

LIFE, LIBERTY, AND THE PURSUIT OF EQUITY: OUT OF SYNC—THE GREAT EMAIL CRISIS



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In the spring of 1851, the Great Exhibition of the Works of Industry of All Nations, an event now known as the first World's Fair, opened in Hyde Park, London. Hundreds of thousands of people from all across the world flocked to the Great Exhibition, including the most famous intellectuals of the Victorian Era—Charles Darwin, Karl Marx, Lewis Carroll, and Charles Dickens, just to name a few. The Great Exhibition was conceived by Queen Victoria and Prince Albert as a way for countries to share the most innovative technological and scientific innovations of the time that would propel the world into a better future. And also, as a way to humble brag about Britain's own inventions.

One of the most revolutionary contraptions showcased at the Great Exhibition, sure to make other countries green with envy, was Frederick Collier Bakewell's "Image Telegraph." The Image Telegraph involved writing on a piece of metal foil, then wrapping the foil around a rotating cylinder where it was read by a metal stylus. This process created a current that would transmit that message to a receiver with a similar stylus and—voilà!—a copy of the message was created by the receiving machine.¹ Despite the fanfare associated with Bakewell's rudimentary fax machine, it turned out to be a commercial flop, in part because the cylinders and styli on both ends often went out of sync. Quite apropos for a machine that ushered in asynchronous communication.

For millennia, humans had been required to communicate either synchronously (in person) or asynchronously via pigeon or "snail mail" which, as the nickname suggests, often led to a significant lag time. Bakewell's Image Telegraph embodied the idea that messages could be sent and received in real time, but responded to at one's leisure. The convenience of asynchronous communication hooked humanity. But at what cost? Email, the mischievous successor to the fax machine, triggered a communication tsunami. As Cal Newport, a professor of Computer Science at Georgetown University, and author of *A World Without Email*, observed, "The dream of replacing the quick phone call with an even quicker email message didn't come to fruition; instead, what once could have been resolved in a few minutes on the phone now takes a dozen back-and-forth messages to sort out."²

Society in general, and the legal market in particular, are confronting an email crisis. Those who were treading water to stay afloat before the pandemic are absolutely drowning in email now. Virtual and hybrid work environments forced many to communicate completely asynchronously. With each ping of an email alert, we lose focus and time. When instructions or tone are unclear, another email needs to be sent. There's also the mental toll that is occasioned by waiting for a response—did that person receive

the email, are they on top of the assignment, will I forget to follow up if they don't respond?

The constant barrage of email is leading to increased anxiety, depression, and fatigue. Currently, the average professional spends 28 percent of their workday reading and responding to emails.³ One of my colleagues reports spending approximately eight hours per week of unbillable time simply categorizing and organizing emails. Another spends at least an hour every morning cleaning out his inbox. The director of pro bono services at another large law firm recently confided that it is nearly impossible for him to keep up with email correspondence. By the time he responds to one, three more have taken its place.

Not only has the volume of email traffic increased, but there is also the expectation of an immediate response, exacerbated by the pandemic when we were mainly homebound. Attorneys resorted to working all hours of the day for any number of reasons such as time deficits associated with an absence of childcare, distractions at home, inefficient home office arrangements, and concerns over job security. With no vacations, no weekend plans, no in-person meetings, and 24/7 accessibility, clients and colleagues began to expect something akin to synchronous email communication. Given this demand to be "on" all the time, it is no wonder that more than one-third of employees are considering quitting their jobs due to email overload.⁴

Remote work dominated by email has also removed the human element from the workplace, further contributing to burnout. Work during the pandemic became transactional: email, task, deadline, repeat. People became disconnected, which destroyed morale. When attorneys work in a shared space, it is easier to recognize when someone is overworked or frustrated. Those observations open the door for compassion and connection. When a partner can see how hard an associate is working, they can offer assistance or assign the next project to someone else. There are also opportunities to share victories and connect with co-workers on a personal level. Working from home weakened those personal ties to work, but strengthened ties to home and

community. Consequently, the increasingly transactional nature of work in the form of endless email demands feels particularly unsettling.

As we reintegrate into our offices and approach a new year, it is time—for sanity's sake—to rethink our relationship with email. On a personal level, try only checking email at designated times so you are not constantly derailed by incoming messages. Another (easier said than done) tip: Clear out your email inbox. The average person wastes 27 minutes a day when staring at a full email inbox because they end up rereading emails. To tackle email overload, "[a] popular productivity approach is the 4 Ds model, where you have four options: delete it, do it, delegate it or defer it." If you do defer, just remember to review the list of deferred tasks at the end of the day to clear it out.⁵

Do your part to make others' lives (and inboxes) less stressful, as well. Here are a few best practices to remember:

- Refrain from copying everyone or hitting the "Reply All" button unless you think everyone needs to receive the email;
- Try not to send colleagues emails outside of office hours unless it is essential;
- Be cautious of sending that Friday afternoon email with a list of things to do next week. Even if there is an understanding that it can wait, the person on the receiving end will think about it all weekend; and
- Consider using email alternatives. If you just need a yes or no answer, a text, IM, or quick call may suffice. While the communication is still there, at least it is not cluttering someone's inbox.

In all honesty, while helpful, personal solutions to improve one's own email organization and etiquette feel like victim-shaming. They leave us feeling inadequate. If we were only good enough, fast enough, more focused, we would not have a problem. The sad reality is that even the most thoughtful, organized email user is fighting a losing battle. So what can we do from a more holistic perspective?

Some law firms and corporations, including my own, have launched email blackout weekends. Here is how it works at Cozen O'Connor. Attorneys are discouraged from sending any emails over a blackout weekend. They may still receive internal emails, but they are not expected to respond or conduct work requested in the email unless it is critical and indicated as such. If work needs to be conducted over the weekend, attorneys are encouraged to handle it on their own and not reach out to others unless absolutely necessary. Emails should only be sent that are time sensitive and, the firm appropriately points out, time sensitive does not mean that you waited until the last minute to get something to a colleague that could have been provided earlier. Cozen O'Connor encourages its professionals to think twice about whether they need to send an email over the weekend or consider using "delay delivery" to have the email sent on Monday morning. Another option is to indicate "ROM" in the subject line, which is short for "respond on Monday," giving the receiver a cue that they do not need to act now.

In addition to email-free weekends, attorneys would benefit from an email respite during vacation. It is impossible to rest and recharge when you know emails are mounting in your absence. To combat this problem, Arianna Huffington's company, Thrive Global, has experimented with a concept called "Thrive Away." When an employee is on vacation

all emails are returned to sender, thereby allowing employees to completely disconnect without fear of returning to an avalanche of emails.⁶

Regularly scheduled office hours are also being embraced by some in an effort to reduce unstructured communication interruptions. For example, Basecamp, a software development company, "makes use of regularly scheduled office hours: if someone has a technical question for a given expert, he or she can't just shoot an email but has to wait until the expert's next office hours to make a query."⁷ When piloting the program, the co-founders of Basecamp were concerned the policy may increase employee anxiety. However, they observed that waiting was "no big deal most of the time." Most importantly, the program proved to be a significant benefit to their experts who regained control over their time.⁸

The email crisis will only be resolved when we once again prioritize synchronous communication. At its core, it is not that complicated. Regular, short, in-person status meetings allow people to brainstorm and connect, reduce email traffic, and make work less transactional. Superficially, email feels more convenient. It has become the default mode of communication for many because it seems so much easier and safer than speaking with another human being. However, like the Image Telegraph, it is pushing us all out of sync. 📧

Notes

- 1 See Frederick Bakewell, Wikipedia, https://en.wikipedia.org/wiki/Frederick_Bakewell; see also, eFax Blog, Fast Fax Facts: A Brief History of the Fax Machine, June 25, 2019, at <https://www.efax.com/blog/brief-history-of-the-fax-machine#1>.
- 2 Cal Newport, Was E-Mail a Mistake?, *The New Yorker*, Aug. 6, 2019, available at <https://www.newyorker.com/tech/annals-of-technology/was-e-mail-a-mistake>.
- 3 Caroline Castrillon, How to Manage Email Overload at Work, *Forbes*, Apr. 25, 2021, available at <https://www.forbes.com/sites/carolinecastrillon/2021/04/25/how-to-manage-email-overload-at-work/>.
- 4 Id.
- 5 Id.
- 6 Newport, *supra* note 2.
- 7 Id.
- 8 Id.