Email Styles and Strategies

ROSS GUBERMAN

Legal
Writing
Pro

About Ross Guberman

Ross Guberman is the founder and president of *Legal Writing Pro*, an advanced legal-writing training and consulting firm. He conducts hundreds of programs a year for many of the world's largest and most prestigious law firms and for dozens of state and federal agencies and bar associations.

Ross is also a Professorial Lecturer in Law at The George Washington University Law School, where he teaches an advanced seminar on litigation drafting and strategy.

He holds degrees from Yale, the Sorbonne, and The University of Chicago Law School, where he was Articles Editor of *The University of Chicago Legal Forum*.

Oxford University Press has asked Ross to write the first book on how the nation's top written advocates produce winning briefs and motions.

Before founding *Legal Writing Pro*, Ross worked at several major law firms as a litigator and briefwriting consultant. Ross is also an award-winning journalist; after the federal takeover of Fannie Mae, *Slate* called his 2002 investigation of the company "totally brilliant and prescient."

Ross has also commented on business and law for major newspapers, radio stations, and television networks, including CBS and CNN.

A Minnesota native, Ross lives with his wife and two children outside Washington, DC.

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BETTER EMAILS

1. How can I warm the tone of my emails?

> Add the person's name, a "hello," a personal message, a "thanks."

The main reason emails come off cold is that they are easy to write quickly—and thus thoughtlessly. Blackberries and other devices make things worse.

To avoid offending readers, add something "warm" to your emails: the person's name, a "hello," a personal message, a "thanks."

BREAK THE CYCLE

Warm words speed up turnaround and prevent conflict. Remember that last heated email that turned out to be a mere miscommunication? Ninety percent of the time, according to the *Journal of Personality and Social Psychology*, we think we've read the emails we receive in the tone the writer intended. We're right only half the time.[1]

Solution: When participants in the *Journal*'s study were asked to read their emails in a tone different from what they intended, they were much better at predicting how their readers would interpret those emails. Consider testing your own emails the next time you're about to click "Send."

Read these two pairs of sentences aloud, paying attention to your tone when you read the first sentence in each pair. How would you convey that tone in an e-mail?

> I am upset with you. You never do your fair share of the work around here.
>
> I am upset with you. You should have told me that you won the lottery.

IF YOU PLEASE

"Please" is good—most of the time. But it can also backfire. As David Shipley and Will Schwalbe explain in their book *Send*, "please" can convey exasperation:

> Would you please remember to include me on the email whenever you respond to a customer?[2]

BALANCE YOUR REPLY

When someone sends you a three-paragraph proposal, try to respond with more than a simple "Yes." Save that reply for short questions. Instead, acknowledge the sender's efforts: "Thanks! I agree. Let's do that."[3]

MORE TIPS

To help others avoid "flaming," consider making the following suggestions:

- Disregard any heated email you receive.
- Write your email before you address it. Think twice before sending.
- If you feel like asking someone if it's OK to send an email, don't send it.

YOUR STYLE?

Imagine you need to email Martha Stuart, a first-year attorney, to ask her for an interview report on a candidate named Ernie Madoff. Martha was supposed to send you the report more than a week ago, and hers is the only one you still need. She has not returned the voicemail you left her last Friday either.

> ➜ What would you say?

Your Email

From:	You
Sent:	Wednesday, April 1, 2009 1:04 PM
To:	Martha Stuart
Subject:	

EMAIL STYLES

> ➔ Which of these "styles" is closest to your own?

Distant

From:	Phyllis Stewart
Sent:	Wednesday, April 1, 2009 1:04 PM
To:	Martha Stuart
Subject:	Late Interview Report

Martha:

I write to request the interview report for Ernie Madoff. Pursuant to my earlier email, this report was due immediately after the interview. Your prompt response is appreciated.

Sincerely,
Phyllis Stewart

Formal

From:	Phyllis Stewart
Sent:	Wednesday, April 1, 2009 1:04 PM
To:	Martha Stuart
Subject:	Madoff Interview Report

Martha:

Will you please send me the interview report for Ernie Madoff? We need it as soon as possible.

Regards,
Phyllis

Business Casual

From: Phyllis Stewart
Sent: Wednesday, April 1, 2009 1:04 PM
To: Martha Stuart
Subject: Your Madoff Interview Report Needed

Hi Martha,

I hope the week's going well. Will you send me your report on Madoff by the end of the day? The hiring partner needs it from us as soon as possible.

Thanks much! Phyllis

Chummy

From: Phyllis Stewart
Sent: Wednesday, April 1, 2009 1:04 PM
To: Martha Stuart
Subject: Recruiting

Hi Martha, do you have the Madoff interview report? Need it asap. Thanks, P.

Modern

From: Phyllis Stewart
Sent: Wednesday, April 1, 2009 1:04 PM
To: Martha Stuart
Subject: (no subject)

m, got madoff report? need asap thx p

Executive

From: Phyllis Stewart
Sent: Wednesday, April 1, 2009 1:04 PM
To: Martha Stuart
Subject: where the madoff report????

TONE CHALLENGE

➔ Five law-firm attorneys sent me writing samples. What sort of person do you imagine wrote each of the following emails?

Email 1

From:	John Roberts
Sent:	Thursday, March 20, 2008 5:38 PM
To:	Ross Guberman
Subject:	Writing Sample

Attached please find a writing sample for the upcoming meeting.

Sincerely,
John Roberts

Email 2

From:	John Roberts
Sent:	Thursday, March 20, 2008 5:38 PM
To:	Ross Guberman
Subject:	Writing Sample for Our Meeting

Hi Ross!

I'm looking forward to meeting you. I hope this sample is what you had in mind. If not, just let me know.

Thanks in advance for your help.

See you soon,

John

Email 3

From:	John Roberts
Sent:	Thursday, March 20, 2008 5:38 PM
To:	Ross Guberman
Subject:	Issues re: Writing Sample

Mr. Guberman:

Jane Smith advised that I should send you two writing samples. As a threshold matter, it should be noted that in my view, I am a strong writer, though like anyone I am always looking to improve. Additionally, most of my work is filed under seal, and it is therefore inappropriate to give such work to you. I have, however, enclosed a motion to dismiss of which I drafted section two. You should feel free to review this section before the session Jane has scheduled.

Sincerely,

John Roberts, Esq.

Email 4

From:	John Roberts
Sent:	Thursday, March 20, 2008 5:38 PM
To:	Ross Guberman
Subject:	(no subject)

Sample attached

Email 5

From:	John Roberts
Sent:	Thursday, March 20, 2008 5:38 PM
To:	Ross Guberman
Subject:	My Sample

Sample attached! Thanks, John

2. How can I get people to open my emails?

> Transform drab, stale subject lines into up-to-the-minute "headlines."

Compare your morning newspaper to your morning inbox. Most newspaper headlines entice you to read more or at least convey the bottom line. Most email subject lines do neither: How alluring or informative is "RE: RE: RE: meeting"? Instead, highlight your email's "news value" to the reader.

➔ Think of the last three times you needed to get an email read. Draft a subject line for each email that would draw the reader in.

1.

2.

3.

3. How can I get people to read my emails?

Answer your reader's most likely questions first.

THE THREE-SENTENCE SOLUTION

One of the biggest gripes at organizations is that people don't read important emails. Yet another big gripe is that people send long, rambling emails laden with detail and off-topic chatter. Sound familiar?

Rather than beginning with background, start your next email by answering the three things that every reader wants to know:

1. Why are you writing me?
2. What's the gist of your message?
3. What do you want me to do after I read this email?

Only then go into detail. Chances are no one will get that far. But if you'd written your email in the classic style—aimless and rambling—no one would have read it at all!

Use breaks, numbers, and bullets to make your emails easier to read.

EMAIL CHALLENGE

➔ On the following page, which email is easier to read?

Newman, Colin

From: Newman, Colin
Sent: Thursday, January 6, 2005 12:30 PM
To: Leitch, David G.
Subject: Question from Karl Rove

David -- Karl Rove stopped by to ask you (roughly quoting) "how we planned to proceed regarding US Attorneys, whether we were going to allow all to stay, request resignations from all and accept only some of them, or selectively replace them, etc." I told him that you would be on the Hill all day for the Judge's hearing, and he said the matter was not urgent. Please let me know if you have any questions. Thanks, -Colin

Colin M. Newman
Office of Counsel to the President

Newman, Colin

From: Newman, Colin
Sent: Thursday, January 6, 2005 12:30 PM
To: Leitch, David G.
Subject: Question from Karl Rove

David,

Karl Rove stopped by to ask you (roughly quoting) "how we planned to proceed regarding US Attorneys, whether we were going to…

- Allow all to stay,
- Request resignations from all and accept only some of them, or
- Selectively replace them, etc."

I told him that you would be on the Hill all day for the Judge's hearing, and he said the matter was not urgent.

Please let me know if you have any questions.

Thanks, Colin

Colin M. Newman
Office of Counsel to the President

4. How can I avoid the most common typos?

Watch out for the three great grammar gaffes: *it's*, *its*; *you're*, *your*; *they're*, *their*, *there*.

Keep a list of common usage mistakes that smart people make—mistakes that your spell checker won't catch.

Here are the three most common mistakes, particularly in emails.

- It's, its
- You're, your
- They're, their, there

Because so many of us write *it's* for *its*, and so many use apostrophes to form plurals, consider searching for every apostrophe in your email before sending it.

USAGE CHALLENGE

➜ Find the errors in this email.

It's time to begin you're final preparations for the global equities conference. The firm sponsoring the event believes that its its responsibility to choose the keynote speaker— probably someone the broker's know from their client base. We also need a special session on China; as one expert said, its the hottest economy around these days. As soon as you're ready to submit you're thoughts on these issues, please reply to this email. If we don't resolve these matters soon, one of our competitor's will likely say, "Their not as smart as they think they are over there. When it comes to their global equities conference, they're is no their there."

SANER EMAILS

5. How can I better manage my email?

> Set aside time to check email.

Our brains can do many miraculous things, but multitasking is not always among them. We're much better at focusing on one thing at a time. When we let emails interrupt us, we get off track.

In a recent study, a group of Microsoft workers took 15 minutes, on average, to get back to "serious mental tasks" after replying to email or instant messages. The researchers were surprised to see how easily people were diverted to unrelated interests such as sports or the news after they were interrupted.

That lost time isn't cheap. According to one analyst, inefficiency from multitasking costs our economy about $650 billion every year.[4] After banning email on Fridays, U.S. Cellular—the nation's sixth-largest wireless carrier—gained 7,000 hours on Fridays.[5]

Take control of your email:

- Set aside time to check email. Once every hour, for example.
- Consider turning off default notifications.
- If emails from certain people should be checked immediately, create a unique notification for those individuals.
- Clear everything from your inbox except for tasks you need to complete.
- To save time over the long run, reply right away when possible.

FACTS AND FIGURES

- In 2006, 23% of Americans checked work email and voicemail while away. 16% did in 2005.[6]
- In the United States, about 88% of Internet users have personal email accounts. 46% have email at work. That's about 147 million people—or half our population.[7]
- In 2007, Americans will send (and receive) about 2.7 trillion emails. That number increases by about 13% each year.[8]

Endnotes

1 Stephen Leahy, "The Secret Cause of Flame Wars," *Wired*, February 13, 2006, http://www.wired.com/science/discoveries/news/2006/02/70179.

2 David Shipley and Will Schwalbe, *Send: The Essential Guide to Email for Office and Home*, 127 (2007).

3 *Id.* at 164.

4 Steve Lohr, "Slow Down, Brave Multitasker, and Don't Read This in Traffic," *New York Times*, March 25, 2007.

5 Roger Cohen, "Turkey Tune-Out Time," *New York Times* (November 22, 2007).

6 Mark Penn, *Microtrends* (2007).

7 EmailLabs, "Email Marketing Statistics and Metrics," http://www.emaillabs.com/resources/resources_statistics.html.

8 IMedia Connection, "Email: Turning Up the Volume," http://www.imediaconnection.com/content/5630.asp.