

THE LAWYERS WEEKLY

The social network

By Christopher Guly

April 01 2011 issue

Part 3- of a 3-part series on technology

See part 1 of our series, [here](#)

See part 2 of our series, [here](#)

First-year Queen's University law student Simon Borys is at least three years away from his call to the Ontario Bar, but he already has his future career in law pretty well mapped out.

The 28-year-old former police officer wants to practise criminal law either solo or with a small firm.

"It will allow me the flexibility to grow and change and adapt at my own pace," say Borys, who spent three-and-half years as a constable with the Waterloo Regional Police Service prior to entering law school last fall.

"One thing I found about policing is that it's very slow to adapt. As a public-sector organization that is also paramilitary — which makes it even more top heavy — it moves at a dinosaur's pace and I found that very frustrating.

"For someone like myself, who's young, ambitious, who's driven, who's aware of technology and who's prepared to utilize technology to further their ambitions, I find it very difficult to work in an environment like that."

While Borys' lawyerly aspirations will find him dealing with a *Criminal Code* dating back to the late 19th century, his criminal law practice will also be immersed in a Web 2.0 world.

Like many of his peers, he's connected to various social media: Facebook, Twitter and LinkedIn. He has his own website(SimonBorys.ca) with a blog, which combines his policing past with his future as a lawyer. It features a section in which he explains applications of the law — from disturbances in schools to roadside alcohol-related driver's license suspensions — *Criminal Code* sections he dealt with regularly as a cop.

Borys also has a section on police and law news (including a post on Toronto Family Court Justice Harvey Brownstone's *Family Matters* online talk show) and a clever feature called "Police Myths." (Sample question: Does a police officer always have to issue a ticket? Simple answer: No.)

In relying on his experience and expertise, Borys has carved out a niche for himself on the web and created a unique self-marketing tool that helped land him a part-time job this summer working with a criminal lawyer in Kingston, Ont.

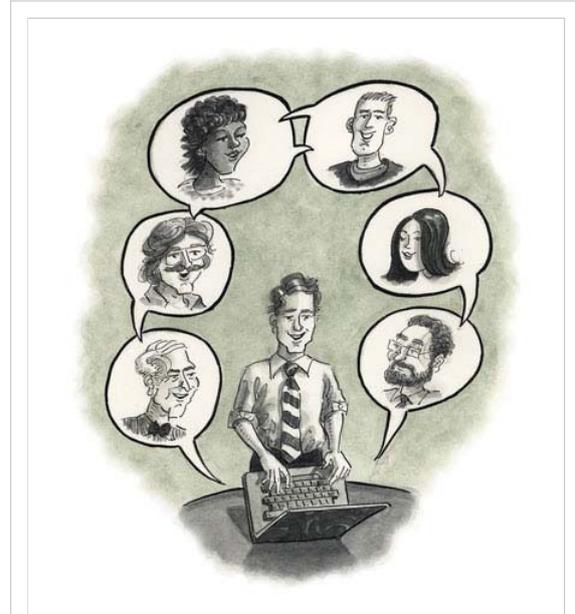
Other practitioners in the city take note: Simon says you have "poor" usage of the Internet.

"Of the half-dozen or so regularly practising criminal lawyers in Kingston, only two or three have a strong web presence," says Borys.

"Sole practitioners and smaller firms have relied on word-of-mouth referrals because they started at a time when that was the primary way they got business.

"But when people of my generation, who grew up with the Internet and Facebook, get into practice and start utilizing those social media resources, they are going to take a huge market share away from practitioners not connected online."

He explains that a first-time offender charged with impaired driving won't likely know which criminal lawyer to contact. "The first thing they will do is a Google search for maybe 'Kingston AND impaired AND lawyer.' They won't look at the phone book.



[Illustration by Peter Bono for The Lawyers Weekly]

“So a Kingston criminal defence lawyer with a website and a blog, who’s on Twitter and Facebook or any other online social media outlet, is going to have several hits on the first page of Google’s search results — and get more business.”

Or, people can do a search on one site, such as the online legal directory and referral service offered by LawyerLocate.ca Inc., which is based in Borys’ hometown, Kitchener, Ont.

Since its launch in 2002, the website has processed over 86,000 free referrals for businesses and individuals around the world to nearly 600 Canadian lawyers to date in every province and territory, except for Nunavut, listed on the site for a minimum monthly membership fee of \$75.

“Nobody looks in the Yellow Pages for lawyers,” says Mark Robins, a former private investigator in Toronto who serves as the company’s chief executive officer. His wife, Natalie Waddell, established LawyerLocate.ca Inc. because of her own frustrations over finding a lawyer when her first marriage was breaking down about 15 years ago. She currently serves as the company’s president.

“Relying on the old standby method of personal referrals through which lawyers attracted clients was rapidly disappearing 10 years ago — and it’s gone today,” says Robins.

LawyerLocate.ca enables anyone to find a lawyer either by searching profile pages of site members, according to location or one of over 200 A-to-Z subcategories of law (from adoption to zoning bylaw applications), or by filling out a form requesting a referral. Other sites, such as canadian-lawyers.ca (which is owned by the publisher of *The Lawyers Weekly*, LexisNexis Canada Inc.) offer a similar service.

“Young lawyers coming into practice get it in terms of how the web and social networking through Twitter, Facebook and LinkedIn is the way they should be marketing themselves. Lawyers can’t just hang a shingle out and become an instant, respected professional,” explains Robins.

“We tell our members that when they get a referral, they want to get on the phone right away and not wait until the end of the day because another lawyer will get the client. They’re competing for business just like Wal-Mart and Zellers.”

But attracting attention doesn’t mean posting an ad online. Some lawyers are gaining reputations and followings on the web by blogging or tweeting about different subjects or practice areas for which they have some expertise and familiarity, according to University of Ottawa technology law professor Michael Geist, whose website (MichaelGeist.ca), which attracts more than 10,000 daily hits, is a go-to online destination for the latest buzz on technology issues.

An avid blogger and keen Twitter user, Geist has spotted some rising stars in the digital universe.

One of them is Bram Abramson, an associate in the business law group at McCarthy Tétrault LLP in Toronto, who was only called to the Ontario Bar in 2008 and has already made a name for himself on the web.

“There are a number of people — myself included — who note his presence on Twitter,” says Geist, who holds the Canada Research Chair in Internet and E-commerce Law at the U of O.

“He’s very knowledgeable on things related to the CRTC and telecommunications.”

Abramson says that it’s important for him to connect with clients and colleagues, and social media tools, such as Twitter, are important methods of having a “conversation” with them.

“If you view social media as purely an avenue of self-marketing, it won’t work.

“However, people will appreciate honest participation and efforts online to provide useful information.”

Another lawyer whose Internet presence has earned him respect from his peers is David Fraser, a partner with Halifax-based law firm, McInnes Cooper, who has harnessed his expertise in privacy law into a wildly popular website and blog (PrivacyLawyer.ca).

“How does a privacy lawyer from Halifax become one of the best-known privacy lawyers in this country? He does it through his blog,” says Geist.

“I don’t think there’s any doubt his social media work has had a big impact on his reputation across the country.”

Fraser has set the “gold standard” for blogging, according to Jacob Glick, Canada policy counsel for Google Inc. in Ottawa.

“I created the blog on Jan. 1, 2004, when the federal *Personal Information Protection and Electronic Documents Act* [PIPEDA] came fully into effect, to join in the online conversation about technology and law,” explains Fraser, adding that he sees his blogging as an extension of the writing lawyers have always done since the beginnings of the profession.

“Blogging provided me, as a junior lawyer when I began, the opportunity to reach a global audience

and eventually build an international practice from my office in Halifax.”

Glick says that lawyers are using electronic tools like Facebook, Twitter and Google AdWords “to promote themselves, to find people, and connect with colleagues and clients.”

He also believes that lawyers engaged in blogging and tweeting are the e-equivalent to writing a law journal article but reach “an audience of more than half a dozen.”

“Some lawyers who blog develop a strong brand associated with a particular point of view on an issue,” says Glick.

“That may scare away some clients, but may well endear them to other clients.”

Many of these folks are on Facebook or Twitter, or are active readers of blogs and other online content (and perhaps also have blogs and websites).

“Lawyers or law firms with a marketing strategy that doesn’t include social media are missing an enormous opportunity if they’re not playing in the sandbox and trying to make their voices heard and people aware of their expertise,” says Geist.

“That said there are those that treat it as another place to advertise. You need to demonstrate your expertise without being so openly brazen about looking for that immediate return. People will be able to sniff out what’s genuine and what isn’t pretty quickly.

“Those that use online social media to participate in a conversation to share their knowledge and bring new perspectives will get noticed and appreciated. Those that use these platforms as another marketing vehicle where they’re doing little more than just advertising their firm or trying to promote their own writing won’t gain the same kind of traction.”

While he’s “in the business of marketing ideas” as an academic, Geist admits he has received some consulting contracts as a result of his web postings that augment his research work in technology law.

He also has favourite online social media outlets. Twitter, for one, “is the most fun, and in many instances, the most informative.”

“And then there’s my blog, which is old style at this stage.”

Still, his blog is loaded with content that he posts almost every weekday and which in turn elicits dozens of comments. A Twitter application enables him to see a running feed of people who follow his site and highlights instances of when his username is mentioned in tweets. Anyone can also subscribe to FeedBurner and FriendFeed, or download Geist’s iPhone application, to view his blog postings, tweets and other online content.

“It comes back to taking ideas and trying to make them accessible and available in as many different ways as possible and on whatever platform,” explains Geist, who is also on Facebook and LinkedIn.

While his mega-online activity often generates a “debilitating” amount of email from people he knows and doesn’t know, it also ensures that his “voice is heard and that other people who have similar concerns can have their voices heard too.”

Geist adds that Facebook, Twitter and YouTube have also become recruiting vehicles for law firms trying to attract the best and brightest law students who live within the new media world.

At the same time, firms are using these online social media tools to check out candidates, says former litigator-turned e-discovery maven Susan Nickle, whose e-discovery law firm, Wortzman Nickle Professional Corp., maintains a blog at www.wortzmannickle.com/ediscovery-blog.

“Lawyers are tweeting and blogging like crazy, and reading and commenting on each other blogs, so they have to be very careful. They don’t want to blog about something or have something posted on someone else’s blog that could be used against them — especially if they’re a lawyer acting as an expert for somebody during a trial. You can expect opposing counsel will have done his or her homework and pull anything and everything they’ve published on the Internet and plunk it in front of them.”

“It might be something like, ‘You’re taking position X today. But isn’t it true you advocated for a different position when you’ve blogged about this issue before 19 times in the past?’ ”

Says Nickle: “The Internet can yield tremendous opportunity for lawyers, if used correctly. You just have to be thinking before you hit the ‘Send’ button.”

Ultimately, though, the social network in cyberspace can yield tremendous opportunity for lawyers, according to Simon Borys, who hopes one day to be a member of that group, using technology to succeed at his practice.

“If you want to use social media for advertising, marketing and getting business, it’s all about multiple points of contact. You have to be where your clients are — on Twitter, Facebook, LinkedIn, or wherever it is your prospective or existing clients are,” he explains.

"The tolerance to look for answers these days is small. We live in a society that has a very short attention. So people aren't inclined and don't have time to do a lot of research to find a lawyer. You have to come to them."

The master marketer

"Lawyers don't generally do innovative things," says sole practitioner Michael Carabash, who obviously isn't referring to himself.

On March 9, the 29-year-old, Toronto-born business lawyer appeared on CBC Television's *Dragons' Den* in an episode taped last year. Decked out in his barrister's robes, Carabash pitched the demanding Dragons about his business products: legal forms and video guides available on his website, DynamicLawyers.com.

The verdict: the Dragons did not agree with the \$1-million valuation he proposed or with the \$200,000 he requested for a 20-per-cent stake in his company, Dynamic Lawyers Ltd. Furthermore, they attacked Carabash for appearing on the show solely to attract some publicity for his website.

"I'm sure the Dragons are there for the publicity too, and CBC wants to air entertaining programming, so everyone got something out of it," says Carabash sheepishly.

When it comes to touting the benefits of cyberspace for lawyers, he is as bold in his comments.

Technology is the "great leveller — it allows sole practitioners like me to steal business from the big Bay Street firms," says the founding president of Dynamic Lawyers Ltd., whose office also happens to be on Bay Street, near Dundas, in downtown Toronto.

He says that if a prospective client can find him on the Internet — via Twitter, Facebook, LinkedIn or his website — he has a good chance of landing that client before a less-connected firm gets a chance. Carabash, an Osgoode Hall Law School graduate who also holds an MBA from the Schulich School of Business, also at York University, has already been hired by some mid-sized companies in the United States that found him online.

"A lot of sole practitioners can't say the same, unless they're focused on specific areas and are well-known in those fields."

"But I've long been just a random generalist."

However, he has become quite the specialist when it comes to reaching the masses.

A self-taught techno-wiz, Carabash learned that Google gives a website a higher page ranking (at no charge) if it has good quality content that is regularly updated and features many back links from other sites to his site, all of which applies to DynamicLawyers.com. For instance, search for "Toronto partnership lawyer" and the URL for his website pops up at least four times on the first page of results.

"I don't pay anything for marketing," says Carabash, whose graphic designer-wife, Paris, created the look for DynamicLawyers.com.

Instead, he spends time and effort uploading tons (one of his oft-used online words) of content on the website.

It features ready-to-go legal forms — which sell anywhere from \$17 to \$97 before tax and which he wrote in "humanese, not legalese" — that deal with prenuptial agreements, residential lease agreements, employee termination agreements, non-compete agreements, wills and powers of attorney, affidavits of execution, to name a few, for Ontario and other provinces. Each form also comes with a video tutorial and written guide.

Visitors to DynamicLawyers.com (DL) can anonymously pose a question about the law (on subjects ranging from accidents and injuries, to wills and estates), and request that a quote for legal advice from lawyers registered with the site be sent to their not-posted email address.

In addition, DL offers a free "legal checkup," in the form of an online questionnaire covering such topics as estate planning, and renting or owning a home — as well as more than 20 free, downloadable e-books, of between 10 and 30 pages, which Carabash has written on a myriad of legal topics, including probating a will and shareholder agreements. Meanwhile, the "Statistics and Reports" section features all sorts of information, such as the results of a survey he did two years ago that collected data from 500 Toronto solo and small-firm lawyers about their billing practices (one finding: the hourly rate is still alive, at about \$348).

"These types of things don't necessarily put money in my pocket, but it does educate the public," says Carabash.

You can also find him on YouTube — particularly in the *OMG! Law Talk* series with fellow law bloggers Garry Wise (wiselaw.blogspot.com) and Omar Ha-Redeye (www.omarha-redeye.com).

And yes, Carabash blogs big time. In fact, he estimates he's posted over 1,000 blogs over the past two years on DynamicLawyers.com — compared to Wise, a Toronto family lawyer, who Carabash claims took five years to amass about 2,000 blog posts.

"I'm very close to beating his ability to produce blogs," boasts Carabash.

Sure, he's competitive, but he also knows when to collaborate too.

On his latest venture, Carabash has partnered with Toronto litigator David Mayzel to form DMC Law (named after the first initials of their names), a boutique dental law firm that also has — needless to say a — website (www.dentistlawyers.ca).

They haven't created a new practice area; their mission is to help dentists with deep pockets incorporate, form partnerships, buy and sell practices, lease space, deal with employment matters, tax plan, and put their wills and estates in order.

Says Carabash: "My dental law practice will be part of my bread-and-butter business."

 [Close](#)