

Samples of Tapper's Tips from  
*Smoking Guns and Paper Trails*

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**Tapper's Tip #2**

Employees who indiscriminately prepare a C.Y.A. memo as a way of recording people's positions should be discouraged from doing so, under threat of termination. Their memo is another paper or electronic record that your company doesn't need in its information archives. [page 13, Chapt. 1 "Loose Cannons"]

**Tapper's Tip #4**

Tape recordings should be prohibited as a matter of company policy and allowed only as an exception when there is a compelling reason announced in advance of a meeting. And it should be written as "policy" that the surreptitious tape recording of any individual in the workplace, for any reason, shall result in termination. No excuses. Just, "Goodbye!" [page 15, Chapt. 1 "Loose Cannons"]

**Tapper's Tip #8**

Accountability requires responsibility, not delegation or excuses. Better to deal with problems brought to light from within than to wait for a lawsuit from without. The more a company listens and resolves operational concerns of its employees, the less need for those employees to vent the problem in a widely distributed memo designed to get attention. [page 23, Chapt. 1, "Loose Cannons"]

**Tapper's Tip #14**

Although confidential documents are discoverable in litigation, don't give up on protecting them in-house. Until there's a lawsuit demanding them, you still need to keep the information they contain from falling into the wrong hands inside the company or from an unauthorized and improper release to the public. Restricted distribution of information has an important security value, particularly for proprietary property and trade secrets. In public companies, securities' laws and regulations even require special handling of "insider" information. [page 42, Chapt. 2 "Rules of Engagement"]

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**Tapper's Tip #29:**

Clean out your e-mail messages on a regular schedule, and if not on a daily basis, at least once a week. Immediately delete unneeded and unwanted e-mails to avoid clutter and save yourself from a potential "surprise attack" of a subpoena that could halt any further deletions. [page 71, Chapt. 3 "E-Mail and E-Files"]

**Tapper's Tip #39:**

Don't let anyone sit at your PC without monitoring the activity, even for a moment. When you're not looking, a damaging or embarrassing e-mail can be sent, in an instant, from your PC to other people, and your e-mail address will be the source. This may start as a prank, but turn ugly for you real soon. [page 86, Chapt. 3, "E-Mail and E-Files"]

**Tapper's Tip #48**

Never leave confidential information on anyone's voice mail, unless you're not concerned about destroying its confidentiality. Better to leave a message that only tells the recipient to call you back because you have some confidential information you want to share. Human curiosity, with a little intrigue, usually provokes a prompt call-back. [page 96, Chapt. 4 "The 'Other' Breeding Grounds"]

**Tapper's Tip #52**

Your employees should be trained in what to say to strangers who call and inquire about details of your company, including its internal structure, products, sales activities, and financial data. Restrict the kinds of information given over the phone by referring callers to the company's Web site, or by offering a brochure in the mail. [page 100, Chapt. 4, "The 'Other' Breeding Grounds"]

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**Tapper's Tip #56**

To protect your company against inadvertently giving out confidential information at places like trade shows, conventions, and sales presentations, your salespeople must be trained, beforehand, in the difference between generally available vs. proprietary information. It's the company's job to identify for them what is "proprietary," or of "trade secret" status. [page 106, Chapt. 4 "The 'Other' Breeding Grounds"]

**Tapper's Tip #74**

All of your customers' complaints by telephone, e-mails, or letters are discoverable, and if your company cannot show that it gave appropriate time and effort to address the issues, those complaints will become smoking guns that prove your company was "on notice." [page 128, Chapt. 4, "The 'Other' Breeding Grounds"]

**Tapper's Tip #87**

What's on a secretary's desk is just as important as an executive's. Oversee the confidentiality requirements with the same diligence. [page 150, Chapt. 5 "The Paper Shuffle" ]

**Tapper's Tip #97**

The bond between customer and company is one of trust, and a significant portion of that trust is the customer's reliance on the company to always "do right" by her. More than ever, "doing right" requires protecting the privacy of the personal information the customer "confides" to the company. Do whatever it takes to protect that trust, because the cost of keeping it is always less than the cost of losing it. [page 164, Chapt. 6 "The Privacy Trap" ]

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**Tapper's Tip #107**

If you're ever on the receiving end of a confidential conversation, memo, e-mail, or report, intended to be cloaked with the protection of an attorney-client privileged communication, you owe it to yourself, and your company, to know the rules to protect the privilege, as well as the pitfalls that can trap you into losing it. [page 188, Chapt. 8, "The Attorney-Client Privileged Communication" ]

**Tapper's Tip #120**

The evidence for punitive damages usually comes directly from the companies that are trying to defend themselves against them. The courtroom showdown becomes the hangman's gallows, and the managers provide their own nooses! It's incredible, yet so true. [page 249, Chapt. 11, "Feeling the Pain" ]

In all, there are 126 Tapper's Tips throughout *Smoking Guns and Paper Trails*. We hope you enjoyed this sampling.