he or she should consult the IT Committee. Users must follow these guidelines for all postings:

1. Do not provide legal advice or counsel, because doing so could create an attorney-client relationship, even if unintended.
2. Refrain from taking any position on a legal issue, because doing so could create an issue conflict with a firm client.
3. Do not express personal opinions about other people, especially other lawyers, judges, politicians, and clients, or about potentially controversial topics such as politics and religion, or offer referrals, endorsements, or recommendations for or about others.
4. Refrain from posting any content that could be characterized as defamation, plagiarism, harassment, advertising, a copyright violation, or claims of special expertise or experience.
5. Do not post anything that would potentially embarrass you or the firm, or call into question your or the firm's reputation, including photographs or other images.
6. Do not discuss firm business or clients, unless the firm authorizes you to do so.
7. Identify all copyrighted or borrowed material with citations and links and obtain permissions when necessary.
8. Ensure that your posting is accurate, truthful, respectful, and is spelled correctly with appropriate grammar, language, and tone.
9. Use the same judgment in writing your postings that you would in writing any formal letter. Post only content that you would be comfortable having the firm, your colleagues, and the general public read, hear, or see.
10. Be aware that the rules of professional conduct apply, including the advertising and solicitation rules.

11. Obtain approval from the firm's IT Committee before responding to an inaccurate, accusatory, or negative comment about the firm, its lawyers, or its clients, inquiries from journalists on issues related to the firm, its lawyers, or its clients, or an inquiry about any other legal matter.
12. Unless previously authorized by the firm, do not use the firm's logo or suggest you are writing on behalf of the firm.

***Prohibition on Client Communications.*** Due to privacy, confidentiality, and document preservation concerns, communicating with clients on social networking sites about legal matters is prohibited. If a client initiates such a communication, the lawyer should advise the client that "due to privacy and confidentiality concerns, firm personnel cannot discuss legal matters on networking sites," and request that the client call or send an e-mail.

***Prohibition on Pretexting.*** While the use of the internet and certain networking Web sites can be valuable for research on particular individuals, using those sites for "pretexting," that is, posing as a confidante or as one who is seeking a genuine social or business relationship to obtain information, has significant ethical and legal implications. Users of social networking sites are therefore prohibited from using sites for pretexting.

***Client and Third-Party Confidentiality.*** The firm has adopted a confidentiality policy, and users of social networking sites must comply with that policy. Users should not include client-specific information in a posting unless they obtain advance written approval from the client. If a hypothetical based on a client situation is presented, it should not include information that would allow the client or any third party to identify the client or the matter involved. If there is any possibility that a client or a third party might recognize a client in a hypothetical, the user must obtain advance written approval from the firm and the client to use the hypothetical. In addition, users must avoid a) communicating with another individual they know is, or may be, represented by another lawyer; and b) seeking or obtaining an opponent's privileged information.

***Disclaimer Statement.*** Whenever there is a possibility of confusion, postings should include the following disclaimer: "The statements and views expressed in this posting are my own and do not reflect those of my law firm."

***Violations of This Policy.*** Due to the importance of this policy, the firm cannot tolerate violations. Accordingly, this policy may be enforced through the imposition of sanctions on violators. All firm personnel, including partners, associates, "of counsel," staff lawyers, law clerks, paralegals, and staff are subject to sanctions for violations of this policy. Consequences may include such measures as a fine, the enforcement of the indemnity provisions of the partnership agreement against a partner, termination of employment or expulsion from the firm, and any other action deemed appropriate by the Management Committee under the circumstances.