



PRESS RELEASE

Death of the Disclaimer?

Litig has recently completed several months work to attempt to eliminate e-mail disclaimers from law firm e-mails.

In today's world we are all used to e-mails having lengthy disclaimers which are driven by case law and regulatory requirements. Disclaimers seem to have increased in length but then are inconsistently applied to other methods of law firm communication such as text messages, instant messaging and social networking. The 70 plus strong membership of Litig (comprising large law firms and clients) initiated a project some months ago to establish whether or not:

- 1 disclaimers had any legal effect; and
- 2 could they be eliminated?

If they were of no use and could be eliminated the benefits would be huge in both environmental and storage terms.

With the support of Shelley Thomas of Hill Dickinson, Litig sought the advice of Leading Counsel Martin Howe QC. For a range of regulatory and



legislative reasons mainly relating to specific wording, unfortunately it was impossible to eliminate disclaimers in the UK but Leading Counsel said he was able to opine that the relevant wording could be substantially reduced to a much smaller number of words. Leading Counsel provided some sample wording for Litig members should they wish to adopt this approach:

"What is the absolute minimum information which must be appended to an e mail to satisfy the various statutory and regulatory requirements?"

For a solicitors' firm which is an LLP, I consider that the minimum information for general use on all emails is as follows:

*"John Smith & Co LLP is a limited liability partnership registered under No. OC***** in England and Wales, and is regulated by the Solicitors Regulation Authority. Registered office: [postal address of reg office]"*

Counsel also opines on the effectiveness of other aspects of typical disclaimer wording.

Leading Counsel's opinions are available on www.litig.org. If firms want to rely upon them they can enter into specific arrangements with Leading



Counsel. A number of Litig members are looking into putting the wording into effect.

Derek Southall, Chairman of Litig said “We all live and breathe e-mail as part of our day-to-day lives. We all understand why law firms use disclaimers but if we can eliminate any unnecessary or ineffective wording we can substantially simplify and reduce the size of law firm communications. This will also be a good step to help modernise the way the profession works”.

Litig has supplied copies of Leading Counsel’s opinion to a number of potential interested bodies and are now proposing to distribute them further to relevant environmental and e-commerce associations, to establish whether they have an appetite to help drive ahead these changes further.



***** READY FOR RELEASE *****
PRESS RELEASE – NOTES TO EDITORS

Derek Southall (Chair) on behalf of Litig:

Litig ('Legal IT Innovators Group') was originally formed in late 2002 to comment and advise on the potential value and use of an integrated matter management/workflow system across all desktops within a law firm. Following successful conclusion of this initiative, the group created its own independent structure and is funded by its members, who are responsible for tens of thousands of legal IT users.

A strictly non-sales environment, Litig currently has members which include law firms plus representatives from leading in house legal departments, all with a keen interest in UK legal IT issues.

Litig operates at a strategic rather than operational level, meets for a whole day each quarter (at one of its member's offices) and has had/given presentations on topics such as:

- Electronic Billing (from the in house legal client's perspective & required UK standards)
- Electronic Files
- Electronic Taxonomies to transfer information
- XML standards (such as LSSA and PISCES)
- Legal IT trends & priorities
- The effect of the 'Statutory Imperative' caused by government initiatives
- E conveyancing
- The strengths and weaknesses of Legal IT finance systems and case/matter/workflow systems
- Digital Rights Management
- Cloud Computing
- Competition Law

Litig works with existing legal sector bodies and organisations (such as The Law Society and the International Legal Technology Association) in order to pursue a co-ordinated approach, support other groups and avoid duplication of effort.

If you are interested in finding out more about LITIG or would like to become a member – please visit the Litig web site www.Litig.org, contact Litig via mail@Litig.org or call Derek Southall (Chair and Director) on 0870 733 0573, Peter Owen (Director and Secretary) on 0121 706 1755, Rosemary Kind (Director) on 07712 647754 or Graeme Low (Director) on 01223 222452.