2.2. Collaboration Technologies: Instant Messaging and Email Applications

Instant Messaging and Email Applications

Introduction

Instant messaging applications[23], such as online chat functions that allow for real-time written communication, have become indispensable tools to enhance collaboration, boost efficiency, and improve communication within a law firm. In this section, commonly used messaging tools like SMS texting, Google Meet, Microsoft Teams, Slack, and Discord will be discussed, along with points to consider when using these tools. There will also be a discussion of when it makes sense to rely on email for communications.

Unlike email, messaging collaboration allows for real-time communication. Users can more efficiently exchange information and collaborate within documents and other work products. Messaging programs often allow users to organize their communications in ways that make sense to them and typically provide search capabilities for users to refer back to previous communications.

There are, however, drawbacks with messaging tools. Some find message notifications distracting when focusing on other, unrelated work. Messaging applications can encourage more informal communication which can cause problems if staff do not respect business communication guidelines. Staff may also feel like they are "always on" if using their mobile devices to stay in communication with co-workers or clients.

There are times when limiting communication to email is appropriate and desired. Often, formal communication and traceability are important. Formal communications that once were sent via physical mail are often now sent through email, yet registered/certified mail remains in use in great part due to the weight afforded to it by the legal system.

As always, it is essential for organizations to clearly define policies regarding which type of communication staff should use for different purposes. Staff need to be regularly trained on these policies and given reminders regarding why certain tools are used the way they are throughout the organization.

Instant Messaging/Chats vs. Channels

Within such applications, a distinction should be made between instant messaging/chats (IM) and posting messages in "channels". IM serves as a primary tool for synchronous and immediate communication. IM communication is particularly useful for addressing urgent matters and facilitating rapid decision-making.

Channel posts, on the other hand, may be asynchronous, meaning users can engage in discussions at their convenience. This is beneficial for accommodating distributed teams and varying time zones. Further, channel posts are typically organized around specific topics, projects, or teams. This structure promotes the efficient categorization and retrieval of information, enhancing overall productivity.

Channel posts are designed to maintain a historical record of conversations, ensuring that important information is not lost over time. This feature contributes to knowledge retention and accountability. Channel posts also allow for threaded discussions, enabling users to respond to specific messages in a thread. This feature promotes focused and organized conversations, especially in large teams. Finally, channel posts are generally better suited for longer-form content, as they provide text formatting options and support various media types. This makes them ideal for sharing detailed updates, reports, and multimedia content.

Structuring channels in such platforms effectively is essential for maintaining clarity and preventing the proliferation of channels which can lead to confusion. Here are

some best practices for structuring channels in a way that balances organization and simplicity:

- **Establish clear naming conventions**

    - Create a standardized naming convention for the channels that reflects their purpose and content. Use descriptive names that make it easy for team members to understand the channel's focus. For example, use "Family Law Unit" for a channel dedicated to family law discussions.

- **Limit the number of channels**

    - Avoid creating channels for every topic or discussion. Instead, aim to consolidate related topics or teams into broader channels. Having too many channels can overwhelm users and make it challenging to find the right place to post.

- **Use Hierarchical Structures**

    - For instance, use a department channel (e.g. "Family Law Unit") and then create subchannels or threads within them for specific projects or topics (e.g. "Family Law Unit > Case Law Updates").

- **Group by Department or Function**

    - Organize channels based on departments, teams, or functions within the firm. This simplifies navigation and ensures that discussions are relevant to the channel's purpose.

- **Archive or Remove Inactive Channels**

    - Regularly review channels that are no longer active or relevant. This helps keep the channel list clean and prevents clutter.

- **Promote Channel Descriptions**

    - Encourage channel owners to provide concise descriptions for each channel. These descriptions should explain the channel's purpose, guidelines, and what type of content is appropriate.

- **Train Staff**

    - Ensure that staff understand where to post specific types of messages and encourage them to use the search function when looking for information instead of creating a new post.

Common Messaging and Email Tools

SMS Texting

Short Message/Messaging Service (SMS) is a way of sending short written messages from one mobile phone to another.[24] These messages are transmitted through cellular networks to mobile devices.

More and more frequently, law firm staff are texting clients and co-workers using their personal cell phones. Perhaps staff found that a client who never answers the phone would respond to a text messages, or that clients prefer to send pictures of documents via text rather than drop them off to be copied at the office, or that pictures needed for a case are easily transferred via text.

Texting, although a great way to stay in contact and collaborate, has some drawbacks:

1. Out-of-Band Communications

When staff use personal devices to communicate with each other or with clients, the communications are considered "out-of-band" communications because they happen outside of the firm's technical environment. This makes it difficult for the

firm to secure and track the communications. Because the personal devices of staff and clients may not be adequately protected, those devices pose risks to confidential client information.

If texting a client is necessary, staff should be encouraged to do so in a way that preserves a record of that communication; for example, by using an integration with the firm's case management system. If staff must text each other about client matters, they should be encouraged to do so using the texting feature of the firm's cloud-based phone provider or consider using the firm messaging software instead. Doing so helps protect the firm in case of a legal challenge, provides a more complete client record, and protects staff from having their personal devices becoming part of a discovery request.**25**

2. Cost

Many SMS services charge a nominal fee per text message which can be expensive both for the firm and for the client, particularly if these messages are on a limited or "pay as you go" cellular plan. When considering the cost of SMS, firms should take into account messaging volume, pricing models (e.g., non-profit pricing, bulk messaging plans, monthly subscriptions), message length, and any additional costs.

3. Security

Staff should be aware that SMS texting is typically not the most secure method of communication with clients because SMS text messages are typically sent without encryption and may potentially be intercepted and read by third parties. Further, client devices may not be properly secured and may be monitored by third parties, which is a significant concern for clients affected by domestic or intimate partner violence.

Mobile devices also can easily be lost or stolen. A lost or stolen mobile device that was not properly encrypted and password protected allows those text messages to be accessed by malicious actors. Finally, SMS phishing (or "smishing"), whereby attackers attempt to deceive SMS recipients to obtain confidential information is on the rise and is a risk to disclosure of confidential information.

Google Chat

Google Workspace's messaging product is called Google Chat[26] and is included with all Google business plans. One large benefit to Google Chat is that it uses Google's search engine to help users search through old chat messages and emails when trying to find a particular conversation, though users report Google Chat's search is not as good as Slack's.[27] Google also offers a number of third-party integrations that expand the capabilities of Chat; for example, the integration with Salesforce (customer relationship management software) allows users to search and share Salesforce records in the chat,[28] and the integration with Jira (project management software) allows users to assign and track tasks within Google Chat.[29] Organizations should use caution, of course, when integrating third party applications and ensure that those apps are secure and that client information will be protected.

Microsoft Teams

In addition to its other features as [noted above](#), Microsoft has incorporated a messaging feature into Teams. Teams' functions are also integrated into other Microsoft applications like Outlook, OneNote, and SharePoint, and a number of third-party integrations are also available. One of the benefits of Teams is that if a message is missed, Microsoft will send an email alert.

Slack

Slack is another popular communication platform that has been particularly adopted by the tech sector. Users tend to find Slack more user-friendly than other products, with an interface that is clean and intuitive.[30] Like the other products discussed above, Slack allows for a number of third-party integrations, including most of the Google and Microsoft products. Because Slack is a standalone product, firms should consider whether there is value in purchasing Slack subscriptions.

Slack does not have robust document collaboration or co-authoring features. Although Slack allows for audio and video call "huddles," these features are not nearly as well developed as those offered by other platforms.

"As an organization, we use Slack for all kinds of conversations, resource shares, and even flexible feedback or decision-making polls. Since we have a distributed team across six states, staff are always in different time zones, even if they aren't traveling. Using our organizational tools well enables us to keep conversations moving without the need for a meeting or until it is clear what the meeting agenda would be. Project updates can be shared in real-time, and feedback can get added by anyone, wherever they are. It's been valuable for us to continue supporting adoption and training over time because even if our use of the tools doesn't change, the tools themselves change with updates and upgrades."-- Amy Sample Ward, NTEN

Discord

Discord is a communication platform originally designed for the gaming community. While the interface is not as sleek as other products, the platform does provide robust voice and text communication for real-time collaboration. Discord also allows for document sharing, notifications and announcements, integration with other applications, and the ability to organize teams or projects into channels.

Discord is not as widely used in legal aid offices as the platforms discussed above, as firms may find that the privacy and security features are not sufficient for their use.[31] Some users also find Discord particularly "noisy" due to the platform's lively and interactive notifications.[32] For those accustomed to Microsoft or Google platforms, there may be a higher learning curve to effective and efficient use of Discord.

Email

Email can be a better choice than messaging applications for certain communications. While communication within a firm is often done via a messaging application, external parties do not have access to internal systems and are therefore unable to use these applications for communication.

When formal legal documents must be sent, messaging applications are typically not an acceptable form of transmission. Further, if it is important to record and

document sending and the receipt of a particular document, and where traditional mailing is not available or desired, email may be the best choice. It can be much easier to attach files to emails than in messaging applications. Email also allows asynchronous communication and more thoughtful responses, particularly for complex matters.

Email can also be easier to organize— all major email providers allow for threaded conversations about a particular topic, which can be useful if someone needs to refer to older conversations. For readers who require accessibility applications, email may be an easier form of communication, as it is often more standardized than most messaging applications.

Whats App

Whats App is a private SMS text messaging application that allows users to send and receive messages, largely for free, all over the globe. Unlike SMS text messaging via cell phones, Whats App allows users to communicate internationally for no extra charge. Security features include end-to-end encryption, chat lock, disappearing messages, and spam screening.

Whats App is often utilized by farm worker and rural programs due to its accessibility and relatively low cost. Most features of the desktop and mobile app are available to users free of charge.

Common Messaging and Email Tools: Feature Breakdown

	Account required?	Collaborative Features	Third-Party Integration?	Security

Google Chat	Yes	Yes	Yes	Data is encrypted in-transit and at-rest.
Microsoft Teams	Yes	Yes	Yes	End-to-end encryption requires a subscription to Teams Premium. If end-to-end encryption is not enabled, Teams still secures meetings using encryption based on industry standards.
Slack	Yes	Yes	Yes	Data is encrypted in-transit and at-rest.
Discord	Yes	Yes	Yes	Discord as a platform is not intended for encrypted communications. It does use standard encryption, but does not provide end-to-end encryption of its video chats.
Email	Yes	Most providers do not but Office365 recently introduced an option to allow for this.	Most email clients allow of integration	Refer to providers details

WhatsApp	Yes	Some (chats/messaging)	Yes	End-to-end encryption

Best Practices and Policy Considerations

Firms must consider how messaging software fits into an overall technology plan, what policies are required, and what training is needed for staff. Some things to consider:

1. **Usage policies**

   Firms should set clear policies regarding the appropriate use of messaging and email applications. Communicate expectations regarding professional conduct, data security, client confidentiality, and sensitive information. Ensure that staff know that all communications may be monitored by the firm at any time. Clearly outline whether personal devices may be used for firm business.

2. **Effective use**

   Consider training staff on the effective and efficient use of messaging and email applications. Review with staff how to archive and search old conversations. Discuss with staff which communications are best suited for messaging, email, or virtual meetings.

3. **Archiving and destruction/deletion**

   Keep in mind that instant messaging communications are discoverable in litigation just like other types of business communications. Be sure to include messaging application files in the data archiving and destruction policies and adhere to those policies.

4. **Responsiveness**

Expectations regarding responsiveness to messages in the company chat messaging application should be clearly communicated to staff. Requiring immediate responses can be harmful and increase staff anxiety.[33] Some questions to consider include the following:

1. Does the organization require that staff be logged on and available during work hours?

2. Is the messaging application available to all staff?

3. Are staff allowed or required to have the application on their mobile devices?

4. Must staff respond outside of business hours?

Internal Communication

Using Messaging and Email Applications

Keep in mind that staff will not be able to work productively when constantly being interrupted by message notifications[34] and may prefer to communicate in other ways (phone, email). Some staff are more sensitive to interruptions than others (for example, if a staff member has health conditions that make notifications obtrusive to work, like Attention Deficit Hyperactivity Disorder[35]).

Sending an instant message lets the user communicate clearly and get the point across much faster than via email. Additionally, direct messages help build more personal workplace relationships, which increases co-workers' motivation and engagement, and all of which positively affects productivity and quality of work.[36] Clear expectations regarding staff communication preferences can allow for better and more productive collaboration. Staff should be reminded of professionalism obligations and should always use caution when discussing confidential client information on any available technology. Staff should also be trained on email

courtesy and timeliness expectations and how to best keep these communications organized.

Communication with Clients

Using Messaging and Email Applications

If using internal messaging applications with clients is inconvenient for staff and difficult for clients to access, staff may resort to using personal devices to text clients instead. Firms must ensure that client communications are kept confidential and documented in the case management system. Many case management systems allow for integrations that permit SMS text messages to be sent to and from and recorded to a client file.

These steps ensure that the client file is complete and accessible in the event that the information or communication must be referenced later. Staff should take steps to ensure that client SMS texts and emails are not being observed by third parties. As many clients use free unencrypted email to communicate, it is strongly recommended that firms do not allow email communication with clients regarding confidential information and instead require staff to use a secure encrypted client portal.[37]

---

23. *Encyclopædia Britannica*. "Instant Messaging." https://www.britannica.com/topic/instant-messaging.

24. *Encyclopædia Britannica*. "Text Messaging." https://www.britannica.com/technology/text-messaging#ref1054888.

25. For example, if the firm is sued for malpractice, the existence and content of text messages may become an evidentiary issue and need to be preserved.

26. Again, Google likes to change names of its products. This used to be called Google Hangouts.

27.*The New York Times Wirecutter*. "The Best Team Messaging App." https://www.nytimes.com/wirecutter/reviews/best-team-messaging-app/.

28. *Google Workspace Marketplace*. "Salesforce for Google Chat." https://workspace.google.com/marketplace/app/salesforce_for_google_chat/869591570258 .

29. *Google Workspace Marketplace*. "Jira for Google Chat." https://workspace.google.com/marketplace/app/jira_for_google_chat/1063804824442 .

30. *Capterra*. "Slack Reviews." https://www.capterra.com/p/135003/Slack/reviews/.

31. *Business Insider*. "Video call conference security, ranked from best to worst for Houseparty, Zoom, Discord, Skype, BlueJeans, and more." https://www.businessinsider.com/video-call-conference-security-ranked-houseparty-zoom-discord-skype-bluejeans-2020-4.

32. Discords are sometimes set to mention everyone in a chat whenever there is a new message, which some users find distracting. See, e.g., Hebda, Samuel. "How to Stay Sane Using Discord for Business." *White Rabbit Enterprises*, Accessed [insert the date you accessed the page]. https://whiterabbitenterprises.medium.com/how-to-stay-sane-using-discord-for-business-5562bf7fddf9.

33. *Karbon*. "The Harm of Immediate Response Expectations." https://karbonhq.com/resources/the-harm-of-immediate-response-expectations/.

34. *Bloomberg*. "Tech Fatigue Has Employees Zooming In and Zoning Out." https://www.bloomberg.com/news/articles/2022-10-18/tech-fatigue-has-employees-zooming-in-and-zoning-out#xj4y7vzkg.and *Entrepreneur*. "Notifications Are Killing Your Productivity. Here's What to Do." https://www.entrepreneur.com/living/notifications-are-killing-your-productivity-heres-what/354788.

35. *Inflow*. "How to Support ADHD Coworkers." https://www.getinflow.io/post/support-adhd-coworkers.

36. *ActiveCollab*. "Ways Instant Messaging at Work Boosts Workplace Productivity." https://activecollab.com/business-instant-messaging-guide/ways-instant-messaging-at-work-boosts-workplace-productivity#:~:text=Sending%20an%20instant%20message%20lets,the%20quality%20of%20their .

Last updated on January 11, 2024.

Print

Table of Contents

NEWS

News & publications

The news about recent activities for needed peoples.

[More News](#)

10 Oct 2024

LSNTAP Announces Access to Comprehensive Technology Initiative Grants Database

Ypsilanti, MI – October 10, 2024 – Legal Services National Technology…

[Continue Reading](#)

18 Jul 2024

LSNTAP Launches a New Resource for the Community: the RFP Library

Over the last two years, LSNTAP staff has pored over the listserv archive to…

[Continue Reading](#)

Our Partners