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Blogs: The Next Generation

by David Lehmann

By now, we are all familiar with blogs, that ubiquitous Internet mainstay. It seems that everyone is maintaining a blog to blather on about personal issues or lambaste the state of the country. This belief is the popular misperception about blogs. Although blogs were originally used for personal diaries and public pronouncements, many blogs have evolved and emerged from this early stage of development into multifaceted information resources. The transition of blogs from the flaming invectives and rants to scholarly research aids is a fact that many people have missed.

It is time to re-examine blogs for what they have become, not "what they were born as." Let me say from the outset that not all blogs are created equal; there are still plenty of blogs around that are pabulum. However, there are an increasing number of information blogs available for legal researchers.

Definition

The 2006 Webster dictionary still defines blog as "a Web site that contains an online personal journal with reflections, comments, and often hyperlinks provided by the writer." This definition feeds the disinformation and does not let you know how sophisticated some blogs have become. Early blogs followed this definition completely, but beginning around 1999, blogs spread out into many individual information specialties including history, psychology, sociology, technology, and every other scholarly discipline. These new generations of blogs have become a forum for writing outside the conventional publishing process. In fact, blogs have become one of the fastest-rising new sources of reference information on the Web. While there are innumerable informational and scholarly blogs available on the Web now, the focus of this discussion is aimed on one type of blog, the legal blog, or as they are called, **blawgs**, and their research value.

Blawgs

Blawg is a term originated by Denise Howell, an appellate attorney in Los Angeles in 1991. Howell started and continues to write one of the first law-related blogs, *Bag and Baggage*, <http://bagandbaggage.com/>. Her blawg is personal, but it also contains legal informa-

tion and citations to other legal blogs. Many other legal professionals saw the potential for blawgs as a vehicle to post legal information to everyone and allow access to scholarly information without all the requirements of publication. Acting on this perception, they established blawgs that targeted legal

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resources for research or practical information for law professors, judges, practicing attorneys, and other legal professionals. Blawgs now cover a wide range of legal information.

One leading legal blog, *Law Blog Metrics*, is a part of a network of legal blawgs called the *Law Professors Law Blog Network* (http://3lepiphany.typepad.com/3l_epiphany/2006/03/a_taxonomy_of_l.html). It contains a list of legal blogs (blawgs) by category, specialty, jurisdiction, and other sub-categories. *Ernie the Attorney*, <http://radio.weblogs.com/0104634/>, another popular blawg, features a law blog outline listing 17 different categories of legal blawgs from those that are academic to blogs for practicing attorneys. There are multiple specialty categories under each heading. This selection of legal blogs gives researchers an array of materials to search and review.

The Supreme Court and Blawgs

Blawgs have become an acceptable source of authoritative legal information. This point was driven home earlier this year when the United States Supreme Court cited a blawg in *United States v. Booker*, 543 U.S. 220, 278 (2005). This was the first time the Supreme Court cited a blawg as a source of information.

However, it is not unheard of, as far as other courts in the country are concerned. *Law Blog Metrics*, http://3lepiphany.typepad.com/3l_epiphany/2006/08/cases_citing_le.html lists 32 citations to legal blogs in 27 different cases. These citations cover the full scope of legal arenas, extending from federal district courts and federal Courts of Appeals to state Courts of Appeals. Further, there are currently 489 law

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review citations of blawgs with 75 different blawg sites cited.

Blawg Acceptance

Many legal authorities are recognizing the impact of blawgs as research aids. Lawrence Solum covered the emergence of blawgs as an authoritative legal resource in his presentation and paper, "*Bloggership: Blogging and the Transformation of Legal Scholarship*" (Berkman Center for Internet &

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Society – <http://ssrn.com/abstract=898168>). In his article, Solum discusses the rise of blawgs as research sources and the ways to assure their authoritative quality. The Social Science Research Network (SSRN) is replete with other scholarly papers that tout the blawg as an upcoming legal resource.

Additionally, the *National Law Journal*, vol. 17, no. 104, September 11, 2006, noted the importance of blogs in a commentary written by Douglass Berman, "*Blogs Are Liberating the Profession From Dull Writing in Focus*." Berman focuses on the importance of blawgs as research tools and discusses commentary by an Ohio Supreme Court justice and a federal district court judge who both recognize blawgs as authoritative secondary sources. These are just a few examples of the growing acceptance of blawgs by legal professionals. While blawgs are still evolving, larger segments of legal society are currently adopting them as legal resources.

Blawgs – All Shapes and Sizes

There is a wide selection of blawgs that are available when searching for legal information. Here are examples of the more important blawgs, illustrating the variety and depth of legal information currently available.

Sentencing Law and Policy - www.sentencing.typepad.com/ – This blawg is cited by more courts than any other site. It was cited in a United States Supreme Court dissenting opinion. It is a well-respected source of sentencing information.

How Appealing - <http://appellateblog.blogspot.com> – This is an important blog dedicated to appellate law. There are legal commentaries and legal materials that are reviewed and accepted as authoritative by judges and

attorneys.

SCOTUSblog - www.scotusblog.com/movabletype/ – This blog tracks U.S. Supreme Court litigation. It contains articles on legal issues, posts on Supreme Court cases, and links to other blawgs and web sites on specific topics.

FourthAmendment.com - www.fourthamendment.com/blog/ – John Wesley Hall Jr. is a criminal defense lawyer who has written extensively on the 4th amendment and criminal procedure. His blawg contains legal commentary on these issues. It also contains (by circuit) all federal Courts of Appeals citations and links to other criminal defense cases and legal issues.

Research Blogs - <http://jilltxt.net/txt/researchblogs.html> – This blawg is a listing of research blawgs that have been used by academics and researchers as part of their general research practice. It contains a list of blawgs with commentary on all of the resources.

BeSpacific.com - www.bespacific.com – Sabrina I. Pacifici's blog is authoritative and contains much useful legal information. *LLRX.com*, an enormous

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web site loaded with information and links on most legal issues, is linked to this blawg.

Inter Alia - www.inter-alia.net/ – Tom Mighell's blog focuses on Internet research. There are lists of blawgs and links to other legal information.

A Valuable Research Tool

Blawgs and their other Web 2.0 counterparts are changing the way that legal resources are accessed. Blawgs are a vehicle for research and information that is becoming an authoritative research tool to use to when searching for legal information. The influence of blawgs will continue to grow as lawyers, judges, library professionals, and other legal researchers use blawgs as a source of legal information. This resource is one that all legal professionals will want to add to their reference arsenal.

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