

December 2010

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## ▶ Notes From the Council

The holiday season is well underway and it is a busy time for many of us, both professionally and personally. Nonetheless, your Council is still working to bring services to our Section members.

As Council Chair Mark Malven informed you in last month's [Michigan IT Lawyer](#), plans are already underway for the next spring networking event and to bring you the 4th Annual Information Technology Law seminar in the fall of 2011. We are also working on how to better leverage social media for the benefit of the Section. Please visit our current [Michigan IT Lawyers Facebook](#) page, and also look for our upcoming LinkedIn page for our Section members. Of course, we continue to maintain and update our primary [website](#) provided by the [State Bar of Michigan](#), where you can obtain [past issues](#) of the *Michigan IT Lawyer* and this e-newsletter.

It also bears noting that the Section will be sponsoring an IT-themed issue of the [Michigan Bar Journal](#) in June 2011. If you are interested in having an article considered for the issue, please contact Mark Malven at [mmalven@dykema.com](mailto:mmalven@dykema.com) as soon as possible with your ideas. Articles should be 1,000 to 2,500 words in length and the *Bar Journal* provides other [specific article guidelines](#). Completed submissions are due to Mr. Malven by February 1, 2011. Any articles not used will also be considered for future issues of the *Michigan IT Lawyer*.

We welcome your suggestions on how to bring you further value. Also, if you would like to contribute a news item or event to the e-newsletter that you think would be of interest to Section members, please contact Ron Nixon at [ron.nixon@kkue.com](mailto:ron.nixon@kkue.com).

## ▶ IT Law in the News

### **ABA Ethics 20/20 Commission: Legal Ethics and New Technology**

From the ancient myth of Prometheus' eternal torture for gifting fire to humanity to more recent debates over the ethics of genetic mapping, stem cell research, and airport scanners, a recurring theme throughout history and literature is the clash between ethics and technological and scientific advancement. Woven among the threads in this tapestry are the difficult ethical considerations when lawyers adopt new technology.

The [ABA Commission on Ethics 20/20](#) is tackling these issues right now and seeking help from ABA members in making recommendations. According to its [chairpersons](#), the goal of the Ethics 20/20 Commission is "to perform a thorough review of the ABA Model Rules of Professional Conduct and the U.S. system of lawyer regulation in the context of advances in technology and global legal practice developments" and to "propose policy recommendations that will allow lawyers to better serve their clients, the courts, and the public now and well into the future."

Of particular interest to our Section members, the Commission circulated two issue papers on September 20, 2010, one concerning [Client Confidentiality and Lawyers' Use of Technology](#) and the other [Lawyers' Use of Internet Based Client Development Tools](#). The Commission is seeking comments on these issues until December 15, 2010. To keep abreast of what the Commission is doing in the course of its anticipated three-year project, Section members may also want to join the Commission's [listserv](#).

### **A Bill to Pull the Plug on Piracy**

[Computerworld](#) reported in a November 18, 2010, [article](#) that the U.S. Senate Judiciary Committee unanimously passed the Combating Online Infringements and Copyrights Act

(COICA), which was introduced in September by Senators Patrick Leahy (D-VT). The bill is controversial (wholly apart from its clumsy name and acronym) because if passed it would allow the Attorney General to obtain in an expedited *in rem* proceeding a preliminary injunction shutting down any website “dedicated to infringing activities.” Opponents of the bill argue it amounts to censorship of the Internet. A subsequent [article](#) reported that the bill is likely dead due to the opposition of Senator Ron Wyden (D-OR).

#### **The Veil of Internet Anonymity May Be as Thin as Papyrus**

The [Law Technology News](#) reported in a November 19, 2010, [article](#) that a lawyer received a sentence of 6 months in jail for “using fake e-mail accounts and writing blog posts under assumed names to discredit detractors of his father,” a scholar in the debate over who created the the Dead Sea Scrolls.