

Don't CC Your Client!

Folks,

I am in the middle of a case with lots of attorneys (3 for the plaintiff, 4 for one defendant, little ole me for another defendant, one for a cross complaint). One of the defense attorneys emailed me with a CC. I hit reply all because the prior associate used to email me and cc two partners. As I was about to hit send, I double checked the email addresses and one of them was the defendant himself! Good thing I checked.

Stop cc'ing clients!

---

Also, stop bcc'ing clients because if they hit Reply All, it will go to ALL.

Include the parties you want to receive the email, hit send, THEN forward that sent message to the client.

LFMM (Learn from my mistake)

Gina Bongiovi, Nevada

---

So I've gotta take the opposite view here. STOP REPLYING ALL. I personally think that "reply all" is anathema. You are 100% at fault of you reply all and end up copying a party.

Jerry W. Cain, Jr., Georgia

---

So riddle me this (and yes, I am intrigued): what do you do when you have a case with some 1st year associate when the associate cc's the partner and you KNOW the partner is making decisions but you don't want the associate to color your responses?

I tried a case against a local school district. The associate did all of the work up. Had the associate passed on the right information, the case probably would have resolved short of trial. But it was clear the associate was not giving the partner all of the information and, thus we ended up trying the case.

That taught me to reply all so that the partner was in the loop and could take over if a young associate was screwing up.

Jonathan Stein, California

---

There's a difference between blindly replying all and doing it for tactical reasons. @jonathan - I bet you'd delete the represented party if you saw them on there.

At the end of the day, though, I don't think a represented party being included in an email is any different than talking across a table to opposing counsel at a deposition when the party is there. We often talk to attorney when our words are really meant for a witness, party or even a judge.

My point is blindly replying all is a bad bad idea.

Jerry W. Cain, Jr.

---

> Include the parties you want to receive the email, hit send, THEN

> forward that sent message to the client.

I've put Gina's response at the top of this reply, because IMHO, this is the ONLY way to keep your client in the loop, yet make sure that your client doesn't inadvertently (or verterntly!) communicate to the other side.

On the flip side -- yes, I often receive emails from OC, with OP included in the email addresses. I know this is faster and easier, but as others have pointed out, it lends itself to

a) me sending a reply that includes OP, and

b) OP sending a reply that includes me.

It is SO easy to forward the email to your client, which prevents both a and b from happening.

And it is easy for me to read through the email addresses on an incoming email and winnow out the ones I don't want to reply to, which prevents a from happening.

Laurie Axinn Gienapp, Massachusetts

---

"Also, stop bcc'ing clients because if they hit Reply All, it will go to ALL."

+1 ... or "Two easy steps to decrease the risk of your client waiving privilege."

Tim Ackermann, Texas

---

A few weeks ago, I mentioned that my client emailed me and opposing counsel in extremely rude terms, basically saying we're going to kick their butts, etc., and how dare those SoBs do that to him, etc., etc.

Of course they deny that it was inadvertent, and assert that he was making threats of violence (even though he clearly wasn't, although he did use a lot of military jargon), and they intend to use the email to the best advantage they can. Sheeeesh!!! I suspect this will be the biggest motion in limine fight I'll have. But I wonder if I did bcc him on something and he was hitting reply all. That might help me in my argument later on. That would show it was truly inadvertent and therefore still protected by A-C privilege.

I bcc clients all the time. I will stop doing that from now on.

Sterling L. DeRamus, Alabama

---

In my office we email OC and then forward it to the client with text of "Your bcc." It is also our practice to closely check OC's email for OC's client and delete that person from the reply email.

Just don't need to have a scenario that is ripe for regret that can't be fixed or an accusation that we are communicating with a represented party.

Deb Matthews, Virginia

---

I am curious about this Reply All from a bcc problem.

Is this also from outlook, not just from gmail?

I would like to test this out with 2 other members here who do not use gmail. Any volunteers for a 3 person test, off gmail?

Roger M. Rosen, California

---

Yes, it's also outlook, it's all email programs.

And yes, you can use me as a guinea pig if you want.

James S. Tyre, California

---

Tyre,

No one would ever call you a pig. :-)

Deb Matthews

---

I always forward email to a client. Never CC.

Scott Barer, California