

Use of E-Mail

In only a few minutes, an e-mail message can be sent at virtually any time of the day or night, from almost anywhere, without regard to whether the recipient is in his/her office, or even in the country. This allows a message to be sent at the convenience of the sender and read at the convenience of the recipient. This functionality effectively puts an end to "telephone tag" and to the need to take notes during or prepare a memorandum following a telephone conversation. Such convenience has helped e-mail become a common tool for communication on the University's campus, as elsewhere.

Increasingly, e-mail is becoming a major focal point for plaintiffs during the discovery phase of a law suit. It is not uncommon for an e-mail message to provide the "smoking gun" in suits alleging employment discrimination. As a result, anyone considering using e-mail to communicate information or opinions regarding any personnel matter should consider carefully whether use of e-mail is appropriate. In making that assessment, it is wise to assume that everything contained in that message will become known to all of those individuals directly or indirectly affected by the decision made in that personnel matter.

You may still use e-mail to provide information to and obtain advice from the Office of Counsel, so long as you do not send copies of that e-mail to others who are not providing legal advice regarding the matter dealt with by the message. Such e-mail will be protected by the attorney-client privilege. However, even such a practice is not without hazard since mis-typing an e-mail address by a single letter can result in the wrong person receiving the message.