The Missouri Bar
Board of Governors
Policies and Procedures

Policy Title: Policy on Dissemination of Member Contact Information
Date Approved: July 12, 2019

Subject: Date Effective: July 12, 2019

Authorized By: Board of Governors Last Date Revised: July 12, 2019

I. POLICY

The clerk of the Supreme Court of Missouri is responsible for the official roll of attorneys, and The Missouri Bar maintains the database of member contact information. The member contact information list shall remain exclusively under the control of the Executive Director of The Missouri Bar. It is the policy of The Missouri Bar to make its member contact information list available only for official business of the Supreme Court of Missouri, The Missouri Bar or to law-related organizations and agencies for communications germane to the administration of justice and the professional interests of members of The Missouri Bar. The Missouri Bar protects the privacy of its members by restricting the provision of the member contact information list.

While the availability of the member contact information list for other than Missouri Bar use is intended to be limited to users whose communications are germane to the professional interest of the membership, it is recognized that members may not wish to have their names included in such mailings. Accordingly, any member may request, in writing, that their member contact information (address, phone number, fax number, e-mail address and/or other digital contact information) be omitted from the membership contact information list for communications originating from third parties.

All member contact information is covered by this policy. Members' fax numbers, phone numbers, and/or e-mail addresses and other digital contact information will not be provided, with four exceptions: (1) fax numbers, phone numbers and/or e-mail addresses may be provided to the publisher of the Missouri Legal Directory; (2) e-mail addresses may be provided to CLE vendors (e-mail addresses of members who have indicated they do not want their e-mail addresses disseminated to third parties); and (3) e-mail addresses may be provided to candidates for judicial nominating commissions, The Missouri Bar Board of Governors, or the YLS Council of The Missouri Bar; and (4) e-mail addresses will be provided when The Missouri Bar is contractually obligated to do so.

The provision of the member contact information list shall not be used in conjunction with any distribution of material which would tend to mislead, misinform, deceive or which is distasteful in content or presentation. The provision of the member contact information list shall not be used in conjunction with partisan or nonpartisan political mailings at any level except for candidates for judicial nominating commissions, The Missouri Bar Board of Governors, or the YLS Council of The Missouri Bar.

The Executive Director shall, from time to time, determine appropriate fees for the provision of the member contact information list. These fees shall be referred to the Finance Committee and to the
Board of Governors for approval. The Executive Director may waive the fees for the provision of the member contact information list for candidates for judicial nominating commissions, The Missouri Bar Board of Governors, or the YLS Council of The Missouri Bar. Additionally, the fees may be waived for local and specialty bar associations in the discretion of the Executive Director.

The provision of the member contact information list is a discretionary act, which must be approved by the Executive Director or the Executive Director’s designee. The Executive Director or the Executive Director’s designee is authorized to reject requests for the provision of the member contact information list related to the sale of products and services that are not directly related to the practice of law or that conflict with the goals and purposes of The Missouri Bar. It remains the unique responsibility of The Missouri Bar to provide legal education programs of sufficient quantity and quality to enable its members to both enhance their legal abilities and satisfy such formal requirements as may be imposed by Supreme Court Rule. Accordingly, requests for use of the member contact information list for continuing legal education programs may be denied if, in the opinion of the Executive Director after consultation with the Chair of the Legal Education Committee, the user's proposed program conflicts with dates, locations or subject matter of a scheduled program or activity of The Missouri Bar.

The Executive Director shall provide notice of all requests for the member contact information list to the Executive Committee of The Missouri Bar Board of Governors. An appeal of any rejected request for the provision of the member contact information list may be filed with the Board of Governors of The Missouri Bar, who shall have the final decision.

The Board of Governors of The Missouri Bar is responsible for the enforcement of this Policy and may take all actions necessary to enforce compliance.

II. PROCEDURE FOR PROVISION OF THE MEMBERSHIP CONTACT INFORMATION LIST

The following procedure is followed for the provision of the member contact information list:

1. A local bar association may provide a copy of the material to be disseminated, if it is strictly informational, and clearly-court-related communication, to The Missouri Bar, which can be sent by The Missouri Bar to the targeted audience electronically.

2. All other requests must be made in writing, accompanied by a copy of the material to be disseminated.

3. Provision of the member contact information list is to be used solely for the requested purpose. The member contact information list provided for use by candidates for judicial nominating commissions, The Missouri Bar Board of Governors or YLS Council may not be used more than three (3) times in any campaign whether by email or mailing address. The member contact information list may not be duplicated, copied, stored or retained for use other than the requested use agreed to herein. Any User of the member contact information list will promptly use its best efforts, after the requested use, to erase any copies of the member contact information list contained in or on its premises, systems, or any other equipment otherwise under its control. The User will require any third party to do the same. Upon receipt of any information suggesting that the member contact information list has not been erased by the User, the Executive Committee of The Missouri Bar may, at its discretion, require the User to provide written certification to The Missouri Bar of compliance with this Section within ten (10) days after the receipt of The Missouri Bar’s written request to certify. The Missouri Bar reserves the right to review e-mail address protections of the requesting party to assure adequate safeguards against unauthorized e-mail address “harvesting.”
4. The Missouri Bar’s user agreement must be executed prior to delivery of the member contact information list.

5. If applicable, payment shall be required prior to delivery of the member contact information list.

HISTORY

Adopted July 12, 2019.