

LEGAL PROFESSION

**Law Blog = Blawg**

More lawyers are incorporating web blogging into their practice

By Chelsea Gilbert  
Of the Law Weekly

Web logs have become an almost inescapable part of the legal community. They've become so prevalent that a new name has been coined to describe blogs maintained by lawyers – "blawgs."

Pittsburgh trial lawyer John Gismondi hadn't given much thought to blogs until about a month ago when a lawyer in his firm stumbled upon one devoted to one of Gismondi's current, controversial cases.

"[The blog] was helpful in that it gave me more info about chelation [a controversial medical treatment for autism] and some of the things that were going on nationally," Gismondi said.

Gismondi said he wouldn't hesitate to look up blogs regarding appropriate cases in the future.

"I was sort of surprised [at how helpful the blog was]," he said.

Gismondi is only one example of the large number of lawyers who are using blogs – on one way or another — to benefit themselves in the workplace.

Lawyers are writing blogs in unprecedented numbers: a general Google search for "blawg" receives about 2.6 million hits. Even more lawyers are "lurkers," reading but not contributing to blogs. Suburban Philadelphia appellate attorney Howard Bashman has a blog that averages 10,000 readers a day. The blogging phenomenon doesn't appear to be on the way out anytime soon. Lawyers and reporters have suggested that blogs could eventually replace – if they haven't in part already - law journals and resumes.

Even law firms have recently jumped on the blogging bandwagon, publishing firm-wide blogs on their Web sites. Law firms of all sizes are profiting from blogging, but many lawyers agree it is the small firms and solo practitioners that will see the most dramatic successes through blogging.

"Small firms will get more bang for their buck," said attorney Craig Williams, founder of The Williams Law Firm.

It is likely that large firms will see an incremental increase in visibility and business through blogging, while small firms will see a more dramatic increase he said in a telephone conversation.

Reed Smith attorney Denise Howell, who is credited by many for coining the word 'blawg' in early 2002, said that blogs help to "level the playing field for those on the small or solo side of things."

"The web is an extremely pliable, egalitarian meritocracy," Howell wrote in an e-mail.

Attorney Ben Cowgill, who blogs on legal ethics, said that lawyers at larger firms have many more resources available to them than solo or small firm practice lawyers. The disparity in resources makes blogging a valuable tool for lawyers outside of large law firms.

"Blogs are an easy, economical way to establish visibility," Cowgill said.

Additionally, Howell said a lawyer might have more flexibility in a smaller environment. They "might be less likely to encounter disagreement or backlash," she said.

Williams said he finds most law firm blogs to be "bland" and "sanitized," and said that readers seem to prefer his blog because he freely discusses his opinion on matters that interest him.

There is, though, a place for blogging in large firms. Cowgill said that niche practices within a firm could be well served by a blog. Howell said it is important for big firms to utilize blogging where they can, otherwise they might find themselves losing ground.

### **Success Stories**

Blogs have proven to be hugely successful for lawyers from both large and small firms. Bashman experienced blogging success as a lawyer at Buchanan Ingersoll, one of the largest law firms in Pennsylvania, and as a solo practitioner. In fact, he credits his blog for making the transition from a big firm to his own practice last year such a smooth one. "The site definitely helped," said Bashman. Opening his own practice has been "great" he said, with this last year being his best financial year ever.

Bashman estimated that the money generated directly from his blog and his upcoming monthly column for law.com will comprise 1/15 of his income for the year. This fraction does not include the money brought in by clients who were directed to Bashman through his blog.

Though Bashman says that he does not record how his clients are directed to him, "I can think of a handful of clients off the top of my head [that were directed to his firm through the blog]," he said.

Williams claims his blog, *May it Please the Court*, has "really changed my practice." Williams' firm has received \$1.5 million in revenue from blog business alone, he said.

"By some stroke of genius that I can't lay claim to, the blog was linked to my law firm's Web site," Williams said. He credited this linking to directing clients to his firm and bringing him international clients.

Howell said she has also experienced an increase in professional success as a result of her blog, *Bag and Buggage*.

"[Blogging] puts me in touch with smart people and new clients," she said. "It has enhanced my professional reputation and credibility."

### **Reasons to Be Cautious**

Despite their success, lawyers warn that blogs should be both read and written with caution. In an interview with Philadelphia attorney Luke E. Debevec, who is preparing a new blog-watch columnist for *Pennsylvania Law Weekly's* sister publication *The Legal Intelligencer*, he warned that only a small amount of the law blogs that exist are actually reliable sources.

The difficulty of knowing what is reliable and what is not "is probably the biggest drawback of blogs," he said.

In order to avoid unreliable sources, he researches the people who write the blogs he reads and checks both their work and the blog links.

"Go in with your eyes open," Debevec advised.

For those who write blogs, the potential ethical issues are a common concern. Sam Stretton, the ethics columnist for *Pennsylvania Law Weekly*, said that there are three main ethics issues to be concerned with.

The first is attorney-client confidentiality. Even if the case is over, Stretton said, it can be a "very dangerous situation" to discuss a case in a blog.

Howell cites client confidentiality as the most obvious concern: "Lawyers are schooled and trained in what they can and cannot disclose and discuss, and it's a straightforward thing to simply bear in mind that ethical rules apply with full

force to online activities."

The second issue is that bloggers need to be mindful of the advertising rules of their jurisdiction. If a blog is actively advertising a law firm or an attorney, they need to comply with the standards and requirements of advertising laws.

Pennsylvania's advertising rules aren't as extensive as some other states, but both Stretton and Cowgill emphasized the importance of being aware and mindful of the rules that do apply.

Finally, a lawyer must be careful to not misrepresent themselves. Nothing on a lawyer's blog should mislead the reader.

Williams spoke out against using "canned content" — material that is not original.

"People read blogs for legitimate legal information, believing that the lawyer wrote it," said Williams.

If a lawyer is posting canned content without disclosing it as such you he or she is misrepresenting himself or herself, said Williams.

"In my opinion if canned content is not disclosed it is not appropriate," he said.

Additionally, a lawyer should not be using a case to get other cases said Stretton.

This practice can be misleading and "subjective," because "everything is relative," he said. An attorney could have done a good job on a case, but perhaps another attorney could have done a better job, he said.

Cowgill warned that bloggers need to be careful about not including defamatory content. "I don't include things about specific individuals [on my blog]," he said.

In general, "lawyers need to be cautious at all times when communicating to the public," said Sarah Begley, an attorney in Reed Smith's Philadelphia office.

Lawyers also need to be aware that writing a blog creates a permanent record, she said. Most lawyers seem to be well aware of the potential dangers.

"Lawyers are already paranoid about the security of e-mail and other online communication," said Gismondi.

Begley emphasized that a blog policy is something all law firms should be evaluating. It is likely that firms already have in place a computer or Internet use policy and should examine it to decide if it is broad enough to cover blogging, Begley said.

"Large law firms are justifiably concerned with the misuse of blogging as a form of communication," said Bashman. "Large law firms are generally of the view that marketing should be done in a centralized way."

They prefer it to be done by professionals who know what they are doing, rather than by attorneys, Bashman explained. When he was a lawyer at a large firm though, his blogging was not a source of anxiety for his firm.

"They had faith in my abilities," said Bashman.

Though ethical issues should be kept in mind, "certainly people have their first amendment rights," said Stretton. As long as the blog is not ethically wrong, lawyers are free to blog as they please, he said.

"Whether the blog is a good business tool is another thing," warned Stretton.

He emphasized that, beyond the realm of ethics, elements of common sense and professionalism should be considered during the blogging process.

Referring to the influx of eager bloggers that crowd cyberspace Stretton said: "In this celebrity age too many people want to become celebrities."

According to several people interviewed for this article, most lawyers who blog don't push the limits when it comes to ethical issues.

Bashman said he makes a pointed effort to avoid conflicts between his blog and his practice. As a practicing lawyer, he takes pains to keep his site as objective as possible when it comes to controversial decisions.

"I don't want people to develop a negative opinion of me based on the blog," he said.

Bashman also said he tries to shy away from expressing his opinion on political issues.

Gismondi points out that blogging is not the only, or arguably the best, way to converse in the law community. Lawyer to lawyer talk can often take place in more structured environments such as list serves said Gismondi.

"A lot of lawyer networking occurs in member based chat rooms," he said.

Blogs are a "less secure" environment to have these conversations Grismondi said.

Despite the drawbacks of blogging, many lawyers still say they find blogs to be an immense help in making important information quick and easy to access.

"Blogging keeps me on top of developments it previously took me days or weeks to learn of through traditional media or other channels," Howell said.

"An important part of being a good appellate lawyer is keeping up with what's going on and with new decisions," said Bashman. His blog is designed to help serve this purpose. Many of the hits to Bashman's blog come from law firms across the country. How Appealing is "incredibly well-read coast to coast" said Bashman.

Williams explains that blogging is something he does because he "loves to write." Howell echoes this sentiment: "As far as downsides [of blogging], there's only one I regularly encounter: there's too much I want to blog, and not enough hours in life to do it."

Bashman sees blogging as an important part of his job. He doesn't find the work he puts into his blog to be a "burden" because the blog is simply a variation on the work he had already been doing as an appellate lawyer. The only difference is that his notes are now available to a global audience.

Williams said he saw blogs as an asset to the entire legal community in the sense that blogs can serve as a grand peer discussion and review.

The time commitment that blogs require is surprisingly small. Bashman spends several hours a day updating his blog. It is a few hours that Bashman claimed aren't difficult to fit into his schedule. He explained that because appellate law is not as "time intensive" and more computer-oriented than other types of law, blogging isn't an inconvenience. Howell said she probably devotes two to five hours a week to blogging, depending on circumstances. Williams said he spends about an hour a day blogging.

Of course, starting and maintaining a blog does not guarantee professional success. Though a few select blogs boast a consistently large readership, many are struggling for any kind of readership at all.

"I was fortunate to begin [my blog] at a time when not a lot of people were doing it," Bashman said. He went on to explain that this is possibly why people who have created similar sites in the past few years have not experienced the same success.

Those with well-known blogs are aware of how lucky they are.

"I am grateful people enjoy reading [May It Please the Court] and keep coming back," said Williams.

Bashman, whose readers continually e-mail him with updates and interesting decisions, said it is "really flattering to have a readership that is so faithful and energetic."

The future of blogging is bright in many lawyers' opinions.

"I think that blogging has a definite place in mainstream media," said Williams.

Many lawyers emphasized the huge growth potential of the blogging phenomenon.

"This is really only the beginning of lawyers blogging," said Begley.

Speaking to perhaps both the best and the worst aspect of blogging, Gismondi said, "blogging is the ultimate free-form cyber discussion — there are really no limits." •