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## 1. Courts Struggle to Define Privacy in an Online World

Courts are increasingly grappling with the intersection of privacy rights and the burgeoning world of online information. Several recent cases, both criminal and civil, have dealt with this issue, and it is not always clear what constitutes a reasonable expectation of privacy. Take a look at the following cases and articles for an overview of the issue: [R. v. Giles](#), 2007 BCSC 1147; [R. v. Mahmood](#), 2008 CanLII 51774 (ON S.C.); [Leduc v. Roman](#), 2009 CanLII 6838 (ON S.C.); [Warman v. Wilkins-Fournier](#), 2009 CanLII 14054 (ON S.C.) and [R. v. Wilson](#) (2 February, 2008), St. Thomas 4191/08 (Ont. Sup. Ct.).

- [Technology straining paper-era privacy laws](#) by Kirk Makin, Globe and Mail Update January 27, 2009
- [Social media - always fun until someone gets sued](#), a March 16, 2009 FP Legal Post by Mitch Kowalski
- [Court: No Expectation of Privacy in our Online Identity](#) by Lawrence Gridin, posted February 14, 2009 on Law is Cool
- [Facebook Privacy Settings May Keep Out Nosy Profile "Creepers" but not Modern Litigants](#) by Daniel Simard, posted February 27, 2009 on Law is Cool

The tension between technology monitoring by employers and employee privacy rights is another legal minefield, explored in two recent articles by Omar Ha-Redeye:

- [Employee Privacy in Canada](#) posted January 2, 2008 on Law is Cool
- [Privacy Expectations of Unionized Employees in the Workplace](#) posted February 15, 2009 on Slaw

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## 2. Ensure "Read-Only" Access to Online Trust Accounts

Law Society [Rule 5-43\(1\)\(b\)](#) requires that all withdrawals from trust accounts be made by cheque unless otherwise authorized. The Law Society does not allow trust withdrawals or payments via the internet. Members must ensure that trust accounts accessible through online banking are restricted to "read only" status. The following articles highlight the risks of online banking:

- [Malware, spyware, spamware, beware](#) by Yan Barcelo, published September 2008 in CA magazine
- [How dangerous is online banking?](#) by Carolyn Salazar, MSN Money

- [A crime that does pay](#) by Paul Marck, published March 12, 2009, Financial Post

The upcoming Communique will contain further information on this topic.

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### 3. Judges' Book of Authorities

As announced in a [Notice](#) dated March 30, 2009, all Court of Appeal judges now have a Judges' Book of Authorities containing copies of authorities frequently relied upon in appeals. A current list, which will be amended from time to time, is appended to the notice. Counsel need no longer include these cases in their case books, but extracts should be included where appropriate.

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### 4. Researching Australian Law

The University of Adelaide's Law Library has published an online version of the guide, [Researching Australian Law](#) by Nicholas Pengelley and Sue Milne. The guide includes an explanation of the common law system of Australia, instructions on how to find legislation and cases, and sections on treaties, secondary sources, publishers, current awareness and major texts. The guide is also available on [LLRX.com](#).

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### 5. Competitive Intelligence Resource Guide

Also new on [LLRX.com](#) this month is an update of Sabrina I. Pacifici's [Competitive Intelligence - A Selective Resource Guide - Updated and Revised March 2009](#). If you find the surplus of uncategorized information on the web overwhelming, take a look at this authoritative, comprehensive, current, and, best of all, free pathfinder to web intelligence. This guide is a "best of list" of web, database and email alert products, services and tools, as well as links to content specific sources produced by governments, academia, NGOs, the media and various publishers. It's a digital library at your fingertips.

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### 6. Practice Management Resources

The Oregon State Bar publishes a monthly online [bulletin](#) containing articles on practice management topics from technology tips to client development. Although written for members of the Oregon Bar, many of the articles contain useful tips for all lawyers. See the following articles, for example, or search the [archive](#) back to June 2000 for other topics:

- [Do-It-Yourself Security - Help Keeping Your Data Safe](#)  
by Robert J. Ambrogi
  - [Electronic Discovery in Everyday Cases - Practical Guidance is an Antidote to Fear](#)  
by Sharon D. Nelson and John W. Simek
  - [Avoiding Bad News: Risk management in law firm marketing](#)  
by Ed Wesemann
  - [The E-mail Blizzard: Tips for taming your inbox](#)  
by Sheila Blackford
  - [Wanted: A Few Good Mentors - Concept of What Makes a Good Mentor \(and How to Find One\) Is Changing Rapidly](#) by Melody Finnemore
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[Go to the eLaw Archive](#)

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