

THE LAW SOCIETY OF SINGAPORE

GUIDANCE NOTE 3.15.1

USE OF E-MAIL CORRESPONDENCE

Explanatory Note

In order to comply with Covid-19 safety measures introduced in 2020, numerous businesses, including law practices, were required to adapt their operations to allow employees to work from home.

It is expected that work from home and telecommuting arrangements may be more commonplace among law practices in the long term, even as work returns to normal.

In light of the changing work landscape, the Information Technology Committee of the Law Society of Singapore encourages law practices to use e-mail correspondence as the default mode of communication in place of other modes of remote communication like the telefax.

This Guidance Note is issued to assist law practices and legal practitioners in adopting good practices when communicating with each other through e-mail correspondence. It should be read together with other Practice Directions and Guidance Notes issued by the Council of the Law Society of Singapore on the use of e-mail correspondence.

For the avoidance of doubt, it is not intended that departure from the recommendations in this Guidance Note should have disciplinary consequences for legal practitioners.

Guidance

1. This Guidance Note applies to e-mail correspondence between legal practitioners but excludes text or instant messages (like SMS, WhatsApp, WeChat, Skype, iMessage, FaceTime and similar messaging services).

2. Every legal practitioner is strongly encouraged to have, and be contactable at, a valid and active e-mail address, in order to receive e-mail correspondence (a "Practitioner E-mail Address", or "PEA"). A legal practitioner's PEA may be individual or shared within his or her practice.

3. Every legal practitioner is strongly encouraged to take reasonable measures to ensure that his or her PEA is operational at all times, and checked for incoming e-mail (which should be opened and read) at reasonably regular intervals apart from the Excluded Period defined as follows :-

"Excluded Period" means the period between 1700 hrs (Singapore time) on any given day and 0859 hrs (Singapore time) on the following working day. For the avoidance of doubt, the term "working day" excludes Saturdays, Sundays and all gazetted Singapore public holidays, as well as such periods in respect of which a legal practitioner has officially notified the Law Society of Singapore and/or the sender legal practitioner that his or her office (if a sole proprietor) and/or his or her practice will be closed.

4. For the avoidance of doubt, the period during which a legal practitioner has activated his or her "out-of-office" notification is not an Excluded Period.

5. A legal practitioner sending e-mail correspondence to another legal practitioner should be mindful that the e-mail correspondence may not be opened, read or acted upon during the Excluded Period, or during periods when recipient legal practitioners have activated their “out-of-office” notifications. If the contents of any e-mail correspondence require urgent action on the part of the recipient legal practitioner or his or her client, the sender legal practitioner should make reasonable efforts to contact the recipient legal practitioner (otherwise than by e-mail correspondence) to alert him or her to the fact that urgent e-mail correspondence has been sent to him or her.

6. A legal practitioner’s PEA should be clearly stated:

- a. within all e-mail correspondence (e.g. in the “Sender” / “From” section) issued by that legal practitioner, together with the legal practitioner’s name (which may appear elsewhere e.g. in the signature section); and
- b. within the letterhead or any other prominent part of paper-based correspondence issued by that legal practitioner.

7. Legal practitioners are strongly encouraged to use e-mail correspondence as a primary means of correspondence. A law practice can decide not to maintain any facsimile system or service as part of its normal office operations.

8. Legal practitioners are strongly encouraged to send e-mail correspondence containing all of the elements in the sample e-mail at Annex A, in order to take full advantage of communicating electronically.

9. Nothing in this Guidance Note is intended to affect any written law regulating the deemed service of documents or court timelines, including without limitation, the provisions of the Rules of Court (Cap 322, R 5, 2014 Rev Ed) or practice directions issued by the Courts.

Date: 15 February 2021

THE COUNCIL OF THE LAW SOCIETY OF SINGAPORE

ANNEX A: SAMPLE E-MAIL

	Comments / Useful Features
From : Allan Partridge <allan@partridgepeartreellc.com>	This is the sender.
To : Jane Leong <jane@blueorchidlaw.com>; Nur Shuhadah Binte Ali <shuhadah@blueorchidlaw.com>; Kumar Singam <kumar@blueorchidlaw.com>	<p>The e-mail is sent (or copied) to the relevant legal practitioners in the other firm, acting on the matter. This way, these legal practitioners will all receive the e-mail at the same time and can act on it.</p> <p>Distribution lists may be used where appropriate.</p>
CC : Vivien Singh <vivien@partridgepeartreellc.com>; Sam Ng <sam@partridgepeartreellc.com>; Edward Tan <ADMIN_edward@partridgepeartreellc.com>; Piper Teo <ADMIN_piper@partridgepeartreellc.com>	<p>When a legal practitioner receives an e-mail from another legal practitioner with multiple parties in copy, he or she may choose to reply to all, as the sending legal practitioner may have done so to include colleagues or secretaries involved in the matter. However, it is not obligatory to do so.</p> <p>Distribution lists may be used where appropriate.</p>
SUBJECT : HC/S 999/2018 - Exchange of AEICs	<p>The subject line should never be left blank as the e-mail may be regarded as junk mail or spam.</p> <p>The subject line contains an identifying phrase that all law firms involved can use, e.g. "HC/S 999/2018", a matter/project reference, for example, "Project SunBeam", or the subject matter of the present correspondence.</p> <p>Additional reference codes can be appended to the subject</p>

	line by e-mail or document management systems of the practices.
<p>Your Ref : JL/SA/KS/267935 Our Ref : AP/VS/SN/2189999</p> <p>Dear Jane</p> <p>Thank you for your e-mail dated 12 June 2018.</p> <p>I agree to exchange AEICs via e-mail at 4pm on 30 June 2018. Please send them to me and my colleagues (copied in this e-mail).</p> <p>Kind regards,</p> <p>Allan</p>	<p>Generally, the message should be in the body of the e-mail (making it more easily readable on mobile devices), and not in an attachment.</p> <p>However, if the contents of the message are confidential or sensitive or are more appropriately set out in an attachment, the sender may choose to set out the message in an attached document (e.g. a letter in PDF), which can in appropriate cases be encrypted or password protected.</p> <p>Legal practitioners should also take note of :</p> <ul style="list-style-type: none"> (a) Practice Direction 8.5.9 on Relations with Other Legal Practitioners (dated 31 January 2019); and (b) Practice Direction 8.3.2 on Quoting of References in Correspondence (dated 31 January 2019).
<p>Allan Partridge SC Partridge & Peartree LLC, Advocates & Solicitors 999 Marina Ten #88-08, Singapore 999888 Tel +65 6747 0000 Direct Line +65 6747 0001 Mobile No +65 8888 7777 <i>www.partridgepeartreellc.com</i> Incorporated in Singapore with limited liability (Registration No. 201510230D)</p>	<p>The sender's e-mail signature shows his or her full name, as well as his or her firm's name, firm UEN, limited liability status (if an LLP or an LLC), address and contact details. A direct line and/or mobile number may be included, at the sender's discretion.</p>