

The Ethics of E-Mail and Social Media: A Top Ten List

This interactive program uses hypotheticals to explore the unique and quickly evolving issues involving the widespread use of electronic communications such as email and social media, including: (1) creation of the attorney-client relationship (including the effect of an unsolicited email from a prospective client); (2) communications with clients (including the implications of "virtual" law practice); (3) communications within a corporate client (including courts' analysis of intracorporate communications, the effect of widespread intracorporate circulation, document creation, and whether a corporation's lawyer can read an adverse employee's personal privileged communications found on company servers); (4) communications with adversaries (including use of "reply to all" when communicating to an adversary, the responsibilities of lawyers receiving inadvertently transmitted communications, and metadata); (5) working with others (including working with service providers and outsourcing of discovery work); (6) discovery (including searches of adverse parties' and witnesses' social media, and the privilege effect of an inadvertent production of a privileged document); (7) jurors (including jurors' independent Internet research); (8) judges (including judges' independent Internet research and "friending" of lawyers); (9) end of the attorney-client relationship (including the effect of marketing); (10) marketing (including the marketing rules' application to "blogs," and bars' characterization of the intrusiveness of electronic marketing).