

The legal scholarship of blogs



If you've ever felt the need to share your opinions with the world, then blogs just may provide you with the global audience you've been longing for. **Geoff Sharp** surfs the wave of the future and finds out the skinny on blawging

In 2006, *Time Magazine's* 'Person of the Year' was **You!**

"To be sure, there are individuals we could blame for the many painful and disturbing things that happened in 2006... But look at 2006 through a different lens and you'll see another story, one that isn't about conflict or great men.

It's a story about community and collaboration on a scale never seen before... It's about the many wresting power from the few... The tool that makes this possible is the World Wide Web.

Who are these people? Seriously, who actually sits down after a long day at work and says... I'm going to blog about my state of mind or the state of the nation or the steak-frits at the new bistro down the street? Who has that time and that energy and that passion?"

Well... clearly many people.

About 175,000 new blogs are created each and every day, and in America alone over 57 million adults read them. But why should lawyers spend time reading blogs if we aren't interested in the local bistro or the machinations of a love-struck teenager?

Time to keep up; according to *American Lawyer*, law blogs, or blawgs as they have become known, moved up the food chain in 2006 to be mainstream:

"The most compelling, cutting edge, honest legal writing being produced in this country today is happening on the Internet [blogs], and the crop improves daily ... it's clear that the real bones and guts and sinew of the national conversation is happening online, and not in print."

US Judges are even beginning to cite legal blogs in written decisions, and there are increasing references to blogs in civil disputes, criminal cases, and government investigations, where they are used as evidence with growing frequency.

The blawg explosion

At the risk of offending any aspiring Kiwi blawgers out there, New Zealand appears to have very few legal blogs. Contrast that to the USA, and to some extent the United Kingdom, where the number of blogs focusing on legal subject

matter exploded in 2006.

In those jurisdictions, there are now legions of law students, law professors, law librarians, law marketers, law firms, and, most importantly, busy lawyers, all providing open and free access to a variety of information and knowledge that in the past would have been inaccessible or available only by costly subscription.

They do this by writing blog posts and uploading them, sometimes several times a day, to hundreds of blogs. The most popular blawgs, like *Balkinization* by Yale Law School constitutional law professor Jack Balkin, have well over 100,000 readers every month; the granddaddy of them all, *Instapundit* by Glenn Reynolds of Tennessee Law School, counts its readers in the millions.

With blog names ranging from *Underneath Their Robes* to *Ernie the Attorney* to *The Trial Lawyer Resource Centre*, the legal blogosphere caters for all tastes.

Welcome to the new world

It's a world where open access and disintermediation rules; it's all right there for you at the click of a button. No legal publishers, no editors, no editorial boards; nothing between you and useful, often times entertaining, material.

To get you started, I've included a selection of blawgs in this article. If you find a blog that is of interest to you, look for its 'blogroll'. A blogroll is a list of blogs (often sitting to one side of the post) that the author is reading, and will often include like-minded material that is worth exploring.

But if all that is information overload, you can do no better than visit *Blawg Review*, a must-read blog posted every Monday that reviews the best of the previous week's legal blog posts, and which can be found at <http://blawgreview.blogspot.com/index.html>.

The good ol' Kiwi blawger

As you read this, there will no doubt be moves afoot to begin blogging by some in our legal community in 2007. It will be interesting to observe the New Zealand profession's attitude to this new form of legal scholarship, and what readership levels can be achieved by the leaders that emerge.

If we follow the US example, we may even see our large law firms dabbling in the legal blogosphere; however, for those with such aspirations, we can expect much angst around the partnership table when it comes time to consider the firm's investment needed to maintain a popular blog, how it can be made profitable, and the potential organisational risk of what is inherently an individual pursuit.

For those that do take the leap, you better read a recent blog post primer on keeping your law firm safe in the blogosphere: *As Blogging Grows, So Do Its Do's and Don'ts*, by Washington DC firm Kelley Drye Collier Shannon <http://www.law.com/jsp/legaltechnology/pubArticleLT.jsp?id=1171620175568>.

Geoff Sharp is a Wellington commercial mediator and barrister with an interest in the Internet and how it is changing practice. If you would like to comment on this article, Geoff can be contacted on mediate@geoffsharp.co.nz or via his website <http://www.geoffsharp.co.nz/>

If you would like to read this article online (enabling you to click through to the links, and easily explore the rich web resources mentioned within), it will be available online as of Monday, 2 April on <http://www.lexisnexis.co.nz/?a=g>.

A tour of the legal blogosphere

To navigate this vast, and in some cases unmapped, landscape it makes sense to organise your tour into some sort of taxonomy. Geoff offers just a small selection of the sometimes hundreds of blogs falling into the following categories;

Legal specialty blogs organised by subject matter, e.g. tort, IP etc

Jurygeek – jury issues, jury research, jury verdicts <http://www.jurygeek.blogspot.com/>

Insurance Scrawl – the law of insurance, the insurance of business, and the business of insurance <http://insurancescrawl.com/about.html>

Naked Law – UK technology law laid bare by Cambridge lawyers <http://nakedlaw.typepad.com/>

PharmaBlawg – by NZ lawyer Richard Best providing those in the pharmaceutical sector with an alternative source of summaries and comment on judicial, regulatory, legislative, and policy developments <http://www.pharmablawg.com/>

Lawyer blogs

Human Law by UK barrister Justin Patten – law, technology and people <http://www.human-law.org/>

Robert Ambrogi's Lawsites – tracking new and intriguing web sites for the legal profession <http://www.legaline.com/lawsites.html>

Home Office Lawyer – for the solo lawyer or small office http://gdgriffaw.typepad.com/home_office_lawyer/

The Barrister Blog – written by the barristers of 1 Temple Gardens <http://timkevan.blogspot.com/>

Trial Lawyer Resource Centre – the blog where a number of the USA's top trial attorneys join together <http://www.tlrcblog.com/>

How Appealing – devoted to appellate litigation <http://howappealing.law.com/>

Slaw – a cooperative blog on Canadian legal research and IT <http://www.slaw.ca/>

Judge blogs

A Criminal Waste of Space by Justice William W Bedsworth http://www.acriminalwasteofspace.com/journal_beds.asp

Law firm blogs

May It Please The Court by the Williams Law Firm – legal news and observations www.mayitpleasethecourt.com/

The IP Law Blog by Weintraub Genshlea Chediak <http://www.theiplawblog.com/>

The China Law Blog by Harris & Moure <http://www.chinalawblog.com/>

Electronic Discovery Law by K&L Gates <http://www.ediscoverylaw.com/>

Divorce Law Journal by Diana Skaggs of Kentucky Divorce Law Consulting <http://louisvilledivorce.typepad.com/>

Law professor blogs

Balkinization by Prof. Jack Balkin of Yale <http://balkin.blogspot.com/>

The Volokh Conspiracy by Eugene Volokh at UCLA <http://volokh.com/>

Becker-Posner Blog by Prof. Gary Becker at Chicago and Stanford <http://www.becker-posner-blog.com/>

Althouse by Prof. Ann Althouse at Wisconsin <http://althouse.blogspot.com/>

Legal Theory Blog by Prof. Larry Solum of Illinois University <http://lsolum.typepad.com/legaltheory/>

Client-focused blogs

What About The Clients? by Dan Hull – true service, are we lawyers delivering? <http://www.whataboutclients.com/>

In Search of Perfect Client Service by Patrick Lamb <http://www.patrickjlamb.com/>

Law firm management blogs

Amazing Firms Amazing Practices by Gerry Riskin <http://www.gerryriskin.com/>

The [non]billable hour – changing professional practice one idea at a time http://thenonbillablehour.typepad.com/nonbillable_hour/

People, Passion, Principles by David Maister <http://davidmaister.com/blog>

More Partner Income by Tom Collins – dedicated to ideas and techniques for the financial management with the objective of increasing the income of equity partners <http://www.morepartnerincome.com/blog>

Larry Bodine's Law Marketing Blog – all about law, accounting, management consulting, firm marketing, business and practice development, public relations, branding, web sites, e-marketing, brochures, newsletters etc http://pm.typepad.com/professional_marketing_bl/

Law Journal blogs

The Pocket Part – an online companion to the Yale Law Journal <http://thepocketpart.org/>

The Journal of the Business Law Society – Illinois College of Law http://iblsjournal.typepad.com/illinois_business_law_soc/

Fictional law blogs

Charon QC – Charon QC is a lawyer, after a fashion, but does not practise. He awarded himself the title QC when the Lord Chancellor suspended the award for real lawyers <http://charonqc.wordpress.com/>

Anonymous Lawyer – entertaining stories from the trenches by a fictional hiring partner at a large law firm in a major city <http://anonymouslawyer.blogspot.com/>

BabyBarista – a fictional account of a pupil barrister undergoing pupillage at the English Bar <http://babybarista.blogspot.com/>

Legal 'tittle-tattle' blogs – often humorous and usually irreverent

Above the Law – a legal tabloid <http://www.abovethelaw.com/>

Underneath Their Robes – news gossip, and colourful commentary about the US Federal Judiciary <http://underneaththeirrobes.blogs.com/main/>

Case Load – not exactly a blog, but close, and it's by our very own Jock Anderson <http://www.caseload.co.nz/afawcs0124157/tn-home.html>

If you or your clients have registered Financing Statements on the PPSR they may need to be renewed.

Unless renewed, a security interest registered on the PPSR will automatically expire at a date and time which is five years after the Financing Statement was registered (or at an earlier date where a lesser term has been specified in the Financing Statement).

A Financing Statement will need to be renewed before it expires to maintain its priority.

When do Financing Statements Expire?

To help keep track of when registered Financing Statements are due to expire you can create reports on the PPSR for free.

Simply access the PPSR, select *Miscellaneous* from the left hand menu and select the *Financing Statement List*. Remember, to do this you will need the Secured Party Group ID and password.

Financing Statement List

This report lists:

- All Financing Statements due to expire in a specified date range; and
- All Financing Statements registered in a specified date range.

This report can be displayed in excel format within a browser window or sent as a PDF attachment by email.

What is Needed Before Renewing Financing Statements?

Before renewing, you will need to have the following details:

- User ID and Password – to Logon to the website
- Secured Party Group ID and Password – to identify the Secured Party
- Financing Statement Registration Number and PIN – to identify the Financing Statement

To retrieve a lost ID or Password go to the Contact Us section on the PPSR website. Lost access information will be sent to an email address for the secured party which is listed in the Financing Statement.

How to Renew Financing Statements?

1) Renew via the PPSR Website (www.ppsr.govt.nz)

Use the renewal tool on the PPSR Registration menu [Financing Statements - Maintain Financing Statements - Renew]

2) Contact your PPSR Service Provider

What Does it Cost?

The prescribed renewal fee applies; please refer to the PPSR website for a current fee schedule

Where to Get More Information?

Call our Contact Centre toll free on 0508 777 746 (0508 PPSR INFO), use our Contact Us service within the Information Library or ask your PPSR service provider.

Remember: Financing Statement will need to be renewed before it expires to maintain its priority.