USING EMAIL IN THE OFFICE

Email is now the primary way we communicate with clients, opposing counsel, and others. Unfortunately, "You've got mail!" is no longer exciting news. The volume of messages we receive overwhelms many of us. Some lawyers report spending up to three hours each day reading, responding to, and filing email. Keep these points in mind:

- Consider whether you must respond to each email received, especially if you are copied on the email or if your response is merely "thank you." Do your part to cut down on the flow of unnecessary email.

- Evaluate whether to continue an existing email discussion or start a new message. This is especially important if you are volleying an attachment back and forth with comments. Avoid straying from the original topic of your email communications.

- Limit email to the purpose for which it was intended:

    - Providing quick answers to straightforward, yes and no questions.
    - Making or confirming appointments, court dates, or other calendar commitments.
    - Transmitting documents.
    - Distributing information quickly to many people.
    - Short, simple communication.

- Avoid replying by email when your message is likely to be misunderstood because:

    - You are unclear about the question asked.
    - The question is complicated and requires a detailed answer.
    - The subject is sensitive and your words could be misinterpreted.

  - The telephone is a better alternative in these circumstances. You can always send a confirming email or letter after the fact. See this PLF InPractice [Blog "Communicating Effectively and Professionally"] for more information regarding how to determine the proper method of communication. To find blog articles on the PLF Website, www.osbplf.org, click on Services tab > Blog > InPractice > Communicating Effectively and Professionally.

- Craft your subject line. This will allow your recipient to know at a glance what your email is about and keep you "on topic" when composing the body of your message. "Reminder – Meeting Scheduled June 1 at 10:00 am" is better than "Meeting." If you want action, request it. "Final draft attached for your approval." If there is no need for a message beyond the descriptive subject line, consider ending with "End of Message" or "EOM." For example, "Please review and return by noon today. (EOM)." Never send email without a subject line.

- Add a personal salutation before you launch into the substance of your message. ("Dear Dr. Smith," "Dr. Smith," "John.")

- Email that is clear, concise, and actionable will improve the quality of responses and eliminate the need for multiple emails asking for further clarification.

    - State your most important point first.
    - Format your email so busy readers can see key content without scrolling down the body of the message, otherwise it may be overlooked. Bullet points and numbered lists are helpful.
    - Use complete sentences.
    - Limit paragraphs to five lines.

  - Do not use ALL CAPS. The reader may believe you are shouting. Caps may emphasize a word or two.
  - Choose font styles and colors that make your message easy to read. Black is the best font color for the body of your message.

- Specify the response you want from the reader. Do you want the reader to schedule a follow-up appointment or phone call? Do you want the reader to reply with an answer to a question? Include your contact information so the reader can respond in the most effective manner, which may be to pick up the phone to get clarification. Include "thank you in advance" with any request.

- Add a proper closing. ("Warmest regards," "Sincerely.")

- Create and use an email signature that includes contact information (your full name, title or status, firm name, mailing address, telephone, direct dial number, facsimile, email address, and website.)

- Consider adding a marketing message at the end of your email signature. It could refer to an upcoming presentation you are doing or an article on your website. Keep it short and change the message periodically to keep it fresh.

- Consider attaching a virtual business card (vCard) to your messages. Besides standard contact information, a vCard can include logos, photographs, and even audio clips. The file format (.vcf) is standard and accessible by all users. In Outlook, start by creating a contact card for yourself. To attach your contact card to your emails, click on Help. Search for "create vCard" and follow the steps.

- Before hitting the "Send" button:

  - Check the "To" box. Is your email properly addressed?
  - Run spell check.
  - Run grammar check.
  - Carefully proofread your email. When satisfied, click "Send."

- Establish a policy for responding to client email messages: "I reply to emails within 24 hours," "… by the end of the next business day," etc. Be sure you can commit to the timeline. Set a time that fits you, your clientele, and your practice. Communicate your policy at the first client meeting so clients know what to expect when they email your office.

- Consider the following practices to avoid mistakes and other issues:

  - Use email headers for any notices or disclaimers ("This message is confidential and may contain sensitive and private privileged information. If you are **not** the intended recipient, or if you believe you have received this message in error, please notify me immediately by reply email. Please keep the contents confidential and delete the message and any attachments from your system.")

  - Always confirm client email addresses. Send new clients an initial greeting before you begin substantive communications. A short message welcoming the client to the firm and asking the client to reply will verify that you have the correct address.

  - Advise your non-business clients to not read, download, or respond to attorney-client email while at work. Some jurisdictions have held that no attorney-client privilege applies when an employee uses a computer at work to access personal email over the employer’s Internet connection.

- Give all clients the choice to opt-out of communicating by unencrypted email. For more information, and sample language to include in your fee agreement or engagement letter, see the *Engagement Letter and Fee Agreements*, available on the PLF Website, www.osbplf.org. Click on Services tab > CLEs & Resources > Practice Aids > Engagement Letters and Fee Agreements > Engagement Letter and Fee Agreements.

- Use Word or WordPerfect to draft lengthy, complex messages. Save frequently to avoid losing your work. Once you are satisfied with the text, you can paste it into an email message.

- Use the “hands-off” method when finished composing. Type your message, and then take your hands off the keyboard. Carefully review what you have written.

- Beware of auto complete and name caching in Outlook and similar programs. These features “help” you by remembering email addresses you have entered. Unfortunately, they can also cause you to send a message to the wrong recipient. One workaround is to type *the full name* of your recipient when addressing an email. Other options include deleting unwanted names proposed by your email program or turning off the auto complete feature, (instructions for Outlook users are at the end of this document).

- If your email and voicemail are integrated, important messages from clients can easily be saved as part of the client’s electronic file. Simply save the .wav file to the client’s electronic folder as you would any email attachment. This allows you to preserve the exact message left by the client. Listen to the message any time by using your audio player (e.g., Windows Media Player or QuickTime).

- Establish a reliable means of filing client email. Capture all messages, sent and received, and attachments. Retain them just as you would correspondence, pleadings, or other client documents. See *Documenting Email as Part of the Client File,* on the PLF Website, www.osbplf.org. Click on Services tab > CLEs & Resources > Practice Aids > Client Relations > Documenting Email as Part of the Client File.

Outlook Users – Instructions for Deleting Unwanted Names or Turning off AutoComplete

To Turn Off AutoComplete in Outlook:

1. In Outlook 2010, 2013, 2016, or Outlook for Microsoft 365, click File then Options then Mail. Under “Send messages,” uncheck the box for “Use Auto-Complete List to suggest names when typing in the To, Cc, and Bcc lines.”

To Delete Names from AutoComplete in Outlook:

1. Begin by typing the name in the To box of a message.

2. When the auto complete list appears, press the DOWN ARROW key on your keyboard to select the name you want to delete.

3. Either press the DELETE key to remove the entry or click the “X” icon that appears next to the highlighted entry.

IMPORTANT NOTICES