

OSB Board of Governors Social Media Policy

Members of the OSB Board of Governors are encouraged to carefully consider use of social media to augment their board leadership and further advance the mission of the OSB. This generally falls into two categories: BOG engagement with official OSB platforms; and guidance on BOG members' use of their own personal sites during their term of leadership.

BOG use of official OSB Social Media Sites

- OSB executive and communications staff work directly with the BOG, and particularly with the President, on communications and media objectives each year. Only the OSB President and CEO, and their designees, are authorized to speak on behalf of the bar. *See OSB Bylaw 11.3 – Media Relations.* Members of the Board of Governors do not generally post directly to OSB media platforms. In collaboration with staff, however, leadership does periodically post news or photos, consistent with OSB Bylaws 11.1 and 11.3:
 - *Article 11. Communications. Section 11.1 General Policy. Communications of the Bar and its constituent groups and entities, including printed material and electronic communications, should be germane to the law, lawyers, the practice of law, the courts and the judicial system, legal education and the Bar in its role as a mandatory membership organization. Communications, other than permitted advertisements, should advance public understanding of the law, legal ethics and the professionalism and collegiality of the bench and Bar.*
 - *Article 11 Communications. Section 11.3 Media Relations. The Bar will be responsive to the needs of the media and will identify persons to speak for the Bar. All statements made to the media, whether oral or by news release, must be informational in nature and must avoid statements of personal opinion or positions not considered or adopted by the Board. The President is the official chief spokesperson for the Bar. If public appearances or statements by the chairperson or other officer or member of any bar committee are deemed necessary, prior authority must be obtained in advance from the President.*

The bar does not post regarding judicial campaigns or appointments except to note a call for applications, report a final appointment or election, or share information about its OSB Judicial Voters Guide:

- *OSB Bylaw 2.103. Judicial Campaigns. The members of the Board must refrain from public involvement in judicial campaigns and appointments that in any way identifies them as members of the Board, officers of the Bar, or otherwise representing the Oregon State Bar.*

Use of OSB media platforms by BOG members will be geared toward advancing the OSB's mission and functions, as well as sharing of general news and photos. A key focus of our media work will be our core functions: public protection and assuring a

competent and ethical bar; increasing public understanding, trust and access to the judicial system; and promoting a fair and effective court system in Oregon.

Board members who wish to have a presence on, or make use of the OSB Social Media sites, shall work directly with the communications staff throughout the year, with assistance from other leadership (General Counsel, Public Affairs, etc.) as appropriate.

Guidance for BOG member use of personal social media platforms.

Many BOG members may also be interested in using their personal social media sites to share OSB information. Members should consider the following.

- Your personal social media sites are yours alone, but you do not have the authority to speak on behalf of the board or bar, except as authorized by the OSB President or CEO. You should also remain mindful that as a prominent OSB leader, your media content could reflect on, or ultimately impact, the work and mission of the OSB.
- For individuals' social media pages, it is advisable to include a prominent disclaimer that your content is yours alone and does not necessarily reflect the position of the OSB or the BOG. If you identify yourself as affiliated with the BOG or OSB on your social media profile, anything you share could be considered OSB speech. Only the OSB President and CEO, and their designees, are authorized to speak on behalf of the bar. *See OSB Bylaw 11.3 – Media Relations.*
- Suggested language: Statements and opinions on this site are mine alone, and do not reflect the policy or position of the Oregon State Bar or any of its entities.
- If you discuss your OSB role, or speak regarding the business of the OSB on your personal social media accounts, your site will likely be deemed to be a public record, subject to disclosure upon request. Further, your site could be the subject of discovery requests in the case of litigation.
- Do not share any attorney-client privileged or confidential information on social media (e.g., information discussed in closed session).
- Avoid making statements as a BOG member regarding other members or third parties that could be potentially defamatory.
- Do not share art or other copyrighted materials unless you have a license to do so.
- Do not post on judicial campaigns or appointments in a way that is inconsistent with *OSB Bylaw 2.103 – Judicial Campaigns.*
- Social media is often a challenging platform to engage in heated conversations about OSB policy decisions. BOG members wishing to share information or seek input from

constituents (public or bar member), are strongly encouraged to seek input from staff on strategy.

- Even if you do not specifically engage in policy discussion/debate, areas such as comments sections or retweets of your postings can insert you into a debate and may ultimately reflect on the OSB and your governance role. Do not assume your conversations will remain private even if you employ privacy settings.
- It is recommended that BOG members adhere to the same *General Content Guidelines* published in the body of this policy

Following are brief examples of appropriate and potentially problematic social media content.

Content that is generally safe for sharing on social media:

- Content that has already been published on an official OSB platform, and thus has been fully vetted (e.g., links to the bar's website).
- Sharing prior statements by the OSB President or CEO, made on behalf of the bar.
- Upcoming OSB events, OSB CLEs and invitations to OSB programs.
- Photos or brief notes regarding programs or events attended as part of your OSB leadership role.
- Positive comments about achievements of Oregon lawyers that are consistent with the OSB mission (e.g., a member receiving a community award or a story about members providing pro bono service).

Content that may be problematic for board members to share on social media, and/or should be carefully considered:

- Personal statements about political or policy positions that relate to your leadership in the OSB. BOG members should use their best judgment on a case-by-case basis.
- Your opinion or vote, or those of your colleagues, on a particular BOG decision; or disagreement with colleague(s) regarding a BOG vote or OSB position. Rigorous debate and discussion is most useful and effective in the public board meeting setting, and the goal is always to have the BOG speak with one voice.
- Your input on BOG and HOD elections. You are free to make endorsements for BOG/HOD, or to share your thoughts on what qualities would best serve the mission and function of these OSB bodies. You should be clear, however, that you are not speaking on behalf of the OSB or BOG. Finally, you should be mindful of the potential that your comments could impact the cohesiveness of the BOG depending on election outcomes.

Content that should not be shared on social media:

- Posts that suggest or infer you are speaking on behalf of the bar (as opposed to on your own behalf), unless you are designated to do so by the President or CEO.
- Public involvement in judicial campaigns or appointments that in any way identifies you in your leadership position with the OSB.
- Personal attacks or judgments made in your capacity as a BOG member regarding other members or third parties that could be considered to be defamatory.
- Any comment or content about pending or potential OSB litigation, unless fully vetted in advance. Remember that as a BOG member your informal statements could potentially be deemed admissions.
- Any comment or content regarding OSB topics or disputes that are privileged or confidential, such as matters discussed in closed session. Avoid any chance that you could inadvertently waive privilege through social media posts.
- Copyrighted art or cartoons that you find online, but for which you do not have license.