

ETHICS AND COLLEGIALITY IN COMMUNICATIONS

or How Email Has Made Us Less Effective

Presented by:

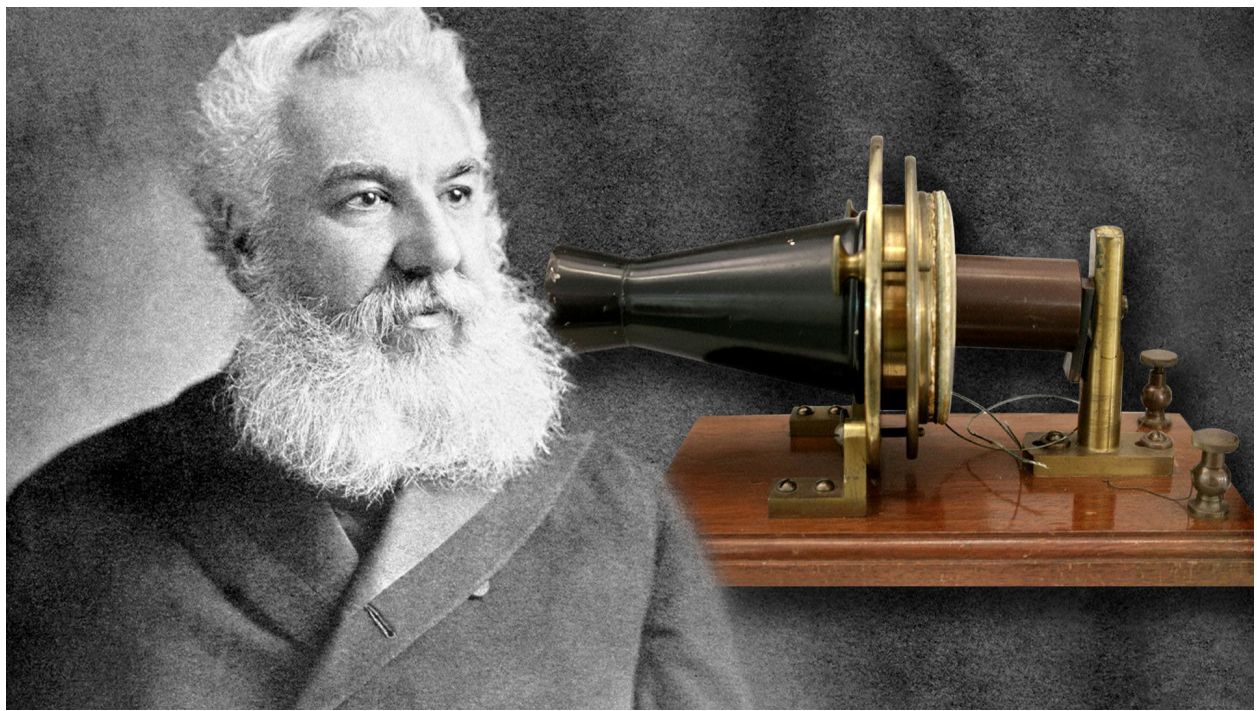
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a primer on communication in the modern age and an
opportunity to complain about the various things that drive us
all crazy in trying to do our jobs.

MINDFULNESS

- The purpose of this presentation is not only to educate and (hopefully) entertain, but to encourage mindfulness in how we present ourselves as professionals. How others perceive our professions and our ethics is reflected by and based upon how we communicate with the world





WHAT IS MINDFULNESS?

According to Google:

Mindfulness is a state of present-moment awareness that involves paying attention to one's thoughts, feelings, and bodily sensations without judgment. It is a skill that can be cultivated through practice, and it has its roots in ancient meditation traditions.

TELEPHONE ETIQUETTE

While definitely not modern, the telephone may be the most advanced of the “big three” here. It allows for discussion, give and take, intonation and exchanges of pleasantries that are not really available in written form. It leaves no written record. It is woefully underused.

As our agency members understand all too well, recording of telephone conversations raises a myriad of different issues.

In California, Connecticut, Delaware, Florida, Illinois, Maryland, Massachusetts, Michigan, Montana, Nevada, New Hampshire, Pennsylvania, and Washington, all parties must consent to an audio recording.

What can you accomplish via telephone that you cannot in a written communication?

- Setting a tone for discussion

We all have dealt with a person at the court clerk's office, judge's office, agency office or opposing counsel who focus in life falls under one of these categories: "It's not my fault" "I did not make a mistake" or "No, it's your fault." Contacting that person in writing and getting anything done, much less a response at all is hard to do in writing.

- “Hello, this is _____. I am calling to give you a heads up on the letter I am sending today. All I really want to accomplish is _____, but my client is pushing me for aggressive action. I am certain the reason that _____ is not bad faith, but I have to send a written request. I am hoping we can work this out at a minimum of cost to ourselves and our clients”

- Hello, I noticed that the filings regarding _____ in this case do not include _____. I am just calling to make sure I understand what is going here and to provide any assistance I can in getting _____ accomplished.”

- “Mr. Potter has become ill and I want to ensure that I get correct information to the correct parties regarding the matter scheduled before the Court this week.”



Try using their status or name.

- In workers compensation cases, they are “the insured”
- In transportation “the carrier” or the “consignee”
- In litigation they are the “defendant”
- In construction matters go with “subcontractor”, “contractor”, etc.

The telephone is faster and better for emergencies. How many times have you had to ask a staff member:

“Did the court/client/debtor get back with you on the issue coming up Monday?”

“I emailed them and there has been no response.”

“Did you call?”

“No, should I?”

The answer is almost always yes. Why? We move now to email . . .

Email. It is fast, it is in writing, you can copy whoever you want with the email and you can cover your a\$\$ in writing. Many of the above rules for telephone conversations apply to email also. But, it being the written word, it creates a host of possible pitfalls.

Letter writing used to require a typewriter, paper, envelopes and a stamp. Before one went through all the steps to send a letter, there were numerous opportunities to edit, re-edit, consider and re-consider what one wrote. The “send” button has obliterated this.

Email makes it easy to do many things
one does not intend:

- Angering your adversary
unnecessarily or unintentionally
- Reacting emotionally, without
mindfulness
- Sharing information with the wrong
party
- Overpromising what one can do
- Feigning expertise
- Looking like an idiot

Sadly, the last one is all too common.

“When you send an email or text for work, write it like it will be displayed on the wall at your office, the CEO has been copied and HR has been notified of the contents.”

As professionals, we should already be emulating this.

We can all relate to this feeling upon receipt of an email:



This where mindfulness is important. Do we really need to send that email, drafted in that tone? When you feel like her above, write the response. The one you WANT to send. The one with symbols like &@?^%\$! to show how you really feel. Share it with a colleague, read it to your pet. Then delete it. Then write a response using a mindful approach. Assume mistake or error over malice (even if you are sure it is). Being professional in your emails is paramount.

Email a scourge? Why?

Court calendars are sent via email. Sometimes, just to you. You open the email and then get asked an urgent question on another matter. You do not calendar first and forget to mark as unread. You come back from putting out whatever fire you had and immediately click on a long awaited and newly arrived email. You just missed a calendar.

You send to email to the wrong person.

You click on the wrong attachment.

You copy the wrong person.

An email somehow is never sent/received,
though the sender thinks it was.

Mixed in with all the important information are
50% unsolicited crap.

You filter your emails, and accidentally filter
out

- Use of reply all
- Setting a tone
- Dealing with automated emails
- Merely reacting to situations

Respect for others time

- Rambling on and on

Re: Decatur County Civil Court Superior Calendar Notice Due August 25, 2025

From

[REDACTED]

Date Tue 7/29/2025 9:05 AM

To Brenda Owens <judgeheardjaa@gmail.com>; R. Michael Thompson <mthompson@tokn.com>; Bruce Warren <bwarren@wbwk.com>; Meghan E. Olson <meg.olson@qpwbllaw.com>; Douglas R. McMillan <doug@shinglermcmillan.com>; David A. Kendrick <dkendrick@kendricklawfirm.net>; Joshua Bell <josh@bellpayne.com>; Christopher Rodd <chris@roddfirm.com>; Lisa Richardson <lrichardson@deflaw.com>; Lisa Richardson <RichardsonL@deflaw.com>; W. Brent Hyde <whyde@hallboothsmith.com>; Christopher Quinn <cquinn@pacga.org>; Natalie Woodward <natalie@warlawgroup.com>; Maurice Luther King, Jr. <mauricek6@aol.com>; Robert R. McLendon, IV <rob@themclendonlawfirm.com>; Megan Lane <mlanelaw1@gmail.com>; Megan Lane <mlane@altmanlane.com>; Joseph K. Mulholland <joekmulholland@yahoo.com>; Christopher Anulewicz <canulewicz@bradley.com>; Jonathan DeLuca <jdeluca@bradley.com>

Email Received. Thank you.

Thanks,

[REDACTED]

Legal Assistant to

[REDACTED]

[REDACTED]

VISIT OUR WEBSITE!

[REDACTED]

From Emory Potter <Emory@Hayspotter.com>

Date Wed 8/27/2025 1:34 PM

To

Cc

Thank you for the draft complaint.

Email is a type of communication that does not allow nuance and tone of voice. Please understand that I am being brief here and want to communicate the issues I see concisely, without seeming brusque.

I cannot sign my name to the Complaint as to the civil RICO allegations. This is not a RICO case.

I will not take a declaratory judgment case on a contingency basis, so it would have to be hourly. I am \$400/hour.

[REDACTED]

[REDACTED]

If this is acceptable, we can get moving on this. Otherwise, I cannot give you any recommendation as to who would take this on a contingency.

Thank you for the opportunity to review this matter.

In reference:

Our client:

Ref:

Principal balance:

Our file number:

No Answer has been filed by Debtor in this case. We have filed a Motion for Default Judgment. Please see attached.

Georgia law requires that there be a hearing on damages before the Court can enter final judgment; additionally, most courts in Georgia are requiring personal appearance by counsel at such hearings. There is not anything we can do speed up the time or to avoid incurring the expenses for appearance.

We are requesting that the Court place the matter on the next hearing calendar. However, nothing will be happening between now and that hearing date. We are hopeful that we will be able to report judgment entered shortly thereafter.

List of documents attached:

[REDACTED]

Sincerely,

[REDACTED]

From: [REDACTED]

Sent: Friday, August 1, 2025 9:57 AM

To: [REDACTED]

Cc: [REDACTED]

Sub: [REDACTED]

Good morning,

I am following up on judgment for this matter. Has just been obtained to date?

[REDACTED]

From Emory Potter <Emory@Hayspotter.com>

Date Fri 8/1/2025 11:59 AM

To [REDACTED]

Not yet.

Once a hearing is scheduled, we will tell you. As we are in Fulton County it could be weeks, it could be months, and we have no control over how soon the Court sets a hearing.

No need to prompt until you hear from us.

Thanks.

sent: Sunday, July 21, 2024 10:55 AM

To: Emory Potter <Emory@Hayspotter.com>; [REDACTED]

[REDACTED]

Importance: High

GM,

A) Just checking in. Do the parties have Motions in Limine that need to be argued Monday July 22nd?

B) Also, the Court will hear arguments about The Motion for Summary Judgment and whether the Court should hear it? The Court will rule and then

If the Court rules that it will hear the Summary Judgment Arguments with Def presenting an oral response then we can either proceed with Summary Judgment on Monday as I had previously scheduled or another date/time should the Court rule otherwise.

C) Final thing—**this hearing is scheduled for in-person Monday** for oral arguments on In Limine, Pre Trial Matters and Summary Judgment. We do, hear Motions via Zoom.....

So as a convenience for the the parties, if both sides agree, we CAN hear all arguments on Monday via Zoom and also hear witness testimony via Zoom (if the Court determines that SJ will proceed on Monday).

Pls let me know how you would like to proceed.

Rome, they say, wasn't built in a day. The cathedral of Sagrada Familia in Barcelona has been under construction for over a century and is still far from done. The earth is billions of years old. In context, the fact that Optimum may get discovery responses perhaps 21 to 25 days after the last formal extension Optimum granted does not strike me as anything of historic significance. Or, if I can add one more point to put this in context, ten years from now the additional time I needed to get you ~~10 days~~'s responses will most likely not have resulted in your life experience, or your client's, having been any worse. Perhaps this is a good time for you and your client to consider the virtues of patience, an attribute that is much more beneficial than stressing over a minute lapse of time from when discovery responses were expected but, for very good and understandable reasons, have been deferred.