



Ethics and Professionalism in the Digital Age

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We live in a brave new world:

- Instantaneous communications
- E-transfer of documents
- Volumes of information online
- 24-7 news cycle
- Social networking
- *Constant* sense of urgency

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Everything is:

- Faster
- Cheaper
- Easier to change
- More available
- **But, is it better?**

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Professionals face new challenges:

- Electronic communications
- Control of work product
- Confidentiality
- Mountains of information
- Opportunities to plagiarize
- Social Media snafus
- Advertising online
- Document retention

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ASPPA's Code of Professional Conduct:

- Adopted July 1, 2013
- Restructured and strengthened existing Code
 - Preamble
 - Definitions
 - Twelve additional sections
- Applies to all ASPPA members
- Available online

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ASPPA's Code addresses:

- Advertising
- Communications
- Compliance
- Confidentiality
- Conflicts of Interest
- Control of Work Product
- Courtesy and Cooperation
- Disclosure
- Professional Integrity
- Qualification Standards
- Titles and Credentials
- Additional Obligations
 - Other codes
 - Discipline process

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Professional Integrity

- ASPPA Code calls for:
 - Honesty
 - Integrity
 - Skill
 - Care
 - Compliance with professional standards
- No exception for “virtual” work!

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Electronic Communications

- Clients want it *NOW*
- Confidentiality at risk
- Copies go astray
- Buried legalisms
- Professionalism of tone
- Permanence of message

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ASPPA's Code requires:

- Professional integrity
- Professional communications
- Control of work product
- Compliance
- Confidentiality
- *What can you do?*

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Electronic Communications

- Insist on time to analyze
 - Reply twice
- Be careful who gets copied
 - Avoid bcc's
 - Beware the address field
- Satisfy the law
- Avoid boilerplate
- Review complex documents on paper

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Electronic Communications

- Use phone or meetings for sensitive topics
- Watch your tone
- Treat e-mail and texts like registered mail
- Use e-mail to document and confirm

Control of Work Product

- Files can go anywhere!
- Third parties may rely
- Drafts get confused
- Your clients have this problem, too

Control of Work Product

- ASPPA Code requires:
 - Professional integrity
 - Control of work product
- *What can you do?*

Control of Work Product

- Engagement letter:
 - Control distribution of work
 - Limit third party reliance
 - Address unauthorized editing
 - Establish protocols
- Uniquely identify drafts
- Present content fairly
- Identify sources
- Train your principals

Confidentiality

- So many ways to let things slip!
- Once it's out, you can't call it back
- Cybersecurity risk is constant
- Your staff may be insensitive

Confidentiality

- ASPPA Code requires:
 - Professional integrity
 - Compliance
 - Appropriate protection of confidential information
- *What can you do?*

Confidentiality

- Get clear with your principals
 - Engagement letter
- Know your legal obligations
- Limit access to sensitive information
- Think before you “send”
- Put cybersecurity controls in place
- Train your staff
- Know it’s all permanent

Mountains of information

- So much to read, so little time!
- How much of it’s accurate?
- Your principals read, too

Mountains of information

- ASPPA Code requires:
 - Professional integrity
 - Qualification to practice
- *What can you do?*

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Mountains of information

- Read selectively and critically
- Identify reliable sources
- Verify facts and conclusions
- Maintain your CE
- Educate your principals
 - Be patient
 - Fill in the gaps
 - Work collaboratively

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Opportunities to plagiarize

- Time pressures increase temptation
- People like being quoted, not robbed
- If it's online, it's public domain, right?
- How much adjustment is enough?
- How to protect your own IP?

Opportunities to plagiarize

- ASPPA Code requires:
 - Professional integrity
 - Compliance
 - Qualification to practice
 - Control of work product
- *What can you do?*

Opportunities to plagiarize

- Build enough time into projects
- *A/ways* attribute
- Ask the author
- Ask your lawyer
- If you're not competent, don't do it!
- Define your ownership rights

Social media snafus

- How accurate are your online bios?
- How carefully do you tweet and blog?
- You did *what* in that picture?
- Online insults and feuds

Social media snafus

- ASPPA Code requires:
 - Professional integrity
 - Professional communications
 - Compliance
 - Courtesy and cooperation
 - Appropriate advertising
- *What can you do?*

Social Media snafus

- Post accurate bios on the right sites
- Tweet and blog with care
- Watch the camera
- Don't argue online
- Train your staff!
 - Online communications policy

Advertising online

- So much competition!
- Pressure to puff
- Inaccurate references
- “Internetspeak” isn’t always professional

Advertising online

- ASPPA Code requires:
 - Professional integrity
 - Professional communications
 - Appropriate advertising
- *What can you do?*

Advertising online

- Don't oversell – anywhere
- View online as *part* of your advertising
- Use advertising consultants with care
- Think before you recommend
- Keep it civil

Document retention

- It seems so ephemeral
- There's so much out there!
- Other things seem more pressing
- I'll never get sued, right?

Document retention

- Once it's out, it's permanent
- E-docs can be reconstructed
- It's no big deal – until it's a catastrophe
- *What can you do?*

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Document retention

- Have a policy ... and follow it!
- Train your staff
- Think before you click

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With all the problems, what are the benefits?

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The digital world offers a lot

- Easy access to:
 - Information and education
 - Current and potential clients
 - Colleagues, vendors and advisors
- Instant communications
 - Quick access for clarification and correction
- A worldwide showcase for your services and skills

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E-communications great for:

- Required disclosures
 - Conflicts of interest
 - Sources of compensation
- Requests for information
- Quick clarifications and corrections
- Have a system to catalogue
- Be sure to verify receipt!

Bottom Line:

- Technological gifts come with a cost
- You *can* handle it
- Careful attention to technology helps you:
 - Communicate better
 - Assure your clients
 - Retain professional integrity
 - Protect yourself from litigation

QUESTIONS?

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