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Online Communities

By jennifer j. rose

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Online communities predate the World Wide Web and other aspects of the Internet. Since the early days of Usenet (USEr NETwork), developed nearly 30 years ago for university folk to communicate among themselves, lawyers have participated in online communities, both for social as well as professional reasons. And even before that, a Bulletin Board System, or BBS, enabled users to exchange messages in the ether. Because those systems required distant users to dial in on a telephone, incurring long-distance charges, participation was primarily local and, consequently, small. Pioneer users had to familiarize themselves with the likes of gopher, Veronica, Archie, Jughead, FTP, and the Unix *grep* command, concepts that seem as quaint today as platen, typewriter ribbon, and foolscap. Not surprisingly, most citizens of online communities were computer enthusiasts.

When the Internet became more accessible to everyone from the Pope to your own grandmother, online communities took a giant leap, connecting everyone and soon becoming the most far-reaching way of gathering opinions. Web boards, forums, mailing lists, and even chat rooms attracted lawyers, many of whom cut their teeth in provider-segmented groups such as America Online, CompuServe, and Counsel Connect. How do lawyers use online communities? They use them for legal research, to conduct professional activities, swap practice management advice, combat professional isolation, meet and greet others, gain referrals, and even moan and groan about the vagaries of law practice. And because lawyers also have lives, even nonlegal online communities can provide a wealth of resources. From web boards and mailing lists, I've learned how to stop the guest bathroom from overflowing, how to save tomato seed, and where to buy the best toy for my Doberman. At Mexico Connect, www.mexconnected.com, the largest English-language website about Mexico, more than 500,000 people each month can read what I might have to post on its fora, and some of them might even need a lawyer. Over at Greedy Associates, jobs are advertised, and its web boards address questions such as what "business casual" should mean to a summer associate at a large Manhattan law firm.

Online communities not only address just about any topic under the sun, but also come in a variety of forms.

Usenet, the precursor to mailing lists and web boards, has diminished in importance, largely because anyone in the world could access it, creating a magnet for spam and destroying any sense of community. Two Arizona lawyers, now disbarred, Laurence A. Canter and Martha S. Siegel, hold the world record for the first commercial spam after posting their advertisement about the Green Card Lottery to 6,000 Usenet groups back in 1994.

Mailing lists, also referred to as listserves and discussion groups, are perhaps the most frequently encountered form of online community, simply because they operate on the simplest premise: e-mail. Mailing lists may be one-way announcement lists or discussion groups in which subscribers send messages to the list for distribution to other subscribers. Discussion groups may be moderated or unmoderated. Web boards and fora are one and the same, a website composed of user-generated content in threaded discussions.

Chat rooms are a means for synchronous messaging among users. Internet Relay Chat (IRC) was the most popular, often

referred to as the CB radio of the Internet. AOL, ICQ, Gmail, and web chat sites create easy-to-use interfaces, but chat rooms create little more sense of community than garden variety instant messaging.

Some blogs operate as online communities. A blog authored as a collaborative effort by a team of contributors is its own community. Many blogs invite collaborative communication by inviting comment, making them resemble moderated mailing lists or web fora. Commentary can raise—as well as lower—the level of discussion, create a sense of community, pique interest in the blog, and lend proof that readers are actually paying attention to content. But commentary doesn't come without its own set of problem areas. What problems should a blogger consider before deciding to allow comments?

Combatting comment spam is the first and most obvious consideration. Spam keyword filters, IP blocking, and the requirement that all commentators be registered are proactive steps. And then there's the human element of spam: those commentators whose contributions are barely more than "Kilroy was here" or who are actively peddling their own product.

A comments feed, such as an RSS page that pushes comments alongside a regular RSS feed, is one means of getting notice out to readers. After all, a litany of unread commentary is meaningless if it's not marketed. Comments must be maintained to prevent a blog from becoming a repository of graffiti where meaningful comment is buried amid a junkpile of garbage. Simply navigating a morass of comments can cause the reader to quickly lose interest in a blog. Maintaining comments—and refuting and commenting upon the comments—can take as much time as creating new blog posts.

Wikis resemble online communities because they offer the opportunity for collaborative authoring, permitting users to edit and create web page content. The best-known wiki is the free encyclopedia Wikipedia, which seems to hark back to the FAQs of Usenet days.

Some lawyers find more than fun, games, and diversion in the virtual world Second Life, writes Stephanie Francis Ward in "Fantasy Life, Real Law," which appeared in the March 2007 *ABA Journal*.

The real contenders among the variants of online communities are mailing lists and web boards, and sometimes the distinctions blur.

What makes a mailing list more robust than a web board? Almost every active mailing list, once it reaches a certain size, flirts with the notion of converting itself to a message board. There's something seductive about the allure of a message board, fueled by an application fancier and more elaborate than mailing list packages. Crossing that threshold can be a dangerous step for a successful mailing list.

Mailing lists push, and message boards pull. What does that mean? The mailing list delivers each message to every subscriber's inbox, pushing itself at even the laziest subscriber; participants to a message board, on the other hand, must make the effort to go to the web-based message board. Busy subscribers need the push of a mailing list because the trip to a message board can easily fall into the category of optional activities, with postponement leading to forgetting about it entirely. The personal nature of push, right down to each message delivered to the subscriber with his or her very own name at the top, keeps subscribers invested and develops a sense of community that just isn't present in pull systems.

Message boards can be configured to deliver many features that mailing lists offer, notifying subscribers of new posts, enabling subscribers to receive notification of new posts made under a certain thread. Archived posts reside right on the message board, while mailing list subscribers must access archives separately from the list itself. Web-based systems seem better suited for narrowly defined and technical subject areas than general discussion about broader issues. Consequently, users may visit a message board with less frequency, on an as-needed basis, losing contact with the online community. The seeming anonymity and lack of personalization create less involvement in the pull system of a message board.

Except in moderated lists, a post made is a bell that can't be unrung. It's out there and delivered to all subscribers, even when that post may veer from the list's subject matter and standards. Message boards offer the luxury of removing errant posts. Mailing list subscribers shoulder a greater burden of responsibility for posts.

Mailing lists and web boards can and frequently do limit subscription to card-carrying members of the sponsoring organization. Subscription to a listserve may signal a pledge rivaled only by one's fidelity to significant other or religious group. Or the list's purpose may be no more than fleeting and casual testing of the waters. The Oklahoma State Bar's OBA-NET, deftly managed by Practice Management Advisor Jim Calloway, requires subscribers to flash their credentials at the door, creating the kind of camaraderie found only at small-town courthouses and small bar gatherings. Many of the discussion groups sponsored by entities of the American Bar Association are closed to nonmembers. Closing the ranks can generate in-crowd intimacy and a sense of ownership, but it also causes a group to forsake a marketing opportunity.

The father of law-related listserves is Mark Folmsbee, associate dean of computer services at Washburn University School of Law, who adapted proprietary bulletin board software back around 1991, creating the Big Bang when he launched a huge

number of law-related discussion groups all at once. Ranging from Antigone (Women in Legal Education, AALS) to WyomingAttorneys-L, there was a discussion group for every interest.

The exact number of mailing lists and web boards is easy to determine: It's the number of angels who can sit on the head of a pin, squared. New lists develop as quickly as toadstools after a spring rain, some die, some fade into remission, and still others merge and split. Lists using standard, uncustomized mailing list software are easy to identify; others using free- or shareware or even run as little more than a very tight group of like minds are less recognizable. Some listserves are as easy to locate as this month's *Wired* magazine; others are as elusive as the latest issue of *Lab Animal*. Affinity groups band together to share thoughts and bytes for the most curious reasons, ranging from an interest in Arkansas legal history to old episodes of *Petticoat Junction*.

• FindLaw's Message Boards: http://boards.lp.findlaw.com

• Yahoo! Groups: http://dir.groups.yahoo.com/dir/Government___Politics/Law/

• WashLaw: www.washlaw.edu/discussion/#Listservs

• American Bar Association Discussion Boards and E-mail Lists: www.abanet.org/discussions

• LLRX.com: www.llrx.com/listtool.htm

• FindLaw LegalMinds Community: http://legalminds.lp.findlaw.com

• Tile.Net: http://tile.net/lists

• CataList: www.lsoft.com/lists/listref.html

Sifting through these directories still may not yield up a mailing list or web board. Some just don't advertise, having the cyber-equivalent of an unlisted phone number. Posting a query about other lists on a mailing list or web board is a perfectly good way to unveil hidden communities. Sometimes the best of what's available online is spread by old-fashioned word of mouth.

Although online communities create what is perhaps the most massive exchange of information among individuals on the planet, risks abound.

Ulysses Everett McGill, the silver-tongued character played by George Clooney in the Coen Brothers' *Oh Brother, Where Art Thou?* found himself jailed for impersonating a lawyer. Frank Abagnale Jr. in *Catch Me If You Can* impersonated one. Impersonating officers of the court is even easier online than on the silver screen or in real life. Do you really and truly know whether the participants in legal online communities are genuine, duly admitted attorneys and counselors at law in good standing? The truth is that you can't always tell. Well, at least from first blush. Nonlawyers and poseurs participate in legal online communities all the time. Some of them are students, law office support staff, paralegals, consultants, and others who mean well, but the individual behind the e-mail may really be a gap-toothed muumuu-clad freak living in a trailer court and bored of watching *Jeopardy* reruns. Or a 16-year-old dishwasher. If those subscribers are only quietly lurking to keep abreast of what's going on the legal world, that's one thing. It's another thing when they start contributing advice. And hidden among the ranks are those who've been suspended or disbarred from practice, holding themselves out as authentic, practicing lawyers, doling out advice, and even appearing to accept referrals.

Is there a remedy, short of constantly verifying every list participant's standing in the bar of each and every jurisdiction, or should list participants simply remain wary? Thresholds for admission to a list can be imposed, but what about those whose status changes after they've been admitted to the august ranks of a discussion group? And who really examines the credentials of a prospective subscriber, other than cursorily checking admission to a sponsoring organization, anyway? Is a disclaimer by the discussion group sufficient? For every solution, someone determined to impersonate a lawyer will find a work-around. Sometimes making that leap of faith is the only alternative.

Can you find out who else may lurk within an online community? Some mailing lists maintain an open roster of subscribers, and others keep those names withheld from plain view and even from the list's own subscribers. Posting a message to the entire list, asking "Is Fannie Mae of Woebegotten, Minnesota, subscribed to this list?" might do the trick. Another route is to simply ask the list-owner, who may or may not wish to divulge the names of those on the list. But frequently, it's neigh on to impossible to know who's out there. Why is finding out who's part of an online community import-ant? Opposing counsel, or worse yet, a subscriber's very own client, may lurk. Some participants may operate under a nom de guerre. What's posted to a list easily finds itself spread onto the list's archives, engraving for all time a subscriber's utterances for others' viewing pleasure. And then there's the likelihood that a post to a list may find itself cross-posted to another list or forwarded to someone else. There's just no reasonable expectation of privacy in any post made to a mailing list. It's safest to assume that opposing counsel is "always" on a mailing list. You've been warned. Be careful out there!

Just how reliable is the information exchanged in an online community? Consider the source, but remember that even the

New York Times sometimes gets its facts wrong. Although the answer you're seeking online may not always be guaranteed, the leads it generates can be important. Check, double-check, and verify before banking on the information retrieved. But you'd do that anyway, wouldn't you?

The most important aspect of online communities is the private off-list e-mail that eventually passes among participants, forging relationships that otherwise wouldn't take place. No one can calculate just how many side conversations take place, whether one-to-one or among a selected several. Some of those sidebars may amount to little more than a remark about what a bozo another participant is, some may take on chatty tones, and some may be deadly serious about the business at hand. Very few of these exchanges would ever take place absent the community, and that's what makes online communities valuable.

Online communities may be relatively new, but the complexities of living, working, and even making them part of the practice of law are just as real as the physical world.

Solosez: The ABA's Most Active Discussion Group

Solosez debuted in May 1996 and now has more than 2,500 subscribers.

Each month, four to six threads are featured as Threads of the Month. The Solosez website is frequently upgraded, driving more traffic to the GP|Solo Division website.

For the first few months of its life, subscribers stood around like kids at a junior high school dance, afraid to be the first ones on the dance floor. No one was exactly sure what we wanted to talk about, but Bruce Dorner and Ross Kodner broke the ice with the Word vs. WordPerfect melee. Someone thoughtfully composed a hypothetical, and the unanimous response was, "We've passed the bar, and we're not going to take any more law school final exams." A hesitant few would send their posts to Deb Owen, who was the staff director of Solosez' original sponsor, the ABA Standing Committee on Solo and Small Firm Lawyers, asking that she bless their submissions.

Around 2000, we thought hitting the 700-mark for subscribers was really something. Little did we know that five years later, we would surpass 2,000. We've had lawyers join and promptly complain about the noise level, only to find themselves become among the list's most active posters. Some of our members have left private practice for other practice settings, and some have come to Solosez from those settings. Solosez lawyers practice in rural communities as well as in New York City. This group represents the broadest range of specialties imaginable.

During its ten-plus years, Solosez has developed its own legends, history, nicknames for frequent participants, and, like family and friends, its own language. Breaking the usual axiom that 15 percent of a list's subscribers make 80 percent of the noise, participation among subscribers is very high. They consider themselves not simply part of a discussion group—but "The Firm." They even speak of withdrawal if the listserve's down, wondering if they've been suspended from the list.

During March 2007, the ABA distributed some 7,496,870 messages through its extensive family of discussion groups. Of that number, 6,103,495 were directed to Solosez.

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