

Ontario Association of Child Protection Lawyers (OACPL) Listserv Conditions of Use and Code of Conduct

By participating in the listserv maintained by the Ontario Association of Child Protection Lawyers (OACPL), whether by sending, receiving or reading messages, or being involved in the listserv in any other manner, I agree to the following:

1. I will not send, re-send or disseminate any material that is defamatory or otherwise actionable;
2. I will keep the contents of all messages that are distributed on the listserv confidential, and will not share the contents of messages with any person who is not a member of the OACPL. I understand that the other members of the OACPL rely on my undertaking as a fellow solicitor and member of the Law Society of Ontario to maintain confidentiality in their decision to use the listserv. I understand that a complaint to the Law Society of Ontario may be made should I breach this undertaking;
3. I acknowledge that it would be impractical and undesirable for the OACPL listserv to be moderated, censored or controlled by the OACPL, its officers or directors or any other third party. I agree that I will therefore be solely responsible for the contents of any message I send or disseminate, and agree that I am not relying on the OACPL or any other person to monitor, edit or control the messages that I choose to send or receive;
4. I will hold the OACPL, and its directors, officers, members, agents and service-providers (collectively, the "OACPL") harmless and will fully indemnify the OACPL in respect of any legal demands, proceedings or claims, brought against the OACPL by any party, including but not limited to indemnifying the OACPL for all legal costs on a full indemnity basis incurred in responding to or dealing with any such claim or demand, (a) in respect of any message I send, re-send or disseminate, or (b) which arise from a failure on my part to keep the contents of any message confidential as set out above;
5. I will not institute legal proceedings of any type against the OACPL, in respect of any message that is published on the listserv;
6. I will not institute legal proceedings of any type against any member of the OACPL in respect of any message that is published on the listserv except, and only to the extent it is necessary, to enforce the indemnification provisions set out in paragraph 4 above;
7. I will abide by the Code of Conduct

LISTSERV CODE OF CONDUCT

- To participate in the Listserv your signature must include your first and last name

as identifiers;

- The Listserv is meant solely for: discussion about current legal issues relevant to child protection law and inquiries relevant to the practice of child protection law;
- Personal attacks on other members are not permitted;
- Inquiries with respect to obtaining recommendations with respect to lawyers in other practice areas or geographic locations are permitted but replies to these inquiries must be made directly to the member seeking the information;
- Requests for agency appearances are permitted but replies to these inquiries must be made directly to the member seeking the assistance;
- Job postings, notices, and offering of services related to child protection work are permitted on the Listserv but replies to these inquiries must be made directly to the member offering the position(s);
- Members shall not incite others to violate this Code of Conduct or to participate in unlawful activities;
- Members are prohibited from “spamming” (the sending of unsolicited or junk e-mail on the Internet). This includes offering sports tickets, concert tickets or any other products not related to the business or practice of law;
- CPD events and legal publications or materials may be promoted on the Listserv with email approval from the designated board member of the OACPL;
- Members shall only utilize language that would be considered appropriate when appearing as counsel in a courtroom. Profanity, swearing, or name-calling is absolutely prohibited;
- Members shall not campaign or endorse members for OACPL executive/director positions except during periods when members are notified that campaigning is permitted on the Listserv;
- Members shall not engage in political campaigning for any party;
- Discussions and campaigning with respect to LSO elections is permitted;
- Members are encouraged to avoid posts that are not of assistance to the discussions (e.g. “agreed”, “please reply all”, “test”, jokes, etc.) and/or not of relevance to the other members of the Listserv;
- Members are expected to consider whether or not a post is of interest or relevance to the entire membership before posting items to the entire Listserv or when using the “reply-all” function;
- Members shall not post on behalf of non-members of the OACPL. When posting on behalf of another OACPL member, the full name of that member must be identified.

PROHIBITED CONDUCT

Prohibited conduct for the OACPL listserv includes:

- Members shall not falsely impersonate anyone;
- Postings that may be libelous or defamatory;
- Postings that are racist, homophobic, sexist, transphobic, or otherwise bigoted or derogatory remarks or jokes that are likely to be offensive to other people;
- Postings that are threatening, injurious, bullying, or which may constitute or further any criminal offence;
- Postings that are inappropriate to the professional objectives of the OACPL

listserv;

- Postings that involve name calling and/or abusive conduct;
- Postings that could be harmful to the reputation of the OACPL.

The OACPL does not pre-screen or filter member e-mails posted to the OACPL listserv. The OACPL relies upon members to ensure that the listserv is appropriate.

SUSPENSION OF LISTSERV PRIVILEGES

The OACPL may, in its discretion, terminate, suspend or give a member notice that their rights in regard to the listserv may be suspended or impose conditions on any member's privileges for any breaches of the Conditions of Use or Code of Conduct. There will be no reasons for the decision given and no appeal of that finding. The decision of the OACPL board of directors is final.

Updated May 8, 2020