



SOCIAL NETWORKING AND LITIGATION: FRIEND OR UNETHICAL FOE?

Conference to Introduce
THE MASTER OF LAWS IN ADVOCACY

NOVEMBER 30, 2010

12:30–5:45 P.M.

RECEPTION AND DINNER TO FOLLOW

American University
Washington College of Law
4801 Massachusetts Avenue NW, Rm. 603
Washington, DC 20016

AMERICAN  UNIVERSITY
WASHINGTON
COLLEGE OF LAW

ABOUT THE CONFERENCE

In the modern courtroom, new challenges confront experienced attorneys and recent graduates alike. Litigation in the digital age presents novel and complicated ethical issues, especially regarding social networking sites including Facebook, MySpace, Twitter, and LinkedIn. This conference will examine the ethical issues attorneys face in all phases of litigation and the ethical ramifications of social networking as it impacts jury trials.



THE ADVOCACY LL.M. PROGRAM*

The Master of Laws in Advocacy (Advocacy LL.M. Program) at American University Washington College of Law, administered by the law school's Stephen S. Weinstein Trial Advocacy Program, provides opportunities for recent law school graduates and practicing lawyers to enhance their legal advocacy skills in and out of the courtroom. The Advocacy LL.M. Program combines a rigorous academic component, externships, and opportunities to pursue legal scholarship and gain teaching experience. To be awarded the LL.M. degree, a student is required to earn at least 24 credits while pursuing study on a full-time or part-time basis. The Advocacy LL.M. Program's innovative curriculum will aid graduates in preparation for all aspects of litigation.

Important focuses of the Program are the use of modern technology in litigation and the training of ethical trial lawyers. This conference highlights the intersection of these two critical focuses in the context of social networking.

We hope that you will visit our website to discover what the Advocacy LL.M. Program has to offer. Visit www.wcl.american.edu/trial/llm.

**The LL.M. Program is awaiting acquiescence from the American Bar Association.*

PROGRAM SCHEDULE

12:30-1:00 P.M. REGISTRATION *(available throughout the day)*

Lunch Provided

1:00-1:30 P.M. WELCOME

Dean Claudio Grossman and
Professor David E. Aaronson

1:30-3:30 P.M. PRESENTATION Ken Strutin, Esquire

COMMENTATORS Glenn Grossman, Esquire
Professor Caren Myers Morrison

TOPIC

Jury Trials in a Digital Age: From Investigation to
Post-Trial Motions and Every “Tweet” in Between

3:30-3:45 P.M. BREAK

3:45-5:45 P.M. PANEL PRESENTATION

PANELISTS

The Honorable Dennis M. Sweeney
Kendell R. Kelly, Esquire
James McCauley, Esquire
Ken Strutin, Esquire

MODERATOR

Professor Susan D. Carle

TOPICS

- The use of social networking sites for discovery and investigatory purposes
- To “friend” or not to friend your client, the judge, or opposing counsel
- What to tell your client about having a profile on a social networking site
- Voir dire questions about social networking sites
- Jury instructions and the need to address social networking

5:45-6:30 P.M. RECEPTION

6:30-8:30 P.M. DINNER WITH KEYNOTE SPEAKER

Professor Thaddeus Hoffmeister, University of Dayton
“Ethics and Jury Issues in the Digital Age”

FOR FURTHER INFORMATION AND TO REGISTER

Registration is free (with \$55, for CLE accreditation)

Call: 202.274.4075 / Fax: 202.274.4079

E-mail: secle@wcl.american.edu

Register online: www.wcl.american.edu/secle/registration

CLE accreditation will be applied for as requested; 4 credits, including Ethics

SPEAKERS



PROFESSOR SUSAN D. CARLE – Professor Carle has been a faculty member at American University Washington College of Law since 1997. Her teaching and research interests lie primarily in the areas of legal ethics, the history and sociology of the legal profession, employment discrimination, labor and employment law, and torts. Professor Carle is the author of numerous scholarly works on ethics topics and the transmission and transformation of ideas about public interest law practice. In spring of 2006, she was a

Visiting Professor of Law at Harvard Law School. She serves on the D.C. Bar Rules of Professional Review Committee and the Legal Ethics Advisory Committee of the National Disability Rights Network.



GLENN GROSSMAN, ESQUIRE – Mr. Grossman is currently Bar Counsel for the State of Maryland. As the chief disciplinary officer, he is responsible for investigation, evaluation, and prosecution of attorney disciplinary and incapacity cases. He has taught Professional Responsibility at the Columbus School of Law, Catholic University of America, and the University of Baltimore School of Law. Mr. Grossman is a lecturer on professional responsibility, professionalism and risk management at continuing

legal education programs, at state, local and specialty bar associations, Inns of Court, and legal malpractice insurance carriers. Mr. Grossman has authored articles appearing in the *Maryland Bar Journal* and other publications.



PROFESSOR THADDEUS HOFFMEISTER – Prior to joining the faculty at the University of Dayton School of Law in 2007, Professor Hoffmeister served in the U.S. House of Representatives as a legislative director, counsel, and subcommittee staff director. He has also served as a Judge Advocate General (JAG) and is currently a Major in the Army National Guard. Professor Hoffmeister edits a blog discussing juries and has been quoted frequently in newspapers including the *Baltimore Sun*, *Chicago Tribune*,

Cincinnati Enquirer, *Columbus Dispatch*, *Houston Chronicle*, *Los Angeles Times*, *Wall Street Journal* and *Washington Post*.



KENDELL R. KELLY, ESQUIRE – Ms. Kelly is a Lifestyle Lawyer™ and strategist specializing in intellectual property, social media, business, and the sports and entertainment industries. Her unconventional, cutting-edge practice was shaped by experience with several major international law firms – Sonnenschein Nath & Rosenthal, Greenberg Traurig – and the merchant banc Ocean Tomo. Ms. Kelly currently counsels private and corporate clients regarding set-up, protection, strategic planning, monetization and

liquidation of intellectual property assets.



JAMES MCCAULEY, ESQUIRE – Mr. McCauley is the Ethics Counsel for the Virginia State Bar and manages the staff counsel serving the Standing Committees on Legal Ethics and the Unauthorized Practice of Law. Mr. McCauley frequently lectures and publishes articles on matters relating to legal ethics and the unauthorized practice of law. He teaches Professional Responsibility at the T.C. Williams School of Law in Richmond, Virginia, and serves on the American Bar Association’s Standing Committee on Legal Ethics and Professionalism. He is also a Fellow of the Virginia Law Foundation and the American Bar Foundation.



PROFESSOR CAREN MYERS MORRISON – Professor Caren Myers Morrison is an Assistant Professor at Georgia State University College of Law. She was an Acting Assistant Professor at New York University School of Law from 2006–2009. She served as an Assistant U.S. Attorney in the Eastern District of New York from 2001–2006. Professor Morrison’s research focuses on the impact of electronic information on the criminal justice system. Her current article, *Jury 2.0*, 62 *HASTINGS L.J.* (forthcoming 2011), explores the impact of the Internet on the functioning of the jury. Before law school, Professor Morrison worked as a freelance journalist in London for seven years.



KEN STRUTIN, ESQUIRE – Mr. Strutin is the Director of Legal Information Services at the New York State Defenders Association, and has worked there in various capacities for more than 12 years. He is the author of *The Insider’s Guide: Criminal Justice Resources on the Internet* (NYSDA) and *ALI-ABA’s Practice Checklist Manual on Representing Criminal Defendants*. He has also co-authored an award-winning computer tutorial, *Legal Research Methodology* (CALI), used in law schools nationwide. Mr. Strutin has published more than 100 articles in legal periodicals and currently writes a column for the *New York Law Journal*. He lectures extensively on Internet and legal technology related topics.



THE HONORABLE DENNIS M. SWEENEY – Judge Sweeney served as a Circuit Court Judge in Howard County Circuit Court, 5th Judicial Circuit, from March 1991 through November 2007. As a retired judge, he continues to preside over criminal and civil cases in Baltimore City and Howard, Montgomery, Anne Arundel and Carroll counties. He recently presided over the criminal trial of Mayor Sheila Dixon in Baltimore, Maryland, who was charged with multiple embezzlement and theft counts, and ultimately found guilty of embezzling gift cards. After that trial, defense counsel raised allegations of error due to juror communication through Facebook during the trial.

*As social networking sites grow
in popularity, so do their value as
an investigative tool for litigation
purposes. Utilizing those tools
presents new and unique ethical
issues every practicing attorney needs
to recognize, realize, and resolve.*



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