In-House Counsel Join the Blogosphere

In-House News:

In-House Counsel Join the Blogosphere
By Jen Woods

Millions of Internet users post or read online blogs, and that number is slowly beginning to include in-house counsel.

Of the 147 million Americans who use the Internet, about 57 million read blogs and 12 million write blogs, according to a 2006 Pew Internet & American Life Project survey. But blogging only recently became widespread. About 51% of all bloggers surveyed said they had been blogging for less than a year.

Corporate counsel blogs can be company-sanctioned sites or anonymous personal sites. Some bloggers want to share work-related information and resources with other in-house attorneys, while others simply want to write. Most corporate counsel bloggers are interested in fostering professional dialogues about public policy or emerging legal issues relevant to their fields.

Company-sanctioned blogs can be effective communication tools, allowing companies and their clients to interact. In-house lawyers can respond to the public's questions and concerns immediately online. "It is an unparalleled way for companies to have direct and immediate communications with employees, customers, suppliers, and, especially, shareholders," Michael Dillon, Executive Vice President, General Counsel, and Corporate Secretary of Sun Microsystems, Inc., wrote in his blog.

Dillon is believed to be the first general counsel of a Fortune 500 company to have a work-related blog. Dillon's writings on *the legal thing...notes from a General Counsel* focus primarily on his company. For instance, he has written about Sun's diversity, as well as the company's decision to create a blogging site for former employees.

In order to protect companies from public criticism, employee blogs like Dillon's include disclosures. For example, Dillon's site reads: "The individuals who post here work at Sun Microsystems. The opinions expressed here are their own, are not necessarily reviewed in advance by anyone but the individual authors, and neither Sun nor any other party necessarily agrees with them."

According to Dillon's website, more than 4,000 Sun employees have blogs, including CEO Jonathan Schwartz. "A constant focus for us is how to drive greater openness and transparency in our business. It's part of our corporate DNA," Dillon wrote.

Personal blogs are also very popular, and today's technology makes it easy to set up a website. Services like BlogSpot and TypePad are free and user-friendly.

However, companies should be cautious if their lawyers write blogs about work. No laws regulate blogging, and there is practically no case law to offer guidance. "Unfortunately, to date there hasn't been any specific regulatory guidance from the U.S. Securities and Exchange Commission as to how a company can use the Internet alone (via webcasts, blogs or website postings) and conform with Reg FD," Dillon wrote in his blog.

Lawyers who post blogs cannot release confidential information about their companies or jeopardize attorney-client privilege. Defamation of managers and coworkers, as well as damage to a company's reputation, are also potential threats.

One of the pioneers in the legal blogosphere is David Munn, Senior Counsel at Fair Isaac Corporation. He started LegalTech.com in 2001. His blog includes practical information relating to technology for corporate counsel.

Another early lawyer-blogger is the author of *Wired GC*, which was started in December 2004. The anonymous author writes on topics ranging from compliance to new services, and he recently added podcasts to his site.

Reading blogs can help lawyers stay on top of the latest news and trends in the legal industry. Readers have access to an abundance of information, since there are more than 38 million online blogs, according to the blog-tracking site Technorati.com. Many bloggers, about 56%, check facts before posting, and about 57% cite original sources, according to the Pew Internet & American Life Project survey. In addition, readers can comment on or challenge claims made in most blog posts, and bloggers can make corrections immediately.

On the Net

Pew Internet & American Life Project
www.pewinternet.org

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