

How to Manage Your Workload

*Time, Task, Email & Distraction
Management for Lawyers*

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Tame the Digital Chaos

Distraction, Time, Task & Email Management

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How to Manage Your Workload

Distraction, Time, Task and Email Management



I. INTRODUCTION

*I welcome change, as long as
nothing is altered or different!*

The purpose of this seminar is simple ... teach you the habits you need to make technology *your* servant and gain control of your work day and personal life.

Technology is supposed to be *our* servant. However, for most of us, we have become a servant to technology. We need to turn that scenario around, and make technology work for us ... not against us. Technology is controlling us in a very negative way. Technology is supposed to be helping us do more in less time. You've heard it ... Do more in less time and go home early, right?! If that is the case, then what happened? In my humble opinion, we have all become so dazzled by technology that we lost common sense. I hear comments all the time like:

"I can't get anything done because I get so many emails every day!"

"My work piles up because of all my interruptions."

"I do better with good old-fashioned paper."

"I can't keep track of my tasks ... I constantly let things slip between the cracks."

I am fairly sure that managing tasks and time is a problem that has probably been around for a very long time. Most of us wish that we had another few hours a day to get things done. For most of us, technology has hurt us almost as much as it has helped us. Add up

the number of emails, instant messages, smartphones, social media posts, laptop computers, tablets, and we just cannot escape the endless number of interruptions that prevent us from focusing and “being present” to tackle all that we must do in a single day.

The system outlined below combines distraction management skills with some of the time management techniques outlined by experts like David Allen, Dr. Stephen Covey, etc., but applies them utilizing technology tools for professionals in a much more simplified way. Many time management experts shy away from technology, if not outright reject it! I firmly believe this is a huge mistake. Reverting back to paper in this day and age is a cop-out, especially in the age of technology and smartphones.

II. DISTRACTION MANAGEMENT

- A. **Information Overload – Managing Distractions in the 21st Century:** 150 emails, ... 50 instant messages, ... 20 telephone calls, ... 15 walk-in interruptions, ... 25 social media notifications, ... 50 email or internet curiosity breaks, ... that totals 310 digital interruptions. Divide that into 480 workday minutes and that is an interruption every 1.55 minutes! Most studies that I see indicate that the average American worker is interrupted every 2-3 minutes. Now let's look specifically at just *internal* interruptions ... In 2015, the average American worker checks Facebook 21 times per day, takes 74 email curiosity breaks, and switches tasks on a computer 564 times a day! With these numbers of external and internal interruptions, it is incredible that we get any deep level project work accomplished.

In a 2007 Microsoft Corp. study, researchers concluded that it takes 15 minutes to return back to the work that computer programmers were performing at the time of an electronic-based interruption. If we get interrupted every 2-3 minutes, and it takes 15 minutes to return back to the work we were performing, how do we get anything done during the course of the day? This is why we look at our timesheets somedays at 5 pm and see only 2 hours of billable time, but we feel like we put in a 14-hour day.

The reality is that we live in an age of information overload. We are constantly connected to the world and inundated with information. We sleep with our smartphones ... we are surrounded by 24-hour news networks ... social media ... tablet computers ... we can't escape. This is why very smart people underperform. Do you ever wonder why your head is in a constant cloud and you are unable to focus? It is called Attention Deficit Trait (ADT) and it is becoming a world-wide epidemic.

ADT is a relative to Attention Deficit Disorder (ADD), but it is very different in that ADD has a genetic component. ADT does not. ADT is environmentally induced, and in today's age of information overload, those environmental factors are technology-based. In other words, ADT is a condition that is in large part caused by the technology and connectivity that we love so much. Yes, the very technology that we love so much is causing us to walk around with foggy brains and causing us to underperform. The scary part is that no one knows the long term effects of information overload. However, some shorter term studies suggest that the problem is getting worse. More recent studies show that it takes slightly over 23 minutes to return back to the work we were performing at the time of a digital interruption.

What can we do about it? We need to rethink and realign the way that we live with technology. Listen, I love technology. It is my life and passion, but I sometimes don't like it so much, especially when it has a negative impact on productivity and my personal life. We combat ADT and overcome our inability to focus by attacking ADT on four fronts:

1. Personal Health
2. Workplace Health
3. Learning a Time, Task & Email Methodology
4. Learning Attention & Distraction Management Skills

Personal Health is important on two fronts – Physical and Mental. Physically, we know that when we are fit, well-rested and healthy, we feel like we can conquer anything. When we overeat, and when we are sleep-deprived, every situation sometimes seems to be doomed for failure. As an example, we know that we cannot eat a foot-long sub full of meat and processed bread, a bag of chips and piece of pie for lunch and come back and expect to stay awake or concentrate. From a mental health perspective, we also know how difficult it is to concentrate and be productive when we are depressed, or when we are focusing on a personal relationship that is suffering. We can't ignore these two important areas of our personal life. If these areas need improvement, hire a personal trainer and start exercising, and go see a therapist or life coach to help get your physical and mental health back on track.

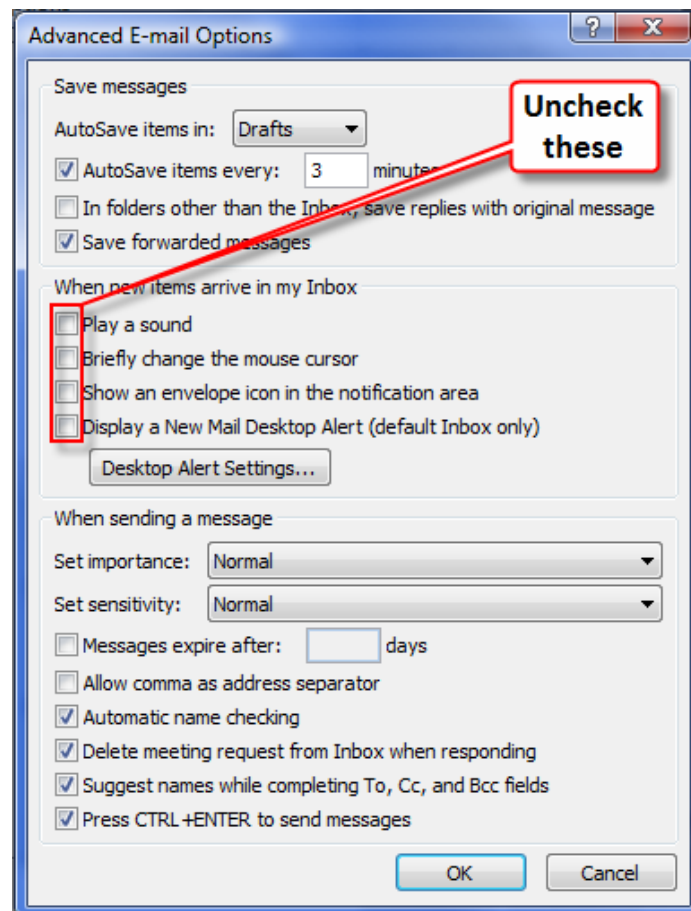
Workplace or Organizational Health is also very important. We know how difficult it is sometimes to focus in an environment that is negative or unhealthy. We know how difficult it is to operate in an environment full of drama and distrust. We need to focus on ways to improve workplace health. I am not a subject matter expert on this, but a great starting point that I recommend would be two books – Five Dysfunctions of a Team and The Advantage, both by Patrick Lencioni.

Learning a Time, Task and Email Management Methodology is the third front that we need to address. We need an effective way to (1) process the hundreds of digital and human interruptions/tasks that we receive during the course of a day, and (2) organize the tasks, digital information, and paper information that hits our desk. In other words, we need a digital methodology to get organized ... and stay organized. If we don't have system in place, we will operate in state of chaos. Studies show that if we do not have an effective task management system to capture our tasks and file away that information, we continue to worry about those things, which has an enormous impact on our ability to focus. I am an advocate of using and customizing tools like Microsoft Outlook and our smartphones to process this information. For those of you in the legal profession, I also think that legal document management systems can be extremely helpful to legal professionals. These are tools like Worldox, NetDocuments, iManage or OpenText.

Attention Management Skills is the fourth front that we need to address. As it relates to this, I want to share 5 Attention Management tips that are easy, practical, and will make an immediate impact on your ability to focus:

1. **Turn Off ALL Notifications.** Notifications are bad. Why would we give the world a hotline to our brain? Turn all notifications off ... and I mean ALL of them. In Outlook, email notifications can be turned off by navigating to File > Options >

Mail and deselecting the four different methods of notifying you when a new message arrives.



On an iPhone, go to Settings > Notifications and go through and turn off notifications by App.

2. Practice Single Tasking. It is not enough to say that multi-tasking is bad. We need to practice single-tasking. We need to clear our desks AND our multiple monitors of information that is not directly relevant to the project that we are executing. For example, you should always minimize Outlook on your second monitor unless you are batch processing emails, planning your upcoming tasks, or using that information for the task that you are performing. Why would you leave up on your beautiful 21" screen the single most chaotic distraction known to man in the 21st century ... Email. That is insane if you think about it. Email feeds us distraction bombs every 30 seconds to 5 minutes. How can we possibly focus if we see those bombs land in our inbox? Just because we have 2 or 3 monitors, doesn't mean that we need to have something displayed on them, especially if the information displayed derails our ability to focus on the task in front of us!

3. **Pomodoro.** Pomodoro is an easy technique that utilizes the 25-minute tomato timer. We single-task (preferably deep-thought work) for 25 minutes and then take a break and do something relaxing for 5 minutes. In other words, we work in intervals. The human brain functions very well, maintaining attention to a single task for 25 minutes. After 25 minutes, we begin to lose focus. By giving ourselves a 5 minute break, we can return to deep-thought work for another 25 minutes very easily. Feel free to adjust the 25 minutes to something a bit longer if you want. I know a lot of folks who work 40 minutes or longer and take a 5-10 minute break. This technique will make a huge impact on productivity and will also help combat procrastination. Think about it, we can endure even the most tedious dreaded task for 25 minutes, right? Once we get a little momentum going and we get immersed in the project, it becomes a lot easier. One important note: Do not process emails during your 5 minute break! Take a real break and do something relaxing like getting some fresh air or water, or take a 2-3 minute walk.

4. **Tackle Deep-Thought Work Early in the Day (or when rested).** Dive into deep-thought work, writing, projects early morning. There is little question about it ... our brains function better following quiet time or sleep. We also know that we can be highly productive while the rest of the world is sleeping because there are far fewer (if any) interruptions. This can be one of the most productive times of the day.

5. **Have a Plan! Daily and Weekly.** Studies clearly show that when we have a plan ... a roadmap, we are less distracted. We are more focused. Start your day by taking 5-minutes to create a simple plan for the day. Identify and write down the 3-5 things that you need to accomplish. Next, time block your entire day. In other words, create an appointment to plan your entire day. Once a week, take 1 hour to do a deep dive into your next two weeks of your appointments, the past 2 weeks of appointments, your entire task list, your case/matter/project list, and convert any sticky notes to tasks.

6. **Batch Process Emails.** Studies show that the average American worker checks email 60-80 times a day. This behavior will destroy your day. How can anyone focus when they check email and process fires & bombs every 10 minutes?! It is impossible. Instead of checking email 70 times a day, be more deliberate about when you check email. Aim for 5 times a day. Everyone's situation is different, so you just need to test this out and balance the need to be responsive vs. your need to focus on billable work or project work.

7. **Have a Task List.** When you are working on a project and experience a "random neural firing", you better have a system in place to record that thought so you can get back to focusing on the task at hand! If you don't have a task list, you will (a) forget to do it, and (b) your subconscious will continue to worry/think about that task, which has a devastating impact on our ability to focus.

8. **Learn to Say No.** You don't have to be jerk when you say no. In fact, if you say no too often, you will probably be fired. However, you need to learn how to

say no, when appropriate, or learn how to professionally say you are drowning in work. One easy thing you can do right away is put limits on the volunteer and non-billable work that you do. We all need to do some, but at the end of the day, we are all unfortunately judged by billable hours. It is unfortunate, but true.

9. Crate your Phone. Our smartphones are killing us in so many ways. You know this is true. Silence your phone and put it in your desk drawer for 50-60 minutes at a time, unless you are expecting an urgent call. This will allow you to catch important calls/texts and be responsive, and at the same time, achieve focus while working on projects.

10. Create Rituals. Rituals are small checklists or short rigid schedules designed to execute the same desired tasks during a set period of time. Rituals keep you on task. They are extremely helpful because they help us form positive habits and prevent us from taking email or internet curiosity breaks. As an example, I have a morning administrative ritual whenever I am physically in the office and not speaking. It looks something like this:

- ✓ Eat breakfast at my desk (Oatmeal)
- ✓ Fish oil, garlic & vitamins
- ✓ Reach out to one new organization for business development (speaking)
- ✓ Ask a potential client or existing client to grab coffee in a city where I am speaking
- ✓ Review my potential new client report
- ✓ Reach out to past clients without active matters just to check in
- ✓ Check in on recent clients/projects
- ✓ Business social media
- ✓ Birthday wishes
- ✓ Check in with my leadership team members
- ✓ Check in with my partners
- ✓ Check in with my immediate team

Rituals also remind us to do things that we frequently forget ... things that we commit ourselves to do as New Year resolutions or annual goals. By adding rituals and checklists into your life, you can greatly enhance your ability to focus and do those things that seem to always fall off our radar. I discovered an awesome App for the iPhone/iPad called Checklist Again to organize all my daily rituals.

- B. Pardon the Interruption:** In an eight (8) hour work day, if we receive 100 emails, that equates to receiving one email every 4.8 minutes. Sound familiar? It should, because that is the world most of us live in. Combine that with instant messages, phone calls and what I call email curiosity interruptions, that equates to one interruption every 2-3 minutes! What can you do to minimize the distraction?

Take the following quick survey:

1. Interruption Survey:

- Average number of emails you get per day:_____
- Average number of instant messages per day:....._____
- Average number of phone calls you get each day:_____
- Average number of curiosity email or internet breaks each day: _____
- **Total Interruptions Per Day**_____

2. Other Questions to Ask Yourself:

- What percentage of interruptions really need immediate attention?_____
- Has technology simplified your life? ☐ Yes ☐ No
- Is technology controlling you? ☐ Yes ☐ No

- C. Are You Using Outlook Effectively?** Probably not. Although millions of people use Outlook, most do not use all of its functionality to their advantage. In this seminar, we'll give you some great tips for making better use of Outlook.

- D. How Do You Track Tasks?** At least 75% of those people polled in technology audits that I perform indicate they keep track of tasks on a piece of paper or a legal pad, and then end up transferring and combining those notes.

- E. Email Storage & Archival:** What do we do with all the email we get and prevent it from being such a major interruption to your productivity? There are several problems related to this:

- How should you archive old email?
- How do you deal with attachments and keep from losing them?
- How do you search for old conversations quickly and efficiently?

- How do you keep your email but not run out of server space? Why does the IT person keep telling you that you have too much email in your inbox and you're clogging up the server?
- How do we stop using our inbox as a task list?

F. Too Much Legitimate Email To Deal With Effectively: Many people simply receive more email than they can read and keep up with. How do you sort, store and track all of this email? What can we do to reduce the amount of email that we receive?

G. Spam Getting Through: There are lots of ways to avoid SPAM, and yet it still manages to get into our mailboxes. What can you do about it?

In the forthcoming chapters, we will address the strategies and practical solutions to these problems.

III. TASK & TIME MANAGEMENT

Are you going to embrace technology so you can master it, or are you going to remain a servant to technology?

Task management is the process of capturing/recording tasks and executing them in an efficient manner.

Time management is how you utilize your time to execute the tasks on your plate. Although quite related to task management, they are quite different.

At one end of the extreme, there are people who know exactly the 250 items on their task list, but sometimes can't accomplish one of those tasks on a given day because he/she cannot focus and execute. These folks tend to be over-thinkers. They cannot execute because they get so tripped up on thinking through every scenario to the point of mental exhaustion.

At the other end of the spectrum, there are those who are excellent at executing tasks that they do, but other tasks slip between the cracks because maybe they are terrible capturers/recorders.

Most of us are poor at both because we simply have too much to do in a given day. The reality is that urgency is a fact of life. I have visited thousands of legal professionals over my career, and I have yet to encounter a law office that doesn't operate in that environment! Now, layer in technology, and most of us are even worse because we have let technology dazzle us to the point that we have lost most of our common sense. I am talking primarily about email, but it extends to social media, internet use, and apps on our mobile devices. In the middle we have those of us who simply do not get to items 100-225 because we simply do not have enough time.

While technology can be blinding us of the solution, the beautiful thing about technology is that it can solve the capturing/recording, and at the same time make us more efficient to do more in less time. I am also an advocate of using SOME paper (limited) in our workflow. Sometimes it just isn't smart to use a computer monitor when paper would better serve us, ... or we simply don't have enough computer monitors to display all the information that we need.

- A. Starting Point – Gathering Everything:** The starting point to effective time management is carving out the time you don't have ;-) to gather all your tasks, goals and "random neural firings". This includes everything from the post-it notes on your desk and in your car, to loose papers, to new lists and old lists of unresolved items and issues. At this point, do not worry about whether you should gather it or not ... just do it and err on the side of gathering it.

B. Record Everything – the Master Task List: Many time management experts develop elaborate and separate task lists. In my belief, these techniques fail because they are too complicated and there are too many lists in too many places. For task management to work, it must be simple and convenient. It cannot take you 6 months to learn and master the system! Maintain just as many lists as you need, but not too many. Think about using the following four categories/lists:

1. Client – General
2. Administrative
3. Business Development
4. Home/Personal

Start entering everything into the Master Task List. For this, I strongly recommend Outlook or Wunderlist (www.wunderlist.com), integrated with Outlook.

C. Why Outlook + Smartphone is the Ultimate Capture Tool: Remember my rule. This process must be convenient and simple. Outlook is consistent with my rule because of its convenience, ease, versatility and ability to integrate with smartphones. If you cannot easily “capture and record” your random neural firing, thought or task quickly and in a central location, that task will either be lost or quickly forgotten. Outlook via Smartphones offer this solution. Before smartphones, maintaining a task list in Outlook was nearly impossible because you simply can’t carry your desktop computer around and you cannot wait 5 minutes for a laptop to boot up and start Outlook in order for you to capture and record the task. Smartphones (and tablets like the iPad) are instantly available. You can use Siri on an iPhone or voice commands on an Android device to create the reminder or task. There is no boot-up process. In fact, arguably, it is faster than recording it on a random piece of paper. It is certainly better to record in on the smartphone because it can be instantly “organized” and even more importantly, instantly backed up, thus far less likely to be lost like a post-it note or a napkin.

In Outlook, enter the task as such:

The screenshot shows the Outlook task form for a task titled "Jones, Paula - Investigate Anthony Weiner - potential witness". The form includes a ribbon with tabs like File, Task, Insert, Format Text, Review, Developer, Adobe PDF, and Worldox. Below the ribbon are various action buttons such as Save & Close, Delete, Forward, Show, Mark Complete, Assign Task, Send Status Report, Recurrence, Tags, Zoom, and Start Inking. The task details section includes fields for Subject, Start date (Tue 7/26/2011), Due date (Fri 7/29/2011), Status (Not Started), Priority (Normal), % Complete (0%), and Owner (Paul Unger). A large text area at the bottom is labeled "Enter any notes here --". Five numbered callouts are present: 1 points to the Subject field, 2 points to the Priority dropdown menu, 3 points to the Start date field, 4 points to the Due date field, and 5 points to the notes text area.

1. Enter the **Subject** starting with the name of the matter, followed by a description of the action item. By using the matter name at the beginning, you can group all tasks for that matter together when you sort the subject alphabetically, as seen here:

The screenshot shows a list of three tasks in Outlook. The first task is "HMU - Talk to NextPoint!". The second task is "Jones, Paula - Investigate Anthony Weiner - potential witness" and is highlighted in yellow. The third task is "Jones, Paula - Respond to Motion for SJ" and is also highlighted in yellow. This illustrates how tasks with the same subject are grouped together when sorted alphabetically.

2. (Optional) Enter a **Start Date** so that you can optionally view your master list with the ability to exclude items that you do not need to worry about/view yet. This is sometimes helpful for those people with task lists of 100 or more items.
3. (Optional, but Recommended) Enter a **Due Date** so that you can optionally view tasks with due dates and view those tasks in different colors. Also note the **Reminder** option below that, if you so desire.
4. Set a **Priority** (High, Normal, Low). Not everything is High, despite your feeling of being overwhelmed. Should you believe everything is urgent, then pretend you are categorizing the level of urgency. So your day will consist of the following:

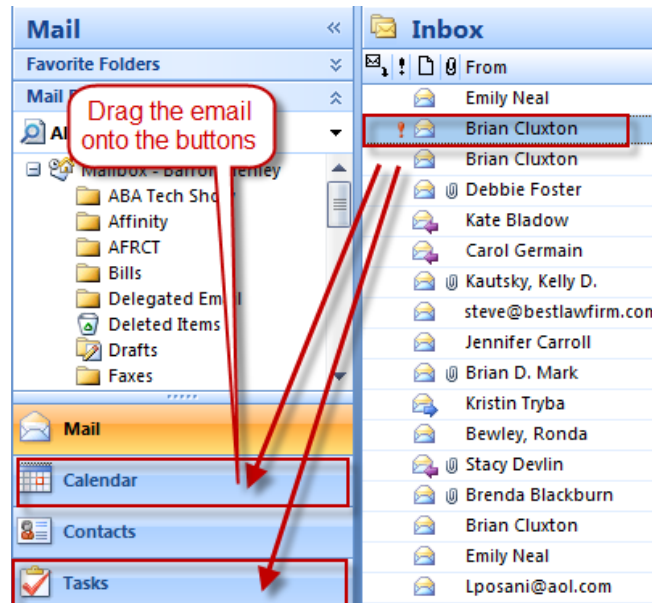
- a. High = Urgent + Deadlines

- b. Normal = Less Urgent
- c. Low = Less Urgent
- d. Someday Items = These are items that are more akin to new year resolutions or goals. Add “Someday” to the beginning of the Subject line so they can be grouped together when sorted:

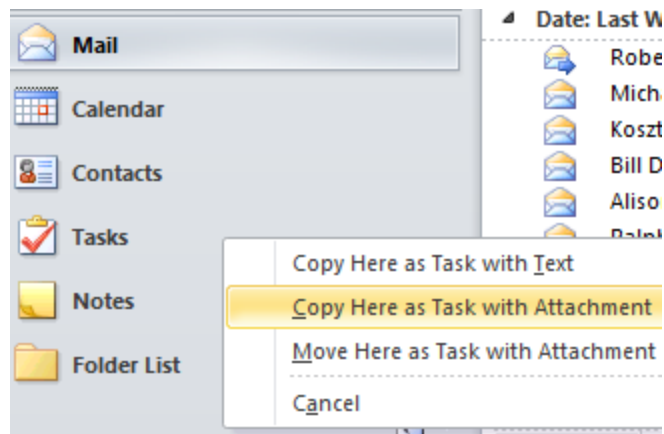
Subject:	Someday - Attend Jerry Spence's Trial Advocacy College		
Start date:	None	Status:	Not Started
Due date:	None	Priority:	Low

5. Enter any **Notes** in this area that you may find helpful or if you do not have enough room in the Subject line.

- D. Capture Tasks from E-Mail through Drag and Drop:** Many sources of tasks are from received emails. You can simply drag email onto your calendar or tasks button in Outlook and it will make an appointment or task out of it (but it leaves your original email where it was so then you can file it away – covered later).

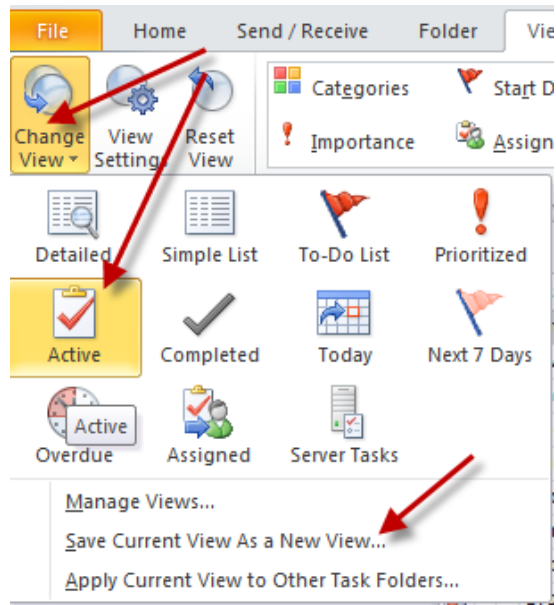


To include attachments from the email into the Task, simply **right-click and drag** the email to the Task module:

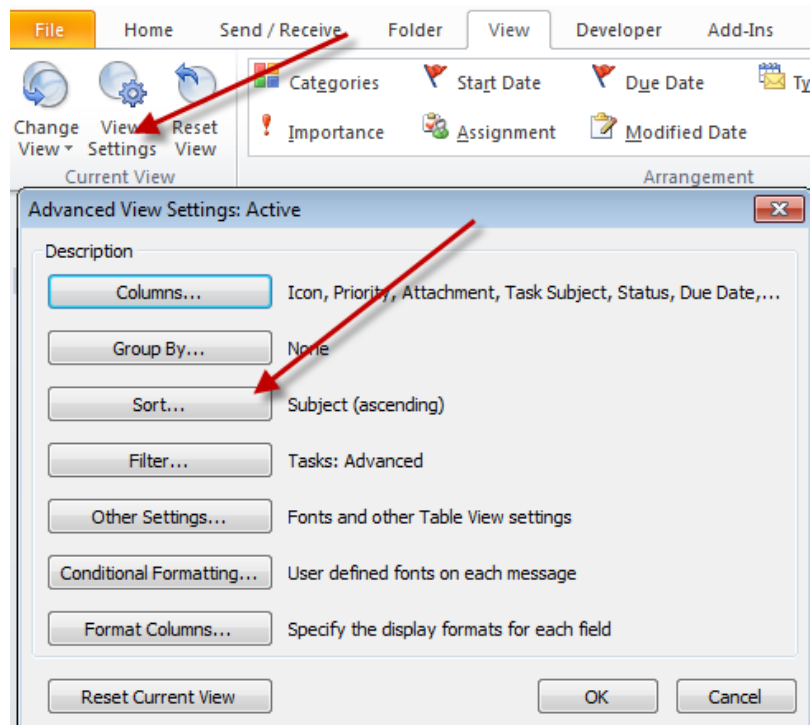


- E. Daily Task List:** Once you complete your master task list, you are ready to start developing a daily task list from the master task list. Ideally, select 3-5 items. If you accomplish those, pick another 3. A daily task list can be accomplished many ways. Here are some of the ways. Review the master task list each morning when planning the day, and:
1. Use a paper index card and write down 3-5 items; or
 2. Flag items to do today; or
 3. Use category/color to designate items to work on today; or
 4. Print and simply highlight those items to work on today; or
 5. Identify those tasks to work on today and make appointments for yourself to complete the desired work.
- F. Make Appointments for Some Tasks and Larger Project Work:** Many time management experts recommend this technique. I do like this, but it can be abused and can set you up for failure if you start ignoring the appointments or cannot get to them because the schedule is unrealistic. Be sure to also add the task to your task list. Also think about making appointments to handle emails that you have been skipping over.
- G. Views – Outlook Tasks:** As discussed above, if you name your tasks based on the matter or project first, and then a hyphen followed by a description of the work, you can sort your task list and see all the work that needs done on a particular project. Then modify your task list to show only active tasks (not completed). To do this,

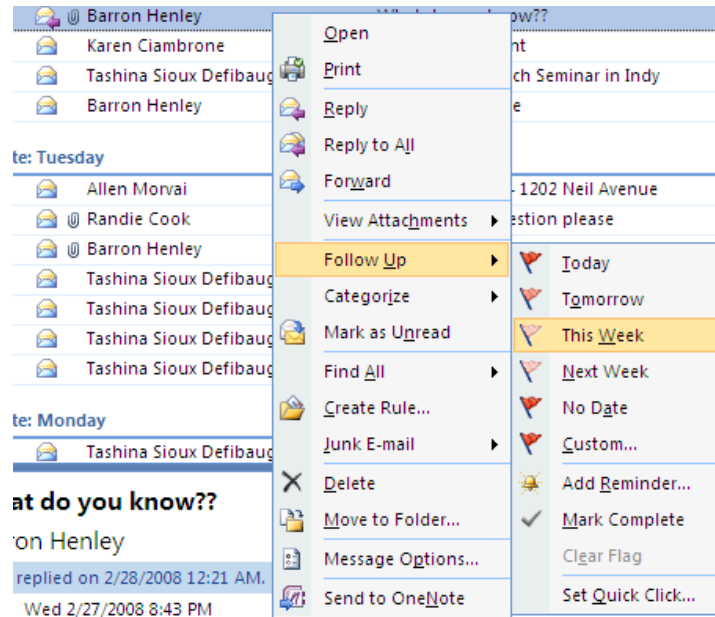
In Outlook, from the **File** ribbon, select **Change View, Active** and the **Save Current View As a New View**.



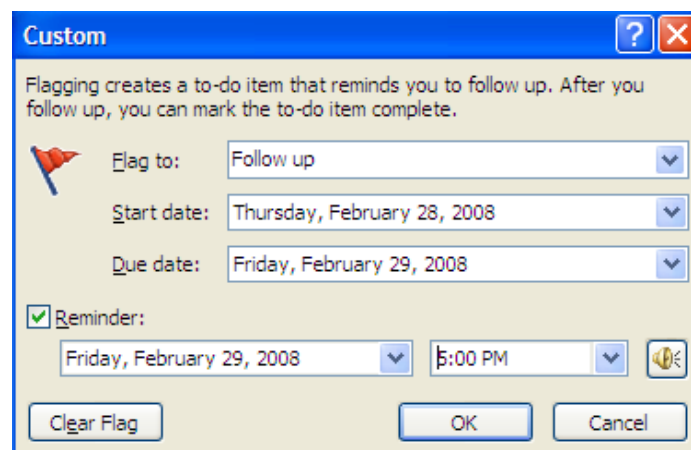
Then select **View Settings** and **Sort**. Select Sort by **Subject**.



- H. Flags:** If you process your inbox down to zero every day and the volume of email that you receive is lower, flags can be a good tool for you. Flags can alert you to follow up on an important task or email. Simply right-click on the desired email and select **Follow Up** and then select the desired follow-up flag. Additionally, by flagging an email, the email will automatically show up on your Task List. I use flags sparingly in email, and typically just for items that will stay in my inbox for a couple days. Otherwise, I fear that this technique may encourage people to use the inbox and its subfolders as a task list (which is something that I adamantly oppose and I discuss later).

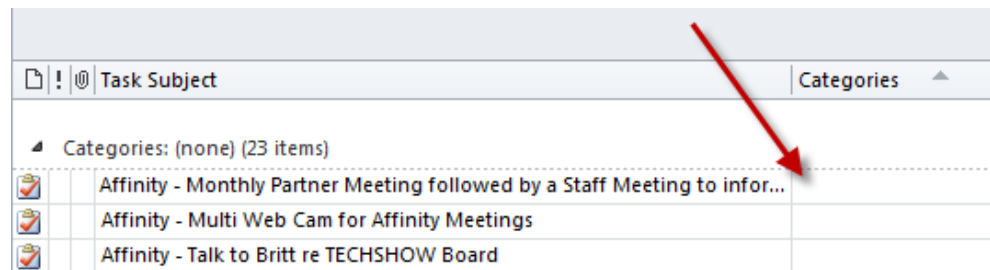


You can set a custom date as well. Outlook will notify and alert you on the date and time specified.

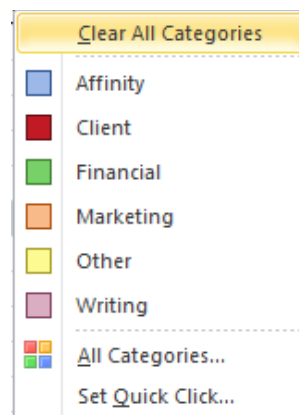


- I. Outlook Categories for Tasks:** (Optional) This is a feature that can help you group tasks together based on subjects (like Client, Administrative, Business

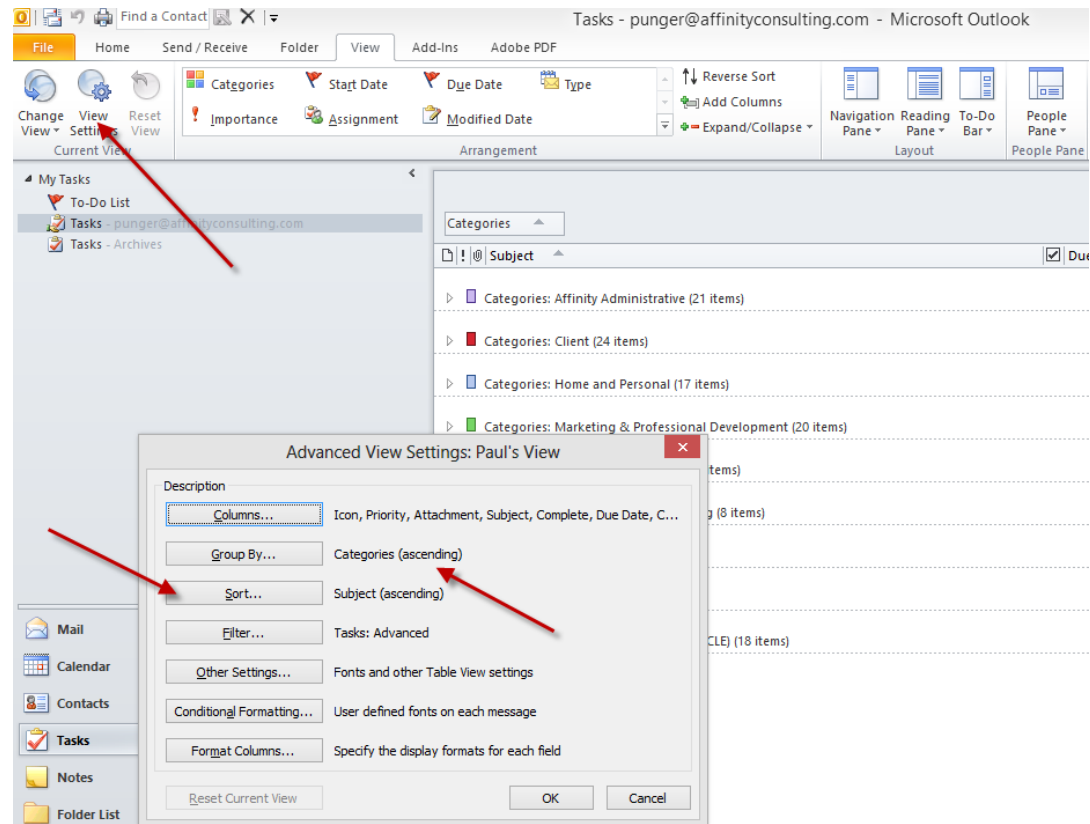
Development, Home/Personal), if you don't use separate lists. Right-click the category column next to the task item that you would like to categorize.



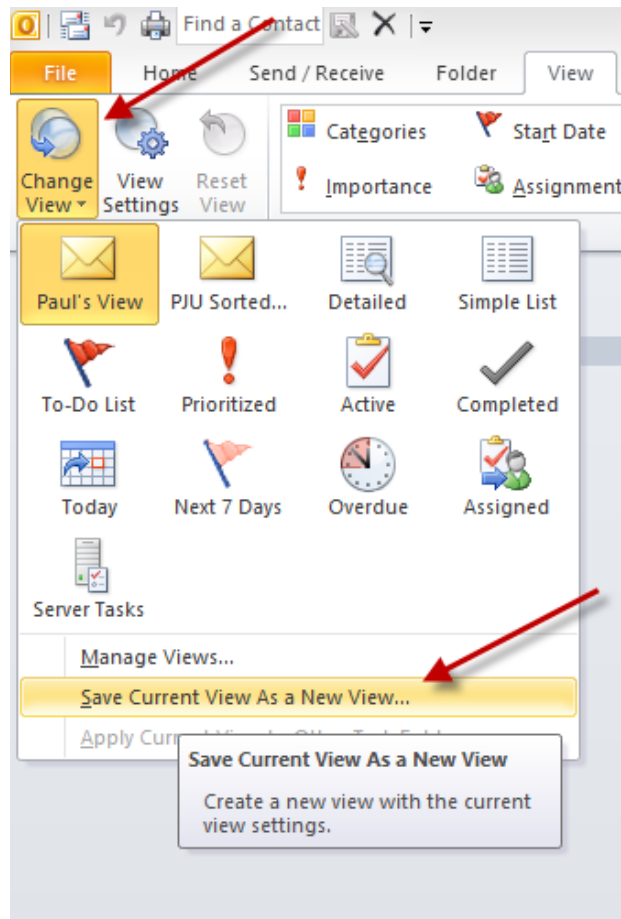
Next, select the desired color. Customize Categories and name them major areas of work so you can sort and view based on those categories.



If you decide to use **Categories**, I recommend that you customize your view to not only sort based on the subject (see above), but also group the list by the categories that you create. To do this, select **View Settings > Group By Categories** and **Sort by Subject (ascending)**:



When finished, save your view:



IV. THE EMAIL PROBLEM

The typical professional today sends and receives about 110 messages daily.¹ Without question, email is one of the most important technological communication advancements of the past 100 years. It has fundamentally changed the way we communicate with clients and the way that we do business. We run our businesses today via email communication instead of face-to-face communication.

For some professionals, emails present a wide array of issues that most of the business world and ordinary consumers will never face. In this seminar, we will discuss these issues and teach you how best to deal with them. These issues or problems range from ethical considerations to email overload and time-management. While there is no perfect solution, there are many methods to effectively handle email.

The first step to any problem is to understand the problems that exist. We must get our arms around all the email issues that we face. The second step is to isolate each problem and tackle each problem, without forgetting how that might affect other email problems. For instance, controlling spam email may prevent you from getting an important email from a client if your spam filter inadvertently catches an email from a client. In other words, when you solve one problem, it may open up a different can of worms.

V. DEALING WITH THE OVERLOAD - YOUR EMAIL GAME PLAN

- A. Batch Process Emails:** Most professionals need to be more deliberate about when they check emails instead of checking email 70+ times a day or leaving their Outlook inbox maximized all day long. We need to reduce the number of interruptions (email or otherwise) so we can be more focused. After all, how on earth can anyone get anything done with an interruption every 2-3 minutes?

Ask yourself the following question: 10 years ago, would you have let someone walk in your office every 2-3 minutes offering to sell you a product... or asking you for a favor?

Of course you wouldn't! So, why do you let it happen now with your email? Why do you drop everything that you are doing to read and/or respond to that email that just arrived?! You have invested thousands of dollars in this wonderful technology that is supposed to make you more efficient, but instead it has created an interruption hotline going straight to your brain.

Some time management experts suggest checking email 2 times a day. While this may sound like a good plan, it is unrealistic for most people. When email was just becoming popular, there wasn't an expectation that it would be dealt with immediately, so 2 times per day was probably okay. However, in today's age that has changed to some degree. Entire companies communicate via email. Email is

¹ In 2010, a study by the Radicati Group found that business users send and receive 110 emails each day. <http://www.radicati.com/wp/wp-content/uploads/2010/04/Email-Statistics-Report-2010-2014-Executive-Summary2.pdf>

a way of life and the way everyone communicates. Checking email twice a day isn't enough. I think regularly through the day is more realistic and just as important, will make it easier for you to prevent your inbox from growing out of control.

One way to handle this is deal with email at the same time every day. Many professionals simply cannot do this, as they live, breath and communicate via email instead of face-to-face or phone meetings. If you can handle emails at more deliberate times, you could get more project work completed and follow a plan. Here is an example:

1 – Upon arrival at the office: 8:00 am

2 – Mid morning: 10:30 am

3 – After lunch: 12:30 pm

4 – Afternoon: 3:30 pm

5 – End of day: 5:00 pm

- B. Treat Email Inbox like your U.S. Mail Box – Keep it Empty!** Would you ever keep your U.S. Mailbox in this condition with 1000+ items? Of course you wouldn't. So don't let your inbox get that way! However, for most people, maintaining email is the weakest link in their system of organization primarily because of volume and frequency. They use it as a holding bucket for undecided and unresolved tasks.

The key to mastering your inbox is to keep it empty – or under 20. For most people, in order to process email efficiently, you must be able to see your emails in a single screen (or close to it). It is very difficult and overwhelming to process emails and tasks when you are staring at a screen with 500 emails.

So what do you do with your U.S. Mailbox? One of the best time management/organization tips that I learned and implemented nearly ten years ago is this: Throw away your (U.S.) junk mail and advertisements before you get into the house. Only bring mail into your house that you intend to do something with!

- C. 3 Minute Rule – DELETE, DO, DELEGATE, DELAY**

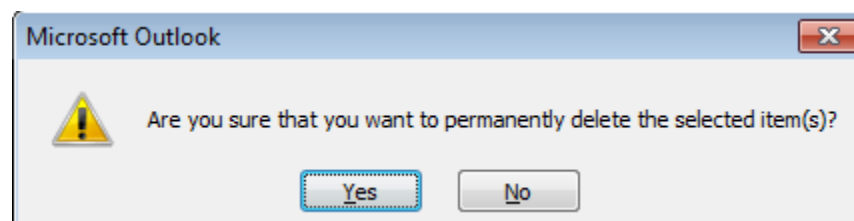
When processing or attacking your email, do one of four things with that email: DELETE, DO, DELEGATE, DELAY. The 3-minute rule is gold! Any email that can be responded to or dealt with (saved in a client file, forwarded, deleted, etc.) within 3 minutes should be dealt with immediately – the first time you lay eyes on it. This rule is based on the premise that the 2nd time you have to deal with the email, it will take you longer than 3 minutes navigate to it, open it, read it, comprehend it, re-familiarize yourself with the topic and then handle it. So, why not just respond to it if you have the 3 minutes to deal with it!

D. Delete - Whatever You Can Immediately! Learn how to use the DELETE key. That could be the first thing that you do before you start dealing with email ... just like not bringing junk mail and annoying advertising into your home. Delete the following:

- All the email that gets past your SPAM filter.
- Interoffice SPAM that is irrelevant to you.
- CCs that you don't need to save, etc.
- Jokes from annoying friends and coworkers.
- Email from people you don't like (unless it's important, of course)

Outlook Tip – Delete Large Chunks of Email: Sort email based on the **From** field (by hitting the **From** column header). You can often get rid of tons of email sent from the same person. Remember that you can select a chunk of email by single left-clicking on the first email – holding the Shift-key down and single left click on the last email. Then hit **Delete**.

Outlook Tip – Delete Emails Permanently: By holding the **Shift** key down and hitting **Delete**, the email will be deleted from both your Inbox and Deleted Items folder in one step. You will be asked to confirm if this is indeed what you want to do:



E. Do – Just Do It!

If you can answer the question ... make the decision ... provide the solution ... bring it to a resolution, then just do it! Don't forget that you may be able to deal with it more quickly by picking up the phone or walking around the corner. Remember, an email often times invites another email.

Finally, if it is an email that is going to take a while, you should dispose of it in under 3 minutes by adding it to your task list (or calendar) and then saving it into the appropriate client/matter file.

F. Delegate - If Appropriate: If someone else should be handling the task or issue in the email, then hand it off appropriately. Don't let someone else put "the monkey" back on you, in the words of *The One Minute Manager Meets the Monkey* by

Kenneth Blanchard. You can make this easy to track by setting up the Delegated Email rule described below or use a Quickstep.

G. Delay - If Necessary: Already mentioned in the 3-minute rule above, if it is an email that is going to take a while, you should simply dispose of it in under 3 minutes by adding it to your task list and then saving it into the appropriate client/matter file.

- Do not use your Outlook Inbox as your to-do list by leaving unresolved email in your inbox.
- If you keep a paper-based task list, simply write it in and save the email in appropriate place.
- If you use Outlook to manage your task list, simply drag it over to your **Task** button in the Outlook navigator.
- In some circumstances, it is okay to set up subfolders under your inbox. Clean them out on a weekly basis.
- If you schedule your tasks as appointments, add it to you calendar.

H. Outlook Views Which Will Help:

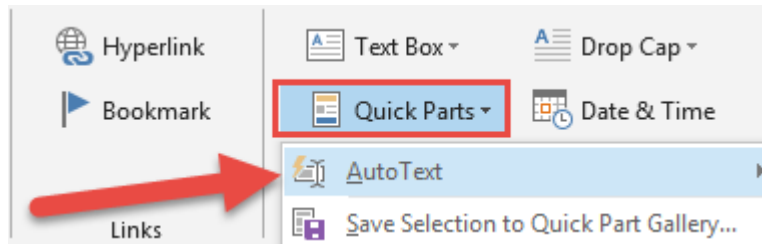
1. To See More Email In One Screen:

- Turn Off Viewing Pane:** This occupies a lot of screen space that could otherwise be displaying email. To turn it off, click the View menu ➔ Reading Pane ➔ Off.
- Turn Off Date Grouping:** By default, Outlook groups your email by date received. The date categories just occupy space and prevent you from seeing all of your email on one screen. To turn it off, click the View menu ➔ Arrange By ➔ uncheck Show in Groups.
- Turn Off Viewing Pane:** This occupies a lot of screen space that could otherwise be displaying email. To turn it off, click the View menu ➔ Reading Pane ➔ Off.

AutoText for Frequent Email Repeat Responses

We all have responses that we constantly have to retype or we spend 10 minutes looking for a similar email that we drafted recently to another person. We automate the creation of documents, so why wouldn't we automate the emails that we frequently draft. Instead of wasting this time, create an AutoText entry in Outlook to automate the response!

- Find the "model text" that you want to use as the AutoText entry. Copy it into your Windows clipboard (select and hit CTRL-C).
- Draft a new email and paste it into the body of the new email. Format it and clean it up. I suggest removing any client names ... make it generic.
- Select the text and then select Insert > Quick Parts > AutoText > Save Selection to AutoText to AutoText Gallery.



- Give it a name (nickname) with at least 4 characters.
- To use the AutoText entry, simply place your cursor in the body of the email (in the desired location), and then type the first 4 characters of the AutoText name. You will see a pop-up preview of your entry. If you want to insert it, simply hit your **Enter** key. Another way to insert it is to select **Insert > Quick Parts > AutoText** > and then select the AutoText entry from the preview gallery.

VI. LEARNING THE NUTS & BOLTS OF OUTLOOK EMAIL

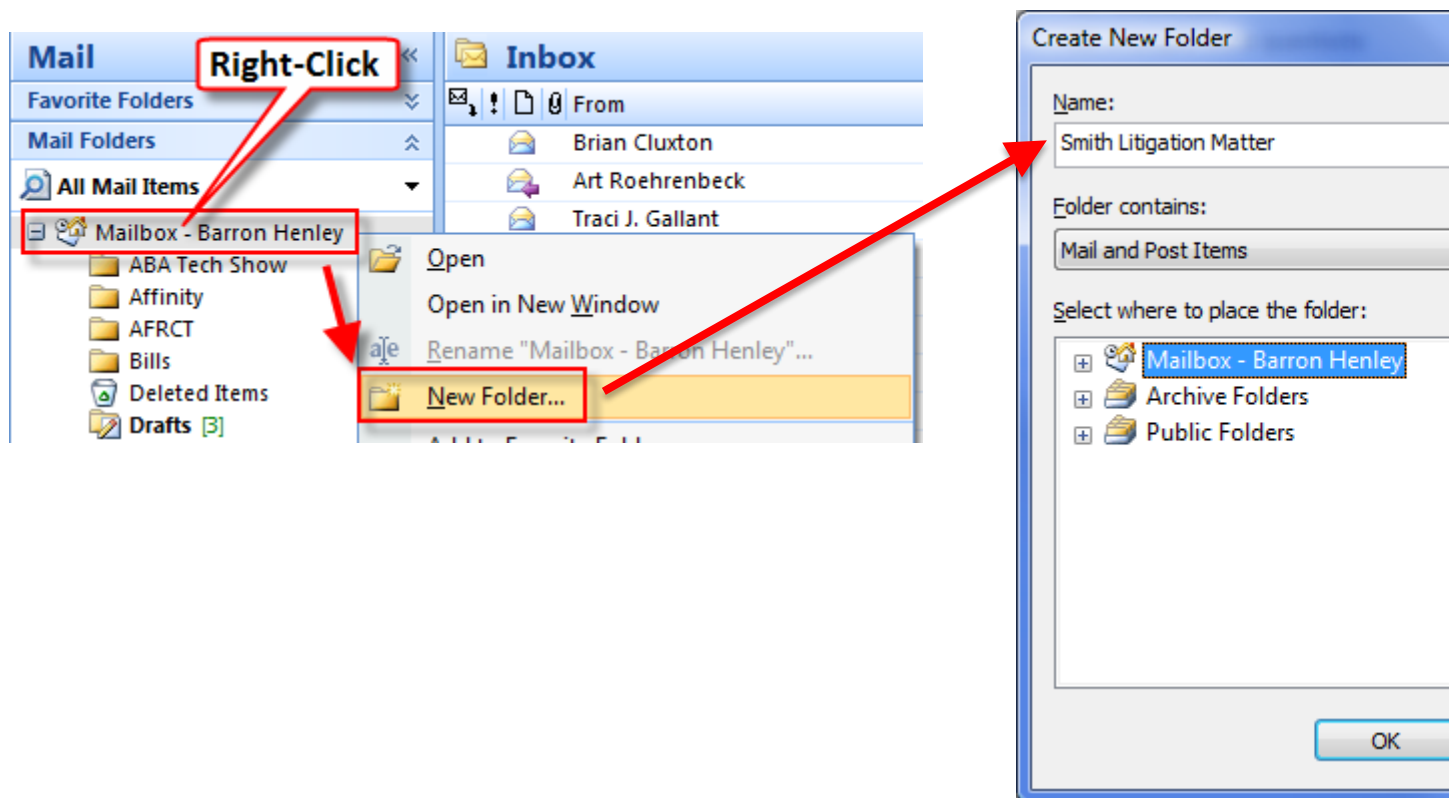
A. Main Storage Problems:

1. **Disorganization:** Most people have hundreds or thousands of unrelated messages in their inboxes. This is equivalent to taking all of the paper out of your files and throwing it on the floor of the file room. The point is, if it's not organized, then it's mostly useless.
2. **Storage Space Limitations:** You may have been scolded by your IT folks about this. If you're using Microsoft Exchange on your server, then it can get overloaded with the quantity of emails and attachments you keep in your inbox and Outlook folder structures. If you don't have Exchange, then all of those emails (and contacts, and appointments and tasks) are stored in a PST file on your hard drive or the server. The bigger that database, the slower your computer will run. Of course, the database can also over-run your storage capacity.
3. **No One Else Can See Your Email But You:** In most cases, if you have an important client communication in Outlook, no one else in your office can see it. In many cases, we want to share this information, but don't know how to do it.

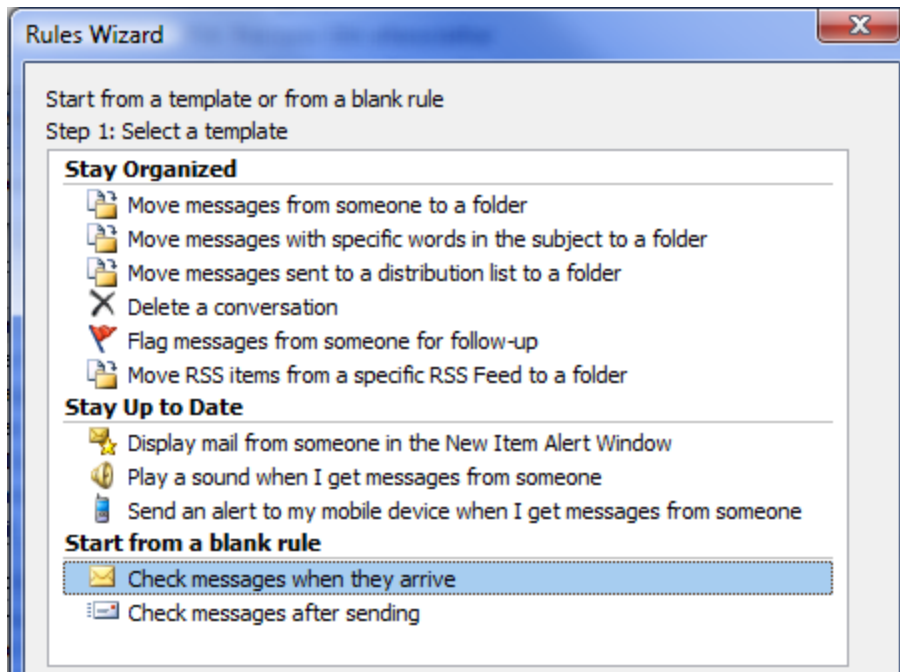
4. **Difficulties Searching:** Many people complain that it's nearly impossible to efficiently search old emails for a particular conversation. What can you do to make this task easier?

B. Start by Organizing the Inbox: Setting up folders and using Rules is a great way to start to organize your Outlook.

1. **How To Set Up a New Email Folder:** To Setup a new Subfolder in your Inbox, right-click the Inbox (or your mailbox) → New Folder. Give it a name and make sure it will contain Mail and Post Items. Then click OK.



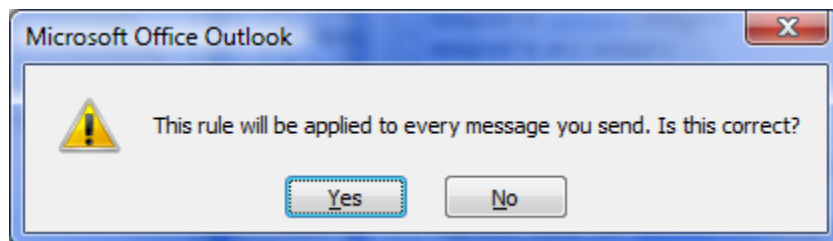
2. **Outlook Rules:** Rules allow you to auto-process incoming email (among other things). Here's how you set one up:
 - Click the **Tools** menu→**Rules and Alerts**.
 - Click the **New Rule** button.



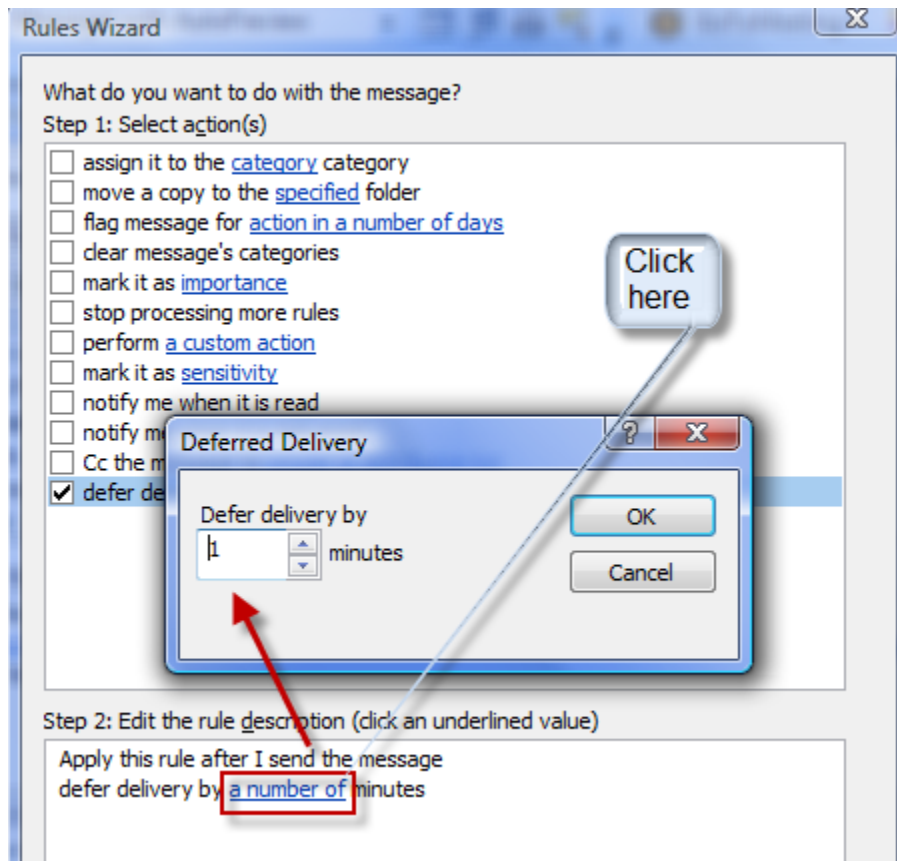
- Follow the steps for selecting the Condition, Action, Exceptions, then give it a name and make sure the rule is turned on!

3. **Sample Rule - Delay Sent Mail By One Minute (in case you change your mind)**

- In Outlook, click on the Tools menu ➔ Rules and Alerts ➔ New Rule button.
- Under "Start from a blank rule," choose "check messages after sending."
- On the next screen ("which conditions do you want to check"), don't check anything (you want this rule to apply to every email you send) and click the Next button at the bottom. You'll see the following dialog (click Yes):



- In the next screen, check "defer delivery by a number of minutes," and then click the hyperlink for "a number of" at the bottom of the screen and enter the number of minutes you want to delay your email.

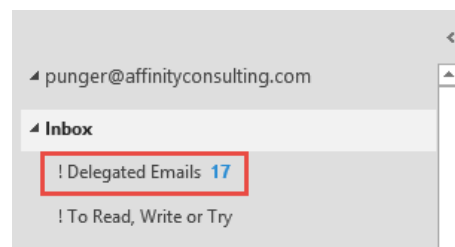


- Click Next and add any exceptions (for people you don't want to delay email to).
- Click Next, name your rule Delay and click Finish.

4. **Sample Rule - Keep Track of Delegated Items and Email:** We constantly delegate tasks to folks via email. We also ask people for information, but we have a difficult time remembering to follow up on those items, resulting in things slipping between the cracks. One way to track those items is by creating an Outlook Rule to “capture” all those items that you are expecting others to do for you. Here's an Outlook Rule that will help. We are creating a rule that will look for emails where you are the sender and where you copied to yourself. It will take those emails and automatically route them into a folder called Delegated Items, so you have a dedicated folder with just those items that you can review once a day. I usually forward those emails to people and ask them to update me on the status.

Here are the steps:

- First, create a folder in Outlook called "!Delegated Items". Use an exclamation mark at the beginning of the name if you want so it floats to the top of your Inbox subfolder list:



- In Outlook, click on the File menu ➔ Manage Rules and Alerts ➔ New Rule button.
- Choose "Apply rule on messages I receive" (that translates to "Apply this rule after the message arrives") and click Next at the bottom of the dialog.
- Under "Select Conditions", check BOTH "from people or public group" and "where my name is in the CC box." At the bottom of the dialog, click the hyperlink for "people or public group" and add your email address. We're basically creating a rule that will look for emails from you and copied to yourself. Click Next.
- Under "Select Actions ... What do you want to do with the message," choose "move it to the specified folder" (and if you want, “Flag for Follow-up”. Flag for follow-up will automatically add the email to your Task List). Make the specified folder your Inbox for Delegated Items folder, if you haven't already. Click Next and add any exceptions (probably none). Click Next, name it (something like “Delegated Items”) and click Finish.

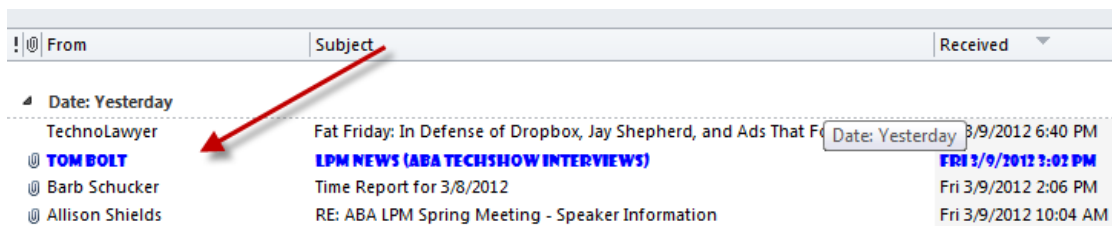
Your final Rule should look something like this:

Rule description (click an underlined value to edit):

Apply this rule after the message arrives
where my name is in the Cc box
and from [Paul Unger](#)
move it to the [! Delegated Items](#) folder

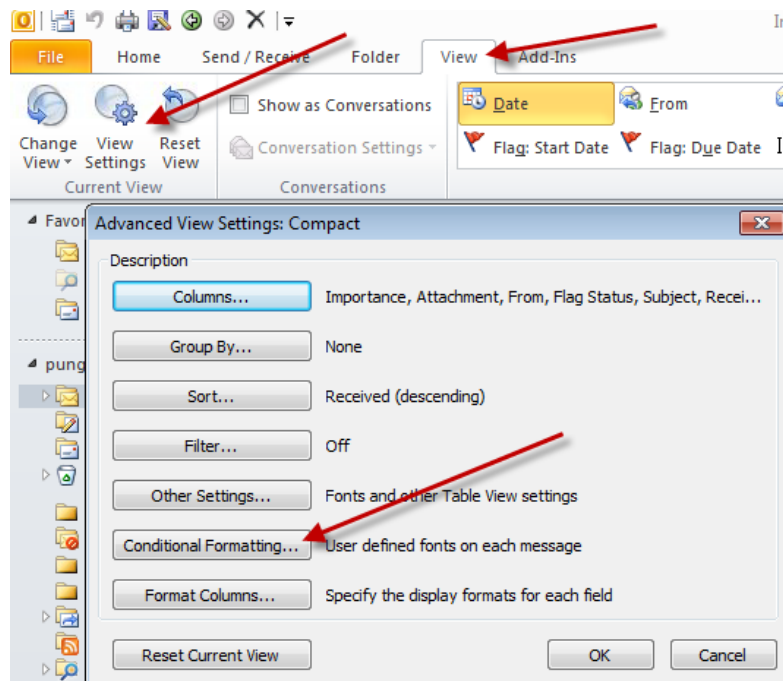
C. Conditional Formatting to Apply Color to Emails.

Sometimes you may like to automatically apply color to important email. This is not done with a rule. Instead, you use conditional formatting.



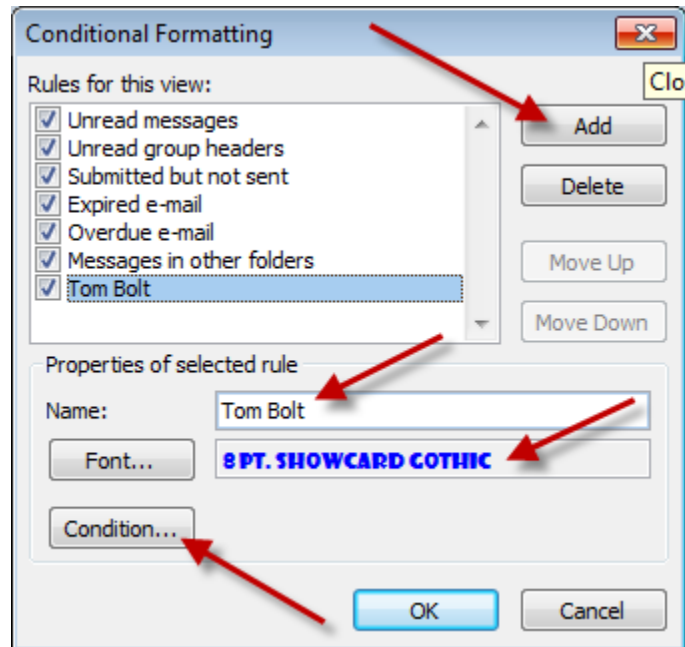
Here is how:

1. In Outlook Email, go to the **View** ribbon. Select **View Settings**. Next, select **Conditional Formatting**.

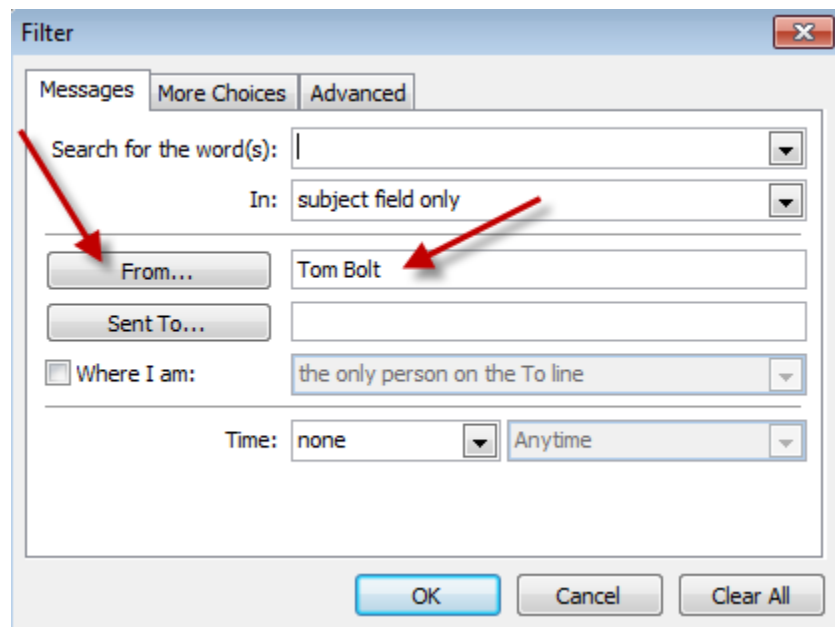


2. Select **Add** and give it a name. I called mine below "Tom Bolt" because I want all emails from Tom Bolt to turn BLUE in 8 pt Showcard Gothic Font. Next, select the **Font** button to select the desired font, color &

size. Finally, select the **Condition** button.



3. Set the condition. I selected a specific sender. You can set your own condition, such as all emails where the subject line contains “ABA”.



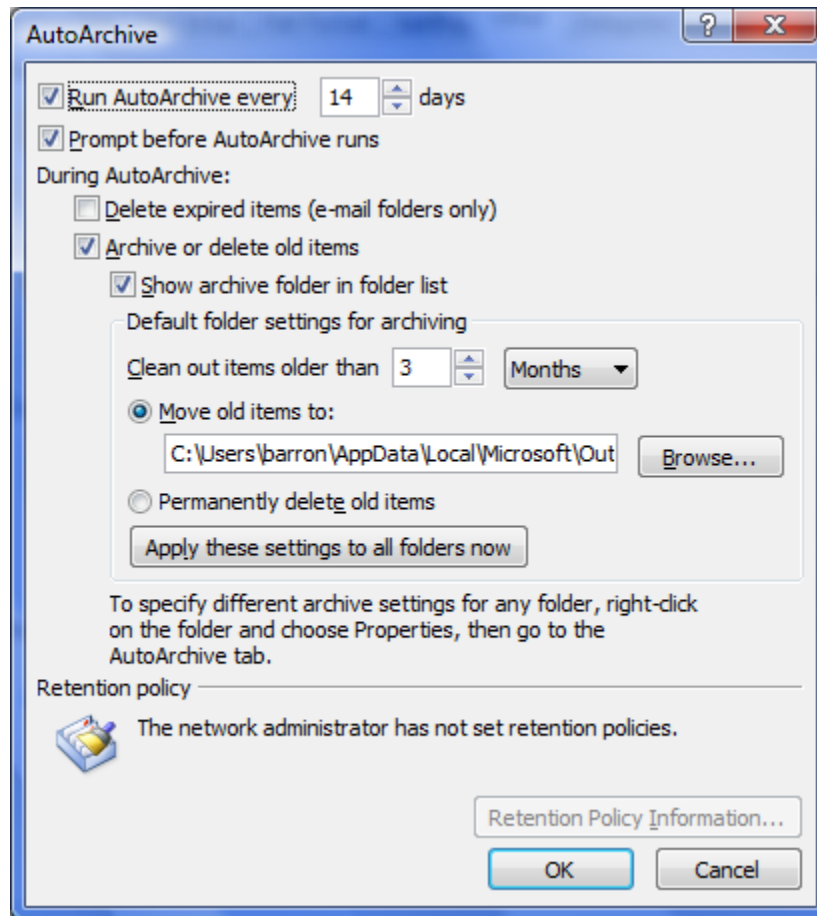
D. Outlook Add-On Programs To Help You Sort and Store Your Email: There are many third-party programs that integrate with Outlook which can help you organize, sort and store your email (both incoming and outgoing). The major downside to these programs are that the email gets saved in your Outlook Mailbox, which is a huge problem because (1) no one else can have access to those emails (big problem in law firms, and (2) you are encouraging the saving of emails in Mailboxes that are probably already nearing or over Outlook's capacity). With that huge, caveat, below are a few to options:

1. **SpeedFiler by Claritude:** See www.claritude.com. This program will auto file incoming and outgoing messages and has sophisticated search functions. It has a 30 day free trial, and it's \$25/\$40 to buy.
2. **SimplyFile by TechHit:** See www.techhit.com/simplyfile. This program will auto file incoming and outgoing messages. It has a 30 day free trial, and it's \$40 to buy. TechHit also sells a program called EZDetach which helps you manage attachments to email and it will work in conjunction with SimplyFile.
3. **Xobni:** See www.xobni.com; find people, email & attachments instantly; it's FREE.
4. **Sanebox:** See www.sanebox.com; Sanebox service that automatically sorts your email into several folders based on each email's importance, which is often determined by the sender. For example, it can automatically route email newsletters that you want and subscribe to, into a Read Later folder without have to set up an Outlook Rule. It learns your preferences based on your behavior.

E. Archiving Old Outlook Email: Many Outlook users end up with an enormous accumulation of email in their Sent Mail and Deleted Mail folders. Furthermore, some mail is sorted into subfolders and forgotten about. All of this will start to bog down servers and PCs as those databases of emails get larger and larger. Thankfully, Outlook has an excellent way to dealing with this problem - AutoArchive. In a nutshell, AutoArchive will allow you to a) permanently delete expired items; b) delete or c) archive old items to an archive file (archived database). Conveniently, the first time AutoArchive runs, it creates the archive database for you. It is stored on the C:\ by default so you'll either want to move it to a server folder or back it up directly from your C:\. Once it has established itself, you'll see the Archive folder in your Outlook Folder List. There are two sets of AutoArchive settings: global settings and per-folder settings.

1. **Turn AutoArchive On or Off.** Click the Tools menu ➔ Options ➔ Other tab ➔ click the AutoArchive button. At the top of the following dialog, you'll see "Run AutoArchive every __ days." If you uncheck that box, it

will not run. As you can see from the following screen shot, you have many options for this:



Note that these are your default (global) AutoArchive settings.

2. **Control the Archive Settings of a Specific Folder:** You can control what any particular folder does in Outlook by following these steps: Right-click the folder ➔ choose Properties ➔ click the AutoArchive tab ➔ Make your changes and click OK.

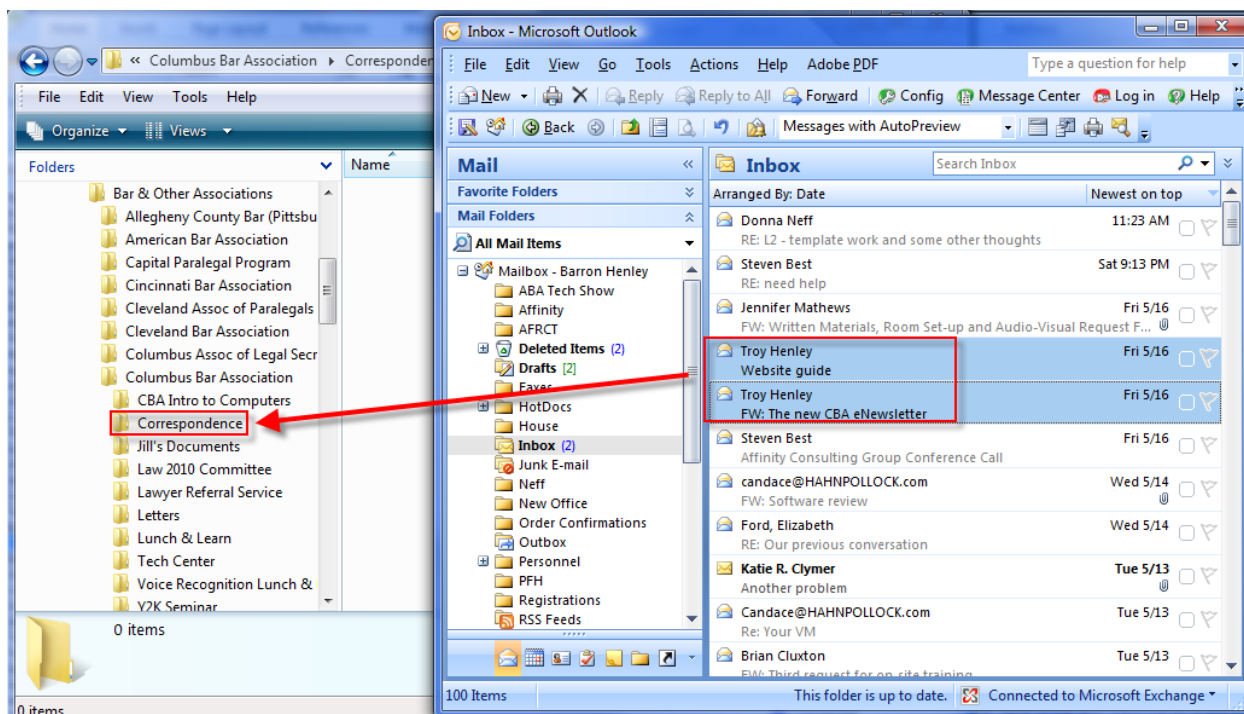
F. Saving Email Messages Outside of Outlook: When an email message is in your Outlook inbox, it's just a record in a database and *not* a discreet document like a Word file. That fact is a big part of the problem associated with organizing and storing them. Email related to a particular matter is stored in one place; and word processor files related to that matter are stored somewhere else. However, you can create documents out of those emails and those documents can be stored with every other document related to a particular matter or issue.

1. **Saving Email as You Would Save a Document:** The classic problem that organizations have if they do not own a document management system is saving and finding matter or project-specific email. Why? Because people (1) keep them in their individual inboxes, or (2) save them in subfolders

within their own inbox (which no one else has access to), or (3) delete the email altogether. Email is valuable correspondence that in most circumstances should be saved in a central location where everyone in the office can have access to it.

As it turns out, you can save email much like you save a Microsoft Word document clicking the File menu ➔ Save As. I recommend that you save emails as a **Outlook Message Format (*.msg)** format.

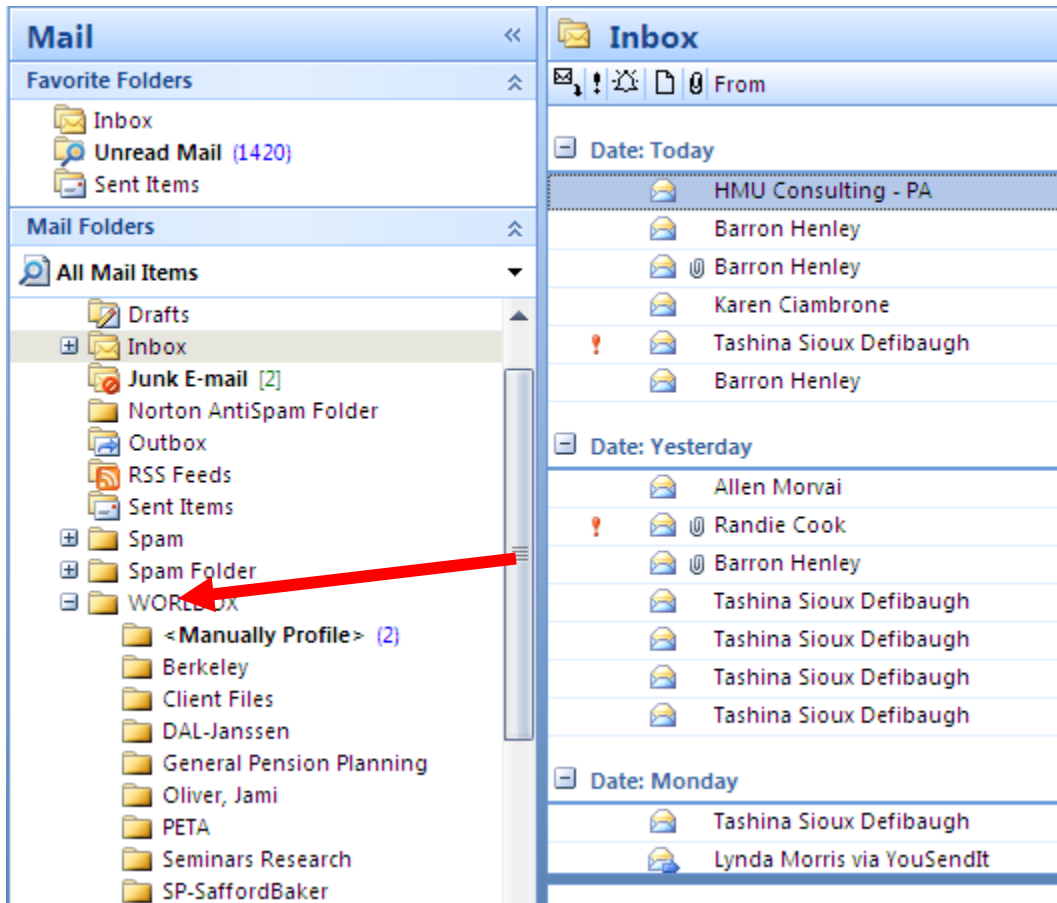
2. **Saving Email By Dragging Into a Windows Explorer Folder:** You can clean out your inbox or subfolders under your inbox by cascading the windows and simply dragging and dropping all of them into the desired folder. This will COPY the emails over into that folder, saving them automatically as MSG (native Outlook Message Format) files, which preserves the metadata and all attachments.



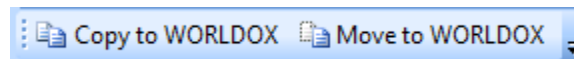
3. **Saving Email With Document Management Programs (DMS):** While document management programs (Worldox, Interwoven Worksite, NetDocuments, etc.) were originally thought of as only word processing document repositories, that is no longer true. They can now store just about any type of computer file (word processor, PDF, TIF, email, JPG, etc.).
4. **Worldox Example:** Using Worldox as an example, it provides 3 different ways to save emails (see below). Once profiled and saved, the emails are stored within the client/matter structure and easily searchable and accessible

by anyone who uses the document management system (Worldox, in this case).. It's also important to note that you can save them one-at-a-time or large quantities of them all at once.

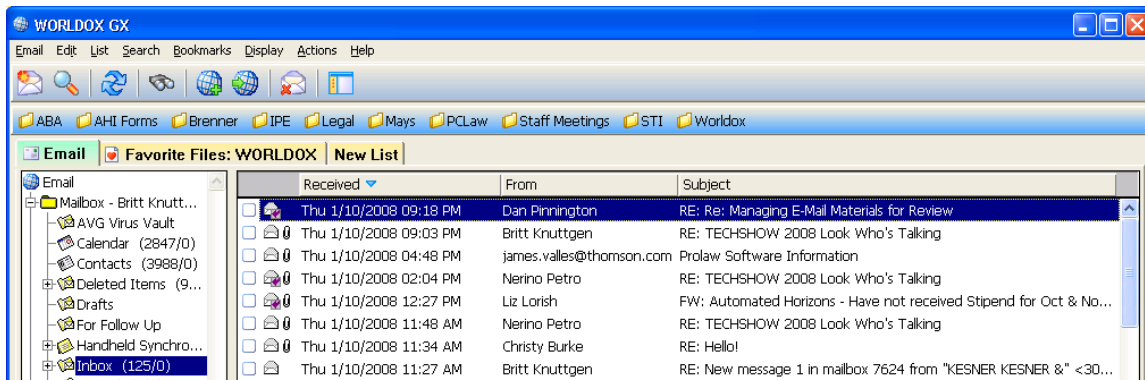
- a. **Save Email From Within Outlook - Drag and Drop:** Saving to Worldox from within Outlook – Drag and Drop on the Worldox "folder" for a particular matter.



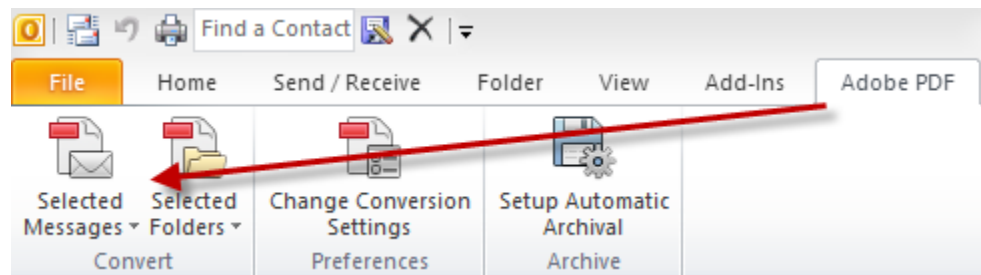
- b. **Save Email From Within Worldox - Copy or Move Buttons:** The Worldox/Outlook integration also provides **Copy To Worldox** or **Move to Worldox** buttons (located in the toolbar region of Outlook). Simply select the email(s) you want to save into the system, then click the appropriate button shown below.



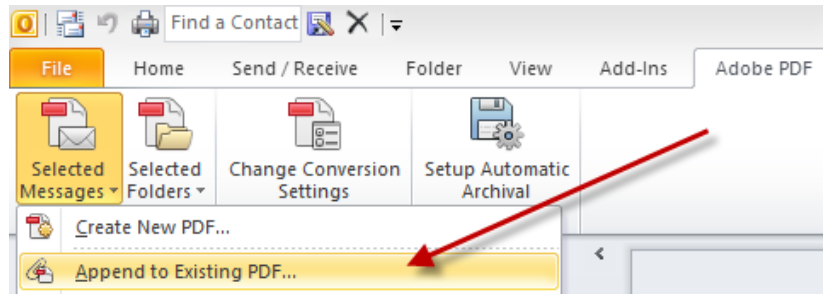
- c. **Save Email From Within Worldox:** Saving email from the Worldox Email Tab which allows you to see your Outlook inbox from within Worldox.



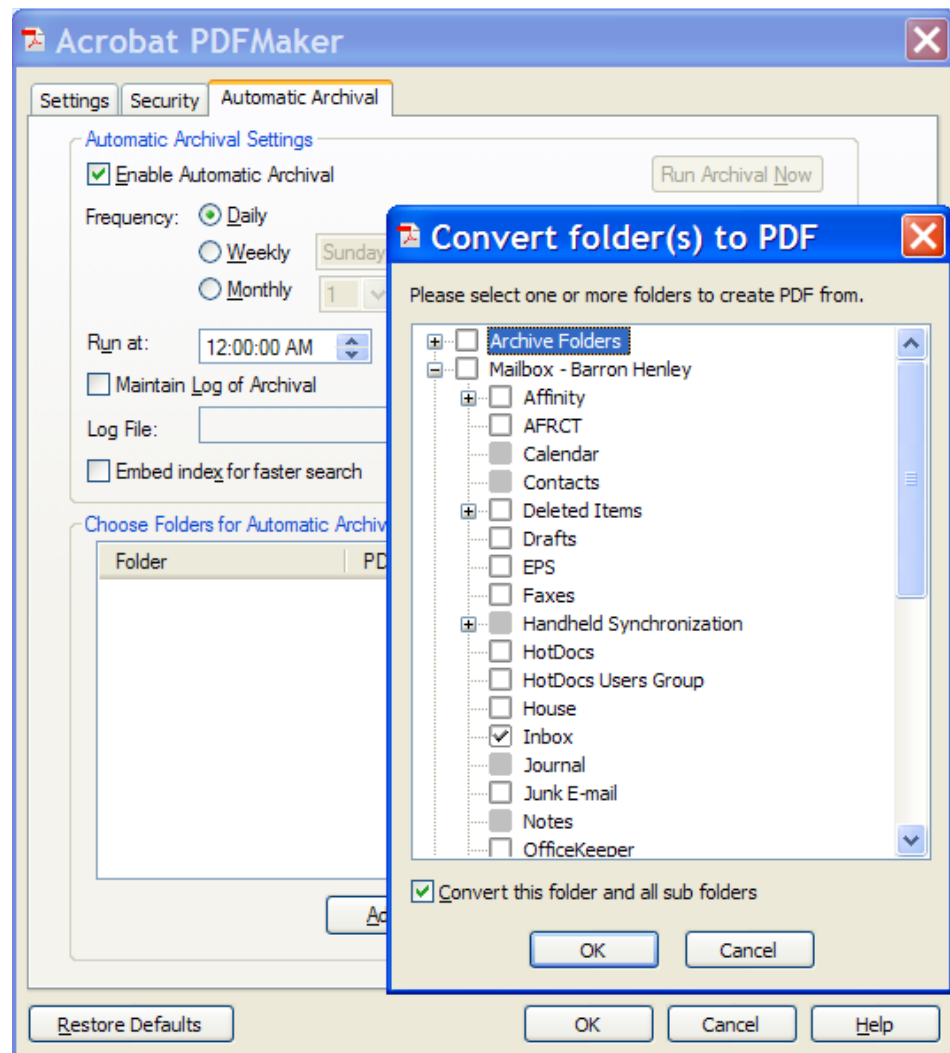
5. **Saving Email as PDF Files:** If you have Adobe Acrobat, it installs a few plug-ins in Microsoft Outlook. For those that wish they had a good way to archive and store emails and attachments, this integration can be appealing. The downside of this method is that the email is no longer a native Outlook message, and it loses some of its valuable metadata. You can't open it and reply or forward it from Outlook. It is now a PDF. That isn't the end of the world by any means, but it is a potential downside.



- a. **Acrobat - Creating PDFs from Individual Emails or Entire Folders:** Simply select individual emails (Ctrl + left click) or select entire folders; then click Convert Selected Messages or Convert Selected Folders. This will create a single PDF which contains all of the emails you've selected *and all of the attachments thereto*.
- b. **Acrobat - Adding Subsequent Emails to Existing PDFs:** If you receive additional emails which need to be added to an existing PDF archive, simply choose Append to Existing Adobe PDF.



- c. **Acrobat - Automatic Archival:** As you can see from the screen shot, you can also setup folders to automatically archive themselves. This would be particularly useful if you have setup Outlook rules to automatically sort your email into specific folders and then use Acrobat to automatically archive it.



- d. **Saving PDFs without Acrobat:** If you don't have Acrobat, you can still save email as PDFs. You're not going to get the slick Outlook

integration buttons and menus, but you can certainly open an email and create a PDF from it using any PDF creator program, several of which are free. For example, I would recommend either of the following free PDF makers.

- PDF995 - free - www.pdf995.com
- PDFCreator - free - <http://sourceforge.net/projects/pdfcreator>

G. Email Storage Tips:

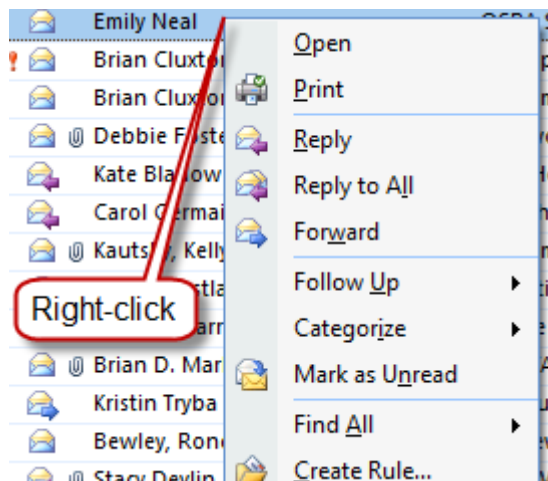
1. **Store Email with Other Related Files:** Store the email in the same location as other electronic files related to any particular matter. Any system that requires you to save email separately from other electronic files related to a matter is inadequate.
2. **Delete or Archive Email Once Stored:** After an email is stored into a folder or a document management system, delete or archive it. Keep Outlook as clean as possible.
3. **Always Separately Save Attached Documents:** Outlook is NOT a document management system and should not be used as a document repository. Documents attached to Outlook emails are actually stored in a temporary folder structure that is incredibly convoluted and is normally hidden.
4. **Stop Printing Email:** If you've saved email digitally, then they're easily searchable and printing them to throw in paper files only makes your paper files fatter, harder to manage and harder to search.

H. Benefits of Storing Email Outside of Outlook:

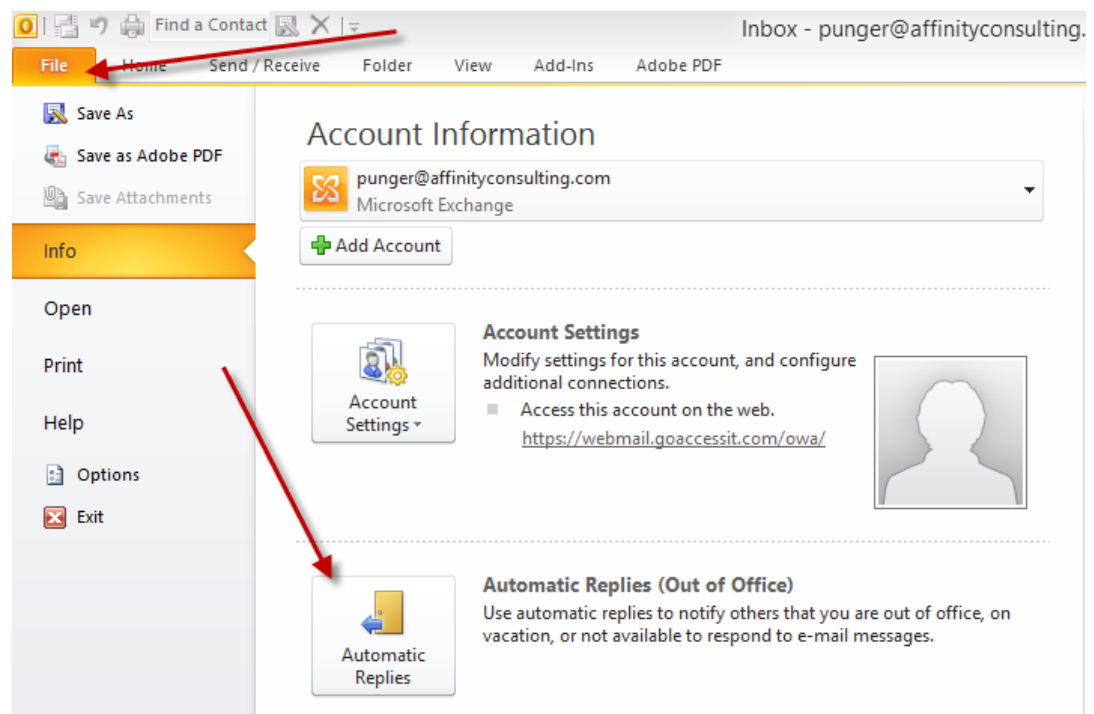
1. **No Worry About Email Storage Limitations:** If you save email as separate files or in other programs, then you can free up mailbox space in Outlook and Exchange Server. As such, the IT folks will stop complaining that you're overloading the Exchange Server and your computer will operate faster.
2. **Everyone Else Can Find Them Too:** Once saved as separate files, others in your office will be able to find these important client communications. You're on your way to building a complete digital file.
3. **Searchable Like All Other Documents:** If you're saving into a document management system, then the content of all email stored therein is searchable. If the email is stored as separate files (PDFs, MSG files), then there are free or very inexpensive search programs that can help you find any of them by the words contained inside them.

VII. OTHER OUTLOOK TIPS AND TRICKS

- A. **Create Contacts from Email:** Drag and drop an email to the Contacts button and Outlook will create a new contact card for that email sender.
- B. **Right-Click Email for All Possible Options:** Also known as alternate clicking, this feature will present very handy functions such as Open, Reply, Print, Forward, etc.

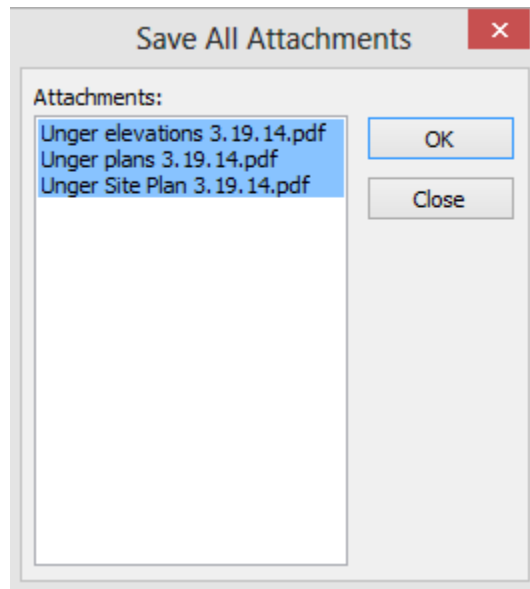


- C. **Out of Office Assistant:** If you're going to be out of the office, this is a way to automatically notify people who send you email. To turn on this feature, click **File** > **Automatic Replies**.



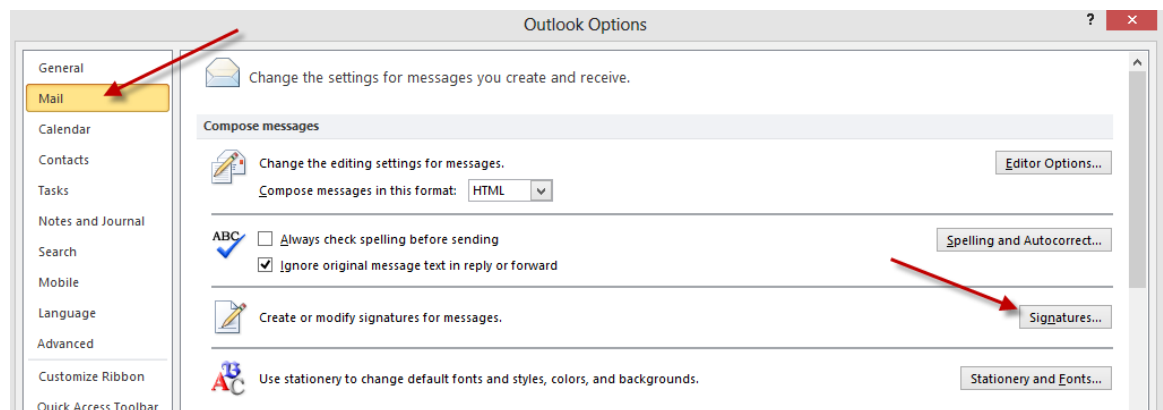
D. Saving Attachments to Email:

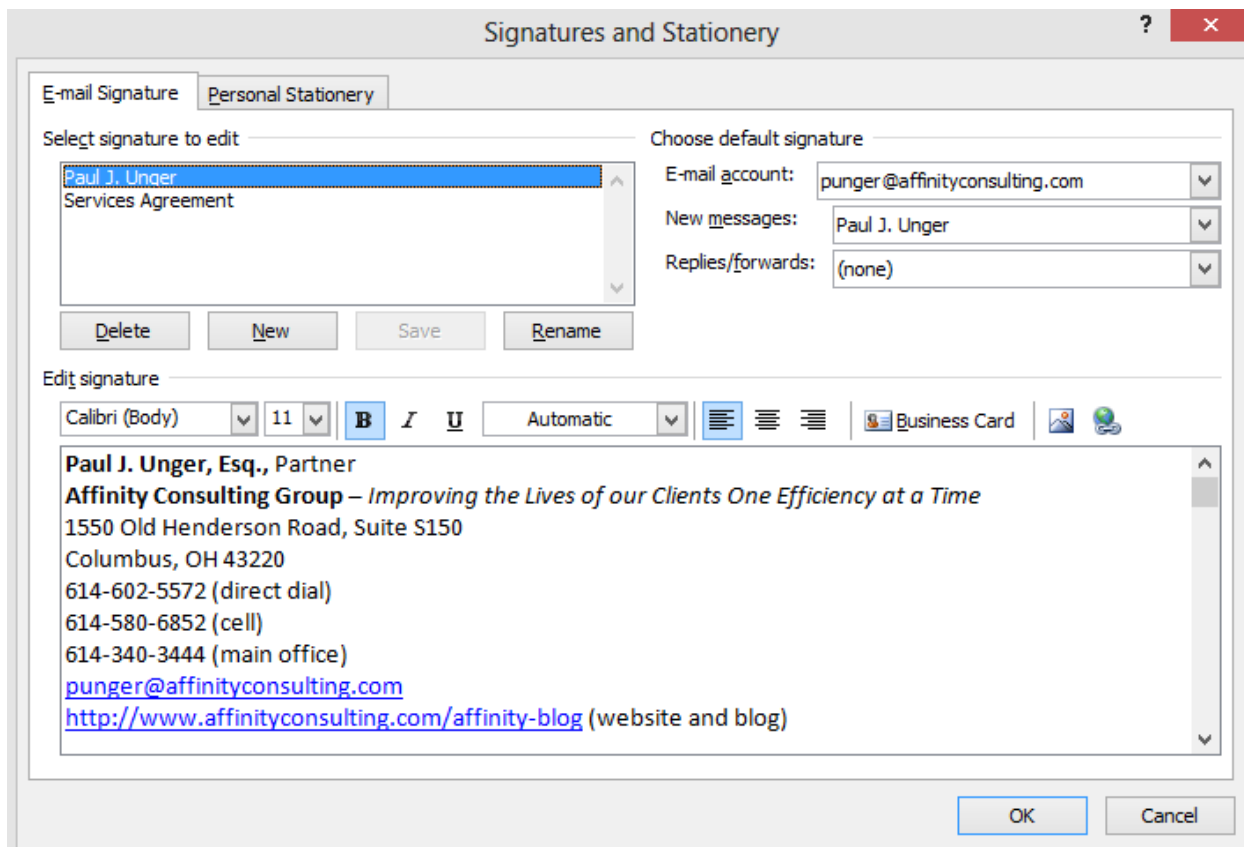
1. **One At A Time:** Open the email, right click the attachment and choose Save As.
2. **In Bulk:**
 - Outlook 2010/2013 – File button ➔ Save Attachments



E. Set up your Signature Block:

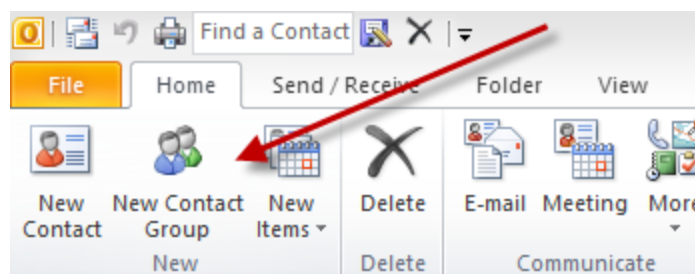
In Outlook, click the File menu ➔ Options button ➔ Mail tab (left side) ➔ Signatures button.





F. Distribution Lists in Outlook:

If you routinely send email to a group of people, you can create a distribution list or contact group which will make it much easier. For example, I have a Contact Group called Affinity which automatically sends the email to 5 other people. All I have to type in the TO box is Affinity. Go to your Contacts in Outlook ➔ New Contact Group button (Home ribbon) ➔ name the group and add the appropriate email addresses.

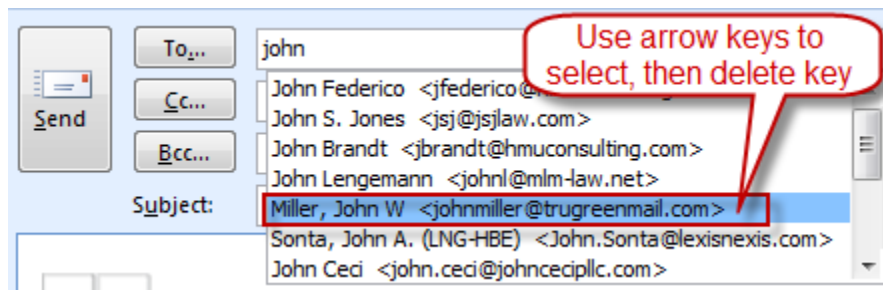


G. Find Contacts Super Fast:

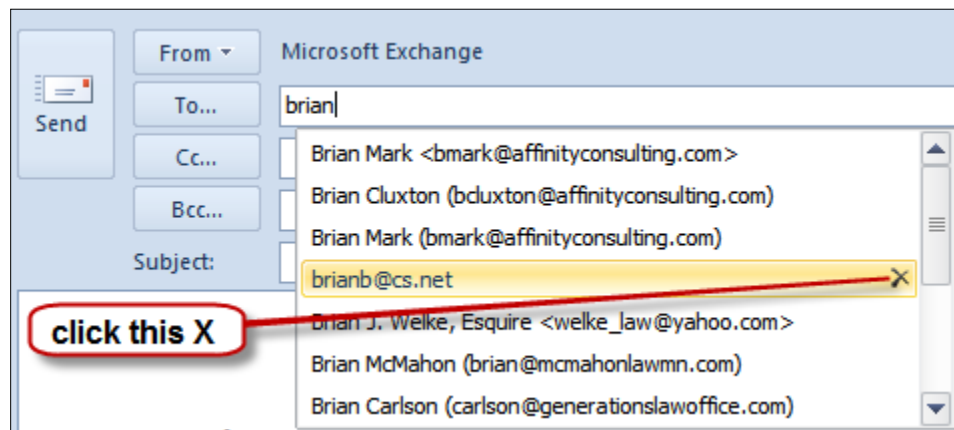
For the Quick Contact Search, just hit the F11 key and type in a first or last name.

H. Edit The Auto-Complete List:

If you send an email to a person one time, then Outlook will remember their email address the next time you start typing anything that begins with the first letters of that person's email address. This has resulted in lots of email being sent to the wrong person. Outlook auto-completes an email address and it's the wrong one. In Outlook 2007, if you want to get rid of that person from auto complete you only sent one email to, start typing a name in the TO box of a new email. When the list appears, use your **arrow keys** to highlight the one you want to delete, then hit your delete key.

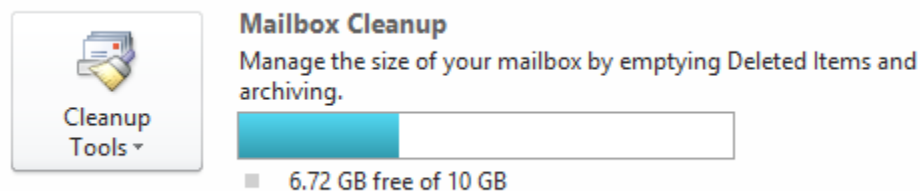


They've made this process easier in Outlook 2010 and 2013. Just start typing a name and when the auto-complete list of names appears, you can hover over the one you want to remove with your mouse and click the X that appears on the right side of each name:

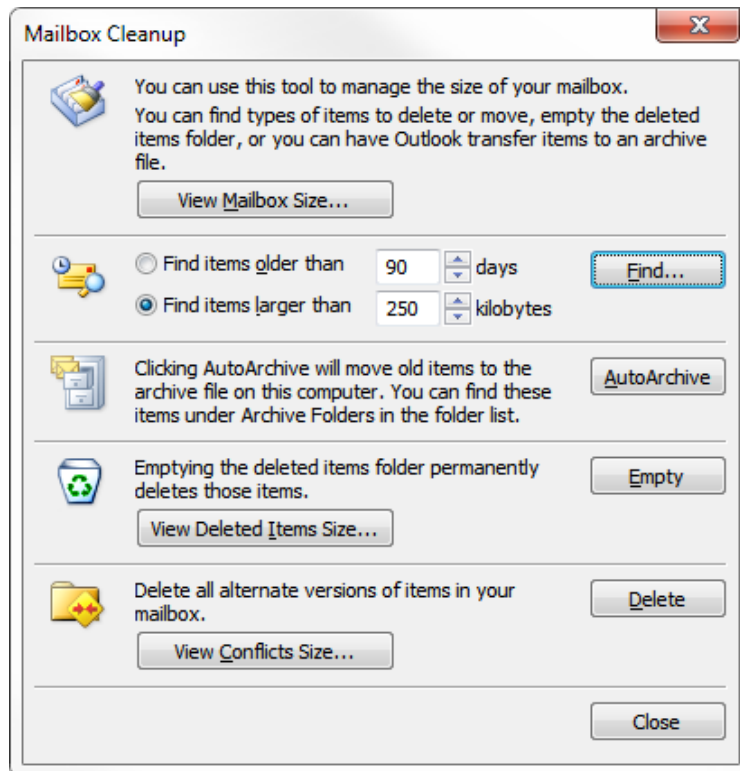


I. Mailbox Cleanup:

From the File menu ➔ Info tab (left side) ➔ Cleanup Tools button.

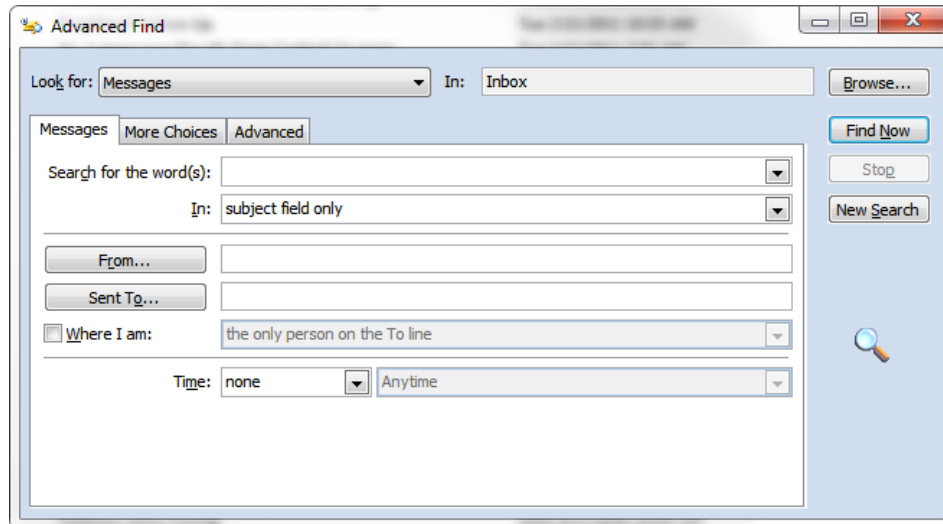


See below for all of the options it provides:



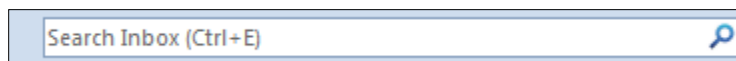
J. Advanced Search Capability:

This feature gives you a tremendous number of options for searching through Outlook. Simply hit **Ctrl + Shift + F**.



K. Email Quick Search:

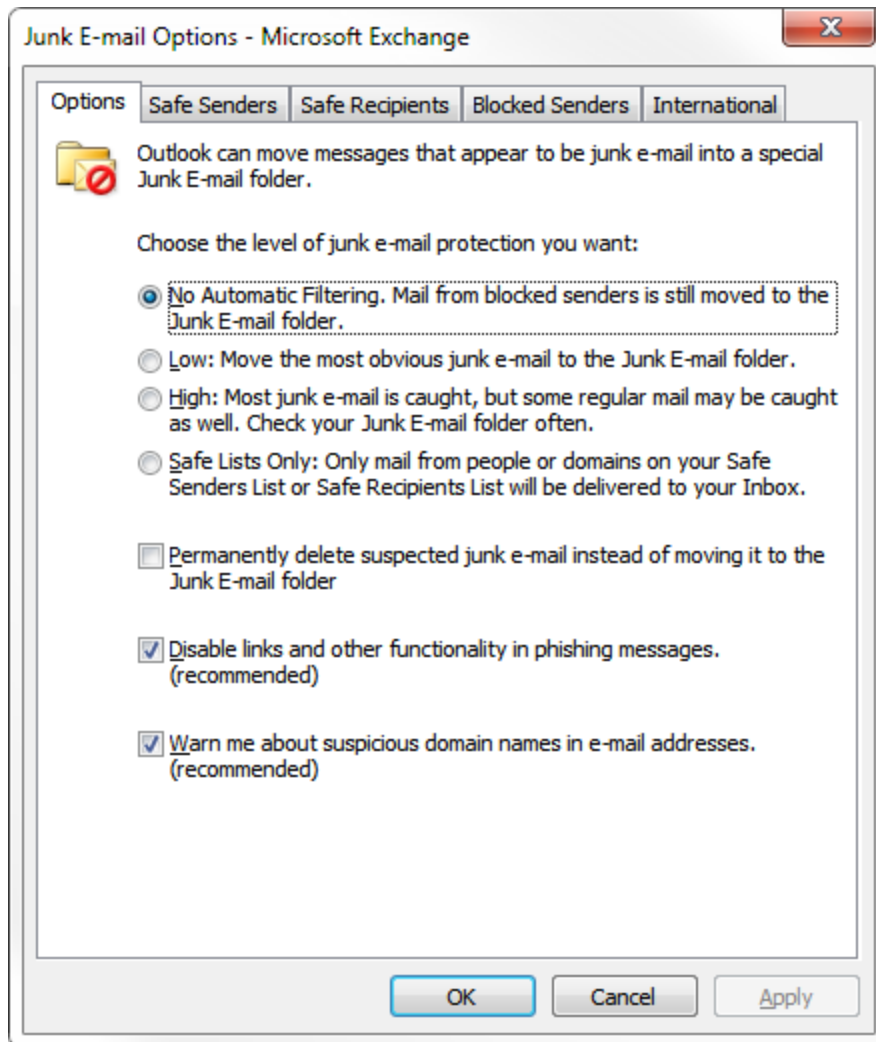
At the top of each mail folder, you'll see a box like the one below:



This will search for words you type in the email address or body of any email contained in that folder and it's *very* fast.

L. Junk Mail Settings:

Click on Mail ➔ Junk button in the Delete group of the Home ribbon ➔ Junk Email Options.



M. Block Senders:

The easiest way to do this is to right-click an email from a sender you want to block in the future. Choose Junk ➔ Block Sender.

VIII. GENERAL EMAIL TIPS AND NETIQUETTE:

- A. **Spelling and Grammar:** Use proper spelling and grammar. Emails that have proper spelling and grammar are more professional and easier to read. It will also reduce the risk of misunderstanding, which is quite common with email communication.
- B. **Always Include Contact Info:** Always include your contact information in your signature, even your replies. It just saves everyone time.
- C. **When in a Hurry, be Extra Careful:** While we are on the road, it is really easy for us to skim an email and miss something that is very important. Sometimes it is better to wait to reply until you have a moment to read the email carefully. Failure to do so can end of costing a lot of people, including yourself, a lot of time, money and drama.
- D. **Don't Be Rude:** Remember there is a human being on the other end of the email. It is easy to forget in this age of electronic communication. It is pretty easy to be rude when you aren't looking at them in the face.
- E. **Never Send an Angry Email:** Never send an email if you are angry or frustrated. Wait 10 minutes, an hour, or even overnight if necessary. Better yet, many times it might be better to pick up the phone and have a live conversation.
- F. **Use a Subject Line:** Clearly describe the message contents in the Subject line. A clear and concise description helps everyone organize their Inbox.
- G. **Don't Put the Whole Message In the Subject Line:** Contrary to some advice, do not start typing your message in the Subject line. I know some have recommended this as a time-saver. It can be, but it is also more difficult to organize and find email drafted in that manner.
- H. **Email Is Often Misinterpreted:** There are many studies which indicate that 50% or higher of emails are misinterpreted regarding tone. The problem is illustrated by the following passage.

"Don't work too hard," wrote a colleague in an e-mail today. Was she sincere or sarcastic? I think I know (sarcastic), but I'm probably wrong. According to recent research published in the Journal of Personality and Social Psychology, I've only a 50-50 chance of ascertaining the tone of any e-mail message. The study also shows that people think they've correctly interpreted the tone of e-mails they receive 90 percent of the time. "That's how flame wars get started," says psychologist Nicholas Epley of the University of Chicago, who conducted the research with Justin Kruger of New York University. "People in our study were convinced they've

accurately understood the tone of an e-mail message when in fact their odds are no better than chance," says Epley.²

Therefore, it is imperative that email (and instant messages, for that matter) are carefully worded. When appropriate, you should also consider using emoticons in order to clearly convey tone - ;)

- I. Beware of Forwarding Email:** Be cautious of forwarding emails. Read the entire email first. There may be derogatory statements from others deep in the string.
- J. Be Cautious About Blind Copying:** You can't trust the recipient to not hit REPLY TO ALL! You are probably better off sending the original and then forwarding a copy to desired party.
- K. Avoid Large Attachments:** Be cognizant of sending large attachments to people. Send links whenever possible using a client portal or a service like Dropbox, Box or Citrix ShareFile, when appropriate.
- L. Only Copy People Who NEED To See It:** Don't CC people or Reply to All unless it is absolutely necessary. You know how many unnecessary emails you receive a day. Don't be part of the problem – be part of the solution.
- M. Don't Forward Junk:** Don't forward jokes, spam or chain messages.
- N. No Caps:** Don't type everything in CAPITALS. In web-speak, this is equivalent to SHOUTING! If someone does this to you, it probably means he/she thinks you are an idiot.
- O. Don't Forward Virus Warnings:** 99.9% are hoaxes. If you are worried about a virus rumor and want to check, go to www.snopes.com or www.hoax-slayer.com to verify if the warning is legitimate.

IX. DOCUMENT AUTOMATION

Very few technologies save time like automating the drafting of documents. There are five or six primary methods professionals utilize when drafting documents. They are broadly classified as follows:

- A. Cut and Paste/Search and Replace ("Search and Replace"):** When creating new documents, most professionals simply start with the last document they created for a similar client and then modify it (cut-and-paste, search-and-replace) to suit the new client. Although this is the most common approach, it has several significant disadvantages. The first is a high margin for error and the second is a lack of speed. The margin for error (and

² *The Secret Cause of Flame Wars* by Stephen Leahy, Wired Magazine, February 13, 2006. See <http://tinyurl.com/2eu6un>.

therefore malpractice risk) arises from the fact that Search and Replace is unstructured, relies on memory, assumes the word processor will "catch" all of the items in need of replacement and requires many steps. Memories fail, word processors don't catch everything and more steps create more mistakes and slower drafting. Transcribing voice recordings or hand written notes and cobbling together provisions from other documents makes the process slow. Finally, particularly with negotiated documents (leases, contracts, settlement agreements, etc.), the old document you may be starting with has typically been compromised during the prior negotiation process. So unless you can remember exactly what compromises were made, it is actually a terrible document to start with on a new transaction. As a result of the foregoing, Search and Replace is characterized by disorganization, mistakes, and inefficiency; and should be avoided whenever possible.

B. Plain Forms, Model Documents and Templates ("Plain Forms"): Some professionals have taken the time to create model documents or templates which contain as many language options as possible. In the alternative, some have broken all of their documents down into component parts and assemble their documents by cobbling together unique clauses, paragraphs or phrases they've previously organized, categorized and labeled. The language from either approach may contain blanks and/or written instructions to the user as to what should be entered into any particular blank and under what circumstances optional language should be included or excluded. This is significantly better than Search and Replace, but is still slow and contains a margin for error unacceptable to many.

C. Forms Plus Word Processor Automation ("Forms Plus"): Some professionals take the Plain Forms approach, then improve it by adding in automation features available in their word processor (typically WordPerfect or Word). This can mean utilizing merge functions, "prompt" fields, macros to expedite the insertion of optional language, and/or better use of Word's AutoText or Quick Parts features or WordPerfect's QuickWords feature. It's fairly easy to create templates and utilize the tools that Word or WordPerfect provides you for automating those templates. Automating the fill-in of names and the like is fairly easy. However, unless you're a programmer, gathering lists (beneficiaries, trustees, personal representatives, etc.), making language conditional and calculating things (such as he/she, him/her, verb conjugation, list punctuation) is extremely difficult, particularly in MS Word. This approach also assumes that you have a mastery of your word processor and know, for example, how to utilize automatic paragraph numbering, auto-calculating cross references, automatic tables of contents and other higher-end features. If these things aren't built into your templates, then you end up spending a lot of time wrestling with formatting issues and paragraph numbering which can significantly off-set any efficiencies you may have otherwise gained by utilizing word processor automation features. Having said all of that, you should be utilizing this approach at a minimum. It is superior to Search and Replace and Plain Forms in almost every respect. Further, the Search and Replace method is enhanced by the fact that properly created templates control list and other formatting making pasting a much more productive step.

D. Plain Forms + Practice Management Software: Practice Management software primarily aids professionals in organizing case information and items related to a case like documents, emails, and phone calls. A sometimes overlooked fact is that most case

management vendors offer integration options for your Word or WordPerfect templates. In practice management or contact management systems, you can store your templates within that system. When a document is created within a specific matter, the equivalent of merge codes grabs key information (client names, pleading captions – indeed nearly any of the case related database fields). Though not a true “document assembly” option for many this is a strong candidate as the next step.

E. Commercial Drafting Systems ("Commercial Systems"): Having become frustrated with the inefficiency of Cut and Paste, or the amount of time necessary to develop and maintain the Plain Forms or Forms Plus approaches, some professionals simply buy or subscribe to a Commercial Systems.

Commercial Systems are widely divergent in terms of sophistication. For example, I have encountered estate planning drafting systems which enable the user to generate incredibly complex, customized documents which are valid in all 50 states. On the other end of the spectrum, I have seen systems which are nothing more than the most basic and simple forms with fill-in-the-blank technology. Sophisticated systems can cost as much as \$5,000+ per year; and simple ones can be as inexpensive as a one-time \$200 fee. Most Commercial Systems contemplate that you enter information about your client and in return, the system generates customized documents for that client. Some work in Word or WordPerfect; and some utilize their own custom-built word processor environment.

F. Forms Plus Document Assembly Software ("Document Assembly"): Finally, some will take the Plain Forms approach and raise it to another level by utilizing third-party document assembly software in conjunction with their word processor. In effect, these individuals are creating their own commercial drafting systems. In fact, many of the Commercial Systems available are exactly that: a combination of Word and/or WordPerfect and a home-grown or commercially available document assembly program.

1. What Is Document Assembly? Most document assembly programs integrate with your word processor and enable you to create sophisticated templates. Those templates typically generate an interview (series of questions) presented to the user. Upon answering the questions, a customized document is instantly generated. In addition to simply filling in blanks, document assembly programs support conditional logic (i.e., include the guardianship paragraph if the client has minor children or adult disabled children), infinite lists, and the ability to calculate text, numbers and dates.

The on-screen interview is quite powerful because the template designer can control everything about the sequence and content of the interview. With practice, you can reproduce your entire decision tree in the template and build in safe-guards that walk even novice users through the assembly process. An example of how an interview looks is shown below:

The screenshot shows the 'Will - HotDocs Developer' application window. The interface includes a menu bar (File, Edit, View, Navigate, Tools, Help), a toolbar with various icons, and a tabbed interface with 'Interview', 'Document Preview', 'Question Summary', and 'Answer Summary'. The 'Interview' tab is active, displaying a tree view on the left with categories like Client Information, Client Address Information, Children Information, and others. The main area shows the 'Client Information' form, which includes sections for 'CLIENT INFORMATION:', 'HIS NAME:', and 'HER NAME:'. Each section contains fields for first, middle, and last names, suffixes, and dates of birth. The 'HIS NAME:' section is filled with 'John A. Doe', born '2 Nov 1966'. The 'HER NAME:' section is filled with 'Jane L. Doe', born '31 Mar 1967'. Navigation buttons at the bottom include 'First', 'Previous', 'Next', 'Last', and 'Finish'.

2. How It Works - Big Picture: Using HotDocs as an example, the program allows users to replace changeable text with variables (i.e., «Testator Name», «Testator Street Address»), make the inclusion of text (words, sentences, paragraphs, etc.) conditional, gather (infinite) lists, and automatically calculate dates, text and numbers.

By “lists”, I mean that the template can gather and process multiple records. This is particularly important with legal documents because there are almost always parties and you never know how many there will be. For example, in a deed, you have grantors and grantees. There could be more than 1 of each. In estate planning documents, there may be multiple children listed, executors/personal representatives, beneficiaries, guardians, or trustees. All of those things are lists. Good document assembly software lets you enter as many parties as necessary and based upon how many you enter, the template will produce correct language. For example, depending upon what the user enters into a list of children in a Will, the document may say:

“Barron Henley has no children.” or

“Barron Henley has one child, Ariel, age 16.” or

“Barron Henley has two children, Ariel, age 16 and Alexis, age 14.” or

“Barron Henley has three children, Ariel, age 16, Alexis, age 14 and Rylee, age 12.”

The point is that whatever the user enters, the template produces the correct language and verb conjugation; and it doesn’t matter how many there are.

With each new variable, you create a corresponding question (prompt) which is presented to the user during the assembly process. Generating a new document is a simple matter of

answering the questions presented by the template. After the questions are answered, the completed document appears on the screen (in Word or WordPerfect), ready edit, save, print, etc.

After a document is assembled, HotDocs allows users to save the answers entered for one document so that they can be used to assemble other documents which use the same information. In this manner, users simultaneously decrease the margin for error while eliminating time wasted on redundant data entry. The document produced by HotDocs is a plain word processor document and can be edited and stored like any other document.

3. Document Assembly Options: There are several available document automation applications and while each has its own unique way of handling the task, they all are very capable and able to achieve the objectives we discuss below. Each of them work with Word or WordPerfect or both. Some provide the ability to automate PDF forms. Because HotDocs continues to dominate the market and both of us are most familiar with it we refer to and show examples from HotDocs throughout this article but we could just as easily be referring to any of these applications. It is highly recommended that you explore the various options and decide for yourself which application best meets your needs in terms of availability, functionality and cost. Here are some options to explore:

- HotDocs - www.hotdocs.com
- ContractExpress - <http://contractexpress.com/>
- Rapidocs - www.rapidocs.com
- QShift - www.ixio.com
- Pathagoras - www.pathagoras.com
- Perfectus - www.perfectussolutions.com
- ActiveDocs - www.activedocs.com
- Exari - www.exari.com
- AmazingDocs - www.amazingdocs.com