

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. By subscribing to and participating in this list-serve, users hereby agree to be bound by and warrant their full compliance with the following terms of participation:

This 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 users’ 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 subscriber will be removed by the NADC Executive Director or their designee.

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 this list-serve.

Subscribers shall not post queries or information, 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, 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 users access to the list-serve. 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 this 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 user 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 Users

List serves are one of the most useful means of communication, since they enable their members to instantly transmit or receive information and opinions on matters of common interest. When a message is sent to an electronic mailing list, the list server immediately distributes it to all subscribers. Conversely, when replies to that message are "mailed," 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.

The following guidelines are intended to make the electronic mailing lists valuable and productive for all subscribers:

- **Be germane.** Tailor your message to the issue being addressed or up for discussion, since that will tend to produce the most focused and valuable responses from your list-serve colleagues. To ensure a positive experience for all subscribers, please avoid religious or political issues. Do not publish, post, distribute, or disseminate views or materials that espouse political views or solicit for political candidates.
- **Know your audience.** It is important to recognize that your audience may have varying degrees of knowledge and experience with technology. Keeping this in mind will help to ensure that your ideas reach everyone's eyes.
- **Brevity is important.** Please keep your messages as short and to the point as is consistent with conveying the substance of your thoughts.
- **Identify yourself.** Please sign your message with your full name and affiliation. Among other things, this gives your colleagues the opportunity to consult directly with you on questions or issues that may have come up in the discussion.
- **Provide a subject line beginning with "NADC".** Posting a subject line that reflects it is NADC related and identifies your message's contents enables your colleagues to prioritize their reading. This is an important courtesy, particularly when the list of subscribers is large and there is a high volume of transmissions.
- **If possible avoid attachments.** Attachments can be very useful, but frequently they are incompatible with your audience's software. Therefore, when possible, avoid using them.
- **Be careful with replies.** It is important to remember that all messages and replies posted to the list are sent to the entire list. Consequently, if you wish to transmit something of a more personal or private nature, please send it directly to the recipient rather than through the electronic mailing list. When possible, avoid replies that include prior correspondence since long messages tend to slow the process.
- **Please do not use auto-reply.** Electronic mailing lists often include a large number of individuals, which makes auto-replies undesirable.
- **Keeping it simple is your best bet.** A short message using simple formatting is your best bet to ensure that all the intended recipients can view your transmission without difficulty.

This list-serve policy is subject to change depending upon the needs and requirements of NADC and the list-serve subscribers. Any requests for exception to the list-serve membership policy should be directed to the NADC Executive Director.