

NYSBA Social Media and Digital Communications Policy
Approved by the NYSBA Executive Committee January 2020

A. Policy Statement

The New York State Bar Association (“NYSBA” or “the Association”) recognizes that the internet, electronic communications and social media are changing communication and information delivery. This policy is designed to foster responsible, constructive communications via social media for members of the Association.

This policy is intended to conform to the laws of New York State and the United States. It should be interpreted in a manner consistent with NYSBA bylaws and policies, including the Code of Conduct of the New York State Bar Association already in place. This policy also complements the Association’s guidelines for use of bulk e-mail for communications to members. A separate policy for Association staff has been developed as an addendum to the Employee’s Handbook.

B. Guiding Principles

1. Effectively managing and protecting NYSBA’s confidential information is a critical responsibility for all members. You must not speak or otherwise imply that you are acting on behalf of the NYSBA or that you have an official NYSBA opinion unless authorized to do so. Communications made through social media do not constitute a legal or official notice or comment to NYSBA or any official or employee of NYSBA for any purpose.
2. NYSBA Social Media Sites: Only those officially designated in item “a” below or by NYSBA’s executive director or his or her designee can use social media to speak on behalf of NYSBA, though any member may use social media to speak for themselves individually.
 - a. Those officially designated to use social media to speak for the Association are the Officers of the Association, the Executive Director, the Social Media and Web Content Manager and the Managing Director of Marketing & Communications or his or her specific designee - an employee who is a direct report to the Director and who has received training on social media and media services.
 - b. NYSBA will maintain the official NYSBA presence on any social media/social networking site and may, at its discretion, create sites for various entities, such as Sections or Committees. Only NYSBA staff designated as social media administrators (the social media and web content manager or a designated staff member from Marketing and Communications) may create official NYSBA social media sites. NYSBA reserves the right to have any unofficial pages removed by the social media/social networking site.
 - c. The use of the NYSBA name, logo, trademarks or other branding elements on social networking sites is limited to NYSBA’s official sites only; the NYSBA name, logo, trademarks or other branding elements should be added to such sites only by NYSBA staff designated as social media administrators. All use of NYSBA’s name, logo, trademarks or other branding elements must comply with existing NYSBA graphic standards and trademark/service mark policies.
 - d. Staff liaisons authorized by the Executive Director may post social media communications on behalf of a group to which they are liaison. The liaison must confine him or herself to posting only information specific to the Section or Committee to which they are assigned as liaison and only to the social media accounts specific to that entity.
 - e. NYSBA members and Section and Committee members are encouraged to interact with NYSBA’s social media channels and to participate in NYSBA’s social media platforms. Any member may post to a NYSBA social media group of which they are a member if that social media channel allows for posting.

3. Misrepresentations made about NYSBA by the media or analysts should be brought to the attention of the Managing Director of Marketing and Communications; the Managing Director or his or her designated representative will handle any response in consultation with the Executive Director. Misrepresentations made about NYSBA by bloggers or other social media communications on any forum, network, group, etc. should be brought to the attention of the Social Media and Web Content Manager, who will handle a response in consultation with the Executive Director and other NYSBA staff as appropriate.
4. Guidelines for member use of various social media channels:
 - a. NYSBA trusts and expects members to exercise personal responsibility and to act professionally whenever they use social media in any manner related to NYSBA.
 - b. NYSBA members are encouraged to become followers of NYSBA's social media vehicles. Members are welcome to comment using their own "handles" or accounts but should remember that they are being viewed in their professional capacity and should submit their comments accordingly and in accordance with the guidelines in this policy.
 - c. NYSBA reserves the right not to friend, follow, like or link to any social media accounts for any reason.
 - d. NYSBA members should always be aware that their communications on social media are neither private nor temporary. Social Media communications live online indefinitely, and they may be visible to a broader audience than one may intend.
 - e. NYSBA social media sites exist for the exchange of substantive, topical information by, between and for NYSBA members. Negative or harmful conduct is prohibited, including but not limited to flame wars, *ad hominem* attacks, advertising not related to NYSBA or any types of commercial solicitations. Posts are subject to libel, slander, and antitrust laws.
 - f. NYSBA members should not post on NYSBA Social Media sites:
 - i. information containing or linking to libelous, defamatory or harassing content, even by way of example or illustration;
 - ii. information that is confidential or proprietary to NYSBA, NYSBA's affiliates, or NYSBA's members;
 - iii. anything that would bring or tend to bring the Association into disrepute;
 - iv. use the NYSBA brand to endorse or promote any product, opinion, cause or political candidate unless such use is authorized by the NYSBA president or NYSBA Executive Committee;
 - g. By posting content to a social media platform, you warrant and represent that you either own or otherwise control all of the rights to that content, including, without limitation, all the rights necessary for you to submit the content.
 - h. Members who post to blogs must also comply with [NYSBA's Blogging Policy](#).
 - i. Members who post to Communities must also comply with [NYSBA's Communities Policy](#).
5. All members are reminded that they are to abide by the principles of the New York Rules of Professional Conduct, including attorney obligations with regard to competency, advertising, privilege, and client confidences, and this policy is complementary to the Rules.
6. NYSBA encourages transparency and honesty in its activities. Members must use their real names in any social media communication that involves Association-related topics. The use of pseudonyms and aliases is not permitted for communication that involves Association-related topics.
7. Compensation and Incentives:
 - a. NYSBA does not pay bloggers or anyone else outside of NYSBA to write endorsements or create fake or misleading social media communications
 - b. NYSBA does not purchase inbound links, participate in link bartering exchanges or use the promise of inbound links to try to convince individuals to create positive social media communications about or on behalf of the Association

8. NYSBA's sections and committees draft documents for internal consideration and governance of those sections and committees and for the Association. They also draft statements, proposed rules and a wide variety of position papers, reports and other documents meant to influence a wide variety of people and interests.
9. NYSBA supports open communication, however, open communication must be balanced with the understanding that a draft that is still in the formulation stage has not reached a state where the group drafting the document has reached consensus on the position taken by the draft. It is contrary to an open and thoughtful deliberation process to post drafts in an area of the **NYSBA website or elsewhere** that is accessible to more than the immediate group drafting the document. In general, a group drafting a document should refrain from posting the internal Section or Committee deliberations, including drafts, in any public online forum or format. Forums appropriate for discussion of drafts in formulation stage include NYSBA Communities and collaborative workspaces provided by NYSBA. Draft reports intended for consideration by the Executive Committee and/or House of Delegates should be submitted to the Association in accordance with the NYSBA reports policy.
10. NYSBA members using social media channels with respect to NYSBA business are expected to do so without infringing the rights or property of others.
11. NYSBA members must not use social media channels to discuss NYSBA's legal matters, litigation, its financial performance or other confidential information unless specifically authorized by the NYSBA leadership. See [NYSBA Ethics Opinions](#) page for further guidance.

C. Enforcement

12. Failure to comply with this policy may result in:
 - a. Removal of content
 - b. Withdrawal, without notice, of access to information and/or information resources.
 - c. Discontinuance of unauthorized social media accounts.
 - d. Disciplinary action in accordance with NYSBA bylaws and policies.

Appendix A - Definitions

1. Social Media Networks and Forums – Communities, blogs, Facebook, Twitter, LinkedIn, Instagram, YouTube, wikis, social networks, social bookmarking services, user rating services and any other online applications, sharing or publishing platform, whether accessed through the web, a mobile device, text messaging, email or any other electronic communications platform.
2. Social Media Account – A presence or participation in a social networking channel.
3. Social Media Communications – Communities, blog posts, blog comments, status updates, text messages, posts via email, images, audio recordings, video recordings or any other information made available through a social media channel. Social media communications are the information and data a user distributes through a social media channel, usually by means of their social media account.
4. NYSBA-related Topics – Examples of NYSBA-related topics include news and information about our businesses, members, affinity partners, products and services, as well as the categories in which we compete.
5. Official Content – Content created and made available by NYSBA.
6. Inbound Links – An inbound link is a hyperlink that transits from one domain to another. A hyperlink that transits from an external domain to your own domain is referred to as inbound link. Inbound links are important because they play a role in how search engines rank pages and domains in search results.
7. Link Bartering Exchanges – Trading or purchasing inbound links from other domains exclusively for the purposes of lifting your domain in search engine page results.
8. NYSBA Branding Elements – Branding elements refer to the name, logo, trademarks and other intellectual property of NYSBA.