



## **Listserv Guidelines and User Agreement**

### **WVAJ Listservs**

The West Virginia Association for Justice provides a general member listserv, board listserv, paralegal listserv, specialized practice section listservs and others as a service and resource for its members. This free membership benefit allows you to send an email message to other WVAJ members. Members may use this service to share case strategies, obtain information on plaintiff/defense experts, inform each other on current legal issues and direct colleagues to resources they need to assist their clients and advance their practices. In addition, the listservs are used to provide regular updates on the law, pending legislation that may affect their practices and proposed responses, and additional information.

- The listservs are private groups of WVAJ members, who have been reviewed and registered by WVAJ staff and/or executive committee, for the purpose of sharing information relevant to their law practices. Any information is proprietary in nature and can be used only by registered members of the listserv.
- WVAJ listserv participation is voluntary and not all members opt to participate. WVAJ members are free to remove themselves from the listservs at any time for any reason.
- WVAJ does not screen email content prior to posting and, therefore, accepts no responsibility for the opinions and information on the listservs.
- All listserv posts and responses are archived and cannot be removed.
- You should never post privileged, confidential or personally sensitive identifying information to the listservs. Although we believe our internet provider and listserv vendor have taken appropriate security measures, hacking and cyber attacks are a reality, and even the most secure systems are vulnerable to attack.
- WVAJ listservs are monitored by WVAJ staff. If you have questions regarding the listservs, these guidelines and/or an individual's access to the listservs, please contact Beth White at [bethwhite@wvaj.org](mailto:bethwhite@wvaj.org).

### **Listserv Guidelines**

WVAJ requires members to follow these guidelines when using WVAJ listservs. In addition, members should follow all rules as outlined in the West Virginia Rules of Professional Conduct. When a member violates these guidelines, WVAJ reserves the right, in its sole discretion, to suspend access temporarily or permanently from WVAJ listservs and/or revoke WVAJ membership. Review of violations and determination of the penalty, if any, to be assessed shall be determined by the executive committee and/or committee appointed by the President.

## **1. Standards of Conduct**

- Members will not post or respond to messages that contain obscene, offensive, inflammatory, libelous, derogatory, and/or personal criticism of other WVAJ members, other lawyers, law firms, judges, politicians, political candidates or political parties.
- Do not send threatening, abusive, harassing, defamatory, libelous, pornographic, obscene, racist, sexist or otherwise offensive messages.

## **2. Restrictions on Use**

- You are not permitted to use any WVAJ listserv to advance or defend the interest of any insured tortfeasor, insurer or other interest adverse to plaintiffs, first-party insureds, consumers, workers or small businesses in any controversy or dispute. In addition, a member may not use information gained from the listservs against other members and/or their clients in legal actions, including criminal, probate and family litigation or contract cases. This prohibition includes cases in which listserv members have been retained as an expert or consultant to provide opinions or advice adverse to another listserv member or their client.
- You may not forward or publish listserv correspondence to a person or firm in the defense of any matter that is the subject of any listserv correspondence.
- You may not forward nor share any listserv messages or attachments with non-members, except for your law firm support staff instructed to follow these guidelines.
- If you believe that someone is obtaining listserv emails or that a member is not in compliance with these guidelines, please contact WVAJ.

## **3. Always Protect Client Confidences**

- WVAJ cannot guarantee confidentiality even though the listservs are private and intended only for the use of approved WVAJ members. Email is easily forwarded, sometimes inadvertently, sometimes accessible to a variety of people or can be viewed in public settings. Consider your comments to be public. Therefore, be professional and careful.

## **4. Effectively Use the Subject Line**

- WVAJ's listservs generate a lot of email. Succinctly describe the general nature of your email in the subject line. This enables recipients to delete the email if the subject matter is outside their practice areas or does not interest them. If you reply to an email, make sure the subject line identifies the email to which you are replying.

## **5. Solicitations**

- WVAJ is a 501(c)6, tax-exempt organization. The listservs cannot be used to solicit contributions for political candidates or causes outside of the association's affiliated political action committee, LAW PAC.
- Do not raise funds for other organizations or promote programs/services outside of those provided by WVAJ without prior approval.
- You may respond to specific queries regarding which members handle particular types of claims or requests for legal assistance in particular cases. You may also post news regarding your practice, such as a new hire or verdict. Other direct promotion and/or advertising of your practice is prohibited.

## **6. Copyright and Antitrust Violations**

- Do not post anything that violates a copyright, including anything that appears to be lifted in whole or large part from other sources.
- Do not discuss payment or salary rates on the listservs.

## **7. Disclosure**

- If you are a WVAJ member and the scope of your practice changes to include defense of personal injury claims, wrongful death claims, workers compensation claims and/or the representation of other interests adverse to consumers, workers and the mission of WVAJ, you shall notify WVAJ immediately
- If you are defending a case adverse to a listserv member or a member's client, or if you are retained to provide expert testimony or act as a consultant in such a case, you must immediately notify the listserv member and WVAJ. The purpose of this disclosure is to remind adversely-situated listserv members to be mindful of the confidential nature of WVAJ listservs, and to respect the prohibition on any use of information from the listserv during such litigation.

## **8. Indemnity**

- By subscribing to WVAJ listservs, you agree to indemnify, defend and hold harmless WVAJ, its officers, board members, employees and agents, from all claims and demands made by any third party regarding (1) any material you transmit, (2) your violation of the Listserv Guidelines, (3) your violation of the applicable rules regarding professional conduct.

## **Disclaimer**

WVAJ provides its listservs for the convenience of its members. WVAJ reserves the right, in its sole discretion, to discontinue this service completely and/or suspend temporarily or remove permanently any person from any listserv at anytime without notice for violating the guidelines set forth above. WVAJ does not censor, edit or exercise any other control over the content of e-mails sent to the listserv. WVAJ is not able to prevent an e-mail sent to the listserv from being forwarded to non-members. WVAJ can give no assurance that e-mails sent to the listserv will be received or read by others on the listserv. Listserv users are cautioned that the listserv is not a confidential communication, and that communications sent to the listserv may find their way into the hands of opposing parties and their counsel.

ANY USE, TRANSMISSION, COPYING, INTERCEPTION OR DISCLOSURE OF WVAJ LISTSERV MESSAGES, WHOLE OR IN PART, BY ANYONE TO ANYONE WHO IS NOT A MEMBER OF THAT PARTICULAR WVAJ LISTSERV IS ILLEGAL AND UNAUTHORIZED. THE ELECTRONIC COMMUNICATIONS PRIVACY ACT (18 U. S. C. §2510, ET SEQ.) AND THE WEST VIRGINIA COMPUTER CRIME AND ABUSE ACT (ART. 3C, CH. 61) PROVIDE THAT THE UNAUTHORIZED INTERCEPTION (OR DISCLOSURE OF AN UNAUTHORIZED INTERCEPTION) OR WIRE, ORAL OR ELECTRONIC COMMUNICATIONS IS ILLEGAL AND SUBJECT TO CRIMINAL PROSECUTION. FURTHER, ANY UNAUTHORIZED USE, TRANSMISSION, COPYING, INTERCEPTION OR DISCLOSURE OF WVAJ LISTSERV MESSAGES BY ANYONE OR TO ANYONE NOT SPECIFICALLY AUTHORIZED BY WVAJ AND OR THIS LISTSERV AGREEMENT SHALL BE CONSIDERED A BREAK OF THE LISTSERV AGREEMENT WITH THE VIOLATOR BEING SUBJECT TO A CIVIL SUIT FOR DAMAGES AND REVOCATION OF WVAJ LISTSERV PRIVILEGES AND MEMBERSHIP.

THE VIEWS AND OPINIONS EXPRESSED ON THE LISTSERV ARE NOT APPROVED BY WVAJ AND DO NOT NECESSARILY REPRESENT THE POLICIES OF WVAJ. WVAJ MAKES NO WARRANTY OR GUARANTEE CONCERNING THE ACCURACY OR RELIABILITY OF THE LISTSERV'S CONTENT.

WVAJ IS NOT LIABLE IN ANY WAY FOR ANY CONTENT, INCLUDING ANY ERRORS, OMISSIONS OR COMPUTER VIRUSES. WVAJ DOES NOT WARRANT THAT THE FUNCTION OF THE LISTSERVS WILL BE UNINTERRUPTED OR ERROR-FREE, THAT DEFECTS WILL BE CORRECTED, OR THAT THE SERVER WILL BE FREE FROM COMPUTER VIRUSES OR OTHER HARMFUL COMPUTER CODE. YOU ARE SOLELY RESPONSIBLE FOR ANY DAMAGE TO YOUR COMPUTER SYSTEM OR LOSS OF DATA THAT RESULTS FROM THE RECEIPT OF LISTSERV MATERIAL.



## 2017 Listserv User Agreement

**By signing below, I certify that I have read and agree to abide by the WVAJ Listserv Guidelines set out herein. I understand that failure to follow these guidelines could result in my temporary suspension or permanent removal from any or all WVAJ listservs and/or termination of my WVAJ membership.**

Name \_\_\_\_\_

Firm \_\_\_\_\_

Email \_\_\_\_\_

Signature \_\_\_\_\_

I understand checking this box constitutes a legal signature

Date \_\_\_\_\_

### **Check All Listservs That Apply**

#### **General Listservs**

- General Listserv (wvtla@lists.trialsmith.com)
- Board Listserv (wvtlboard@lists.trialsmith.com)
- Paralegal Listserv (wvajparalegals@lists.trialsmith.com)
- Women's Caucus (wvajwomenscaucus@lists.trialsmith.com)
- WVAJ Law Student (wvajstudents@lists.trialsmith.com)

#### **Practice Section Listservs**

*Please Note: Members must complete a practice section membership form prior to being added to that section's listserv. Forms for each are available at [www.wvaj.org/practicesectionmembership](http://www.wvaj.org/practicesectionmembership).*

- Consumer Law (wvajconsumerlaw@lists.trialsmith.com)
- Criminal Law (wvajcriminallaw@lists.trialsmith.com)
- Employment Law (wvajemploymentlaw@lists.trialsmith.com)
- Insurance Law (wvajinsurancelaw@lists.trialsmith.com)
- Mass Torts (wvajmasstorts@lists.trialsmith.com)
- Medical Negligence (wvajmedicalnegligence@lists.trialsmith.com)
- Vehicular Accidents (wvajvehicularaccidents@lists.trialsmith.com)

**Email to [wvajlistservforms@wvaj.org](mailto:wvajlistservforms@wvaj.org) or fax to (304)343-7926**