

WACDL LISTSERVE POLICY (January 2022)

The purpose of WACDL listserv is to provide WACDL members with a forum to discuss criminal law related topics, including all matters related to how WACDL members can best serve their clients in and out of the courtroom through zealous advocacy.

WACDL takes pride in its listserv and encourages members to maintain the highest level of professionalism whenever posting or responding to matters on the listserv.

Members may post questions, comments, ideas, suggestions, and other content. Those posting on listserv are expected to act like adults and to comply with the following restrictions:

1. No content may be posted that is illegal, obscene, threatening, defamatory, invasive of privacy, infringing of intellectual property rights, or that encourages or recommends illegal activity or that is otherwise legally injurious to third parties;
2. No content may consist of or contain software viruses or any form of "spam;"
3. No content may contain name-calling against, or *ad hominem* attacks on another WACDL member.

Procedure upon notice of possible violation.

Upon receiving evidence that a WACDL member's listserv post made after the effective date of this policy violates any of the above numbered restrictions, the WACDL President is authorized to immediately suspend that member's listserv privileges for up to 7 days upon providing notice of the suspension, a copy of the offending post, and a statement of reasons to the affected WACDL member via the email address used to make the post.

Any punitive action by the President must be taken no later than 14 days after the alleged violation.

Procedure to appeal suspension/violation to Executive Committee

The affected WACDL member may appeal the suspension/violation by emailing a request to appeal to any member(s) of the Executive Committee (including the President), stating the reasons for objecting to the suspension. The Executive Committee must then promptly hear and decide by majority vote based on the written/email submissions (1) whether the post violated one of the above restrictions and, if so (2) whether to approve or strike the President's imposed listserve suspension. The WACDL President shall not vote on the appeal.

Procedure to appeal suspension/violation to Board of Directors

Should either the suspended member or the President seek to appeal the decision of the Executive Committee, such appeal would be to the WACDL Board under such conditions consistent with due process as the Board requires.

Procedure to impose greater punishment

The President or a majority of the members of the Executive Committee may make a motion (including via email) to the Board of Directors for additional consequences related to the member's listserve privileges, such as public announcement of suspension, longer suspension or other action as deemed appropriate by the Board. If such a motion is seconded, then the Board of Directors must meet (in-person, phone or virtual) and discuss the motion. The affected member is entitled to notice and an opportunity to be heard on the motion. An affirmative vote of at least a majority of the full Board is required for any such motion to be approved.

Any motion to impose a greater sanction related to the Member's listserve privileges must be made no later than 45 days after the alleged violation.

Potential impact of confirmed violation(s) on Membership status

Violation of Restriction 1, knowing violation of Restriction 2, or repeated violations of Restrictions 2 or 3 may, under all of the circumstances, constitute good cause justifying revocation of the poster's membership following a due process hearing and WACDL Board vote under Article III, Section 6 of the Bylaws.

Statement of policy

As a matter of policy, WACDL does not condone any listserve communications involving threatening language or behavior, violations of Supreme Court Rules (especially those regarding ethic), or any offensive or disparaging content based upon race, color, gender, religion, sexual-orientation or preference, body shape/size, personal appearance, etc.