

Sundt, Joan

From: andersonmovius
Sent: Wednesday, July 16, 2008 12:58 PM
To: Sundt, Joan
Subject: Proposed Rule of Court 9.7 (Online Reporting by Attorneys)

Dear Ms. Sundt, et al:

Although I, myself, use the online resources, and find this more convenient, I am still concerned that the opt-out provisions make it easy for those without online access or email to be exempt. I'd be more comfortable if the rule itself specified that this opt-out could be done at the same time as annual renewals, and that there was a simple form that could be sent in with dues, etc.

Sincerely,

Mark Alexander Anderson

Sundt, Joan

From: Sheri Cohen
Sent: Saturday, August 16, 2008 1:02 PM
To: Sundt, Joan
Subject: Proposed rule: attorney e-mail

Ms. Sundt,

This is to express my opposition to any rule of court that would require attorneys to include their e-mail addresses in their state bar profile.

I am a practicing attorney concentrating on appellate law. I regularly take appointments from the court of appeal in the area of juvenile dependency law. It has been my experience that I am highly accessible to my clients through phone and written communications and have enhanced that accessibility when necessary by voluntarily providing my e-mail.

I have also been contacted by prospective clients by phone or letter without any concerns that the current forms of communication are inadequate.

I do, however, foresee a problem if my e-mail was readily accessible to my clients or the public in general because my practice occasionally includes people who are psychologically unstable. In those circumstances, the inconvenience of having to deal with excessive e-mails is not outweighed by the convenience of providing yet another alternative method of communication to the ones already in existence. All things considered, I prefer to provide my e-mail when appropriate and not have it disseminated by the state bar to anyone and everyone.

Thank you for providing this information to the appropriate source.

Sheri Cohen
State Bar No. 161145
3020 Bridgeway, #114
Sausalito, CA 94965
Phone: 415-332-7442

Sundt, Joan

From: Robert de Spelder
Sent: Friday, August 08, 2008 9:02 PM
To: Sundt, Joan
Subject: attorneys without email addresses

Why not provide a email service such as: attorney@calbar.org

That way everyone would have an address clients could reach them at.

--
Robert B. de Spelder
reply to:

August 22, 2008

Joan Sundt
California State Bar

Dear Ms. Sundt:

I oppose the adoption of proposed California Rule of Court 9.7. Not everyone has access to a computer or to the Bar's "web-site". It is not reasonable to force those folks (who well may be retired) to jump through an extra hoop each year to comply with the proposed Rule and seek an exemption.

Further, even those who may be said to have access to the internet through a spouse or other family member may not have sufficient experience with computer technology to feel comfortable navigating a website to comply with the Rule. It is not reasonable to force these folks to gain that experience or to jump through a yearly hoop to seek an exemption.

Theodore Garcia
Inactive member 95193
PO Box 16
Mountain Ranch California
95246
(209) 754 9535

Sundt, Joan

From: Janice Jenkins
Sent: Thursday, August 14, 2008 1:00 PM
To: Sundt, Joan
Subject: opposition to proposed 9.7

Dear Ms Sundt:

I represent indigent parents in court-appointed appeals. I am very opposed to posting anything more on my state bar profile than my mailing address and telephone number. For one thing, many of my clients are unstable, many are angry at me when their appeals fail and their children are never to be returned to them. For another, the onslaught of electronic mail has added enormous stress to the day-to-day practice and to add a layer of uninvited client mail who expect immediate answers in confidential matters (who then can then readily transmit any answer I give) is more than a solo-practitioner should be required to handle. Therefore, I respectfully request that listing of e-mail addresses remain optional.

Thank you.

Janice A. Jenkins (SBN 121565)

Janice A. Jenkins
Attorney at Law
P.O. Box 7565
Oakland, CA 94601-0565
(510) 532-2668

CONFIDENTIALITY NOTICE

This email is confidential information and legally privileged. The information is inter

9/3/2008

Roger L. Kohn
Attorney at Law
P.O. Box 1930
Manhattan Beach, California 90267-1930
(310) 379-3966

August 27, 2008

Joan Sundt
Office of the General Counsel
The State Bar of California
180 Howard Street
San Francisco, CA 94105
fax (415) 538-2321

Re: Comment on Proposed Rule of Court 9.7: Online Reporting

Dear Ms. Sundt:

As an experienced privacy advocate and a member of the State Bar, I believe that the State Bar should **reject** the proposal to require all members of the State Bar of California to report their e-mail addresses online, as proposed, for the following reasons.

1. **Ambiguous and Confusing.** I discussed the proposal with several other lawyers, and we could not agree on exactly what the proposal was intended to do. Thus, as a preliminary comment, the language should be clarified.

In section (a) the proposal mentions "an online membership account" for the facilitation of State Bar communications. Reporting of e-mail addresses is mandatory. In section (b) there is mention of "an online membership account". Disclosure of an e-mail address to the public is here optional. Currently on the website calbar.ca.gov, there is a section "Attorney Search" which displays "Attorney Profiles" and is accessible to the public. Are these three accounts intended to all be different, the same, or none of the above?

In section (a), the mandatory information is described as for the needs of the State Bar. Is information that is required to be submitted here only to be used for State Bar purposes? If so, the language should state that it is only to be used for State Bar business and not to be available to others or the public. Does the State Bar intend to share mailing lists to other organizations or individuals under the guise of State Bar purposes? The section also refers to "a secure system." Is it the intention that what is secure is merely the submission process, or the subsequent access to the information by others?

By way of example, on two occasions I supplied my local bar association, at its request, with information after its staff clearly confirmed that the information was for internal bar business only. Subsequently my fax number, and then an e-mail address I used only for bar business, were published in the local bar's directory distributed to tens of thousands of members with a magazine widely left in publicly accessible places. Subsequently, a substantial fraction of my e-mail to that address was spam from others.

Section (a) allows the member to optionally make an e-mail address available to the public. The implication is that if the member does not opt to do so, the public does not have access to the member's e-mail address. Is this correct? And is this a true opt-in choice -- that is, if a member submits information required in (a) and does nothing more, is it correct that the information is not to be available to the public?

"To facilitate communications by the State Bar" is too broad a catch-all term. If the State Bar, no longer encumbered by postage expenses, decides to helpfully e-mail daily memos to all members, I expect that most of us will consider the e-mail as no different than spam (see below). Members should have the opportunity to elect what they wish the State Bar to send to them.

Additional concerns about mandatory submission of e-mail addresses follow, the applicability of which depends upon the answers to the above questions:

2. Confidentiality and Security: Computer and security experts widely view e-mail as the electronic equivalent of postcards. E-mail is far easier for outsiders to hack. In addition, both senders and recipients may too easily and inadvertently misdirect, copy or save e-mails to unexpected and insecure locations.

Thus it is unwise to use e-mail for communication that involves sensitive legal, financial, professional, business or medical information. While some such communication may not require security, privacy, or confidentiality, the choice should reside with the members and those with whom they communicate.

Online, open access to lawyers' e-mail addresses would encourage communications to members from people who may not understand or appreciate the risks involved in e-mailing to members.

Members who choose to use e-mail may warn their clients of the risks by including warnings customized to their practices and circumstances, to their clients before initiating e-mail use. Online posting of an e-mail address encourages unsolicited communications, without informed consent, from clients or potential clients.

3. Reliability: E-mail is less reliable than other modes of communication. The loss rate for USPS mail is extremely low, and phone calls have the advantage of immediate confirmation of the intended contact. On the other hand, with e-mail, most people have experienced occasions where one party is sure he or she sent an e-mail, but the addressee never received it, or the receipt was untimely. Computer problems at the sender's or intended recipient's end, either party's ISP, or internet problems often lead to loss, misdirection, or delay.

4. Interference with other business: Unsolicited broadband transmittals can crash or tie up the recipient's computer. A sender with a high-speed system may inadvertently -- or deliberately --


send a huge document or lengthy video. This can overwhelm the intended recipient's system, interfering with the recipient's use of her or his computer for other business.

5. **Spam:** E-mail, unlike paper mail, faxes, and phone calls, costs essentially nothing to send. This encourages many to broadcast huge volumes of unsolicited and unwanted, often virus-laced, e-mail to anyone with an identifiable e-mail address. Thus, lawyers with published e-mail addresses must review and filter out huge volumes of e-mail. Spam filters either do an incomplete job, or are so enthusiastic in identifying spam that they reject some important and desired e-mail.

Some spam is clearly identifiable as such by the nature of the subject lines. But other unsolicited e-mail includes many scams (e.g., the Nigerian scams) and other solicitations for fraudulent activity. These may appear as or be disguised as solicitations for legal representation, so they cannot be casually discarded. Reading these e-mails before deleting them eats into work time; in some cases, just opening spam can trigger a virus attack.

By mandating that lawyers report e-mail addresses, the State Bar will be mandating a mode of communication that I have made a professional decision generally to avoid. I ask that you do not so mandate for all members of the State Bar, and rather leave the opportunity to the considered discretion of each member.

Very truly yours,



Roger L. Kohn

Member of the State Bar of California

Sundt, Joan

From: Sundt, Joan
Sent: Wednesday, August 27, 2008 8:21 AM
To: Babcock, Starr; Rowley, Victor; Yen, Mary
Subject: FW: Comment on Proposed Rule 9.7

-----Original Message-----

From: Marcia Levine
Sent: Tuesday, August 26, 2008 9:03 AM
To: Sundt, Joan
Subject: Comment on Proposed Rule 9.7

Dear Ms. Sundt:

I am writing on behalf of California Appellate Defense Counsel (CADC) to express our concerns about proposed Rule 9.7, online reporting by attorneys. CADC is an organization of more than 400 lawyers who represent indigents on appeal in criminal, delinquency, and dependency cases under appointment in the Court of Appeal and Supreme Court. We recognize that the rule, as proposed, requires attorneys to provide an e-mail address for use by the State Bar for its communication with members and gives attorneys the choice of disclosing the e-mail address to the public on the Bar's website. We urge the Bar to insure that an attorney's e-mail address remains secure and private unless the attorney chooses to publicize it.

We are concerned that providing an e-mail address to the State Bar could lead to its dissemination to the public. Many CADC members whose e-mail addresses became available to clients and their families without the attorney's consent have found this resulted in an unreasonable amount of communication to which the attorneys had to respond.

We are also concerned that the publication of members' e-mail addresses will result in additional unsolicited advertisements, fraudulent requests for financial information and assistance, viruses, etc. because addresses have been "harvested" from the Bar's website.

We hope the State Bar will take these concerns into consideration in implementing Rule 9.7.

Sincerely,

Marcia C. Levine
Courts and Projects Liaison
California Appellate Defense Counsel

Sundt, Joan

From: [REDACTED]

Sent: Friday, August 15, 2008 10:51 AM

To: Sundt, Joan; Sundt, Joan

Dear Ms. Sundt: Please don't pass a rule that contributes to our email load some days it takes hours just to delete junk that has sneaked thru the spam filters. Plus, I do dependency appeals, and most of my clients are terribly emotionally distraught, and many of them are totally nuts, and/or downright dangerous. It's bad enough that I have to deal with them on the phone. I don't want them bombarding me by email, as well. Thanks for your consideration. Senya Means, SB# 112304

9/3/2008

Sundt, Joan

From: Archer Pugh :-
Sent: Thursday, August 14, 2008 10:01 AM
To: Sundt, Joan
Subject: Proposed Rule 9.7 On Line Reporting

This is to register my position that I do not want to post my e-mail address in a general location. My e-mail is to be used only with clients and those to whom I give out this information. I do not believe that I should be required to post it in an open directory. Please note my opposition to this proposed rule on this issue.

Archer F. Pugh

Archer F. Pugh, Esq.
LAW OFFICES OF PUGH & VAN VORIS
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Sundt, Joan

From:
Sent: Thursday, August 14, 2008 7:32 PM
To: Sundt, Joan
Subject: e-mail addresses

I am writing in opposition to the proposed rule that attorneys provide an e-mail address. I represent indigent clients on appeals and do not want each and every one of those clients to feel that they can obtain my immediate attention by e-mail. For those clients who are responsible and do not make unreasonable demands, I readily provide them an address voluntarily. I belong to an e-mail list-ser and a number of private lists which already take up an enormous amount of time and do not want to be burdened with unreasonable client requests. Thank you. Jan Saalfield

Janet H. Saalfield
PO Box 2283
Sausalito, CA 94966
415 331 6111

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It's time to go back to school! Get the latest trends and gadgets that make the grade on [AOL Shopping](#).

Sundt, Joan

From: Sundt, Joan
Sent: Tuesday, August 12, 2008 8:47 AM
To: Yen, Mary; Rowley, Victor; Babcock, Starr
Subject: Public Comment re On-line Reporting

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ATTORNEY-CLIENT PRIVILEGE

Earl Antonio Thompson, a retired attorney, called on August 11 (626-581-7159). He and his wife, retired attorney Linda Risha Thompson, believe that inactive attorneys should be exempt from the on-line reporting requirement.

Joan Sundt
Legal Secretary
Office of the General Counsel
State Bar of California
180 Howard Street
San Francisco, CA 94105
Direct: 415-538-2079

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