

NATIONAL ASSOCIATION OF DEALER COUNSEL LIST-SERVE POLICY

Welcome to the National Association of Dealer Counsel (“NADC”) list-serve network. The NADC would like all members to have a positive experience and therefore have established the following rules and etiquette guidelines for participation in the list-serve, eForum and eLibrary (together “the list-serve”). By subscribing to and participating in the list-serve, subscribers hereby agree to be bound by and warrant their full compliance with the following terms of participation:

The list-serve is a service provided by NADC in furtherance of its purposes. Specifically, this service is provided to further NADC’s mission to provide education and information for attorneys representing automotive dealers for the purpose of improving and developing their capabilities. The NADC list-serve has been established as a means of allowing NADC members to have discussion and share ideas regarding the practice of automotive-related law, the activities of the NADC, legislative developments of interest to the members, and general legal news. All postings shall be of an informational nature and for informational purposes only. Commercial use or any other unauthorized use of this list-serve is prohibited. The list-serve may not be used to solicit business, including the direct or indirect marketing of subscribers’ products or services, in any manner. The list-serve may not be used to provide information, materials, products, or services in exchange for compensation of any kind.

The NADC list-serve is a closed subscription service for the membership. Therefore, only NADC members may use the list-serve. Those not eligible will be removed and/or precluded from subscription. Upon the occurrence of any event affecting the eligibility to subscribe (e.g. lapsed membership) the affected person will be removed by the NADC Executive Director or their designee. Information published on the list-serve should not be shared with non-NADC members.

NADC accepts no responsibility for the opinions and information posted on this list-serve, including the accuracy of same. In no event shall NADC be liable for any special, indirect or consequential damages, or damages of any kind whatsoever, resulting from loss of use, data or profits, arising out of or in connection with the access to, use or reliance on any information posted on the list-serve.

Subscribers shall not post queries for information relating to and must refrain from any discussion which may provide the basis for an inference that the members agreed to take action relating to prices, production, allocation of markets, or any other matter having a market effect. Examples of topics which should not be discussed include current or future billing rates, fees, disbursement charges or other items which would be construed as “price”, fair profit, billing rate, or wage level, current billing or fee procedures, and imposition of credit terms. Do not post regarding refusing to deal with anyone because of his/her pricing or fees. Such discussions are strictly prohibited and the NADC is not responsible for any such discussions.

Subscribers shall not post any defamatory, abusive, profane, threatening, offensive, or illegal information or material, or utilize the list-serve in any illegal manner. In addition, subscribers

shall not post any information or other materials protected by copyright without the permission of the copyright owner, or use any words, logos or other marks that would infringe upon the trademark, service mark, certification mark, or other intellectual property rights of the owners of such marks without the permission of such owners. Subscribers shall not post any confidential information or any information that would infringe upon the proprietary, privacy or personal rights of others, nor will they allow unauthorized persons access to the list-serve.

PARTICIPANTS SHOULD NOTE THAT POSTINGS MAY NOT BE PROTECTED COMMUNICATIONS AND, THEREFORE, MAY BE SUBJECT TO DISCOVERY. By posting material, the posting party warrants and represents that it owns the copyright with respect to such material, has received permission from the copyright owner, or that the material is in the public domain. The posting party further warrants and represents that it otherwise has the full and unencumbered right to post such material and that such posting will not infringe any rights or interests of others. In addition, the posting party grants NADC and subscribers of this list-serve a non-exclusive, irrevocable license to display, copy, publish, distribute, transmit, print and use such information or material in any manner, without payment to the posting party.

Notwithstanding the foregoing, subscribers to the NADC list-serve warrant that they will not disclose to third parties the contents of any posting not authored by the subscriber, without the author's specific consent (except as required by law). Therefore a subscriber may copy a third party on an original posting by the subscriber, but may not divulge the content of replies received without the direct and specific consent of those individuals providing such reply (except as required by law.)

NADC does not generally monitor the list-serve for inappropriate postings and does not on its own undertake editorial control of postings. However, in the event that any inappropriate posting or unauthorized use of the list-serve is brought to the NADC Executive Director's attention, including but not limited to prohibited posting and usage as outlined herein, NADC will take appropriate action, as determined in its sole discretion. NADC reserves the right to moderate, temporarily suspend or terminate, without prior notice, the list-serve access of any subscriber who does not abide by this policy.

Subscription to the NADC list-serve is subject to approval by the NADC Executive Director. Subscription to the list-serve signifies agreement with the terms and conditions of use stated herein. A signed subscription form with the correct email address and other relevant information may be faxed or mailed to the Executive Director. NADC will then review the request, verify eligibility, and grant or deny the request. Upon a grant of subscription, the anticipated time for activation of the subscription is two business days.

Netiquette for List Serve Subscribers

List serves are one of the most useful means of communication, since they enable their subscribers to instantly transmit or receive information and opinions on matters of common interest. When a message is posted or sent to an electronic mailing list, the list server immediately distributes it to all subscribers. Conversely, when replies to that message are posted or sent, they too, are broadcast to the entire list of subscribers in a matter of minutes or seconds, making this a highly interactive form of communication.

List-serve Guidelines:

- **Be germane.** Tailor your message to the subject/issue being addressed. That will result in more focused and valuable responses. Avoid religious or political issues. Do not post, publish, distribute, or disseminate views or materials that espouse political views or solicit on behalf of political candidates.
- **Give enough detail but not too much detail.** Balance the need to provide enough information to solicit valuable responses with the responsibility of not breaching client confidences or simply disclosing information unnecessarily. Remember – your audience is large and diverse.
- **Brevity is important.** Keep your messages short and to the point.
- **Know your audience.** Recognize that your audience may have varying degrees of knowledge and experience, as well as diverse perspectives.
- **Identify yourself.** Provide your full name and affiliation in postings and emails. Consider providing your phone number. Fellow list-serve subscribers will then be able to contact you directly with information they might not want to post or email..
- **Provide a subject line beginning with “NADC”.** Start the subject line with NADC. Fellow list-serve subscribers will appreciate this courtesy, since the audience is large and the number of postings high.
- **If possible avoid attachments.** Attachments can be very useful, but frequently they are incompatible with your audience's software. Instead, post documents that may be of use to other subscribers on the eLibrary and use the list-serve to announce where they can be found.
- **Be careful with replies.** Not all replies need to be sent to the entire list-serve audience. Consider whether it's more appropriate to reply only to the subscriber who did the original post, and possibly others that have indicated an interest. Also consider calling the subscriber if your remarks will be of a sensitive or private nature.
- **Keep it simple.** A short message with simple formatting ensures that your message can be viewed by all subscribers with little difficulty.

This list-serve policy is subject to change. Requests for exception to the list-serve policy should be directed to the NADC Executive Director.