

BLOGGING FOR LAWYERS: IS IT REALLY WORTH IT?

By Jay M. Jaffe

The simple answer? "Yes."

IT'S HARD TO BELIEVE THAT THE TERM "BLOG" WAS COINED IN 1997, AND SOME OF THE FIRST ACKNOWLEDGED BLOGGERS BEGAN SHARING THEIR THOUGHTS ON WHAT IS NOW RECOGNIZED AS A BLOG FORMAT IN 1994. AFTER FIFTEEN YEARS, IT MAY SEEM AS IF BLOGS HAVE REACHED THEIR SATURATION POINT. DOESN'T IT FEEL AS IF EVERY OTHER LAWYER YOU KNOW HAS A BLOG, FEELS GUILTY ABOUT NOT HAVING ONE OR IS THINKING ABOUT STARTING ONE? SHOULD THEY? AFTER ALL, WITH NEW, HIGHLY SPECIALIZED, SOCIAL MEDIA SITES APPEARING DAILY TO JOIN TWITTER, FACEBOOK AND LINKEDIN -- SEEMINGLY MORE SIMPLE DIGITAL AVENUES ON WHICH TO SHARE INSIGHTS -- ARE BLOGS STILL WORTHWHILE?

The not so simple answer? Yes, and they work best in this new Web environment if they're designed to be "social". The key is to bake into your blog's marketing plan a way to expedite referral traffic from blogs to social networks and from social networks back to blogs and law firm websites. Huh? I hear you say. More on that later.

Blogs remain one of the best ways to convey an attorney's or firm's expertise, thought leadership, point of view, and differentiation within the marketplace. More and more lawyers today are blogging. The [ABA Journal website's Blawg Directory](http://www.abajournal.com/blawgs/) (<http://www.abajournal.com/blawgs/>) currently links to over 6,500 legal blogs in more than 100 categories. Eighty-two of the 2008 Am Law 200 firms are blogging, publishing a total of 227 blogs, according to [Lexblog.com](http://www.lexblog.com). There was a 15 percent growth in the number of law firms that blogged during the period between January and June 2009 ([Lexblog.com](http://www.lexblog.com)).

"Blogs are the single best way for lawyers and law firms to enhance visibility, raise search engine rankings, get involved in the conversation and establish thought leadership online," said Bob Ambrogi, one of the legal industry's most well-known and successful bloggers.

Top law firms have embraced blogging. Fox Rothschild maintains 20 blogs. Jeffrey S. Kravitz, a managing partner in the Los Angeles office, said that when the firm leaders were planning for business development, they determined that blogs were as essential as its website. If the firm didn't blog, "they would be noticeable by their absence," said Kravitz.

Weil Gotschal maintains a blog called the Product Liability Monitor (<http://blogs.weil.com/product-liability/default.aspx>). Reed Smith maintains more than 10 blogs, (<http://www.reedsmith.com/publications/blogs.cfm>). Topics range from "Life Sciences" updates to "Legal Bytes," which offers legal insights into digital advertising, e-commerce and new media. Goodwin Procter blogs on the financial crisis and regulatory issues surrounding it on a blog called Financial Crisis Recovery (<http://www.financialcrisisrecovery.com/>).

As further proof that blogs are powerful, purposeful and useful, in January 2010, Bill Gates launched a blog, [The Gates Notes](http://www.bilgates.com), and a Twitter feed to supplement the blog. Gates wrote that since he's been running his foundation, he's been learning and taking notes. The blog is his way to share those notes, "in the hope of getting more people thinking and learning about the issues I think are interesting and important," he wrote.

LET'S LOOK AT SOME SPECIFIC WAYS THAT BLOGS BENEFIT LAWYERS AND LAW FIRMS:

CONSIDERATION #1: LEGAL BLOGS CAN HAVE BROAD INFLUENCE.

Scott A. McKeown, a partner at Oblon, Spivak, a large intellectual property law firm located adjacent to the USPTO in Alexandria, VA., is a contributing editor to the blog Patents Post Grant <http://www.patentspostgrant.com/>.

which launched in November 2009. (Oblon, Spivak is a client of Jaffe PR.) The blog “is dedicated to providing helpful insight and commentary to the complex array of existing and proposed post grant options,” and is positioned as a resource to “provide informed commentary, observed trends and practice tips as well as news for the purpose of sharing our experienced views with readers.”

McKeown says he and his team spent five months preparing the blog before going live. Since its launch less than six months ago, the blog has attracted a following of government officials and fellow legal practitioners in the patents post grant field who say they find it useful. The fact that competitors read the blog flatters McKeown, but initially there was some concern.

“At first we thought we didn’t want to do a blog. We knew we’d have to generate our own content and that meant giving away strategy and practice tips for free. But now that we’ve been doing it for a while, it’s had the effect of showing folks that we know what we’re doing. We’re pointing out issues that others didn’t know existed. I think it has had the effect of building our reputation, and it hasn’t been as big a trade-off as we thought,” said McKeown.

Still, keep in mind that writing, posting and responding to comments do take time. McKeown says he spends about an hour a day working on the blog.

CONSIDERATION #2: LEGAL BLOGS DEFINITELY HAVE TRACTION WITH THE MEDIA.

The Patents Post Grant blog is a firm blog, but many lawyers at small and mid-sized firms have chosen to launch their own blogs, separate from their practice. These, too, can deliver enormous benefits. George Lenard, Managing Partner at Harris Dowell Fisher & Harris, a management employment law firm in St. Louis, has maintained a blog for six years, George’s Employment Blawg. <http://www.employmentblawg.com/>.

Lenard says the blog receives over 20,000 visitors a month. Along with Web traffic, Lenard’s blog has moved him up the Public Reputation curve. As a result of his blogging, he’s been widely quoted in the press, garnered a deal to co-author a book and secured numerous speaking engagements.

CONSIDERATION #3: LEGAL BLOGS CAN CREATE A DIALOG WITH YOUNG LEGAL TALENT.

In March 2009, a group of lawyers at Nashville’s Waller Lansden Dortch & Davis launched younglawyersblog.com. By the end of the summer, the blog was receiving 25,000 hits per month. The legal team behind the blog said they chose their approach to fill a niche. The purpose of the blog is to appeal to young associates and law students to give them a sense of what life is like inside a law firm. The conversations that have resulted indicate just that.

CONSIDERATION #4: LEGAL BLOGS ARE A GOOD AND GROWING SOURCE OF REFERRALS AND BUSINESS.

Another Oblon, Spivak blogger is Eric W. Schweibenz, a partner in the firm’s Litigation Practice Group focusing on patent litigation in the federal courts and the International Trade Commission. He contributes to the ITC 337 Law Blog (<http://www.itcblog.com/>). The purpose of the blog is to report on the daily output from the

International Trade Commission and make it easy to access and understand, as well as to provide practical insights and commentary on important ITC decisions.

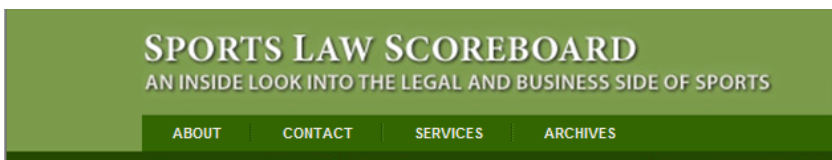
Today, people from around the globe subscribe to its RSS feed. Schweibenz said that in addition to the regular traffic the blog generates among fellow ITC practitioners, the firm has obtained positive feedback from both existing and new clients based on posts on the blog.

In addition, the blog has delivered some unexpected opportunities to the practice. "We have received calls from congressional committee staffers asking our views on certain issues, and have heard from major magazines asking ITC related questions. We are consistently asked for our opinion," said Schweibenz.

Even if the blog doesn't lead directly to business, it can serve to fuel a referral network. Harris' Lenard noted that the majority of blog readers aren't looking to hire a law firm. "Most people searching the Web aren't looking for an attorney," he said, "they're looking for information." But blogs are part of the social Web; and being social on the Web does lead to referrals by other bloggers or from people who are connected to the legal blogger on social networks such as Twitter, Facebook and LinkedIn. (See Jaffe PR's White Paper on LinkedIn <http://www.jaffep.com/about-us/industry-insight/white-papers/lawyers-and-linkedin-why-you-should-be-site> for more insight into how this works.)

CONSIDERATION #5: MAINTAINING A LEGAL BLOG ENHANCES PERSONAL DEVELOPMENT AND WILL BUILD YOUR PRACTICE.

But many lawyers who blog say it delivers other benefits. At the beginning of 2010, Fox Rothschild's Kravitz launched a blog, Sports Law Scorecard, <http://sportslaw.foxrothschild.com/>. Kravitz was named as one of the leading intellectual property, trademark, copyright and trade secrets attorneys in California by Chambers USA (2010). He said he started the blog partly because his business is focused on entertainment and sports – and the two are linked in Los Angeles. But Kravitz had another motive: he's a huge sports fan.



"The legal issues that are raised every day in the sports pages can be quite profound, from Tiger Woods to Ben Roethlisberger," he said.

Kravitz recruited two colleagues to join the conversation, a bilingual associate based in Los Angeles who, he says, is an "elegant writer," and a partner in the Philadelphia office, which is a registered agent for Major League Baseball. The hope is that the blog will eventually be published in English and Spanish, to capture a new audience.

The blog is already delivering new business results. Plus, blogging gives him social capital. Kravitz said that it's much more interesting on the cocktail party circuit to talk about his blogging rather than his lawyering.

CONSIDERATION #6: BLOGS SATISFY THE CREATIVE WRITING BUG FOR MANY LAWYERS.

Many lawyers love to write and influence opinion. Blog posts can be written in far less time than it takes to write a by-lined article and have it influence legal opinion. In addition, blog writing on a specific practice area is a way to stay on top of the most important legal issues affecting an attorney's practice. Oblon's Schweibenz says that writing the blog "helps deepen our own understanding of what's going on in the ITC and we can advise our clients with that much more confidence."

THE FINE PRINT

When lawyers launch a blog, there is much to be considered. Most importantly is cost. Launching a blog, building a social media policy within the firm that explains how to use the blog, training lawyers to use the blogging platform, and maintaining a blog itself requires an investment on the part of the firm and the lawyers who will be blogging. To make the time investment pay off, lawyers must focus on producing blog posts and doing the necessary work to get the posts noticed, such as posting news of the blog on LinkedIn and tweeting about the posts on Twitter.

The New York Times

A Legal Battle: Online Attitude vs. Rules of the Bar

Of course, blog content is critical. Blog posts shouldn't read like law review articles, they should be engaging, chatty, informative and up-to-the-minute. Furthermore, when lawyers blog, they have to be careful, more careful than the average citizen, reported *The New York Times*. Florida lawyer Sean Conway blogged about a judge he didn't like, calling her an "evil, unfair, witch." Conway was called before the Florida bar and fined. The case made its way to the State Supreme Court. In Illinois, a public defender lost her job after posting what seemed to be confidential client information. The lesson here? Even though bloggers may feel free to express their opinions, legal bloggers must scrutinize each post and exercise both caution and discretion.

It's not surprising that the resulting flurry of lawsuits against blogging attorneys, and bloggers in general, has spawned the need to be protected from that risk. Witness the rise of cyber risk insurance now being offered by many insurance companies.

According to Julie Davis, Executive Vice President at Aon Risk Services West, Inc., as quoted in an article in the *Sacramento Business Journal*, "There's a lot of liability associated with blogs." The article noted that legal and insurance experts across the country are trying to mitigate that risk, further noting that "bloggers and others posting on social media sites are most likely to find themselves in trouble over allegations of defamation, copyright infringement or invasion of privacy."

The lesson learned from these and other examples is that lawyers who blog must take the necessary precautions to ensure that their blogs uphold the law. A way to stay out of legal hot water is to keep the blog topic focused on a legal issue rather than on colleagues and clients. Post a disclaimer on the site, too, noting that the posts do not constitute legal advice.

THERE'S PLENTY OF ROOM FOR MORE LEGAL BLOGS

Cautionary tales notwithstanding, blogging is worthwhile. As noted above, blogs as well as other social media are a critical piece of any service business's marketing platform, including lawyers'. Websites are no longer enough. A blog keeps content fresh and relevant and offers a technological advantage to the firm – fresh content helps drive Search Engine Optimization (SEO) – a website's ability to be easily found by the search engines.

Blogs offer another advantage in addition to Search Engine Optimization. Blog content can be shared across social networks, where a lot of searching is happening today. According to a recent [Nielsen study](#), social media sites such as Wikipedia, blogs and social networks account for 18 percent of where searches begin. This trend is

only likely to increase as people find it more convenient to find out what their friends and colleagues are saying first, before venturing out on their own to sites such as Google, Yahoo! and Bing to find information.

The field is wide open for lawyers who want to establish their thought leadership online. Because searching is happening all over the Web, blogging is the hub from which social network marketing begins. Blogs are places where business consumers find information, and business consumers will be shopping for legal services online. But, perhaps most importantly for lawyers, a blog, well done, can be part of the new mix that grows and enhances an attorney or law firm's Public Reputation.



HOW MANY LEGAL BLOGS ARE OUT THERE? THE LEGAL BLOGGING (BLAWGING) LANDSCAPE

There are numerous "blawg counters" keeping track of the number and type of legal blogs, and by all measures, more lawyers and law firms are blogging

- 82 of the 2008 Am Law 200 firms are blogging, publishing a total of 227 blogs (Lexblog.com)
- There was a 15 percent growth in the number of firms blogging during the period between January and June 2009 (Lexblog.com)
- The ABA Journal website's Blawg Directory (<http://www.abajournal.com/blawgs/>) currently links to over 6,500 legal blogs in more than 100 categories
- 5 blogs are written by judges
- 169 are sponsored by law firms
- 203 are authored by law professors
- 51 are published by legal news outlets
- The top blog topic categories are Criminal Justice and Law Practice Management
- Solo practitioners and small firms are hands-down the largest group of blawgers (www.abajournal.com/blawgs/)
- Blawgsearch.justia.com, another online law blog directory, currently lists 4841 blogs in 71 categories

And yet, there are 1.2 million lawyers in the United States today. According to the 2008 American Bar Association Technology Survey, only 2 percent of lawyers and 8 percent of law firms are blogging

A quick survey of the top ten law firms on martindale.com found that only two of the top ten, Mayer Brown and Foley & Lardner LLP, maintain blogs.

INFLUENTIAL BLOGS:

The ABA Journal recently posted the results of its ABA Journal Blawg 100, what they say is the 100 best legal blogs. You can find the list [here](http://www.abajournal.com/blawg100/), or, if you see this widget on a blog you like – it's a winner. <http://www.abajournal.com/blawg100/>

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