

The Blogosphere Revealed

Law-related Web logs, dubbed blawgs, offer in-house lawyers a wealth of details on life, law, and what their company might be doing wrong.

BY REES W. MORRISON

For in-house counsel, benefiting from online Web logs is as easy as, well, falling off a blog. Law-oriented online Web logs (known to us in the legal world as blawgs) quickly announce and discuss changes in the law and its practice; bring together lawyers with like interests, even if arcane; give insights into the legal minds out there; and provide free material for training and intranet sites.

Various observers believe that to date, several million blogs have been started. In fact, some say that as many as 40,000 brand-new blogs appear on the Web each month. There are now probably more than 200 blawgs.

So, in the larger picture, blawgs are just a blip. Yet blawgs are hot, probably because they seem to be a natural fit for the law profession. Lawyers have no problem marketing their services through blogs; they are comfortable writing; and they understand that blogs serve a purpose in a profession that changes daily, is so information-intensive, and which is becoming increasingly more specialized.

The Law.com Blog Network, for instance, offers 14 blawgs; 90 more are listed on MayItPleasetheCourt.com. Another lengthy list of law blogs is maintained by Ernest Svenson at <http://radio.weblogs.com/0104634>. Most of these blawgs were created by lawyers who wanted outlets to talk about their ideas and experiences. They update readers on new opinions and developments in the law. But unlike, say, standard Web sites created by companies or law firms, blawgs also inject personality into the professional decorum and gravitas that grays out legal marketing.

Here's an example from the blawg Law Tech Guru in reference to the practice of benchmarking, or measuring outcomes: "Yes, benchmarking is a useful tool, but it quickly becomes a hindrance as a knee-jerk reaction to replace critical, original

entrepreneurial thinking. The problem with looking left and right all the time is that one becomes accustomed to not looking forward on one's own."

When you are host of your blog, you can splash out your style, tickle readers with humor, indulge in sarcasm and irony, and play with metaphors and zingers. For instance, Bruce MacEwen from Adam Smith, Esq. (bmacewen.com) writes: "At the risk of forfeiting my hard-earned membership-in-good-standing in the blawgosphere, I will venture that blogs will turn out to be no better or worse, no more compelling or lame, than conventional law firm marketing efforts." Matched against law review treatises and the arid precision of decisions, there's nothing blah about blawgs.

Blawgs are low-cost Internet sites that anyone can set up for free on Blogger.com or pay around \$100 a year for more capabilities on sites, such as Typepad.com, which allow their authors—called hosts—to easily create and add content (called posts).

IT'S LIBERATING

Blog readers, who pay nothing to access the sites, can comment on the posts. There's something liberating about readers being able to add comments to a blog. A few of the more popular blawgs, such as those hosted by Lawrence Lessig and Glenn Reynolds, attract thousands of visitors; celebrated blogs have the circulation figures of major newsletters, with tens of thousands of hits every day.

Blog material, therefore, has personality and immediacy, because it is a moment's work to create a posting or a comment. Earlier this year, for example, the Labor Blog stepped into the fray of politics and law:

True to form, the Bush administration is making sure that its corporate friends are not too inconvenienced on those rare occasions when they are found to be breaking federal laws, especially if it only involves child labor issues.

Wal-Mart, the world's largest retailer, agreed to pay \$135,540 to settle federal charges that it violated child labor laws in Connecticut, Arkansas and New Hampshire. As part of the agreement, revealed yesterday after it was secretly signed in January, the Labor Department agreed "to give Wal-Mart 15 days' notice before the Labor Department investigates any other 'wage and hour' accusations, like failure to pay minimum wage or overtime."

NO MORE WAITING

In-house lawyers can take advantage of blawgs. The primary benefit is that they can learn quickly about recent developments in an area of law. No more waiting for law review articles, or even for updates from law firms. Instead, instant insights! Lawyers may want to take these insights with a grain of salt, of course, as they are one person's opinion and interpretation.

It is likely that for any substantive legal area, one or more blawgs specialize in it. Their authors will promptly post discussions about new decisions, amicus briefs, proposed regulations, and practice tips. For example, here is some late-breaking news from the Renewable Energy Law Blog:

(April 1, 2005) Clean Air Act Settlement to Require Renewable Energy Investments as Mitigation Measure: The FirstEnergy Corporation, and its subsidiary Ohio Edison, reached a settlement with the U.S. Department of Justice in March to resolve a 1999 lawsuit. The lawsuit alleged that the company's modification of a power plant in Ohio violated the Clean Air Act's New Source Review (NSR) provisions.

There are blawgs on health care (Health Care Law Blog), environmental law, intellectual property (I/P Updates), and immigration law. Some blawgs limit themselves to very specific subsets of the law—for example, California Labor and Employment Law, Connecticut Law Blog, DUI Blog, and Internet Cases.com.

Other blawgs specialize in management issues and topics unrelated to substantive law areas. For example, from Dennis Kennedy.com: "I have long suggested that IT directors of clients talk with IT directors of their law firms on a regular basis to address these types of issues (extranets, for example) and share best practices." I host a blog on how to manage law departments more effectively, called Law Department Management, which currently has more than 130 postings. Others include The [non]Billable Hour and The Wired GC. For technology insights, go to PrismLegal. You can even get the dirt on judges handling your cases, at Underneath Their Robes.

Another benefit of the blogosphere is the potential for networking. No matter how arcane your legal vocation or avocation, you will find kindred spirits. No longer do you need to join an American Bar Association or Association of Corporate Counsel sub-subcommittee that meets irregularly on an esoteric topic. If you're keen on trademarks, try Martin Schwimmer's Trademark Blog. If bits and bytes are your bag, check out TechnoLawyer Blog. If you are trying to organize responses to proposed legislation or a lobbying effort, blogs put you in touch with fellow travelers. Just love the statutory interpretation doctrine of *contra proferentum*? Try Gary O'Connor's Statutory Construction Zone.

If you ask a question in a comment, you can get specific answers in a way that you were never able to before. All blog authors yearn for comments and e-mails from people who share

their passion. You do not have to comment publicly; you can e-mail the author with your questions or thoughts.

The hosts of most legal blogs are practicing lawyers in firms. A lawyer who has a niche specialty is the most likely kind to start a blawg, thus allowing a law department to find him or her. Corporate counsel, therefore, can take advantage of blawgs to find a lawyer who could potentially represent the company, as well as reach conclusions about his style and knowledge through his blog postings. This additional benefit of blawgs—their view into a lawyer's mind—can help a law department locate a specialist or find examples of legal problems. Similarly, by searching blogs, a law department can dig out information about opposing counsel.

It's not just the postings and comments that give blogs their value. Most blogs also refer to other blogs that address related topics. These lists are known as blogrolls. Many blawgs also cite articles, books, and conferences that touch on their particular obsession.

EARLY WARNING DEVICES

Blogs can also be beneficial if your company gets publicity and is the subject of blog commentary. Criticisms of one of your products or services may surface first on a blog. It may be that a trademark infringement, for example, becomes apparent through a blog. In other words, blogs can serve as early warning devices for preventive lawyering.

Blawgs might also contain or link to material that a law department could add to its intranet site. This method would be cheap and easy to access. It can also significantly enrich the content on an intranet. For example, a site might list the five key steps to take if an employee is served with a summons and complaint. A law department could take that material, modify it (and reference the source), then use it on the department's intranet site.

Any search engine—such as Google, MSN, or Yahoo—can troll through the profusion of blawgs. If you find a handful you want to follow, you can enter into your browser, under Favorites, those blogs that you would like to check periodically. It is also relatively straightforward to set up RSS (Really Simple Syndication). An RSS feed, as it is called, allows you to obtain the latest postings from blogs without actually having to go to the site. A law department might want to make use of news aggregators or RSS feeds to find references to pending cases or current topics. For example, if you want to find out whether a lawsuit is reaching the public eye, blogs could be the quickest source.

A number of companies—including Blogdex, Daypop, Slashdot, and Technorati—rate and rank the popularity and influence of blogs. In the near future, the more informative blawgs will be recognized outside the online community. The better blawgs will gain recognition, and more tools will develop for finding information quickly, sorting it by relevance, and linking it to other material.

Blawgs, an already popular technology, offer law departments a new and inexpensive way to keep up-to-date, find talent and resources, and pick up early signals. Blawgs are windows to the wealth of the Internet, and in-house counsel should take a peak into them from time to time.

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