



NEBRASKA CRIMINAL
DEFENSE ATTORNEYS
ASSOCIATION

PO. Box 610 · Boystown, Nebraska 68010
www.nebraskacriminaldefense.org

NEBRASKA LISTSERV POLICY

The Nebraska Listservs were designed to easily share information and ideas throughout the criminal defense community and its usefulness is proven every day to criminal defense attorneys and investigators across the state. As the Listservs grow in size, the number of daily posts on the Listservs will increase dramatically. These standards are designed to give guidance to NCDAA members about the proper use and operation of the Listservs. If you have any questions about the use standards below, or if you would like to be added or removed from the NCDAA Listservs for any reason, please contact NCDAA Executive Director Valerie Vogt at 402-770-4475 or ncdaa@nebraskacriminaldefense.org.

NCDAA Listservs Standards for Use

The following standards are intended to promote the professional, fair, efficient, and effective use of the Nebraska Criminal Defense Attorneys Association Listservs. The primary purpose of this membership benefit is to promote the goals of NCDAA and its members as to the practice of criminal defense. Use of this resource is a privilege, and all members are expected to use the Listservs in a professional and responsible manner in compliance with these standards.

LISTSERVS MAINTENANCE and TECHNICAL ISSUES

Group Email Address

The group e-mail address is ncdaalist@nebraskacriminaldefense.org. Currently, the e-mail styled listserv does not archive. The forum-styled listserv, accessed through the NCDAA website, members section, does archive.

Test Messages

Do not send test messages unless an NCDAA Board member instructs you to. If you post a message and do not see it, contact NCDAA for help. (ncdaa@nebraskacriminaldefense.org or 402-770-4475)

Address Changes, Vacation, and Removal Requests

Address changes, and vacation or other removal requests, should not be sent to the Listserv. Instead, please contact NCDAA's Executive Director (ncdaa@nebraskacriminaldefense.org or 402-770-4475) with a new e-mail address, with requests to temporarily or permanently suspend receiving Listserv posts, and with all other technical requests. Members acknowledge that it is the member's responsibility to inform the NCDAA Executive Director



NEBRASKA CRIMINAL
DEFENSE ATTORNEYS
ASSOCIATION

PO. Box 610 · Boystown, Nebraska 68010
www.nebraskacriminaldefense.org

to instruct they be removed from the Listservs upon becoming a prosecutor, judge, or for any other reason.

Virus Protection

Please install and use anti-virus software, upgrading it regularly (two reputable companies are Norton and McAfee). Because it is often through attachments that viruses are spread, we recommend that you not use them except to attach a document that people have asked for specifically. If you are writing your question or comment in a word processing program, instead of sending it as an attachment which might not be read by anyone, copy and paste it into your e-mail. Please set your e-mail program options so that your message is sent in plain text.

Matters Unrelated to the Profession of Criminal Defense

The Listserv is intended primarily to provide for the exchange of information useful to the membership's practice of criminal defense law or related support functions. When the Listserv gets bogged down in messages related to personal political options, petty bickering or other esoteric matters, it loses its value as a membership tool. Please do not use it as a personal soapbox on matters unrelated to the membership's professional concerns. Also, please do not post lengthy attachments (over 150k). Lengthy attachments bog-down slow internet systems and take longer to download.

MESSAGE PROTOCOLS

Identity

All messages must identify the sender by name and provide the sender's individual e-mail address.

Subject Line Message Content

All messages should have a descriptive phrase in the subject line about the content of the message. As the size of the Listserv membership grows, use of the subject line becomes more important so that readers can tell if they need to read the whole message and so that readers can search the NCDA Listserv archive (available for the forum-styled listserv only)

Responses and Replies

All responses should refer in some way to the original message so that others can follow the thread and better understand the response. You can do this by



NEBRASKA CRIMINAL
DEFENSE ATTORNEYS
ASSOCIATION

PO. Box 610 · Boystown, Nebraska 68010
www.nebraskacriminaldefense.org

referring to the original in your reply or you can do it by setting your email preferences to quote the original in your reply.

Reply to Author or Reply to Listserv

Remember that clicking “reply” to a Listserv message sends your message every member of the Listserv, or posts it for all members who log in to view. Reserve the “reply” tool for the transmittal of information that may help others. If you intend to reply to the author only, copy the author’s address from the original message and paste it into the “send to” line.

Unnecessary Replies

Replies that simply convey messages such as “yes” or “me, too” or “thank you” or “I agree” or “could I have one, too” or “congratulations” (unless you are reporting a case for someone else and including details) create clutter. Please consider whether you should post to the individual rather than the entire Listserv.

Personal/Private Replies

If you are uncomfortable spreading information about an individual or other matter over the Internet via the Listservs, then please email a private reply or call the person who posted the inquiry. If you think other colleagues on the Listservs might want to know that you have information responsive to the inquiry, but you don’t want to put the information in writing, ask that you be called privately, and provide some context that indicates why your information may be helpful. For example, “Call me, I had a case in that courtroom last week”, or “he is my next door neighbor”, or “I worked with her when I was a deputy county attorney.” This will help others to better judge the kind/quality/timeliness of information that the “call me” person might have.

Off Topic Material

Off topic postings are discouraged. However, if you must post something that is not directly related to the professional concerns of the NCDAA membership, please make sure that the subject line indicates “OFF TOPIC” or “O.T.” so that it can be more readily detected and/or deleted by the members. Please use discretion when posting “O.T.” messages.

Professional Discourse

The NCDAA Listserv is a professional tool designed to encourage the exchange of ideas among those committed to the defense of the accused. The NCDAA Board does not monitor Listserv posts for content. Members are required to



NEBRASKA CRIMINAL
DEFENSE ATTORNEYS
ASSOCIATION

PO. Box 610 · Boystown, Nebraska 68010
www.nebraskacriminaldefense.org

maintain a high level of professional discourse in all posts and replies. Inflammatory posts and posts that erode the professional nature of the Listserv (regardless of content) must be avoided.

CONFIDENTIALITY AND PROFESSIONALISM PROTOCOLS

Confidentiality

Although true “confidentiality” cannot be maintained or guaranteed with this medium, all messages posted to the NCDA Listservs shall be considered the confidential property of the sender and NCDA. Messages should not be forwarded or otherwise disseminated to non-NCDA members without the consent of the NCDA Board.

Listserv Access by Non-NCDA Members

Use of the NCDA Listservs is a membership service and this privilege attaches to the NCDA member. Non-members should not have access to or be permitted to participate in Listserv discussions. Members should take reasonable precautions to prevent non-NCDA members from accessing any e-mail or attachments obtained from the NCDA Listservs.

Personal Attacks and Veracity

Personal attacks on other NCDA members are prohibited, as are messages that are knowingly false or misleading. Use caution not to defame others (e.g. judges, prosecutors, other attorneys, experts). If you wouldn't put it on paper and pass it around a room of 600 lawyers, it probably should not be posted to the Listservs. You can disagree with the ideas of others, but avoid personal attacks.

Research Basis and NCDA Endorsement

It is prudent for anyone acting on advice received over the Listservs to verify it through his or her own research. NCDA does not adopt positions or opinions expressed on the Listservs simply because they were posted.

ENFORCEMENT, SANCTIONS, AND REMOVAL FROM THE LISTSERV

NCDA is made up of professionals that have high standards for professional conduct and the NCDA Listservs are intended to be used primarily as a professional tool. The NCDA Board of Directors will not police or screen Listserv messages for “Protocol Compliance.” Imposing sanctions for any breach of listserv protocols outlined above is an extreme step; however, it is one that NCDA will take to preserve the professional nature of this tool. Any



NEBRASKA CRIMINAL
DEFENSE ATTORNEYS
ASSOCIATION

PO. Box 610 · Boystown, Nebraska 68010
www.nebraskacriminaldefense.org

member may be removed from the Listservs for breach of any of the protocols outlined above including causing or contributing to the breakdown of professional discourse on the Listserv. However, a member may only be removed from the Listserv by a majority vote of the NCDA Board of Directors.

This policy was reviewed and passed by the NCDA Board on May 16, 2014 and reviewed December 4, 2015.