

CDLA Listserver Guidelines and Etiquette

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1. This memo provides information for the authorized users of the CDLA List Server.
2. Although this may appear to be a list of “don’ts,” you should also realize that there's a much larger list of things you are free to “do” with respect to using the List Server. This freedom, however, carries with it some degree of responsibility - not a legal responsibility, but a professional responsibility needed to keep the list server functioning within its purpose of facilitating public and private communication between defenders throughout this state (on the subject of DUI and general criminal law).
3. This document provides, among other things, a minimum set of guidelines for Network Etiquette which apply to all for the use of the CDLA List Server.
4. These guidelines are subject to change. You can obtain a copy from CDLA at any time by emailing the executive director, who serves as webmaster. They are also posted on the CDLA webpage.
5. CDLA reserves the right to take any action it deems to be in the best interest of the organization. The authority to do so in the first instance has been delegated to a moderator, and that authority is likewise exercised by the webmaster. No one -- member or otherwise -- has any right to be included or participate in the listserver. No set of guidelines can fully anticipate all possible situations, and some situations may not be in the best interest of CDLA, even if they do not expressly violate any of the listserver rules. If you have any questions, contact the listserver moderator or the webmaster.
6. The e-mail address for the List Server is CDL-Member@yahoogroups.com; sending an e-mail to this address results in your e-mail message being distributed through the system and then out to the entire list of subscribers, which is now well over 400 DUI defenders.
7. Technical questions or comments regarding these guidelines or the listserver or the webpage offerings of CDLA should be directed to whomever is the webmaster, which results in a single e-mail message that reaches the CDLA webmaster, who is the appropriate person for dealing with all technical matters, and most comments. Matters involving CDLA policies or management can be directed to the president or to any Board member, and should be. They should not be posted to the list. Indeed, they **MUST** not be posted to the list!

There will be limited occasions in which the president, Board Members, webmaster, or moderator need to make a mass broadcast regarding the listserv or membership matters, etc. That is not a violation of the guidelines. Replies that go to the entire list, however, would generally be violations, unless those replies were expressly invited: direct your responses privately to whomever made the broadcast.

8. Jokes, discussions about sports or politics or betting pools, photographs, and similar subjects, and stories and attachments that are not DUI or law related, are prohibited. You may be very proud of or excited about your sports team: express it privately. 300+ other people do not care, and that blather diminishes the overall usefulness of the listserv. Use some common sense and be courteous regarding others' time.

9. Personal, *ad hominem* attacks on members of the listserv will result in immediate moderation, or suspension of listserv privileges. They have no place on the list and are not tolerated. Be civil. We can disagree without being disagreeable. Remember again, the purpose of CDLA is to provide continuing legal education, training, and research for criminal defense and DUI attorneys. The listserv not a forum for criticizing colleagues and airing gripes, and if it turns into a "gripline," many subscribers will simply quit, and the system will basically implode. We will take all steps possible to prevent that from happening.

We presume we do not need to give a catalogue of examples of forbidden rude, assaultive language. You know it when you utter it; we know it when we see it.

Sexually graphic or explicit material (not directly related to DUI or criminal law defense) is prohibited: if you would not send it to your teenage daughter, it is probably not appropriate for the listserv.

NEVER send listserv e-mail containing silly/snide comments or cute quotes, poetry, or poems. Defenders don't have time for this stuff. Many list servers have died just because this sort of rule was continually violated.

10. Defamatory, abusive, profane, threatening, offensive, unethical, scatological, or illegal language or materials, whether directed to listserv members or others, are prohibited. Such posts, and violations of other of these rules, may result in a restriction on, or suspension of, your listserv privileges.

11. Examples of messages that should NOT be posted to the list include warnings regarding new viruses (many are hoaxes); updates on meeting facilities, weather conditions at CDLA training programs, election results, candidate statements or statements supporting candidates for elections of any type [including CDLA's own Board elections], comments on current events such as earthquakes, "Hey, Thanks for the help," "yes," personal messages, etc. These types of messages do not belong on the list, and when they are posted, many subscribers write the moderator or Board

members to complain about their mailboxes being filled with non-criminal law related messages. The basic standard for posting a message to the list is this: Does the message truly address an issue directly related to DUI or other criminal law practice? If not, then it does not belong on the listserv.

The profusion of certain “see me,” or “do my work for me, types of messages which have tones and substance like: “here are my facts; tell me what I should do,” and “look at me and what I did,” and “here is the entirety of my [examination, case, presentation, life]; what do you think about that?,” and “what does *Ingersoll* say about []?,” and the such will no longer be tolerated, and this is the warning. The moderator and Board are getting far too many complaints about such things, and polite and quiet suggestions to desist have not been heeded, so moderation shall immediately result henceforth.

12. Warnings, moderations, or suspensions (by the moderator or webmaster) may be appealed to the Board of Directors, and a decision rendered by the Board of Directors will be the final resolution of the dispute. Notwithstanding other more severe penalties for violations of the CDLA listserv guidelines, violators of these guidelines are subject, with or without prior notice, to being placed on a “moderated” version of the listserv, whereby the subscriber's desired posts to the list are first examined by the moderator or webmaster for compliance with the guidelines prior to distribution of the message(s) to the entire CDLA list. If they are not in compliance, they will be deleted. If any poster’s material has to be deleted for non-compliance too much, his or her participation in the listserv will be suspended.

13. CDLA is fully equal opportunity compliant. Posts denigrating anyone's race, national origin, sex, sexual preference, or religion are prohibited and will result in immediate suspension of listserv privileges.

14. As a matter of courtesy, please try to read other peoples' responses to posts before you respond. You will often find that a question has already been answered, sometimes several times. Similarly, you may find that a question you want answered has previously been answered. All prior posts on the listserv are archived at <http://groups.yahoo.com/group/CDL-Member/> and you can research common questions there in Yahoogroups with the searchable database. While you may receive CDLA listserv email without a Yahoogroups profile, you need a profile to get into the above group address. Make sure to sign up with Yahoogroups under the same email address you receive email now - contact the webmaster of CDLA for more assistance.

15. Unnecessary replies to CDLA: Before pressing the “Reply” button, ask yourself: “Am I wasting bandwidth with my reply?” Generally, the “Hey, that happened to me too” replies to the entire list are of little use to anyone. On the other hand, a “Hey that happened to me too, so here's what I did....” does belong on the listserv. We are

trying to increase the knowledge base in criminal defense practice, and these comments can help others.

Clearly a post to the list such as: "Hey Joe, it was great to see you at the seminar last week," or "thank you," "me too," "got it," "congratulations," "way to go," "sorry," or similar such chatty one-liners do not need to be sent to all members of the list. This stuff should be sent privately. Often a subscriber posts a complicated question regarding an upcoming trial or hearing and receives back volumes of suggestions. It is perfectly appropriate to post back to the entire list the results you had in that case - we all want this type of feedback - it adds out our collective knowledge base. The posting of a "Thank You" message to the entire list of subscribers is not appropriate, if you are only thanking one or two subscribers. Send such messages directly to the person you wish to thank. Other samples of inappropriate posts to the entire list include but are not limited to things like these:

"Hey, send me a copy of that 1538.5 too!" "Another win! Good Going!" "Hey, I hate that judge too!" "Thanks for your prompt reply, I already have the motion I needed." "Hey, how was the ranch?" Etc.

As you can see, all of these examples are really written to only one person and contribute nothing of substance, and they result in clogging the limited bandwidth on CDLA with unnecessary information. The CDLA list is far too large and filled with important requests and replies to tolerate the broadcast of unnecessary messages. Occasional chatty or limited interest posts made to the entire group by accident will be understood, but repeated violations following warnings by the moderator will result in moderation or suspension or termination of listserver privileges.

So, if all you have to say is "thank you," "me too," "got it," "congratulations," "way to go," "sorry," "Jaegermeister," or similar such one-liners, send it ONLY to the person to whom it applies. It should not be sent to the entire listserver. You can spend an extra 10 seconds to send it only to the person to whom it applies so that 300+ people do not have either to read or to delete it. Only send information to the entire list if it has, currently or in the past, or may in the future reasonably have, interest to more than just one person on the list. If you have made a mistake in sending something to the list, an apology to the list is not necessary -- it just compounds the error and contributes another needless email. Repeated violation of this rule may result in restriction on or suspension of your listserver privileges.

16. All posts should contain information in the subject line that identifies it, so those for whom it has no application can simply delete it without wasting time by opening and reading it. If the subject changes as the thread evolves, please change the subject line. Posts should have a subject heading which reflects the content of the message. Don't simply write: "READ THIS!!!"

All posts should have a signature block with your name, contact information, and email address, or at least something to identify who the poster is [signature of known name, coming from known e-mail address or firm, generally suffices; “blank” does not]. You should not assume that everyone knows who you are just because you are on the list.

17. The listserver is a paid-for service that is totally non commercial. An exception is made for seminars and educational opportunities. Subject to prior approval of the executive director, for any non-CDLA sponsored event, you may make two (and only two) announcements of it: once outside of 30 days before the event and once within 30 days of the event. All announcements should request people to respond off list. An exception is also made for the initial announcement of books that are DUI related. This does not prevent anyone from asking about books, seminars, or other classes on the listserver, but if you have a question about a specific book, seminar or class, in response to an announcement of that book, seminar, or other class, you should send it only to the person who posted about it. This does not prevent requests about what books, seminars, or classes are valuable or available. Advertising for any other commercial purpose is utterly prohibited. This includes marketing of practices and web sites or services. That does not mean you may not present your personal website in your standard signature block. It does mean that product advertising websites are not appropriate, even if you are the product. It’s a matter of degree and tone.

The various governmental nonprofit corporation regulatory authorities prohibit the use of a particular professional business/trade association's resources for unrelated business activity.

This prohibition on advertising is to prevent the possible loss of tax exempt status and/or imposition of an income tax on the advertising activity in question. Examples of prohibited messages include advertising / announcing the sale of a book or publication, training workshop, seminar, video / audio tapes, newsletters, employment opportunities, office space available for lease, computer equipment for sale, or events not sponsored or co-sponsored by the CDLA.

18. Matters posted on the CDLA Listserver are confidential and may not be repeated or republished without the express permission of the original person posting the information. News articles posted to the listserver may be reposted (copyright issues are the members responsibility) elsewhere by cutting and pasting the link or story. Under no circumstances should a listserver post of any kind be “forwarded” to any other person or group. Included in this prohibition is cc’ing our listserver posts to other listservers or individuals who are not members of this organization or listserver. If you are a member of another listserver and want your message to go to them also, post it specifically there as well as on ours; no cc’ing. Each post on the listserver contains the Confidentiality Policy. If you cannot or chose not to follow it, unsubscribe. Breach of the policy is grounds for revocation of your listserver

privileges. Even though we strive for confidentiality, nothing you post on the listserver is privileged and we cannot and do not warrant confidentiality. You should never post or disclose anything that you would not want the world to see. You should never post anything that if disclosed off the list would be harmful to a client. If you are re-posting a message you've received from CDLA, do not change the wording. You may edit out unnecessary parts to the original message if it does not change the meaning of the original message.

19. Subscribers to the CDLA listserver must:

a. Be a current member of CDLA. [Regular, specialist, associate.]

b. Maintain current membership in CDLA.

20. You should assume that e-mail on the Internet is not secure. Never put in a mail message anything you would not put on a postcard. On the other hand, you should CLEARLY UNDERSTAND that this is a closed list server and you may not disclose, distribute, or otherwise communicate to non-subscribers, the contents of ANY CDLA e-mail. This also applies to any data obtained from the CDLA Web system/brief bank, etc., which can reasonably be interpreted to have been provided for viewing only by members of the criminal defense community. Note: Violation of this rule will result in termination of the CDLA services.

21. Respect the copyright on material that you reproduce. This means that you must resist the temptation of copying, pasting, and e-mailing information from legal resources you subscribe to that are copyrighted. Don't violate copyright laws. Instead, direct the individual to the product, etc. It is not the responsibility of the employees at CDLA to screen material you send to the listserver for posting on the system. You must exercise that screening effort and assume responsibility for such materials forwarded to the listserver or the brief bank or anywhere in the CDLA system.

22. Never send chain letters *via* electronic mail. Chain letters are forbidden on the Internet.

23. A good rule of thumb: Be conservative in what you send and liberal in what you receive. You must not send heated messages ("flames"), even if you are provoked. It's prudent not to respond to flames.

24. The entire CDLA system is for the purposes of promoting and bettering the practice of DUI and general criminal defense, and to promote professionalism in the defense community. Therefore, it is the policy on the system that no messages or files be transmitted to other subscribers *via* the CDLA system that solicit assistance in the furtherance of activity related to the prosecution of individuals. Such activity directly conflicts with the function and purposes of the CDLA. Additionally, it is highly detrimental to the criminal defense function to solicit other members of the criminal

defense community to assist in prosecutorial or law enforcement activity. Intentional violation of this guideline will result in suspension or termination of listserv privileges, may also result in termination of membership in CDLA.

25. Be brief without being overly terse. When replying to a message, include enough original material to be understood but no more. It is extremely bad form to simply reply to a message by including all of the previous message: edit out all the irrelevant material. It is likewise bad form to broadcast only an answer without including the portion of the post to which the answer applies. Answers without context are spam and are forbidden.

26. Do not blame the system moderator or webmaster or Board for the behavior of the system users. Things will be taken care of in short order, much more quickly than in the past, but lay the blame where it belongs.

27. Assume that individuals speak for themselves and that what they say does not represent their organization or CDLA (unless explicitly stated otherwise). Indeed, only the president and vice president of CDLA speak for the organization, unless otherwise specifically authorized by the Board.

28. Messages and articles should be brief and to the point. Don't wander off-topic, don't ramble and don't send mail or post messages solely to point out other people's errors in typing or spelling. These, more than any other behavior, mark the poster as immature and thoughtless. At the same time, spell-checkers are very easy to use, they are available on PDAs as well as on larger computers, and the credibility of your post will be enhanced if it does not look like an optician's eye test chart.

29. Forgeries and spoofing are not approved and will result in revocation of subscriber privileges, no exceptions on this...you will be out if you forge a message under another person's name (without permission, of course). "Spoofing" is basically faking an e-mail address and name and or internet e-mail message id. If you don't know how to do it, don't bother trying to find out how it's done.

30. If you find that a personal message has gone to a list or group, and if it is of a nature that would otherwise violate these guidelines, send an apology to the person and to the group. Posting deserved apologies is a sign of maturity and of respect for your fellow practitioners.

31. If you should find yourself in a disagreement with one person, make your responses to each other *via* private e-mail rather than continuing to send messages to the list or the group. You should *****Never***** carry on a conversation with one subscriber *via* the entire list - this is a serious misuse of the list server. Send your e-mail directly to the person if you are simply, in effect, "talking" to that person.

32. Once you are in the CDLA email system by Yahoogroups, you can easily change your email address within Yahoogroups. Go to <http://groups.yahoo.com/mygroups> and edit your profile. Any "returned mail" from your old address will cause you to "bounce" in the Yahoogroups system and you'll stop receiving CDLA listserver mail.

33. The listserver is available on a 24 hour a day, 7 days a week, non-guaranteed basis; and all data on the system is informational only, and is not advisory nor guaranteed to be accurate. Users are strongly encouraged to "Shepardize" everything regardless of the creation date noted on a file. Passwords, e-mail messages received from CDLA, or the computer files from CDLA may not be distributed to others not noted on this form, and that if it is discovered that a subscriber has allowed a non-subscriber to use the CDLA system or have copies of computer files received from CDLA, their subscription privileges may be suspended or revoked. Subscribers may access any of the file areas listed on the system's menus or retrieved from any listed database via the CDLA search engines, but may not attempt to enter any non-listed areas on the CDLA internet server, nor attempt to learn or use the passwords of other subscribers. Subscribers must be practicing criminal defense attorneys [except for the few specific associate members mentioned above] and then must assume all responsibility for ensuring that files downloaded or contributed are free from any virus or other damaging effects. Whether files received from the CDLA carry a copyright notice or not, it is understood that those files may not be placed on any non-CDLA-hosted-internet-sites or storage devices intended for use by anyone as a commercial or non-commercial information service or data base unless previous written permission has been obtained from CDLA.

34. DISCLAIMER OF WARRANTY

CDLA accepts no responsibility for errors or inaccurate information in its products. Every reasonable attempt has been made to maintain accuracy, but no guarantees of such can be made.

REGARDING THE USE OR ACCURACY OF CDLA PRODUCTS. THE USER OF CDLA PRODUCTS ASSUMES THE ENTIRE RISK AS TO RESULTS AND PERFORMANCE. THE INFORMATION IN CDLA PRODUCTS ARE SUBJECT TO CHANGE WITHOUT NOTICE.

CDLA ASSUMES NO LIABILITY FOR ANY LOSS OR DAMAGE FROM ERRORS OR OMISSIONS IN ITS PRODUCTS WHETHER ARISING IN CONTRACT, NEGLIGENCE OR OTHERWISE.

WITH RESPECT TO THE listserver, the Guidelines are part of the terms and conditions for participation on the listserver. Your receipt of email from the listserver system, or your accessing or posting on the listserver, constitutes an acknowledgement that you agree to abide by these Guidelines, terms and conditions, and any amendments or changes to them that may occur from time to time.

It is the policy of the Board that these guidelines be published to the listserver participants at least once every year.

CDLA Products are not intended to be legal advice. CDLA is not in the business of providing professional advice. CDLA products should not be relied on as a substitute for financial, legal or other professional advice.