

THE 4 CS AND A D OF ETHICAL ISSUES IN E-DISCOVERY¹

KATHY OWEN BROWN, *Dallas*
DLA Piper LLP (US)

State Bar of Texas
eDISCOVERY IN YOUR CASE
November 4, 2016
Austin

CHAPTER 10

¹ This article is excerpted from Chapter 17, *Ethical Issues in E-Discovery* by Kathy J. Owen, in *Essentials of E-Discovery*, published by the State Bar of Texas in 2014, Judge Xavier Rodriguez, Editor. This E-Discovery text is in the process of being updated and will contain additional resources in the next edition.



Kathy Owen Brown

Chair, eDiscovery and Information Management Practice

kathy.brown@dlapiper.com

1717 Main Street, Suite 4600, Dallas, Texas, 75201-4629, United States
T: +1 214 743 4508 F: +1 972 813 6270

Kathy Brown focuses her practice on complex litigation. Kathy's practice includes professional liability, pharmaceutical, medical device and mass tort litigation. A significant amount of her practice is spent advising national and international clients in all phases of electronic discovery and information management. She serves as chair of DLA Piper's eDiscovery and Information Management practice.

Kathy's professional liability practice includes representing accounting firms in malpractice actions and regulatory matters before the Public Company Accounting Oversight Board, and the Securities and Exchange Commission. Her professional liability experience is enhanced from her twelve years of service on the Supreme Court of Texas, Board of Disciplinary Appeals, where she dealt with a large range of legal ethical issues. Kathy's pharmaceutical and medical device experience includes cases involving breast implants, "Phen-Fen," Enbrel®, methotrexate, phenylpropanolamine (PPA), Cox-2 inhibitors and gadolinium-based contrast agents. Her mass tort and product liability experience, in addition to the product liability aspects of pharmaceutical and medical device cases, also includes cases involving chemical exposure and product liability cases involving automobile, tire and polyethylene pipe.

Kathy's experience includes the development, analysis and/or use of document management and case management databases. She has also handled cases involving claims of negligence, strict liability, intentional torts, wrongful death, wrongful termination, breach of contract, class action and the Texas Deceptive Trade Practices Act (DTPA).

Kathy is a member of DLA Piper's North American Pro Bono Committee.

EXPERIENCE

- Evaluated information technology structure and developed legal hold procedures and training for national and international companies
- Prepared company 30(b)(6) witnesses on information technology and electronic discovery issues
- Analysis of proprietary databases and prepare strategy for production of data to regulators and litigants

CREDENTIALS

Education

Baylor University School of Law (1989)
J.D.

Baylor University (1987) B.B.A.

Admissions

District of Columbia

Texas

Colorado



- Managed the international and domestic preservation, collection, and processing of electronic and paper documents for pharmaceutical client as national coordinating counsel
- Managed the collection, review, and production of company databases for various pharmaceutical companies as national coordinating counsel
- Managed the collection and review of documents that has resulted in the production of over 40 million pages of documents as national discovery counsel in pharmaceutical litigation, including the training and management of review attorneys
- Handled litigation involving a chemical plant explosion and the subsequent toxic tort case in which some 1,000 plaintiffs sued a chemical company client alleging \$1 billion in actual and exemplary damages for chemical exposures. The primary chemicals at issue in the case were chromium, benzene, formaldehyde, methyl ethyl ketone, betapropiolactone, and acrylates. Illnesses alleged included most forms of cancer, heart problems, birth defects, developmental delays, autoimmune disorders and fear of cancer. Ms. Owen was responsible for organizing, supervising, and training teams of attorneys to conduct discovery, including depositions for the 1,000 plaintiffs, and was responsible for overseeing the epidemiological study conducted on the plant population. Her results were the cornerstone of the defense evidence and later were published in a peer-reviewed journal so that the epidemiological study would pass a *Daubert/Robinson/Havner* challenge. Among the 1,000 who sued, a group of 10 plaintiffs' cases were tried. After one month of trial, these plaintiffs non-suited their cases
- Worked with computer consultants to set up a sophisticated document management system for a client for use in litigation. Appointed by the same client to act as coordinating counsel for this management system. Worked with consultants to design a web-based case management program
- Handled a property contamination case in which a plaintiff who had purchased property from the client sought some \$34 million in damages for future clean-up costs and diminution in property value allegedly cause by environmental contamination. After five weeks of trial, the jury returned a defense verdict
- Participated in trial and appeal of a wrongful termination case involving the president of a failed savings and loan institution. Obtained favorable ruling for the client in the court of appeals
- Participated in a five-week trial on behalf of a client involving product liability and Deceptive Trade Practices Act (DTPA) claims concerning polyethylene pipe. The plaintiff recovered less than 1/20th of the damages sought
- Responsible for setting up case management procedures for coordinating and handling Fen-Phen litigation firmwide. Served on the Dallas and Tarrant Counties Fen-Phen defense steering committees.
- Obtained a dismissal with prejudice, based upon no causation evidence, in a case involving allegations of damages from ingestion of Enbrel®.
- Represented the client in a case in which a plaintiff's pancreatic cancer was allegedly caused by exposure to chromium and a plaintiff's chronic lymphocytic leukemia was allegedly caused by exposure to benzene discharged/emitted by client. The Communications Workers of America Union (CWA) was also a plaintiff in this case. After expert depositions, plaintiffs acknowledged they could not meet their



burden under *Havner*. Resolution of the case included CWA printing a retraction on its web site relative to libelous statements they had made about the client

- Succeeded in obtaining summary results in toxic tort cases involving agenesis of the corpus callosum with hydrocephaly, acute myelogenous leukemia, cancer of unspecified origin, chronic myelogenous leukemia, encephalopathy, kidney cancer, lung cancer and severe dermatitis

PUBLICATIONS

- Co-author of "Privilege Waiver, Federal Rule of Evidence 502, and Clawback/Sneak Peek Agreements," Chapter 10 and author of "Ethical Issues in E-Discovery," Chapter 17 of *Essentials of E-Discovery*, published by the State Bar of Texas, 2014
- "[The Cloud: Not Cirrus but Quite Serious](#)," *Texas Lawyer*, January 28, 2013
- "[Designing, Implementing, Maintaining and Releasing Legal Holds](#)," *DLA Piper E-Discovery Alert*, November 5, 2012 (co-author)
- "[US Discovery Reaching across Borders](#)," *For the Defense*, July 2012 (co-author)
- *Texas Association of Defense Counsel Ethics & Professionalism Newsletter* (Spring 2007, Fall 2007, Fall 2008, Fall 2009, Fall 2010)(co-authored and edited with George Butts)

PRESENTATIONS AND SEMINARS

- Lead Moderator, Today's General Counsel Institute's - e-Discovery for the Corporate Market Conference, "The Exchange" (London, April 8-9, 2014; Houston, TX, September 9-10, 2014; Seattle, WA, October 7-8, 2014; Houston, TX, September 10-11, 2015; Chicago, IL, June 13-14, 2016; Houston, TX, September 12-13, 2016; Seattle, WA, October 5-6, 2016)
- The Duty to Preserve and Litigation Holds, Texas Bar CLE's eDiscovery in Your Case (March 28, 2014)
- Panelist, 21st Century Considerations: Data-Security, Social Media and The Cloud and Recognize and Reconcile the Ethical and Contractual Tensions that can arise between Inside Counsel, Outside Counsel and Providers, Today's General Counsel Institute's - e-Discovery for the Corporate Market Conference, 'The Exchange' (September 16-17, 2013)
- Using the Cloud Responsibly, International Legal Technology Association's 36th Annual Educational Conference (August 18, 2013)
- Ethical Considerations in Cloud Computing, The Marbury Institute - Wise Men Wise Women Series, (March 6, 2013)
- Computer Usage Policies, Records Management, and Corporate IT Infrastructure, St. Mary's Law School eDiscovery Class (September 5, 2012)
- They Don't Have to be E-Normous: Controlling Your E-Discovery Obligations, Costs and Burdens, Defense Research Institute's Drug and Medical Device Seminar (May 11, 2012)
- eDiscovery and Legal Holds, The Healthcare Roundtable, Chief Compliance Officer Roundtable Meeting (April 19, 2012)



- eDiscovery: Considerations in Using Vendors and Outsourcing, St. Mary's Law School eDiscovery Class (November 10, 2011)
- Panelist, A Focus on Litigation and E-Discovery Costs: Proven Methods of Spending Less and Controlling Fees and Expenses, American Conference Institute's 5th National Forum on Reducing Legal Costs (October 21, 2010)
- Panelist, A Focus on Litigation and E-Discovery Costs: Proven Methods of Spending Less and Controlling Fees and Expenses, American Conference Institute's 4th National Forum on Reducing Legal Costs (March 26, 2010)

Webinars

- Speaker, "E-Discovery Implications of Social Networking Sites," DLA Piper Webinar, (June 8, 2010)
- Speaker, "Social Media and Your Data - To Whom Does It Belong?," DLA Piper Webinar (January 2010)

COURTS AND FORUMS

- United States Court of Appeals for the Fifth Circuit
- United States District Court for the Western District of Texas
- United States District Court for the Eastern District of Texas
- United States District Court for the Southern District of Texas
- United States District Court for the Northern District of Texas

PROFESSIONAL MEMBERSHIPS

- American Bar Association
- State Bar of Texas
- State Bar of Colorado
- District of Columbia Bar

RECOGNITIONS

- Supreme Court of Texas, Board of Disciplinary Appeals (2000-2006, 2008-2014) (Vice Chairman 2005-2006)
- State Bar of Texas, District 6A Grievance Committee (1996-2000)
- Ranked No. 3 of The Best Lawyers Under 40 in Dallas, *D Magazine* (May 2002)
- The Best Lawyers Under 40 in Dallas, *D Magazine* (2004)
- Texas Rising Star, named by Law and Politics Media, Inc. and published in *Texas Monthly* (2004 and 2005)

CIVIC AND CHARITABLE

- Attorneys Serving the Community
- Bible Study Fellowship (1995-2001); Discussion Group Leader (1997-2000)



- First Baptist Church of Dallas, Adult Sunday School Teacher and 2nd Monday Coordinator
- First Dallas Media, Inc./KCBI 90.9 Radio Station – Board of Directors, Finance Committee

TABLE OF CONTENTS

I. INTRODUCTION..... 1

II. FOUR CS AND A D OF ETHICAL ISSUES IN E-DISCOVERY..... 1

 A. Cooperation 1

 B. Competence..... 1

 1. Texas Disciplinary Rules of Professional Conduct 2

 2. Competence in E-Discovery 2

 C. Confidentiality..... 2

 1. Texas Disciplinary Rules of Professional Conduct 2

 2. Confidentiality in E-Discovery..... 2

 D. Candor 3

 1. Texas Disciplinary Rules of Professional Conduct 3

 2. Candor in E-Discovery 3

 E. Diligence 3

 1. Texas Disciplinary Rules of Professional Conduct 3

 2. Diligence in E-Discovery 3

III. CONCLUSION 3

IV. OTHER RESOURCES 4

THE 4 CS AND A D OF ETHICAL ISSUES IN E-DISCOVERY

I. INTRODUCTION

When the Texas Disciplinary Rules of Professional Conduct (“TDRPC”) were promulgated, electronically stored information (“ESI”), electronic discovery (“E-Discovery”) and everything that came along with the “technology age” were likely not contemplated by the drafters. However, even though these things may not have been contemplated, the Texas Disciplinary Rules of Professional Conduct contain rules that can be land mines for attorneys when venturing into the world of E-Discovery and technology if they are not prepared. The rules require cooperation, competence, confidentiality, candor and diligence. Social networking has also opened up a new set of potential ethical issues for attorneys. Attorneys must keep in mind their ethical obligations when dealing with the technological advances in our modern age.

II. FOUR CS AND A D OF ETHICAL ISSUES IN E-DISCOVERY

A. Cooperation

In practice today, the costs of litigation associated with E-Discovery can often dwarf those associated with the rest of the matter. Parties will sometimes settle a matter they otherwise would not because the discovery costs exceed any potential value of the case. Parties have sometimes decided to forego pursuing a potential claim due to the risk of high discovery costs. If a party has not received a “smoking gun” from the opposition in discovery, the answer could never be that the document never existed, instead it seeks spoliation sanctions. Defending a spoliation allegation is very costly, even if there are no sanctions awarded.

In our current legal atmosphere, it often seems that cooperation has been lost under an argument for zealously representing clients. The preamble to the Texas Disciplinary Rules of Professional Conduct promotes zealously representing clients:

- “As a representative of clients, a lawyer performs various functions. . . . As advocate, a lawyer zealously asserts the clients position under the rules of the adversary system.”²
- “In all professional functions, a lawyer should zealously pursue client’s interests within the bounds of the law.”³

However, there are limits on zeal. As set forth in the preamble, zeal must be within the rules of the adversary system and within the bounds of the law. For example, an attorney is not allowed use tactics in representing a client that have no substantial purpose other than to burden the other party.⁴

The Sedona Conference, well known for its learned publications and resources on several topics, including E-Discovery topics, has issued a “Cooperation Proclamation,” which has been endorsed by many judges.⁵ The proclamation’s purpose is to launch “a coordinated effort to promote cooperation by all parties to the discovery process to achieve the goal of a ‘just, speedy, and inexpensive determination of every action.’”⁶ This purpose is reflected in the first subtitle in the proclamation: “Cooperation in Discovery is Consistent with Zealous Advocacy.”⁷

Cooperation between parties in litigation will result in a significant number of benefits for the parties and the court. First, cooperation will result in a more streamlined litigation. By cooperating and having open lines of communication, attorneys will be able seek and receive a more reasonable volume of data. Parties will not burden the courts as often with discovery hearings. Cooperation does not mean opening up the storehouse and letting the opposition have unfettered access to everything. It means each side having sufficient information about the case and the available data so that it can meaningfully discuss data sources, scope, search terms, predictive coding, and the like. Cooperation is often not a one-time discussion, especially in larger matters. As discovery progresses, the parties leave open the option for further discussions, which could broaden or limit the scope of discovery if different information is discovered.

Cooperation is a win-win-win for the parties, the clients, and the courts. Although contrary to many styles of practice in recent years, it is becoming more and more crucial as the volume of data continues to grow.

B. Competence

Almost any attorney would acknowledge that competence is required when representing clients. After all, competence is addressed in the very first rule of the TDRPC and the ABA Model Rules of Professional Conduct (“Model Rules”). A practitioner who focuses on criminal law would likely not represent a party in an oil and gas royalty dispute. Likewise, a practitioner who focuses on antitrust litigation would likely not represent a party in a hotly contested divorce and child custody

² Tex. Disciplinary Rules Prof’l Conduct preamble ¶ 2.

³ Tex. Disciplinary Rules Prof’l Conduct preamble ¶ 3.

⁴ Tex. Disciplinary Rules Prof’l Conduct R. 4.04(a).

⁵ The Sedona Conference, *Cooperation Proclamation* (July 2008), available at

<https://thesedonaconference.org/cooperation-proclamation>.

⁶ *Id.*

⁷ *Id.*

dispute. Attorneys typically know their limitations in their practice areas. However, attorneys often do not realize their lack of knowledge, i.e. lack of competence, when it comes to matters of technology and E-Discovery.

1. Texas Disciplinary Rules of Professional Conduct

TDRPC 1.01 requires that “(a) A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer’s competence, unless: (1) another lawyer who is competent to handle the matter is, with the prior informed consent of the client, associated in the matter . . .” Comment 8 to Rule 1.01 explains that “[b]ecause of the vital role of lawyers in the legal process, each lawyer should strive to become and remain proficient and competent in the practice of law. To maintain the requisite knowledge and skill of a competent practitioner, a lawyer should engage in continuing study and education.”

2. Competence in E-Discovery

The days have passed when attorneys could avoid having to “deal with” E-Discovery issues by either sticking their heads in the sand or by blaming their lack of knowledge on not being “tech savvy.” Attorneys have an ethical duty of competence. Comment 8 to both the TDRPC make clear that it is not enough for that attorneys to initially gain knowledge. They must maintain that knowledge. Comment 8 to the Model Rules specifically addresses keeping abreast of relevant technology.

Judges are becoming impatient with attorneys who are uninformed about technology and E-Discovery issues. United States Magistrate Judge John M. Facciola for the United States District Court for the District of Columbia told an audience at a February 4, 2009 Legal Tech Keynote address that “[w]atching an incompetent lawyer is like watching a clumsy ballerina.”⁸ Courts will not excuse an attorney’s lack of competence when he makes commitments not understanding the effort and cost involved in keeping the commitment.⁹ Courts also will not excuse an attorney’s lack of knowledge when it results in the attorney providing false and misleading information.¹⁰

Counsel cannot merely defer to his or her client to investigate and determine the required information. Instead, counsel shares responsibility with the client for compliance with these obligations.¹¹

Fortunately, competence does not require every attorney to become an information technology expert. But attorneys do need to be able to recognize what they do not know and be willing to associate persons with the appropriate technical knowledge/competence to handle those issues for a matter.¹²

C. Confidentiality

Clients entrust attorneys with information. That information is often personal, sensitive, proprietary and/or privileged. Depending on the client, the confidentiality of the information may be subject to confidentiality requirements under state, federal or international law. As attorneys, we have an obligation to keep non-public information entrusted to us as confidential. In this current age of short deadlines, emerging technology, and data security challenges, attorneys must maintain an awareness of their confidentiality obligations.

1. Texas Disciplinary Rules of Professional Conduct

TDRPC 1.05 states: “(b) Except as permitted by paragraphs (c) and (d), or as required by paragraphs (e), and (f), a lawyer shall not knowingly: (1) Reveal confidential information of a client or a former client to: (i) a person that the client has instructed is not to receive the information; or (ii) anyone else, other than the client, the clients representatives, or the members, associates, or employees of the lawyers law firm.”

2. Confidentiality in E-Discovery

Before getting to high-tech technology issues, first begin with a low-tech one: attorneys should not have screens from computers, tablets, or smart phones displayed in a way that they allow other individuals to read the screen. Attorneys also need to be mindful of who might be able to overhear a conversation. Attorneys should not let others use devices containing confidential client information, including family members, if that information is not stored on the device in a way that protects it from being accessed by others who might pick up the device (i.e. protected by passwords or encryption). These practices could result in the disclosure of confidential client information.

If confidential information is being transferred to third parties in the course of representing a client, attorneys need to ensure that appropriate agreements or orders, such as non-disclosure agreements and confidentiality orders, are in place to protect the transfer

⁸ Jeff Beard, *Thoughts from Legal Tech 2009*, LAWTECH GURU BLOG (Feb. 9, 2009), http://www.lawtechguru.com/archives/2009/02/09_thoughts_from_legaltech_2009.html (last visited Nov. 7, 2013).
⁹ *In re Fannie Mae Sec. Litig.*, 552 F.3d 814 (D.C. Cir. 2009).

¹⁰ *See Peter Kiewit Sons', Inc. v. Wall Street Equity Group, Inc.*, No. 8:10CV365 (CRZ), 2012 WL 1852048 *22 (D. Neb. May 18, 2012).

¹¹ *See, e.g., Phoenix Four, Inc. v. Strategic Res. Corp.*, No. 05-Civ-4837, 2006 WL 1409413, at *8 (S.D.N.Y. May 23, 2006).

¹² Tex. Disciplinary Rules Prof'l Conduct R. 1.01(a)(1).

of that information. Because there is always the possibility of inadvertent disclosure of confidential or privileged information, if not otherwise provided by the rules applicable to a matter,¹³ an attorney should have a clawback agreement and have that agreement entered as an order by the judge. If an attorney is using a cloud solution to transmit or store data, special precautions should be taken.

D. Candor

Attorneys must exercise candor before the court. In dealing with E-Discovery, the duty of candor goes hand-in-hand with other ethical obligations, including competence and diligence. Attorneys must be able to understand and communicate the availability of data and any issues related to such data. Attorneys must be diligent in gathering information relating to client data so that they can make accurate representations to the court.

1. Texas Disciplinary Rules of Professional Conduct
TDRPC 3.03 provides: (a) A lawyer shall not knowingly: (1) make a false statement of material fact or law to a tribunal; ... or (5) offer or use evidence that the lawyer knows to be false. (b) If a lawyer has offered material evidence and comes to know of its falsity, the lawyer shall make a good faith effort to persuade the client to authorize the lawyer to correct or withdraw the false evidence. If such efforts are unsuccessful, the lawyer shall take reasonable remedial measures, including disclosure of the true facts.”

2. Candor in E-Discovery

The duty of candor with the court extends to E-Discovery. Violations of this duty can arise by making false, misleading, evasive or incomplete answers to discovery. They can also result from improperly limiting searches for electronic data and failing to disclose destroyed data when there is a duty to do so.

In some instances, an ethical dilemma can arise between an attorney and her client when the client is instructing the attorney to withhold information regarding ESI. Lawyers have a duty to follow the

directions of their client.¹⁴ But there are limits on that duty. If the client insists that the attorney engage in conduct that would constitute a fraud on the court, then the attorney may have no other option than to withdraw from representation of that client.¹⁵

E. Diligence

Attorneys are required to be diligent in their representation of their clients. Diligence applies in many areas of representation, including preservation of electronic data in the client’s possession, timely issuing a legal hold, supervising contract attorneys, and vetting third parties to be granted access to client data.

1. Texas Disciplinary Rules of Professional Conduct

TDRPC 1.01(b) provides: “In representing a client, a lawyer shall not: (1) neglect a legal matter entrusted to the lawyer.” TDRPC 1.01(c) goes on to define “neglect”: “As used in this Rule ‘neglect’ signifies inattentiveness involving a conscious disregard for the responsibilities owed to a client or clients.”

2. Diligence in E-Discovery

Diligence is very important as it applies to electronic data. The passage of time can result in the loss of data. Courts are finding that the duty to preserve data is arising earlier and earlier in litigation.¹⁶ Attorneys must be diligent in working with their clients to issue a legal hold and identify all data sources.¹⁷

In large matters with significant amounts of data, attorneys often outsource document review to be able to conduct the review and a quicker and more cost effective manner. However, when using contract attorneys, attorneys must be diligent in supervising the attorneys. When outsourcing data storage to the cloud, attorneys must be diligent in evaluating the vendors.

III. CONCLUSION

As technology and E-Discovery evolves, the ethical standards applicable to attorneys require that attorneys also evolve in their knowledge and practice. Attorneys’ duties of competence, confidentiality, candor and diligence require attorneys to keep up with

¹³ See, e.g., Tex. R. Civ. P. 193.3(d); Fed. R. Evid. 502.

¹⁴ Tex. Disciplinary Rules Prof’l Conduct R. 1.02(a).

¹⁵ Tex. Disciplinary Rules Prof’l Conduct R. 1.02(c), (f), R. 1.15(a).

¹⁶ See, e.g., *E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc.*, 803 F. Supp. 2d 469, 506 (E.D. Va. 2011) (finding that defendants’ delay of six days in issuing legal hold notice to key employees after learning action had been filed was too long and that the notice needed to be in the native language of the recipients); *Phillip M. Adams & Assocs., LLC v. Dell, Inc.*, 621 F. Supp. 2d 1173, 1191 (D. Utah 2009) (preservation duty triggered when defendant’s industry was “sensitized to the issue” in the case; discussing importance of centralized document retention policies); see also *M.*

Adams & Assocs., LLC v. Winbond Elecs. Corp., No. 1:05-CV-674 TS, 2010 WL 3767318 (D. Utah Sept. 16, 2010) (the defendants’ duty to preserve was triggered by the fact that “[i]n late 1999 the entire computer and component manufacturer’s industry was put on notice of a potential for litigation regarding defective floppy disk components (“FDCs”) by the well-publicized settlement in a large class action lawsuit against Toshiba”). See also Chapter 1 – Duty to Preserve.

¹⁷ See *Phoenix Four*, 2006 WL 1409413, at *8 (stating that counsel cannot rely on client’s assertions regarding sources and locations of discoverable information without conducting an independent inquiry).

developments and to also have knowledge of clients' systems and data. The trends requiring cooperation will hopefully relieve some of the costs and burdens of E-Discovery for all parties involved.

As social media use becomes more and more of a part of our everyday life, attorneys should be mindful of the TDRCP. For example, if one always honors the baseline duty to maintain the impartiality and integrity of court proceedings, abiding by the applicable rules of conduct are really just a matter of common sense and thinking before posting.

In summary, if the conduct would be an ethical violation in a "low tech" world, the conduct will also be a violation in a "high tech" world.

IV. OTHER RESOURCES

www.edrm.net

www.ediscoverylaw.com

www.craigball.com

www.e-discoveryteam.com

www.bowtielaw.wordpress.com

www.thesedonaconference.org(including publications)

http://www.americanbar.org/groups/professional_responsibility.html

<http://www.law.uh.edu/libraries/ethics/homepage.html>

http://www.texasbar.com/AM/Template.cfm?Section=Advertising_Review

<http://www.tyla.org/tyla/assets/File/Social%20Media101%20booklet.pdf>