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## LEGAL BRIEFS

### E-Mail Correspondence: Friend or Foe?

We can all count the number of times we end a conversation using the phrase “contact me by email” or “I will send you an email.” It has become as natural as saying “hello” and “goodbye!” But, is that really a good thing?

Many individuals and companies just don’t realize the importance of email communications. In fact, many people send-off email correspondence and don’t even bother reading it before it is sent. Effective and professional use of email can provide companies with a competitive edge, but misuse of this ever-so-popular form of communication can be devastating. You are more likely to send a communication which is misinterpreted or attached to a negative tone; you are far more likely to use informal or colloquial expressions which are inappropriate for business communication; and you are more likely to encounter legal problems by binding your company to something that you did not intend or by sending offensive or otherwise inappropriate messages.

Company’s know that having Employment Handbooks and Policy & Practice Manuals is good business. But, do yours include policies about e-mail usage? If not, consider some of the following points and make them a part of your company’s policies.

- Be concise and to the point. Reading email is harder than reading printed communications. Because we think of email as verbal communication, it is important to remember that there are no facial expressions or tones attached. Words are the only tool you are using and they can be, and often are, misinterpreted.
- Answer all questions and issues in an email and try to anticipate others. If you don’t address them all in your first response, you will do nothing more than prolong an otherwise brief communication. Give email responses the same thought and weight that you devote to traditional written communications.

- Use proper spelling, grammar and punctuation. Communications with fragmented sentences or ones which lack punctuation are difficult to read and can change the meaning of your communication. Say what you mean and mean what you say!
- Make it personal. Your email should not only be personally addressed, but should also have customized content. Auto replies are ineffective and do not often get the same attention that personalized messages do.
- Answer promptly, but not impulsively. We all use email because we want a quick response. Just because it is fast doesn’t mean it is not important or not worthy of a thoughtful response. Read and re-read before you hit the SEND button.
- Create templates for frequently used responses. This can be used for directions to your office or to respond to frequently asked questions.
- Do not over use the HIGH PRIORITY option. Remember the boy who cried wolf to often? If it is truly time sensitive or of high importance to both sender and receiver, use the HIGH PRIORITY option.
- Do not use all capital letters---this makes it seem as if you were shouting. Although we use email as a conversation, we need to think of it as written communications and should be polite and concise.
- Add disclaimer statements to your emails. Unless the parties to an email exchange intend for it to create a binding contract (which is not recommended), your emails should contain a specific statement that the correspondence is not intended to create a binding agreement---be forewarned, however, the enforceability of such a disclaimers is questionable.
- Add confidentiality statements to your emails as well. Each e-mail correspondence should advise the



recipient that the message is only intended for the named recipient and that if the message is received by someone other than that person, any disclosure, copying or distribution of the contents of the email is strictly prohibited.

- Aside from the obvious, like checking the spelling, grammar and punctuation, read the email through the eyes of the recipient. This will help you send a more effective message and avoid misunderstanding and inappropriate comments.
- Do not forward chain letters. No matter how enticing it may seem, resist, resist, resist! This is never an effective use of professional email communications.
- Don't request that an email be recalled. If you made a mistake, it is better just to send an email and advise the recipient that you have made a mistake.
- Don't copy a message without permission or unless you give the author appropriate credit. While it is extremely easy to copy and paste portions of someone else's message, remember that it may be their original work which is copyright protected.
- Don't send or forward email with libelous, defamatory, offensive, racist or obscene remarks. Remember, someone else's message becomes your message once you forward it. Moreover, sending jokes or otherwise offensive material to your friends is one thing, but remember, unless they remove your name from the original email, your name travels with the joke or otherwise offensive email to people and places you may regret.

Email correspondence has become as common-place as phones and faxes, but like with all new innovations and technology, it must be utilized with care and forethought. Yes, it helps us all be more efficient and effective, but it has also become a means of informal and inappropriate communications. Use it wisely and it will serve you well! Use it irresponsibly, and it may cost you your clients, your friends and your business!