



Joining the Blog Boom

By Steven A. Meyerowitz

Starting a blog is a quick, inexpensive way to reach people — especially potential clients — who have the same interests you do

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hen Joseph Schumacher, the Philadelphia-based chair of the franchise and distribution practice group of Wiggin and Dana L.L.P., looked around at how other franchise lawyers and law firms were marketing their practices and attempting to attract new clients, he saw that many of them were “writing bulletins and newsletters.” He decided to do something different. He started a “blog.”

Schumacher’s blog, www.franchiselawblog.com, is an outlet that he and others in his practice group use to inform clients and others interested in franchise law about new developments (such as a suit filed by more than 100 Mail Box Etc. franchise owners against United Parcel Service); to offer commentary on legal issues (one entry states that the U.S. Supreme Court’s recent decision in *Illinois Tool Works, Inc. v. Independent Ink, Inc.*, 126 S. Ct. 1281 (2006), “sounded the final death knell” on franchisor market power presumptions in the “antitrust tying” context); and to provide interesting franchise news (including a post recently reporting the death of James Conway, co-founder of Mister Softee Inc., an ice cream franchisor with about 350 franchise dealers operating through 600 ice cream trucks in 15 states). The blog comes up high on the list in Web searches for “franchise law blog” and draws a lot of attention to Schumacher’s practice group and his firm.

Blogs are the hottest and newest marketing tool being used by lawyers.

What’s a Blog?

Blogs are the hottest and newest marketing tool now being used by lawyers. The word “blog” is an amalgam of “Web log.” It is an online journal that is easily (and frequently) updated. Blog Search, the Google search technology focused on blogs available at www.blogsearch.google.com, refers to “the self-publishing phenomenon represented by blogging.” A phenomenon indeed! Another blog search engine, www.technorati.com, says it is currently tracking more than 50 million blogs with people writing about everything from Firefox software to Iraq, Israel and, yes, sex.

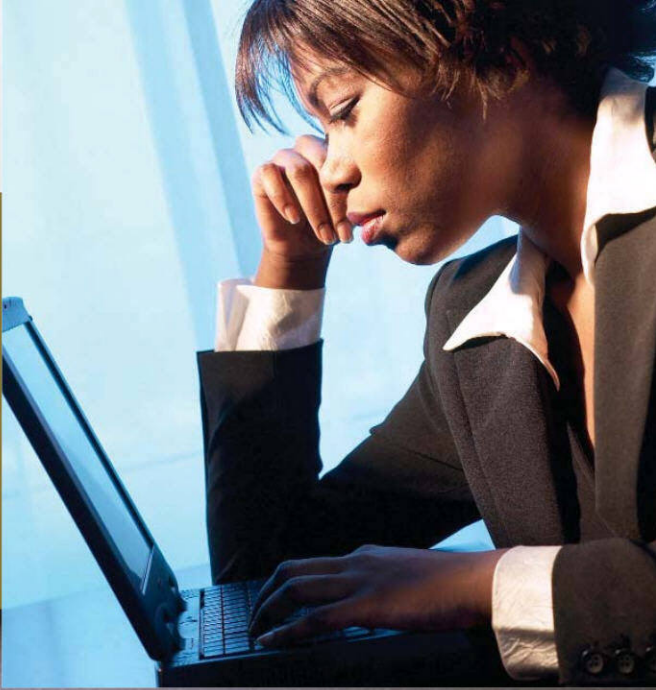
Law-related blogs are booming, too. The Web site www.blawg.org devotes itself to what it calls “blawgs,” defined as blogs “with emphasis on the law or legal-related issues and concerns.” Already it can be used to find blogs on state, federal and international law, as well as on substantive topics as diverse as administrative law, disability law, space law and tort law. Not to mention blogs written by law professors — and, as one might expect — by law students.

Benefits

Lawyers find many benefits to writing a blog. It’s a great way to reach existing and potential clients. Franchise lawyer Schumacher says, “People have started to say, ‘I saw an article on your blog and I have a question.’” A lawyer who has something significant to say and who says it on a blog can find fame — or at least a platform from which he or she can communicate with someone who ultimately might seek to retain the firm.

A lawyer’s blog also can help drive traffic to the lawyer’s or the law firm Web site. For instance, when a business owner seeking an answer to a litigation question finds a trial and appellate blog that links to the blogging lawyer’s law firm site, the business person can learn more about the firm’s other practice areas — and may decide to retain the firm’s corporate or tax lawyers.

Patrick J. Lamb, a partner with Butler Rubin Saltarelli & Boyd L.L.P., a Chicago litigation firm, has a blog at www.patrick-jlamb.com that focuses on client service. Lamb says his posts on alternative fee arrangements have drawn attention from clients and that clients comment on his blog “from time to time.”



Lamb says he also receives inquiries from other lawyers — potential referral sources — asking “how to price this type or that type of alternative fee engagement.” And, Lamb notes, his blog’s focus on client service has helped in an “unusual” way: Recent law school graduates and “lateral” lawyers interviewing for positions at his firm who have done their homework know that client service is

important there. He believes it has resulted in the firm hiring lawyers who share that interest, to the benefit of both the firm and its clients.

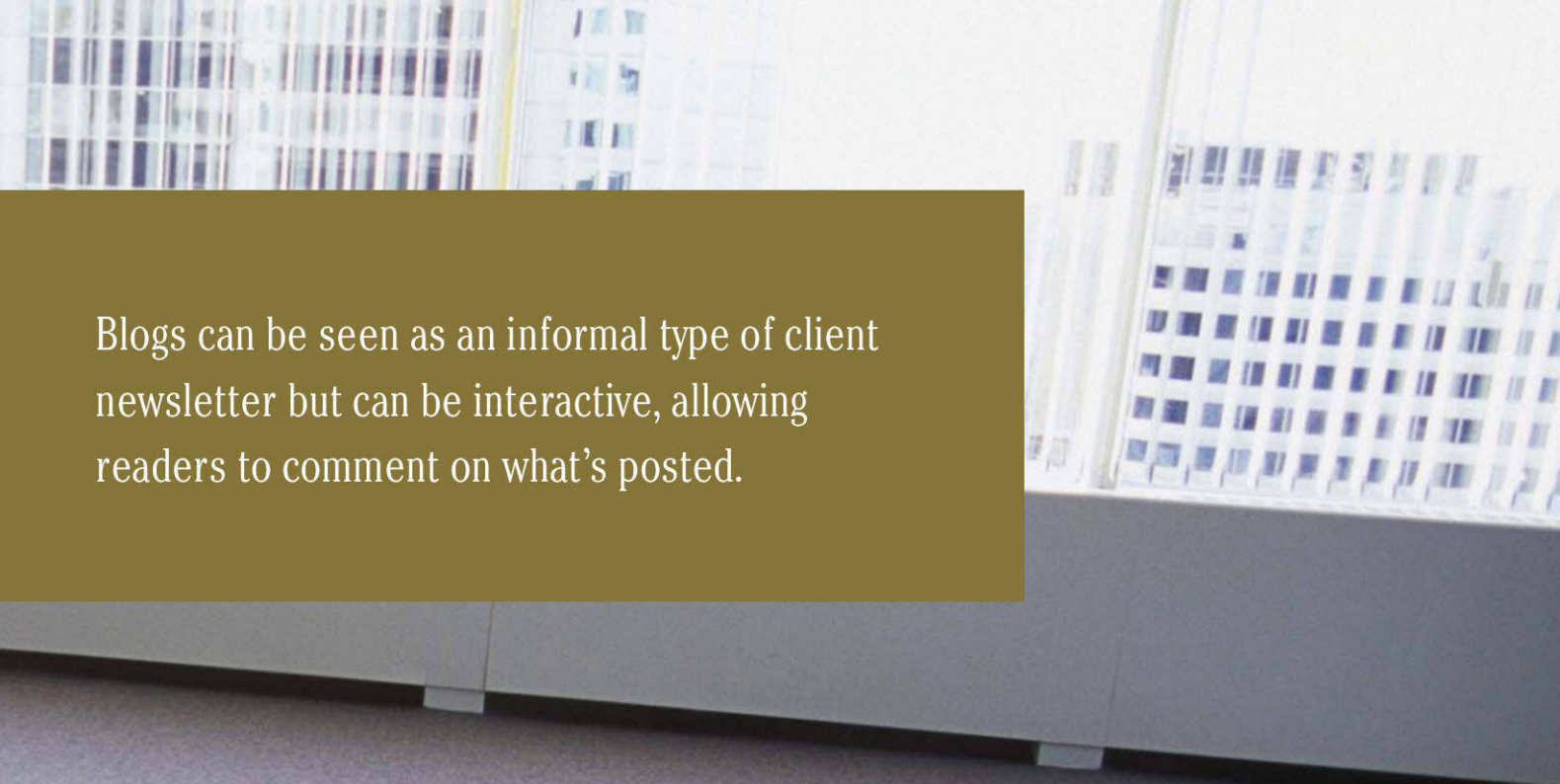
Be Careful

The informality of e-mail and instant messaging has led to widely reported problems, including for lawyers and law

firms. Blogs can be seen as an informal type of client newsletter and thus might be ripe for similar embarrassments from a careless or poorly-written entry.

Indeed, Lamb says that when he decided to start his blog, his firm initially was “somewhat uncomfortable about this new thing,” with the issue being “does someone have to approve the content?” Lamb was not prepared to agree to that, noting that his firm did not approve articles, so he added a disclaimer that said his posts were personal and not related to Butler Rubin.

Although that particular issue has resolved itself — Lamb points out that “ultimately, people came around” — the quality-control question is something that bloggers have to keep in mind. Wiggin and Dana’s Schumacher now has lawyers in his department contributing to the franchise law blog, with partners in charge of particular months and associates writing posts. He makes an effort to ingrain in all writers the understanding “that it’s a publication of the firm” and thus must be well written. Schumacher also points out, however, that a blog entry can be edited and is “not permanent.”



Blogs can be seen as an informal type of client newsletter but can be interactive, allowing readers to comment on what's posted.

One other concern that lawyers should keep in mind is whether they are — or could be deemed to be — offering “legal advice” via their blogs. Thomas G. Wilkinson Jr., a member of the Philadelphia office of Cozen O'Connor and PBA Zone I governor, suggests it's important for blogs to have “disclaimers” indicating that the bloggers are “not providing legal advice.”

Comments, Please

Blogs can be interactive, allowing readers to comment on bloggers' posts. A lawyer or law firm starting a blog to enhance client relationships should be careful about the comments that are posted.

Schumacher's blog does not yet permit comments, but he says he is considering having it “become more interactive, where folks can post comments.” Lamb's blog gets “a lot of spam comments,” so he only allows comments posted that he specifically approves; he says he reviews them once a week to determine whether to allow them. Lamb believes comments are a positive, that they “allow give and take” between blogger and readers, and may influence what readers write on their own blogs.

Subject Matter

Another area of potential concern is the subject matter of a blog. To be successful, a blog requires a lawyer's investment in time. As Patrick Lamb puts it, the subject of the blog therefore should be “something you enjoy.” If it's not, a lawyer may begin a blog but soon ignore it.

Lawyers contemplating creating a blog should pay particular attention to choosing the topic, analyzing it much as editors analyze their publications' editorial focus. Lamb says he believes he has an affinity for marketing, client service issues and law firm management, and thus he decided to focus on client service in his blog rather than on a substantive area of the law. By the same token, a bankruptcy lawyer who represents lenders and other creditors in complex corporate restructurings might consider a blog focusing on Chapter 11 reorganizations rather than on individual liquidations or bankruptcy law in general. Be narrow, be specific and write about something you like!

Updates

If the goal is to attract readership, the blogger should make sure the blog is reg-

ularly updated. This requires a commitment of time. In some instances, such as Joseph Schumacher's franchise law blog, updates can be written by other lawyers in the firm. However, a blog that is particularly representative of the blogger needs to be written by that person. Lawyers should not start such a blog unless they can meet that “obligation.” If you look at it as an obligation, it's probably not the right thing to do.

How to Start

There is still time for lawyers to get on the blog bandwagon. After settling on the subject, the key is information. A blogger needs to have something to write about.

The information center at Wiggin and Dana gathers relevant franchise law news from the Web and from subscription-based services, and forwards it to Schumacher and the other lawyers who are writing the blog. They read it and digest it, and then write their entries.

It's possible for lawyers to handle the mechanics of blogging (creating the blog, posting entries) themselves and, in fact, Patrick Lamb says he used to do so. Easily available software and turnkey providers

A SAMPLING OF LAW-RELATED BLOGS

- ▶ <http://www.palawweekly.com/plw/blog.aspx>
(Pennsylvania law, by *Pennsylvania Law Weekly* editorial staff)
- ▶ <http://njdivorceblog.typepad.com> (N.J. divorce)
- ▶ <http://www.scotusblog.com/movabletype> (U.S. Supreme Court)
- ▶ <http://www.employmentblawg.com> (employment law)
- ▶ <http://www.adamsmithesq.com/blog> (law firm economics)
- ▶ <http://www.the10b-5daily.com> (securities class actions)
- ▶ <http://www.icannwatch.org> (Internet)
- ▶ <http://www.secondopinions.blogspot.com> (2nd U.S. Circuit Court of Appeals decisions)
- ▶ <http://www.benefitscounsel.com/benefitsblog> (tax, benefits and ERISA law)
- ▶ <http://www.lawbizblog.com> (law firm management)
- ▶ <http://www.legaline.com/lawsites.html> (Web sites)
- ▶ <http://hipaablog.blogspot.com> (HIPAA)
- ▶ <http://patentlaw.typepad.com/patent> (patents)
- ▶ <http://blogs.wsj.com/law> (*Wall Street Journal* law blog)
- ▶ <http://sports-law.blogspot.com> (sports law)
- ▶ <http://bankruptcylaw.wordpress.com> (bankruptcy)
- ▶ <http://www.enpassant.com> (law and more)

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such as Lex Blog can help eliminate the time lawyers have to spend, at relatively low cost, and allow lawyers to focus on what *really* matters, the content.

Then, of course, once a blog is up and running, it needs to be promoted. The launch should be highlighted in a client mailing and in firm-wide marketing materials and practice group communications. Get the message out!

Lawyers interested in blogging should keep in mind that technology continues to develop. And they should realize that taking this step is likely to increase their appetite for what might be the next hot item: podcasts! 🎧



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- 709 (2003 - 2005)
- PA Forms: Petition, Notice of Estate Administration, Certification of Notice, etc.
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- Bank ledger with easy reconciliation against bank statements
- Simplified classification method
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Danger of Defamation?

Blogs often allow posting of comments by third parties, and they're frequently linked to Internet content written by others, including other blogs. Can bloggers be sued for defamation based on comments or material posted on their blogs?

The answer appears to be no, according to Philadelphia-based Cozen O'Connor attorneys Thomas G. Wilkinson Jr. and Adam C. Bonin — and to Judge Stewart Dalzell of the U.S. District Court for the Eastern District of Pennsylvania.

Dalzell recently decided *DiMeo v. Max*, No. 06-1544 (E.D.Pa. May 26, 2006), finding that Section 509 of the federal Communications Decency Act (CDA), 47 U.S.C. § 230, blocked a defamation suit against a blogger. The ruling "insulates from defamation liability contact aggregators who are relaying or passively re-publishing" defamatory content, Wilkinson says. Indeed, Bonin adds, there is immunity even where a blogger exercises some degree of editorial control over others' content on the blogger's site.

The Electronic Frontier Foundation has additional information about the CDA and blogger liability at <http://www.eff.org/bloggers/lg/faq-230.php>.

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