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Email in 2019

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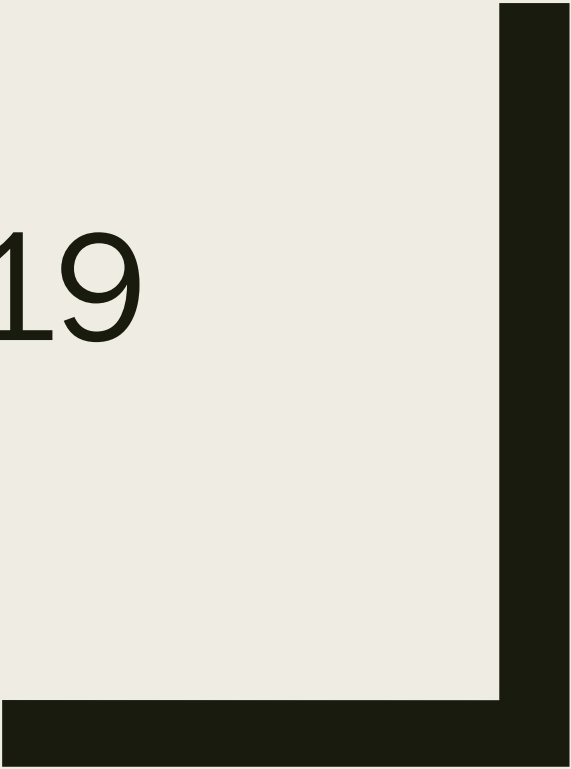
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- [ALM Intelligence Legal Compass](#)
business information and intelligence on law firms, individual lawyers, in-house counsel as well as surveys, research, rankings and more for top 500 U.S. and international law firms
No off-campus access available to Georgia Law community
- [American Civil Liberties Union Papers, 1912-1990](#)
primary source materials on topics such as race, identity, gender rights, worker's rights, popular protest, the role of government, and more (part of Gale's Making of Modern Law series)
- [American Founding Era Collections from ROTUNDA](#)
searchable digital editions of the papers of many major figures from the Founding Era under the Constitution, including:

Two Perspectives of Email

- Practice

- *Practical*
- *Dealing with it*

- Ethical

- *Model Rules of Professional Conduct*
- *Technical aspects of security*
- *Encryption*

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Email, primary means of communicating with:

- Clients
 - *Used properly it should enhance client communication*
- Other attorneys in firm
 - *Save time, avoid meetings*
- Opposing counsel
 - *Immediate confirmation with time and date stamp*
- Court/agency
 - *Filing documents*

Model Rule 1.1 - Duty of Competency

- Comment [8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, **including the benefits and risks associated with relevant technology**, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

Realities of email - Averages

- Receives 120 emails every day
 - *Sends out 40*
- Checks up to 11 times per hour
 - *Ranges between 6 and 20 times per day*
- Looks at each email 3-7 times
- Opens each email within 6 seconds
- Spend 30% of the work day dealing with email

Mistakes

- Poor Tone
- Blindly forwarding a chain
- Are you my lawyer?

Sending to the wrong person

- Call the other person
- Ask them to delete
- Do they know how to delete from computer and/or mail system
- Do you know how to delete
- Ask for a confirmation

What's a body to do?

- Schedule a meeting with your email
- Turn off notifications
- Have a plan
- Have rules and filters
- Wave a flag
- Create folders
- Collaboration app

**Develop a
System!**

Rule 1.6 Confidentiality of Information

- (c) A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.
- Acting Competently to Preserve Confidentiality
- Comment [18] Paragraph (c) requires a lawyer to act competently to safeguard information relating to the representation of a client against unauthorized access by third parties and against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. ... The unauthorized access to, or the inadvertent or unauthorized disclosure of, information relating to the representation of a client does not constitute a violation of paragraph (c) if the lawyer has made reasonable efforts to prevent the access or disclosure.

Securing Communication of Protection Client Information

A lawyer generally may transmit information relating to the representation of a client over the internet without violating the Model Rules of Professional Conduct where the lawyer has undertaken reasonable efforts to prevent inadvertent or unauthorized access. However, a lawyer may be required to take special security precautions to protect against the inadvertent or unauthorized disclosure of client information when required by an agreement with the client or by law, or when the nature of the information requires a higher degree of security.

Maintaining Attorney-Client Privilege

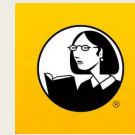
- Exercise reasonable care
- Written email policy
- Address the issues with client
 - *Put it in the engagement letter*
 - *Continue to raise the issue*


Best Practices

- Separate work and personal email
- Records retention
- Keep up with your email
- Policies
- Safe computing

Resources

- UGA students have access to lynda.com



- Skillshare 

- Learn brain surgery on YouTube



- ABA Legal Technology Resource Center

Questions?