masuda funai



News & Types: Client Advisories

Don't Send That Business Text on Your Personal Cell Phone

4/6/2021

Practices: Litigation

EXECUTIVE SUMMARY

2020 saw a big increase in the use of personal phones to conduct business, as people worked from home, essentially abandoning their office phones as the primary way to talk with customers, vendors and colleagues. Moreover, IRL in-person conversations and meetings all but disappeared.

Texting from our cell phones quickly became the popular substitute for office calls and personal meetings.

But sending and receiving business texts from personal phones makes your phone fair game for a subpoena or court order involving a company dispute. In the event some of those texts become relevant to a lawsuit involving your employer, your cell phone might have to be turned over to opposing counsel for examination — not just the texts, but the entire phone and all of its contents.

So, do yourself — and your employer — a favor, and restrict your business texts to a company-issued phone. Or, purchase a separate phone with a separate phone number you use solely for business purposes. Don’t let your personal life accidentally become the subject of a business dispute.

For additional information, please contact Ed Underhill or any other member of Masuda Funai’s Litigation Practice Group.

©2026 Masuda, Funai, Eifert & Mitchell, Ltd. All rights reserved. This publication should not be construed as legal advice or legal opinion on any specific facts or circumstances. The contents are intended solely for informational purposes and you should not act or rely upon information contained herein without consulting a lawyer for advice. This publication may constitute Advertising Material.