

It's law eZine ...but not as you know it!

LAW & DISORDER

VOLUME 86 - November 2013

In this issue:

- Social Media and Death
- Modern partnerships
- How to win awards



The Law & Disorder eZine attempts to provide legal information in an entertaining and amusing manner to help clients avoid predictable legal issues.

Google+

find us on
Facebook

LinkedIn

Brennan



Brief Books
PO Box 27
Mooloolaba
Queensland 4557
Australia

BRIEFBOOKS

Law Books that even lawyers can finish

QLD BN: 22069914

This Law & Disorder eZine is sponsored by:

B BRENNAN'S
SOLICITORS

A.B.N. 47 163 512 614

Phone: 07 5438 8199

Fax: 07 5438 8836

info@brennanlaw.com.au

www.brennanlaw.com.au

Paul Brennan

Editor

Author of the The Law is an Ass...Make Sure it Doesn't Bite Yours!

info@lawanddisorder.com.au

www.lawanddisorder.com.au

For further information on the events, book launch or other matters referred to in this ezine please go to www.lawanddisorder.com.au.

Individual liability limited by a scheme approved under professional standards legislation

Death of social media



To manage your social media commitments when you have a business to run is difficult but when you are dead it becomes almost impossible. However, with the right social media strategy your Virtual Assistant in Mumbai will live on and continue to send out your posts at one o'clock in the morning and could even change your status to "PO" ("passed on").

Your On-line assets e.g. photographs, videos etc. will pass in your Will as these digital assets are intellectual property. You do not need to name each item, unless you want to give the asset to a particular beneficiary; otherwise, your digital assets will be part of the residue of your estate. This could mean that the wrong beneficiary could inherit, so if an item is important or valuable (e.g. business logo, business website content) you could make specific provision in your Will.

Nowadays, people having so many Friends that they do not know from Adam, creates special challenges for the executors who feel that they must ensure that friends are aware of your death and also that they have access to your profile to discover who you were. Therefore, the executors need quick access to secure, control and utilize

your on-line information. Leaving a Digital Register of all your assets and passwords to access the assets would be useful, or even just a list of the passwords to your social media accounts, but as you cannot remember the passwords yourself, it is probably not going to happen.

If, executors are ready to do battle with privacy issues they can increase your likes but do not expect to attract many followers.

To paraphrase Johnny Carson - for three days after death, hair and fingernails continue to grow but tweets taper off.

© Paul Brennan 2013. All rights reserved.

Modern Partnership



Dear John

I chose my partners at a time when "partner" meant "business partner". We all knew exactly where we stood. Now, the situation is regrettably confused.

DT

Dear DT

As the use of the word "partner" has expanded to suggest romantic attachment many single business partners clearly hoped that this would be the solution to their lonely lives, especially the ugly ones. It was subtle at first, just hints that there was something more than a business relationship such as the use of the word "darling" or "love" at the end of sentences, but soon it became "where were you last night?", "You never listen to me" and even "Where's my slippers?". Many partners could not stand it

and stormed out slamming the door.

Such was the concern in legal circles that lawyers have been permitted to incorporate, and we were immediately relieved that we no longer had to use the word "firm" as that seemed to have gone the same way as the word "ripe" let alone the word "member".

It was a useful reminder to us that words that were regarded as perfectly innocent before the war are now a mine field. We immediately embarked on a review of our precedents deleting reference to words and phrases which could cause offence such as briefs, discharge, hung jury, motion, bond, age and restraint.

This is not to criticise those lawyers who have decided to remain in traditional partnerships. For the first time, many have been able to discuss their true feelings. Late nights at the office' instead of going home to their spouses were not quite what they had seemed after all.

John Fytit AO

© Paul Brennan 2013. All rights reserved.

The Awardless



Dear John

As much as I try, why does everybody win business awards except me?

RM, Sydney

Dear RM

Such is the proliferation of award

ceremonies, I know of lawyers who are more decorated than Audie Murphy * and even though they readily admit that it is not a reflection on their abilities there is increasing pressure on we the "Awardless". It has even been suggested by one client that I merge with a serial Awardling to "fill the empty shelves in my reception".

I have never sought any recognition or praise for my work, which my wife says is probably just as well. However, my principled non participation is now characterised as "Award Denying".

You could sue the judging panel for being bias which may have the added advantage of discouraging future award panels from rejecting your award nomination without some consideration, however it may lead to accusations of sour grapes.

My advice is to join one of the many organisations offering awards and create your own category. For instance, an award for sober librarians or humble senior partners would certainly limit the legal field.

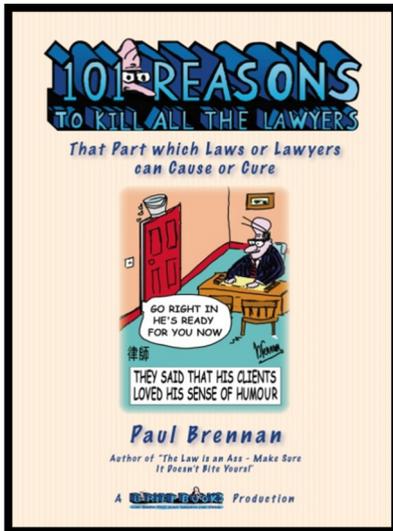
In awards, as in life, 85% success is turning up but it is possible to achieve a further 15% by changing the rules.

John Fytit AO

*The most decorated soldier of WWII who was still receiving rewards in 2013 (30 years after his death).

© Paul Brennan 2013. All rights reserved.

The Law Institute Journal (the official publication of the Law Institute of Victoria) published the following book review:



For a profession known for taking itself rather seriously, lawyers are also exceptionally good at seeing the funny side of the practice of law.

There are few better at the art of skewering the pretensions and idiosyncrasies of legal practice than Queensland lawyer Paul Brennan, author of the Law & Disorder website which, for years, has been dispensing useful legal advice heavily disguised as comedy. As well as tips on topics such as "The 10 greatest legal mistakes in business . . . and how to avoid them", the site is host to caustic and comic legal cartoons, an ezine and more.

Those readers familiar with the comic Queenslander's books, including *The Law is an Ass . . . Make Sure It Doesn't Bite Yours*, can now add to their collection with the latest Brennan book *101 Reasons to Kill all the Lawyers*.

The book grew out of Paul's blog of the same name. He said he decided on 101 reasons as he didn't want to depress the entire legal profession by having 1001.

But there's nothing depressing about *101 Reasons*, with its advice about the things lawyers should know about but might not, such as the secret of enjoying committee meetings, how to field complaints, career planning and dealing successfully with their own legal problems. It is also about things Paul says lawyers are not expected to know about but probably should such as change, innovation, emotions, relationships and sex.

Law Institute Journal (Victoria), September 2013 87 (9) LIJ, p.86

Go to <http://www.amazon.com/books/dp/0987489402> for a preview and to order *101 reasons* from Amazon for the special price of \$14.53 (usually \$19.99) while stocks last. Also available as an eBook from Amazon.

Disclaimer:

The content of the Law & Disorder eZine is to give you legal basics and in some instances included unashamedly to try and make you laugh. In law it is sometimes difficult to work out what is serious and what is just for fun. Therefore, if you plan to do anything legal, rely on your own lawyer's advice or instruct me to look at the particular facts of your case. Not only will I deny responsibility for the legal content but also for some of the jokes.
