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New ideas in law: The geek shall inherit...

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Having reached the profession late, law blogging has emerged in recent years to secure real influence. Alex Aldridge assesses how the format has introduced a new range of voices to the legal community

"I always wanted to be a journalist," says David Allen Green, head of media at boutique TMT law firm Preiskel & Co. As he chats in his office on the corner of Fleet Street and Farringdon Road, an area long since colonised by corporate law firms and financial services companies, he points out St Bride's Church, known as the journalists' church because of its historic links with the newspaper industry.

"But when I was younger I didn't write well to a deadline," Green adds. "And in any case, I became interested in the law." What Green didn't know as he embarked on his legal career in the 1990s - starting out at Baker & McKenzie before moving to Herbert Smith and then onto various in-house roles - was that he would eventually be able to have his cake and eat it, as the emergence of the internet ended professional journalists' long-held monopoly on writing about current events.

Two-and-a-half years ago Green launched a blog called [Jack of Kent](#). Initially it covered general topics - Green's first pieces included opera reviews - but it quickly became focused on law and policy, gaining a wider audience during its coverage of the 2008-10 libel case brought against science writer Simon Singh by the British Chiropractic Association. A shortlisting earlier this year for the Orwell Prize for political blogging followed and a few months ago the New Statesman gave Green a regular column.

Meanwhile, he kept writing the blog - winning, on the back of it, a couple of sizeable instructions from in-house lawyers at international companies who read his work and an instruction to defend Sally Bercow against a libel threat by MigrationwatchUK. "There's a long history of lawyers using the media to win business," argues Green. "All I'm doing is using social rather than mainstream media."

New voices

When, in 1997, Jorn Barger, a former computer programmer, was credited with coining the term 'weblog' to introduce daily entry posts to his little-known online magazine Robot Wisdom, few could have imagined what was to follow. Initially the preserve of technology professionals, the practice of blogging quickly began to seep into the mainstream - more than that, lawyers were starting to experiment with what was inevitably nicknamed 'blawging'. [Overlawyered](#) - which was launched by Walter Olson, a senior fellow at The Cato Institute, on 1 July 1999 to chronicle the high cost of the legal system - is credited by many as the first-ever legal blog. Other US legal blogs soon followed, with sites such as [The Volokh Conspiracy](#), [Ernie the Attorney](#) and [Bag and Baggage](#) the frontrunners as the medium quickly gained momentum among American lawyers.

On these shores, however, legal blogging took longer to catch on, despite a couple of early notable successes: [RollOnFriday](#), the popular City law gossip website, and [OUT-LAW](#), the technology and law blog run by Pinsent Masons. Both were launched in 2000, although they took a few years to gain momentum. Indeed, arguably it was not until 2006 that a UK legal blogging community emerged, as the development of specialist blogging software like Blogger and WordPress opened up the practice to a wider audience through features such as easy-to-use templates compliant with web standards, individual archive pages for posts, comments and email posting facilities.

Individual blogs like [BabyBarista](#), [Charon QC](#), [Head of Legal](#) and [Geeklawyer](#) led the way, alongside blogs written by, or in association with, law firms and barristers' chambers, such as [The IPKat](#) (written by a team led by Olswang intellectual property (IP) consultant Jeremy Phillips) and [IMPACT](#) (by Nottingham law firm Freeth Cartwright). Head of Legal author Carl Gardner, a law lecturer at the Open University and former government legal adviser, recalls the UK law blogging conference in 2007, held in central London and attended by around 30 bloggers, as the event which marked the moment that legal blogging had arrived. "We'd been communicating with each other online for a while, but actually meeting up in person showed it was real and that there was this community of law bloggers that had sprung up," he says.

A lull followed, with some of the legal blogs becoming less frequently updated or disappearing altogether. "I became rather depressed at the decline that seemed to be taking place," recalls Charon QC author Mike Semple Piggot, who got into blogging by contributing to RollOnFriday in its early days under the pseudonym Brigadier Grappa, having previously co-founded BPP Law School in 1990.

Then, over the last couple of years, a new wave of law blogs has appeared. Characterised by an interest in media law, this group includes [Jack of Kent](#), [CRITique](#) (by law firm Charles Russell), [Inform](#) (from the International Forum for Responsible Media), the [UK Supreme Court Blog](#) (run jointly by Olswang and Matrix Chambers), the [UK Human Rights Blog](#) (by 1 Crown Office Row) and [Bootlaw](#) (by Winston & Strawn technology lawyers Barry Vitou and Danvers Baillieu).



The prominent legal commentator Joshua Rozenberg (*pictured*), who himself writes [a weekly blog](#) for *The Guardian* website and is increasingly writing pieces for online audiences rather than conventional media outlets, sees the emergence of these blogs as a response to the decline in more specialist legal coverage by national newspapers like *The Telegraph*, which no longer has a designated legal correspondent, and *The Times*, whose legal coverage is no longer freely available since its introduction this year of an online pay wall. He comments: "The newspapers don't provide the service they did [in the past], so the law firms and chambers have moved in, with the likes of the UK Supreme Court Blog and the UK Human Rights Blog particularly impressive examples."

Meanwhile, Twitter, the social networking site that has grown rapidly over the last couple of years, has given bloggers an effective way to promote their writing to a wider audience. "Twitter is just incredible," says Charon QC's Semple Piggot. "I've got 2,000-plus followers on there, which has seen my traffic go through the roof. And you gain access to some absolutely extraordinary people." Green is also a big fan of the site: "OK, law firms on Twitter can be a bit like your uncle dancing at a party: obviously awkward. But it draws in a lot of traffic to blogs and gets people reading you who wouldn't otherwise," he says.

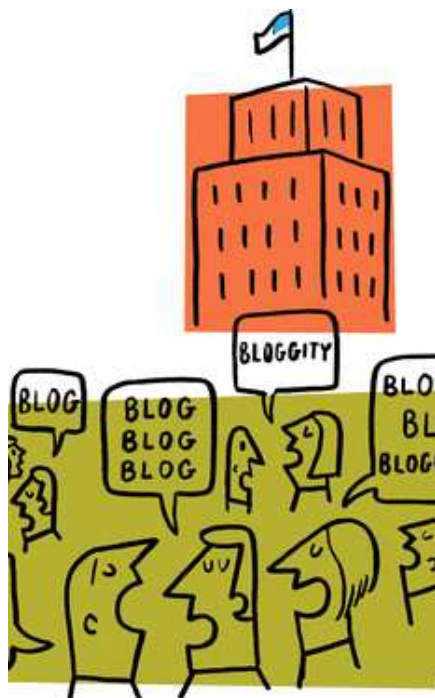
Even so, nobody knows whether the current legal blogging momentum will be maintained. Political blogging enjoyed a hot spell during the mid-part of the decade, led by blogs like [Iain Dale's Diary](#) and [Guido Fawkes](#), but some believe it has tailed off in the last few years as journalists like the BBC's Robert Peston and Paul Waugh, formerly of *The Evening Standard* and now at [PoliticsHome.com](#), have turned their attentions in earnest to writing for an online audience.

But Green believes legal blogging will prove to be particularly durable thanks to the medium's suitability to law coverage. "The thing with writing about law is that sources are very important - it's a bit like science writing in that respect. So the ability to insert hyperlinks into your copy that direct readers to other texts and primary sources gives legal bloggers a major advantage over journalists writing for print editions," he says.

A boat of their own

In his essay, *The People Formerly Known as the Audience*, New York University professor of journalism Jay Rosen draws an analogy between bloggers and "passengers on a ship who got a boat of their own". "Now," he continues, "we can edit the news, and our choices send items to our own front pages." Often those choices are determined by bloggers' particular professional expertise, which they then use to provide an extra dimension to the coverage of an issue featured in the mainstream media.

Green did this during the Simon Singh trial, then applied the same approach to explore in greater depth other high-profile cases such as the prosecution of Paul Clarke on a strict liability charge for possession of a sawn-off shotgun and the Gary McKinnon extradition proceedings. In each instance he has presented analysis of the cases in a dispassionate, evidence-based style, in the process disrupting conventional narratives that had become established in mainstream media coverage. "Applying my area of legal expertise to an issue gives something extra," Green argues. "Sometimes it can be really interesting. In the McKinnon case, for example, there was a fundamental mismatch between the legal realities of the case and the way the campaign presented itself to the media, which was fascinating to explore."



At their best, Gardner, Semple Piggot and the law firm and chambers blogs operate in a similar way. For example, Head of Legal's Gardner was able to draw on his public law expertise to shed additional light on the legal aspects of the ban imposed by then Home Secretary Jacqui Smith in 2009 on far right Dutch politician Geert Wilders entering the UK.

"My view that it was unlawful was rarely explored by the newspapers in their reporting of the matter. By exploring this aspect of the story I was able to provide extra depth that wasn't available elsewhere," he says. And Semple Piggot's analysis of BPP Law School's over-subscription of its Bar Vocational Course last year provided additional context and details that were unavailable in mainstream publications. Meanwhile, writing for *The Supreme Court Blog* this month, Matrix Chambers' Hugh Tomlinson QC went under the surface of a recent speech by Supreme Court Justice Lord Walker on evolving human rights issues in privacy law to explore its wider implications.

Other legal bloggers adopt a very different style, staying away from the technical legal stuff altogether to concentrate instead on the details of life as a lawyer - often in an outspoken, tell-it-like-it-is style. This approach has its roots in the anarchic, politically incorrect voice of blogs like *The Misanthropic Bitch*, which was launched in 1997 by a 19-year-old journalism student to comment on current events, society, politics and various social issues in a deliberately provocative and often offensive way. *RollOnFriday* and US legal website [Above the Law](#) are the most well-known examples of this style - the sites mix elements of social media, blogging and news writing to produce outspoken coverage of issues affecting junior lawyers and show a willingness to delve into the minutiae of assistant lawyer pay packages.

BabyBarista, a gossipy, fictional account of life at the junior Bar written by former 1 Temple Gardens barrister Tim Kevan is a related variant, with [Magic Circle Minx](#) - which borrows heavily from the BabyBarista style - recently emerging as a City law alternative. Then there's [In-House Lawyer](#), a more serious, non-fictional, yet still distinctly irreverent insider account of life as an in-house lawyer, authored by Melanie Hatton, a former Mayer Brown lawyer who is now head of legal and company secretary at Latitude Digital Marketing. In it, Hatton reflects candidly on issues facing in-house counsel, with recent posts including a piece drawing attention to the friction between in-house legal departments and sales teams in companies and an admission that she always leaves anything litigious to a Friday, the day of the week when "opposing counsel seem much more inclined to strike a deal with less antagonism".

Comfortable in their own skin

At its best, blogging adds expert analysis and frankly delivered insider knowledge to the wider narrative. In many cases the medium has introduced more diverse views and fresh voices and, in the process, often exposed the blandness and fatuity of resource-starved journalism - or 'churnalism' as many bloggers deride it.

However, at its worst, the blog is responsible for plenty of lazy, self-indulgent, uncritical - and clearly unedited - writing. And because of the self-reinforcing nature of the medium - with bloggers often operating in online communities of shared interest that can be heavy on mutual backslapping - poor blogs often receive a level of encouragement that their authors would be unlikely to encounter in the outside world. The danger is that these people, inflated by misplaced confidence, drown out the genuine talent that exists in the blogosphere.

Of course, even the good blogs have to contend with the fact that there is something inherently self-regarding about maintaining a personal diary for all the world to see. And bloggers haven't always helped themselves in this respect - until relatively recently a good proportion followed a bizarre convention in their writing of referring to themselves in the third person in a way that recalls the post-match interview technique of professional footballers. Many have combined this with an insistence upon remaining anonymous, and therefore unable to be properly scrutinised, despite their own enthusiasm to attack identifiable public figures and the reporting of traditional media. Perhaps the most high-profile - and rather comic - example of this was the appearance of political blogger Paul Staines (the then anonymous author of the Guido Fawkes blog) on Newsnight in 2007, his face obscured by an amateurish image of Guy Fawkes.

But as blogging matures and bloggers become more comfortable in their own skin, there are signs that some of these rough edges are being smoothed. Indeed, most of the legal bloggers who use pseudonyms make no secret of their true identities, while on the whole there is an enthusiasm among them to engage with traditional media. And it is no surprise why, with the likes of Gardner, Kevan and Semple Piggot all, like Green, reaping plentiful fruits from their blogging.

On the back of Head of Legal, Gardner now writes regularly for *The Guardian*, while Kevan went one better and turned his blog into a book, *Law and Disorder*, with a sequel in the pipeline. Semple Piggot, meanwhile, secured a role as interviewer for the College of Law in its recent series of podcast interviews with leading members of the profession, following his successful use of podcasts on his blog.



For law firms and chambers the possibilities are arguably even greater. Pinsent Masons says it is hard to quantify how much work its OUT-LAW blog pulls in, but the fact that the firm employs two people to work on it full-time - one a lawyer, Struan Robertson (*pictured*), the other former *Glasgow Sunday Herald* journalist Matthew Magee - suggests the volumes involved are significant. "Although we get direct instructions coming through OUT-LAW, most of the benefits deriving from it are indirect," says Robertson, who has worked on the blog since it

was founded in 2000.

"On one level it raises the firm's profile, meaning that when we meet people face to face and they make the connection between OUT-LAW and us, they're more likely to instruct the firm." Not that such a level of investment is essential. Dan Harris, founding partner of Seattle law firm Harris & Moure, has co-authored the [China Law Blog](#) since 2006 by writing posts that typically take him 10-45 minutes a day - on the back of which he says the firm has received "unlimited speaking engagements and coverage in many major publications". Harris continues: "I spend two to three hours a day reading *The Wall Street Journal*, the *Financial Times* and the *China Economic Review*, which is something I'd do anyway even if I wasn't writing the blog. So forming that into an opinion piece or some sort of other article isn't a big deal."

A few years ago, Green remembers asking a partner at a rival firm why more lawyers don't blog. The response - "because some of us have clients, dear boy" - has an increasingly hollow ring these days.

Jack of Kent - Blazing a trail from the legal blogosphere

Jack of Kent is a character from old English folklore who is known for outwitting the Devil - often by wording deals in a way that guaranteed him the upper hand. "It just struck me as a nice name for a legal blog," says Preiskel & Co head of media law David Allen Green, who began blogging two-and-a-half years ago and has since gone on to be nominated for the Orwell Prize for political writing. "Plus, Jack originally hails from the Midlands, where I'm from... oh, and these days I live in Kent."

The inspiration to start writing came from Green's membership of the group London Skeptics in the Pub, an association set up "for all those interested in the bizarre and the rational approach to extraordinary claims". Among the regulars at meetings - which take place at The Monarch pub in Camden - are well-known science writers Simon Singh, Ben Goldacre and Petra Boynton.



Green liked how they wrote about science in a rational, "evidence-based" style. In particular, the way they often exposed so-called truths that had become established in less-than-critical mainstream media coverage as myths appealed to him. Such an approach would translate well to the legal sphere, he thought. And so it proved, as Green used his legal knowledge to examine - and often unpick - the popular narratives presented by the media in their coverage of a host of cases, including the action brought against Simon Singh (*pictured*) by the British Chiropractic Association, the prosecution of Paul Clarke on a strict liability charge for possession of a sawn-off shotgun and the Gary McKinnon extradition proceedings.

Since the Orwell Prize nomination earlier this year, Green has been given [a regular column by the New Statesman](#) and has built up a large online audience (his Twitter followers alone number 8,000). But despite his success as a blogger, he says he has no plans to give up the law to write full-time. "I like cross-subsidising," he explains. "Certainly, I think my judgement as a legal writer is helped by the fact I spend my days advising on the law on a full-time basis." Green is also keen to convey that "there's no great plan with all of this". He adds that as with the rest of his career - which saw Green start out as a barrister before qualifying as a solicitor with Baker & McKenzie, then do stints at Herbert Smith, the Treasury Solicitor's Department and a series of in-house roles before joining Preiskel in 2009 - "it's just sort of

happened".

Unlike some of his contemporaries, Green's not a partner, instead holding an of counsel role. "It suits me," he says, "because I'm not a careerist. I just do what I enjoy. I've seen some very unhappy people who have achieved their ambitions. Having said that, I'm ambitious for Preiskel because we're a first rate TMT boutique. And I'm ambitious for legal blogging, which I think can achieve a great deal." In mid-flow, Green is interrupted by his mobile. It's *The New York Times* calling to get his view on the Paul Chambers 'Twitter joke' case. Just another day in the life of Jack of Kent.



Blawger roll of honour: some good, some popular, some both

[5RB](#) - Chambers website that doubles as a highly-rated media law blog.

[BabyBarista](#) - Fictional insider account of life at the Bar, running since 2006 and made into a book, *Law and Disorder*, last year. In adapting a Bridget Jones-style comical account to the law, author Tim Kevan arguably invented a new sub-genre that has sparked a number of imitators. The blog is now hosted by The Guardian website.

[Bootlaw](#) - Barry Vitou and Danvers Baillieu, lawyers in Winston & Strawn's London office, blog about legal issues affecting tech start-ups - with regular associated meet-ups.

[Charon QC](#) - When he's not indulging in surreal musings, former BPP Law School co-founder Mike Semple Piggot applies his legal education expertise to the latest issues.

[China Law Blog](#) - Daily updates on doing business in China from Dan Harris, founding partner of Seattle-based law firm Harris & Moure, assisted by on-the-ground insight from China-based Steve Dickinson. One of the best blogs from practising commercial lawyers.

[Corporate Law and Governance](#) - One of the few corporate law-themed blogs in the UK. This site, from Robert Goddard, senior lecturer in law at Aston Business School, is frequently updated and backed up by accessible writing and intelligent use of links. City law firms could pick up a few useful lessons for their websites.

[CRITique](#) - Charles Russell partner Andrew Sharpe blogs on telecoms, IT and data protection.

[Head of Legal](#) - Former government lawyer Carl Gardner writes about public law, European Union law and human rights. At its best, a distinctive and contrarian view on some big issues.

[In-House Lawyer](#) - Reflections on life as a lawyer in a company from Melanie Hatton, head of legal and company secretary at Latitude Digital Marketing.

[Informm](#) - Media law news and analysis from the International Forum for Responsible Media.

[The IPKat](#) - Long-running, frequently-updated and generally admired intellectual property (IP) blog, led by professor Jeremy Phillips, a consultant to Olswang's IP team.

[Jack of Kent](#) - Rationalist exploration of high-profile cases by Preiskel & Co media lawyer David Allen Green. Widely regarded as the blog that has done the most to show what the format can do in the legal space by marrying technical grasp of the law with genuine accessibility and a feel for the dynamics of public policy.