

EMAIL COMMUNICATIONS FOR DEPARTING ATTORNEYS

In a perfect world, clients would be notified well in advance of an attorney's departure from a firm and the transition would be a smooth one. Unfortunately, this is not always the case. Email and other communications may continue to come to the firm long after an attorney has left the office. How should these emails be handled? The situation can become tense between the departing attorney and the former firm, with each party rightly concerned about the ethics of exposing potential and existing client confidences.

One solution is to set up an automated reply message which bounces back to the sender. The automated reply advises the sender to (1) Resend the email message to the departing attorney, if the sender intended the departing attorney to receive it; or (2) Resend the email to the firm, if the firm is the intended recipient. This solution preserves client confidences. A sample automated reply appears below.

The automated reply should be accompanied by a filter or email rule which deletes incoming email messages for the departing attorney after the auto reply has been sent. This will prevent incoming messages from being opened, saved, or forwarded. [If you are an Outlook user, see the PLF practice aid, Setting Up Automated Email Replies and Filters in Outlook.]

SAMPLE AUTOMATED REPLY

*******ANNOUNCEMENT REGARDING [DEPARTING ATTORNEY]*******

[Departing Attorney] has withdrawn from [Former Firm] and will be practicing law through [her/his] own law office beginning [date]. [Departing Attorney's] new contact information is:

[Departing Attorney]
[New Firm]
[Address]
[Telephone]
[Fax]
[Email Address]

*******IMPORTANT MESSAGE*******

YOUR EMAIL WILL NOT BE OPENED, SAVED, OR FORWARDED. PLEASE FOLLOW THE DIRECTIONS BELOW TO RESEND YOUR MESSAGE. YOUR EMAIL WILL BE DELETED FROM THE [Former Firm's] SYSTEM WITHOUT BEING READ OR REVIEWED.

To protect client confidentiality and legally privileged and/or confidential information, your email will NOT be read, will NOT be saved, will NOT be forwarded. It will be deleted from our email server without being opened.

If you intend your message to be read by [Departing Attorney] personally, please resend your message to [Departing Attorney] at [Departing Attorney's Email Address].

If you intend your message to be read by an attorney at [Former Firm], please resend your message to [Designated Attorney] at [Former Firm Email Address]. If you would like to speak with an attorney at [Former Firm], please contact [Designated Attorney] at [Telephone Number].

Thank you for your cooperation and understanding.