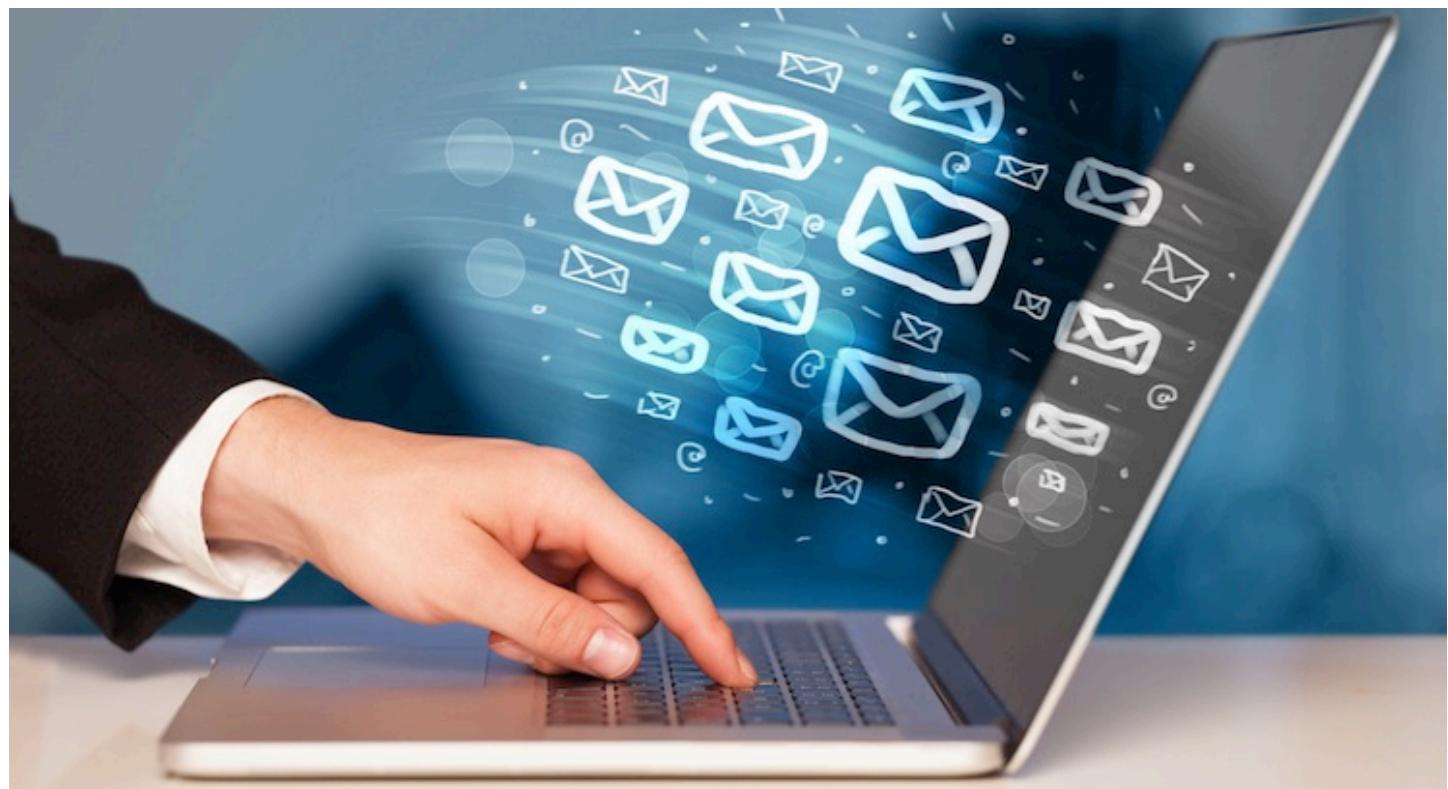




6 Work Email Rules You're Probably Forgetting

Law Department Management

Skills and Professional Development



On any given day, I'd conservatively guess that I average sending and receiving approximately 125 to 150 emails, which pales in comparison to the 205 billion that are averaged per day worldwide. My own statistic might sound like a self-important humblebrag, but I assure you that this volume is not

something I look forward to.

Within that number, of course, not all emails are created equal. On one end of the spectrum are the carefully considered think pieces where I earn my keep, opining on the finer points of contract law or enumerating my legal position with such oppressive persuasion as to leave no doubt of my strategic advantage. Others are single word almost grunt-worthy acknowledgments of “okay,” “sounds good,” or “approved” that barely register before they are flung into the far reaches of cyberspace.

Because of the heavy volume of emails I handle every day, I’ve developed a basic set of unwritten rules to keep myself organized — and wish that others did as well. So, in an effort to spread the gospel of professionalism, I will share the habits I practice religiously.

1. Addressees

I said we’d be covering the basics, so at the basics we shall start. When considering who to send an email to, make use of the “To,” “CC,” and “BCC” lines. Anyone who is directly addressed in the email (or anyone from whom you’re expecting a direct response) should be listed in the “To” line.

If an individual is included on the correspondence solely for informational purposes, that person should be listed on the “CC” line. Be sure that anyone you’re copying knows why they’re being copied. It’s horribly confusing to, without any context, receive a half dozen emails on a topic of which you have no knowledge and for which you have no input.

If you’re looking to keep someone in the loop but for whatever reason don’t want to tip your hand to the addressee with respect to who is being copied, use “BCC.” BCC can also be useful when you’re sending an email to a list of people but don’t want the addressees to know the full reach of the message.

A useful practice tip that surprisingly few seem to know about: If you have an email that is being sent to a listing of people, but you don’t want the identities of the recipients known to all — such as an email announcing timing of merit bonuses or increases — you can list all email recipients in the BCC line. This shields the identity of the recipients from one another. However, also be aware that this approach creates what I’ll call a “reply vacuum,” where responses (even if “reply all” is used) will only come back to you — and none of the other recipients.

2. Subject lines

Every good email starts with a good subject line, right?

So why are so few people leveraging the opportunity to be “clicked” ahead of the masses? Stop and think about how many emails you get in a given day that include such generically nondescript subject lines as “Project,” “Today,” “Meeting,” “[Insert Company Name] Contract,” or even worse, my nemesis “(No Subject).” The subject is the title of your little piece of literature, particularly when it relates to a “project” or a “meeting” or a “contract.” As such, it can prove to be a very helpful tool not only in managing and filing your inbox, but also in subsequent searches, audit requests, and project management.

I understand that the subject line of a message is often an afterthought — considered ever so briefly just before you compose as a placeholder for the rest of your ideas. But would you publish that novel you’ve been working on without considering your title? Of course not. Take a beat or two and think

about the subject lines of each email you draft, and title the message in accordance with its contents. Be descriptive, but try to keep it at less than five words or so. If you receive one with a broad, basic, or incomplete subject, don't hesitate to modify it accordingly.

3. Message text

Start with a respectful salutation. If you don't know your addressee well, use the more formal "Mr." or "Ms." If you're slightly more familiar with them, use a first name. If you're addressing a group of people and you're not entirely sure of the makeup of that group, "All" is a good fallback as opposed to trying to use "gentlemen" on the assumption that Pat or Chris is a male rather than a female.

Your message should convey what you're trying to say in a concise, direct, and clear manner. If the message becomes too lengthy or requires too many references, consider a phone call, meeting, or memo. No matter how tempted you might be, don't email angry. Go ahead and write the draft, but save it for a few hours before clicking "send." Emails are instant gratification for speaking your mind, but electronic correspondence is most certainly written in ink — your office servers and the cloud don't forget. Before shooting off snark to the other side's lawyer who has driven you to your wit's end, think about how that email would read in front of a judge in a sanctions proceeding.

Avoid jokes, sarcasm, CAPS LOCK, emojis, colloquialisms, and unclear acronyms. Additionally, you don't know who will read your email on a mobile device, tablet, desktop, or laptop. With that in mind, don't spend too much time on formatting, whether it's spacing, paragraph, or font. Remember that you're emailing in your professional capacity, and there's a clear difference between what's acceptable in an email and what's acceptable in a text or tweet.

Oh, and you forgot your attachment. I promise you did.

4. Email signatures

I could teach a 90-minute course on email signatures alone.

First, and of primary concern in this space, is the concept of corporate identity. The company for which I work is a Delaware limited liability company that serves as the holding company for a number of subsidiaries that do business throughout the East Coast of the United States. These subsidiaries specialize in a number of product lines. Unique to our company is the fact that these product lines are emblazoned with a logo and a trademark that shares a name with our holding company. The trademark is registered and recognized throughout the industry, if not globally.

What's problematic about this, however, is that many of our business and operations personnel see the logo on the side of the truck and at the top of their letterhead and fail to differentiate between the logo (which carries with it the "circle R" of a registered trademark) and the formal legal entity that is the parent company. Accordingly, they see this logo and assume they work for the holding company.

Most of them don't.

This results in a cavalcade of problems with respect to business cards and email signatures. In their haste to adopt the logo, and in an effort to demonstrate the pride of where they work, they assume that the company they work for is the same as that on the side of the truck. The reason I care about this is that the separate operating entities exist for a reason — to shield the holding company from the operating liability. This framework can crumble very quickly if the agents of the subs are holding

themselves out as agents of the parent. Education on these sorts of points is key.

Substance out of the way — let's talk about format. I'll try to be brief, but this is a soapbox topic for me.

I like inspirational quotes as much as the next guy. While I understand that "you miss 100 percent of the shots you don't take" and share the belief that you shouldn't "cry because it's over, but smile because it happened," those quips are better saved for bumper stickers or inspirational posters on the wall. No matter how deeply those words resonate with you or how fervently you ascribe to the wit and wisdom of Mark Twain, Dr. Seuss, or that guy from Maroon 5, always remember that your business email address is an extension of your business persona. If you don't have it on your business card, it shouldn't be in your professional email signature.

In a similar vein, let's all agree that shaded or textured backgrounds and fonts tinted anything but black or blue (or red, if you're going for effect) are the worst things that have ever existed and should be cast into the abyss. There's nothing worse than being on a long email chain with a sandstone background because someone was feeling artistic, and now your eyes are left to try to adjust and make heads or tails of what's being said. We all get it. You've got character. Save it for your Hotmail or Gmail accounts.

5. Reply all

Don't.

No really. Don't.

If you're hell bent on it, take a moment to ask yourself a few questions before doing so: are you truly intending to address everyone who is on the email? Is there a legitimate purpose for wanting to address this group? Is your response meaningful/thoughtful/insightful? If you answer all of these in the affirmative, then you might be right in your belief that "reply all" is for you. Before carrying on, consider whether the text of your message is a simple "thanks" or "me too" or "I agree." If so, refer to the first line in this section.

If you are a lawyer who has influence with your IT group, consider campaigning for removal of the "reply all" feature altogether. The recipients can always copy the "To" and "CC" addresses into a new email if they truly want to "reply all". This step will force the senders to consider whether they really want to "reply all." I know the email said "join me in congratulating Susie on the job promotion," but know that the CEO didn't mean you should use his/her platform to do that. What he/she means: Do it privately, quietly, quickly, and not on my email.

6. Email forwarding

Again, this is something that should be carefully considered. You, as the in-house lawyer, maintain your attorney-client privilege up until your communications are shared with a third party. Consider for a moment how many times you've responded to a request for contract review with a thoughtful email outlining your concerns as well as a marked-up version of the document that includes questions for business consideration. What happens to that email? Have you had specific discussions with each and every person you correspond with about what is fit to be forwarded and what isn't? Do you have faith that they're carrying out your wishes?

Train your employees early and often to NOT, under any circumstances, forward your email (or your embedded commentary) directly to the other side. Impress upon them that by doing so, they may waive the company's privilege as it relates to your legal advice, which is highly problematic and most certainly not within their delegation of authority. To the extent that you have people within your company who are immune to training efforts, pick up the phone or arrange a face-to-face to underscore the importance. Don't leave a message, because they may be tempted to forward that too.

Conclusion

I said from the start, these are my unwritten rules, so take them or leave them at your leisure. But even if you leave them, spend some time reflecting on the types of emails you receive — or send — in any given day. What you can be doing to make your process more professional and more efficient? Many people think that letter-writing is a bygone art. I'd argue that the art has simply morphed into electronic form, but it's still an art all the same. If you think emails don't matter, ask Hillary Clinton, George Bush, Volkswagen, Chris Christie, the VA, or Cheryl who works in accounting in my building — all of whom have been the subject of intense scrutiny because of their needlessly reckless email practices.

You may not have heard about Cheryl, but she has flowers and animation in her email signature, she follows up every email with a phone call, and she uses "reply all" like it's her job.

We could all learn a lot from Cheryl's mistakes. Don't be like Cheryl.

Carl J. Peterson



General Counsel

