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OF THE DELAWARE STATE BAR ASSOCIATION



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YOU'RE ON MUTE: AVOIDING TECHNOLOGY FAUX PAS IN PRACTICE

BY NICOLAS E. JENNER, ESQUIRE, AND ROXANNE MERRILL EASTES, ESQUIRE

Whether we like to admit it or not, young attorneys are often viewed as *ad hoc* technical support around the office. Considering this fact, the Young Lawyers Section (the “YLS”) thought it fitting to share some issues we have noticed or that were raised by our colleagues that can easily help differentiate you as a tech savant instead of an IT terror. It is our goal to address such technological “faux pas” in hopes that our collective knowledge and experience can help you look more tech-savvy and make life easier for all those with whom you interact via technology.

“One Touch” Conference Calls

How many conference calls do you have every month? Each call typically requires each attendee to dial-in and enter a passcode. Thanks to Outlook and other similar calendar applications, the dial-in information should be readily accessible in the meeting details. But there is a better way to send conference call invites. By formatting the call-in details for “one touch dial-in,” the invitee can join with one touch. To do so, the following format must be used: (1) conference call number, (2) immediately followed by two commas, (3) immediately followed by the passcode, (4) immediately followed by the # symbol. For example: 8003081764,,12345#. This makes connecting to a call much easier for those who are working remotely or who are using their cell phone by eliminating the need to copy down the details or look at their computer as they enter all the details manually. While it may seem inconsequential, consider all the times that you have been in a hurry, trying to connect to a call, just to have the challenge of getting connected.

MORE ONLINE > For ease of reference, the YLS has compiled detailed instructions for certain tips discussed in this article that require further explanation. Find it by scanning the QR code or by visiting <https://www.dsba.org/sections-committees/sections-of-the-bar/young-lawyers/>.



Time is of the Essence

For each of your conference calls, Zoom sessions, or Teams meetings, how often do you and your counterparty discuss allocating the appropriate amount of time to address the items on the agenda? Setting expectations for timing is in your self-interest and avoids uncomfortable and unprofessional moments when the expectations and reality don't match.

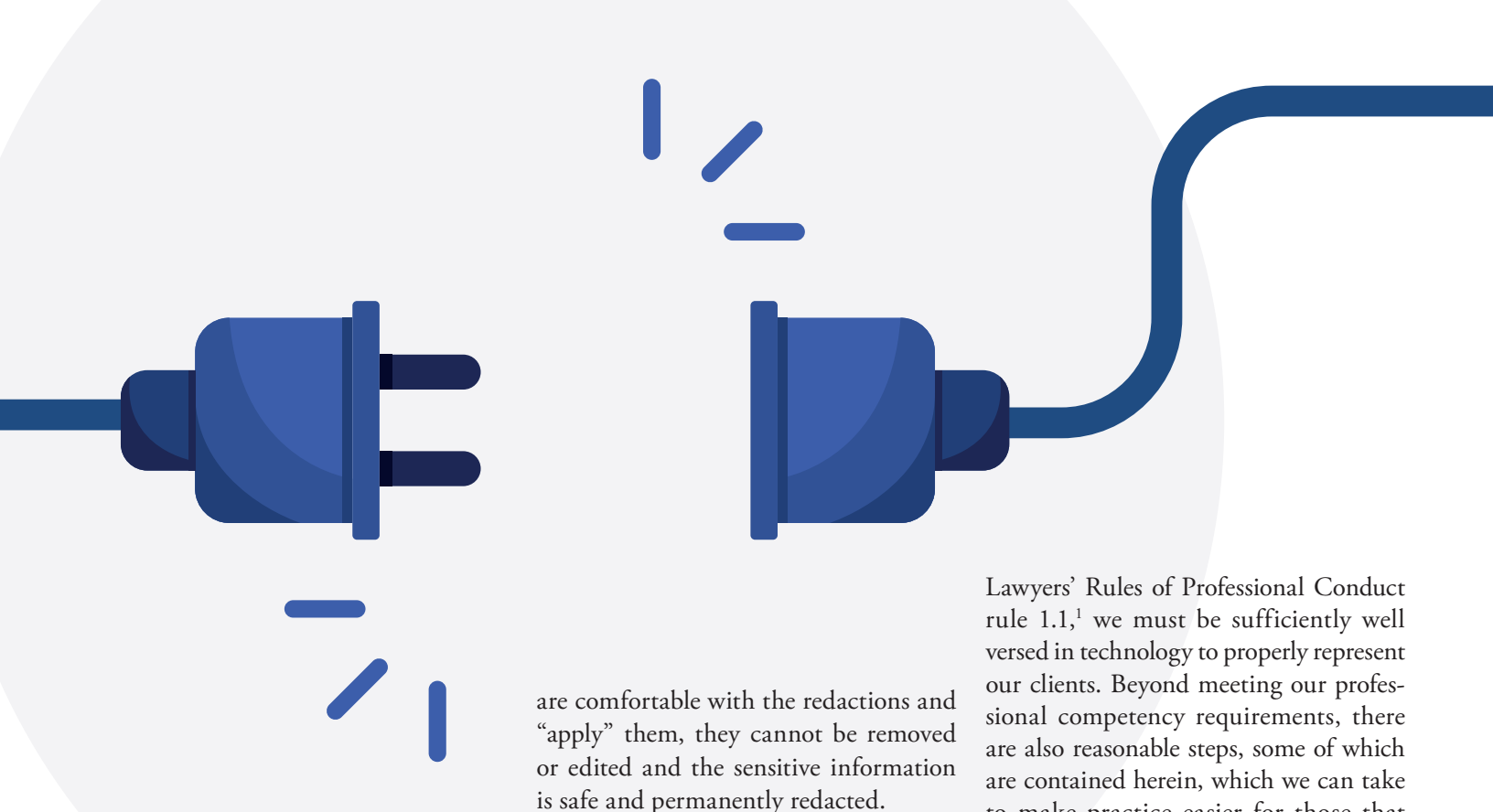
File Sharing Applications

Sharing Links Instead of Attachments for Large or Numerous Documents:

Sick of getting the dreaded bounce back messages when emailing large files or only attaching 99 out of 100 files? One simple, modern option is to take advantage of a secure file sharing service, such as Microsoft One Drive, ShareFile, or Box. These services allow you to easily create folders containing your selected files and then share them via a secure link that can be distributed via email. These services also provide various security and access options to protect the transferred files.

Delayed Delivery In Outlook

Have you ever drafted an email but wanted to send it at a different time?



Perhaps it is just after close of business but you want it to be at the top of the recipient's inbox the next morning or it is during the weekend and you don't want to bother someone at that time. You can, and it's easy. Microsoft Outlook's new "delayed delivery" feature allows an email to be sent at any future time. Draft the email as you normally would and select the option for delayed delivery. Set the time for sending, hit send, and the message will sit in your outbox until your selected time. Some versions of Outlook now even automatically provide a prompt for this option if you are drafting an email outside of business hours.

Properly Redacting Sensitive Documents

It can be catastrophic if you do not redact a document correctly that could result in sensitive information becoming public. Simply using the black highlighting feature on a PDF or a Word document is insufficient as those edits can be reversed. To avoid this disaster, make sure that you use the redaction tool on a PDF document in Adobe Acrobat. The tool allows you to highlight the text that needs redactions, so that you can go back to edit them if needed. Then, once you

are comfortable with the redactions and "apply" them, they cannot be removed or edited and the sensitive information is safe and permanently redacted.

Replying All Unnecessarily

Mass emails are necessary at times but become a pain when a person starts a reply all chain that unnecessarily fills inboxes and wastes time. You certainly do not want to be that person, especially when the reply is only aimed at one person or a limited subset of persons. Take a moment before you reply to make sure that only the intended recipient receives your email and you will save yourself some embarrassing water cooler conversations.

"Redpenning" Documents Prior to Distribution

No matter how many times you have looked at a pleading, memo, or email, right after you press send, you are bound to see a typo or two. A good tip is to create a redline and review just the updates on the document to make sure that you have not made any mistakes. Better yet, go old school and print out the document so that you can review a paper version because it is often easier to catch mistakes on paper. Of course, remember to recycle the paper afterwards!

Conclusion

As attorneys we are not required to be tech experts, but under the Delaware

Lawyers' Rules of Professional Conduct rule 1.1,¹ we must be sufficiently well versed in technology to properly represent our clients. Beyond meeting our professional competency requirements, there are also reasonable steps, some of which are contained herein, which we can take to make practice easier for those that we are dealing with and to appear more professional. By no means are the points contained herein exhaustive, but the YLS encourages you to implement some of them into your practice — your colleagues and counterparties will thank you. 🙏

Notes:

1. Rule 1.1 requires a lawyer to competently represent a client with the requisite "legal knowledge, skill, thoroughness and preparation." See Del. Rules of Prof'l Conduct Rule 1.1. A lawyer must maintain competence in legal practices "including the risks and benefits associated" with the *technology* used in the representation of a client. See Del. Rules of Prof'l Conduct Rule 1.1 Cmt. [8]. A lawyer must competently preserve the client property and information he or she has been entrusted with while using technology. To this end, lawyers may maintain competence through individual training or employing staff who are competent regarding the use of technology.



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