



SmallBusinessIT

## TECHNOLOGY ADVISOR

*Tech Tips for Small Businesses*

## New Legal Reasons Why All Businesses Need An E-mail Archiving And Management System

### DID YOU KNOW?

#### SPAM By Numbers

##### \$11,000,000

The amount awarded to EarthLink in a spam lawsuit against a bulk mailer.

Source: *The Register*

##### TWO

The number of spammers EarthLink claims it is responsible for sending to jail since it began pursuing legal action.

Source: *The Register*

##### \$12,800,000

The amount still owed to AOL by a convicted spammer, David Hawke.

Source: *MSNBC*

##### \$600,000

The estimated monthly earnings at the peak of Hawke's spam operations. That's a cool \$7.2 million a year!

Source: *MSNBC*

**It's a classic he-said, she-said case that ends up in court on a daily basis...**

Widget buyer Ms. Robinson testified that Mr. Smith, the Widgets Corp. sales manager, told her that if she put her order in immediately, the price would be discounted by 20 percent. Mr. Smith argued that that was not what he said. According to his testimony, he agreed to give a 20 percent discount only if Ms. Robinson ordered at least one million widgets, which she did not. The widgets were manufactured and delivered, and the client was billed for the full amount. The client is refusing to pay the full amount and the manufacturing company is throwing it to a collection agency. If brought into a court of law, who would be right?

Provided that neither party can produce a signed contract to back up their case, there is no way of knowing who is right.

However, let's suppose Ms. Robinson produces an e-mail she sent to her boss copying Mr. Smith that says, "I made a deal with Mr. Smith, the sales manager at Widgets Corp., to get a 10 percent discount for 500,000 widgets ordered." Let's also suppose Mr. Smith cannot produce any e-mails, contracts, or memos to the contrary. Now the chances of Ms. Robinson winning her case go up exponentially. When faced with two credible witnesses whose recollection of an event or agreement are in dispute, the court is most likely to favor the person who has corroborating documentation to support their side of the story.

#### E-mail has Become the Primary Means of Communication and Negotiation

In the not too distant past, business people would communicate primarily through face-to-face meetings, telephone conversations, faxes, and the occa-

sional paper document. When a "my word against your word" dispute arose, a court case could be awarded to the person who seemed more confident or credible.

Nowadays, e-mail has become the default mode of communication. It's very common for a buyer to communicate to a seller entirely by e-mail. Transactions are done without the two ever meeting and in some cases, never speaking. As a result, the "my word against your word" conundrum becomes more of a contest between e-mails, as opposed to a competition between the memories of the people involved.

The upside of this situation is that if you can produce an e-mail that supports your version of the facts, you have a leg up if it goes to court. The downside is that most people are careless about what they say in an e-mail. They don't think about it ending up as an exhibit in a courtroom under close scrutiny leaving them with the only explanation, "I know that's what I said, but that's not what I meant."

#### Food Service Company Awarded \$2.5 Million Thanks To A Few "Innocent" E-mails

\*Example: A food service company was contracted to provide all meals at 48 nursing homes. Ultimately, the food service company claimed that it was underpaid over \$2 million and sued in federal court. The president of the nursing home company claimed that the food service company had made certain oral cost guarantees that were not honored, thereby justifying the underpayments. However, a detailed review of the nursing home company's internal e-mails revealed that its executives had "privately" expressed substantial doubt about the supposed oral guarantees. The e-mails were given to the jury, which awarded the food service company \$2.5 million.

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## 5 SIMPLE WAYS TO AVOID GETTING AN AVALANCHE OF SPAM

As you probably already know from firsthand experience, once you're on a spammer's list, it's next to impossible to get off. To make matters worse, spammers resell your e-mail address to other spammers, multiplying the problem. If changing your e-mail address is a major inconvenience, then take heart with the following 5 tips for reducing your chances of getting on a spammer's list in the first place:

**1. Use a disposable e-mail address.** If you buy products online or occasionally subscribe to web sites that interest you, chances are you're going to get spammed. To avoid your main e-mail address from ending up on their broadcast list, set up a free Internet e-mail address with Hotmail or Yahoo and use it when buying or opting in to online newsletters. You can also use a throwaway e-mail address when making purchases or subscribing to newsletters (see #4 below).

**2. Pay attention to check boxes that automatically opt you in for newsletters and spam.** Whenever you subscribe to a web site or make a purchase online, be very watchful of small, pre-checked boxes that say, "Yes! I want to receive offers from third party companies." If you do not un-check the box to opt-out, your e-mail address can (and will) be sold to every online advertiser. To avoid this from happening, simply take a closer look at every online form you fill out.

**3. Don't use your main e-mail address on your web site, web forums, or newsgroups.** Spammers have special programs that can glean e-mail addresses from web sites without your permission. If you are posting to a web forum or newsgroup, use your disposable e-mail address instead of your main e-mail address. If you want to post an e-mail address on your home page, use "info@" and have all replies forwarded to a folder in your in-box that won't interfere with your main address.

**4. Create throwaway e-mail accounts.** If you own a web domain, all mail going to an address at your domain is probably set up to come directly to you by default. For example, an e-mail addressed to anything@yourdomain.com will be delivered to your in-box. This is a great way to fight spam without missing out on important e-mails you want to get. The next time you sign up for a newsletter, use the title of the web site in your e-mail address. For example, if the web site is titled "petstuff.com," enter "petsuff@yourdomain.com" as your e-mail address. If you get spammed, look at what address the

spam was sent to. If petstuff@yourdomain.com shows up as the original recipient, you know the source since that e-mail address was unique to that web site. Now you can easily stop the spam by making any e-mail sent to that address bounce back to the sender.

**5. Don't open, reply to or try to opt-out of obvious spam e-mails.** Opening, replying to, or even clicking a bogus opt-out link in an obvious spam e-mail signals that your e-mail address is active, and more spam will follow. The only time it is safe to click on the opt-out link or reply to the e-mail is when the message was sent from a legitimate company you know or do business with.

### Announcing a FREE and Easy Way to Get Rid of Annoying Spam

If you are absolutely fed up with the number of spam e-mails you get every day then read on.

We've recently develop an anti-spam filtering service for our customers that doesn't require the purchase, installation, or maintenance of expensive hardware and software. For pennies a day, we can:

- ◆ Eliminate (99%) of the spam you receive every day without blocking important e-mails from clients and associates.
- ◆ Drastically reduce the number of e-mails you receive every day and save precious bandwidth.
- ◆ Quarantine virus-riddled spam before it has a chance of infecting your network.

To introduce this service to our clients, we're giving away a free month of spam filtering to anyone who signs up during the month of December!

Just contact our office and we'll set you up on this service for no charge. At the end of your 30-day free trial, you'll have the option to cancel and owe nothing, or you can choose to subscribe to this amazing new service. Either way, the only thing you have to lose is the annoying, time-wasting spam you are getting buried under every day! To sign up, call 866-324-8273 or e-mail Chris at ward@sciinc.com!



Happy Holidays From  
Software Concepts International

**THE STORY OF THE STARFISH THROWER...**

A man was walking along the beach early one morning when he noticed a young boy who appeared to be picking something up off the shoreline and throwing it out into the sea. As the man got closer to the boy he saw that the objects were starfish, and that the beach was covered with hundreds of them that had washed up on shore the night before.

The man watched the boy for a few minutes and then decided to approach him. "Why in the world are you out here so early in the morning throwing starfish into the water?" he asked.

"If these starfish stay where they are when the mid-day sun comes up, they will die. I come here every morning to throw them back into the sea so they can live," he replied as he continued his work.

"But that is ridiculous!" said the man, "Look around you. There are thousands of miles of beach and millions of starfish. The sun will be up within an hour. And tomorrow morning

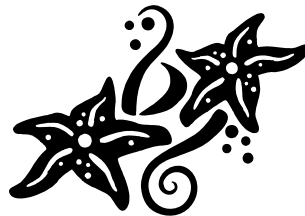
they will all wash back up again. How can you believe that what you are doing could possibly make a difference?"

The young boy picked up another starfish, paused thoughtfully, and remarked as he tossed it out into the waves, "It makes a difference to this one."

While we know we can't save all the people in our area from the challenges, problems, and perils of running and growing a business, we take great pride in knowing that in our own small way, we are the starfish throwers, making our own small contribution to their success.

During this holiday season, we want to thank you for the trust and confidence you have shown in us over the years. Whether you are a soon-to-be new customer or long-term client, we truly appreciate your business and look forward to serving you in the new year!

- *Chris Ward, Vice President*  
*Software Concepts International*



The Lighter Side:  
**Dog Ate Your Wallet?  
Call the US Treasury!**



Believe it or not, the U.S. Treasury Department has a crew of experts who will analyze the remains of damaged or destroyed money. If they can confirm the amount, they will replace the bills free of charge.

Take the case of the citizen who sent the Treasury some burned coffee cans and a small metal box, claiming that the ashes inside were actually \$33,000 in bills that were incinerated in a house fire. After a couple of months, the Examining and Redemption Branch of the Department's Bureau of Engraving and Printing verified the claim. The bills were replaced. At least 51 percent of a mutilated bill must be recovered. In case of a fire, enough of the note or recognizable ash must remain to determine the currency's denomination and authenticity. The technology involved is very low-tech and includes the use of scalpels and tweezers. Sometimes money is boiled several times before a solidified stack of bills can be peeled apart.

The most common causes of damage to currency are fire and moisture, particularly with money that has been buried. Currency will not hold up in the ground or in damp places like basements.

So if your dog does eat your stash, let's hope at least 51 percent makes it through. If it does, you simply have to draw straws to see who gets to sort through the leftovers to find out!



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- Learn New *Legal* Reason Why It Is Important to Have An E-mail Archiving And Management System In Place
- 5 Simple Ways to Avoid Getting SPAM

## THE LIGHTER SIDE:

- Dog Eat Your Wallet? Call the US Treasury!

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### What Should You Do To Protect Yourself?

The most important thing you can do is think twice before hitting "send." If you are a manager or employer, train your employees to be careful about what they communicate via e-mail and constantly remind them of the dangers. Once an e-mail is sent, you cannot get it back. Another good practice is having a system for archiving and managing e-mail communications. This goes double for certain companies because of regulations like the Sarbanes-Oxley Act.

#### The Integrated Message Management Solution

Software Concepts International offers an Integrated Message Management service that not only protects against malware, spam and phishing attacks but also adds **secure messaging, archiving and content filtering**. Find out if this service is right for you. Call us today at 866-324-8273 or email Chris at [ward@sciinc.com](mailto:ward@sciinc.com).

\*Story Reprinted from How E-Mail is Revolutionizing Litigation—and What You Should Be Doing About It by Michael G. Trachtman, The Corporate Counselor, [www.Law.com](http://www.Law.com)

### Services We Offer:

- SPAM Email Filtering Services
- Computer Virus & Spyware Removal & Protection
- 24x7 Remote Monitoring & Maintenance
- Complete network management and support
- Critical Patch and Service Pack Installations
- Computer Network Security
- Secure Wireless Networks
- Implement and Manage VPNs (Virtual Private Networks)
- Manage System Backups
- Recommend Data Storage Solutions
- Provide Disaster Recovery
- Troubleshooting and Problem Solving on all Networks and PCs
- Help desk - Phone and Remote Support
- Hardware Installation and Support
- Software Upgrades and Installations
- Server Installations and Upgrades
- Manage Software Licensing
- Act as a Vendor Liaison
- Monthly Reporting
- Quarterly Review and Planning Meeting
- Database Administration & Maintenance

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