

BlawgWorld 2006

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SAMPLE

BLAWGWORLD 2006
Capital of Big Ideas

Population: 51

Edited by Sara L. Skiff

PREFACE



Ideas are free. But while the author confines them to his study, they are like birds in a cage, which none but he can have a right to let fly: for till he thinks proper to emancipate them, they are under his own dominion.

— Sir Joseph Yates, *Miller v. Taylor*, 4 Burr. Part IV, Page 2379.

A *blog* is an easy-to-use publishing tool that enables people to “post” articles, photos, and even videos in reverse chronological order on a Web site. A *blawg* is a legal-oriented blog. Most blogs (and blawgs) feature a *Web 2.0* technology called *RSS Feeds* that enable you to monitor them with an *RSS Newsreader*, an email-like program. [See J.D. Lasica, *RSS Newsreaders and Other Alternatives to Web Browsing*.](#)

According to various studies, approximately 80,000 new blogs launch every day, including dozens of blawgs. No one knows how many blawgs exist, but whatever the number, monitoring them — even with an RSS Newsreader — would amount to a full-time job. You probably don’t have that kind of time yet you probably do want to tap into the blog phenomenon.

This conundrum explains why we created this TechnoLawyer eBook. In it you’ll find thought-provoking essays from the most influential blawgs — 51 essays from 51 blawgs to be precise. The essays were handpicked by each respective blogger as most representative of their blawg. As a result, you will likely find several blawgs worthy of your continued attention. When you do, just click on the blawg’s screenshot to visit its home page. Or just search for the name of the blawg in Google.

Get the Whole eBook

As noted above, *BlawgWorld 2006: Capital of Big Ideas* consists of 51 essays, but this sampler version contains just one of these essays. To download the entire eBook free of charge, please visit www.blawgworld.com.

Our Heartfelt Thanks

We would like to thank each of the participating bloggers for their enthusiastic support of this eBook. Obviously, *BlawgWorld 2006: Capital of Big Ideas* would not exist without their insightful contributions. These bloggers do indeed have big ideas!

BlawgWorld Team

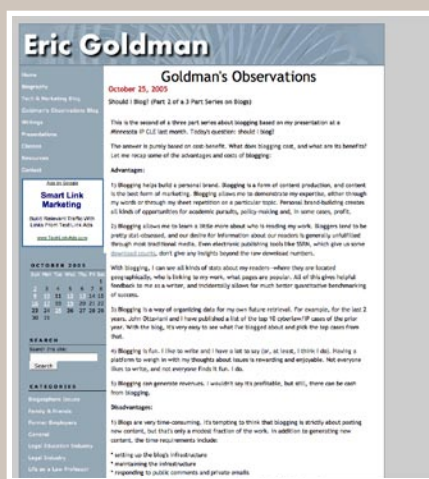
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Topics:

Law school life, the legal industry and legal ethics

What Does "100 Grand" Mean to You?

This [AP story](#) made me laugh out loud. A Kentucky radio station WLTO-102.5 FM announces a contest where the prize is "100 grand" to the 10th caller. A woman, Norreasha Gill, listens to the show, is the 10th caller and is overjoyed at the prospect of adding \$100,000 to her bank account. At bedtime, she promises her three kids that they will have "a minivan, a shopping spree, a savings account and a home with a back yard." (\$100,000 appears to go a lot further in Kentucky than most other places in the country. Plus, in my house, we just read books before bedtime).

She tries to collect her prize. Her dreams are dashed when the radio station tells her that she has won a [100 Grand candy bar](#). She is outraged. As she says, "Nobody would watch and listen for two hours for a candy bar."

(Of course this is not literally true. Some people listen to the radio without any prospect of getting any confectionary treats *at all*).

Moved by her story and the misunderstanding, the radio station offers her \$5,000. She says thanks, that and \$95,000 more will make her happy. Apparently the radio station was unwilling to cough up the cash, and off to court we go.

It appears, on the surface, that we have a classic language ambiguity problem. The phrase "100 grand" means two wildly different things: a lifetime of fulfilled dreams in Kentucky, or a couple minutes of chocolate gorging. Did the radio station deliberately mislead people into thinking that it was talking about the former, not the latter? Would reasonable listeners believe that the radio station was referring to the former? If the answer is yes to either of the 2 questions, this lawsuit may not be as frivolous as it seems.

This case reminds me of the now-classic [Leonard v. PepsiCo case](#), which is now taught in law schools throughout the country. In that case, Pepsi ran some commercials touting a "points" program and showing the cool gear that customers could get. Some versions of the commercials show that with a sufficient number of points, customers could procure a Harrier jet. Ordinarily it would be too hard to get enough points to get the Harrier, but Pepsi also allowed customers to buy points—and the cash-to-points conversion rate meant that one could buy points to buy a Harrier jet for a very small fraction of its retail price. (Ignoring other problems, like the fact that it would be illegal to buy or sell the Harrier jet because of its military applications).

continued ...

When Pepsi declined an enterprising customer's efforts to get the Harrier, the customer sued for breach of contract (much like the 100 grand lawsuit). Pepsi's response: c'mon, we all know this is a joke. The district court's opinion has a fascinating discussion of the legal boundaries of humor, and concludes that the ad was just funny enough to allow Pepsi to escape legal liability.

What's interesting is that my students aren't so easily convinced that Pepsi was making a joke. Given the hyperbolic marketing environment of the dot com boom, and the resulting desperate efforts to get attention using increasingly expensive promises (remember [Pepsi's sweepstakes](#) to potentially give away one *billion* dollars?), my students today a little jaded about what marketers are willing to do.

So, is it outlandish that a radio station might give \$100,000 to a listener? Or, was it funny enough to say that the 10th caller would win a 100 grand [candy bar]? In either case, maybe, maybe not. But I'm having a pretty good laugh either way!

UPDATE: The Smoking Gun has the [complaint](#). Gill v. Cumulus Media, Inc. (Ky. Cir. Ct. filed June 22, 2005). The blog post is a little troubling for the defendants—notice where the DJ writes “be caller 10 @ 280-1025 and you'll be 100 GRAND RICHER!!!” and then immediately follows that with “No joke” (although I don't understand the rest of that paragraph).

UPDATE 2: This case also brings to mind the case where Hooter's waitresses were told that they would be entered in a drawing for a “Toyota” for selling lots of beer. Then, the winning waitress, Jodee Berry, was presented with a toy Yoda (get the word pun?—yuck yuck yuck). You have to check out this [photo](#) (and story)—the combination of the box and her face tells the whole story. As the photo amply demonstrates, she was not amused. The case settled, and [Jodee got a new Toyota car](#)—but it's not clear if she got the car because Hooters was feeling some legal heat or because Hooters realized that they had screwed up employee morale and a car was a cheap way to buy back some employee goodwill. Also note that in Berry's case, there were facts that managers had referred to a Toyota *car*, so the specificity was a little higher than with the radio announcement.