

Keep Your Friends Close...

Business, even the Bar business, is not a democracy no matter what those boobs in marketing say. While a business may create a strong set of communications and service tools for its staff and membership those tools are to support the goals of the organization and not the end users. Don't believe me? Try going onto your business email system and call the boss a jerk. I'll wait.

The Internet is a communications system that allows anyone to have their soapbox. Soapboxes, actually, as there is such a stunning array of them: Blogs, mailing lists, public groupware, web forums and instant messaging are examples of some of powerful tools that are simple to find, cheap to the point of free, and easy to use. These characteristics have created a new set of headaches for businesses and challenges for Bars. The usage by staff and membership of communication systems such as email, voice mail and websites has become routine with the corresponding routine policies and procedures governing their use. But these new tools listed above have the potential to fall outside of the policy controls that a Bar might create, bringing with them a range of risks, including the unauthorized disclosure of a confidential information, claims of copyright infringement, harassment or defamation.

As it was listed above These new tools are popular, cheap, and easy to use. The threat is that, by failing to provide them to the membership, there is a risk that your membership or segments of it will get them somewhere else, beyond a Bar's ability to monitor or influence. Does this mean that a Bar should provide any tool or service that comes down the information turnpike? No, but it does demand that Bar leadership maintains an awareness of the tools or services that are emerging and then evaluating these for possible creation or use by a Bar.

The pressure for Bars to build or provide these tools is growing and the arguments for it can be found in reading the business section of the paper. Many businesses have been ambushed by the discovery of 'unauthorized' blogs or forums that provide information that is at best embarrassing. Microsoft provides a great example of this with the recent creation of OrangeBadges.com a website dedicated to the private contractors that work for Microsoft. This class of worker has caused Microsoft a number of legal problems in the past and the OrangeBadges.com site, which is not controlled by Microsoft, may end up creating a framework to magnify those issues further. Microsoft had an opportunity to keep this issue on the inside with the creation of it's own forums but missed the boat.

And while this article is focused on the use by a Bar's membership don't forget the staff or the pesky fact that they go home at night. While it cannot be expected to control the staff's usage of these tools after hours for personal purposes, there is still a significant concern in terms of controlling the Bar's information. MySpace.com is a terrific example of what can go wrong when an employee is not reminded that they information that the use for work in for use in their private lives. A quick cruise of MySpace.com sites will reveal that people go home, log on, and talk about their work.

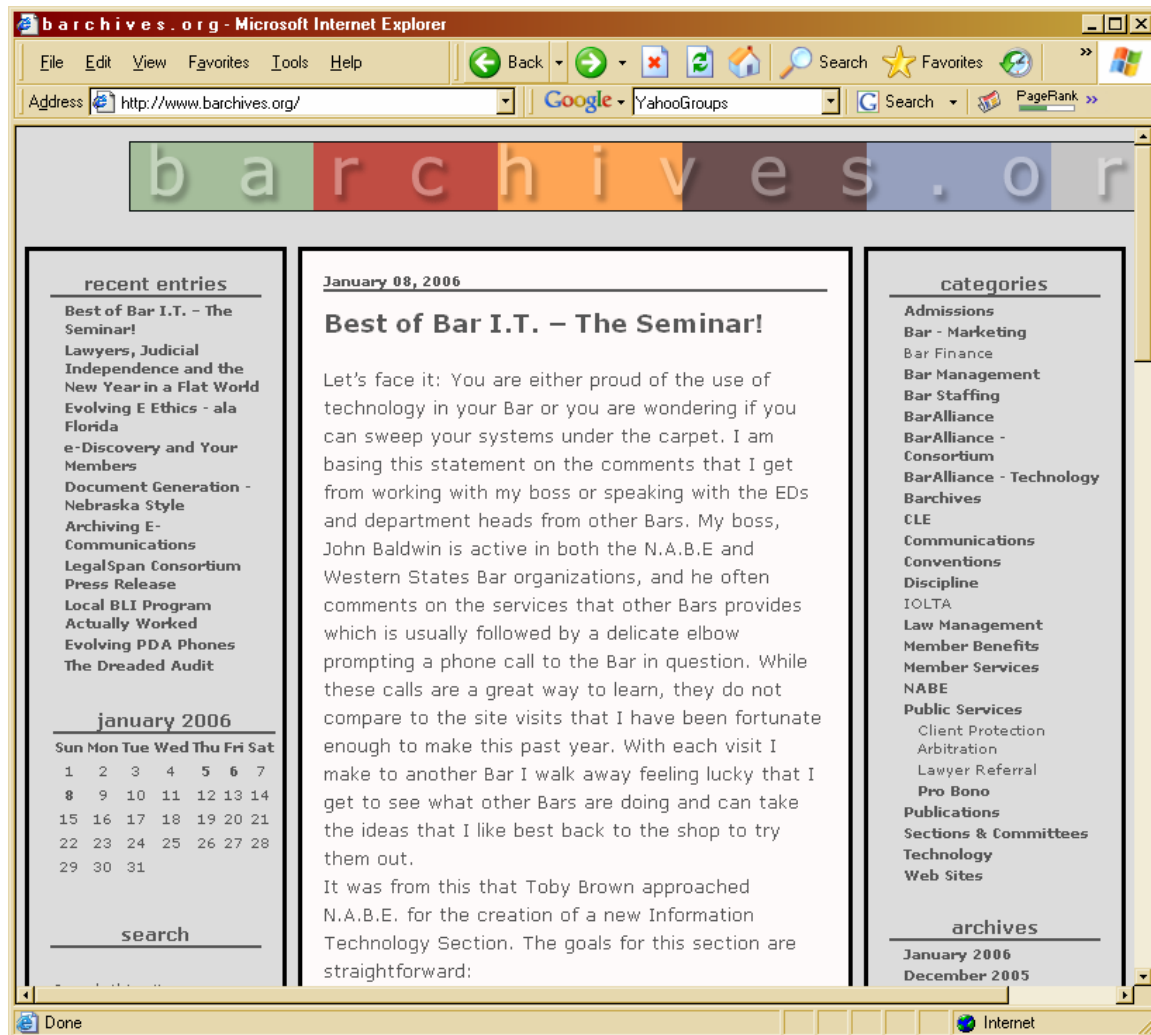
If You Build It Will They Come?

Membership organizations such as Bars, thrive on communications but the key goal is for that organization to be at the CENTER of the communications taking place even if it is only as a silent partner. But with the communications tools listed above it is more of a challenge to stay at that vital center and it begs the question: Should we be creating or providing these tools for the use of the membership? Membership organizations have to decide whether to create these tools for their members or risk their members using the tools on their own.

The decisions may have already been made as there are many Bars that have migrated for simple email notification to the use of email mailing list software or ListServs to contact their membership. Fewer Bars allow the use of this service for members to communicate with each other but the numbers of Bars doing this is growing. These interactive lists provide a terrific tool for finding and understanding the concerns of a membership and allow for the recognition and recovery of potential 'sour apples'.

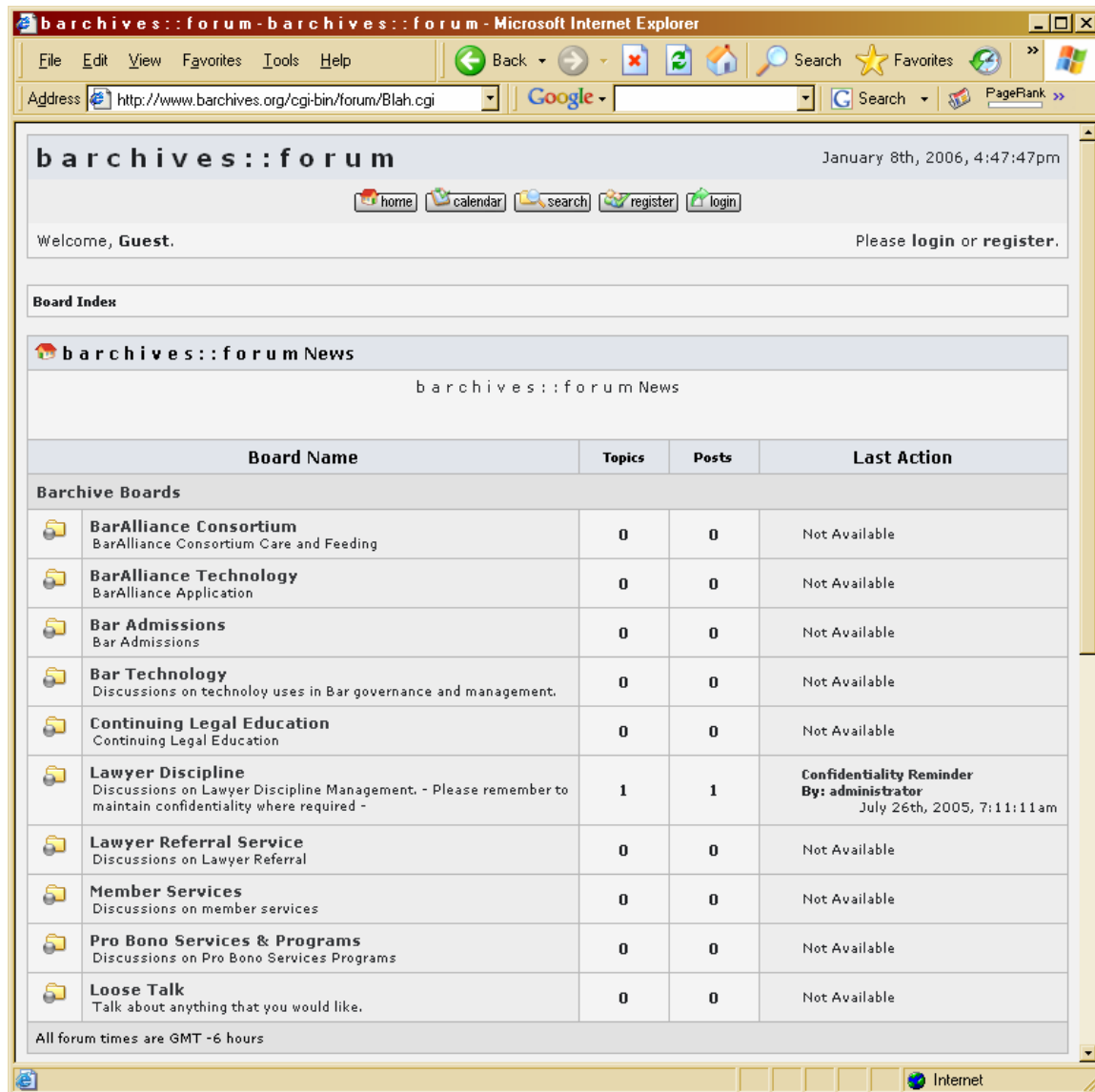
Of the tools mentioned above only a few 'work' in terms of creation and management as a web based service for members. These tools are all web based and require little or no string technical abilities to implement or manage. Blogs, forums, and groupware are strong candidates for consideration as a member service while more individualized tools, such as instant messaging or web based simple messaging services, are not.

Blogs software is maturing rapidly and has replacing traditional publications as a news posting medium. Tools such as MovableType make it possible for a Bar to create dozens of blogs with a central point of administration. The blogs can be customized to reflect a section or committee's character and will help foster a sense of community that might be missing from a more traditional web site.



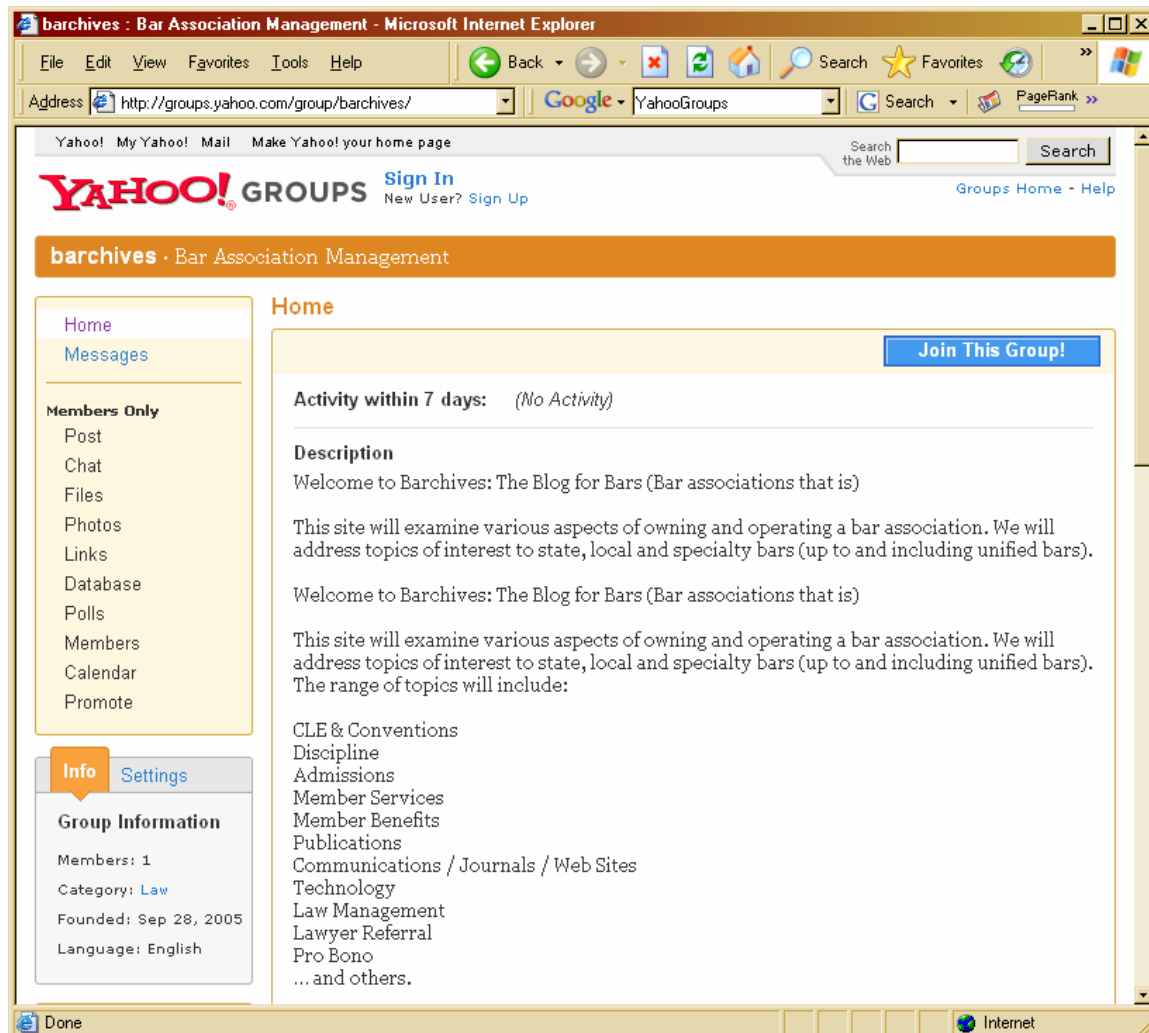
Barchives Blog created using Movable Type

Old style bulletin boards have mutated in to web based forums using tools such as vBulletin, or my favorite freebie BLAH, allow for a single application to be used to create hundreds of communications threads each targeted at a specific group or interest. Where a blog might be more closely associated with a newsletter or announcement service forums are specifically for communications between members.



Barchives Forums created using BLAH forum software

Web Based groupware has started to grow as a factor with the acceptance of the hosted application model as a means of delivering services. YahooGroups web based software provides a comprehensive set of tools that would be attractive to a section or committee in a Bar. Yahoo provides chat-rooms, file storage, calendaring, polls, message posting and database support and this is just the first cycle of its existence. Yahoo will be rolling out an enterprise version of this software and for a small Bar it will offer a service at a price that will be hard to beat.



Barchives the YahooGroup

This is just a sampling of tools that are out there to create and manage web based communications tools for the membership. From my experience with sections and committees, I know that they will use the tools that a Bar provides them.

Policy Policy Policy

If the decision is made to put some or all of these tools out for the membership, the first step will be the creation of policies and procedures for their use. This should be a first step as a number of policy decisions will impact the choice of tools or services to be provided. With a starting policy in place that lists the bare minimum guidelines for usage, security and control you can then turn IT loose to select the tools and then modify the policies to mesh with the selection and its usage procedures. The points of emphasis for these policies and procedures should be:

- The ownership of the services and content.
- Requirements for access or use of the services

- Will it be members only?
- Will it allow guests?
- The proper usage of the service by the members and / or guests
- The possibility of monitoring.
- The consequences of failing to comply with the rules.
- How to obtain support.

There are a number of policy examples out there for use as an initial draft but one recommendation that I would make is a specific reminder to users on the ethical rules of the legal community and a pointed plea to maintain confidentiality where required. At the end of this document is a sample policy for the Utah State Bar section forums & listservs. A Bar will keep its general counsel happy if it creates a strong policy before releasing the service to the membership.

The Continuing Struggle for Relevance

It is hoped that this short article has provided some ideas about the communications tools and their potential impact on a Bar's relationship with its members. In dealing with Internet based communications and member services there are more headaches than can be counted and the idea of providing these tools can be intimidating. Reasons to avoid these headaches are easy to come by: A mandatory bar may feel that the tools can be ignored or a small Bar may feel that they are beyond the range of their resources. But in the end, a professional membership organization's existence mandatory or otherwise, is driven by its relevance to its membership and that relevance is framed in the ability to communicate with members. By allowing members to find other ways to communicate with each other, a membership organization puts its relevance at risk.