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## Editorial

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### The Year 2000 Problem

Everyone knows by now that they should avoid lifts, air travel, financial transactions, portable road traffic signals, motor vehicles and every other device that incorporates any form of computer when the turn of the century comes. The sheer impossibility of doing so, of course, merely highlights the scale of the problem referred to as the Millennium Bomb or the Year 2000 Problem (or Y2K for short).

It promises to be a boon for computer lawyers, who are beginning to benefit from its impact even now. The problem arises (in case you have recently returned from an extended trip to Mars) from the habit of programming computers to recognise dates from two digits rather than four, so that instead of a new century starting computers may assume they have reverted to the start of the old one (meaning incidentally, that the problem is a century-related one rather than a millennium one): it has been exacerbated by programmers continuing to do so even after the original reason (lack of memory) faded into the past: it is made worse still by the fact that programs are still being used long after their authors thought they would be consigned to an electronic graveyard: and to cap it all no-one seems to have recognised the problem until it was too late, and there just aren't enough programmers in the world to fix the problem in time.

The government has done its best to alert business to the potential damage, estimates of the cost of which (how on earth can anyone measure it?) seem to get bigger by the day. The latest suggestion (reported in the *Financial Times* for 31 May/1 June 1997) is that a triage system should be operated. The notion is

borrowed from the battlefield, and the *FT* explains (as devotees of M\*A\*S\*H will know) that those most urgently in need will be treated first. What is not said is that the other two parts of the triage process amount to benign neglect: those beyond help are not given the surgeon's valuable time, while the middle group is considered likely to get better without assistance.

Businesses will certainly go to the wall as a result of the problem, and at this stage they will be unable to get the assistance that might have helped them avoid this consequence. If you are doing business with anyone in this triage category, it would be a good idea to stop doing so now. Alternatively, it might suit your business to help them keep going.

If you are doing business with one of the companies left to sort out its own affairs, you should consider what assistance you can usefully give them. Indeed, even if your clients or suppliers fall into the first triage category it would be a good idea to offer them support.

More importantly, in each case, you need to know what your business partners are doing. Here the lawyers are on more familiar ground: get assurances from suppliers that they are geared up for the change, ensure that any computer equipment or software you buy is guaranteed Year 2000 compliant, and check the programs and hardware you already have (programs to assist in this are available) and the contractual terms that govern their supply. But when the century turns, don't expect to be able to enforce all those nice warranties and indemnities: the first businesses to go to the wall will surely be the ones with the biggest liabilities hanging over them for failing to comply.

*Peter J Groves*