

## **Notice Regarding Confidentiality of Emails and Text messaging**

A recent opinion from the American Bar Association advises about the potential pitfalls in using emails and text messaging to transmit confidential communications, particularly where the communications are over work place devices or systems. We cannot guarantee that your employer or others within your home will not have access to personal email communications and text messages. Before permitting this as a means of communication with our office you should make an inquiry as to the level of privacy protection that any such communications will have.

To better facilitate this caution please inform us of the preferred means and manner of communication, and whether you would have any concerns about potential confidentiality leaks. For example, although many employees may be aware that accessing their personal email via a work computer might potentially allow the employer to view their personal email, you may not be aware that accessing your personal electronic messages via an employer-provided smartphone might raise similar issues. Text messaging may raise comparable concerns.

Employer-provided computers, systems and smartphones are not the only concern here. Even where you access personal email on a personal smartphone or home computer, there may be issues of access by other third parties, such as family members, particularly in cases such as divorces or will contests. Other problems may arise with the use of hotel or library computers as well.

Part of our duty to a client is to educate you about the nuances of the attorney-client relationship and the obligations of both lawyer and client to preserve that confidentiality.

Please note your election whether and in what manner you do or do not wish to receive and transmit messages by electronic means:

1. I do/do not agree to the use of email for confidential communications at the following email

address:\_\_\_\_\_.

2. I. I do/do not agree to the use of text messaging at the following phone number\_\_\_\_\_

Client:\_\_\_\_\_

Date:\_\_\_\_\_