

# **ETHICS: IMPLICATIONS OF SOCIAL NETWORKING**

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# Ethics: Implications of Social Media

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Internet social media sites provide a venue for attorneys to promote themselves and promote their colleague. These sites also provide a tool for researching your adversary, their counsel, judges, jurors and even your own client. Navigating the ethical hazards associated with these social networking tools can be trickier than you think.

## A. Introduction to social media

There are numerous websites catering to diverse and obscure interests. When formulating internet research, time should be dedicated to finding groups that may be specific to your adversary (school alumni groups, neighborhood groups, etc.). Discovery of information of the social media sites can be as simple as a web search. Other times, one needs to dig deeper and be creative with the vehicles of discovery afforded under your applicable rules of civil procedure.

### a. Examples of social media sites

A sampling of some useful sites follows:

#### i. Social Networking Sites

Social networking sites allow individuals and groups to “link” or “friend” each other via a website. There is an incredible amount of information exchanged on these sites from photos, upcoming events, names of friends and colleagues, etc. People trade messages, share photos, and post their current activities on their “wall”. The most popular are Facebook and MySpace. Both sites should be the starting point of an internet based investigation.

 Facebook - Web address: [www.facebook.com](http://www.facebook.com)

 MySpace- Web address: [www.myspace.com](http://www.myspace.com)

 Friendster- Web address: [www.friendster.com](http://www.friendster.com)

 Netlog- Web address: [www.netlog.com](http://www.netlog.com)  
NetLog is sometimes described as the European MySpace

 Hi5- Web address: [www.Hi5.com](http://www.Hi5.com)  
Hi5 is an international version of sites like Facebook and MySpace popular in Latin and South American countries.

 LinkedIn- Web address: [www.linkedin.com](http://www.linkedin.com)

LinkedIn is a professional networking site. Generally contains information about education, professional associations, colleagues, and work history. The content tends to be tamer than what may be found on Facebook or MySpace. The website however can be an excellent resource about an adversary's background and known colleagues.

 43 Things- Web address: [www.43things.com](http://www.43things.com)

A social networking site where users create accounts and then share lists of goals and hopes.

 Twitter - Web address: [www.twitter.com](http://www.twitter.com)

Twitter is a free social messaging utility for staying connected in real-time. Through Twitter users post short, usually one line, status updates—called “tweets”—on their activities throughout the day. Many of today's mobile phones are equipped with the ability to send tweets, which has led to more frequent updates. Though generally mundane, tweets can be used to create a timeline leading up to events critical in litigation and provide evidence that qualify as a hearsay exception.

#### ii. Media Sharing Sites

These websites allow users to post and share photos and videos. Often, the photos and videos are “tagged” with comments by the user and friends.

 PhotoBucket- Web Address: [www.photobucket.com](http://www.photobucket.com)

 Picasa- Web Address: [www.picasa.google.com](http://www.picasa.google.com)

 PictureTrail- Web Address: [www.picturetrail.com](http://www.picturetrail.com)

 Flickr- Web Address: [www.flickr.com](http://www.flickr.com)

 Slide- Web Address: [www.slide.com](http://www.slide.com)

 Veoh- Web Address: [www.veoh.com](http://www.veoh.com)

 WebShots- Web Address: [www.webshots.com](http://www.webshots.com)

 YouTube- Web Address: [www.youtube.com](http://www.youtube.com)

#### iii. Blogging Sites

Blogs are websites where the writer—called a blogger—provides commentary or news on a particular subject; some blogs are personal dairies. Some blogs will contain

video commentary, called a vlog. Many websites exist to enable people to create and maintain blogs.

 Vox- Web Address: [www.vox.com](http://www.vox.com)

 Blogger- Web Address: [www.blogger.com](http://www.blogger.com)

 LiveJournal- Web Address: [www.livejournal.com](http://www.livejournal.com)

 Xanga- Web Address: [www.xanga.com](http://www.xanga.com)

#### b. Statistics on social media usage

- ◆ On Facebook, the average user has 130 friends, is connected to 60 pages, groups and events, and creates 70 pieces of content each month.  
Source: <http://www.facebook.com/press/info.php?statistics>
- ◆ Over 4 billion images are stored on Flickr  
Source: [http://en.wikipedia.org/wiki/Flickr#cite\\_note-2](http://en.wikipedia.org/wiki/Flickr#cite_note-2)
- ◆ 183 million U.S. Internet users watched online video in May 2010, during which time YouTube.com achieved record levels of viewing activity with 14.6 billion videos viewed, surpassing the threshold of 100 videos per viewer.  
Source: [http://www.comscore.com/Press Events/Press Releases/2010/6/comScore Releases May 2010 U.S. Online Video Rankings](http://www.comscore.com/Press%20Events/Press%20Releases/2010/6/comScore%20Releases%20May%202010%20U.S.%20Online%20Video%20Rankings)
- ◆ Twitter has 100 million users.  
Source: <http://economictimes.indiatimes.com/infotech/internet/Twitter-snags-over-100-million-users-eyes-money-making/articleshow/5808927.cms>

### B. Marketing legal services through social networks

#### a. Promoting yourself

Several websites allow lawyers to market themselves. Among them are avvo.com and linkedin.com. Participation in these listings can cause problems. Attorneys need to ensure that all information on their profile page conform to their applicable rules of professional conduct. Some bar associations have begun to issue ethics opinions regarding such sites. One such opinion is Ethics Advisory Opinion 09-10 from the South Carolina Bar, the Ethics Advisory Committee. The opinion warns that “[b]y claiming a website listing, a lawyer takes responsibility for its content and is then ethically required to conform the listing to all applicable rules.” Source: [http://www.schar.org/member resources/ethics advisory opinions/&id=678](http://www.schar.org/member_resources/ethics_advisory_opinions/&id=678)

#### b. Promoting a colleague

In addition to promoting yourself, websites allow an attorney's clients and colleagues to offer an endorsement. Though the recommendation you post is not about your legal services, ethics rules still apply to your representations about another lawyer's skill and competence. Be sure to consult your state ethics rules.

**C. Researching your adversary through social networks**

- a. Going way back: sites like the wayback machine maintain copies of inactive webpages

Attorneys are becoming more aware of the danger the Internet can pose for their clients. Increasingly, attorneys will conduct research prior to filing a lawsuit and advise clients to clean up negative information. This does not always mean the information is gone. The Internet Archive organization has a website called the Way Back machine [www.waybackmachine.org](http://www.waybackmachine.org), which allows you to browse through 85 billion web pages archived from 1996 to a few months ago. This includes many webpages that have been "deleted" or otherwise no longer available on the active Internet.

- b. Maybe we should just be friends: ethics of "friending" your adversary or judge.

When investigating an opposing party online, an attorney cannot request to link or "friend" the opposing party. Additionally, a lawyer cannot use a third-party as a shill to link or "friend" an opposing party. See Philadelphia Bar Association Professional Guidance Committee, Opinion 2009-02 (March 2009).

In the North Carolina case styled *Whitley vs. Whitley*, Iredell County File No. 07CVD0008, a judge was reprimanded for "friending" a lawyer in a pending case. While the trial was ongoing the attorney posted on Facebook about the litigation and the judge responded to the posting. Pleased with the Judge's comments, the attorney then posted "I have a wise Judge". On another day, the attorney wrote "I hope I'm in my last day of trial", to which the Judge posted in response "you are in the last day of your trial". Opposing counsel was not "friends" with the Judge and attorney on Facebook. The communication was found to be *ex parte*.

Source: <http://www.aoc.state.nc.us/www/public/coa/jsc/publicreprimands/jsc08-234.pdf>

While the communication in *Whitley* was obviously improper, it is unclear if an attorney can "friend" a judge even if there is no communication about the case. The Judicial Ethics Advisory Committee of the Florida Supreme Court has opined that a Judge may not add lawyers who may appear before the judge as "friends" on a social networking site or permit such lawyers to add the judge as their "friend."

Source: <http://www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/2009/2009-20.html>

**D. A tweet from the box to the bench: your jurors and judges may be using social networking to discuss you, your client, or your case.**

a. Jury

In Arkansas a juror used twitter to send updates during a civil trial. After a \$12.6 million judgment, defense attorneys used the twitter posts as a basis for requesting the verdict be overturned.

During a trial against Baltimore, Maryland Mayor Sheila Dixon, jurors were sending messages to each other on Facebook during the trial.

b. Judge

Judge Ernest H. "Bucky" Woods resigned from his position of chief judge of the Mountain Judicial Circuit in Georgia after allegations surfaced of potentially inappropriate contact with a defendant through Facebook postings. According to the allegations, Judge Woods offered to help a woman whom he contacted via Facebook "behind the scenes" in a criminal case.

**E. Conclusion**

The evolution of social media websites provides valuable resources for investigating your adversary, their counsel, judges, and jurors. With this tool comes complicated ethical issues. A dosage of real world common sense and careful review of local ethics rules can help you to transition from the ethics of the real world to the ethics of the virtual world.

<b>Sutter Health and Affiliates Administrative Policies and Procedures</b>	
<b>POLICY FOR SOCIAL NETWORKING AND OTHER WEB-BASED COMMUNICATIONS</b>	
Communications & Marketing Policy Number: 12-745	Origination Date: August 4, 2009 Revised Date: Next Review Date: August 4, 2010
Approved by: Peter Anderson, Sr. VP Strategy & Business Development	

**POLICY**

The Sutter Health network believes that participation in online communities can promote better communication with the Sutter Health system's colleagues and customers, the general public, traditional and non-traditional media, and other community stakeholders. Such participation may include, but is not limited to, postings in online forums, blogs, microblogs, wikis or vlogs (e.g., Facebook, LinkedIn, MySpace, YouTube, Twitter, health pages and blogs, media sites or similar types of online forums). Communications produced by Sutter Health or affiliate employees, physicians, volunteers or associates on behalf of Sutter Health or its affiliates in the online community must be consistent with Sutter Health and its affiliates' *Employee Handbooks* and *Standards for Business Conduct*, policies and applicable laws, including laws concerning protected health information, privacy, confidentiality, copyright and trademarks.

Sutter Health and/or its affiliated entities may require that an employee, physician, volunteer or other associate temporarily discontinue use of Sutter Health- or affiliate-sponsored online communities or stop acting on behalf of Sutter Health/affiliate if it believes their communications are in violation of organizational policies, values or local, state or federal laws, including state and federal patient privacy laws.

**PURPOSE**

The purpose of this policy is to assure i) communications in online communities made on behalf of Sutter Health or its affiliates are consistent with the organizations' *Employee Handbooks* and *Standards for Business Conduct*, policies and applicable laws, including laws concerning privacy, confidentiality, copyright and trademarks; ii) that employees' personal opinions in online communities express the fact that they are not representatives of Sutter Health and/or its affiliates; and iii) uses of Sutter Health- or affiliate-sponsored online communities are appropriate and that communications are accurate.

**PROCEDURES**

A. General Guidelines

1. Communications should be consistent with Sutter Health or affiliates' *Employee Handbooks* and *Standards for Business Conduct*, values, policies and applicable laws.
2. Communications in online communities should never contain information that identifies a patient's identity or health condition in any way.

3. Communications must not contain Sutter Health or affiliate confidential, proprietary or trade-secret information.
4. Individuals may be held personally liable for defamatory, proprietary or libelous commentary.
5. E-mail and Internet access is provided to support Sutter Health or affiliate business purposes. While users who are given access to these tools may make incidental personal use of them, they may not make extensive personal use of them either during work or non-work time. Each user's manager has the right and responsibility to determine what is "extensive use," counsel their staff and revoke access privileges for abuse of the system, if necessary.

B. Unofficial Participation in Online Forums

1. Unless an individual is serving as an approved, official spokesperson for Sutter Health or an affiliated entity in online communications, such communications are the individual's personal opinions and do not reflect the opinion of Sutter Health or its affiliated entities. Each individual employee, physician, volunteer or other associate of Sutter Health or its affiliates is personally responsible for his/her posts (written, audio, video or otherwise).
2. If employees, physicians, volunteers or other associates of Sutter Health and its affiliated entities acknowledge their relationship with Sutter Health and/or its affiliates in an online community, they shall include disclaimers in their online communications advising that they are not speaking officially on behalf of the organization.

C. Official Spokesperson or Other Job-specific Participation in Online Forums

1. As outlined in the organization's media relations policies, if a member of the media or non-traditional online media (can include bloggers) contacts an employee, physician, volunteer or other associate of Sutter Health or its affiliated entities about the business of the organization (e.g., Sutter Health or affiliate news, network operations, policies, practices, strategic commitments or additional business information of any kind), prior to responding, the individual must contact the Sutter Health Communications Department at (916) 286-6770 or his/her affiliate communications department. These communications departments, which will coordinate with other appropriate departments, may give an individual permission to serve as an official spokesperson. Once an individual has approval to serve as an official spokesperson for Sutter Health or an affiliated entity, the individual must clearly identify himself/herself as spokesperson for the organization or affiliate, and clearly identify his/her level of expertise.
2. In some instances, an individual's department or another department of the Sutter Health network may ask the individual to participate in particular online forums in other functional, job-specific capacities. Examples might include medical posts on Sutter's [MyLifeStages.com](http://MyLifeStages.com), collaboration with Sutter Health colleagues within MySutter blogs and forums, as a recruitment officer on LinkedIn, or to share best practices on certain trade sites related to health care quality or the participant's profession. Prior to participation, the individual should discuss involvement with his/her supervisor, receive approval, and agree on parameters for the project as well as the length of participation. As appropriate, guidance from the Sutter Health or region Legal counsel should be sought.

3. Employees and others associated with the Sutter Health network may not post any material that includes confidential/proprietary information or trade secrets; or information that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful or humiliating to another person or entity. This includes, but is not limited to, comments regarding Sutter Health, its affiliates, Sutter Health employees, customers, partners or patients. An individual may respectfully disagree with company actions, policies or management. Individuals should ask their managers and/or refer to the Sutter Health and affiliates' *Employee Handbooks* and *Standards for Business Conduct* if they have any questions about what is appropriate to include in Web-based communications.

D. Use of Sutter Health- or Affiliate-Sponsored Sites

Individuals using Sutter Health- or affiliate-sponsored online communities should refrain from using copyrighted materials (written, audio, video and all other electronic forms), as well as, language that is obscene, defamatory, derogatory, profane, libelous, threatening, harassing, abusive, hateful, or humiliating to another person or entity.

Individuals who have concerns regarding workplace conduct or inappropriate behavior are encouraged to contact their immediate supervisor, local Human Resources representative or the Sutter Health Confidential Message Line at (800) 500-1950. Online forums are not the most effective way to resolve such issues.

# IBM Social Computing Guidelines

## Blogs, wikis, social networks, virtual worlds and social media

In the spring of 2005, IBMers used a wiki to create a set of guidelines for all IBMers who wanted to blog. These guidelines aimed to provide helpful, practical advice—and also to protect both IBM bloggers and IBM itself, as the company sought to embrace the blogosphere. Since then, many new forms of social media have emerged. So we turned to IBMers again to re-examine our guidelines and determine what needed to be modified. The effort has broadened the scope of the existing guidelines to include all forms of social computing.

Below are the current and official "IBM Social Computing Guidelines," which continue to evolve as new technologies and social networking tools become available.

Have you seen social computing behavior or content that is not in keeping with these guidelines? Report inappropriate content via e-mail.

### Introduction

#### Responsible engagement in innovation and dialogue

Whether or not an IBMer chooses to create or participate in a blog, wiki, online social network or any other form of online publishing or discussion is his or her own decision. However, emerging online collaboration platforms are fundamentally changing the way IBMers work and engage with each other, clients and partners.

IBM is increasingly exploring how online discourse through social computing can empower IBMers as global professionals, innovators and citizens. These individual interactions represent a new model: not mass communications, but masses of communicators.

Therefore, it is very much in IBM's interest—and, we believe, in each IBMer's own—to be aware of and participate in this sphere of information, interaction and idea exchange:

**To learn:** As an innovation-based company, we believe in the importance of open exchange and learning—between IBM and its clients, and among the many constituents of our emerging business and societal ecosystem. The rapidly growing phenomenon of user-generated web content—blogging, social web-applications and networking—are emerging important arenas for that kind of engagement and learning.

**To contribute:** IBM—as a business, as an innovator and as a corporate citizen—makes important contributions to the world, to the future of business and technology, and to public dialogue on a broad range of societal issues. As our business activities increasingly focus on the provision of transformational insight and high-value innovation - whether to business clients or those in the public, educational or health sectors—it becomes increasingly important for IBM and IBMers to share with the world the exciting things we're learning and doing, and to learn from others.

In 1997, IBM recommended that its employees get out onto the Internet—at a time when many companies were seeking to restrict their employees' Internet access. In 2005, the company made a strategic decision to embrace the blogosphere and to encourage IBMers to participate. We continue to advocate IBMers' responsible involvement today in this rapidly growing space of relationship, learning and collaboration.

## IBM Social Computing Guidelines: Executive Summary

1. Know and follow IBM's Business Conduct Guidelines.
2. IBMers are personally responsible for the content they publish on blogs, wikis or any other form of user-generated media. Be mindful that what you publish will be public for a long time—protect your privacy.
3. Identify yourself—name and, when relevant, role at IBM—when you discuss IBM or IBM-related matters. And write in the first person. You must make it clear that you are speaking for yourself and not on behalf of IBM.
4. If you publish content to any website outside of IBM and it has something to do with work you do or subjects associated with IBM, use a disclaimer such as this: "The postings on this site are my own and don't necessarily represent IBM's positions, strategies or opinions."
5. Respect copyright, fair use and financial disclosure laws.
6. Don't provide IBM's or another's confidential or other proprietary information. Ask permission to publish or report on conversations that are meant to be private or internal to IBM.
7. Don't cite or reference clients, partners or suppliers without their approval. When you do make a reference, where possible link back to the source.
8. Respect your audience. Don't use ethnic slurs, personal insults, obscenity, or engage in any conduct that would not be acceptable in IBM'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.
9. Find out who else is blogging or publishing on the topic, and cite them.
10. Be aware of your association with IBM in online social networks. If you identify yourself as an IBMer, ensure your profile and related content is consistent with how you wish to present yourself with colleagues and clients.
11. Don't pick fights, be the first to correct your own mistakes, and don't alter previous posts without indicating that you have done so.
12. Try to add value. Provide worthwhile information and perspective. IBM's brand is best represented by its people and what you publish may reflect on IBM's brand.

## IBM Social Computing Guidelines: Detailed Discussion

### **The IBM Business Conduct Guidelines and laws provide the foundation for IBM's policies and guidelines for blogs and social computing.**

The same principles and guidelines that apply to IBMers' activities in general, as found in the IBM Business Conduct Guidelines, apply to IBMers' activities online. This includes forms of online publishing and discussion, including blogs, wikis, file-sharing, user-generated video and audio, virtual worlds\* and social networks.

As outlined in the Business Conduct Guidelines, IBM fully respects the legal rights of our employees in all countries in which we operate. In general, what you do on your own time is your affair. However, activities in or outside of work that affect your IBM job performance, the performance of others, or IBM's business interests are a proper focus for company policy.

### **IBM supports open dialogue and the exchange of ideas.**

IBM regards blogs and other forms of online discourse as primarily a form of communication and relationship among individuals. When the company wishes to communicate publicly as a company—whether to the marketplace or to the general public—it has well established means to do so. Only those officially designated by IBM have the authorization to speak on behalf of the company.

However, IBM believes in dialogue among IBMers and with our partners, clients, members of the many communities in which we participate and the general public. Such dialogue is inherent in our business model of innovation, and in our commitment to the development of open standards. We believe that IBMers can both derive and provide important benefits from exchanges of perspective.

One of IBMers' core values is "trust and personal responsibility in all relationships." As a company, IBM trusts—and expects—IBMer to exercise personal responsibility whenever they participate in social media. This includes not violating the trust of those with whom they are engaging. IBMers should not use these media for covert marketing or public relations. If and when members of IBM's Communications, Marketing, Sales or other functions engaged in advocacy for the company have the authorization to participate in social media, they should identify themselves as such.

What does an IBMer's personal responsibility mean in online social media activities? Online social media enables individuals to share their insights, express their opinions and share information within the context of a globally distributed conversation. Each tool and medium has proper and improper uses. While IBM encourages all of its employees to join a global conversation, it is important for IBMers who choose to do so to understand what is recommended, expected and required when they discuss IBM-related topics, whether at work or on their own time.

**Know the IBM Business Conduct Guidelines.** If you have any confusion about whether you ought to publish something online, chances are the BCGs will resolve it. Pay particular attention to what the BCGs have to say about proprietary information, about avoiding misrepresentation and about competing in the field. If, after checking the BCG's, you are still unclear as to the propriety of a post, 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. IBM discourages that in blogs, wikis or other forms of online participation that relate to IBM, our business or issues with which the company is engaged. We believe in transparency and honesty. If you are blogging about your work for IBM, we encourage you to use your real name, be clear who you are, and identify that you work for IBM. Nothing gains you more notice in the online social media environment than honesty—or dishonesty. If you have a vested interest in something you are discussing, be the first to point it out. 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 judicious 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 IBMer within a social network, you are now connected to your colleagues, managers and even IBM's clients. You should ensure that content associated with you is consistent with your work at IBM. If you have joined IBM recently, be sure to update your social profiles to reflect IBM's guidelines.

**Speak in the first person.** Use your own voice; bring your own personality to the forefront; say what is on your mind.

**Use a disclaimer.** Whether you publish to a blog or some other form of social media, make it clear that what you say there is representative of your views and opinions and not necessarily the views and opinions of IBM. At a minimum in your own blog, you should include the following standard disclaimer: "The postings on this site are my own and don't necessarily represent IBM's positions, strategies or opinions."

**Managers and executives take note:** This standard disclaimer does not by itself exempt IBM managers and executives from a special responsibility when blogging. By virtue of their position, they must consider whether personal thoughts they publish may be misunderstood as expressing IBM positions. And a manager should assume that his or her team will read what is written. A public blog is not the place to communicate IBM policies to IBM employees.

**Respect copyright and fair use laws.** For IBM's protection and well as your own, it is critical that you show proper respect for the laws governing copyright and fair use of copyrighted material owned by others, including IBM's own copyrights and brands. You should never quote more than short excerpts of someone else's work. And it is good general blogging practice to link to others' work. Keep in mind that laws will be different depending on where you live and work.

**Protecting 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 IBM 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.

**IBM's business performance.** You must not comment on confidential IBM financial information such as IBM's future business performance, business plans, or prospects anywhere in world. This includes statements about an upcoming quarter or future periods or information about alliances, and applies to anyone including conversations with Wall Street analysts, press or other third parties (including friends). IBM policy is not to comment on rumors in any way. You should merely say, "no comment" to rumors. Do not deny or affirm them—or suggest either denial or affirmation in subtle ways.

**Protect IBM's clients, business partners and suppliers.** Clients, partners or suppliers should not be cited or obviously referenced without their approval. Externally, never identify a client, partner or supplier by name without permission and never discuss confidential details of a client engagement. Internal social computing platforms permit suppliers and business partners to participate so be sensitive to who will see your content. If a client hasn't given explicit permission for their name to be used, think carefully about the content you're going to publish on any internal social media and get the appropriate permission where necessary.

It is acceptable to discuss general details about kinds of projects and to use non-identifying pseudonyms for a client (e.g., Client 123) so long as the information provided does not make it easy for someone to identify the client or violate any non-disclosure or intellectual property agreements that may be in place with the client. Furthermore, your blog or online social network is not the place to conduct confidential business with a client.

**Respect your audience and your coworkers.** Remember that IBM is a global organization whose employees and clients reflect a diverse set of customs, values and points of view. 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. For example, if your blog is hosted on an IBM-owned property, avoid these topics and focus on subjects that are business-related. If your blog is self-hosted, use your best judgment and be sure to make it clear that the views and opinions expressed are yours alone and do not represent the official views of IBM. Further, blogs, wikis, virtual worlds, social networks, or other tools hosted outside of IBM's protected Intranet environment should not be used for internal communications among fellow employees. It is fine for IBMers to disagree, but please don't use your external blog or other online social media to air your differences in an inappropriate

manner.

**Add value.** IBM's brand is best represented by its people and everything you publish reflects upon it. Blogs and social networks that are hosted on IBM-owned domains should be used in a way that adds value to IBM's business. If it helps you, your coworkers, our clients or our partners to do their jobs and solve problems; if it helps to improve knowledge or skills; if it contributes directly or indirectly to the improvement of IBM's products, processes and policies; if it builds a sense of community; or if it helps to promote IBM's Values, then it is adding value. Though not directly business-related, background information you choose to share about yourself, such as information about your family or personal interests, may be useful in helping establish a relationship between you and your readers, but it is entirely your choice whether to share this information.

**Don't pick fights.** When you see misrepresentations made about IBM by media, analysts or by other bloggers, you may certainly use your blog—or join someone else's—to point that out. Always do so with respect, stick to the facts and identify your appropriate affiliation to IBM. Also, if you speak about a competitor, you must make sure that what you say is factual and that it does not disparage the competitor. Avoid unnecessary or unproductive arguments. Brawls may earn traffic, but nobody wins in the end. Don't try to settle scores or goad competitors or others into inflammatory debates. Here and in other areas of public discussion, make sure that what you are saying is factually correct.

**Be the first to respond to your own mistakes.** If you make an error, be up front about your mistake and correct it quickly. In a blog, if you choose to modify an earlier post, make it clear that you have done so.

**Use your best judgment.** Remember that there are always consequences to what you publish. If you're about to publish something that makes you even the slightest bit uncomfortable, review the suggestions above and think about why that is. If you're still unsure, and it is related to IBM business, feel free to discuss it with your manager. Ultimately, however, you have sole responsibility for what you post to your blog or publish in any form of online social media.

**Don't forget your day job.** You should make sure that your online activities do not interfere with your job or commitments to customers.



# Social Media Policy

by Greteman Group on January 14, 2009 [29 comments](#)

Posted in [Blogging](#), [Social Media](#), [Twitter](#)

We are a plugged-in people, constantly bombarded by friend requests, photo tags, status updates and links to videos of funny babies and pets. At Greteman Group, we not only embrace the media and technology that make these bombardments possible, we harness them for our clients. We also welcome the power of individuals to leverage and enhance their personal brands through these tools.

At the same time, we recognize the challenges of the increasing competition for our time and attention created by this barrage of messages. To address these challenges, we have created the following guidelines for team members' use of social media tools both in and out of the office.

\*We're adding the following policy to our official employee manual. We thought that many of you might be having similar discussions at your companies, and that posting our policy might help guide your conversations.

## Overall Philosophy

While you are on company time, please refrain from online activities that don't bring value to Greteman Group. Think of your personal time online in the same way you think of personal phone calls or emails.

## Blogging

Microsoft has a bone-simple blogging policy. Be smart. We ask the same of you. Please be smart in your online activities. They reflect on both you and the agency. The ability to publish things that may never go away and can be forwarded endlessly, well, it gives us pause and we hope it does you, too.

We view personal websites and blogs as good things. We want you to avail yourselves of these media. We respect your online activity as a medium of self-expression. Please note, though, that confidentiality agreements prevent disclosure of all client and Greteman Group business. Readers may view you as a de facto spokesperson for our company.

While you are employed with Greteman Group, please observe the following blogging guidelines for your personal blogs:

1. Do not work on your personal blog during business hours. If you just have to scratch the itch to blog, write a post for the Greteman Group blog.
2. When posting to your personal blog, please make it clear to your readers that the views you express are yours alone and that they do not necessarily reflect the agency's views. To help reduce the potential for confusion, we would appreciate it if you put the following notice – or something similar – in a reasonably prominent place on your site:  
*The views expressed on this website/weblog are mine alone and do not necessarily reflect the views of my employer.*
3. Respect the company's confidentiality and proprietary information.
4. Ask your direct supervisor if you have any questions about what is appropriate to include in your blog.
5. Be respectful to the company, fellow team members, clients and competitors.
6. Understand and comply when the company asks that topics not be discussed for confidentiality or legal reasons.

## Online Social Networking

Online social networks include sites like [Facebook](#), [MySpace](#) and [LinkedIn](#) (and many, many more).

There have been a number of questions regarding proper "etiquette" on these sites. While there are no official rules when it comes to the following, these are our recommendations:

- Use Facebook and MySpace (and similar sites) as your personal network. If you don't want to friend coworkers, vendors or clients, don't feel pressured to.
- Use LinkedIn as your professional network for adding work-related colleagues.
- If you are uncomfortable with adding a contact, don't add him or her. These might include former employees, competitors or that random, slightly creepy guy you met at an organization's mixer.

The following are guidelines we request you abide by while you are employed with Greteman Group:

1. Do not access your personal social network on company time.
2. In your LinkedIn privacy settings, block your connections from viewing your other connections. The setting should read: "Your connections are not

<http://gretemangroup.com/blog/index.php/2009/01/social-media-policy/>

6/30/2010

allowed to view your connections list." Sounds confusing, we know. Which is why we will show everyone how to do it at our next Oxygen Bar. If you're still confused, just see a member of the iTeam for instructions.

3. Be smart about what you publish. Once you put something out there, it can be difficult to retract. Make sure your online brand doesn't diminish or tarnish your offline brand.

#### Twitter

Twitter has become so prevalent that it has earned its own section in our guidelines. The biggest concern when it comes to Twitter is not the time it takes to tweet, but the time and focus you spend keeping up with the numerous conversations.

Please observe the following Twitter guidelines:

1. Do not let your Twitter posting interfere with your billable and company projects.
2. Moderate the use of your Twitter monitoring tools (Twhirl, Twitterific, TweetDeck, etc.) during working hours.
3. Part-time employees have no reason to use Twitter while at work. Therefore, they are not allowed to use Twitter – either posting or listening – during their time at work.

#### Social Video

Watching a quick video on [YouTube](#) can spark creativity and lighten a stressful day. We don't want to ban YouTube, we just ask that you moderate the time you spend watching videos. And, obviously, don't let them interfere with your billable time.

#### Blog Reading

Just like videos, blogs are invaluable sources of inspiration and information. Please refrain from reading personal or non-industry blogs during company time. And, again, don't let blog reading interfere with billable time.

#### Online Shopping

Unless it is work-related, please refrain from online shopping during company time.

#### eMail Forwards

Jokes, urban legends and get-rich email forwards are the oldest form of Internet-based social media. When it comes to company email, we ask that you think twice before hitting send and be judicious with the number of items you forward. And, if you're unsure whether a certain Nigerian prince really is being truthful about a promised fortune, a quick stop by [Snopes.com](#) might be in order.

If you have any questions about these guidelines or any matter related to your site that these guidelines do not address, please contact a member of the iTeam.

#### Location Based Social Networking

Wouldn't it be great to know exactly where our competitors were, all the time? Just the same, we don't want to clue in our competition on which potential (and current) clients we're visiting and when. Please refrain from checking in with Foursquare, Gowalla and the like at our clients' locations during business activity.

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If your company has developed a social media policy, share it in the comments. If you haven't, share how you're handling social media usage. We can all learn from each other.

\*This post was updated on June 2010. Original post January 2009.

[WordPress Admin](#)



## Intel Social Media Guidelines

These are the official guidelines for social media at Intel. If you're an Intel employee or contractor creating or contributing to blogs, wikis, social networks, virtual worlds, or any other kind of social media both on and off intel.com—these guidelines are for you. We expect all who participate in social media on behalf of Intel to be trained, to understand and to follow these guidelines. Failure to do so could put your future participation at risk. These guidelines will continually evolve as new technologies and social networking tools emerge—so check back once in awhile to make sure you're up to date.

### When You Engage

Emerging platforms for online collaboration are fundamentally changing the way we work, offering new ways to engage with customers, colleagues, and the world at large. It's a new model for interaction and we believe social computing can help you to build stronger, more successful business relationships. And it's a way for you to take part in global conversations related to the work we are doing at Intel and the things we care about.

If you participate in social media, please follow these guiding principles:

Stick to your area of expertise and provide unique, individual perspectives on what's going on at Intel and in the world.

Post meaningful, respectful comments—in other words, no spam and no remarks that are off-topic or offensive.

Always pause and think before posting. That said, reply to comments in a timely manner, when a response is appropriate.

Respect proprietary information and content, and confidentiality.

When disagreeing with others' opinions, keep it appropriate and polite.

Know and follow the [Intel Code of Conduct](#) and the [Intel Privacy Policy](#).

### Rules of Engagement

**Be transparent.** Your honesty—or dishonesty—will be quickly noticed in the social media environment. If you are blogging about your work at Intel, use your real name, identify that you work for Intel, and be clear about your role. If you have a vested interest in something you are discussing, be the first to point it out. Transparency is about your identity and relationship to Intel. You still need to keep confidentiality around proprietary information and content.

**Be judicious.** Make sure your efforts to be transparent don't violate Intel's privacy, confidentiality, and legal guidelines for external commercial speech. Ask permission to publish or report on conversations that are meant to be private or internal to Intel. All statements must be true and not misleading and all claims must be substantiated and approved. Product benchmarks must be approved for external posting by the appropriate product benchmarking team. Please never comment on anything related to legal matters, litigation, or any parties we are in litigation with without the appropriate approval. If you want to write about the competition, make sure you know what you are talking about and that you have the appropriate permission. Also be smart about protecting yourself, your privacy, and Intel Confidential information. What you publish is widely accessible and will be around for a long time, so consider the content carefully.

**Write what you know.** Make sure you write and post about your areas of expertise, especially as related to Intel and our technology. If you are writing about a topic that Intel is involved with but you are not the Intel expert on the topic, you should make this clear to your readers. And write in the first person. If you publish to a website outside Intel, please use a disclaimer something like this: "The postings on this site are my own and don't necessarily represent Intel's positions, strategies, or opinions." Also, please respect brand, trademark, copyright, fair use, trade secrets (including our processes and methodologies), confidentiality, and financial disclosure laws. If you have any questions about these, see your Intel legal representative. Remember, you may be personally responsible for your content.

**Perception is reality.** In online social networks, the lines between public and private, personal and professional are blurred. Just by identifying yourself as an Intel employee, you are creating perceptions about your expertise and about Intel by our shareholders, customers, and the general public—and perceptions about you by your colleagues and managers. Do us all proud. Be sure that all content associated with you is consistent with your work and with Intel's values and professional standards.

**It's a conversation.** Talk to your readers like you would talk to real people in professional situations. In other words, avoid overly pedantic or "composed" language. Don't be afraid to bring in your own personality and say what's on your mind. Consider content that's open-ended and invites response. Encourage comments. You can also broaden the conversation by citing others who are blogging about the same topic and allowing your content to be shared or syndicated.

**Are you adding value?** There are millions of words out there. The best way to get yours read is to write things that people will value. Social communication from Intel should help our customers, partners, and co-workers. It should be thought-provoking and build a sense of community. If it helps people improve knowledge or skills, build their businesses, do their jobs, solve problems, or understand Intel better—then it's adding value.

**Your Responsibility:** What you write is ultimately your responsibility. Participation in social computing on behalf of Intel is not a right but an opportunity, so please treat it seriously and with respect. If you want to participate on behalf of Intel, take the Digital IQ training and contact the [Social Media Center of Excellence](#). Please know and follow the [Intel Code of Conduct](#). Failure to abide by these guidelines and the Intel Code of Conduct could put your participation at risk. Contact [social.media@intel.com](mailto:social.media@intel.com) for more information. Please also follow the terms and conditions for any third-party sites.

**Create some excitement.** As a business and as a corporate citizen, Intel is making important

### Information on this Page

[When You Engage](#)  
[Rules of Engagement](#)  
[Contractors & Endorsements](#)  
[Moderation Guidelines](#)

## ETHICS: Implications of Social Media



Linda Woolf, Esq.  
*Goodell, DeVries,  
Leech & Dann, LLP*

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### Types of social media

**Social Networking:**

- Facebook 
- MySpace 
- Twitter 
- LinkedIn 

**Image Sharing:**

- Flickr 
- Snapfish 

**Video Sharing:**

- YouTube 

**Information Sharing:**

- Blogs 

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### Quick statistics

- 882,582,621 - monthly visits to YouTube
- 3,082,560,671- monthly visits to Facebook
- 500 Million Users on Facebook
- 28,235,973 unique visits to Twitter in May

\*Sources: compete.com May 2010 survey and Facebook.com

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<b>Concerns with employee use of social media</b>
<ul style="list-style-type: none"> <li><input type="checkbox"/>Lack of productivity</li> <li><input type="checkbox"/>Statements about vendors and customers</li> <li><input type="checkbox"/>Liability for employee's use of social media</li> <li><input type="checkbox"/>Confidential information easily uploaded</li> </ul>

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<b>Lack of productivity</b>
<p>~ 57% of employees use Twitter, Facebook and other popular websites during office hours, spending almost one week per year on the sites. <i>The World This Week</i>, The Economist (Oct. 31, 2009)</p>

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<b>Statements about vendors and customers</b>
<p>Injunction to preclude Internet website registrant from posting copyrighted material and from posting allegedly misappropriated trade secrets.</p> <p><i>Ford Motor Co. v. Lane</i>, 67 F.Supp.2d 745 (E.D.Mich. 1999)</p>

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### Liability for employee's use of social media

- An employer may have a duty to take remedial action when it knows or should know that employees are using work-related social media to harass other employees. *Avery v. Idleaire Technologies Corp.*, 2007 WL 1574269 (E.D. Tenn. 2007)
- Employer has duty to terminate an employee once it knows or should know the employee was viewing pornography at work. *Doe v. XYZ Corp.*, 887 A.2d 1156 (N.J. Super. App. Ct. 2005)
- Suggesting employer may be liable if employee's conduct was foreseeable to employer. *Maypark v. Securitas Sec. Serv. USA, Inc.*, 2009 WI App 145 (2009)

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### Confidential information easily uploaded



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### Anticipated or Actual Litigation

- Social media litigation hold strategy
- Investigating plaintiff
- Posting about litigation
- Be careful who you friend

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**Social media litigation hold strategy**

- Identify employees
- Inquire about posting
- Social media freeze

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**Investigating plaintiff**

- Search social media
- Plaintiff is not your "Friend"

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**Posting about litigation**

Someone is always reading...

Today, Oct. 30th, I along with several other attorneys, had to endure her ugly, condescending attitude as one-by-one we all went up to the podium and noted that our respective clients had just been arraigned on Oct. 18th as she forced us to decide between saying ready for trial - or need a continuance. Clearly, she is doing this to get defendants to continue and, thereby, waive speedy. Every atty tried their best to bring reason to that ctroom, but, as anyone who has been in there knows, she is clearly unfit for her position and knows not what it means to be a neutral arbiter.

In my case, I filed a written plea of NG, waiving my def's presence from the 10/18 arraignment. The notice setting trial for the 30th wasn't mailed out until the 24th - and I got it on the 25th (I saved the envelope for any upcoming motion for discharge under the speedy trial rule). As my case was on recall for 2 hours, I watched this seemingly mentally ill judge condescend each previous attorney. I had my argument ready. Prior to being placed on recall, I first approached the podium and noted that her question to me: "trial or continuance" placed my client in a position of having to decide b/t his rt to a speedy trial & his right to explore discovery. Nonetheless, almost 2 hours later, my was was finally recalled:

ME: "Judge (not your honor b/c there's nothing honorable about that malcontent) ... there seems to be a mistake in this case."

EVIL, UNFAIR WITCH ("hereinafter "EUW"): "and what is that?"

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**Be careful who you friend**

- Judges
- Jurors

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**Employee Social Media Policy Considerations**

- Is a social media policy necessary
- Should policy apply to all employees
  - Monitor employee's usage
  - Preservation of postings
    - Privacy settings

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**Do Not Force Employees to Provide Access to Private Social Media Accounts**

An employer may be liable for damages if firing an employee after improper retrieval of information from MySpace. *Pietrylo v. Hillstone Restaurant Group*, 2009 WL 3128420 (D.N.J. Sept.25, 2009)

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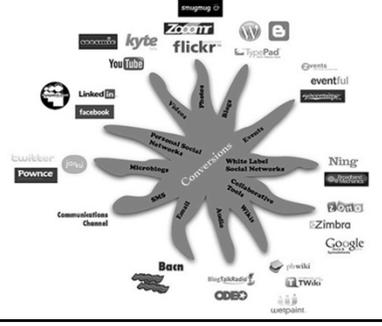
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**Social media sites are constantly emerging and evolving: Keep up to date**



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Commercial and  
Business Tort  
Litigation

Insurance Coverage  
Litigation

Employment  
Litigation

Environmental

Local government  
and Municipal  
Liability

Product Liability

General Liability  
Defense

Linda S. Woolf is the Managing Partner of the firm and one of its founding members. Ms. Woolf's practice is devoted to the representation of clients in complex commercial, insurance coverage, construction, government liability, and employment litigation.

Ms. Woolf is the Vice Chair of the Commercial Litigation Section of the Federation of Defense and Corporate Counsel and serves on several of its ad hoc committees. She is a past Chair of the Network of Trial Law Firms, Inc. (1999-2000), a non-profit corporation comprised of 26 independent law firms nationally recognized for their trial and litigation experience. Ms. Woolf is a past member of the Executive Board of the Maryland Association of Defense Counsel, and past Co-Chair of its Appellate Committee.

In 2007, Ms. Woolf was honored with the Daily Record's Leadership in Law Award and as one of the Top 100 Women in Maryland. From 2007-2010, she has been named as one of the Top 25 Women Super Lawyers in Maryland and recognized by Best Lawyers in Bet-the-Company (2009-2010) and Commercial Litigation (2008-2010).

**PROFESSIONAL EXPERIENCE**

**COMMERCIAL AND BUSINESS TORT LITIGATION**

Represents medical device manufacturer in class actions pending in various federal and state courts arising from sale and distribution of Class II medical device.

Represents food producer in multi-district litigation seeking certification of nationwide class of consumers involving allegedly false advertising claims.

Represents international pharmaceutical company in litigation arising from the divestiture of a wholly-owned medical device subsidiary. Represents an international manufacturer in litigation arising from the divestiture of a worldwide battery business. Has represented national and local corporations at the trial and appellate levels in state and federal courts in matters involving the sale of corporate subsidiaries and businesses, alleged predatory lending practices and consumer fraud, federal and state antitrust violations, claims arising from non-competition agreements and the misappropriation of technology and other contractual disputes. Represented a surety in protracted litigation with the Resolution Trust Corporation arising from the failure of a savings and loan institution. Represented the majority shareholders of two thoroughbred racing corporations in derivative lawsuits filed by minority shareholders, successfully retaining control of nationally known racetracks.

Has represented corporate directors and officers, trustees and other fiduciaries in various litigation including claims for diversion of corporate opportunity, claims under ERISA for alleged breaches of fiduciary duty, shareholder derivative claims. Defeated proposed class certification in two companion ERISA cases brought by retirees of non-for-profit health insurer seeking enforcement of former welfare benefit plan and damages for breach of fiduciary duty. Has represented a variety of businesses in complex business tort litigation. Defended a defense contractor against claims of defamation and tortious interference with economic relations, arising from responses to RFP's to NSA. Represented hospitals, health insurers and managed health care organizations and their officers and directors in various litigation involving billing disputes, alleged breach of physician participation agreements, credentialing disputes and claims of defamation, tortious interference with economic relations and other business torts.

