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*Overwhelmed by Email? Best Practices for Ethics, Discovery and Trial Evidence*

## ELIMINATING EMAIL OVERLOAD IN LAW FIRMS

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### 1. Email – Boon or Bane?

What can be wrong with a technology that lets you do in seconds what used to take days? What downside can there be with a technology that lets you deliver written communications around the world in seconds, without having to pay postage?

If you answered, “SPAM, junk email, or the spread of viruses, that’s what,” you are right. But, those are the obvious email problems that are well known, well publicized, and have plenty of talent dedicated to their eradication and/or control. The real insidious downside to email is the negative impact it has on daily business productivity. E-mail Inboxes with hundreds of email messages are not manageable; staff members using their Inbox as a pseudo-ToDo list are not efficient; and firms that have tens of thousands of email messages stored in non-shared folders that cannot be effectively searched waste valuable time locating information that should be easily accessible to them. The sheer amount of email that is received daily, without an effective method to deal with it, can simply be overwhelming.

### 2. The Volume is Here to Stay

In the article, *E-mail: Does it simplify lawyers' lives or just increase the stress?* (California Bar Journal, May 2001),<sup>1</sup> the director of the State Bar’s stress management program notes that participants in the program “now cite today’s constant stream of email as a source of stress.” Among the problems that lawyers face are “greater client expectations, ... and, some say, an onslaught of electronic messages 24 hours a day, on top of their telephone voicemail, cell phones and pagers.” As the article notes, “[o]n an average day last year [2000], North Americans sent 6.1 billion email messages, ... [and] [t]hat number will jump to 18 billion emails a day by the year 2005 ... and researchers expect that more than half of those emails will involve business, not personal, matters.” This article was written 14 years ago in 2001. Recent statistics from 2013 show that 100 billion business emails were sent each day, and that the rate will continue to grow around 7-8% per year.<sup>2</sup> A McKinsey study found that on average, workers in 2012 spent over 28% of their work life reading and answering email.<sup>3</sup> With the amount of email that we will continue to get in the future, business life will become more stressful because of it unless you find a way to deal with it.

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<sup>1</sup><http://archive.calbar.ca.gov/calbar/2cbj/01may/page1-2.htm>

<sup>2</sup><http://www.radicati.com/wp/wp-content/uploads/2013/04/Email-Statistics-Report-2013-2017-Executive-Summary.pdf>

<sup>3</sup> [http://www.mckinsey.com/insights/high\\_tech\\_telecoms\\_internet/the\\_social\\_economy](http://www.mckinsey.com/insights/high_tech_telecoms_internet/the_social_economy)

### 3. What's the Cause of the Stress?

The main cause of this stress is the use of email in a manner that was not anticipated when it was designed. In addition to being a medium for quick communication, email has evolved (or perhaps, devolved?) into a task management system, document delivery and collaboration system, and an information repository. In addition to quick communications, your Inbox is now used as your pseudo-ToDo list, a way to pass documents around the office, and the place where you can go to locate critical information. The problem is that most email programs do not do a very good job with these additional tasks, and the numerous emails you get cause you to miss important communications, prioritize your work poorly, and waste time searching for critical information that should be easily available to you.

Why is it that you and most other attorneys have full Inboxes? If email was used simply for communications, email messages would be read and quickly disposed of. Instead, much of the email you receive requires that you take additional action, or needs to be kept for future reference. Your Inbox fills up because most traditional email programs don't give you the tools you need to handle these tasks. Your full Inbox then causes your stress level to rise, and your efficiency to drop. This misuse of email was first explored in detail in *Email overload: exploring personal information management of email*, a detailed analysis of the use and misuse of email by Whittaker and Sidner of Lotus Development Corporation.<sup>4</sup> In discussing how email needed to be redesigned, the authors stated:

Although email was originally designed for *asynchronous communication*, the application is actually being used for multiple functions. Email therefore needs to be redesigned to support *filing* and *task management* as well as *asynchronous communications*. Our analysis of different user's strategies shows that [users] experience problems with both *filing* and *task management*. These problems lead to backlogs of unanswered messages and "lost" information in archives.

A decade later in 2006, Microsoft researchers revisited Whittaker and Sidner's paper and found that although the amount of email had increased ten-fold, and much research and effort had been expended in an attempt to the alleviate the problem, very little had changed.<sup>5</sup> In two articles, knowledge management expert Matt Moore researched and reported on the email landscape as it then existed in 2012. His findings were that fifteen years after Whittaker and Sidner first identified the problems inherent in email, almost all the relevant research uniformly agreed that little had changed. The problem was still identified as "sheer overload" and that even though there were serious advancement with technological solutions, most of the problems will continue to exist in the short term.<sup>6</sup> Further, the research indicated there were divergent opinions on external and internal email. Curbing external email is difficult and often not an option as email is frequently the only and best way to communicate with those outside the organization. Internal email, on the other hand, was more susceptible to organizational control and change by:

- Better training on and utilization of email tools;
- Shifting to other collaboration tools that enable intra-firm communication to be performed more efficiently than using email; and
- Adjusting the firm culture to reduce email by developing protocols around email decision-making (e.g., less CYA email through the overutilization of the "Reply All" function, and FYI emails).

### 4. So, What Can Lawyers and Law Firms Do?

As will be discussed below, there are plenty of common sense changes that can be made that will help lawyers and staff understand how to use email more effectively and efficiently, and change the email culture of the firm. And,

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<sup>4</sup> [http://www.sigchi.org/chi96/proceedings/papers/Whittaker/sw\\_txt.htm](http://www.sigchi.org/chi96/proceedings/papers/Whittaker/sw_txt.htm)

<sup>5</sup> <http://msr-waypoint.com/pubs/69394/p309-fisher.pdf>.

<sup>6</sup> [http://innotecture.files.wordpress.com/2012/02/olc-feb-2012\\_mmoore\\_email-pt-1.pdf](http://innotecture.files.wordpress.com/2012/02/olc-feb-2012_mmoore_email-pt-1.pdf).

Moore M. "What Do We Do About Email? Part 1: User Research" (2012) 26 OLC 4. Thomson Reuters.

[http://innotecture.files.wordpress.com/2012/04/olc-april-2012\\_mmoore\\_email-pt-2-article.pdf](http://innotecture.files.wordpress.com/2012/04/olc-april-2012_mmoore_email-pt-2-article.pdf).

Moore M. "What Do We Do About Email? Part 2" (2012) 26 OLC 55. Thomson Reuters.

fortunately, there are many options for legal practice management systems (LPMS) and document and email management systems (DMS/EMS) for law firms that make it easier to file your email information in a centrally located repository, where it can be easily searched and located, and lets you process the action required by the email with a variety of different tools.

### **a. Email Procedures and Protocols**

First, a caveat: everyone's situation is different. While many readers of this article are hungry for ideas to reduce their overwhelming stress, others will shrug their shoulders and say, "what stress?" Still others will scoff at many of the ideas set forth here with a "there is no way I could get away with that in my practice." I understand that we are all different, with different demands and expectations. What one lawyer or staff member may be able to do might get another fired in another setting. The point is that for most lawyers, there is substantial stress and resulting inefficiency brought about by email overload, and some of these tips will be very beneficial. Adopt what works for you, and ignore the rest.

The first step in reducing your email overload problem and the associated stress it can cause has nothing to do with technology and everything to do with implementing some very simple and common sense procedures and protocols to reduce the amount of email you get and make it easier to handle.

- You need to take control of your email, and not let your email control you. Lawyers place all sorts of barriers between themselves and outside distractions. Telephone calls are often filtered through a receptionist and then again by a secretary or assistant. Incoming paper mail is typically filtered by a secretary or assistant before reaching the attorney's desk. And, anyone wanting to meet in person has to make an appointment, or at least get past the receptionist before they are sitting in front of an attorney. Yet, every day many attorneys check their email every few minutes, ensuring constant disruption that can distract them from the important tasks they are currently working on, destroying their work efficiency.

Certainly there are practices where constant monitoring of email is required, and every lawyer will have times when they are involved in negotiations, drafting a document with others, or doing other work where regularly monitoring email is required. But, for most attorneys, that is an exceptional situation, not an everyday occurrence. Check your email a few times during the day (2-8 times depending on your practice), process it as shown below, and then close your email (or at least turn off email notifications). This will reduce the distraction of constant incoming email, and allow you to use your LPMS and DMS/EMS tools to make you more efficient.

- With rare exceptions, email should not be used as an urgent communication medium. After all, your clients can't rely on the fact that you are always in the office. What if you are in court when the urgent email comes in? Do you have a system set up to check your email when you are not available for a week, a day, or even an hour? If not, then it is important for you and your clients to understand that urgent issues need to be addressed personally or by telephone where it is more likely that you have some type of procedure in place to make sure you are contacted when an urgent need arises. It is up to you to make sure your clients' expectations are set properly.
- As simple as it sounds, if you send less email, you get less email back. Before sending email to one or more persons, decide if a quick phone call would be a better way to communicate, and make sure to send the email only to those who truly need to see it. There is a tendency to send "copies" of an email to many others as a defensive strategy. While there are times that you need to bring others into the loop, remember that excessive use of the copy feature will result in you being copied more frequently, and bring you additional email that you have to handle.
- While there are obvious email messages that you have to respond to (e.g., inquiries from clients), don't let your guilt get the best of you and make you feel that you have to respond to every email sent to you. Much of the email you receive is unsolicited and doesn't require a response.

- If you have handled an issue by phone, don't send an email unless you have a liability reason to do so. You are simply duplicating your work and adding one more email into the mix that might result in additional email coming back to you.
- Send one email per idea or issue, or aggregate all your ideas and issues into a single email. These two diametrically opposed strategies can both be good depending on the circumstances. On one hand, I'd rather get an email that discusses a single issue so that I can concentrate on that issue and take what steps need to be taken. Sending a single email that covers a number of subjects can make it more difficult to process. On the other hand, I'd rather not get 15 emails each time someone thinks about something they want me to know about. There is no right or wrong on this, just what the circumstances dictate.
- Use the "bulleted item list" method. If your email contains multiple issues or action items, bullet them in a list as people responding to your emails will typically do so in the order of the list. This makes the responses easier to follow.
- Use the "executive summary" method. If it is going to be a fairly lengthy email, list a quick and concise summary at the top of the email, bulleted as the previous suggestion points out.
- Separate your Internet distribution list and personal email from your business email. There are a number of ways to handle this – email rules, different email accounts, and different email user names are just a few methods. This will reduce the email in your Inbox to those emails you need to process as part of your practice.
- End email messages with "No Reply Needed" (NRN) where appropriate or insert FYI in the subject to indicate that it is for the recipient's information and no action is anticipated.
- If you are getting email that you don't want from someone you know (typically jokes, political commentary, and the occasional hoax), don't hesitate to reply and ask that they stop sending you that type of email.
- Don't use email for arguing, disciplining or similar situations where the inflection of your voice is needed in order for the recipient to fully understand the context of your comments. Many email "discussions" that result in dozens of email flying back and forth could have been resolved with a single phone call, saving time and hard feelings.
- Write professionally, but concisely. Don't feel as if you have to write a legal brief each time you compose or reply to an email. But, "*r u going 2 the bar mtg 2day? Thx!!!!*" isn't acceptable, especially if you are corresponding with a client or other attorney outside your office.
- Use the Delete key and get rid of email that you don't need to keep. Be honest ... if you don't have to respond to it, and you most likely won't need it in the future, delete it.

Not all of these ideas will work for everyone, but by simply changing the way you use email you can help reduce the amount of email that is sent to you.

### **b. Using your Legal Practice Management System or Document and Email Management System to Process Email**

Fortunately, there are many Legal Practice Management Systems (LPMS) and Document and Email Management Systems (DMS/EMS) that let you save, track and retrieve the email that you send and receive. Using these applications in conjunction with a "**RAFT**" system, defined below, will ensure that your email information is stored in a centrally located and shared repository, where it can be easily searched and located, and you can process the action required by the email with a variety of different efficiency tools.

### c. Pushing Paper

*"Our two greatest problems are gravity and paper work. We can lick gravity, but sometimes the paper work is overwhelming."*

- Dr. Wernher von Braun

When looking at the root cause of email overload and how it should be overcome, it is helpful to compare it to a well-known problem that has been around much longer than email ... the problem of "pushing paper." Executive organization experts teach that the best way to avoid being overwhelmed by paper is to do the best you can to make sure that you "touch" a piece of paper once, and only once. Many people waste considerable time moving paper on their desks from one stack to another, use these stacks as pseudo-ToDo lists, and often end up spending more time shuffling the papers around their desks than it would take to accomplish the tasks associated with the papers. Just walking into an office with a messy desk can cause confusion and disrupt an otherwise organized day.

We have adopted the **RAFT** system to reduce this problem with RAFT being **Refer, Act, File** or **Throw Away**. Pursuant to this system, the first time you "touch" a piece of paper you should refer it to the appropriate party to be handled, act on it to completion or tickle it for later action, file it for later use or reference, or toss it in the round paper file – the waste basket. The diligent application of RAFT can result in a reduction in the amount of paper one has to deal with, gets it to the person who is best suited to handle the task it represents, and generally increases productivity by reducing clutter and inefficiency.

#### 1) RAFT Applied to Email?

Because the problems associated with email overload are similar to those caused by having too much paper to handle, it is instructive to look at paper overload solutions for the answer to the email overload problem. Instead of having a desk cluttered with paper, you now have an Inbox with 950 email messages. Instead of moving stacks of paper around on your desk, you move email from folder to folder. Instead of using the stacks on your desk to govern the order of your day, you turn to the email in your Inbox to determine what needs to be done next. Instead of not being able to locate a document you need because it is buried on your desk, you can't find the email you need because you don't know what folder it is in or it may be in a non-shared folder. And, for some reason you simply can't seem to bring yourself to delete email messages any more than you can throw away the paper you collect that is infrequently needed or used.

Applying a modified version of the RAFT system using a LPMS or DMS/EMS, and applying the following principals, can eliminate or at least reduce "Email Overload."

#### 2) Your Email Inbox is a Gateway, not a Repository

The Inbox is not a ToDo list, nor is it a repository for email. It is a gateway through which email passes and is appropriately processed. Just as you strive to have a clean desk, free from paper, you should have a clean Inbox, free from email messages. This is accomplished by "touching" an email message once, and only once.

Properly using a LPMS or DMS/EMS, the Inbox is simply a gateway through which email messages pass to become database records, and then associated with the appropriate Matter/Case. Just as you should avoid creating stacks of paper all over your desk and around your office, you should avoid the use of folders in email as folders typically result on another way of "shuffling paper." This is probably the most difficult habit to overcome for users of Outlook who are accustomed to using folders to segregate their email messages.

Understand that in order to do this you will need a LPMS or DMS/EMS which provides a centralized, shared, secured repository in which you can save your email. Although I provide a few "Outlook only" suggestions below, I will assume that you have such a system. If you don't, your firm needs to look into acquiring such a system as it is key to getting your email under control.

## **5. Who is in Control ... You or Your Inbox?**

Recent studies have shown that over half of all office workers check email continually during the day. Additional studies clearly show that the simple act of looking at an incoming email can result in the loss of several minutes of time as you adjust back to the task you were working on when you were distracted by the incoming email. To avoid this, think twice about having your email Inbox open all the time, and give serious consideration to turning off the sounds and visual notifications that notify you when a new email has arrived. It is amazing that the same people who closely regulate their schedules, have an assistant screen their calls, and keep in-office distractions to a minimum don't give a second thought to having their email program "ding" every couple of minutes so that they can quickly pop up their Inbox to see what new email just arrived.

But, you say, "I am a very important person and so are my clients. They need to have immediate access to me." Admittedly, there are times when you will want to keep a close eye on your Inbox. For example, if you are in the middle of a remote deal or negotiations, or the collaborative drafting of a document, you will want to check your email regularly. But, outside these special circumstances, if someone really needs to get in touch with you urgently, email is not the preferred medium. Your important clients should contact you by phone or at least give you a "heads up" that an important email is on its way. Absent the occasional urgent need, it simply is not good business practice to assume that everyone else so badly manages their time that they check their email every second of the day.

Schedule specific times during the day to process your email. The first thing in the morning, mid-morning, before and after lunch, mid-afternoon, and then late in the afternoon are good times and are frequent enough that you are not likely to miss an important email. As you open each email message, take one of the following actions (in this order):

### **a. Toss it or Throw it Away (Delete It)**

Delete unsolicited email, SPAM, email from unknown sources (especially if they have attachments), jokes, newsgroup and email list serve messages, and other email that you may or may not glance at but have no reason to keep. You will be surprised at how much of this type of email you receive, and quickly deleting it is a good start to overcoming the overwhelming flow of email. As you process this type of email, send a friendly, but firm email to your brother-in-law and others you know asking that they not send you any more jokes, and make sure that you are taken off any email lists or newsgroups that you really don't need. It is a general and good rule not to respond to SPAM, even if you are requested to do so in order to be removed from the spammer's mailing list. This is often a trick that is used by the spamming party to confirm that your address is still a valid email address to be sold to others. Anticipate what emails you would typically delete, and then utilize the "Rules" functionality of Outlook or the email system you use to set rules so that these types of emails don't get to your Inbox.

### **b. File It**

If no action needs to be taken based on the content of a received email message, but you want to keep it for later reference, you will want to "file" it. This is where LPMS and DMS/EMS really shine. Because they are designed to track, in part, email that is associated with people and cases/matters, they typically can match the incoming email to a Contact record and the Matter/Case that the email concerns.

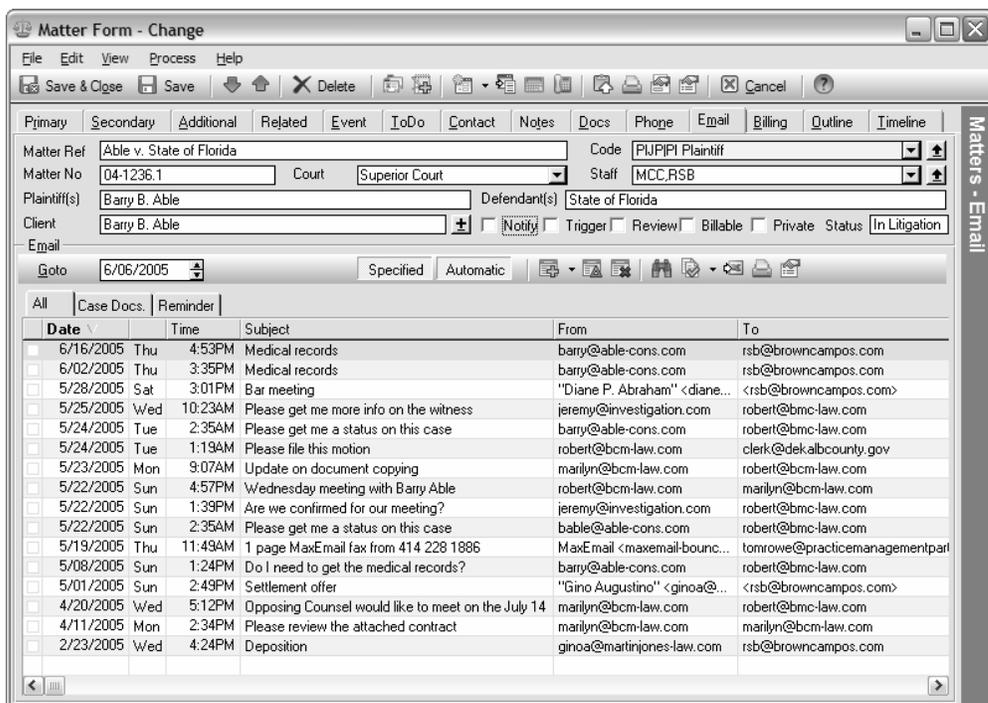
### **1) Legal Practice Management System (LPMS) Example**

Using LexisNexis' Time Matters LPMS as an example, when you open an email a quick search is conducted locating any Contact or Matter/Case records that contain the sender's address. If a match is found, the email is automatically related to the Contact and/or Case/Matter and removed from the Inbox.



In the above screenshot, when an email from Jeremy Baird was opened, the email was immediately matched with his Contact record, and the user is given the option of filing the email under any of the Cases/Matters that he is working on. This means that the simple act of opening and closing an email can result in the email being filed in the appropriate location for future retrieval and there being one less email in your Inbox. When the email is “auto-matched,” it is also automatically removed from the Inbox.

Once filed, all email is kept in a fully securable, centrally located location that can be searched to find any email received by anyone in the firm. Or, you can go directly to a Case/Matter and see all the email that is related to it. The screenshot below shows all the email that has been sent or received in a particular Case/Matter.



While Time Matters was used as the example, all the leading LPMS have similar functionality although the exact methodologies may be different.

## 2) Document and Email Management System (DMS/EMS) Example

Alternatively, Document Management Systems/Email Management Systems (DMS/EMS) like NetDocuments, iManage, and Worldox enable you to file emails in a central repository for easy searching and retrieval. Because this data is centralized it is available to others in the firm, enhancing your ability to see all communications about a particular client or case. While Outlook/Exchange allows you to share folders, in anything but a solo or very small practice, it simply isn't a practicable solution.

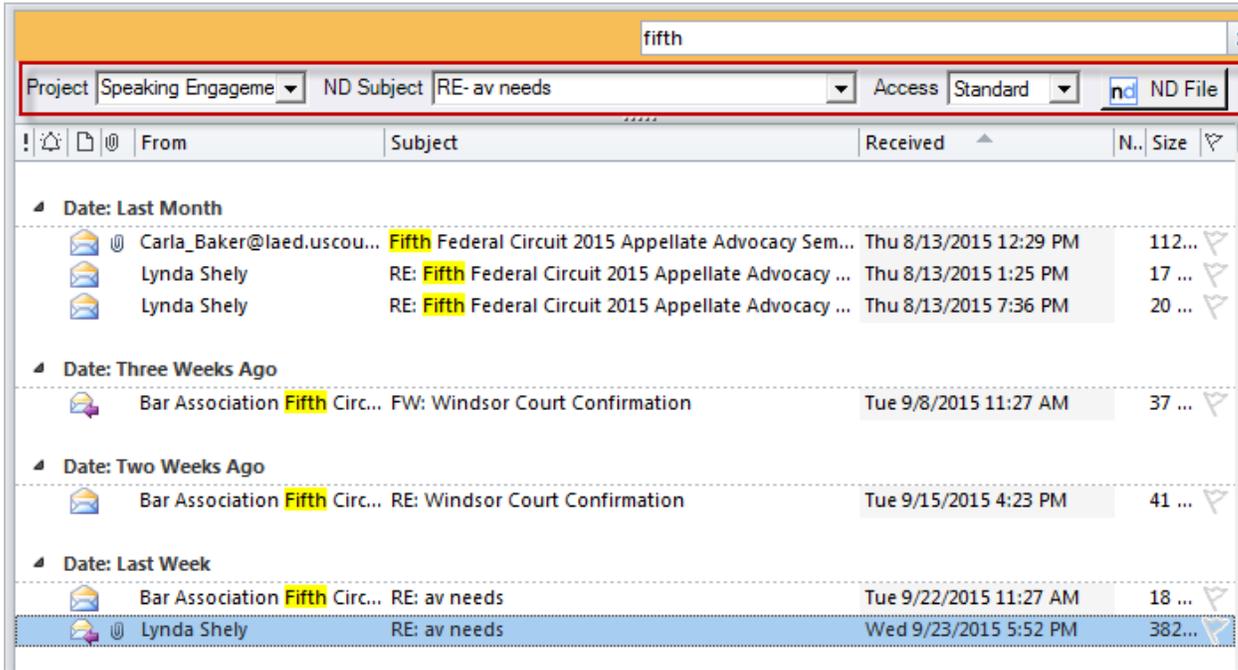
Looking at NetDocuments as the example, this leading cloud-based DMS/EMS company thought so much of the email overload problem that they recently acquired the leading predictive email product and its developers. The product uses algorithms to anticipate what case or matters an email should be associated with and provides powerful tools to make the Case/Matter assignment as easy as possible. While NetDocuments' predictive profiling of email may prove to be an evolutionary advance in this area, their current profiling and drag and drop methodologies provide tremendous time savings.

For dealing with large numbers of emails about the same Case/Matter dragging and dropping email into folders can be easier and quicker than profiling the email. NetDocuments automatically adds folders in Outlook that parallel their Client/Matter centric workspaces. This is done for Client/Matters recently accessed, or marked as favorites.

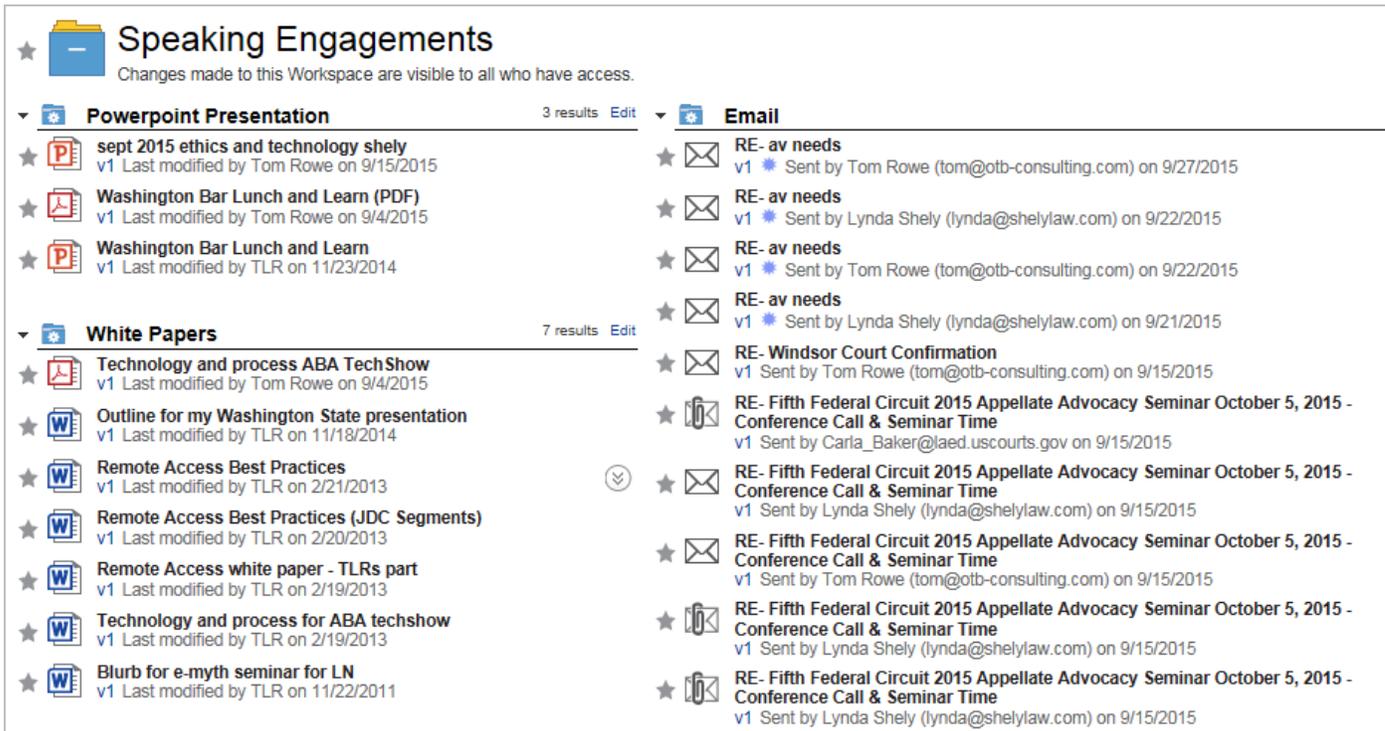


As users drag and drop their emails into the appropriate folder, they are automatically uploaded into the DMS/EMS where they can be shared with everyone else involved in the Client/Matter.

NetDocuments and other DMS/EMS also provide profiling capabilities like those shown above in the Time Matters example. For NetDocuments, an Email Profiling Toolbar is added above the Inbox. The Toolbar can be used to select the Case/Matter/Project the email is related to. Often, NetDocuments anticipates which Case/Matter the email is in regard to, and automatically completes the Case/Matter field.



Once the emails are saved into the DMS/EMS, they are available to all users with the correct permissions, and tools are available to view in a way similar to how they would be viewed in Outlook or other email programs. The example below shows my Project for Speaking Engagements (this would be similar to a Case/Matter in a law firm), including a section that shows the most recent 10 emails.



Once the emails are saved in the DMS/EMS, they can be viewed for a particular Case/Matter/Project in a way similar to Outlook and other email programs:

The screenshot shows an email client interface with a list of emails on the left and a detailed view of a selected email on the right. The list includes several emails with subjects like "RE- av needs" and "RE- Windsor Court Confirmation". The detailed view shows the following information:

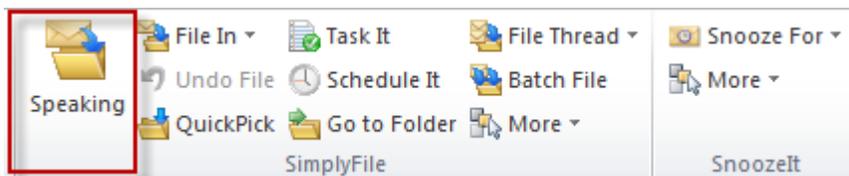
- Date:** 9/22/2015 12:02:46 PM
- Sent:** 9/22/2015 12:02:41 PM
- Subject:** RE: av needs
- From:** Lynda Shely <lynda@shelylaw.com>
- To:** Bar Association Fifth Circuit <mary@baffc.org>;
- CC:** Tom Rowe <tom@otb-consulting.com>; karen\_robby@aed.uscourts.gov;

The email body contains the text: "Fine with me!" followed by contact information for Lynda C. Shely at The Shely Firm PC, including address, phone, and fax numbers. A second email header is also visible, showing it was sent on Tuesday, September 22, 2015 at 8:27 AM.

### 3) Outlook Folders Example

Solo, duo or smaller firms may be able to use Folders (hopefully shared) to process email. Typically, this is done by creating folders for every Case/Matter and then dragging emails into the related folder. This method isn't as organized and efficient as using a LPMS or DMS/EMS, but it can work effectively because dragging and dropping is easy to do.

This type of system can be made even easier with a tool like *SimplyFile*. SimplyFile is an Outlook add-on that analyzes your folder structure, and then tracks what folder a particular senders' emails are stored in. In the screenshot below I selected an email from Judge Karen Robie who was responsible for me speaking at this conference. Once the email is selected, SimplyFile recognizes that previous emails from Judge Robie were placed in the "Speaking" folder, and provides a one click method to move the selected email(s) from the Inbox into the "Speaking" folder.



By pressing the **Speaking** button, the email will be moved to that folder.

SimplyFile makes it easy to clean out your inbox, saving hours of wasted time per week.

### **c. Refer It to the Best Person to Respond**

Remember that the goal is to touch an email only once or at least as few times as you can. Pursuant to RAFT, this means that if you can't toss it or file it your next step is to see if it can be referred to someone else to handle. Obviously, there are "pecking order issues" involved that will be unique to each attorney and firm. But, the idea is to make sure the email quickly gets to the person most qualified to respond to it whether that is you, a paralegal or legal assistant.

Typically, referring is an "out of sight, out of mind" action and you will no longer track the email. If you think that you need to continue in a follow-up or supervisory capacity on the action called for by the email, add a delegated task as set forth below.

### **d. Act On It – Reply, Create a ToDo or Event, or Delegate It**

An email will often require that some type of action be taken. If you have scheduled time to reply to your email as you work through it, do so at this time. If you are only doing a quick run through your email, or have not scheduled enough time to properly compose your replies, consider transferring those emails from the Inbox to a very temporary "To Process" folder. While our goal is to dramatically reduce (or eliminate altogether) the use of folders, and to touch emails as few times as possible, a "To Process" folder can be used to make sure that your Inbox is kept empty and that you have a temporary place to put email until you have scheduled time to compose your responses. You should only use such a folder if you regularly schedule part of your day to process email. The folder should be empty most of the time ... certainly by the time you leave the office each day. If you find that the "To Process" folder is "stacking up" you are using it incorrectly and should discontinue its use.

If the action called for by an email is not something that you can accomplish quickly, you need to add a Task to your Task List or an Event/Appointment to your Calendar. A Task record lets you set a priority, classify it, and set a due date – things you may not be able to do with an email message in your Inbox. If the email calls for action by someone else you work with, use a delegation system to assign the task to the appropriate staff member. If an email confirms a meeting, or informs you of an upcoming deadline, you can quickly add an Event/Appointment to your calendar, using the information that is contained in the email to establish the date, time and other relevant information.

It is typically at this time when the skeptics say, "wait a minute, I see what you are doing. The emails aren't going away; you are just changing them to tasks and events." That is exactly right. Remember the problem that has been identified isn't that lawyers have too much work. Lots of work is a good thing for lawyers. What causes the stress is an Inbox filled with hundreds if not thousands of emails with no way to process them. Part of the answer is getting the actions called for by the emails into systems, like a traditional task system, where there are specific tools designed to enable users to efficiently and effectively complete the actions. We don't have any magic solutions that make sure the work suddenly gets done on its own. But, we can make sure that you are handling the influx of that work in the most efficient way possible.

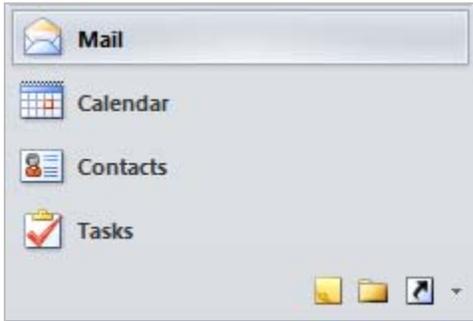
If you have a LPMS, as discussed above, you will be able to add and process the Task or Event/Appointment in that system. Because many lawyers use Outlook for their Task List and Calendar, we'll use it for our example.<sup>7</sup>

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<sup>7</sup> The collaboration tools in the LPMS are far superior to those in Outlook. If you do not have a LPMS, we highly recommend that you looking into acquiring one. But, because a very large number of attorneys rely on Outlook for this functionality it made sense to use it for this example.

## **Drag and Drop**

To create a Task in Outlook from an email in your Outlook Inbox, **left-click** and drag an email or emails from the email list to the Calendar or Tasks items in the lower left Navigation Pane.

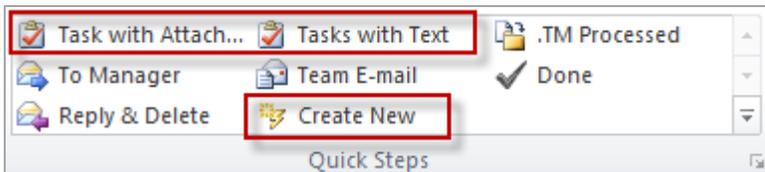


An Appointment or Task window will be displayed with the subject of the email as the subject of the Appointment or Task, and the body of the email contained in the new record's memo area. When you complete the new record with the appropriate date, time, and other information like Priority, Category, Importance, Reminder information, etc., you will now have a Task or Appointment that you will be able to review in the context of the email that created it.

You can also right-click and drag the email and you will be presented with additional options. The most important option is to create a new Appointment or Task with the email included as an attachment or a shortcut. The advantage to this option is that when you open the new record (Task or Appointment), you can easily open the email with a single click and without having to search through your Inbox to locate it. This could be advantageous if you want to send an email confirming the Appointment, or following up on a Task.

## **Quick Steps**

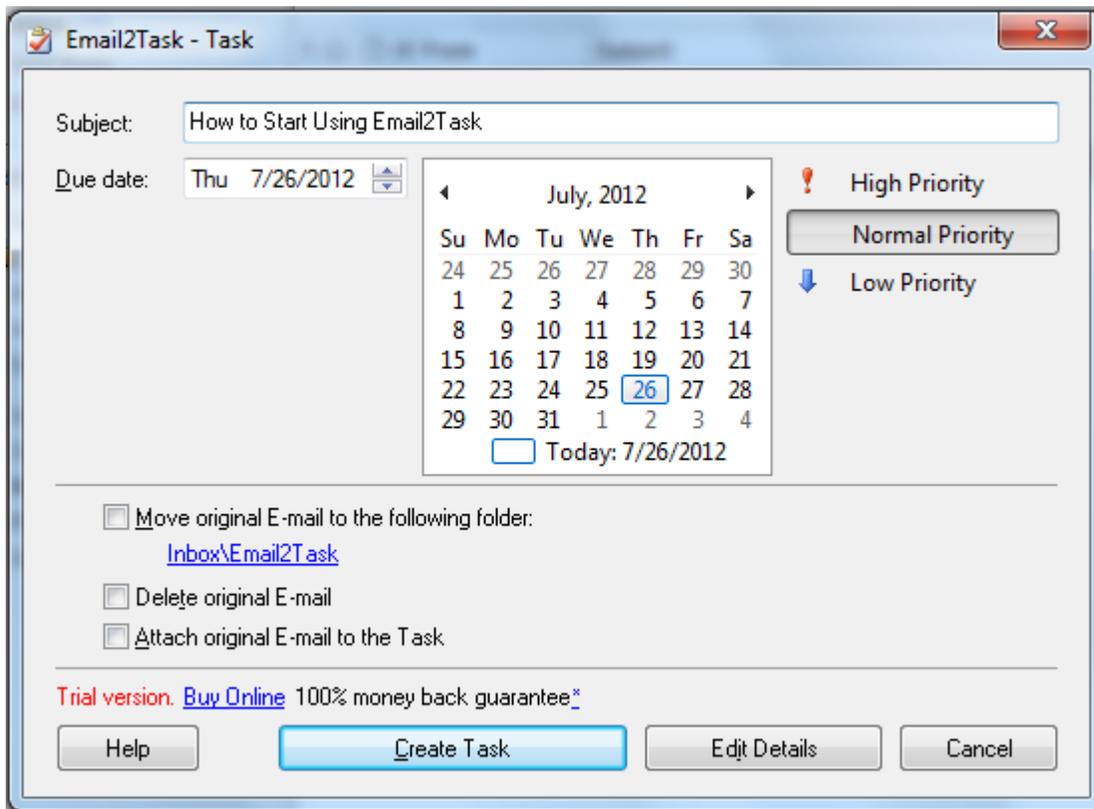
If you have Outlook 2010 or 2013, you can do the same thing as you can with the Drag and Drop, but without having to do the drag and drop (which some people struggle with). Quick Steps are available in the center of the Outlook Ribbon:



When you press the **Create New** item, you can create Quick Steps like the **Tasks with Attachment**, and **Tasks with Text**, shown above. The steps to create these Quick Steps are obvious once you click on Create New.

### **Email2Task Outlook Add-in**

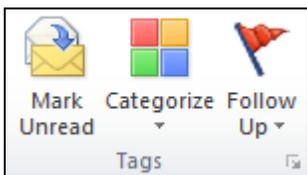
For a small fee, you can purchase an Add-in that handles this for you and provides more functionality. Email2Task lets you easily create a Task or Appointment from an email.



When you click on the Email2Task button on a particular email, a window displays that enables you to enter the standard information that you would normally enter – Subject, Due Date and Priority – but also lets you decide what to do with the original email. Since your goal is to get an Inbox empty, being able to move or delete the email as part of the record creation process enhances your efficiency.

### **Using Outlook's Email Task Features**

Over the years Microsoft has basically admitted that its email is for more than communication by adding to email and the Inbox what would traditionally be considered task management features.



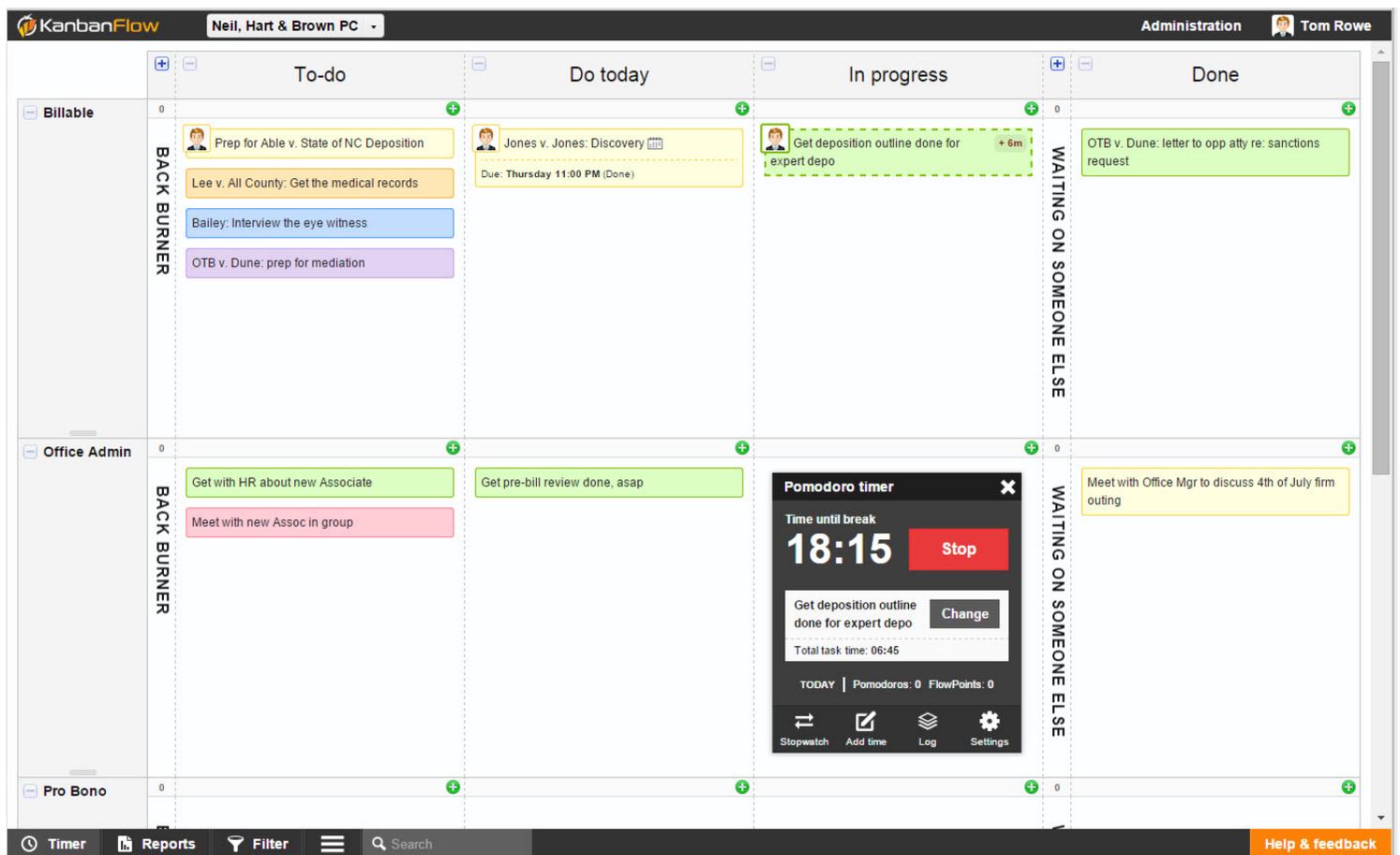
By enabling you to categorize and mark email for follow-up, you can treat them like pseudo-Tasks. We still recommend converting them to Tasks or Appointments as the efficiency features are greater in those Outlook components.

As you work through your Inbox, RAFT it by following these simple steps to file or set the email up to be handled in your task management system. This allows you to empty your Inbox regularly, centrally store the information where it can be easily retrieved, and then use task management tools instead of your Inbox to handle your daily tasks.

## Using a KanBan System (or other Visual Tool)

Some people don't like ToDo lists, and/or prefer something more visual. Recently, efficiency experts have started to recommend the use of a visual tool called a KanBan board. Developed by Toyota in the late 40s, it is a simple way to help knowledge workers focus on completing a single task instead of jumping around to multiple tasks (rarely getting any of them completed in a timely and efficient fashion).

Using *KanbanFlow* as an example, one of its features is that emails can be forwarded to the KanBan board where they automatically get added to the visual list of tasks that need to be completed.



This lets you empty your Inbox into a powerful visual tool designed to help you handle the work that needs to get done in an efficient manner.

## 6. Email Bankruptcy

No matter how good you get at RAFTing your email, circumstances will conspire against you and at some point in your busy life you will get behind in the processing of your email – sometimes way behind. Having hundreds of emails sitting in your Inbox is a sure-fire way to kill your productivity, and you will likely get even further behind because you are less productive. In many ways, this is analogous to the problem that people find themselves when they get behind financially. As they fall behind, they have good intentions to get caught up ... any day now. But, the further they go in debt, the harder they find it to dig themselves out of debt, often resulting in them making more bad decisions.

The situation is so analogous that the concept of “email bankruptcy” has emerged. First discussed on the Internet in 2004, executives who found themselves so totally buried under thousands of emails simply threw up their hands, declared email bankruptcy by sending an email to all their colleagues telling what they were doing and requesting

that any email to which they had not been sent a reply be resent. In all of these scenarios, the email users declared Chapter 7 email bankruptcy – total liquidation – they just deleted their email after sending their message.

For articles on this phenomenon:

<http://www.wired.com/culture/lifestyle/news/2004/06/63733>

[http://www.washingtonpost.com/wp-dyn/content/article/2007/05/24/AR2007052402258\\_pf.html](http://www.washingtonpost.com/wp-dyn/content/article/2007/05/24/AR2007052402258_pf.html)

<http://gawker.com/254608/declaring-e+mail-bankruptcy>

I am actually a big fan of this idea, yet I propose an alternative – a Chapter 13 email bankruptcy in which you reorganize instead of liquidate. As good as I am at handling my incoming email, there simply are times when I have not been able to allocate the time needed to handle everything that was received. In fact, I have to admit to having declared Chapter 13 email bankruptcy twice in the past 5 years. Sometimes it just happens.

### **How to do a Chapter 13 Email Bankruptcy**

Instead of deleting all your emails, you are going to reorganize. Create a folder in your email account called “Chapter 13.” Drag every email from your Inbox into that folder. Amazingly, you now have an empty Inbox. Immediately apply the principals you’ve been taught in this paper to make sure that your Inbox is empty at the end of each day. Then, go into your Chapter 13 folder once a day for 5 minutes and RAFT as many emails as you can (or set a limit - 10-20 emails). Start by going through as rapidly as you can and Toss/Throw Away what you don’t need. Then go through and File everything you can that doesn’t need to be Acted On or Referred to someone else. Finally, go through and create your ToDo’s and Events for yourself and those to whom you delegate. You will be surprised to find that you have already handled many of the tasks the emails require, and that it won’t take you as long as you thought to get through them. In the meantime, you have the advantage of a clear mind and a clear Inbox.

## **7. The Email Charter**

In my ongoing research on this issue, I ran across the The Email Charter. As their website states, “[i]t was created in response to widespread acknowledgement that email is getting out of hand for many people. It started life as a blog post by TED Curator Chris Anderson and TED Scribe Jane Wulf. The idea struck a chord. More than 45,000 people read the post and it generated hundreds of tweets, comments and suggestions. That is how the final Charter was shaped.”<sup>8</sup> For someone who has been writing and speaking on this subject for the past 15 years, it seemed a good way to wrap up this paper:

### **10 Rules to Reverse the Email Spiral**

#### **1. Respect Recipients' Time**

This is the fundamental rule. As the message sender, the onus is on YOU to minimize the time your email will take to process. Even if it means taking more time on your end before sending.

#### **2. Short or Slow is not Rude**

Let’s mutually agree to cut each other some slack. Given the email load we’re all facing, it’s OK if replies take a while coming and if they don’t give detailed responses to all your questions. No one wants to come over as brusque, so please don’t take it personally. We just want our lives back!

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<sup>8</sup> <http://www.emailcharter.org/index.html>

### **3. Celebrate Clarity**

Start with a subject line that clearly labels the topic, and maybe includes a status category [Info], [Action], [Time Sens] [Low Priority]. Use crisp, muddle-free sentences. If the email has to be longer than five sentences, make sure the first provides the basic reason for writing. Avoid strange fonts and colors.

### **4. Quash Open-Ended Questions**

It is asking a lot to send someone an email with four long paragraphs of turgid text followed by "Thoughts?" Even well-intended-but-open questions like "How can I help?" may not be that helpful. Email generosity requires simplifying, easy-to-answer questions. "Can I help best by a) calling b) visiting or c) staying right out of it?!"

### **5. Slash Surplus cc's**

cc's are like mating bunnies. For every recipient you add, you are dramatically multiplying total response time. Not to be done lightly! When there are multiple recipients, please don't default to "Reply All." Maybe you only need to cc a couple of people on the original thread. Or none.

### **6. Tighten the Thread**

Some emails depend for their meaning on context. Which means it's usually right to include the thread being responded to. But it's rare that a thread should extend to more than 3 emails. Before sending, cut what's not relevant. Or consider making a phone call instead.

### **7. Attack Attachments**

Don't use graphics files as logos or signatures that appear as attachments. Time is wasted trying to see if there's something to open. Even worse is sending text as an attachment when it could have been included in the body of the email.

### **8. Give these Gifts: EOM NNTR**

If your email message can be expressed in half a dozen words, just put it in the subject line, followed by EOM (= End of Message). This saves the recipient having to actually open the message. Ending a note with "No need to respond" or NNTR is a wonderful act of generosity. Many acronyms confuse as much as help, but these two are golden and deserve wide adoption.

### **9. Cut Contentless Responses**

You don't need to reply to every email, especially those which are themselves clear responses. An email saying "Thanks for your note. I'm in." does not need you to reply "Great." That just cost someone another 30 seconds.

### **10. Disconnect!**

If we all agreed to spend less time doing email, we'd all get less email! Consider calendaring half-days at work where you can't go online. Or a commitment to email-free weekends. Or an "auto-response" that references this charter. And don't forget to smell the roses.

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