

When Lawyers' Work Product Goes Viral

By [Donald Scarinci](#)

Thanks to websites like Reddit and BuzzFeed, legal writings are increasingly going viral. So when lawyers write a demand letter or legal brief, they must consider not only how the recipient will perceive the document, but also how the public may respond if it ends up online.

Most recently, a [New Jersey lawyer](#) made headlines for his response to a cease and desist letter sent to his client. The initial demand letter concerns a website operated by Jake Freivald. According to a lawyer representing the New Jersey township of West Orange, Freivald's website, westorange.info, is "is unauthorized and is likely to cause confusion." The lawyer demands that Freivald cease using the domain name and "anything else confusingly similar thereto."

Freivald's attorney suggests in his [response](#), heralded by BuzzFeed as the "best response to a cease and desist letter ever," that the letter must have been sent in jest. He also writes:

"Not that we didn't get the joke ... but since Mr. Freivald has not previously encountered a humorous lawyer, he actually thought your letter may have been a serious effort by the Township to protect its legitimate interests. Rest assured, I've at least convinced him that it was certainly not some impulsive, ham-fisted attempt to bully a local resident solely because of his well-known political views. After all, as lawyers you and I both know that would be flagrantly unconstitutional and would also, in the words of my 4-year-old son, make you a big meanie."

The letter has been viewed more than 30,000 times and garnered media attention from legal publications, including the ABA Journal and Above the Law. Interestingly, this is not the first legal missive to go viral. Last year, an [intellectual property attorney](#) representing Jack Daniels Tennessee Whisky made headlines for an exceedingly polite cease and desist letter, which was sent to an author whose book cover closely resembled the company's whisky label.

"We are certainly flattered by your affection for the brand," the letter states, "but while we can appreciate the pop culture appeal of Jack Daniel's, we also have to be diligent to ensure that the Jack Daniel's trademarks are used correctly."

"In order to resolve this matter, because you are both a Louisville 'neighbor' and a fan of the brand, we simply request that you change the cover design when the book is re-printed. If you would be willing to change the design sooner than that (including on the digital version), we would be willing to contribute a reasonable amount towards the costs of doing so," the letter continues.

According to the Atlantic, it "may well go down as the most polite, encouraging and empathetic cease-and-desist letter ever to be sent in the history of lawyers and humanity."

[Donald Scarinci](#) is a New Jersey lawyer and managing partner of Scarinci Hollenbeck, LLC a regional law firm with offices in New York, New Jersey and Washington, D.C. His columns

feature legal issues in the news and articles about the business and practice of law. He also writes regularly in Politicker NJ and the [Constitutional Law Reporter](#).