

Legal Practitioners' Liability Committee

E-mail Guidelines

Sending e-mail

1. Discuss with your clients at the outset what categories of communication they do or do not want via e-mail.
2. Consider if e-mail is the right medium for each communication. Would a posted letter, a face-to-face meeting or a telephone call be more appropriate?
3. Only put in an e-mail what you would be prepared to write in a formal letter. Avoid writing in casual conversational tones. Ambiguities and misunderstandings are easily transmitted in e-mail (and spread around the world) so take particular care in all aspects of the construction of an e-mail
4. Develop templates for formatting of e-mail.
5. Require that all outgoing file related e-mail be sent as a PDF attachment or by another secure method which protects the integrity of the documents.
6. Use electronic firm letterhead for all file related correspondence. Consider requiring all e-mail to go out only if the sender has used an electronic signature.
7. Develop 'approval to send' protocols. Specify what type of e-mail different levels of staff can respond to and what type of e-mail has to be viewed or signed by a partner directly.
8. For group external e-mail:
 - Use the blind copy facility for all recipients so no one has their address divulged unless you have the recipient's consent to do otherwise. The body of the e-mail may need to acknowledge who the e-mail has been sent to in order to avoid any embarrassing responses or allegations of misleading conduct.
 - Send separate e-mails for clients and other parties to reduce the risk of "reply all" mistakes.
 - Do not use 'cc' if you require action from the recipient; 'cc' should be for their information only.
9. When you press 'reply' to an e-mail consider if the 'message chain' (ie. the preceding exchange of email remaining attached to your message) should be deleted, especially if you add a new recipient.
10. Check that the subject line in the e-mail is accurate.
11. Before sending an e-mail:
 - Always open and check any attachments
 - Proof read a hard copy, if you suffer from 'screen blindness'

- “Count to 10” before you hit ‘send’; do not send anything when you are angry or upset.
12. Always print out and place a copy of file related e-mail (and any attachments) on the file to maintain the file’s integrity for all operators on the file.
 13. When important or urgent advice is to be sent by e-mail, telephone the recipient first to advise that the e-mail is on its way, or confirm receipt of the email by telephone.
 14. When using the function that advises you when your e-mail has been received and opened, do not assume that the intended recipient is the person who has opened the e-mail.
 15. Provide e-mail and typing training before anyone is allowed to use e-mail.
 16. Consider using software which encrypts e-mail and requires digital signing.
 17. To avoid sending e-mail to the wrong person, consider typing the address in last, not first.

Receiving e-mail

18. Inboxes should be checked regularly (but not obsessively).
19. Have a policy of no ‘locked’ inboxes. Provide proxy rights to at least one other person in the firm to access all e-mail.
20. Have a policy that someone must monitor inboxes of absent or former employees.
21. Require use of ‘out of office’ reply e-mails when staff are on leave.
22. Have an alert system in place for e-mail blocked by a firewall.
23. Where an e-mail looks suspicious or contains important instructions, verify the contents by another medium (e.g. telephone the sender) to avoid any false or forged instructions.
24. Always print out and place a copy of file related e-mail (and any attachments) on the file to maintain the file’s integrity for all operators on the file.
25. Where you have been included as a ‘cc’ on an e-mail it should be for your information only but some senders (who have not read point 7 above) may also include instructions. You therefore need to read ‘cc’ e-mail as promptly and carefully as other e-mail.

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