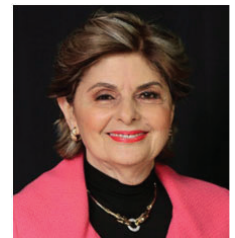
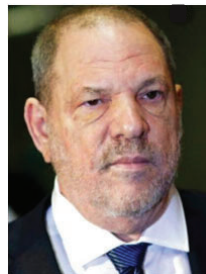


CONFIDENTIALITY

Steven Goode
University of Texas Law School
Page Keeton Civil Litigation
November 2019

1



Harvey,

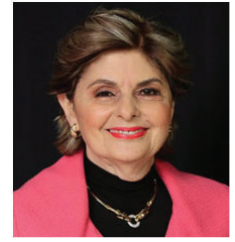
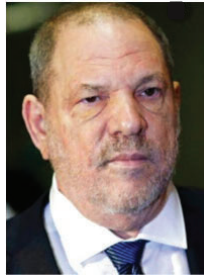
It was a treat to speak with you today, though yes, we'd all prefer better circumstances. I've spent the rest of the day reading Jack and Sara's thorough reports about Rose, who truly comes across as a pathological liar, and also your former assistant...who seems to be less of a concern.

Also, given that your emails with the Clinton campaign were hacked recently, I recommend you set up a secure new email account for emails with this team. We shouldn't be emailing on these sensitive matters to your company email as your IT people and others may have access.

Thanks and really honored to be brought into this team.
Talk tomorrow?

Best,
Lisa Bloom

2



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3

COMMUNICATING WITH CLIENTS BY EMAIL

In re Asia Global Crossing, Ltd., 322 B.R. 247 (Bankr. S.D.N.Y. 2005)

- does the corporation maintain a policy banning personal or other objectionable use
- does the company monitor the use of the employee's computer or e-mail
- do third parties have a right of access to the computer or e-mails
- did the corporation notify the employee, or was the employee aware, of the use and monitoring policies?

4

In re Royce Homes, LP, 449 B.R. 709 (Bankr. S.D. Tex. 2011)

- “Employees are NOT to disseminate any confidential information over the company's system.”

Held: not privileged

Bingham v. Baycare Health System, 2016 WL 3917513 *4 (M.D. Fla. 2016)

“it appears that the majority of courts have found that an employee has no reasonable expectation of privacy in workplace e-mails when the employer’s policy limits personal use or otherwise restricts employees’ use of its system and notifies employees of its policy.”

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First appeared as part of the conference materials for the
43rd Annual Page Keeton Civil Litigation Conference session
"Confidentiality"