

Online in-house making the case for the corporate counsel blogger

Let's have a show of hands – are you an in-house counsel who blogs? Observe that one lonely hand rising over the nation, the hand of Dominic Jaar in Montreal who is, by his own admission, a rare breed.

Jaar, a commercial litigator with Bell Canada, is quite likely the only in-house counsel in Canada with a blog.

"I am not aware of another in-house lawyer blogger, and if there is one, please tell me," laughs Jaar. "I would contact him right away and invite him for lunch, or have a beer together when I pass through her city."

Jaar created his bilingual blog, Wines and Information Management, in July 2006 to write about technology and the in-house practice of law, including topics such as paperless files, e-discovery and collaborative Web communication — and occasionally, wine.

He was already contributing to the collaborative legal blog *slaw.ca* when a colleague challenged him to start a blog of his own.

"I said, if that's a dare, I'll do it," he recalls. "I started blogging and I never stopped."

A blog (short for weblog, also known as a blawg in legal circles) is an interactive website based on the format of a daily journal, in which the author posts entries and readers respond with their questions or comments. Blogs are easy to create, require no special computer expertise, and instantly span the globe.

Unlike static websites, which change little from the day they are created, blogs are constantly updated. This frequent activity gets priority on search engines such as Google. For instance, type in the key words "Canada law paperless files" and Jaar's blog will pop up near the top of more than 300,000 websites.

With this level of exposure, Jaar has built a go-to reputation in just two years that usually takes decades to achieve. He is invited to speak at conferences and discuss issues with lawyers and judges who are interested in technology and the law.

"I have built relationships with people I never would have met otherwise," he says. "As a young lawyer, there is no chance without my blog that a judge would have called or e-mailed to say he wants to discuss a topic with me."

While many lawyers take pride in penning articles for magazines and journals, Jaar strategically bypassed what he calls "old-fashioned" media and went straight to the web.

"Everything is happening pretty quickly in technology right now. If you think it's going to take you three months to draft a good article, by the time it's published the information you want to share is probably already outdated," he says. "It's a lot easier to do small posts on different topics as they fly by, rather than drafting deeper articles that might be outdated within months."

Potential conflicts

Although Jaar writes about technology as it relates to his job, he

Dominic Jaar
Wines and
Information Management
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Bell Canada, Montreal

There are an estimated 90 million bloggers worldwide, including many private practitioners, consultants, professors and writers in the legal world. They have embraced blogging as an effective way to market their firm, network with colleagues, publish their work, build a personal reputation and win clients. But in-house counsel bloggers are still few and far between.

Is there a blog in your future? Here's what you may want to consider. **By Amy Jo Ehman**

does not blog about his work.

"I do not discuss anything that has to do with my daily job," he says. "We wouldn't want anyone [at Bell Canada] to blog about a transaction that was coming up before it was announced publicly, because that would create major problems for the corporation. So I stay as far as possible from what I do as in-house counsel."

Perhaps this potential conflict explains why so few in-house lawyers are blogging. The benefits to private practitioners, particularly for marketing and building profile, are often not the concerns of in-house counsel, whose only client is their company and whose internal reputation is secure.

Promoting your company

Some high-profile U.S. general counsels have embraced blogging as a means of promoting their company, sharing their knowledge and expertise, while communicating with peers and customers around the world.





John Wallbilich
The Wired GC
Lexvista Partners
Ann Arbor, Michigan

“I think blogging is a very powerful tool for lawyers. In fact, I scratch my head every day that there aren’t many more general counsel that are doing this,” says Mike Dillon, senior vice-president and general counsel for California computer giant, Sun Microsystems.

Dillon made news last year when he started a blog, called The Legal Thing, making him a celebrity in legal, business and

technology circles as the first general counsel of a Fortune 500 company to blog about his job.

Sun Microsystems was already the “poster child” of the blogosphere because its CEO, Jonathan Schwartz, is an avid blogger who encourages his employees to follow his example. About 4,000 of them (more than 10% of his employees worldwide) are blogging under the Sun banner.

“I have an interesting and unique job and I want to talk about that publicly,” says Dillon. “I think I can add more value to my community by being more open about these things.”

He openly and unabashedly writes about his job, from litigation to patent licensing, the annual stockholders’ meeting or his international travel, and even personal anecdotes as a father and a boss.

He writes for an audience of in-house counsels, law students considering a corporate career, the technology sector, Sun employees (including 65 lawyers in 25 countries) and Sun customers around the world.

“Since December, 25,000-30,000 new people have read my blog. Now, multiply that by 4,000 employees and think of all the people we’re talking to around the world. It’s a great way to help people understand what our company is about, what the culture is like, why we do things the way we do and what our core values are,” Dillon says.

“One of the great things about the blog is how it has created a community of other bloggers at other companies at all levels that I can tap into now. We share information, best practices, things that we could be doing better, and that’s terrific.”

Dillon and his legal team drew up a plain-language protocol for employees who blog that contains advice under headings such as Don’t Tell Secrets, Write What You Know and Think About Consequences. (Read the policy on public disclosure at blogs.sun.com.)

Employee blogs are not screened before they are posted, unless requested, a freedom which does not cause Dillon to lose sleep.

“E-mails are the thing that keeps most general counsel up at night, because often people write them in a fit of passion and they don’t deliberate. They don’t think their e-mails are going to be read by others. Writing a blog is a more rigorous process. You know it’s going to be read, so you do research and work on the content. It’s more thoughtful,” he says.

Dillon is well aware, however, that as general counsel of a billion-dollar company, his blogs could be used against him.

“At some point in time, will somebody go through this and all the different blogs and find select bits of information, perhaps out of context, and perhaps try to use it in a negative way? On balance, it seems to me a very very low risk when there’s such a wonderful upside to blogs.”

Anonymous blogging

For other corporate counsels, the balance of risk does not seem

so one-sided. Jonathan Wilson, a senior vice-president and general counsel at Web.com, an online service provider based in Atlanta, has been blogging since early 2005.

“On the one hand, blogging is fun for me and a creative release, but on the other hand, it just gives me something to worry about,” he says.

“It would be a problem if our company is spending legal fees defending some piece of litigation and one of the plaintiff’s purported pieces of evidence is something that I’ve written in a blog.”

Wilson is keenly aware of the cost of corporate litigation. He started blogging to promote his book, *Out of Balance: Prescriptions for Reforming the American Litigation System*, an examination of the price and possible prevention of frivolous and money-grabbing lawsuits.

His blog has since evolved. He writes about judicial reform, information technology and even the impact of multiculturalism on Western culture and common law. But he does not blog about his job at Web.com.

“One of the challenges is that I really can’t talk about things that are going on in the company,” he says. “If you’re working as a professional, and you really want to talk about issues, I think anonymous blogging may be the way to go.”

However, Wilson’s self-censorship are balanced by the benefits that have emerged with his blog. He was invited to participate in the Manhattan Institute, a political think tank, where he contributes to



Mike Dillon
Senior Vice-President and
General Counsel, Sun Microsystems
California

its online magazine PointofLaw.com and converses with prominent people and journalists interested in legal reform.

“I would not have met these people otherwise. It was only because of the book and the blog that I was introduced into this circle,” he says.

First in-house blog

Wilson was also introduced electronically to the anonymous author of *The Wired GC*, who wrote under the tagline “law from the inside out” on what is thought to be the first in-house counsel blog in North America.

The author, John Wallbillich, began blogging in late 2004, but did not shed his anonymity until this past March, after leaving his

Blogueurs d’entreprises

Les blogues juridiques se multiplient au Canada. Dommage que les conseillers juridiques d’entreprises n’y participent pas.

La blogosphère juridique s’enrichit déjà depuis quelques années au Canada. Parmi les blogueurs, on retrouve des avocats en pratique privée, des professeurs et des consultants. Le juri-blogue est non seulement un forum d’échange d’idées, mais également un outil de marketing efficace pour ceux qui cherchent à faire la promotion de leur cabinet, publier des articles, développer un réseau professionnel et bâtir une meilleure réputation auprès des clients.

Et pourtant, il reste un type de juriste qui résiste aux délices de ce monde virtuel des juri-blogues: le conseiller juridique d’entreprise. D’ailleurs, un seul semble se profiler à l’échelle du pays: Me Dominic Jaar, conseiller juridique en litige

commercial pour Bell Canada et auteur du site *Wines and Information Management*, un blogue bilingue qui s’intéresse à la technologie, à la pratique du droit en entreprise, et comme son nom l’indique, au vin. « Je ne connais pas d’autres conseillers juridiques d’entreprises qui sont blogueurs », se désole-t-il. « S’il y en a un, s’il-vous-plaît, dites-le moi ».

Alors que Me Jaar contribuait régulièrement au contenu du blogue juridique *slaw.ca*, un ami lui a lancé le défi de démarrer son propre blogue. « J’ai commencé à bloguer, et je ne me suis jamais arrêté », raconte-t-il.

Contrairement à un site Web statique, qui demeure identique à chaque visite d’un utilisateur, un blogue — essentiellement un

journal interactif publié sur le Web — est constamment mis-à-jour. Celui qui entretient son blogue verra sa portée s’étendre sur l’ensemble du globe.

C’est ainsi que Me Jaar a réussi à se bâtir une réputation d’expert reconnu dans le domaine du droit et de la technologie. Souvent invité à titre de conférencier, il a forgé des liens avec des professionnels juridiques qu’il n’aurait autrement jamais rencontrés.

Pour Me Jaar, il existe toutefois une ligne à ne pas franchir. « Je ne discute pas de mon travail quotidien », affirme-t-il en soulignant l’importance d’éviter les conflits d’intérêt.

C’est justement ce risque de conflit qui décourage peut-être les conseillers

job as a senior vice-president and general counsel at Great Lakes Gas Transmission of Troy, Michigan.

He blogged anonymously, in part because he did not write about his job and therefore did not want to open the complex issue of seeking permission from his company.

“I did it on my own time, never at work, and never about work,” he says. “It wasn’t necessarily something I was trying to keep secret, but it was more like a personal hobby.”

Although the blog was anonymous, its credibility caught the attention of the editors at Law.com, a legal news and information website; Wallbillich was the first in-house lawyer invited to join its network of legal bloggers.

He predicts that more in-house counsel (and their employers) will embrace blogging when they realize the benefits for personal expression, peer-to-peer reputation, internal and external communication and inexpensive marketing.

“Will every lawyer have a blog? No. What would we do if half a million lawyers had blogs? But maybe you’ll see more networks springing up, more multi-author blogs and better applications for internal knowledge management,” he says.

Recently, Wallbillich launched Lexvista Partners, a consulting

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Jonathan Wilson, Senior Vice-President and General Counsel, Web.com, Atlanta, Georgia

firm based in Ann Arbor, Michigan, offering advice and resources for in-house counsel and their legal departments.

No doubt, his reputation as a respected blogger and general counsel precedes him into the world of private consulting.

Another reason, according to Jaar in Montreal, that blogging is a useful tool for ambitious in-house counsel: “Unless you plan on spending your whole career in a corporation, blogging is a good, easy and cheap way to build your profile for your Plan B.” ■

Amy Jo Ehman is a freelance writer and blogger who lives in Saskatoon.

juridiques d’entreprises de lancer leurs propres blogues. Cependant, certains avocats-conseils bien connus y voient néanmoins un moyen de faire la promotion de leur compagnie et de partager leur expertise avec des collègues et des clients à travers le monde.

« C’est un outil très puissant », affirme Mike Dillon, avocat-conseil chez Sun Microsystems en Californie. « En fait, ça m’étonne que nous ne soyons pas plus nombreux dans les contentieux à s’exprimer dans des blogues ». Avec le lancement l’an dernier de son journal électronique, The Legal Thing, Dillon était le premier avocat-conseil d’une entreprise Fortune 500 à développer un blogue autour de son travail. « En étant plus transparent, je pense pouvoir apporter une plus-value à ma communauté », soutient-il.

Dans son blogue, Dillon discute ouvertement des litiges impliquant sa compagnie,

des questions entourant les brevets ou de problèmes soulevés lors d’assemblées d’actionnaires. Il reconnaît qu’il y a un risque que son blogue soit utilisé un jour contre lui. « Mais dans l’ensemble, il me semble que le risque est peu élevé compte tenu de tous les avantages que peuvent procurer les blogues ».

D’autres sont plus prudents. Jonathan Wilson, vice-président senior et avocat-conseil pour Web.com, un fournisseur de services Internet, tient un juri-blogue depuis 2005. Il s’agit pour lui d’un véhicule lui permettant de s’exprimer de façon créative, mais il ne se sent pas à l’aise de révéler les détails de son métier. « Ce serait un problème, dit-il, si l’entreprise déboursait des frais d’honoraires afin de se défendre dans un litige, et le demandeur déposait comme preuve quelque chose que j’ai publié sur mon blogue ».

Alors Wilson préfère aborder des sujets plus vastes, tels la réforme du système judiciaire, les technologies de l’information, et l’impact du multiculturalisme dans la culture occidentale. Sa participation a d’ailleurs été sollicitée par le Manhattan Institute, un groupe de réflexion qui publie un magazine en ligne, PointofLaw.com. Wilson échange maintenant des idées avec des juristes et journalistes de marque intéressés par la réforme du système judiciaire.

Selon Me Jaar, voilà justement un autre avantage que peut procurer un blogue à un auteur ambitieux. « À moins que vous ayez l’intention de passer toute votre carrière à œuvrer au sein d’une entreprise, le blogue est un moyen efficace et peu dispendieux d’améliorer votre c.v., et de préparer votre Plan B ». ■

— Yves Faguy