#ART @Surrogacy – Social Media, Traditional Media, and the ART Practice

Saturday, May 4, 2019

**Moderator:**
Melissa Torto

**Speakers:**
Molly O’Brien
Liz Tunheim Sheets
Wendie Wilson-Miller
Molly O’Brien, Esq.
Torrance, California
Molly O’Brien has worked in the field of Assisted Reproduction since 2005. In that time, she worked for an Egg Donation Agency and a Surrogacy Agency where she became familiar with all aspects of in-vitro fertilization and egg donation, including the financial aspects of surrogacy. Since becoming an attorney in 2011, she has gained extensive experience in drafting and negotiating Surrogacy Contracts, Egg Donation and Sperm Donation Contracts, and Embryo Donation Contracts on behalf of her clients throughout the world. Ms. O’Brien has also appeared before many local Judges to help both domestic and international couples finalize their parental rights, and has extensive experience in obtaining all documents necessary for her couples to return to their home country.

Through her dedication to the field of assisted reproduction, Ms. O’Brien received a Court appointment as Guardian Ad Litem for unborn children being born through surrogacy.

Molly O’Brien graduated Magna Cum Laude from Whittier Law School and was a published student author in the Whittier Law Review with her insightful article, An Intersection of Ethics and the Law: The Frozen Embryo Dilemma and the Chilling Choice Between Life and Death.

As a member of the American Society of Reproductive Medicine (ASRM), she serves on the Executive Board of the Legal Professional Group section of ASRM as the Chair. Additionally, Ms. O’Brien is a member of the ABA A.R.T. committee and the ABA Sponsorship Committee.

Melissa Torto, Esq.
Boston, MA
Melissa received her Bachelor’s degree from Stonehill College, and went on to receive her law degree from Suffolk University Law School. At Suffolk Law, Melissa was an Executive Board Member of the Suffolk University Transnational Law Review, and her piece about international child custody rights under the Hague Convention was published in Volume 37 of the Law Review. Melissa is licensed to practice law in Massachusetts. She joined Circle in 2016 after interning for two years at law firms in Boston. She now assists clients in drafting and negotiating surrogate and egg donor agreements, addresses clients’ insurance issues, and assists intended parents with establishing their parental rights through court orders and adoptions.

Liz Tunheim Sheets, CMO
Bloomington, MN
Liz Tunheim Sheets is Chief Marketing Officer at communications consulting firm TUNHEIM. Since 1990, TUNHEIM has successfully helped clients navigate complex change with thoughtful and creative communications counsel. Liz joined Tunheim in 2012 to lead its digital offering and soon after took on marketing responsibilities for the firm. She is currently responsible for the firm’s external positioning.

Liz subscribes to the TUNHEIM belief that well-informed people make good decisions and that effective communications are a critical component of successful business strategy. Liz combines communications, marketing and digital expertise from her work with numerous consumer, B2B and nonprofit organizations. Liz is adept at quickly understanding communication needs, identifying and aligning with strategy to deliver for clients. She has worked on a wide range of issues and challenges for many exceptional clients, including International Assisted Reproduction Center (IARC) in Minneapolis.

Wendie Wilson-Miller
Studio City, CA
Wendie Wilson-Miller has been working in the field of assisted reproduction for over 18 years. Her experience being an egg donor for two women who were cancer survivors fueled her passion to found Gifted Journeys, an egg donation and surrogacy agency. Wendie also co-wrote the book titled “The Insiders Guide to Egg Donation: A Compassionate and Comprehensive Guide for All Parents-to-be,” which won a Gold Medal Ben Franklin award in 2013 for its LGBT chapter. She co-founded the national non-profit
organization, The Society for Ethics in Egg Donation and Surrogacy (SEEDS) with the goal of creating consistent ethical standards of practice for all egg donation and surrogacy agencies in the US. Wendie is also an executive board member of Parents Via Egg Donation and helped co-found the American Society of Reproductive Medicine's (ASRM) LGBTQ Special Interest Group. As an avid fitness enthusiast, Wendie also co-founded Fit-4-Fertility, which raises money and awareness for non-profit support and educational groups in assisted reproduction.
Traditional Media and Social Media:
Benefits, Risks and Opportunities for ART Practitioners

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Thanks to technology and innovation, the definitions of, and therefore the lines between, Traditional Media and Social Media have blurred. Traditional media is defined as TV, Print, and Radio focused on delivering news to the public. Traditional media outlets expand the reach of their stories via their websites and online news aggregators. Traditional media stories are frequently shared via social media. Social media is defined by engagement on the myriad and growing number of platforms and includes Facebook, Twitter, Instagram, YouTube, etc. Social media has expanded to include content producers and influencers who share their content on social media platforms, blogs, vlogs, podcasts and various online media.

Traditional media and social media are important channels to reach key stakeholders. TV news, traditional media online and social media are the main source of news. The demographics and channels where news is consumed is democratized. In the U.S. alone, a majority of social media users visit sites at least once a day.

With the confluence of media, it is easier than ever to tell your story. Social media makes it possible for anyone to become a content producer on any subject and find audiences who care about the subject.

But as a result of the democratization of channels, it is more important than ever to be intentional with story-telling: Who needs to understand your story for you to be successful, and what channels are most likely to reach them? Here are tips, considerations and best practices to navigate the evolving world of traditional and social media:

- Any engagement is going to be more worthwhile with intention. Identify what needs to be said, who needs to hear it and have a sense of how over time this will contribute to organizational goals.

- Speak to what you know.

- Do not try to get all messages told in each traditional media and/or social media opportunity, but rather see a long-term approach where each engagement leads to the larger story.

- Channels are not all created equal. There are numerous considerations to how the channel delivers the message, including: quality of the audience, trust in the content, the messenger sharing the message, the messenger’s relationship to the content (i.e. unbiased reporter, opinion reporter, unpaid advocate, paid advocate, paid spokesperson), etc. Be intentional where and how you participate based on the audience you are targeting.
Choose the right messenger(s). Who should say or share these messages to help them be heard by the intended audience? It can be important to step back, and sometimes even ask the intended audience for guidance, to make sure the message will be received.

Start small with clients or former clients who are open and willing to share aspects of their stories (following any contractual obligations).

Build consent and discussions about sharing stories during the contractual process and continue to check in throughout.

All that said, put an initial framework together and then test and try it.

As with all things, there is risk to both using and abstaining from traditional media and social media. If abstaining, at a minimum search Google on a regular frequency to know if your organization or clients are referenced in a negative light or in ways that go against contractual obligations. If participating, it is a risk that someone can share something they were not supposed to. A recent example in pop culture media was when Bravo star Jeff Lewis and his show Flipping Out featured his daughter’s birth against the wishes of the surrogate and he also made a crude “off-color joke” about the birth process on-camera. Even with many successful surrogacies, one story like this can go viral and gain a lot more attention than success stories.

As Winston Churchill is credited for saying, “Never let a good crisis go to waste.” Turn a potential crisis moment into an opportunity by being prepared to help it pivot. When your organization or client is involved in a crisis:

Be honest and transparent – craft messages that not only mitigate further risk but respond as a human. Remember that most people reading a story are not going to understand the nuances of the contractual relationship and are bringing their own unconscious and conscious biases to their interpretation.

Aim to protect the long-term reputation of your organization or client.

Make sure staff know that you or an appointed, media-trained point person are the only points of contact to talk to the media.

If you are getting calls from reporters, remember that they are just doing their job. This reminder can soften tensions and remind you to stick to key messages. There is no such thing as an off the record conversation.

Know who important stakeholders are and communicate with them at the proper time. For example, other clients should not hear about the issue via media and should hear from you directly.

Monitor the spread of information using Twitter, Facebook and Google News – you may need to elevate the situation if it is getting a lot of shares.

Hire a firm like mine help you develop a path out of the crisis, though note that this is always better to do before a situation occurs. Part of our skill set is risk assessment and avoidance.
If it is a public situation, hold off on any planned social media or traditional media pushes. Resume efforts after the situation has died down taking into account any learnings that should be considered in activities going forward. Seek to be prepared so you do not unintentionally create a crisis but remember with all media there is a lifecycle and eventually most people move on to the next topic.

All of this said, I would be remiss if I did not encourage this group to step back and think about how its collective energy can benefit the whole through traditional media and social media efforts. Reputational risk, especially for ART as a whole, is higher without a strong brand to fall back on. If you don’t have stakeholders willing to speak out for you and against misinformation, then traditional media and social media coverage can work against you.

ART practices, especially surrogacy, gets caught up in a culture war of misinformation. On a micro level: What does the average person need to understand about ART to help your organization be successful?

It is important to consider how ART and surrogacy should be understood and then illuminate that platform with individual cases. Part of normalization is de-mystifying the process.

Over time, small efforts lead to bigger opportunities: clarity of messages to pitch and discuss with traditional media, ability to correct misinformation in media, participation in policy forums, and other efforts that can benefit your practice.

Here are some ways to consider preparing for a crisis your organization is not involved in:

- Think about types of situations where it would benefit ART to correct misinformation. Outline these and try to monitor for those types of stories.
- When a story meets that criteria, be prepared with a response statement with facts and context. Share it in a helpful way with the reporter if you think a story is misinformed on ART and identify why your expertise should be considered. Even if it does not change that story, if done in a helpful manner it can create a dialogue for the future.
- Have conversations with your fellow ART colleagues about their interest and willingness to be quoted in stories on ART; should a story break, be prepared to pitch a few ART legal experts to media to expand the conversation.

At a macro level, every positive story that informs the public about the importance and benefits of ART will benefit the whole sector. Think of this story sharing as building the brand of “assisted reproductive technologies.”

The people in this room know more about the benefits of ART than most people in the world. ART practitioners could likely answer a version of this question: What does the average person need to understand about ART to help our industry be successful? To build a “brand” for ART, it takes knowing an answer to that question. In my business of communications consulting, we would start with those answers to help us begin to build an approach to help the industry take responsibility to be understood.

As ART is normalized through personal stories, especially representation of celebrities and influencers sharing their journeys to create their families, it will discredit misinformation and bring to light correct information helping to mainstream ART practices. This increases the importance of bringing visibility to the process and outcomes in a way that is safe for your practices and clients. This will continue to be hard unless the industry takes accountability to be better understood. A crude search of social media
posts over the past six months illustrates there is still work to be done to clear up misinformation about ART.\textsuperscript{i}


**Profiles of social media news consumers**

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Note: Twitter and WhatsApp not shown. Nonwhite includes all racial and ethnic groups, except non-Hispanic white.

Source: Survey conducted July 30-Aug. 15, 2016.

“News Use Across Social Media Platforms 2018”

Pew Research Center


Social Media – ABA Dominican Republic

Introduction:

I will be approaching my social media topic today from two different perspectives, first – as a co-founder and board member of The Society for Ethics in Egg Donation and Surrogacy, and second, as an egg donation and surrogacy agency owner.

1.) SEEDS’ Mission:

“SEEDS is a nonprofit organization founded by a group of egg donation and surrogacy agencies, whose purpose is to define and promote ethical behavior by all parties involved in third party reproduction. SEEDS carries out its mission by working with ART professionals to create a unified voice and develop and issue ethical standards for the various aspects of third party reproduction…”

The part that I will be focusing on today with regards to our Social Media topic is the desire to create a positive and influential uniform using social media on both a national and international stage. As many of you know, our industry is not looked upon favorably, not only by most countries in the world, but also within our own borders.

Internationally, surrogacy opponents impute avarice to all the involved parties that creates an “industry” that is all about making women do something they do not want to do. The perception is that treatment of infertility through egg donation and/or surrogacy is using women as commodities to make money for greedy people. The greedy people at the top of their list includes intermediaries (i.e. agencies or clinics) who create a business to foster the process for their own profit, and that that is their primary motivation.

For example, there are cases in developing countries in which intermediaries have facilitated surrogacies and either the clinic or the agency have diverted some of the money that was purportedly intended for the surrogate to themselves for additional profits. There have been intermediaries like Teresa Erickson who tried to facilitate a baby-selling scheme in the Ukraine for their own profit. There are other types of intermediaries who approach existing clinics and agencies and promise to bring them many clients in exchange for undisclosed referral fees hidden in a padded agency fee that is much higher than it is for other clients (in order to buffer the referral fee) for the same amount of work done. This has surfaced most notably from those who wish to facilitate referrals of Asian intended parents.

Within our own borders we have the opposing voices as well for many of the same reasons. A name most of you probably recognize and we all seem to have a collective groan about is the founder and president of The Center for Bioethics and Culture Network, Jennifer Lahl. She speaks out against surrogacy, egg donation and the exploitation of women with a rather loud and persuasive voice. Just some of her work includes:
• **Eggsplotation** (a film which has been awarded Best Documentary by the California Independent Film Festival and has sold in more than 30 countries) is a documentary that spotlights the booming business of human eggs told through the tragic and revealing stories of real women who become involved and whose lives have been changed forever.

• **Breeders: A Subclass of Women**, which is now a part of a trilogy of films on the ethics of third party reproduction focusing primarily on surrogacy.

• **Maggie’s Story**: A short documentary that follows one woman’s egg donation journey.

Other parts of her bio include: Lahl’s writings have appeared in various publications including *Cambridge University Press*, the *San Francisco Chronicle*, the *Dallas Morning News*, and the *American Journal of Bioethics*. She is routinely interviewed on radio and television including ABC, CBS, PBS, and NPR. She is also called upon to speak alongside lawmakers and members of the scientific community, even being invited to speak to members of the European Parliament in Brussels to address issues of egg trafficking; she has twice addressed the United Nations during the Commission on the Status of Women on egg and womb trafficking. (http://www.cbc-network.org/about/staff/)

So the reality is that there is a very real and visible perception that professionals in the ART process, both in developing countries and the U.S., have abused the process for their own profit. And let me take this moment to say first hand how hard (if not practically impossible) it is NOT to make a ‘for-profit’ company something that comes across as solely altruistic – since they are clearly NOT. Hence the rising call for agencies to be made wholly non-profit entities as in adoption.

The thing is, we ourselves create this perception by our own use – and misuse - of the media: social media, advertising, blogs, etc. So what do we do to combat this? Well, it’s a rather challenging project and a lofty goal, but our mission is as follows:

1.) Create standards and guidelines for advertising that we can get ((most)) agencies to adhere to. Standards that don’t promote money as the primary motivation. **Disclaimer: This is not a “you’re bad” comment to agencies that are currently doing this. Most of us have to in order to even compete. Rather it’s an attempt at compliance among the masses so that none of us HAVE to do this for motivation.

2.) Address the phenomenon of Multiple Concurrent Surrogate Cycles (how many surrogates to one IP)

3.) Recommendation/requirement of legal contracts (i.e. agencies or clinics who do not require attorney-reviewed contracts)

4.) Address the use of surrogates who receive any form of financial assistance. (I recently discovered that there are certain situations in which several large agencies make exceptions – so what are they? Is it universal to our industry?)

5.) Identifying appropriate newborn insurance options for out-of-country IPs.

6.) Reviewing fee structures in different parts of the country.

7.) Setting parameters for sending U.S. surrogates to other countries

8.) Creating a Trade Organization or similar affiliation that requires adherence to the standards for sanctioned membership.

9.) Outreach to our colleagues and peers to come to agreed-upon best practices in which we all have a voice together to protect our vulnerable industry.

2.) Agency Obligation
Agencies have a unique perspective on social media in the ART field, as so often they are the first place that Intended Parents, Surrogates and Egg Donors come for information gathering to begin their journey.

I’ve seen a big change in knowledge, fear, pre-determined biases and financial discussion that have been on social media prior to initial interactions with me (and other agencies) than ever before.

A few examples:

- Twin pregnancy risk – Just recently I started to collect the responses from other surrogates when the question was proposed on a Support Group as to whether to do a SET or DET. There were 240 responses. Here are some of the more repeated type responses:
  - “I will only agree to an SET after carrying twins the first time.”
  - “Oh good, a post to see how many women are willing to be reckless with their bodies.”
  - “Our bodies were only designed to carry one baby at a time.”
  - “I had an RE try to force me into a DET. I’m so glad I stood my ground as the single pregnancy had a lot of complications.”
  - “Only a SET. Too much can go horribly wrong with a twin pregnancy.”
  - “I have seen more complications with twin pregnancies than without.”
  - “I had to switch agencies because they said it would be hard to match me unless I did a DET.”

- The surrogacy group discussions where someone asks what the others made for their first journey. Especially in California. #cringe #shudder

  Alternatively, the varying type of “bait-and-switch” advertisements offering donors or surrogates upwards of $50,000 - $100,000+ in compensation – but when they call the agency and/or clinic they are informed that they can earn a TOTAL of that for multiple donations/surrogacies.

- Medication, protocols and side-effects are also often discussed by previous surrogates and other non-medical professionals inappropriately giving medical advice.

- Legal contracts and Agency Contracts – cut and pasted wording from private contracts put onto social media and discussed.

In some cases I admittedly cringe a bit – especially over medical advice or money discussions. In other cases – I think they are great considerations. As agencies, we need to be held accountable for our ethical obligations in the field. Donors, surrogates and IPs have the right to ask the right questions and feel safe with those they will be working with and trusting their money with. Often times, their only other resource that includes multiple discussion points is social media. Therefore, our processes as agencies should be similar in our individual and collective actions, responsibilities and expectations thereof.

So, what is an agency’s obligation to discuss social media with surrogates, IPs and donors when they come in?
• Inform them that social media groups, while often helpful and informative— are not replacement for industry and medical professionals.
• Inform them that they should not rely on any advice given by someone online who is not qualified by education or certification to give it.
• Private and personal information on IPs, donors and surrogates are not okay to post without explicit permission.
• Risk of seeing something on social media that triggers issues with the relationship between IPs and surrogates/donors
• Adherence to ethical guidelines promoted by organizations like SEEDS and ASRM,

In summary, it’s important to recognize that we are under a media microscope, and honestly, considering what it is we all do – we should be. Which is why it is more important than ever to create a unified voice, discuss the challenging topics that make us appear questionable to the rest of the world, and create standardized guidelines to address and dispel those misperceptions to which we are held accountable.
Social media is defined by engagement on the myriad and growing number of platforms and includes Facebook, Twitter, Instagram, YouTube, etc.

Traditional media is defined as TV, Print, and Radio focused on delivering news to the public.

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TRADITIONAL MEDIA AND SOCIAL MEDIA
Benefits, Risks and Opportunities for ART Practitioners
THANKS TO TECHNOLOGY AND INNOVATION, THE LINES BETWEEN TRADITIONAL MEDIA AND SOCIAL MEDIA HAVE BLURRED.

• Traditional media outlets expand the reach of their stories via their websites and online news aggregators.
• Traditional media stories are frequently shared via social media.
• Social media has expanded to include content producers and influencers who share their content on social media platforms, blogs, vlogs, podcasts and various online media.

USE STATISTICS
TV news, traditional media online and social media are the main source of news. The demographics and channels where news is consumed is democratized. In the U.S. alone, a majority of social media users visit social media platforms at least once a day.
With the confluence of media, it is easier than ever to tell your story. Social media makes it possible for anyone to become a content producer on any subject and find audiences who care about the subject.

Due to the democratization of channels, it is more important than ever to be intentional with storytelling:

- Who needs to understand your story for you to be successful?
- What channels are most likely to reach them?

**TIPS AND BEST PRACTICES**
➢ Identify what needs to be said, who needs to hear it and have a sense of how over time this will contribute to organizational goals.

➢ Speak to what you know.

➢ Do not try to get all messages told in each opportunity; rather, see a long-term approach where each engagement leads to the larger story.
Channels are not all created equal. Be intentional where and how you participate based on the audience you are targeting.

Choose the right messenger(s). Who should say or share these messages to help them be heard by the intended audience?

Start small with clients or former clients who are open and willing to share aspects of their stories (following any contractual obligations).
➢ Build consent and discussions about sharing stories during the contractual process and continue to check in throughout.

➢ All that said, put an initial framework together and then test and try it.

As with all things, there is risk to both using and abstaining from traditional media and social media:

+ Even if you abstain, search Google on a regular frequency to know if your organization or clients are referenced.

+ If participating, it is a risk that someone can share something they were not supposed to.
"Never let a good crisis go to waste."
– Winston Churchill

Be honest and transparent

Aim to protect the long-term reputation of your organization or client.
Make sure staff know that you or an appointed, media-trained point person are the only points of contact to talk to the media.

If you are getting calls from reporters, remember that they are just doing their job.

There is no such thing as an off the record conversation.

Know who important stakeholders are and communicate with them at the proper time.
Monitor the spread of information using Twitter, Facebook and Google News.

Hire a firm like mine to help you develop a path out of the crisis, though note that this is always better to do before a situation occurs. Part of our skill set is risk assessment and avoidance.

If it is a public situation, hold off on any planned social media or traditional media pushes. Resume efforts after the situation has died down taking into account any learnings that should be considered in activities going forward.
Seek to be prepared so you do not unintentionally create a crisis but remember with all media there is a lifecycle and eventually most people move on to the next topic.

Reputational risk, especially for ART as a whole, is higher without a strong brand to fall back on. If you don’t have stakeholders willing to speak out for you and against misinformation, then traditional media and social media coverage can work against you.

A crude search of social media posts over the past six months illustrates there is still work to be done to clear up misinformation about ART.
WHAT DOES THE AVERAGE PERSON NEED TO UNDERSTAND ABOUT ART FOR SUCCESS?

It is important to consider how assisted reproductive technologies should be understood and then illuminate that platform with individual cases. Part of normalization is de-mystifying the process.

At a macro level, every positive story that informs the public about the importance and benefits of ART will benefit the whole sector. Think of this story sharing as **building the brand** of “assisted reproductive technologies.”
Over time, small efforts lead to bigger opportunities: clarity of messages to pitch and discuss with traditional media, ability to correct misinformation in media, participation in policy forums, and other efforts that can benefit your practice and the practice as a whole.

WAYS TO PREPARE FOR A CRISIS THAT CAN BENEFIT THE INDUSTRY

Think about types of situations where it would benefit ART to correct misinformation. Outline these and try to monitor for those types of stories.
When a story meets that criteria, be prepared with a response statement with facts and context. Share it in a helpful way with the reporter if you think a story is misinformed on ART and identify why your expertise should be considered. Even if it does not change that story, if done in a helpful manner it can create a dialogue for the future.

Have conversations with your fellow ART colleagues about their interest and willingness to be quoted in stories on ART; should a story break, be prepared to pitch a few ART legal experts to media to expand the conversation.

TAKE RESPONSIBILITY FOR BEING UNDERSTOOD
The people in this room know more about the benefits of ART than most people in the world. To build a “brand” for ART, you need to answer that earlier question: What does the average person need to understand about ART for our industry to be successful?

As ART is normalized through personal stories, especially representation of celebrities and influencers sharing their journeys to create their families, it will discredit misinformation and bring to light correct information helping to mainstream ART practices.

This increases the importance of bringing visibility to the process and outcomes in a way that is safe for your practices and clients. This will continue to be hard unless the industry takes accountability to be better understood.
THANK YOU

Liz Sheets
Chief Marketing Officer
952-851-1600
Roadmap


2. Social Media and how we relate to other professionals.

3. Social Media and how we relate to our clients.

1. Social Media and Professional Conduct

- The ABA Model rules are silent on ethical implications of social media

- Model rules are a “minimum” code of conduct.
Two main issues that may result in ethical violations:

1. Misuse of social media
2. Failure to use social media

1. Competency: Lawyers are required to be competent and to maintain competency. Rule 1.1
   * We must adapt to changes in technology to provide competent representation
     * Advising client not to post information about the case online
     * Advising a client not to delete evidence
     * Advising a client not to communicate with opposing party on social media

2. Diligence:
   * Does this mean screening social media profiles?

3. Confidentiality:
   * Rule 1.6 states lawyers are required to keep client information private, and all information related to representation.
   * Pictures we post on our pages of group meetings, babies, IPs, etc.
4. Supervision

* If you delegate your firm's social media management to another, you are still responsible.

* A member of the New Jersey State Bar was cited for failing to supervise a subordinate who “friended” a litigation opponent.

2. Social Media and how we related to other professionals

1. Client development (agencies, clinics, other lawyers, etc.)

2. Networking

1. Advertising

   1. What constitutes legal advertising
      1. State specific rules
      2. ABA Model Rule 7.2
   
   2. Advertising ethics really governs the message, not the medium.
   
   3. Florida says “unsolicited invitations sent directly from one's social media site to a 3rd party to view the lawyer’s page would be considered an ethics violation unless the recipient is current client, former client, relative or another lawyer.”
Hypothetical #1

On your professional Facebook page a potential client asks you for legal advice.

Hypothetical #2

On the Surrogacy Professional’s Facebook page a colleague asks for the laws in the state of ___ and you reply.

Does it matter if you are licensed there or not?

Is this giving legal advice?

MISREPRESENTATION:

This is our biggest risk

ABA model rules 7.1 states “no false or misleading communications” about the lawyer’s services.

What makes something misleading? If it could lead a reasonable person to formulate a specific conclusion about the lawyer or the lawyer’s services for which there is no reasonable factual foundation.”

REVIEWS AND REFERRALS ONLINE:

If not done properly, these endorsements could be ethical violations for false/misleading communications.

It is incumbent on you to know your state’s position on recommendations and endorsements. A third party post can put you in violation so be careful!

Does this extend to Surrogacy Professionals page?
Legal Advice and Social Media

1. Unintended Attorney-Client relationship
   • Surrogacy Professionals Page
   • AMA's

2. Give a proper disclaimer/notice/warning

3. Exercise caution and restraint and be careful

3. Social Media and how we relate to our clients.
   • Hypothetical #1 – Happy Client posts a rave review on your FaceBook Page.
   • Hypothetical #2 – Unhappy Client posts a negative review on your FaceBook Page
Unified Voice and Social Media Ethics

Creating a Unified Voice

• Internationally
  – Women as Commodities
  – Intermediaries / Hidden fees

• Nationally
  – Jennifer Lahl
    • Eggsploitation
    • Breeders
    • Maggie’s Story
    • Other
    • Teresa Erickson

Eggsploitation
Breeders

Jennifer Lahl Bio

- President for the Center of Bioethics and Culture.
  - Cambridge University Press
  - San Francisco Chronicle
  - Dallas Morning News
  - American Journal of Bioethics
  - ABC, CBS, PBS, NPR
  - Scientific Community, European Parliament, Addressed the UN
  - Commission on the Status of Women on egg and womb trafficking.
Changing Perception

- Create Standards
- Create a Trade Organization
- Outreach to Peers
- Address things like:
  - MSC
  - Legal Contracts
  - Newborn Insurance Options
  - Fee Structures
  - Parameters for sending GCs out of country

Information through Social Media

- Twin Risk
- Fee Questions
- Medications and Protocols
- Legal / Agency Agreements
Social Media Boundaries

• Risks
• Qualified Professionals
• Privacy
• Triggers
• Adherence to Legal

Conclusion