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# Slain Marine's e-mail raises legal issues

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Yahoo Inc. may have resolved its dispute with a family over accessing the e-mail account of a Marine killed in Iraq, but legal experts say such conflicts are bound to be more common as e-mail becomes a crucial component of our lives.

John Ellsworth sought his son's e-mails after Lance Cpl. Justin Ellsworth was killed Nov. 13 while inspecting a bomb in Iraq. But the father didn't know his son's password, and Yahoo said it couldn't break its confidentiality agreement with the Marine.

The family was granted access this week after an Oakland County probate judge ordered Yahoo to do so. Yahoo had said all along that it would comply with any such order.

Henry H. Perritt Jr., a professor and expert in cyberlaw at the Chicago-Kent College of Law, said he knows of no other case where battles over a dead person's e-mail have gone to court, but he expects to see more.

"I think that as it is now, the service providers for the most part just hand it over when they've established death and that someone is the administrator of the estate," Perritt said Thursday. "But they are really just beginning to think about this."

Other e-mail service providers, including America Online Inc., EarthLink Inc., and Microsoft Corp., which runs Hotmail, have provisions for transferring accounts upon proof of death and identity as next of kin. AOL says it gets dozens of such requests a day.

Yahoo's policy, however, states that accounts terminate at death.

Full Story [2].

Web

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