



MWELA LISTSERV PROTOCOL

Updated February 2019

As advocates for employee rights and civil rights, we work to protect the rights and privileges of employees in both the private and public sectors of the Washington metropolitan area workforce. We are dedicated to promoting workplace fairness and the right of employees to work in an environment free of discrimination. MWELA provides assistance, support and resources to members throughout the metropolitan area to attain the highest ideals of practice and encourage the sharing of expertise and skills to best serve our clients.

One of our most valuable resources is our Listserv. The MWELA Listserv was developed in order to help us level the playing field with counsel for employers, who typically have access to numerous attorneys within their firms and within their local employment defense organizations. Via the Listserv, we want participants to be able to have a candid dialogue with other MWELA members about their cases, judges, opposing counsel and mediators.

We also want a free flow of information regarding other topics that may be of interest to our members. This may include, for example, matters of a political nature, non-employment-related referrals and the like.

The following Listserv protocols were approved and adopted by the MWELA Board. By continuing as a member of the MWELA Listserv, MWELA will assume that you agree to abide by the following.

IF YOU DO NOT AGREE TO ABIDE BY THE FOLLOWING, PLEASE NOTIFY THE MWELA OFFICE AT INFO@MWELA.ORG OR 703-778-4648 IMMEDIATELY AND YOU WILL BE REMOVED FROM THE LIST.

The MWELA Listserv

The Listserv shall not be used to initiate or respond to a management-side inquiry or an inquiry made in order to benefit an employer, even if such an inquiry for an employer is neutral in nature. Nor shall the Listserv be used for an improper or illegal purpose. Every message posted on the list must contain your personal information, including name, address, phone number, fax number and email so that replies can be made only to you.

The MWELA Listserv is for topics related to representation of employees in disputes with employers, which occasionally means employees who may be a defendant in a dispute with an employer.

The Listserv (nela_aff_MWELA@lists.nela.org) (please note the underscores nela_aff_MWELA) is for:

- Questions about plaintiff's employment law (i.e., representation of employees in disputes with employers)
- Questions about law practice management
- Any other issues directly affecting plaintiff's employment law
- NELA and MWELA-related announcements/invitations directly related to plaintiff's employment law.

The MWELA Listserv must be focused on our common interest of employment law. Further, postings about non-employment cases run a higher risk of conflict with another MWELA member or a lawyer in a MWELA member's firm.

The MWELA Listserv is for employment law topics of interest to the entire List.

Please do not use the List for messages that contain only expressions of gratitude to an individual or other personal messages. For example, messages that state only "thank you," "go get em," "I want it, too" etc. must be sent to the individual rather than to the entire List. An expression of gratitude or other personalized comment can be appended to a larger substantive message of interest to the entire List.

Off Topic Messages

Please limit postings of off topic messages to the Listserv. If you DO send an off-topic message, it should be clearly marked in the subject line, with "OT" or "Off-Topic." Off topic messages include:

- Attorney referrals outside plaintiff employment law
- Questions regarding a non-plaintiff employment law case (so long as it is not employment defense)
- A political issue or announcement
- Promotion of non-MWELA events, such as fundraisers or charity causes

This protocol is critical to the success of the Listserv.

The MWELA Listserv is a shared responsibility.

MWELA cannot guarantee the confidentiality of the communications on the Listserv and believes it is the obligation of every Listserv participant to observe the confidentiality of the Listserv. Every Listserv participant must omit information which would identify a client from all messages posted to the List. A post should not reveal the identity of clients and a post should take care not to reveal the identity of a defendant unless the identity of the defense is important to the inquiry.

The Listserv is meant to supplement your own research, not as a primary research tool, and it is expected that posting will be made only after the poster has conducted her/his own initial research.

All Listserv posting are deemed confidential. It is expected that any posting on the Listserv shall remain confidential and not be shared with any non-List member except as expressly stated herein. Information gained from the Listserv can be shared only with persons who are regular MWELA members (or, with permission or advance notice, members of NELA or a NELA-affiliate) and qualify for Listserv access and persons who function as staff for regular MWELA members (or the above-referenced members of NELA or a NELA-affiliate) and who are cautioned to maintain the confidentiality of the information.

Information gained from the Listserv must not be shared with lawyers who would not qualify as regular MWELA or NELA members because their representation of employers is greater than allowed for regular MWELA or NELA members and their practice of law could place them in an adversarial position to a regular MWELA or NELA member. This would include other lawyers in a regular MWELA or NELA member's firm.

It is the responsibility of every list participant in every matter to determine whether another list participant or another list participant's firm is an opposing counsel or if another list participant may be a neutral or potential neutral in a matter. Every list participant must observe the confidentiality of the list and not post a list message concerning a matter which involves another list participant or participant's firm as an opposing counsel. Every list participant also should be aware that a neutral or potential neutral in a matter may have to disqualify herself or himself should the neutral have read a posting concerning a particular matter. Moreover, if a list participant recognizes that /she or his/her firm has interests that are adverse or are potentially adverse to another who has posted a message relating to the matter, that person must, unless prohibited by ethical rules, notify the list and the other person of being adverse on that matter. IT IS INCUMBENT UPON ALL LIST PARTICIPANTS TO IDENTIFY WHETHER THEIR OPPONENT, OR A MEMBER OF THEIR OPPONENT'S FIRM, OR A NEUTRAL OR POTENTIAL NEUTRAL IS A MWELA MEMBER, AND TO DETERMINE THE APPLICATION OF THESE PROTOCOLS.

Any comment posted is the writer's opinion, and not an opinion of MWELA. If you express anything other than positive opinions about an individual in a List message, you must make clear in the message that it is your honest opinion and is not a statement of fact or the opinion of

MWELA. Do not communicate to non-list participants that a specific list participant has made critical comments about a particular individual.

Do not flame or personally attack any other user on the Listserv-- using derogatory language towards any other user on the List is forbidden.

Do not engage in a “flamewar” with other users on the Listserv; do not personally attack other users on the Listserv. Insults or personal criticisms directed at others are forbidden. Please keep our common focus-fairness and justice in the workplace.

The content of messages posted on the MWELA Listserv may be used on the MWELA web site, Members’ Only Section.

Please note that MWELA Listserv messages are archived. Also, any message posted to the MWELA Listserv which contains legal citations, briefs, motions, or portions of these or similar documents may be posted on the MWELA Web site, Members’ Only section (e.g., the “Brief Bank”), at the discretion of other MWELA members or the Board or its designated committee. When a message is posted on the MWELA Listserv containing such a document, the MWELA Listserv participant who posted the Listserv message has given consent that the document may be posted on the MWELA Web site, Members’ Only section.

ENFORCEMENT

MWELA’s Listserv Policies and issues associated with the policies and their enforcement will be addressed by MWELA’s executive committee via MWELA’s association management company, Potomac Management Resources. Potomac Management Resources will review asserted list violations, and will communicate directly with members about the “day to day” violations (“me too,” “thanks”). More serious violations will be brought to the attention of the MWELA Executive Committee.

Anyone wishing to make a complaint or inquiry about any Listserv posting may contact the executive director at carol@MWELA.org or to executive committee member.

I have read the foregoing MWELA Listserv Protocol and agree to abide by its terms and conditions.

Signature: _____

Date: _____

Print Name: _____