

BlawgWorld 2006

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eBook

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SAMPLE

**BLAWGWORLD 2006**  
**Capital of Big Ideas**

**Population: 51**

**Edited by Sara L. Skiff**

## PREFACE

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*Ideas are free. But while the author confines them to his study, they are like birds in a cage, which none but he can have a right to let fly: for till he thinks proper to emancipate them, they are under his own dominion.*

— Sir Joseph Yates, *Miller v. Taylor*, 4 Burr. Part IV, Page 2379.

A *blog* is an easy-to-use publishing tool that enables people to “post” articles, photos, and even videos in reverse chronological order on a Web site. A *blawg* is a legal-oriented blog. Most blogs (and blawgs) feature a *Web 2.0* technology called *RSS Feeds* that enable you to monitor them with an *RSS Newsreader*, an email-like program. [See J.D. Lasica, \*RSS Newsreaders and Other Alternatives to Web Browsing\*.](#)

According to various studies, approximately 80,000 new blogs launch every day, including dozens of blawgs. No one knows how many blawgs exist, but whatever the number, monitoring them — even with an RSS Newsreader — would amount to a full-time job. You probably don’t have that kind of time yet you probably do want to tap into the blog phenomenon.

This conundrum explains why we created this TechnoLawyer eBook. In it you’ll find thought-provoking essays from the most influential blawgs — 51 essays from 51 blawgs to be precise. The essays were handpicked by each respective blogger as most representative of their blawg. As a result, you will likely find several blawgs worthy of your continued attention. When you do, just click on the blawg’s screenshot to visit its home page. Or just search for the name of the blawg in Google.

### Get the Whole eBook

As noted above, *BlawgWorld 2006: Capital of Big Ideas* consists of 51 essays, but this sampler version contains just one of these essays. To download the entire eBook free of charge, please visit [www.blawgworld.com](http://www.blawgworld.com).

### Our Heartfelt Thanks

We would like to thank each of the participating bloggers for their enthusiastic support of this eBook. Obviously, *BlawgWorld 2006: Capital of Big Ideas* would not exist without their insightful contributions. These bloggers do indeed have big ideas!

### BlawgWorld Team

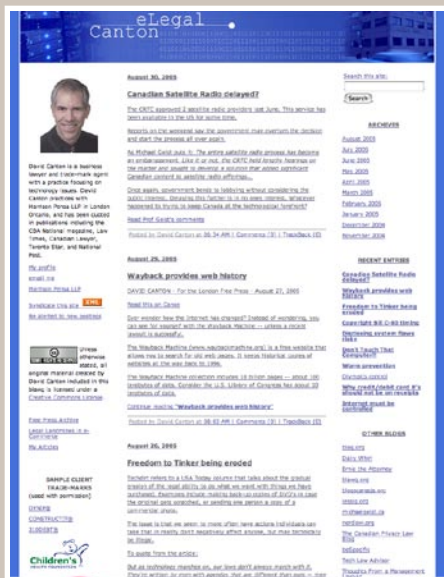
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# ELEGAL CANTON



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David Canton is a business lawyer and trade-mark agent with a practice focusing on technology issues. David Canton practices with Harrison Pensa LLP in London Ontario, and has been quoted in publications including the CBA National magazine, Law Times, Canadian Lawyer, Toronto Star, and National Post.

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eLegal Canton is a blawg about law and technology issues written by a Canadian lawyer.

## Founding Date:

November 1, 2004

## Topics:

Technology law, intellectual property, privacy

## E-mails Have Long Memory

(For the London Free Press - July 16 2005)

E-mail has become a staple in business and personal communication.

And the content of many business e-mails has landed its writers in hot water.

It may be easier to say something confrontational or unpleasant in an e-mail than in person or on the phone—but it is recorded for posterity.

Type that e-mail in anger or disgust if you want—but save it until the next day and rethink whether you want to say that before you send it.

In England the content of an e-mail from a lawyer to his secretary made the front page of the London Times. The lawyer e-mailed his secretary about the ketchup she accidentally spilled on his trousers. He wrote the dry cleaning bill was four pounds and it would be “much appreciated” if she could pay him for this.

In response the secretary wrote “I must apologize for not getting back to you straight away but due to my mother’s sudden illness, death and funeral I have had more pressing issues than you four pounds. I apologize for accidentally getting a few splashes of ketchup on your trousers.

“Obviously your financial need as a senior associate is greater than mine as a mere secretary.”

The e-mail was forwarded throughout the law firm and the legal community and eventually ended up in the paper. This exposure damaged the reputation of the firm and put into question the character of the lawyer. Eventually the lawyer quit the law firm.

In Canada there was a recent court case involving the tone of e-mails between a boss and a subordinate.

The exchange over a project gone awry was considered in Carscallen vs. FRI Corp. After many heated e-mails the subordinate was suspended and demoted. She consequently brought an action against her employer alleging she was constructively dismissed.

While considering the case Justice Echlin warned about the use of e-mail stating:

“While e-mail is a useful method of conveying information, it is less

*continued ...*

appropriate for debate in hotly charged circumstances. It seems odd that neither (the supervisor nor the employee) picked up the telephone and spoke to each other directly. This might have defused matters.

“In the end, it cost (the employer) a valuable employee and cost (the employee) her job.”

The distant nature of e-mail communication may induce people to make comments they would be uncomfortable making in person. This problem is exacerbated by the fact that tone and sarcasm are difficult to convey over e-mail.

Whether business or personal, we must be careful when pressing the send button. If the message contains anything that may be sensitive, we should consider whether the e-mail should be changed, or indeed sent at all.

Remember e-mails are not retractable and there is no guarantee how the recipient will interpret the message. There is also no guarantee how the message will be used in the future.

E-mail messages are increasingly being used in litigation. Unlike oral conversations that are only recorded by planned preparation using tape recording devices, e-mails are automatically stored and easily printed or accessed for future reference or use.

E-mails have a long memory—and can come back and haunt careless writers.