

By *Diana L. Martin*  
and *Christopher B. Hopkins*

Both the public and the legal profession have embraced web blogs as a form of informative expression. A movement is afoot for lawyers to host both “standard” websites and more informative blogs. Many blogging lawyers are quick to confirm their business value; naysayers scoff that blogging is a waste of time with no business purpose. Our article will explain lawyer blogging, provide advice from Florida lawyer bloggers, and guide you to Palm Beach lawyer blogs.

## Website versus Blog?

Back in 2002, the American Bar Association concluded that more than 85% of law firms have a website. That is impressive because lawyers are typically late adopters of technology. A more recent report from a Thomson-West subsidiary suggested that visitors to law firm sites read lawyer biographies and practically nothing else. Articles posted on a firm site were often ignored. See <http://bit.ly/ISthC>

Enter the blog, which is typically a free-standing website (e.g. [BoatingLaw.com](http://BoatingLaw.com)) under a different URL address than the law firm ([FirmName.com](http://FirmName.com)). On the blog, “posts” provide a few paragraphs of text discussing a new case, legal development or news. On the blog, it is customary for the law firm name to take a back seat to the actual content. While informative, the blog post is written in a lighter, more accessible tone, often with some humor or personality. Depending upon the blogger, it can be a “straight” report or offer a perspective, but it should be concisely delivered because it will likely be read on-the-go via laptop or smart phone.

A general review of the “blogosphere” demonstrates better blog posts are lively, direct, informative, and (at least seemingly) unbiased. Moreover, a good blog is thoughtfully updated on a regular basis – usually twice a week on specific days – so readers know when to expect new content. In sum, while a firm website is an electronic billboard that requires only general maintenance, a blog is a garden that demands constant tending.

## How a Blog is Created and Updated

Step one is to decide what issue to address in the blog. If the scope of a blog is too broad, you may lose focus, but if

the scope is too narrow, you may lose interest, material, and readership. In 2006, FloridaArbitrationLaw.com was founded because arbitration-related opinions and developments were coming out faster than law journal articles could be written. Arbitration revealed itself to be a healthy niche, as fresh material was available each week to be processed into “bite size” blog posts. A good blogger will pick an appropriate area of the law with an eye towards the question, “Can I write about this twice a week for more than a year?”

Step two is to find a catchy domain name and register it, which typically costs about \$10 per year. Companies such as GoDaddy.com can assist. Next, you need a web hosting company, such as 1 & 1, which will host your site and, preferably, give you the software to create a crisp, readable blog. Other free options, such as Blogger, Word Press, and Posterous can also assist and reduce start-up costs. Alternatively, find a tech savvy professional, paralegal or student to set it all up for little to no cost. Bottom line: a blog can easily cost less than one hundred dollars per year.

And, before you write your first post, read the “Blogger’s Legal Guide” at <http://bit.ly/wW1UH> for a list of dos and don’ts.

## Blogging: Pros and Cons

If developments in your area of the law are whizzing past you faster than you can update your (rarely used) personal file cabinet, a blog is an excellent way to keep an online, searchable file of materials that you deem important to your practice area. Yes, it is out there for others to see. But you will have better knowledge and access to the information when you need it (especially if you need access to it on the road or in the court). Moreover, other lawyers relying upon your site for information can increase your reputation and demonstrate your expertise in a particular area of law.

Tone and attitude are also important. While fired up behind the keyboard, you may succumb to denouncing insurance companies or the government – and it may be well-received by your immediate audience – but careful phrasing and a balanced approach may allow your perspective to become more refined over the years without risking “blogger’s remorse.” Remember, nothing on the



Internet is likely to disappear.

The number one complaint from bloggers is the demand to find the time to develop quality content on a regular basis. Reading cases and writing three to four paragraphs twice a week is harder than it seems. You need to be willing to develop good writing skills, enjoy it, and be patient as you gain readers and receive feedback on your blog.

Bloggers in a larger firm should be mindful of how fellow associates and partners view this new undertaking. Surprisingly, some bloggers report outright hostility and misunderstanding out of fear that the individual blogger is somehow trying to “break out” on their own. While there are firms that have both a standard website and a blog embedded in the same site, this practice eliminates the possibility of having a catchy domain name as well as a standard firm site. Also, a blog on a law firm site may be disregarded as a biased advertisement for the firm. Alternatively, some firms may want the blog-commentary safely hosted at an arm’s length distance on a wholly separate domain. Moreover, that perceived independence fits better with the blogging atmosphere.

The risk of blogging is that you may find yourself reading cases, magazines, and journals for the sole purpose of trying to vacuum up potential content for your site. Some bloggers fear being accused of having too much time on their hands or that readers will think the blogger is simply self-aggrandizing.

So why blog? A blog will give you credibility and expertise in your area. It also places your analysis on public display that is only a Google search away from your next client. More succinctly, let us borrow a quote from our friends at [Drug and Device Law](#) blog: “Blog for pleasure; blog to stay abreast of your field of law; blog to influence the public debate; blog to raise both your firm’s and your personal profile in your legal niche.”

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At its July 17 meeting in Naples, The Florida Bar Board of Governors:

- Approved the “judicial candidate voluntary self-disclosure statement” as proposed by the Judicial Administration and Evaluation Committee and slightly modified by the Program Evaluation Committee. The statement will be given to all trial court candidates in future elections and their answers posted on the Bar’s website. The approval included providing copies of the self-disclosure statement to candidates in Creole and Spanish, but it will be up to candidates to provide translations of their answers.
- Approved, on the recommendation of the Member Benefits Committee, an agreement with Affiniscap Merchant Solutions, which provides credit card services for law firms. Affiniscap, when attorneys accept credit card payments for retainers, will automatically deposit the retainer in the attorney’s trust account but take the expenses related to the transaction from the law office operating account, as required by Bar rules. Under the agreement, Affiniscap, which has similar arrangements with 40 other state and local bars, will offer discounted rates for Bar members.
- Endorsed, on the recommendation of the Legislation Committee, the ABA position opposing the Federal Trade Commission’s efforts to include lawyers and law firms in its Red Flag regulations requiring extra efforts by creditors to protect debtors from identity theft. The ABA argues that existing ethical rules protect client information and that providing legal services to clients does not make lawyers creditors.
- Heard a report from Florida Bar Foundation President Adele

Stone that Foundation IOTA revenues have been declining, from \$44 million three years ago, \$24 million two years ago, and \$11 million last year to an anticipated \$5.7 million in the coming year. The Foundation is pushing to increase lawyer pro bono efforts and also to get more private donations, she said.

- Received on first reading proposed rule amendments that would impose additional requirements on lawyers who are suspended and have not been reinstated for a period of three years or longer. The proposed rule amendments will come back to the board for final reading at its September meeting. Among the proposed new requirements, lawyers would have to show that they have taken 10 hours of CLE for each year or part of a year during which they are ineligible to practice, show familiarity with the law, and if they waited more than 5 years to seek reinstatement retake the MPRE and Florida portions of the bar exam.
- Heard President Jesse Diner announce what he sees as the major issues confronting the Bar this year. Those include: Working to implement electronic filing for the courts; continuing to advocate for adequate funding for the courts; defending SB 2108 which passed this year and put the funding of court-related functions of elected clerks of the court under legislative overview; pushing to address the legal needs of children, especially carrying out recommendations from the Commission on the Legal Needs of Children; and helping lawyers address the current difficult economic conditions.

*Should you have any questions, please contact one of the Circuit’s four representatives: Greg Coleman, Scott Hawkins, Lisa Small, David Prather or Florida Bar President Jay White.*

## Lawyer Blogs

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### Blogs As Marketing

Many law bloggers will sheepishly admit that they get no more business from their blogs than they do from going to expensive conferences or speaking engagements. Yet many of us continue to “market” that way. Locally, Palm Beach bloggers report generating up to ten files a year from blogs while turning down other business along the way. For these authors, blogging has led to being quoted in the Wall Street Journal, Daily Business Review, and the Palm Beach Post. It has also led to a flurry of emails from lawyers asking questions, seeking guidance in the blogger’s area of legal expertise. Regardless, be patient, treat blogging as a creative professional outlet, and let the marketing success develop on its own.

### Legal Blogs to Consider

**Starting Places:** a West Palm Beach lawyer hosts Florida Lawyers Blog Watch

(flbwatch.com) with links to nearly 100 Florida lawyer blogs.

ABAJournal.com/blawgs and blogs.WSJ.com/law categorize legal blogs according to subject and region.

**Commentary:** AbstractAppeal.com, hosted by a St. Petersburg lawyer, provides a daily overview of new cases; more locally, FloridaLawCommentary.com, JAAblog.jaablaw.com, SDFLA.blogspot.com, and SouthFloridaLawyers.blogspot.com also provide South Florida legal news.

**Criminal Law:** Several Bar members host criminal law sites including CriminalDefenseBlog.blogspot.com, FloridaDUILawyerBlog.com, JusticeFlorida.com, and PalmBeachCriminal.blogspot.com.

**Civil Litigation:** A great refresher before trial is to review Jury Selection Blog (juryblog.com). Other Bar members host litigation sites such as FloridaWorkersCompensationLawyer.com, Florida-Personal-Injury-Lawyer-Blog.com,

InjuryLaw.Labovick.com, and SouthFloridaPersonalInjuryBlog.com.

**Miscellaneous:** other helpful blogs include blog.PappasTax.com (tax), RubinOnTax.blogspot.com (tax), FloridaAssetProtection.blogs.com, FLProbateLitigation.com, SoFloridaEstatePlanning.com, and TimothyPowersOneill.wordpress.com (land use).

A review of these Florida law blogs may well inspire you to create your own.

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