

## Client Marks Every E-mail “Urgent”

I am trying to formulate a tactful way to tell this client that she has become the "boy who cried wolf" because she has never actually sent an email that could be construed as urgent, yet every email she has ever sent me has been marked "urgent". Her emails now go to the bottom of the priority list.

I am trying to figure out a tactful way to communicate this but am having trouble doing it in a way which won't be off-putting. Any suggestions?

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You may choose to explain that “urgent” has lost its meaning with that client’s emails because its overuse. Worse yet, an email that is not marked “urgent” must be meaningless (by comparison). Therefore, stop using “urgent” unless it is truly an emergency. You may decide to use an analogy that "makes sense" for that client.

But, applying the rule of unintended consequences, if it was truly an emergency then wouldn't they call you directly?

William M. Driscoll, Massachusetts

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Justin Kelsey recently published a blog post about out-of-office email replies, one of which includes an urgency rating system:

Urgency Rating of 1: You noticed my company has a mobile website and you think you can make it better.

Urgency Rating of 2: Your cat just yawned and you want to show me a picture.

Urgency Rating of 3: You want me to volunteer for a committee.

Urgency Rating of 4: You are a paying client and only my unique brand of straight talk, good looks, and being tall can solve your problem this week.

Urgency Rating of 5: You are Joss Whedon.

<http://blog.skylarklaw.com/2015/07/top-6-out-of-office-e-mail-notices.html>.

You might suggest to the client that she's welcome to label everything as URGENT as long as she also assigns an appropriate urgency rating.

Rackham Karlsson, Massachusetts

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Dear Client

I understand this matter is of utmost importance to you and that you expect timely responses. It would assist me in providing this service to you if you did not mark every email as urgent.

Instead, please place in the subject line a (insert whatever IE 3 word description of the issue) with further explanation of the problem in the subject.

If one of the following things should occur (list them out) please immediately call my office and or email with that as the subject line and the explanation.

For family law that list included

- 60 minutes past custodial exchange and child not returned/brought and no contact from other party
- had to call the police because other party is at the house causing problems
- the child came home with hand prints/bruising
- the other party took all the money, closed accounts, changed locks
- client or child is in the hospital, child is in the ER
- child support/maintenance was not paid on time (or other bill ordered to pay wasn't paid, or isn't going to be paid on time)

Erin M. Schmidt, Ohio

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"Everything is urgent, so nothing is urgent. I try to be responsive to client communications, including those with some urgency. However, urgency is an unusual exception, and must be rarely used if it is to retain significance. If every communication is marked urgent, then that becomes the standard communication. Standard communications are processed in the ordinary course of business."

However, my experience is that people who do this will not listen to the communication or will not internalize it, no matter what is said. I would consider when, how and whether to address the issue.

I have been known to tell clients to save up their notes and ideas and compose no more than one email per "\_\_\_\_" with the blank being two days, three days or some other appropriate period. Email is asynchronous, and I also train people not to expect immediate responses. I tell people that I will look at emails two or three times a day, and respond based on prioritization. Sometimes I am on more than that but the client expectation is set based on what I tell them. I have to get work done sometime.

Darrell G. Stewart, Texas

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Dear Client:

I read every email and evaluate each one for its urgency. Therefore it is not necessary to mark it as urgent. If it is truly urgent based on the facts and circumstances of the email, I will respond accordingly. If it is not urgent, I will respond in a timely manner.

That way your client knows the email will get read and will get a response.

Just an FYI: I have it in my retainer agreement that any communication outside of regular office hours will be evaluated for whether or not it is an emergency. The determination of an emergency is made by me alone, otherwise they will hear from me during normal business hours. This is to keep people from calling me on holidays because someone was late to pick up or drop off or wouldn't answer the phone so the calling parent could talk to the kids on the holiday.

Elizabeth Pugliese, Maryland

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"This is to keep people from calling me on holidays because ...."

As a kid growing up (in a relatively small town), we always seemed to go out of town on every holiday (even 3-day weekends). I didn't understand why until I was older. The reason is that my father was a dermatologist (in a solo practice). If he was in town on a holiday, he would inevitably get at least one "emergency" call from someone who desperately needed him to open his office and see the caller (or a family member) because of some dermatological issue. If my father asked how long the condition had existed, the typical answer was weeks (if not months). It was just convenient for the prospective patient to call at a time when both parents were off work, the kids were out of school, etc.

“Urgent” and “emergency” mean different things to different people, and at different times.

Brian H. Cole, California

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Let her know that emails are handled within XXX time period. Those marked "urgent" "rush" or "omg" incur an additional handling fee of XXX as you have to drop all your other work to handle the emergency.

Dave Rakowski, Pennsylvania

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E-mail them a PDF of The Boy Who Cried Wolf. Flag it urgent. Add nothing more. In theory, the subtlety and lack of explanation should prompt reflection.

Richard J. Rutledge, Jr., North Carolina

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Dumb question, but why does it matter? I set up a rule in Outlook that emails come in and are sorted by date. So they all get there. I can look and see if it is marked urgent. If it is, I can decide how urgent it is based on a number of factors.

But someone marking urgent shouldn't change how you handle it or how you respond to them. I tell all clients I respond within 24 hours, unless I am out or there is a family emergency. As long as you lay out that expectation in advance, her marking it urgent should be irrelevant.

Jonathan G. Stein, California

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As an afterthought (I have actually considered this, because there are listservs/associations that periodically send me things flagged urgent that are, in fact, NOT at all urgent.

I actually use priority flags on my own e-mails to keep certain things at the top of the Inbox, so when someone else flags it, I notice it - and it can annoy me.

Consider creating a "canned" response that is triggered as a rule whenever an "Urgent" message arrives. "This is an automated response, which has been generated because your incoming message was flagged 'urgent.' Please understand that all e-mail is reviewed by me and my staff as promptly as circumstances allow, and the priority of a response is based on many factors, such as court calendars, statutes of limitation, etc. Client work will always take precedence over commercial solicitations, etc. If your message is, in fact, time-sensitive, please re-send it with the deadline or due date clearly set out in the Subject line." Or something like that.

Then perhaps s/he will realize that if everybody flags everything urgent, nothing is urgent, and they're lost in the melee. And she might be less inclined to think that it's not just her, but still get the point.

Richard J. Rutledge, Jr.

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"I learned a while back, that if I don't text 911 people will not return my calls. Uhhm, but now people always return my calls because, they think that something horrible, has happened." - Michael Scott

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Dan X. Nguyen, California

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Why be tactful?

Michael A. Huerta, New York

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I am not sure what type of law you practice but if you are trying to be tactful, here are few things:

- 1) Ask her WHY she always sends 'Urgent'
- 2) Tell her what constitutes an "urgent" for your office
- 3) Explain to her in a 'concerned' manner as opposed to an 'ultimatum' manner. In other words, explain to her that her repeated efforts to constantly categorize 'non-urgent' matters as 'urgent' places a strain on your office because your staff will start to prioritize all of her 'urgent' calls as 'non urgent' which may result in the unintended consequence of missing an actual 'urgent' call

Now, that's ONLY if you desire to be tactful. Now, if you want to be "GANGSTA" (lol), you can mix it up. I don't know your relationship with your client but some clients, I tell them "I'm going to give you the professional lawyer speech and my straight off the block speech". The Professional lawyer speech is the one I just listed. I then say, here's the 'Get DOWN' and, as Michael Huerta would say 'why be tactful?' Just my two cents.

Anthony Reeves, Pennsylvania

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This is an off-shoot of a bankruptcy case. It is a stay violation. The main part of the bankruptcy is done. It is just the adversary proceeding that ticks on while the creditor fights tooth and nail to convince the court that all the debt collection efforts were not what they appeared to be.

If a client marks a voicemail or email as urgent, I will drop everything I am doing in that moment to figure out what the issue is. Otherwise, I only address routine communications a couple of times a day.

An example of one of her urgent emails was where she wanted to update me on their new address. I knew they were moving, and there was no need to drop everything and update my contact records. It certainly could have waited a day, a week or probably even a month.

Not approaching the client tactfully may result unpleasantness with someone I am representing on a contingency basis. I don't need them to decide that they don't want to deal with me anymore.

Original Poster

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99% of my clients are contingency. You might just try once to tell them to stop marking emails as urgent in straight plain talk. People appreciate straight plain talk. I withdraw when a client can't follow instructions, I always see a pattern, excessive emails, text messages, daily phone calls about the same issues over and over. Red flag. Give client straight plain instructions and they can't follow those, you know and I do from experience

they are going to blow the deposition or any testimony portion of a hearing or trial. I have literally bellowed in the face of a client who was in panic mode and had to be brought down to earth. A lot of people seem like they already suffer from anxiety, nerves or have a predisposition towards something like that and these legal problems don't help. I'm certainly not a doctor and have no problem suggesting they go see one or just dropping them from my client list.

Michael A. Huerta

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On both of my email clients, I have rules set to turn off the flag when an email is received. I haven't seen an urgent

flag in years. The rules were set up back when I used to receive spam.

Every email is treated with the same level of urgency. The urgent flag means absolutely nothing.

Mike Phillips, North Carolina

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You should mark every bill urgent!

Josh Friedman, Illinois

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