

Include Client on All Emails?

I'm in a matter involving some back-and-forth negotiations. OC includes client on all emails to me. Is this standard? I typically don't, and haven't run into any other attorneys who do this. Even emails like "Please call me between 1-3."

Do not ever do it that way. Too easy for client to hit reply all when client meant to reply only to you. I'll send the email to OC, then forward to client if appropriate.

James S. Tyre, California

I do not copy my clients on any emails to OC. What I do is forward copies to the client. I do this so that the client will not have the opportunity to accidentally "reply all" when they need to "reply" to me.

Very truly yours,
Bill

William M. Driscoll, Massachusetts

I could see someone doing it just to show the client he is working on their case. I have a case going right now where opposing counsel CCs his boss, his secretary, and in-house counsel on every email.

Ryan Ballard, Idaho

Thanks everyone. This is what I do also (forward to client). I am fairly uncomfortable with how OC does this. Copies several on each email.

Julie Mills

No. No way. No way in hell we cc our client, unless I am e-mailing my client's CPA, banker, or other friendly party. We do send the client a copy of all e-mail with the simple message - "Your bcc"

Some ABA publication had a story about a lawyer in a family matter settlement negotiation who sent the other side an email and cc'd his client. His client "replied all" and wrote something about his intense disdain for his stepmother. Guess how well the settlement talks went from there.

We don't like to tempt the gods in our office.

Deb Matthews, Virginia

SoloSez Popular Threads, July 2014

No way. Client hits reply all and sends privileged communication to opposing counsel.

If clients really need to see messages, they should be forwarded separately.

David Masters, Colorado

Just to be clear....

When you say "OC includes client," do you mean that the OC includes her own client on e-mails to you, or do you mean that OC includes *your* client as an addressee on e-mails to you?

If it's the former (that is, the OC copies her own client), then it seems to me that is an issue between OC and her client. There may be reasons not to (particularly that the client may inadvertently "Reply All" with something intended only for you), but that is just a reason for you not to do the same.

If you mean that OC is sending copies to *your* client, then you might consider a gentle request not to do so. It may be a violation of the Rules of Professional Responsibility in your state for OC to write directly to your client (a represented party), but I would advise against going straight to that issue. Just ask politely, first, and decide later how to handle things if OC disregards your request.

Brian H. Cole, California

Absolutely not in my experience. Sometimes, yes I've seen it, but not often. Wholly inappropriate in my professional judgment

Rick Bryan, New York

I'm with the others. I will forward emails to the client instead of including them in the email.

Naomi C. Fujimoto, Hawaii

OC represents a Board, and he copies everyone on the Board (3 people). If I "reply all," am I not communicating with a represented person?? Additionally, I am unsure whether he expects me to respond to all or not. That point is irrelevant, however, because I intend to communicate with only the attorney.

Julie S. Mills, Ohio

SoloSez Popular Threads, July 2014

A few OCs I know do this. I sometimes BCC clients on emails, but it's only if it's a client I know is tech savvy.

I was actually on the other end of this once. OC would copy her paralegal, assistant, etc. on every email so I got used to seeing multiple recipients. I replied to all on one of her emails regarding some mundane issue, not realizing her client was one of the copied recipients. My reply was nothing bad in any way, but her client then replied directly to me calling me rude, unprofessional, and "lacking manners." She also threatened to report me to the Bar. After I stopped laughing, I forwarded it to OC and told her I obviously didn't intend to communicate with a represented party, etc., just to cover my ass. OC was not pleased with her client's response.

So, this can be dangerous both ways. Won't someone think of the lawyers?!

Ryan Phillips

I tell all clients its THEIR problem, I am only their agent, so I expect their complete attention and assistance. For that, in part, I BCC all incoming and outgoing emails, with the possible exception of some attorney to attorney communications. I also provide all docs filed of record by me or oc.

If client knows what is going on, you will have few calls.

John Page, Florida

I occasionally see contentious OC do this. I make a point of removing their clients and whoever else they included on the original email. Unless I know who the person is, they have an appearance in the case and their inclusion in the email is relevant, they are removed.

Opposing counsel may want to cc his clients but it is inappropriate for you to communicate with them. It is a violation of ethics rules.

In fact, many of these contentious counsel set up n this scenario hoping you will communicate with their clients directly so n they can claim an ethical violation or at least have the option of doing so when they need it.

Michelle J. Rozovics, Illinois
