



## **2015 Primerus Global Conference September 30 – October 4, 2015**

### **Social Media and Legal Ethics – A Global Perspective**

Saturday, October 3, 2015 (9:00 a.m. – 10:15 a.m.)

**Presented by:**

**Moderator: Mark A. Berman – Ganfer & Shore, LLP – New York, NY**

**Panelist: Reinier W.L. Russell – Russell Advacaten B.V. – Amsterdam, Netherlands**

**Panelist: Murray N. Thornhill – HHG Legal Group – West Perth, Australia**

**Panelist: Carole D. Bos – Bos & Glazier, P.L.C. – Grand Rapids, MI**

- I. Introduction of Panel and its Participants
- II. Advising clients on the content of their social media
  - A. Changing security settings
  - B. Taking down of posts and adding content
  - C. False information
  - D. Effect on litigation and business
  - E. Lawyers' use of client-provided social media information
- III. Corporate Social Media Policies
  - A. Pre-hiring
  - B. During employment
  - C. Post-employment
- IV. Attorneys' maintaining client confidentiality of information when communicating over social media
- V. Communicating with unrepresented parties or witnesses over social media
  - A. What information must the lawyer reveal about his identity?
  - B. What information may the lawyer view – public versus private?
- VI. Limitations of using social media to research potential and sitting jurors and reporting misconduct



## Speaker Biography



**Carole Bos, Esq.**

**Bos & Glazier, Trial Attorneys**  
990 Monroe Avenue NW  
Grand Rapids, MI 49503  
Phone: 616.818.1836

[cbos@bosglazier.com](mailto:cbos@bosglazier.com)  
[www.bosglazier.com](http://www.bosglazier.com)

At a time when few women were trial lawyers, Carole started her own law firm. With clients who seek her help for all kinds of problems, ranging from complex commercial issues to wrongful death claims, she is at home in the court room. She is a member of the Million Dollar Advocates Forum – a prestigious organization limited to trial lawyers who have won million and multi-million dollar verdicts, awards and settlements.

She puts her skill as a cross examiner to work for diverse clients – farmers whose land is condemned; businessmen whose inventions and copyrights are threatened; and victims whose lives have been totally disrupted. Bos' compassionate approach with people who have lost a loved one, or sustained a serious injury, is distinguished from her reputation as an aggressive, hardworking fighter for her clients. Twice in the last four years she and her partner have achieved West Michigan's largest settlements for their clients.

Seeing both sides of an issue for more than two decades, she prosecutes cases for plaintiffs but also defends litigation for corporations. Bos is thus able to help her clients see the other side and, therefore, be fully prepared for what is to come.

Carole has handled many major cases, involving hundreds of millions of dollars, in state and federal courts throughout the country. She has written numerous articles in professional journals, co-authored two legal books and frequently gives talks on trial advocacy. She served as Special Attorney to the United States Attorney General – a rare feat – from 1997-1999. As a four-year co-chair of the ABA Section of Litigation Insurance Coverage Committee, she achieved national recognition.

## Speaker Biography



**Mark Berman, Esq.**

**Ganfer & Shore, LLP**  
360 Lexington Avenue, 14th Floor  
New York, NY 10017  
Phone: 917.746.6796

[mberman@ganfershore.com](mailto:mberman@ganfershore.com)  
[www.ganfershore.com](http://www.ganfershore.com)

---

Mr. Berman is a partner in the Commercial Litigation, Cooperative and Condominium Law and Employment and Labor Law Practice Groups at Ganfer & Shore. He has extensive experience in representing private and public companies, as well as partnerships and individuals, as plaintiffs and defendants, in court and in arbitral forums, in complex commercial matters, with an emphasis on real estate and securities disputes, electronic discovery conflicts, and complex title insurance issues. He is a seasoned appellate attorney, having argued many cases before both the First and Second Departments. Mr. Berman is also a trained mediator.

Prior to joining Ganfer & Shore, he was an associate in the litigation department at Skadden, Arps, Slate, Meagher & Flom LLP and clerked for United States Magistrate Judge Michael L. Orenstein for the Eastern District of New York.

Mr. Berman has written and lectured extensively on electronic discovery issues before the American Bar Association, the New York State Bar Association and the New York State Judicial Institute. He has been appointed by the Chief Administrative Judge as a member of New York State E-Discovery Working Group advising the New York State Unified Court System. Since 2005, Mr. Berman has authored a column in The New York Law Journal addressing electronic discovery under New York State law. Mr. Berman's articles have been quoted in both appellate and trial court decisions.

## Speaker Biography



**Murray Thornhill, Esq.**

**HHG Legal Group**  
Level 1  
16 Parliament Place  
West Perth, Australia 6005  
Phone: +61 8 9322 1966

[murray.thornhill@hgg.com.au](mailto:murray.thornhill@hgg.com.au)  
[www.hgg.com.au](http://www.hgg.com.au)

Murray Thornhill heads up the business and government division of HHG Legal Group. He was admitted as a Barrister and Solicitor of the Supreme Court of Western Australia and the Federal and High Courts in 1998. Murray's background involves significant experience working for a leading boutique litigation firm, a top tier national firm and an historic regional practice. Since 2003, Murray has developed and lead HHG's success in construction, insolvency, employment, trusts and estate litigation and corporate/commercial dispute resolution. He has developed the firm's Local Government expertise and has represented clients in most Courts and tribunals in WA and the Federal and High Courts.

Murray presents at a variety of seminars for the firm and for clients, as well as external legal education bodies, and has contributed to various legal publications in all of these areas of practice. He oversees HHG staff training, including CPD and is responsible for the firm's Quality Practice certification. He is a member of the peak Alternative Dispute Resolution body, LEADR and sits on the Law Society of WA Quality Practice Standards committee. He is a regional committee member of the Master Builders Association and is active in the Australian Institute of Company Directors, a member of the Law Council of Australia Business Law & Litigation Sections, a Fellow of the Australian & New Zealand College of Notaries, a member of the Society of Construction Law and a member of the Australian and New Zealand Education Law Association. For many years, Murray has also advised substantial charities, school associations, principals, board members and other non-profit bodies on their unique legal challenges.

## Speaker Biography



**Reinier Russell, Esq.**

**Russell Advocaten B.V.**

Reimersbeek 2  
Amsterdam, Netherlands 1082 AG  
Phone: +31 20 301 55 55

[reinier.russell@russell.nl](mailto:reinier.russell@russell.nl)

[www.russell.nl](http://www.russell.nl)

Reinier Russell is the managing partner at Russell Advocaten, a full-service law firm in Amsterdam, the capital of the Netherlands. Reinier's main practice areas are corporate and commercial law. He also regularly advises clients on a broad range of labour and employment law matters. Reinier is a trained mediator and has vast experience as a boardroom counsellor for international companies.

An entrepreneur himself, he knows the challenges entrepreneurs have to face. That makes him perfectly qualified to assist (stock exchange listed) companies in their day-to-day business operations. As a result, he is a trusted advisor to entrepreneurs and has long-standing relationships with many clients. Knowing his clients, their companies and the sector they work in, he provides tailored legal advice in a practical and immediately applicable way.

Born and bred in Amsterdam, Reinier also devotes a significant amount of his time to activities in the social sphere of the city. He initiated the post-graduate course Governing Charitable Funds at the VU University Amsterdam, where he also lectures. He is founder of the Network Young Philanthropic Professionals. Reinier Russell is Honorary Consul of Brazil in Amsterdam and has been Secretary of the Amsterdam Consular Corps for many years. He serves on the Advisory Board of Plan Netherlands and the MoWIC Foundation. Reinier is also a board member of the Holland America Friendship Foundation and of several other charitable organizations. He is a member of the Dutch Bar Association.