

Re: Oh please oh please oh pleeeeeease

## Re: Oh please oh please oh pleeeeeease

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*Source:* <http://coding.derkeiler.com/Archive/PHP/comp.lang.php/2006-08/msg02758.html>

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- *From:* "Csaba Gabor" <[danswer@xxxxxxxxx](mailto:danswer@xxxxxxxxx)>
  - *Date:* 24 Aug 2006 02:32:38 -0700
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Jerry Stuckle wrote:

Csaba Gabor wrote:

You seem to be getting confused about what I want. I don't want the kind of "good information" that you are talking about. What I do want is to be able to form an informed opinion. That's what people all over the world do. They don't pay a copyright lawyer hundreds of dollars for an opinion on whether they may make a photocopy or not. What they do is to discuss it with others, read about it, and form an opinion on their own, whether or not it complies with actual law. It's not just about copyright law, it's about all issues.

They do if they want accurate information. Anything else can get you in serious legal trouble.

This is a non sequitur. I am talking about how people form opinions on issues from copyright to foreign policy to abortion. People form opinions on the basis of discussions with others, and on the basis of what they read and hear. They do not, as a general rule, pay lots of money to do this (maybe they'll buy a book or take a course), and it would not be cost effective.

Furthermore, here's a not oft mentioned statistic: in 50% of court cases with a decision, one side is not doing as well as they expected (as in, they lose). That is to say, the information from those lawyers was not "good information" since it did not sustain their case. Legal advice may or may not be correct. You say that it is the job of your lawyers to protect your assets. You might want to review your contract and ask them to do some more educating of you because that's not their job. If your assets become lost in a court case, you figure your lawyers are on the hook? Not hardly. The job of your lawyers is to advise you as to how they think YOU could best protect your assets, and to help effect whatever you decide. That's very different from them protecting your assets.

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I doubt that. I suspect much more than 50% don't get their way. Civil cases are not generally "all or nothing".

You doubt what? What I wrote does not mean that exactly 50% don't get their way. It means that at least 50% don't get their way.

And no, my attorneys are not on the hook if I lose a court case. But they ARE on the hook if they give me bad legal advice. They have a legal obligation to give me good advice.

Really? In the first place, how in the world would you ever know, if your ONLY source of "good" information is the people feeding you this same advice?

It doesn't mean I'll win every case. But it does mean they give me good, informed legal advice – something you won't find on the Internet.

Secondly, suppose, even, that they were to give you bad legal advice. Whatever would you do? It's exceptionally hard to show that advice in this context is bad, when, after all, a lawyer could say, "it might have worked". Have you ever heard or read about a lawyer being successfully sued for bad legal advice? Hint: disbarment.

Lawyers have an important purpose. They (are supposed to) have a large knowledge of case history, and they know how to navigate the system, which forms to fill out and how, can usually advise on different options. They do not take the place of one's brain – the individual should be as well educated as possible on a topic to gain the greatest advantage from their lawyer.

If that's all you think lawyers do, I'm sorry for you.

If that's all you think I think lawyers do, I'm sorry for you. There is no indication that that is all I meant.

It is their job to THINK – in legal terms. Not only provide information on previous cases, but help interpret the law and precedents as they apply to YOUR circumstances. This is their LEGAL OBLIGATION.

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Their LEGAL OBLIGATION? What does that mean, exactly? In other words, what are the consequences if the legal obligation is not met? And just as importantly, how would you go about showing it? Seems to me that the requirement for meeting this bar, according to how you have put it, is exceptionally low.

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Not at all ridiculous. Trying to get legal information from the Internet is ridiculous, however.

You are incorrect. Here, for example, is a concrete situation: There are a lot of disputes about domain names (and if you think it's expensive here, it costs 2000 euros to dispute a single .eu domain). The past decisions that panels made are on the net to be read (for example, <http://www.wipo.int/amc/en/domains/decisions/2006/d0400-0599.html>) – not just the results but the text of the decision (that is, the reasoning) that the panel used. This information is spot on because these are the actual decisions. It's not advice to the reader – they are decisions about other persons' cases – but it is certainly legal information. One may not agree with the reasoning, one may not even understand it correctly, but it is accurate and very valid for forming opinions (both about the process and about how to navigate the process). Whether these opinions are correct or not (to the extent that opinions have correctness) is another matter which I have not been addressing. If one were to have an actual domain name dispute, then it could be useful to consult a lawyer.

It might even be useful to consult a lawyer before getting the domain name, but one runs into the issue of diminishing returns. If one is performing a standard action, then the likelihood of running into trouble from that one action is small, so the expected value of return of going to a lawyer is negative. However, if the action is a priori suspect or has a likelihood of having problems associated with it (and the only basis for that is upon the opinions formed), then going to a lawyer preemptively may be a very useful action since it could save a lot of trouble in the future. Especially if there is a high cost associated with being wrong.

You tell me I'm not getting it right. But you don't back this up with a shred of convincing argument. "He said, she said" when there is no

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I did. I told you to get good advice – from a copyright attorney. You just refuse to follow it. But then fools don't take good advice.

Another non sequitur. I am not the OP. Got it? So why do you keep spewing this? I have no interest and no need to go to a copyright lawyer. I'm not the one with the issue. Your "advice" might serve the OP well, but it is bad advice in this context. It's like having a discussion about programming and then someone chimes in, "Take my advice: drink water." It's just not relevant.

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The point is to say that the internet is actually a very useful source of research. While I don't advocate that it be used in place of a lawyer, it is certainly reasonable to do reasearch via the internet (should I even need to point this out in 2006?) in forming opinions and in preparing to present one's case to a lawyer.

But you are advocating its use in the place of an attorney.

No, I am not. I am advocating its use to gather information and form opinions on various topics.

And learn not to top post. This newsgroup uses bottom posting or merged posting (like I did here) as it's standard.

It's standard to argue coherently and to only quote the relevant part of what one replies to. Since your responses, in general, did not address the text I wrote, summary fashion was more appropriate.

And learn not to post. Two posts ago you wrote not once, not twice, but three times that you would not continue this conversation. I'm hoping this time you'll remember to keep your word:

No, it's not. I will not continue it here.

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I will not continue this conversation.

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And I will not continue this discussion.

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