
EBG Social Networking Guidelines

Epstein Becker & Green is a law firm that understands the need to embrace emerging technologies and the need to understand the advantages and challenges that accompany the technologies we have embraced. In recent years, many new forms of electronic and social media have emerged, and Firm management and our Quality Assurance Committee have worked to develop guidelines to assist our attorneys and staff in using these forms of electronic and social media in an effective and appropriate manner. The Firm has now determined that it is appropriate to issue guidelines specific to wikis, virtual worlds, social media sites and programs such as Facebook, LinkedIn, MySpace, Plaxo, Twitter, and the like. These guidelines aim to provide helpful, practical advice—and also to protect both EBG attorneys, staff and EBG itself, as the Firm embraces the social media milieu.

Introduction

Whether or not an EBG attorney or non-attorney employee chooses to participate in a wiki or online social network or online discussion is his or her own decision. But, for those who use that freedom to decide to participate, there is a commensurate obligation to do so responsibly.

We wanted to pause to remind our attorneys that those who wish to blog on legal topics, whether on EBG-sponsored blogs or other blogs, must adhere to the Firm's policies requiring applying for pre-approval of that activity by the Quality Assurance Committee and the respective departmental steering committees, as well as with the Firm's Standards for External Communications. Additionally, nothing in this policy relieves any employee of the obligation to abide by the Firm's policies on Electronic Information Systems and Information Security. Indeed, adherence to this policy presupposes knowledge of, and adherence to, those policies.

EBG understands that online discourse through social computing can empower global professionals, innovators, entrepreneurs, and citizens. These individual interactions represent a new model: not mass communications, but masses of communicators. Therefore, if those at EBG want to be aware of and participate in this sphere of information, interaction and idea exchange, they must do so in a way that assures they will continue:

To participate: The rapidly growing phenomenon of user-generated web content—blogging, social web-applications and networking—are emerging important arenas for engagement, learning, and client development in which EBG must involve itself responsibly.

To contribute: EBG makes important contributions to its clients, the legal marketplace, and the law itself. It is increasingly important for EBG to share with the world the exciting things we're learning and doing, to learn from others and to influence others.

To protect: EBG, in the end, exists primarily to protect and further the interests of its clients. Therefore, as these technologies emerge and those here embrace them, these

technologies must serve that end, and must always be used in ways consistent with that ultimate obligation of our firm, its attorneys and its employees more generally.

EBG Social Computing Standards: Seven Principles

1. Know and follow EBG's policies as well as the applicable rules of professional conduct. There are legal obligations of confidentiality and limitations on disclosure and comment concerning clients and matters that apply to EBG attorneys. EBG non-attorney employees must understand that these obligations and limitations also govern them, as EBG as a law firm has ethical obligations to supervise all employees consistent with the standards of conduct established by the rules of professional conduct.
2. EBG employees are personally responsible for the content they publish on wikis or any other form of user-generated media. We all must be mindful that what is published will be public for a long time and we must protect our own individual privacy and the privacy of our clients.
3. We strongly suggest that EBG non-attorney employees not discuss EBG or EBG-related matters when using social media, and that, to the extent anyone of us mentions EBG in passing to reference our place of employment, we must write in the first person and make clear that we are speaking as a private individual and not on behalf of EBG. To the extent that EBG attorneys are use social media for marketing and professional networking purposes, they are to adhere to applicable firm policies (including, but not limited to, our Standards on External Communications) and the rules of professional conduct.
4. Be aware of your association with EBG in online social networks. If you identify yourself as an EBG employee, ensure your profile and related content are consistent with how you wish to present yourself with colleagues and clients.
5. Additionally, we remind all EBG attorneys of the filtering and other mechanisms available on social media sites that allow for access to certain information and images to be limited to select contacts or "friends." Diligent and appropriate use of these provide users with the flexibility to use social media for business purposes without necessarily exposing all contacts to personal or private information and images inconsistent with the information and images projected by the firm in the marketplace about itself and its attorneys, individually and collectively.
6. Respect trademark, copyright, fair use and financial disclosure laws. EBG regards online discourse as primarily a form of communication and relationship among individuals. When the Firm wishes to communicate publicly as a Firm—whether to the marketplace or to the general public—it has well established means to do so. Only those officially designated by EBG have the authorization to speak on behalf of the Firm or to use the Firm's logos, trademarks, service marks, and other intellectual property.
7. Respect your audience. Don't use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in EBG's workplace. You should also show proper consideration for others' privacy and for topics that may be considered objectionable or inflammatory—such as politics and religion.

As a Firm, EBG trusts—and expects—all EBG employees to exercise personal responsibility whenever they participate in social media. This includes not violating the trust of those with whom they are engaging. If and when members of EBG's communications, marketing, sales or

other functions engaged in advocacy for the Firm have the authorization to participate in social media, they should identify themselves as such.

Know EBG policies. If you have any confusion about whether you ought to publish something online, you probably should not. But you can avoid confusion by understanding EBG's policies and the laws and ethics rules upon which they rest. If, after checking these policies, you are still unclear as to the propriety of a post or message, it is best to refrain and seek the advice of management.

Be who you are. Some bloggers work anonymously, using pseudonyms or false screen names. EBG discourages that in blogs, wikis or other forms of online participation that relate to EBG, our business or issues with which the Firm is engaged. We believe in transparency and honesty. But also be smart about protecting yourself and your privacy. What you publish will be around for a long time, so consider the content carefully and also be cautious in disclosing personal details.

Be thoughtful about how you present yourself in online social networks. The lines between public and private, personal and professional are blurred in online social networks. By virtue of identifying yourself as an attorney or non-attorney employee of EBG within a social network, you are now connected to your colleagues, managers and even EBG's clients. You should ensure that content associated with you is consistent with your work at EBG. If you have joined EBG recently, be sure to update your social profiles to reflect EBG's guidelines.

Protecting privileged, confidential and proprietary information. Social computing blurs many of the traditional boundaries between internal and external communications. Be thoughtful about what you publish—particularly on external platforms. You must make sure you do not disclose or use EBG confidential or proprietary information or that of any other person or company in any online social computing platform. For example, ask permission before posting someone's picture in a social network or publishing in a blog a conversation that was meant to be private. Ultimately the attorney client privilege and the attorney's obligation to preserve client confidences are fundamental elements of the trust we enjoy as a Firm with our clients, and we must never allow social media activity to betray or conflict with those obligations in any regard or to any extent.

Protect EBG's clients. Unless already identified as part of a publicly filed document or matter, clients should not be cited or otherwise referenced, except as allowed under EBG's standards on external communications.

Respect your audience and your coworkers. Don't be afraid to be yourself, but do so respectfully. This includes not only the obvious (no ethnic slurs, personal insults, obscenity, etc.) but also proper consideration of privacy and of topics that may be considered objectionable or inflammatory—such as politics and religion. It also means respecting the nature of one's relationship with co-workers and fellow Firm employees, and not assuming that such co-workers and fellow Firm employees wish to be “friended”, “linked” or the like, and that even acceptance of such an invitation is not a license invade their privacy or force them to confront private matters of yours.