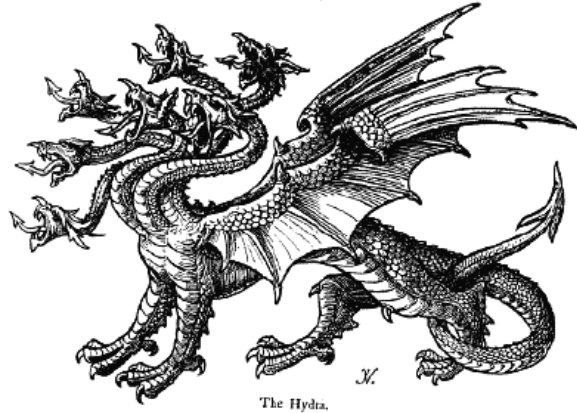


E-Mail Management: Taming the Hydra

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In ancient Greece, one of the most feared mythical creatures was the Hydra, a serpent with numerous heads. If you cut off one of its heads, it would simply grow back. Who among us cannot find parallels between the Hydra and our e-mail in-boxes? Every time we attempt to organize, delete or otherwise manage our e-mail, our puny efforts seem to have a marginal effect, and our ever-growing collection of e-mail becomes more ungovernable and monstrous with each passing week.

Is there an attorney anywhere who has not despaired of gaining control over their e-mail? Not only does it continue to amass, but it is like a powder keg awaiting a match, only to blow up in an attorney's face when litigation arises and the e-mail becomes relevant. Even if catastrophe does not strike, most attorneys would welcome a disciplined and organized approach to e-mail management that would conserve their time and keep the beast on something approaching a leash. Herewith, some tips for taming the E-Mail Hydra. Because Outlook is overwhelmingly the e-mail package most attorneys use, we use Outlook for the following examples, but many e-mail packages will contain similar features – just don't be afraid to use the "help" feature of your e-mail software! Also, there are some features requiring an Exchange Server, so be mindful of your own potential limitations.

1. **Bear in mind that e-mail never dies.** Before you hit that "Send" button, imagine your e-mail on the front page of the *New York Times*, on a billboard beside your nearest superhighway . . . and, most importantly, imagine that your mother will read it. If it passes all three of those tests, go ahead and hit "Send." So where does e-mail go? Remember that your deleted e-mails can be recovered forensically, either from your machine or from your company's server. Worse yet, once you've sent it, you have no control at all over the recipient, who may choose to forward it, or to reply to you but to blind carbon copy others, in which case they too have your underlying e-mail. The near-permanency of e-mail is astonishing, and yet we all have a tendency to treat it cavalierly. We express emotions that we wouldn't

dream of putting in a formal letter and expect that our words are only transitory. If you write a damaging e-mail, it may well reappear and bite you in the rear at some future date. So think before you send!

2. **Organize, organize, organize.** It is beyond belief how many attorneys use their in-box as a dumping ground and never bother to file anything. It is less important what file structure you use, but some sort of file structure is imperative. In the private sector, attorneys are apt to have a master “Clients” file with subfolders labeled with clients’ names. Other master files might include such names as friends, family, listservs, legal topics, conferences, articles, firm business, and potential clients. The list will vary widely with the individual. In the case of corporate or government counsel, the primary client is the employer, so master files might include such items as contracts, licenses, litigation, employee relations, outside counsel, etc. with appropriate sub-folders underneath. The trick of making organization work is that you have to keep up. It is relatively easy to keep the in-box clean if you file everything every day, perhaps only keeping those things that are meant to remind you of tasks to be done. It seems to be much harder to get to the “Sent” mail and file those items. This is actually a good task, being largely menial and mindless, for those times when you just can’t focus or are too tired to undertake anything requiring a lot of mental horsepower. Just don’t let it slide too long, because filing 1000 e-mails looks so daunting that you’re likely to bail on your mission!
3. **Segregate listserv e-mail.** It makes no sense to clutter in-boxes with listserv mail. Though listservs have great uses, they generate a lot of e-mail. One solution, if the listserv offers it, is to ask for a daily digest of messages, so you receive one message a day instead of dozens. If this is not available as an option, another good alternative feature is to use the “Organize” feature of Outlook to automatically divert listserv e-mail to a specified folder so you can peruse that e-mail at your leisure. If you check your e-mail via a PDA, this is particularly helpful since you don’t have to wade, at speeds that are already laboriously slow, through e-mail that can very well wait until you have time for it..
4. **Develop a sensible e-mail policy.** What is sensible will vary from organization to organization, but some sort of policy is necessary. Otherwise, the human tendency is for in-boxes to resemble a pack-rat’s basement, stuffed with old and never-used (or likely to be used) communications. Some firms have tried to impose size limitations on user’s e-mail boxes. While this makes some degree of sense, many times it is important to save communications for years, especially for compliance reasons where Sarbanes-Oxley, HIPAA, the Patriot Act, SEC regulations, etc. may govern. Whatever the ultimate policy it, it will be worthless unless it is enforced, so oversight must be built into the system.
5. **Beware of “unsubscribe” and “remove.”** The first natural reaction to spam in the in-box is to delete it (which is fine), but the second reaction is to click on the e-mail’s “unsubscribe” or “remove” feature. That’s perfectly ok if the mail comes

from LL Bean, Bloomingdale's, or some other reputable company. However, in the vast majority of cases, when you try to remove yourself, one of two things will happen. First, you may get a bounceback because the address for the removal isn't valid. Even worse, if it is valid, you have now told that spammer that your e-mail address is valid, so he can sell it for more money as a "confirmed valid" e-mail address. He will ignore your "remove" instruction entirely, and happily listen to the jingling of the extra coinage you have placed in his cash register. Without a doubt, this is not what you intend!

6. **Combat recurring spam with the organize button.** Most attorneys have spam filters these days, but some portion of spam will get through regardless. If you identify the ones that seem to get through, create a "spam" or "junk" folder and hit that "organize" button with the offending message highlighted. Then direct Outlook to move all messages from that sender into the designated folder. This has limited utility because most spam addresses morph constantly, but it will stop the annoying few you can identify.
7. **Update your contacts from your e-mail.** What could be easier? Open the e-mail and right click on the sender's name. Click on the "Add to Contacts" button and a contact screen will appear with the sender's name already filled out. You can add the sender's e-mail address, and, if they have an e-mail signature, you can add all of their contact information.
8. **Use the Rules Wizard.** This feature is more for those who have a high volume of e-mail. We receive many, many newsletters, computer forensics notifications, security alerts, and listserv messages. We have created separate folders for each of these to keep our in-boxes uncluttered. You will see the Rules Wizard when you click the "organize" button.
9. **Tell Folks When You're Away.** With luck, you are not always manacled to your desk. If you get a chance to enjoy yourself on vacation, or are on a business trip which will take you away from your e-mail, it is easy to let those who e-mail you know. You can create a personalized "away" message by clicking on "Tools" and selecting the "Out of Office Assistant." The instructions are, thankfully, easy to follow. Be careful of listservs that don't properly handle "away" messages and make sure you are following the listserv instructions with respect to "away" messages.
10. **Explore the "Tools, Options" features.** You can spend a long time managing your e-mail effectively by simply going to "Tools" on your toolbar and then selecting "Options." There are many options for handling e-mail, the calendar, the task list, the journal and the notes feature. You have spelling and dictionary options as well as the option to send your mail in HTML or plain text. You can select security options, a very important feature these days. You can choose to have your deleted items automatically emptied whenever you close Outlook and you choose to auto-archive older items. If you've envied other people's official

looking signatures at the bottom of their e-mails and wondered how to create one, you'll find that feature here as well. You will never regret spending an hour looking at these options and customizing your e-mail according to your own needs and preferences.

How could e-mail become anything other than a hydra? In the U.S. alone, we send more than 2.2 billion e-mails per day, and that number is growing at a staggering rate. Before we collapse under the weight of our electronic communications, attorneys need to get a grip on basic e-mail management techniques. Setting up a structure and reviewing/updating that structure periodically will save you time, money, and frustration – and will put your Hydra on a leash.