

# MCBA

— est 1938 —

MARIN COUNTY  
BAR ASSOCIATION

**The Listserv is the property of the Marin County Bar Association. Its use is a privilege, not a right of membership. To participate in the MCBA Listserv, you must be a current MCBA member and abide by the Listserv Rules and Purpose.**

To maintain the integrity and professional standards of the MCBA, and to provide the maximum benefit to our members, the "MCBA Rules & Prohibitions" have been established by the MCBA Board of Directors. By subscribing to the MCBA, you agree to abide by the requirements, prohibitions, and policies of the MCBA.

The MCBA Executive Director is tasked by the Board of Directors with enforcing the listserv Rules in accordance with the policies and actions of the MCBA Board of Directors.

The MCBA ListServ is the property of the MCBA. Its use is a privilege, not a right of membership. Members using the listserv are required to familiarize themselves with the following rules and prohibitions.

## **RULES & PROHIBITIONS RESULTING IN A WARNING**

The following are listserv violations which will result in a warning. These violations will apply to posts to the listserv and replies to listserv messages. The Executive Director will review your post and may ask you to make changes and resubmit the post to the listserv before it is sent

to the membership.

1. Using the listserv to address a dispute with MCBA, an MCBA member, a person who is not a member of MCBA, or any government or business entity.

2. Use of inflammatory, derogatory, profane or vulgar language.

3. Endorsements of candidates for MCBA or any non- MCBA election campaign. No campaign posts, positive or negative, or attacks against candidates are permitted.

4. Debating public policy issues or politically based posts.

5. Fundraising for events not related to MCBA without first receiving approval from the MCBA President or the MCBA Committee.

6. Dissemination of messages on behalf of members whose listserv privileges have been modified or suspended.

7. Repetitive, redundant posts by the same member on an identical topic within a 30 day period, aside from the posting of announcements for Section Meetings or other sanctioned MCBA events.

8. Requests for unlawful or "questionable" services, as defined: Information about a person or entity that cannot, in all probability, be accomplished in compliance with all the laws applicable to that activity. Examples include, but are not limited to, personal information that is contained in telephone, medical, social security, tax, and/or financial records including banks and credit card providers, or information that requires a release of the owner of the information.

9. Disclosure of personal identifiers regarding your investigative subject.

Do not post the name, address, date of birth, social security number or other types of information which might identify a person.

10. Warning of or asking for opinions of potential clients or another lawyer by personal name or entity name.

11. Posting "warning" messages, not already approved by the MCBA President or MCBA Chair, which alert members to potential viruses, trojan attacks, identity theft concerns, or other computer security issues.

12. Advertisements or promotional announcements for any organization, person or business, including notices for other association meetings or seminars, or for your services or the services of others are prohibited unless approved in advance by the listserv committee. A new MCBA Member may make a single, one time only, announcement via the MCBA in which they introduce themselves, discuss their areas of expertise and services they offer. For the purposes of this rule, a new member is defined as someone who has not been a member of MCBA for more than three months.

13. Promoting or recommending a service provider is permitted, however, any further reference to "quality of service" or "pricing" of services is prohibited.

14. No jokes or motivational messages. The MCBA is for professional and business-related postings only.

15. Polling of the MCBA membership, unless specifically approved in advance by the MCBA President or the MCBA Board of Directors.

16. Posting on behalf of a non-member is prohibited.

17. Responses to specific questions should be sent to the posting

originator and not to the entire listserv unless the response is well thought out and is of interest, or possible interest, to the entire membership.

18. The posting members signature line must contain their name, company name.

19. In general, the sale of items on the MCBA is prohibited. "On Occasion", and with the approval of the MCBA Executive Director, the member may make a post to the MCBA about a special event or office item they wish to sell. MCBA Members who do not sell items as the primary function of their business, may "On Occasion" send a post in which they offer new or used items for sale which they no longer have a use for. The members offering these new or used items must accurately state whether the item is new or used and cannot state the price of the item, only that it is available for purchase. The member should make one post with multiple items for sale rather than making multiple posts as only one post will be forwarded to the membership. Members who are retiring or leaving the legal profession may offer their business for sale. A price or details related to the sale of the business should be left out of the members listserv post. MCBA is not liable for the condition of the items or for the false advertising of its members on the MCBA.

## **PROHIBITIONS RESULTING IN A WARNING AND POSSIBLE LOSS OF LISTSERV PRIVILAGES**

The following two violations are listserv violations which will result in a warning or possibly a loss of listserv privileges. A first-time violation will result in a warning via email and a second violation will result in an automatic 30-day loss of listserv privileges. A third time violation will result in a permanent loss of listserv privileges. The 30-day loss of listserv privileges may be appealed via a written complaint to the MCBA Board of Directors which will be reviewed in executive session at the

next regularly schedule MCBA Board of Directors meeting. A permanent loss of listserv privileges will be immediate, but not become permanent until the MCBA Board of Directors makes the final decision to do so at the next regularly scheduled MCBA Board of Directors meeting.

**20. FORWARDING MESSAGES** – Forwarding message to non-members or members who have had their listserv privileges suspended or permanently revoked is strictly prohibited. Non-members also includes your staff or business associates. Members of MCBA who have access to the MCBA include those members who hold an Active Attorney, Government, and Affiliate and level membership.

**21. PRICE FIXING** – Messages should not be posted, and replies to members posts should not be made, if they encourage or facilitate members to arrive at any agreement that either expressly or impliedly leads to price fixing, a boycott of another's business, or other conduct intended to illegally restrict free trade.

## **PROHIBITIONS RESULTING IN IMMEDIATE LOSS OF LISTSERV PRIVILAGES**

The following three prohibitions are listserv violations which will result in an immediate loss of listserv privileges. The loss of listserv privileges will remain in place until the MCBA Board of Directors can review the violation. If the MCBA Board of Directors is asked by the Executive Director to review the violation this will be done in executive session at the next regularly scheduled MCBA Board of Directors meeting.

**22. ILLEGAL OR CRIMINAL** – Replying to a listserv message or attempting to send a listserv message which suggests, recommends or offers illegal services or those of a criminal nature. Illegal services or those of criminal nature is meant to describe those prohibitions commonly found in federal and state penal codes, civil codes or other statutes and

propositions. Replying to a listserv message includes both replying directly to the MCBA or replying directly to the original sender of the message.

**23. DISCRIMINATION** - Replying to a listserv message or attempting to send a listserv message which is discriminatory in nature.

Discrimination based on race, gender, religion, national origin, physical or mental disability, age, sexual orientation or gender identity will not be tolerated in the listserv community. Replying to a listserv message includes both replying directly to the MCBA or replying directly to the original sender of the message.

**24. DEMEANING, THREATENING OR HATEFUL** - Replying to a listserv message or attempting to send a listserv message which is demeaning, threatening or hateful in any way will not be tolerated. Replying to a listserv message includes both replying directly to the MCBA or replying directly to the original sender of the message.

## **DISCLAIMER AND LEGAL RULES**

The MCBA ListServ is the property of the Marin County Bar Association. Its use is a privilege, not a right of membership.

The MCBA membership or fee(s) is nonrefundable once membership has been approved. You will not receive a refund or credit if the MCBA is not available to you or the membership for all forms of technical reasons or because you had your MCBA access temporarily or permanently suspended for violations of the MCBA rules.

MCBA accepts no responsibility for the opinions and information posted on the listserv by others. MCBA disclaims all warranties regarding information posted on the listserv, whether posted by MCBA or any third party; this disclaimer includes all implied warranties of merchantability and fitness. In no event shall MCBA be liable for any special, indirect, or

consequential damages or any damages whatsoever resulting from loss of use, data, or profits, arising out of or in connection with the use or performance of any information posted on the listserv.

By using the MCBA, members agree to indemnify defend and hold harmless the MCBA, its committees, its subsidiaries, affiliates, officers and agents from and against all losses, claims, demands, causes of action, liabilities, expenses, including reasonable attorney's fees and costs arising from any claims arising out of or resulting from any breach of these guidelines by the user or any omission or act taken by the user.

MCBA Does not guarantee the timeliness of your message being sent to the listserv. Due to unforeseen delays, or the time you send your message, your message may not be immediately posted to the MCBA.

The MCBA Committee, the MCBA Board of Directors and the MCBA President reserve the right to make immediate changes to the listserv rules and policies at anytime and without notice to the membership.

The MCBA Board of Directors and the MCBA President reserve the right to make decisions and moderate posts which are not covered under the Rules & Prohibitions listed above.

MCBA reserves the right to terminate access to any member who does not abide by these guidelines.

To subscribe to the List Serv. Sign up on <https://mcba.groupvine.com/subscribe>

Upon approval to ListServ, you can send emails to the following addresses from your email. To:

**All MCBA Members** | [mcba@groupvine.com](mailto:mcba@groupvine.com)

**ADR** | [adr.mcba@groupvine.com](mailto:adr.mcba@groupvine.com)

**Barristers** | [barristers.mcba@groupvine.com](mailto:barristers.mcba@groupvine.com)

**Business** | [business.mcba@groupvine.com](mailto:business.mcba@groupvine.com)  
**Construction** | [construction.mcba@groupvine.com](mailto:construction.mcba@groupvine.com)  
**Criminal** | [criminal.mcba@groupvine.com](mailto:criminal.mcba@groupvine.com)  
**Diversity** | [diversity.mcba@groupvine.com](mailto:diversity.mcba@groupvine.com)  
**Employment Labor** | [el.mcba@groupvine.com](mailto:el.mcba@groupvine.com)  
**Estate Planning Probate** | [ep.mcba@groupvine.com](mailto:ep.mcba@groupvine.com)  
**Mentoring Grp** | [mentorgrp.mcba@groupvine.com](mailto:mentorgrp.mcba@groupvine.com)  
**Family Law** | [familylaw.mcba@groupvine.com](mailto:familylaw.mcba@groupvine.com)  
**Intellectual Property** | [ip.mcba@groupvine.com](mailto:ip.mcba@groupvine.com)  
**Litigation** | [litigation.mcba@groupvine.com](mailto:litigation.mcba@groupvine.com)  
**Probate Litigation** | [probatelit.mcba@groupvine.com](mailto:probatelit.mcba@groupvine.com)  
**Real Property** | [realproperty.mcba@groupvine.com](mailto:realproperty.mcba@groupvine.com)  
**Tax** | [tax.mcba@groupvine.com](mailto:tax.mcba@groupvine.com)