

# CyberBytes



**Subject: CONFIDENTIAL OR PRIVILEGED. IF YOU ARE NOT THE INTENDED RECIPIENT DO NOT READ THIS DOCUMENT AND CONTACT THE SENDER**

Attorney/Client Privilege is arguably the glue that bonds the relationship between those two parties. When it comes to communications between attorneys and their clients on legal matters via e-mail, disclaimers like the one above are better than nothing, but in no way come close to protecting the contents from inadvertent disclosure to third parties. In fact, a recent court ruling ([U.S. Court of Appeals for the First Circuit \(No. 03-1383\) found on June 29, 2004 that Mr. Bradford C. Councilman did not break the criminal wiretap laws by copying and reading e-mail of his customers when it affirmed the U.S. District Court's order dismissing count one. In that case, the court determined the e-mail was already on the defendant's servers. The decision relied on the fact that the e-mail messages were "stored" communications and not intercepted over the wires while in transit.\)](#)

The combination of convenience and expediency are the primary factors contributing to the full embrace of e-mail communications between attorneys and their clients. The inherent risks to the attorney-client privilege and the work product doctrine when communicating via e-mail have increased over time due to technology related vulnerabilities and the current interpretation by the courts concerning privacy. For more specific details on contributing factors that should concern attorneys when employing e-mail on a regular basis, click the following: "[E-Mail and the Attorney-Client Privilege Paradox](#)".

At *PrivilegeMail.net*, our technologists and law professionals have developed a solution process that addresses all of the security-

related challenges that exist from the lawyer's desktop computer, over the Internet, and finally to the client's desktop computer without requiring any software to be loaded on either computer. *PrivilegeMail* has been designed to support encrypted e-mail between attorneys and their clients using the Microsoft Outlook™ or Outlook Express™ e-mail interface and nothing more. As a subscriber of *PrivilegeMail*, you are in control in creating your list of clients for receiving and sending encrypted e-mails with you. After downloading an installation executable to configure the Outlook™ or Outlook Express™ settings, users are ready to start using *PrivilegeMail* within minutes.

*PrivilegeMail* is the right solution to recommend to your clients to adopt a secure method of communicating via e-mail with you. *PrivilegeMail's* detailed billing service supports accurate tracking of all activities on a per client basis to accommodate your firm's service billing procedures, so there is no cost incurred by counsel.

*PrivilegeMail* requires no *set-up fees*, no *software*, no *in-house technical support*, and no *changes to your firm's or client's computer networks*. For a nominal monthly subscriber fee, your attorney-client privilege security issues can be eliminated. Visit our website to see for yourself, just how easy it is to sign up and start using [PrivilegeMail](#) within minutes.