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Opening Arguments, Endlessly

By JONATHAN D. GLATER

Inside every lawyer, it is said, there is a brilliant writer, held back by professional ambition or by fear of failure. Nowhere is that truism more evident than in the explosion of online blogs by, for and about lawyers.

There is Markos Moulitsas Zúniga, a lawyer who opines on politics in an online journal at www.dailykos.com, which recently held a poll on possible presidential candidates in 2008. T. Evan Schaeffer shares thoughts on law cases in Ohio and elsewhere through www.legalunderground.com. **Neil Wehneman, who just started law school, plans to share everything he learns there at www.lifeofalawstudent.com.** And John H. Hinderaker is one of the lawyers behind www.powerlineblog.com, which contributed to the downfall of Dan Rather.

"It's all words, that's all the law is," Scott Turow, a lawyer and the author of "Presumed Innocent" and other novels, said when asked to speculate on reasons for the proliferation of law-related blogs, sometimes called blawgs. When people think of law, he continued, "You think of jails and marshals and corporate executives. But the reality is, that's what it is - it's all words, and lawyers are verbal people, both in terms of the written stuff and the spoken stuff."

There is no reliable data on how much of the blog universe consists of lawyers, or of any other profession, for that matter. But several influential blogs do seem to be run by lawyers, who constitute considerably less than 1 percent of the population.

A survey conducted by Blogads.com, which administers online advertising on blog sites, and completed voluntarily by 30,000 blog visitors last spring, found that 5.1 percent of the people reading the blogs were lawyers or judges, putting that group fourth behind computer professionals, students and retirees. The survey also found that of the 6,232 people who said they also kept their own blogs, 6.1 percent said they were in the legal profession, putting lawyers fourth again, behind the 17.5 percent who said they were in the field of education, 15.1 percent in computer software and 6.4 percent in media, said Henry Copeland, founder of Blogads. He conceded that the survey was hardly scientific, but argued that at least it undermined the popular image of the blogosphere as dominated by antsy teenagers and programmers in their pajamas, tapping away at keyboards all night.

If lawyers are talking a lot online, perhaps that is not surprising - lawyers talk a lot offline. But lawyers were quick to offer less cynical justifications for the trend, if indeed there is one.

Good lawyers write well, quickly and clearly and do not fear arguments, said Mr. Hinderaker of powerlineblog.com. "Most people's personalities are such that they don't really like conflict and are shy about putting arguments and opinions out in public where they're going to be attacked," he said. "Obviously lawyers do that all the time."

Lawyers may also find some of their day-to-day tasks unrewarding, he continued, and blogging offers a way to wield more influence in discussions of topics that they care about - especially politics. The law "is a business that attracts a lot of people who have quite a bit of ability and ambition," he said. "For many of them, their law practice doesn't fully satisfy that desire to play a part in the world."

Mr. Turov, the author, noted that people who might once have kept a journal now keep a blog. "One L' today would be a blog," he said, referring to his memoir of his first year at Harvard Law School. "I kept a journal. These days I probably would post it."

Mr. Wehneman, who is just starting law school, has not yet built the audience he hopes for his blog chronicling the experience. But after he moves onto his advanced classes on intellectual property, he said, "I really expect that there would be huge interest."

The law has always fascinated lawyers and nonlawyers alike, which may explain some of the sites' popularity.

"Lawyers tend to have something credible to say about an important subject," said Eugene Volokh, a law professor at the University of California, Los Angeles, who nevertheless expressed skepticism about Blogads' survey results. "Lawyers have been educated about the legal system, which people are interested in."

That helps to explain the number of blogs by law professors, ruminating on developments in politics, fashion, culture and, of course, the law. Mr. Volokh maintains www.volokh.com; Lawrence Lessig of Stanford writes at www.lessig.org; Jack Balkin of Yale posts at balkin.blogspot.com; and Glenn Reynolds of the University of Tennessee maintains www.instupundit.com. (Needless to say, lawyers and law firms too numerous to count have hung out virtual shingles, too.)

"It's our natural environment, to read things on the Web, to read news stories, and to have something to say," said Ann Althouse, a law professor at the University of Wisconsin who posts her views at althouse.blogspot.com. Compared with spending a year writing a law review article, she said, blogging is fun.

The proliferation of law blogs is helpful, according to Denise M. Howell, who works at Reed Smith in Los Angeles and who claims credit for coining the term "blawg." She said the blogs demystified the law without costing outrageous sums; led to more open, frequent and

occasionally informed discussions of politics, law and occasionally morality; and helped forge links between practicing lawyers, law professors, law students and the real world.

"Blogs break down the barriers," she added.

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