

Emailing Opposing Counsel

Folks:

I wonder what you do when you email opposing counsel. I see two types of emails from opposing counsel:

1. They email you with what they want;
2. They type up a letter, scan it, and email you the letter.

I, personally, prefer option 1. I just put it all out there. But, maybe there is some reason for option 2. What do you prefer?

2 is done when the assistant does most of the typing/drafting. Attorney reviews and, if what he/she wants to say, signs, then hands to the assistant to email (sometimes with attorney's own account). Or makes corrections by hand, gives back to assistant, who presents new paper version to sign then email.

I tend to email directly (1), but have done the other (2) when more convenient for me (as indicated above), when I'm also emailing something I'm mailing, or for another reason I want it on my letterhead.

Cynthia V. Hall, Florida

I use option 1... I just email. I find that older counsel send the letters as attachments and usually it is sent by their secretaries.

Thanks for being part of the solution,

Micah G. Guilfoil Payne, Kentucky

For meet & confers or an important communication that I think may be used in a court filing or might someday become an exhibit I use a letter and send it by email as an attachment. Emails (unless separately printed one per page) are more difficult to read and follow when there is a "chain" of emails, replies, some of which have attachments, etc.

Michael J. Boli, California

Sometimes I prefer to attach a letter to a short email if I had actually physically mailed the letter out to an opposing party and/or counsel. It is a way to document the fact that the emailed content does not deviate from the physically mailed content. It also creates a nice little electronic record of the physical correspondence.

Joseph D. Kamenshchik, New York

Me, I type up a letter and export to PDF, including my signature, when it is something important, and send as an e-mail enclosure so that I have a copy of that letter in my file. I name these files, e.g., "2016-08-10 - Letter to Jonathan Stein, Esq.pdf" (and, of course, have on the bottom "Sent by e-mail to jonathan@JONATHANGSTEIN.COM" to show the method of delivery) so that they are easy to find through the course of a case. Same goes for cover letters for e-filing: that way I have evidence in the folder that something was filed. The evidence is not necessarily for formal court proceedings: I find it helpful for myself to review the status and history of a matter easily, more so than scanning through dozens and dozens of e-mail messages in the client Thunderbird folder.

Michael Koenecke, Texas

I prefer to send and receive #1, but I have used #2 when I wasn't sure if I had the correct e-mail address or if I was using a form letter. I have also used option 2 when I knew counsel was going to have to send it up the chain at the firm or organization, because they attachments tend to be easier to forward along than e-mails. The original e-mail can sometimes get lost in all the forwarding.

Corrine Bielejeski, California

I use just an e-mail unless I expect that the communication would end up as evidence. Then I think that a letter is better than a printed e-mail.

Deborah Matthews, Virginia

For minor matters, email. For matters of substance I send letters (print to PDF and apply signature stamp); depending on the attorney I may send letter via regular and electronic mail.

David Masters, California
