

# Law Office Disclaimer Forms

## Deserve Our Attention



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# Introduction



***Have you ever noticed that everyone seems to have a different disclaimer and confidentiality notice which they use on emails and fax cover sheets?*** I recently began collecting the forms which come to me through email via direct email, list serves, or other sources. Needless to say, they vary widely in form.

When I returned to the legal profession in 2008, I was shocked that the small firm I worked for had no “uniform” disclaimer which everyone in the firm used. I was told to pick one I liked and start using it. **If the disclaimer form is of any use, then it deserves a little time and attention.**

Following are various samples I have collected. Note the differences in font style, *i.e.*, all caps, partial caps, no caps.

My hope is that you will take a few minutes to review your own business forms. Conduct your own legal research, and consult your own attorneys and/or business manager. Maybe you just need to add a phrase here or there to your existing form.

The point is: *Are you currently using **any** type of disclaimer form? Does your form cover **all** necessary areas of protection for your particular practice area, use and geographical location?*

### **Email Disclaimer – Sample 1**

This message, as well as any attached document, contains information from the law office of **[ATTORNEY NAME]** that is confidential and privileged, or may contain attorney work product. The information is intended only for the use of the addressee named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution of this email or attached documents, or taking any action in reliance on the contents of this message or its attachments is strictly prohibited, and may be unlawful. If you have received this message in error, please (1) immediately notify me by reply email, (2) do not review, copy, save, forward, or print this email or any of its attachments, and (3) immediately delete and destroy this email, its attachments and all copies thereof. Unintended transmission does not constitute waiver of the attorney-client privilege or any other privilege.

### **Email Disclaimer – Sample 2**

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#### **Email Disclaimer – Sample 4**

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#### **Email Disclaimer – Sample 5**

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#### **Email Disclaimer – Sample 6**

CONFIDENTIALITY NOTICE: This email is protected by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2511 and is legally privileged. It may be protected by the attorney-client or work product privileges or contain inside information, and unauthorized use is prohibited. If you have received this message in error, please notify the sender by replying to this email and then delete it from your computer.

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IRS Circular 230 notice: Any tax advice contained herein was not intended or written to be used, and cannot be used, by you or any other person (i) in promoting, marketing or recommending any transaction, plan or arrangement or (ii) for the purpose of avoiding penalties that may be imposed under federal tax law.

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ANY FEDERAL TAX ADVICE CONTAINED IN THE FOREGOING IS NOT INTENDED OR WRITTEN BY THE PREPARER OF SUCH ADVICE TO BE USED, AND IT CANNOT BE USED BY THE RECIPIENT, FOR THE PURPOSE OF AVOIDING PENALTIES THAT MAY BE IMPOSED ON THE RECIPIENT. THIS DISCLOSURE IS INTENDED TO SATISFY U.S. TREASURY DEPARTMENT REGULATIONS.

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The following statement is provided pursuant to U.S. Treasury Department Regulations: Any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of avoiding penalties under the Internal Revenue Code, nor should such advice be used or referred to in the promoting, marketing, or recommending of any entity, investment plan or arrangement.

#### **Email Disclaimer – Sample 11**

This message and any attachments are confidential, may contain privileged information, and are intended solely for the recipient named above. If you are not the intended recipient, or a person responsible for delivery to the named recipient, you are notified that any review, distribution, dissemination or copying is prohibited. If you have

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Privileged/Confidential Information may be contained in this message. If you are not the addressee indicated in this message (or responsible for delivery of the message to such person), you may not copy or deliver this message to anyone. In such case, you should destroy this message, and notify us immediately. If you or your employer does not consent to Internet email messages of this kind, please advise us immediately. Opinions, conclusions and other information expressed in this message are not given or endorsed by my firm or employer unless otherwise indicated by any authorized representative independent of this message.

**Email Disclaimer – Sample 13**

This e-mail message and all attachments transmitted with it may contain legally privileged and/or confidential information intended solely for the use of the addressee(s). If the reader of this message is not the intended recipient, you are hereby notified that any reading, dissemination, distribution, copying, forwarding or other use of this message or its attachments is strictly prohibited. If you have received this message in error, please notify the sender immediately and delete this message and all copies and backups thereof. Thank you.

**Email Disclaimer – Sample 14**

Please be advised that the contents of this message and any reply may be subject to disclosure under **[INSERT STATE NAME]** law. Informal ethics inquiries and advisories communicated via electronic mail are confidential pursuant to Rule **[INSERT APPROPRIATE RULE NUMBER]** of the Rules of Professional Conduct. Lawyer Assistance Program client communications via electronic mail are also treated as confidential pursuant to Rule **[INSERT APPROPRIATE RULE NUMBER]** of the Rules of Professional Conduct.

#### **Email Disclaimer – Sample 15**

ATTENTION: ATTORNEY CLIENT PRIVILEGED MATERIALS. The information contained in this e-mail message is attorney privileged and confidential information intended only for the use of the individual(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please contact the sender by reply e-mail and destroy all copies of the original message. Thank you.

#### **Email Disclaimer – Sample 16**

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Tax Advice Disclosure: PURSUANT TO INTERNAL REVENUE SERVICE CIRCULAR 230, WE ARE REQUIRED TO ADVISE YOU THAT IF THERE IS ANY TAX ADVICE CONTAINED HEREIN OR IN ANY ATTACHMENTS HERETO, IT IS NOT INTENDED TO BE USED, AND CANNOT BE USED, BY THE ADDRESSEE OR ANY TAXPAYER, FOR THE PURPOSE OF AVOIDING PENALTIES THAT MAY BE IMPOSED UNDER THE INTERNAL REVENUE CODE.

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**Email Disclaimer – Sample 21**

DISCLAIMER: This email is a public record of the City of [CITY NAME] and is subject to public disclosure unless exempt from disclosure under [STATE NAME] Public Records Law. This email is subject to the State Retention Schedule.

### **Email Disclaimer – Sample 22**

The Missouri Bar Disciplinary Counsel requires all Missouri lawyers to notify all recipients of e-mail that (1) e-mail communication is not a secure method of communication; (2) any e-mail that is sent to you or by you may be copied and held by various computers it passes through as it goes from me to you or vice versa; (3) persons not participating in our communication may intercept our communications by improperly accessing your computer or my computer or even some computer unconnected to either of us which the e-mail passed through. I am communicating to you via e-mail because you have consented to receive communications via this medium. If you change your mind and want future communications to be sent in a different fashion, please let me know AT ONCE.

The information contained in this e-mail transmission is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this transmission is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this transmission is strictly prohibited. If you have received this transmission in error, please call **[INSERT PHONE NUMBER]**.

### **Email Disclaimer – Sample 23**

This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

### **ENVIRONMENTAL MESSAGES**

Please consider the environment before printing this e-mail.

## **CONCLUSION**

Would you be willing to share your favorite disclaimer form for email and/or fax covers? If so, send it to me via email at [cribble@digitalparalegalservices.com](mailto:cribble@digitalparalegalservices.com) (please designate subject line as "Disclaimer Form Submission").

## **ACKNOWLEDGMENTS**

This collection of disclaimer forms and commentary was originally published as a Paralegal Tidbit blog post by Cathy L. Ribble for Digital Paralegal Services on February 15, 2010. Additional forms and comments have been added since that time.

Disclaimer forms have been collected from personal business files and correspondence from dedicated professional paralegals and attorneys throughout my career.



**Cathy L. Ribble** is the visionary behind Digital Paralegal Services, LLC. and sister site, Paralegal Prompts. Cathy has been featured in Practical Paralegalism's Top 50 Twitter Feeds for Paralegals, Paralegal Gateway's featured paralegal bloggers, The Paralegal Mentor's Virtual Paralegal Interview Series and Sixty-Six Solid Tips From Your Virtual Paralegal Success Team.

After working as a legal professional in the traditional law firm setting for over 15 years, Cathy understood that the current economic climate is creating a new need and opportunity for paralegals. Attorneys need to cut costs for themselves and their clients. Part of that equation is partnering with qualified paralegals and support personnel who can provide professional services at reasonable rates. Digital Paralegal Services, LLC was formed in 2009 to meet that need.

Cathy earned her Certified Legal Assistant (CLA) title from the National Association of Legal Assistants early in her career. In 2009, she re-established that professional certification by earning her Certified Paralegal (CP) title. The certification process was launched in 1975 by the National Association of Legal Assistants to provide professional recognition to those who achieve significant competence in the paralegal career field. NALA's examination program consists of a two-day examination covering communications, ethics, legal research, judgment and analytical ability, and substantive law.

Use of the CLA/CP credential indicates that a legal assistant/paralegal is capable of providing superior services to attorneys. The credential has been recognized by the American Bar Association and law firms throughout the country as an indicator of skill level. Maintaining that certification requires continuing legal education.

Throughout her career, Cathy has developed a well-rounded legal background and had extensive experience in the area of civil litigation in Texas and Oklahoma, including trial support.

Cathy is committed to growth and learning, and she plans to seek NALA's Advanced Paralegal Certificate.