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## **Email Best Practices:** **Preventing Spam and Inbox Overflow**

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Lawyers rely on email for communications with clients, other attorneys, courts, and bar associations, not to mention list serves and other less mission-critical types of email. Email is fast replacing regular (“snail”) mail because it is faster, easier, and cheaper.

However, there are two major problems with using email:

- The proliferation of spam (unsolicited commercial bulk email).
- Handling the large number of even the non-spam emails you receive.

### **Spam**

Anything that interferes with handling email is a burden and an additional cost of doing business. Although, like Justice Potter Stewart’s definition of obscenity (you know it when you see it), one person’s spam may be another person’s great offer for free software. Even so, by whatever definition, about half of all email on the Internet is spam, and the percentage is growing. Wading through all the spam to handle email in a law office is a real chore. It takes people away from their tasks at hand.

Several government initiatives have attempted to outlaw spam. By and large, these have been ineffective for a variety of reasons, such as different opinions of what email should be covered, technical difficulty of identifying spammers, ability of spammers to close down one business and start another, and lack of jurisdiction over international spammers. So, we are on our own insofar as handling spam is concerned for the foreseeable future.

There are two effective ways to decrease the amount of spam you need to handle.

1. Keep your email address out of the hands of spammers.
2. Filter the spam so that it is not commingled with your good email.

## **Protect Your Email Address**

As much as possible, keep your email address out of the hands of spammers. They obtain email addresses from a variety of sources, such as:

- You voluntarily giving your email address to others who send you unwanted email, or give it to others who do.
- Email addresses listed on web sites. If you post your email address on your web site, you make it available to spammers. Although there are ways for a web page designer to encode your email address to make it more difficult to harvest, such as described at [http://natata.hn3.net/antispam\\_encoder.htm](http://natata.hn3.net/antispam_encoder.htm), they can make it more difficult for visitors to your site to email you.
- Responses to links on spam email messages to “Click on this link to unsubscribe to these great offers to enlarge your body parts.” Although some are legitimate, most just verify your email address as being “live,” making it more certain that you will receive more spam from this and other spammers.
- Listserves. Although a great means to share information, it is easy for spammers to harvest email addresses from public listserves.

Although it is theoretically possible to discontinue use of all your current (and assumedly in the hands of spammers) email addresses, and create new ones that you protect, the likelihood is that you do not want to give up your current email address. It is also not likely that you have no email address currently, and can start from scratch. So, even though your email address is in the hands of spammers, do not make it any worse by following the best practices listed here.

To keep spam at a minimum, you need three things:

1. A personal email address that you give out to family and friends, and never, ever, ever, list on a web site, use to order something on the Internet, or otherwise make public.
2. A business email address that you put on your business card, give to your clients and others that you expect to correspond with, but never list on a web site, use to order something on the Internet, or otherwise make public.

3. Disposable email addresses (DEA). A DEA is a special email address that you obtain from a DEA provider. Email addressed to you via the DEA is sent to the DEA provider, and then forwarded to your real email address. The sender has no idea what your real email address is. If you respond to the email, it is routed through the DEA provider, so when the original sender receives your reply, the sending address is the DEA. DEAs are available through several providers. Two of the leading ones are Spamex ([www.spamex.com](http://www.spamex.com)) and Emailias ([www.emailias.com](http://www.emailias.com)). They charge an annual fee of around \$10 to \$30 per year, depending on the service options selected. You can create an unlimited number of email addresses, and track to whom you give each DEA. If you use a DEA to order from El Cheapo Computer Stuff, and later get a unsolicited email from someone else addressed to that same DEA, you will know that El Cheap is selling your email address. You can dump the DEA whenever you want, and never hear from them again via that address.

You can have as many other email addresses as you want or need. You should have a law firm domain law name ([www.smithandjoneslaw.com](http://www.smithandjoneslaw.com)) because it connotes a much more professional appearance than “[billsmith@aol.com](mailto:billsmith@aol.com),” and associated email addresses ([bill.jones@smithandjoneslaw.com](mailto:bill.jones@smithandjoneslaw.com)). Bear in mind that these addresses will probably be harvested by spammers unless you use the techniques referred to above to prevent it.

A less robust substitute for a DEA is a free HotMail ([www.hotmail.com](http://www.hotmail.com)), Yahoo ([www.yahoo.com](http://www.yahoo.com)), Juno ([www.juno.com](http://www.juno.com)), or other email account. Although you can only create a limited number of accounts, and you have to remember to check their incoming email, they still protect your real email address.

Sometimes you are asked for an email address when visiting a web site. If you do not want to hear from them, enter a fake addresses like [me@noneofyourbusiness.com](mailto:me@noneofyourbusiness.com).

Never, ever, ever, ever answer spam. They will not stop sending you spam, no matter how nicely you ask.

Opt out of notifications. When you do sign up for or buy something online and you have to provide an e-mail address, in addition to using your DEA, opt out of receiving notices that you do not care to receive.

Unfortunately, the bottom line is that no matter how hard you try, even if you dump all your current email addresses and started from scratch, your real email address will eventually fall into the hands of a spammer, and then it is just a matter of time until it is sold to others. The situation is much worse if you are not willing to start over, and want to keep using your current email address because all your clients and others already are using it to communicate to you. If that is the case, you will continue to receive spam, and there is nothing you can do about it. So, you need to find a way to separate the spam from the email you want to receive.

## **Spam Filtering**

Spam filters attempt to mark as many unwanted messages as possible as spam, while marking as few wanted messages as spam (false positives) as possible. The unwanted emails are then deleted, either automatically behind the scenes, or en masse after you give them a cursory check.

A human being can identify spam by simply reading it and quickly deciding if it is “spam.” A spam filter is a software program designed to do the same thing. Writing a program to identify unwanted email based on its content is not easy. It’s one thing to recognize “viagra,” but all the variations, such as “V\*IA+GR\$A,” are not so easy. Also, one person’s spam is another person’s free software, so the filter has to be configurable by the user.

Spam filters come in two basic sizes: enterprise and desktop. Enterprise spam filters are designed for networks with many users, are expensive, and require technical expertise. This does not fit the requirements of solo practitioners and small firms, so this white paper will focus on desktop spam filters which run on a single computer, are inexpensive, and do not require a great deal of technical expertise.

Spam filters identify unwanted email by a variety of means:

- Whitelist and blacklists:** You can add a sender’s email address to the whitelist, so that it will never be marked as spam, regardless of its content, or to a blacklist, so that it is always marked as spam.
- Filters:** You can set up filters to mark emails as spam or not spam based on the content of the sender’s address, such as all emails from Romania (\*@.ru) or your listserves; the content, such as “implant;” and other content of the email or its header information (which is normally hidden from view and contains source and destination information). Because you will be receiving email addressed to a variety of addresses, some of which are your non-public business and personal addresses, you can filter these into separate folders and check them quickly without having to wade through the less important ones.
- Bouncing:** Unwanted email can be “bounced.” When email is sent to a non-existent address, it is bounced back to the sender. Theoretically, if the sender is a spammer, it will not try to send spam to that address again. (No necessarily true because of the low cost of sending spam and the high cost of maintaining a valid email list.) When a spam filter bounces an email, it sends an email back to the sender in the same format as if your email address did not exist.

- ❑ Heuristic and Bayesian filters allow the program to learn which emails to mark as spam based on the emails you manually select as spam, and to look for unwanted email based on many combinations of factors which are beyond the scope of this paper.
- ❑ Spam listing agencies: The spam filter compares the sender's email server with those of known spammers, so that any mail originating from them is marked as spam. Two good ones are SpamCop and ORDB.

Despite the complicated nature of the task, one of the goals of a desktop spam filter is to make it easy to use. Several of the leading desktop spam filters are:

- ❑ MailWasher ([www.mailwasher.com](http://www.mailwasher.com)).
- ❑ Spamkiller ([www.spamkiller.com](http://www.spamkiller.com)).

None of the spam filters work optimally without user input. They provide basic spam filtering. You then need fine-tune the filtering by adding to the white and black lists and creating your own filters. Initially, the spam filter marks what it thinks is spam. You then correct it as necessary, adding false positives to the whitelist (your client sends you an email about a claim based on a "prescription" for "weight loss" that gets marked as spam); adding junk mail that is not caught to the black list; and adding a filter for all email with your listserve names in the subject field.

Some Internet Service Providers, such as Earthlink and MSN provide spam filtering. Although they do not provide as much user-defined configuration as the desktop spam filters, they are useful for first-line-of-defense filtering before the email reaches your spam filter.

Some email programs provide their own spam filters. Microsoft Outlook 2003 has a basic spam filter included. Outlook add-ins that improve its spam filter are available. One of the leading law practice management programs, Time Matters ([www.timematters.com](http://www.timematters.com)), has its own email program with its own spam filter, which can be used in conjunction with ISP and desktop spam filters.

## **Best Practices for Handling Email**

Once you get as much spam filtered automatically as possible, and then manually delete any others that get through to your inbox, how do you handle email, especially emails related to your clients' matters? The deluge of email, even with the spam filtered, overpowers many lawyers' ability to handle them because the only tool they have to use is the inbox in their email program.

The result is that most lawyers treat email like we've been taught *not* to treat hard copy mail. We let it sit in an electronic inbox, or, at best, several inboxes, and it piles up and up and up.

Unfortunately, we never seem to get around to taking care of all of it, and it keeps piling up, day after day, month after month, and year after year, until a couple of hundred (or thousand) emails or more pile up, we get frustrated, and we delete everything more than three months old without looking at it because, "If it's that old and it hasn't bitten me in the backside by now, it must not be that important."

Imagine what would happen if you let your hard copy mail sit on the corner of your desk, and pile up and up and up. Even if you divided it into different piles, it would still stack up to the ceiling eventually.

Open up your email program right now, and count the number of emails in your folders. If you have less than 10, pat yourself on the back. If you have more than 100, tell your staff to hold your calls and lock the door until you finish this article.

The way lawyers have learned to handle hard copy mail efficiently is probably some version of the RAFT method, which basically translates to: handle a piece of mail once and only once, and either:

- R**efer it to your or someone else's ToDo list.
- A**ct on it immediately.
- F**ile it and forget it.
- T**oss it out.

Although RAFT makes a cute acronym, the actual order should be the reverse:

- T**oss it out.
- F**ile it and forget it.
- A**ct on it immediately.
- R**efer it to your or someone else's ToDo list.

Many lawyers use Microsoft Outlook for their email, and do not use a law practice management system, or use one that does not manage email. You can accomplish the RAFT objectives to a limited extent using Outlook.

- Create folders in your inbox for your matters, other professional activities, such as bar activities, and personal email.
- Create rules so that, as much as possible, incoming emails are saved into the proper folders. Create a rule to send email addressed to your “business card” email address that is, by definition, client-related and not in the hands of spammers, to a folder that you check frequently. Use a rule to automatically save personal email to your “Personal” folder that you might want to check once a day. Create a rule that sends any email with the listserv name in the sender field to a folder reserved for that list serve’s email that you might check every couple of days as time permits. Create additional rules that can save you the time of moving email from your inbox to a folder reserved for it.

Even with using these Outlook tools, you cannot share your Outlook email with others, and you cannot see all of the other information regarding your matters. Just imagine how difficult it would be if all of the documents in your law practice were stored in the office of the person who prepared them, and not filed with the rest of the information in the file.

The best practices for handling email are similar to the best practices for handling all your matter-related information. Use a law practice management program that handles all of the information important to your matters, such as:

- Matter information.
- Contact information.
- Calendar.
- Tasks.
- Documents.
- Phone calls.
- Notes.
- **Email.**
- Legal research.
- Billing.

Law practice management programs differ in the extent and the manner that they handle this information. Some do not manage email at all, and some manage it better than others. At a minimum, you should be able to link an email to the relevant contacts and matters so that everyone can view all of the email with regard to a particular matter or contact.

Perhaps the best example of how a practice management can handle email is Time Matters ([www.timematters.com](http://www.timematters.com)), one of the leading practice management programs. Time Matters has its own email program, with user-configurable spam filtering. It also can access email in your Outlook inbox, so it is possible to use both programs to manage your email.

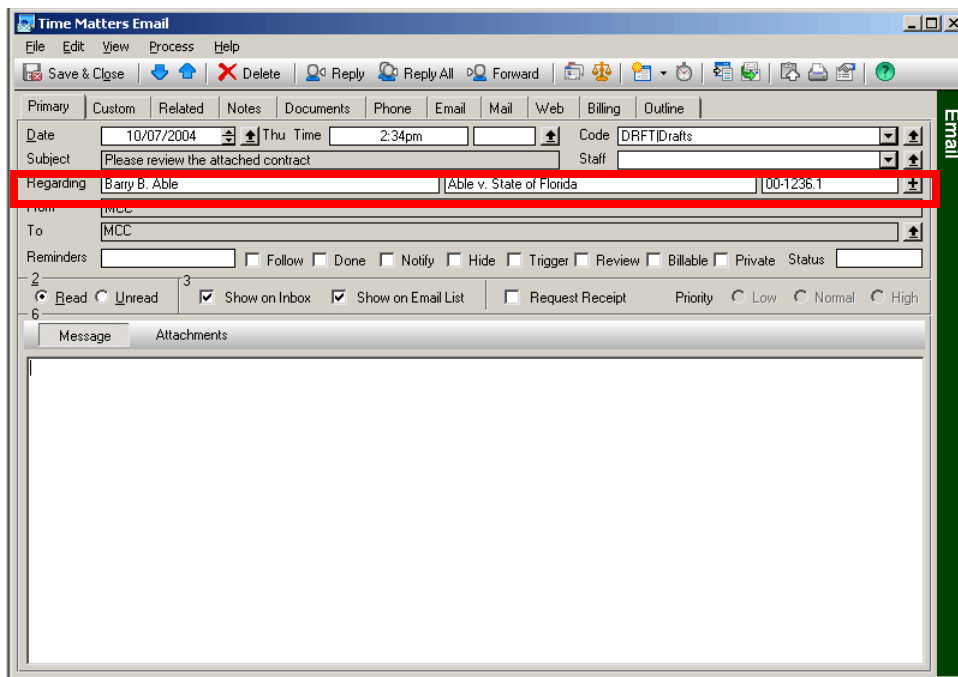
Here is how Time Matters would follow the RAFT paradigm:

- ❑ **T**oss it out.

Deleting is the easy part. All email programs do this well.

- ❑ **F**ile it and forget it.

If the sender of the email is in the Time Matters contact list with their email address, then the email is automatically linked to the contact and the matter that contact is related to using the Regarding fields.



If the sender is not in the contact list, then you select the contact and/or matter to which the email is related using the Time Matters contact and matter lists. Once this relationship is made, anyone in the firm can access the email by viewing the contact



or matter record. Notice that the already filed email with the subject, “Please review the attached contract,” appears on both the contact record,

**Contact Form - Change**

File Edit View Process Help

Save & Close Save Delete Cancel

Primary Secondary Additional Custom Related Notes Documents Phone Email Mail Web Billing Timeline

Full Name: Able Consulting Code: CLNTClient

Last: Able First: Barry B. Staff: RSB|Robert S. Brown

Sal: Main: 612-555-9210 Fax: 612-555-0418 Alt: 612-555-9341

MatterRef: Able v. State of Florida 03-1236.1

Goto: 10/18/2004

Date	Time	Subject	To	MatterRef
<input type="checkbox"/>	10/11/2004 Mon	1:39PM	Are we confirmed for our meeting?	RSB Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	4:57PM	Wednesday meeting with Barry Able	MCC Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	1:24PM	Do I need to get the medical records?	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	9:33AM	My red-lined copy of the Monroe brief	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	9:07AM	Copies are finished	RSB Able v. State of Florida
<input checked="" type="checkbox"/>	10/07/2004 Thu	2:34PM	Please review the attached contract	MCC Able v. State of Florida
<input type="checkbox"/>	10/07/2004 Thu	1:55PM	Meeting re: settlement discussions	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/06/2004 Wed	10:03AM	Service bureau called about presentation materials	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/05/2004 Tue	5:12PM	Opposing Counsel would like to meet on the July 14	RSB Able v. State of Florida

and the matter record.

**Matter Form - Change**

File Edit View Process Help

Save & Close Save Delete Cancel

Primary Secondary Additional Custom Related Notes Documents Phone Email Mail Web Billing Timeline

MatterRef: Able v. State of Florida Code: PUP|PI Plaintiff

MatterNo: 03-1236.1 Court: Superior Court Staff: RSB|Robert S. Brown

Plaintiff: Barry B. Able Defendant: State of Florida

Client: Barry B. Able

Goto: 10/18/2004

Date	Time	Subject	To	MatterRef
<input type="checkbox"/>	10/11/2004 Mon	1:39PM	Are we confirmed for our meeting?	RSB Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	4:57PM	Wednesday meeting with Barry Able	MCC Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	1:24PM	Do I need to get the medical records?	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	9:33AM	My red-lined copy of the Monroe brief	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/08/2004 Fri	9:07AM	Copies are finished	RSB Able v. State of Florida
<input checked="" type="checkbox"/>	10/07/2004 Thu	2:34PM	Please review the attached contract	MCC Able v. State of Florida
<input type="checkbox"/>	10/07/2004 Thu	1:55PM	Meeting re: settlement discussions	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/06/2004 Wed	10:03AM	Service bureau called about presentation materials	rsb@fastport.com Able v. State of Florida
<input type="checkbox"/>	10/05/2004 Tue	5:12PM	Opposing Counsel would like to meet on the July 14	RSB Able v. State of Florida

If the sender of the email is not in the Time Matters contact list, then a new contact record can be created from the email. The new contact form looks at the sender's email address, and if it is in the standard format of:

"Bob McNeill" <Bob@McNeillGroup.org>

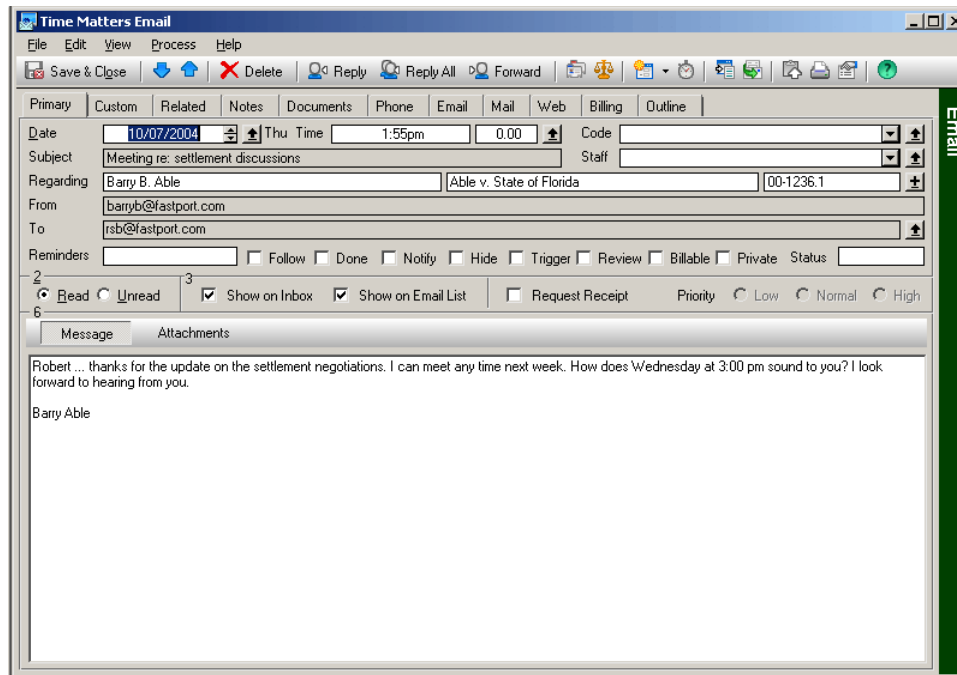
then it enters "Bob McNeill" as the name and "Bob@McNeillGroup.org" as the email address in the new contact record.

Once the email is linked to the contact and/or matter, it can be automatically removed from the Inbox and viewed only on the email list. The inbox should be used as a way station to the digital file cabinet, not as a depository, because it has no way to indicate which emails require further action. Normally, emails are viewed by contact or by matter, but all emails saved by anyone can be viewed, filtered, and sorted on the fly.

- Act on it immediately.

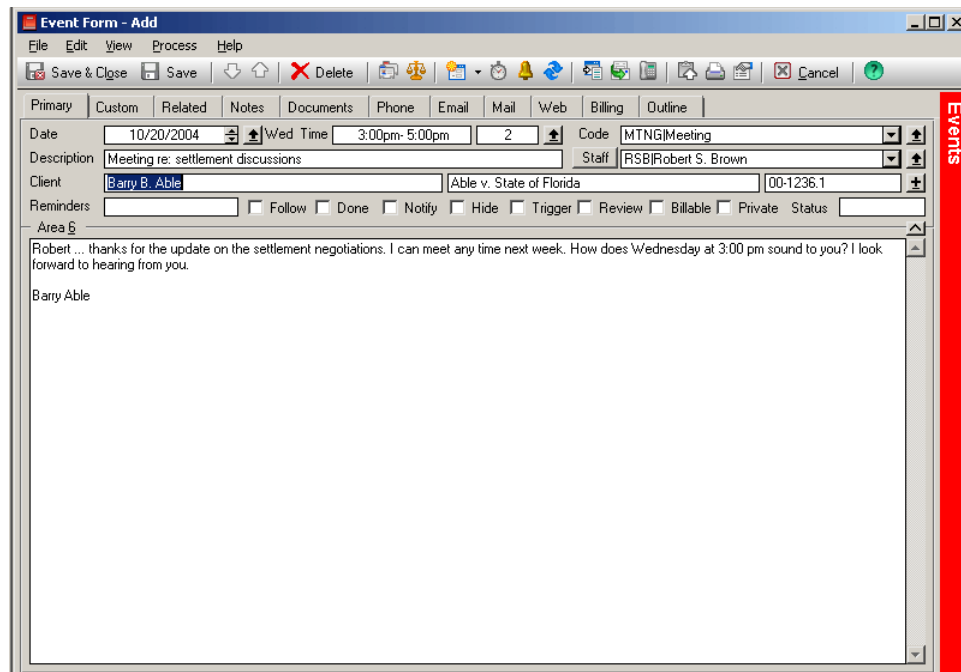
If the email is such that it can be done the same day, it may not justify creating a new ToDo record, and can be left in the Inbox until it is done. This is an exception to the general rule of not using the Inbox as a ToDo list, and should not be overused.

If the email requires a calendar entry, a new event can be added to the calendar from the email with a mouse click. The new event record will inherit all of the pertinent information from the underlying email record, such as the related contact and matter, and the email message.

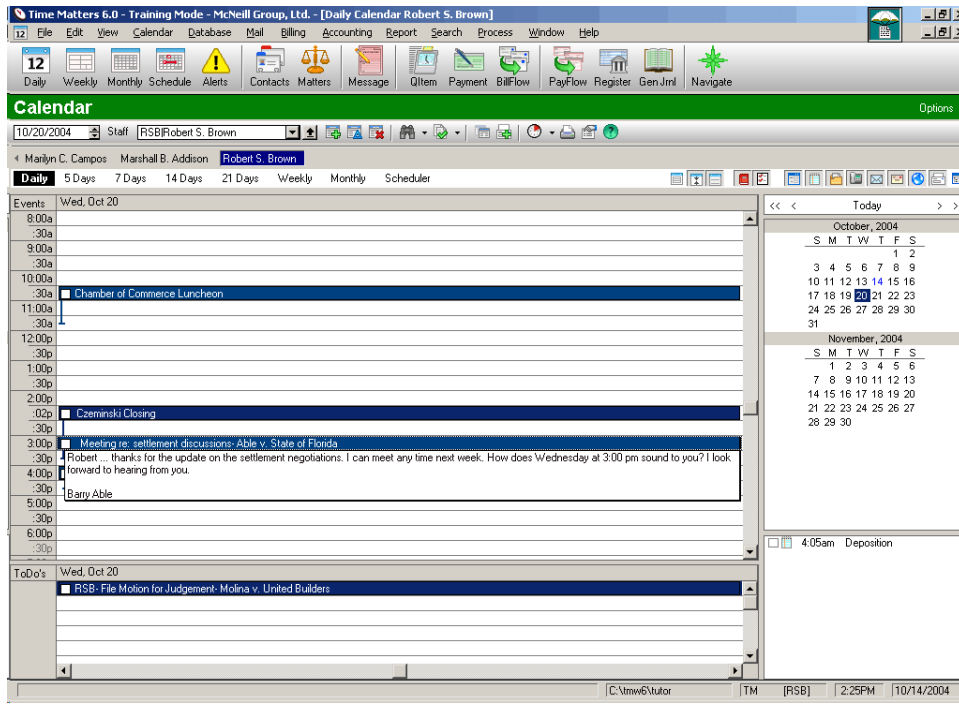


When a new event is created from this email,

it looks like this on the form (the date and time must be changed from the date of the email),



and like this on the calendar:



- ☐ **Refer it to your or someone else's ToDo list.**

If the email needs to be added to the recipient's, or someone else's, ToDo list, then the same procedure described above for adding a new event to the calendar is used to add a new task to the ToDo list with a mouse click. The new ToDo would look like this,

**ToDo Form - Add**

File Edit View Process Help

Save & Close Save Delete Cancel

Primary Custom Related Notes Documents Phone Email Mail Web Billing Outline

Date: 10/19/2004 Tue Priority: Duration: 0.00 Code: Staff:

Description: Meeting re: settlement discussions

Regarding: Bary B. Able Able v. State of Florida 00-1236.1

Reminders:  Follow  Done  Notify  Hide  Trigger  Review  Billable  Private Status:

Area 2: Due To, Location, Address, Address 2, City, Tel/Fax

Area 3: Class Code: PIJP, Client Firm: Able Consulting, Address: 1000 Hillside Rd., Address 2, City: St. Paul, Tel/Fax: 612-555-9210

Area 4: User1, User2, User3, User4, User5, User6

Area 5: User7, User8, User9, User10, User11, User12

Robert ... thanks for the update on the settlement negotiations. I can meet any time next week. How does Wednesday at 3:00 pm sound to you? I look forward to hearing from you.

Bary Able

and would be edited to add the additional information required for a ToDo, such as the date due, priority, and person responsible.

**ToDo Form - Add**

File Edit View Process Help

Save & Close Save Delete Cancel

Primary Custom Related Notes Documents Phone Email Mail Web Billing Outline

Date: 10/19/2004 Tue Priority: 3 Duration: 0.00 Code: PREPITrial Prep Staff: MCCMarilyn C. Campos

Description: Meeting re: settlement discussions

Regarding: Bary B. Able Able v. State of Florida 00-1236.1

Reminders:  Follow  Done  Notify  Hide  Trigger  Review  Billable  Private Status:

Area 5: Robert ... thanks for the update on the settlement negotiations. I can meet any time next week. How does Wednesday at 3:00 pm sound to you? I look forward to hearing from you.

Bary Able

Assigning a task to someone else is also handled very well in Time Matters using the Delegation System that is the subject of another white paper. Using the Delegation System, you can see all the outstanding tasks that you have assigned to someone else, or that someone else has assigned to you, and their due date, when they were started, the stage of completion, and other details.

### **One More Thing . . .**

This last piece of advice has nothing to do with computers and technology, just common sense.

Except in rare instances, you should not be checking your email every five minutes, or worse, having your email simply pop up, while you are working, e.g., writing a brief, brainstorming case strategy, having a staff meeting, etc. Your time is too valuable.

Does your staff interrupt you to tell you that you have received an office supplies catalog? Not hardly? How about a phone call from another attorney or client? It probably depends on what you are doing at the time. Do you schedule “quiet time” so that you can work on a project and not be interrupted?

To be most effective, you should check your email at certain times throughout the day: in the morning when you get to work, before you leave work, before and/or after lunch, and perhaps other times, depending on your work schedule.

### **Summary**

- Keep your email address out of the hands of spammers.
- Create email addresses for your personal and business use that are not circulated in public.
- Use disposable email addresses for all other emails.
- Use a spam filter to keep spam out of your inbox.
- Use a law practice management program that handles email well, so that you can see all of the email about a matter, as well as all the other matter-related information.
- If you only use Outlook, create folders and rules to manage your inbox.

- Use your inbox as a way station between the Internet and your email filing system, not as a depository for your email.

*Robert S. McNeill practiced law for 15 years, was chair of the Maryland Law Practice Management Section, lectures at bar conferences across the country on how to leverage law practice with technology, since 1996 has consulted with law firms on how to improve their practices using technology, and can be reached at [Bob@McNeillGroup.org](mailto:Bob@McNeillGroup.org). Additional law practice management technology information is available at [www.McNeillGroup.org](http://www.McNeillGroup.org).*

*In addition to Bob McNeill, the founders of Out of the Box Developers, LLC are Tom Rowe and Mark Spengler, two experienced trial lawyers and long-time Time Matters consultants who joined forces to create practice area templates for Time Matters so that Time Matters could be used “out of the box” without time-consuming and expensive customization. For more information, see [www.otb-dev.com](http://www.otb-dev.com) or contact [info@otb-dev.com](mailto:info@otb-dev.com).*