

ELECTRONIC ETIQUETTE

By Catherine M. McFadden

We cannot emphasize strongly enough how important it is to exercise caution and self control when using e-mail, text messaging, voicemail, Facebook and any other form of communication that can be used against you. You are our client, and we want the best possible outcome for you. We need your help to get the best outcome. Please take these suggestions to heart.

Be aware that whatever you write or leave on voicemail may be used in evidence against you in protection from abuse, child custody and other actions.

Keep communications factual and short.

Maintain a tone of professional courtesy.

Do not communicate about your feelings. Do not use foul language. Do not make personal comments or express your opinion about the other person's character or conduct. Do not make threats.

Do not hit the send button if you are angry.

Never use all capital letters. Typing in all caps makes it look like you are shouting.

Do not say anything to the other parent or about the other parent that you would not say in a public courtroom in front of a judge who would really like to send you to jail for violating the no-insult provision of your child custody order.

When in doubt, ask your lawyer if the proposed communication is okay — this is particularly important if you are in litigation. Your lawyer does not want to be surprised by introduction into evidence of an e-mail, text or other communication you should not have made.

Use spell check for your e-mails. This will make your communication more polished and will slow you down if you are thinking of sending an e-mail that you should not send.

Do not be enticed into bickering. If you receive an e-mail, text or other communication accusing you of being a bad person (jerk, louse, lazy, mean, selfish, self-centered, immature, etc.), do not respond in kind.

Take every necessary step to avoid misdirection of your e-mails. You do not want the other parent to receive a copy of your e-mails to your lawyers. Avoid "reply to all." Avoid or disable programs that complete the typing of e-mail recipients' names.

Do not copy the other parent's lawyer with your e-mails. Do not show your own lawyer as a recipient of your e-mails. When you forward your e-mails or the other parent's e-mails to us, transmit by using "forward."

Do not use the blind copy button ("BCC").

When using e-mail, take deliberate care to write a "re" line reflective of the content. This helps you find e-mails you may need in the future when preparing for court. Stay away from long strings of e-mails where you and the other parent hit "reply" over and over. ♦

This summary of legal issues is published for informational purposes only. It does not dispense legal advice or create an attorney-client relationship with those who read it. Readers should obtain professional legal advice before taking any legal action.

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