

DOs and DON'Ts:

For Community Association and Board E-mail

The use of e-mail in interpersonal communications and particularly in community association operations has become universal. However, using e-mail requires certain generally accepted etiquette. In addition, e-mail transmissions do carry some risks. Below are some tips to enable you to more effectively use e-mail.

DO Use e-mail to expedite communication.

DO Be careful what you write in your e-mail. Not only can messages be easily misinterpreted because there is no voice inflection to indicate meaning; they also can become “viral” and be distributed to many other people instantaneously.

DON'T Use e-mail to be sarcastic or to make a joke. It may not be understood that way. It may damage a relationship you have or it may be used in a subsequent proceeding against you.

DON'T Press “Send” until you have double checked your e-mail.

DO Type your message in full before filling in the addressees. Then, if you accidentally hit “Send” before completing your message or if you make an error, the e-mail will not be sent.

DON'T Use “Reply All” unless it is important that all persons who received copies of the initial e-mail receive your reply.

DO Check all names in the “cc” section of the e-mail you received before using “Reply All” to be sure that each copied person should receive your reply and also that there is no addressee copied on the original e-mail that should not receive your reply.

DON'T “Reply” or “Reply All” to ever-increasing e-mail chains unless it is necessary for each e-mail to contain the chain. Cut off unnecessary prior messages.

For Community Association and Board E-mail

- DON'T** Make board decisions by e-mail. Decisions on most matters must be made in open board meetings, which may be attended by owners, and should be based on deliberation and discussion by the board members.
- DON'T** Use a work e-mail address when sending or receiving confidential information. Such e-mails may be subject to review by your employer and therefore would lose their confidentiality and protection.
- DO** Include a designation that the e-mail is confidential and include a disclaimer that the e-mail is intended solely for the addressee when e-mailing confidential information so that if it is mistakenly sent to a wrong party, it may still be recallable and unusable by that party.
- DON'T** Delete e-mails pertaining to potential or pending litigation. E-mails are discoverable in litigation and if they cannot be readily produced when necessary, sanctions may be imposed.
- DO** Save or store all e-mails regarding any potential or actual litigation involving the association or yourself until your attorney tells you that you may discard them.
- DO** Remember that e-mails are permanent, and whatever you write is perpetual. Even if you delete an e-mail, it may be recoverable, and copies also may be available from the recipient or others to whom the original recipient forwarded it.

For more information, contact Hill Wallack LLP's Community Association Law Practice Group at 609.924.0808.



© All Rights Reserved. All written materials are property of HILL WALLACK LLP and may not be reproduced or distributed without express permission of HILL WALLACK LLP.

This document is intended to provide general information (not advice) about legal issues. Readers should not act upon this information without consulting with legal counsel. This document is not a confidential communication and is not intended to and does not create an attorney-client relationship.