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## III. VSB Policies

### A. Policy Concerning the Use and Disclosure of VSB Email Addresses

Resolved, that the Virginia State Bar will send group emails to its members only:

- 1) in circumstances as determined to be appropriate by the executive director or a majority of the officers of the bar,
- 2) in a periodic electronic newsletter of official bar news according to guidelines and in a format to be determined by the Communications Committee, and
- 3) In a periodic electronic newsletter by the president regarding items of interest, and
- 4) in the case of emails to their members from bar conferences, sections, committees and task forces, emails may be sent as necessary to carry out the work of the conference, section, committee or task force.

Pursuant to Va. Code § 2.2-3705.1(10), member email addresses are exempt from public disclosure, provided the member has asked the VSB not to disclose it. Such requests can be made on the annual dues statement or in writing to the membership department of the VSB. In the absence of such a request, member email addresses are record information subject to disclosure to third parties who ask for such information.

Adopted by VSB Council  
March 3, 2006

Amended by VSB Council  
October 17, 2008

Amended by VSB Council  
February 22, 2014

### B. Policy Governing Legislative Activities

#### (A.) General Statement of Policy

The Supreme Court has accorded to the Council of the Virginia State Bar the discretion to exercise the necessary powers to promote reforms in judicial procedure and in the judicial system, to regulate the legal profession and to improve the quality of legal services made available to the people of Virginia. In furtherance of that discretion, the Council recognizes that an important governmental and public interest is met in allowing the participation of the Bar in the legislative process with respect to some issues; and that the expertise of the Bar serves as a valuable resource for the General Assembly of Virginia and the United States Congress in their consideration of some legislative issues. Council also recognizes, however, that the participation of the Bar in the legislative process must necessarily be limited to appropriate subject areas, and should be undertaken only when duly authorized and within the procedures set out below. To this end, Council hereby adopts this policy governing the participation of the Virginia State Bar, its sections, conferences, committees, officers and employees in legislative activities.

#### (B.) Restrictions on Participation in Legislative Activities

1. No officer, employee or member of the Virginia State Bar shall participate in legislative activities on behalf of the Virginia State Bar or one of its sections, conferences or committees unless such participation is authorized as provided herein.
2. No section, board of governors, or committee of the Virginia State Bar shall participate in legislative activities on behalf of the Virginia State Bar or one of its sections, conferences or committees unless such participation is authorized as provided herein.
3. For the purpose of this policy, “legislative activity” means:
  - a) publicly asserting a position on a legislative issue;

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- b) appearances before the General Assembly or the United States Congress, or the legislative committees or subcommittees of either; and,
  - c) meeting with members of the General Assembly, Congress, or representatives of the executive branch of the state or federal government for the purpose of promoting, advocating or opposing any matter before the General Assembly or Congress.
4. Nothing in this policy shall be construed to restrict the personal or professional activities of any person when such activities are not undertaken on behalf of the Virginia State Bar or one of its sections, conferences or committees.

### **(C.) Permissible Participation in Legislative Activities**

1. Officers, employees and members of the Virginia State Bar may participate in legislative activities on behalf of the Virginia State Bar or any of its sections, conferences or committees when such participation is specifically authorized by the Executive Committee.
2. The Executive Committee may authorize participation in legislative activities on behalf of the Virginia State Bar or any of its sections, conferences or committees only when the subject matter of the legislative activities is within one of the following categories:
  - a) the powers and duties of the Virginia State Bar;
  - b) the regulation of the legal profession;
  - c) budget appropriations for the Virginia State Bar, the judicial system or legal aid societies;
  - d) the availability of legal services to the public;
  - e) qualifications and standards for admission to the Bar;
  - f) the endorsement of judicial candidates on a nonpartisan merit basis;
  - g) improvements to the quality of the legal services made available to the public;
  - h) reforms in judicial procedure or the judicial system that are intended to improve the quality and fairness of the system; and any other
  - i) matters within the scope of Paragraph 9(j), Section IV, Part 6 of the Rules of the Supreme Court of Virginia.
3. Prior approval by the Executive Committee shall not be required when the subject matter of the legislative activity is:
  - a) The provision of expert advice on the state of the law at the request of a member of the General Assembly or Congress, or a legislative committee or subcommittee. Such advice shall not, however, express the approval or disapproval of any proposed legislation on behalf of the State Bar or any of its sections, conferences or committees without specific prior approval of the Executive Committee.
4. Subject to paragraph 6 below, approval of legislative activities under this policy may be delegated by the Executive Committee to the officers when it is not feasible to convene a meeting of the Executive Committee. An officer shall individually poll as many members of the Executive Committee as is practical prior to authorization of the legislative activity in question.
5. In making a determination on whether to authorize legislative activities, the Executive Committee shall consider, along with any governmental or public interest that may be affected, the degree to which there is perceived to be a substantial consensus among the members of the Virginia State Bar on the issue involved, and the degree to which the issue is perceived to have significant political or ideological underpinnings.
6. Whenever the timing makes it feasible, the Executive Committee shall not approve legislative activity without first having the issue and the bar's proposed position on it submitted to Council for its approval at a regularly scheduled Council meeting. In situations where it is not feasible to seek prior approval by Council, the Executive Committee shall report its approval of any legislative activity to Council at its next regularly scheduled meeting, at which time Council shall vote to endorse or withdraw support for the legislative activity in question.

Approved by VSB Executive Committee  
May 1989

Revised by VSB Executive Committee and Approved by Council  
October 1990

Revised by VSB Executive Committee and Approved by Council  
June 2001

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## C. Policy Governing Regulatory Activities

### (A.) General Statement of Policy

The Supreme Court has accorded the Council of the Virginia State Bar the discretion to exercise the necessary powers to promote reforms in judicial procedure and in the judicial system, to regulate the legal profession and to improve the quality of legal services made available to the people of Virginia. In furtherance of that discretion, Council recognizes that an important governmental and public interest is met in allowing the participation of the organized Bar in the regulatory process with respect to some issues; and that the expertise of the Bar serves as a valuable resource for the General Assembly of Virginia, the United States Congress and state and federal administrative agencies in their consideration of some regulatory issues. Council also recognizes, however, the participation of the Bar in the regulatory process must necessarily be limited to appropriate subject areas, and should be undertaken only when duly authorized within the procedures set forth below. To this end, Council hereby adopts this policy governing the participation of the Virginia State Bar, its sections, conferences, committees, officer and employees in regulatory activities.

### (B.) Restrictions on Participation in Regulatory Activities

1. No officer, employee or member of the Virginia State Bar shall participate in regulatory activities on behalf of the Virginia State Bar or one of its sections, conferences or committees unless such participation is authorized as provided herein.
2. No section, board or governors or committee of the Virginia State Bar shall participate in regulatory activities on behalf of the Virginia State Bar or one of its sections, conferences or committees unless such participation is authorized as provided herein.
3. For the purpose of this policy, the term “regulatory activity” means:
  - a) publicly asserting a position on a regulatory issue;
  - b) appearance before any state or federal administrative agency; or
  - c) meeting with members of any state or federal administrative agency to advocate or promote any action on a regulatory issue.

Regulatory activities shall not include appearance before state or federal regulatory agencies or meetings with members or representatives of such agencies in connection with proceedings before the regulatory agency when the Virginia State Bar or one of its sections, conferences or committees is a party to the proceedings.

4. Nothing in this policy shall be construed to restrict the personal or professional activities of any person when such activities are not undertaken on behalf of the Virginia State Bar or one of its sections, conferences or committees.

### (C.) Permissible Participation in Regulatory Activities

1. Officers, employees and members of the Virginia State Bar may participate in regulatory activities on behalf of the Virginia State Bar or any of its sections, conferences or committees when such participation is specifically authorized by the Executive Committee.
2. The Executive Committee may authorize participation in regulatory activities on behalf of the Virginia State Bar or any of its sections, conferences or committees only when the subject matter of the legislative activities is within one of the following categories:
  - a) the powers and duties of the Virginia State Bar;
  - b) the regulation of the legal profession;
  - c) budget appropriations for the Virginia State Bar, the judicial system, the administrative adjudicatory system or legal aid societies;
  - d) the availability of legal services to the public;
  - e) qualifications and standards for admission to the Bar;
  - f) the endorsement of judicial candidates or candidates for administrative appointments on a nonpartisan, merit basis;
  - g) improvements to the quality of the legal services made available to the public;
  - h) reforms in judicial procedure or the judicial system that are intended to improve the quality and fairness of the system; and any other
  - i) matters within the scope of Paragraph 9(j) Section IV, Part 6 of the Rules of the Supreme Court of Virginia.

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3. Prior approval by the Executive Committee shall not be required when the subject matter of the regulatory activity is:
    - a) the provision of expert advice on the state of the law at the request of a member of the General Assembly or Congress, a legislative committee or subcommittee, or a state or federal administrative agency. Such advice, however, shall not express the approval or disapproval or any proposed regulatory action on behalf of the State Bar or any of its sections, conferences or committees without specific prior approval of the Executive Committee.
  4. Subject to paragraph 6 below, approval of regulatory activities under this policy may be delegated by the Executive Committee to the officers when it is not feasible to convene a meeting of the Executive Committee. An officer shall individually poll as many members of the Executive Committee as is practical prior to authorization of the regulatory activity in question.
  5. In making a determination on whether to authorize regulatory activities, the Executive Committee shall consider, along with any governmental or public interest that may be affected, the degree to which there is perceived to be a substantial consensus among the members of the Virginia State Bar on the issue involved, and the degree to which the issue is perceived to have significant political or ideological underpinnings.
  6. Whenever the timing makes it feasible, the Executive Committee shall not approve regulatory activity without first having the issue and the bar's proposed position on it submitted to Council for its approval at a regularly scheduled Council meeting. In situations where it is not feasible to seek prior approval by Council, the Executive Committee shall report its approval of any regulatory activity to Council at its next regularly scheduled meeting, at which time Council shall vote to endorse or withdraw support for the regulatory activity in question.

Approved by VSB Executive Committee  
May 1989

Revised by VSB Executive Committee and Approved by Council  
October 1990

Revised by VSB Executive Committee and Approved by Council  
June 2001

## **D. Policy on Solicitation or Receipt of Funds and Grants**

### **(A.) Policy**

The Virginia State Bar, including its committees, sections and conferences, should refrain from soliciting or receiving funds from any source to underwrite special projects, programs or purchases. The Virginia State Bar, including its sections and conferences, is required to comply with state guidelines and restrictions applicable to the solicitation of funds and grants.<sup>1</sup> VSB committees do not have separate budgets and are not permitted to raise funds.

With the exception of sponsorships authorized for events planned by the VSB Bar Services Department in conjunction with the Annual Meeting of the Virginia State Bar, all committee, section and conference projects, programs and purchases must be funded through the general operating budget of the Virginia State Bar, or the budgets of its sections and conferences, as may be appropriate, with the approval of the Executive Committee and Council.

If a section or conference of the Virginia State Bar has a unique need which would require solicitation or receipt of funds for a project, program or purchase not authorized in its budget, it must seek special approval from the Executive Committee of the Virginia State Bar in advance of the solicitation using the attached *VSB Request Form for Solicitation or Receipt of Grants and Other Funds*.

If a section or conference has a unique need which would require a grant, it must seek the executive director's approval prior to submitting a grant application. All grant applications and any paperwork related to receipt of grant funds must be signed by the executive director or deputy executive director, and a copy of the grant application and any approval must be provided to the VSB finance/procurement director.

Approved by VSB Executive Committee  
April 28, 1994  
September 22, 2016

*Revised 9/22/16*

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Footnote:

- 1 Section 4-2.01(a)(1) of the Appropriations Act provides that “[n]o state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds....” As of January 12, 2016, Governor McAuliffe has granted the VSB blanket approval to solicit and accept grants and donations that may become available from individuals, law firms, non-profits or other corporations for the purpose of putting on a specific event or project. This blanket approval must be obtained from each governor.

### **(B.) Criteria for Evaluating Grants, Solicitation Requests and Offers or Donations of Funds**

The following criteria will be considered when evaluating a request for funds to be raised through a grant, solicitation, donation or offer of funds for a program or project.

1. Description of project.
2. Sponsor/Co-sponsor of project.
3. Date(s) of project.
4. Goals of project.
5. Target audience/beneficiaries.
6. Funding/Budget.
  - A. Expenses.
  - B. Potential income.
  - C. Why project is not in budget.
7. Description of solicitation proposal, grant application, donation or offer of funds.
  - A. Who/how many persons or entities will be solicited for funds or grant, or who/how many persons or entities are offering or donating funds.
  - B. Whether the person or entity has previously been solicited by, or issued a grant, donated or offered funds to the Virginia State Bar or its sections or conferences.
  - C. Whether this is a one-time solicitation request.
  - D. Amount/contribution requested or offered or donated.
8. Whether the project has been implemented before.
9. Whether any other bar association has a similar project.
10. Previous requests for solicitation or grants, offers or donations and Executive Committee or executive director action on such requests.

*Revised 9/22/16*



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## E. Gender Neutral Language Policy

### (A.) Report

At its meeting on June 15, 1988, the Council of the Virginia State Bar adopted a resolution expressing its commitment to develop and implement policies to enhance women and minority participation at all levels of State Bar activities. The Committee on Participation by Women and Minorities, which has had a similar objective since its inception, is pleased to present the following recommendation for the Council's consideration in furtherance of the resolution adopted by it in 1988.

While many may believe that changes in language usage are unnecessary, particularly in the ranks of those as well-educated as lawyers, extensive research recently conducted is proving many wrong. And as we said when a similar resolution was presented to and adopted by the House of Delegates of the American Bar Association in February 1989, "the legal profession prides itself on thinking, speaking and writing clearly about complex issues. It is thus our particular obligation to employ language that conveys precisely what we mean."

The Committee urges the Council to adopt the proposed resolution.

### (B.) Recommendation

BE IT RESOLVED, that the Virginia State Bar and each of its entities should use gender neutral language in all documents establishing policy and procedure.

BE IT FURTHER RESOLVED, that the Virginia State Bar calls upon its members, sections and conferences actively and with due diligence to implement this resolution.

Adopted by VSB Council  
June 15, 1989

### (C.) General Examples of Gender Neutral Language

1. Avoid the generic use of the term "man" or "men."  
*Example:* The (chairman) *chair* of the committee . . .
2. Avoid the use of the masculine or feminine pronouns "he," "she," "his" or "her."  
*Example:* The President or (his) *the President's* designee . . .  
If the attorney knows that the witness (he is examining) *being examined* has testified before . . .  
A lawyer may amend (his) *the* petition until . . .  
If (an individual) *individuals* seek(s) nomination to the council, (he) *they* must submit . . .
3. Choose a generic noun in place of a gender specific noun.  
*Example:* (wife) *spouse*  
(widower/widow) *surviving spouse*
4. Add the feminine pronoun in places where only the masculine pronoun appears.  
*Example:* If the President is unable to attend the meeting, his *or her* designee may attend . . .

## F. Policy Statement Regarding Participation by Women and Minorities in Bar Activities

WHEREAS the Council of the Virginia State Bar deems it in the best interest of the entire bar and the public to have greater participation from all of its members—including women and minority lawyers throughout Virginia;

WHEREAS the Council wishes to be on record and affirmatively to assist this process;

NOW, THEREFORE BE IT RESOLVED by the Council of the Virginia State Bar that it express its commitment to develop and implement policies to enhance women and minority member participation at all levels of State Bar activities, including but not limited to:

1. Aggressively identifying, recruiting and appointing women and minorities to membership and to leadership positions throughout the organizational apparatus of the bar, including its committees and boards;
2. Exploring opportunities or substantive programs which are responsive to the special needs and requirements of women and minority practitioners;
3. Seeking out and involving leadership of statewide women and minority bar organizations in the meetings and significant programs of the Virginia State Bar;

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4. Endorsing and supporting equal employment opportunity principles and programs in respect to State Bar staff positions, and any other employment relationships generated on behalf of the Virginia State Bar;
  5. AND, BE IT FURTHER RESOLVED that, while recognizing the limitations of one state agency's influence on other organizations and other governmental entities, the Council does express its public support for greater involvement of women and minorities in all positions of public trust including, but not limited to, the judiciary, the range of court appointments, and all county, city and state attorneys' posts.

Approved by VSB Council  
June 1988

## **G. Policy Concerning the Use of Social Media on Behalf of Virginia State Bar and its Entities**

Social media are popular means of communication and self-expression. They offer an important and developing way for an association to communicate and share information with its members and the public. The Virginia State Bar supports the sensible use of social media to increase member engagement, to enhance the Virginia State Bar's public profile, to enhance the mission of the Virginia State Bar, and to improve access to information about the Virginia State Bar. At the same time, the use of social media may not be appropriate in all instances nor for all kinds of outreach. Because in some instances the use of social media can conflict with the Virginia State Bar's interests, Council has adopted this policy governing the use of social media on behalf of the Virginia State Bar.

### **Scope**

This policy applies to the Virginia State Bar's volunteers, conferences, sections, committees, boards, panels, task forces and related programs or groups (each, a "VSB entity" and, collectively, "the VSB entities"). This policy governs the manner in which a VSB entity may create or maintain a social media presence that identifies, expressly or by implication, the VSB entity or its social media presence as being sponsored by, administered by, or affiliated with the Virginia State Bar (a "VSB social media presence"). This policy also applies to a member's or volunteer's use of social networking or social media in a manner that identifies, expressly or by implication, that member's or volunteer's commentary or posting as being sponsored by, administered by, approved by or affiliated with the Virginia State Bar. This policy does not apply to a member's or volunteer's use of social networking or social media that is unrelated to the Virginia State Bar.

For the purposes of this policy, "social media" means websites that may permit interaction and communication, including but not limited to online posting, commentary and publication, also known as "social networking," among users. Some examples of social media include, but are not limited to, personal and professional websites, email websites, blogs, chat rooms, listservs, bulletin boards, networking websites, such as Facebook, Friendster, LinkedIn, Twitter and My Space, photo-sharing websites, such as Flickr, Zoomr and Photobucket, and video-sharing websites, such as YouTube.

### **Policy**

All VSB entities creating or maintaining a VSB social media presence, and any VSB member or volunteer using social networking or social media in a manner that identifies, expressly or by implication, that member's or volunteer's commentary or posting as being sponsored by, administered by, approved by, or affiliated with the Virginia State Bar, are expected to do so responsibly, professionally, ethically, and lawfully, and in accordance with this policy.

### **Establishing and Administering a VSB Social Media Presence**

Each VSB entity desiring to create or maintain a VSB social media presence will work with its Virginia State Bar's staff liaison (or his/her designee) to determine the VSB entity's objectives and the proper social media venues, if any, for the VSB entity, and to approve any such venues. The VSB entity must create and submit to the Virginia State Bar staff a plan for its social media presence. The plan, which shall be memorialized in writing (such as in an email), should include: (a) the social media tools the VSB entity desires to use; (b) the objective of the use; (c) the guidelines for use to be followed by members of the VSB entities; (d) the oversight mechanism proposed to be in place with the VSB entity, and (e) the VSB entity's plans for generating regular and relevant content (including identification of the position at the VSB entity responsible for administering the VSB social media presence). The Virginia State Bar staff must establish the page or account for the VSB social media presence for the VSB entity, but subsequent administration of the VSB social media presence shall be the responsibility of the VSB entity, with oversight from the VSB in accordance with this policy.

Wherever possible, any VSB social media presence must clearly and conspicuously indicate its affiliation with the Virginia State Bar and must contain direct links back to the Virginia State Bar website in a manner prescribed by the Virginia State Bar staff.

VSB entities may use the Virginia State Bar's name in an approved VSB social media presence. Usage of the Virginia State Bar's name shall comply with any usage guidelines provided by the Virginia State Bar.

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VSB entities shall work with their VSB staff liaison to coordinate the development of appropriate and approved graphics for the VSB social media presence. No VSB social media presence shall use the Virginia State Bar's logo without prior written approval from, and under such usage guidelines mandated by, the Virginia State Bar's executive director or his/her designee.

The Virginia State Bar reserves the right to remove or demand removal of any content deemed inappropriate or not in keeping with this policy. VSB entities are responsible, in collaboration with their Virginia State Bar staff liaison (or his/her designee), for complying with these guidelines.

### Using social media

VSB entities are expected to use good judgment and common sense when using social media in ways that pertain to, concern or relate to the Virginia State Bar. The following content standards apply to any VSB social media presence:

- A. Content posted to a VSB social media presence should be relevant to the mission of the VSB entity and the Virginia State Bar. Content should assist in advancing the availability and quality of legal services provided to the people of Virginia and/or to improving the legal profession and the judicial system. Content must be of professional quality and must be carefully considered. All statements must be true to the best of the knowledge and belief of the participating VSB entity and not misleading. Private information about posters or others is prohibited. Content must adhere to all statutory prescriptions and Rules of Professional Conduct, including but not limited to laws and rules governing the privacy of individuals and confidential information of clients. No VSB social media presence shall contain material that is obscene, defamatory, profane, libelous, threatening, harassing, abusive, hateful, or embarrassing to another person or entity or to the Virginia State Bar.
- B. Content posted to a VSB social media presence must comply with the applicable rules and terms of use of the applicable social network or social media page, to the extent those rules and terms of use are not inconsistent with this policy.
- C. Unless otherwise approved by the Virginia State Bar staff liaison, VSB social media presences shall be purely informational and not interactive, and shall not permit the posting of comments or "wall posts" by anyone other than the VSB entity or the Virginia State Bar staff. By way of example, without advance approval by the Virginia State Bar staff liaison, no VSB entity shall establish a "group" page on Facebook, to which comments could be posted; however, the VSB entity may establish an official "page" for the entity, to which only the VSB entity may post content.
- D. In the event that the Virginia State Bar staff liaison approves the creation and use of an interactive VSB social media presence (i.e., a social media presence to which external comments may be published), the VSB entity shall state prominently on its VSB social media presence that:

"The Virginia State Bar's use of external social media tools is provided as a public service. The Virginia State Bar and [name of VSB entity] disclaim liability for any external content or comments (including, but not limited to, ads, videos, and promoted content) that are written, created posted or published by any person other than the Virginia State Bar and [name of VSB entity]. Any such external content or comments constitute the speech of persons other than the Virginia State Bar and [name of VSB entity], and the responsibility for such external content or comments rests solely and exclusively with persons providing them. Any inclusion of external content or comments does not imply endorsement by the Virginia State Bar or [name of VSB entity]. The Virginia State Bar and the [name of VSB entity] reserve the right and may choose to reprint comments/materials placed on the social media web sites to other media. The Virginia State Bar and [name of VSB entity] have the right, but not necessarily the obligation, to remove comments/materials from social media tools when those comments/materials, in the sole discretion of the Virginia State Bar or [name of VSB entity], are:

- Potentially libelous;
- Obscene or sexually explicit comments;
- Hateful or mean-spirited;
- Personal attacks, insults, profane, name-calling, or threatening language;
- Plagiarized material or material that potentially violates intellectual property rights;
- Private, personal or confidential information published without consent;
- Commercial promotions or spam;
- Off-topic or that link to material that is off-topic;
- Embedded images from external sources;
- Violate any law or promote the violation of any law;
- Encourage or constitute prohibited discriminatory or harassing conduct; or
- Made by a person masquerading as someone else.

"In addition, the Virginia State Bar reserves the right to terminate a person's ability to post comments/materials or otherwise participate in its social media tools when the person has posted any of the above listed inappropriate comments/materials."

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- E. No VSB entity shall post content to a VSB social media presence, or conduct any activity in connection with a VSB social media presence, that fails to conform to all applicable state and federal laws.
    - 1. Without limitation, this includes compliance with copyright law by ensuring that the VSB entity has permission to use or reproduce any copyrighted text, photos, graphics, video or other material owned by others. Any copyrighted or borrowed material must be identified with appropriate citations and links, giving credit to the original publisher or author.
    - 2. Without limitation, this includes antitrust laws. No content shall encourage or facilitate agreements between Virginia State Bar members of different firms concerning the following, as they pertain to legal services: prices, discounts, or terms or conditions of sale; salaries; profits, profit margins, or cost data; market shares, sales territories, or markets; allocation of customers or suppliers; or any other term or condition related to competition.
  - F. No VSB social media presence shall contain confidential or non-public proprietary information of or about the Virginia State Bar.
  - G. Content posted by a VSB entity must comply with all other applicable Virginia State Bar policies, including, without limitation, the Virginia State Bar's policies concerning legislative and regulatory activities. In addition, no VSB entity shall use a VSB social media presence for the purpose of interfering with or affecting the result of an election or a nomination for public office, or advocating for or against a partisan political party, candidate for partisan political office or partisan political group.

### **Social Media Activity by VSB Volunteers**

The Virginia State Bar respects the right of its member and volunteers to use social media and engage in social networking. However, only those officially and expressly designated by the Virginia State Bar are authorized to engage in social media activity on behalf of the Virginia State Bar. This policy applies to a member's or volunteer's use of social networking or social media in a manner that identifies, expressly or by implication, that member's or volunteer's commentary or posting as being sponsored by, administered by, approved by, or affiliated with the Virginia State Bar. For purposes of this policy, a posting that identifies its author as being a member of the Virginia State Bar shall not be deemed, on that basis alone, to state or imply that the author's commentary or posting is sponsored by, administered by, approved by or affiliated with the Virginia State Bar. When appropriate, volunteers must make clear that they are speaking on their own behalf and not on behalf of the Virginia State Bar. VSB members and volunteers are personally liable for all communications and information they publish online on their behalf; provided, however, that no third party beneficiaries are created by this policy.

### **Media Inquiries**

Social media postings may generate media coverage. If a member of the media contacts a VSB entity about a VSB social media presence, that contact should be referred to the Virginia State Bar's deputy executive director.

### **Enforcement**

If the Virginia State Bar deems a VSB social media presence, or a posting thereto, to be inappropriate, the Virginia State Bar will take to enforce this policy as the Virginia State Bar deems appropriate. VSB entities failing to comply with this policy may forfeit the right to participate in social media activities sponsored by, administered by, approved by, or affiliated with the Virginia State Bar. Moreover, nothing in this policy alters, derogates from, or otherwise affects Virginia State Bar members' (a) legal obligations under civil or criminal law or (b) ethical and professional obligations under the Rules of Professional Conduct.

### **Risk Management and Loss Prevention**

The Virginia State Bar does not maintain any liability insurance policies in force and does not provide any indemnification that could protect a Virginia State Bar member or volunteer from consequences of participation in social media, including but not limited to participation in a VSB social media presence.

### **Changes**

The Virginia State Bar may amend this policy at any time and from time to time, and all VSB entities must conform to this policy as so amended. No vested rights are granted by the policy to anyone.

Approved by VSB Communications Committee October 2010  
Approved by VSB Executive Committee October 14, 2010  
Approved by VSB Council October 15, 2010