

# **IAJ Listserve Rules & Agreement**

## **IAJ Forum Listserve, IAJ Work Comp Listserve, IAJ Crim Law Listserve, and IAJ Family Law Listserve**

1. These listserves are forums for the discussion of issues affecting trial practice by “Regular Members” of the Iowa Association for Justice. The IAJ Forum is open to all “Regular Members.” The IAJ Work Comp Listserve is open to “Regular Members” who also belong to IAJ’s Work Comp Section and do not represent employers and/or insurance companies in the defense of workers’ compensation cases. The IAJ Criminal Law Listserve is open to “Regular Members” who also belong to IAJ’s Criminal Law Section, which requires that they do not practice any criminal prosecution for any public entity (other than simple misdemeanor prosecution by contract with a city attorney’s office, provided this is not your main source of income). The IAJ Family Law Listserve is open to any IAJ member.
2. There is no charge for belonging to these listserves. To subscribe, contact IAJ at: [info@IowaJustice.org](mailto:info@IowaJustice.org)
3. Once subscribed, to post to the list, address your e-mail to:
  - IAJForum@lists.trialsmith.com
  - IAJCrimLaw@lists.trialsmith.com
  - IAJWorkComp@lists.trialsmith.com
  - IAJFamilyLaw@lists.trialsmith.com
4. Information obtained from these listserve discussions should not be provided to anyone who is not a Regular Member of IAJ (see definition below). If you do not agree to abide by this restriction, you should remove yourself from the list(s).
5. Subjects outside the scope of trial practice should not be posted to the list(s). Personal messages should be sent and responded to privately.
6. There are two trial practice topics that should not be posted to the list(s):
  - A. Information about or promotions for CLE events not sponsored or endorsed by IAJ; or
  - B. Any exchange of views on customary, standard, or usual attorneys fees.
7. All posts must be “signed” with the full name of the person sending the post, unless the identity of the person posting is obvious from the e-mail address. Anonymous posting is off-limits.
8. When responding to a post, you should include as much of the original post as is necessary to give context to your response. Posting a response without quoting the pertinent portions of the original post is generally ineffective, as it will be unclear as to what you are responding to in your post.
9. Use discretion when responding to a long post. Normally, it is not necessary to include the entire original post. Please include only those portions of the original post to which you are directly responding, for purposes of context.
10. Please keep in mind that there are a lot of IAJ members on the listserves. If you have a case being defended by another IAJ member, you should be extremely cautious about what you disclose or discuss about your case on this list. It may be wise to make a general inquiry, and invite private e-mail responses. Similarly, some firms have a common e-mail address accessible by all firm members, some of whom may be defense lawyers. If you have concerns or questions about who may be on the list, you should contact IAJ at [info@IowaJustice.org](mailto:info@IowaJustice.org)

11. These listserves are intended to be a benefit to “Regular Members” for the discussion of ideas. Listserve subscribers are encouraged to reach out when in need of guidance. Similarly, when listserve subscribers seek guidance, ideas, input, or advice, other IAJ members are encouraged to contribute their thoughts. Although it’s difficult to establish any hard and fast rule, those seeking input are encouraged to do so, but at the same time, should not rely upon subscribers to the list(s) to establish their entire case strategy for them. If you feel yourself drifting in this direction, you should consider associating with someone to prepare the claim with you. The learning available from such an experience will likely be superior to bits and pieces of information that might be extracted from the listserv(s).

12. Any violation of the above rules will be taken seriously. Repercussions may include suspension or expulsion from the listserv(s) or termination of IAJ membership. IAJ will notify the violator of the breach of these terms when IAJ learns of, and has reasonable evidence or confirmation of a breach. The rules will be enforced by the Executive Committee of IAJ.

13. If you have questions, problems, or want to leave the listserv, send an email to: [info@IowaJustice.org](mailto:info@IowaJustice.org)

### **What is “Regular Member” Status?**

The IAJ bylaws provide that “[a]ny person who is licensed to practice law in any country, state or jurisdiction; is of good moral character; is engaged in any field or phase of advocacy and who is committed and devoted to the concept of a fair trial, the adversary system and a just result for the injured, the accused, and those whose rights are jeopardized, shall be eligible for REGULAR MEMBERSHIP . . . **Provided, however, that no person shall be eligible for regular membership in this Association who, for the most part, represents the defense of personal injury or workers’ compensation litigation.**” (Meaning, over the past 12 months, the defense of personal injury, workers’ compensation, or employment litigation – or performing trial consulting, expert work, or any other work for the defense – does not represent the majority of your individual practice in either time, caseload, or income.)

IAJ recognizes that there are many defense attorneys who support the Association’s efforts to preserve and improve our civil justice system and we have long welcomed such defense attorneys’ membership in the Association. Therefore, “Any person that for the most part represents the defense of personal injury or workers’ compensation litigation, who would otherwise be eligible for regular membership, shall be eligible for ASSOCIATE MEMBERSHIP. Associate members are entitled to all benefits of regular membership with the exception that associate members are not entitled to hold office or participate on any IAJ listserv that the IAJ Board of Governors has chosen to limit to regular members only.” Currently, only regular members may participate on the IAJ Forum, Criminal Law, and Workers’ Compensation listserves. As noted above, IAJ Work Comp Listserv is open to “Regular Members” who also belong to IAJ’s Work Comp Section and do not represent employers and/or insurance companies in the defense of workers’ compensation cases. The IAJ Criminal Law Listserv is open to “Regular Members” who also belong to IAJ’s Criminal Law Section, which requires that they do not practice any criminal prosecution for any public entity (other than simple misdemeanor prosecution by contract with a city attorney’s office, provided this is not your main source of income). The IAJ Family Law Listserv is open to any IAJ member.

### **Affirmation and Agreement**

I affirmatively represent that I qualify for all of the IAJ list serves to which I subscribe

I agree that all information shared on the listserves are “Trade secrets” under Iowa Code Chapter 550. The sharing of any information from the listserves with persons who are not IAJ members will subject the sharer, and any persons who the information is shared with, to civil liability under Iowa Code Chapter 550.

This subsection does not apply to inadvertent disclosures or disclosures made to a law enforcement agency, the Iowa Office of Professional Regulation or the Iowa Attorney Disciplinary Board.

I further agree that all information shared on the listserv is the property of the IAJ, is provided to the IAJ's listserv members in trust, and derives its value from its confidential nature. An intentional disclosure of said information to a party who is not a member of the IAJ constitutes theft by misappropriation of this information and is a crime under Iowa Code § 714.1(2) (2019). This subsection does not apply to disclosures made to a law enforcement agency, the Iowa Office of Professional Regulation or the Iowa Attorney Disciplinary Board

**(For IAJForum subscribers...)** If I am defending a personal injury, workers' compensation, or employment case – or performing trial consulting, expert work, or any other work for the defense – where any lawyer representing the plaintiff is a member of the Iowa Association for Justice, I agree to notify that IAJ member in writing (promptly upon being retained) that I subscribe to the IAJForum listserv. This is a necessity to avoid any unintentional sharing of case information with opposing counsel. (Contact IAJ staff at 515-280-7366, or info@iowajustice.org, to confirm whether opposing counsel is an IAJ member.)

I agree not to use obscene, indecent or offensive language or to place on the listserv any material that is defamatory, abusive, harassing, hateful or hurtful. Further, I may not place on the listserv any material that is encrypted, constitutes junk mail, invades anyone's privacy or encourages conduct that would constitute a criminal offense, gives rise to civil liability, or that otherwise violates any local, state, national or international law or regulation.

I agree and acknowledge that by signing this Agreement that disclosure of listserv information to non-members constitutes a breach of this Agreement entitling IAJ to both a temporary and permanent injunction without bond. I agree that the Iowa District Court for Polk County is the appropriate venue and that IAJ shall be entitled to attorneys' fees and costs for successful prosecution of any action to enforce this Agreement whether at law or in equity.

*Electronically sign this document at the link provided to you via email.*

*Last updated and approved by IAJ Board of Governors on June 21, 2019.*