

Listservs remain relevant for lawyers

By: [Gary Gosselin](#) in [News Stories](#) January 9, 2014

Listservs may be old-school and considered outdated by some, but they still serve a purpose in the legal profession, especially for specific areas of practice, according to their defenders.

The listserv — an electronic mailing list that allows any member to chime in and address all recipients — has been around since the late 1980s. Before Internet communications or social media, listservs were a vital means for attorneys to communicate with one another.

They still are.

The Michigan Defense Trial Counsel, for example, has a very active listserv.

“Primarily it’s used for expert witness requests and [members] help one another out when they have a case,” said MDTC Executive Director Madelyne Lawry. She said the listserv useful when defense lawyers from out of state are looking for resources in Michigan, and when her members are looking outside Michigan.

“We also have recently set one up for our commercial litigation section, so that all of those lawyers can communicate with each other,” she noted. “We are still using our listservs and have no intention of discontinuing them.”

The Family Law section listserv is 967 members strong and growing, said Elizabeth A. Sadowski, partner at Colbert Shepard & Sadowski LLP in Rochester, who serves as “list mistress” for the listserv.

“The nature of family law is continually changing, it’s a moving train and you’ve got to keep on board,” she said, noting the list is populated with lawyers, judges, and friend of the court personnel. Members have to be in the section.

If you need a referral for somebody who appraises collections of Victorian-era wigs, for example, somebody, somewhere will know someone who does that,” she said. “Family law attorneys are generous with their advice and thoughts and history of the law that so many people might not be able to locate otherwise.

“Someone may come in with a piece of advice or suggestion and that will trigger a eureka moment — there are a lot of those,” Sadowski said. “There are referrals for obscure resources, for appraisers ...

certainly for tools on the Internet and Web pages and cyber resources, people are very generous in suggesting Web sites and resources.”

Paul R. Hage, a partner in the Southfield office of Jaffe Raitt Heuer & Weiss, said he’s seen a lot of migration to blogs and even Twitter.

“I would say I use both listservs and blogs, although I agree that blogs are becoming more prevalent; with blogs you have a better idea of where the information is, you know where the blog is coming from, and it’s better prepared and organized rather than a listserv where they just say, ‘This is what I found,’” said Hage. “And on a listserv, you have numerous people answering and that can be frustrating.”

Organize incoming messages

But Steve Gursten of Michigan Auto Law in Farmington Hills said the key is carefully choosing which listservs you read and staying very organized at routing communications so they don’t disrupt your daily routine.

Gursten said he belongs to six listservs; he communicates with a relatively specific group in each, which helps cut down on excess topics which can tend to clog the email, he said.

He said he belongs to the Michigan Association for Justice Listserv, a brain injury listserv and a truck injury listserv, as well as two small private listservs with very limited membership.

“The funny thing is, it’s been a fantastic source of new business; I joined for the knowledge and the information, but at least once a week someone somewhere in the U.S. puts out on the listserv, ‘I need a lawyer in Michigan,’ and I have people putting my name out on the listserv.” Gursten said. “For me, the networking and information is invaluable,” he noted, adding that truck injury cases are a specialty so participants tend to stay on subject.

Posting on a listserv is not like talking one-on-one, Gursten said. You have to realize this is a group of people and have to act accordingly, he added.

“Different listservs have different levels of trust; I would never put anything negative about a judge on the Michigan trial listserv, but on [a much smaller listserv] I wouldn’t hesitate putting my voir dire questions out there,” Gursten said. “I speak at a lot of seminars, and it’s the same rule of thumb, they always tell me, imagine there’s a reporter in the audience, and post accordingly. You have to expect, unless it’s a very secure private listserv, that it could be read by someone some day.

“But, the biggest thing to me isn’t security, its time — I get several hundred emails a day, so you have to be good at setting up folders, and compartmentalizing time so you react to [your own cases] and not listservs all the time.”

“You always want to look over subject lines; you may not immediately have a use for it, and you can archive and use it later, I use it almost like a CLE, find out about notorious defense doctors, and how [certain] defense attorneys may handle a case.”

Brendan C. Chard of Ann Arbor-based website consulting firm The Modern Firm LLC, said his firm operates listservs for virtually every section of the State Bar of Michigan, and there are more than 60, which can be accessed at <http://groups.michbar.org/www/lists>.

"I don't see them going anywhere, especially if you have a focused topic or specific group of people, somebody to refer business to, or learn about specific issues," Chard said, noting that discussions can be a good place to learn about specific topics and also to learn about judges and other lawyers around the state.

In addition, most listservs are archived by subject, so members can research a specific subject and go right to the latest thread when that issue was discussed, before asking for help on the open listserv.

"They are a powerful tool, I think the family law listserv is awesome; it should be an incentive for any who practice family law, an incentive to join the family law section," said James J. Harrington III, in Novi. "It allows any member to ask a question regarding any aspect of family law practice, which generates an almost immediate response.

He pointed to issues like procedures in courts outside your county, what might arise procedurally, how to handle a certain matter.

"It's almost what I call instant mentoring," he said.

Moderation key to success

Gursten has been moderator of listservs, and the key is vigilance, and knowing the bounds of what the conversation should be.

"If you moderate, you have to take it very seriously, you do research of every attorney on there," Gursten said. "I make sure they are vetted, there are a lot of people trying to infiltrate these listservs."

Sadowski said as "list mistress," she keeps a close eye on every post and vets all members of the listserv before they are allowed in.

Members are given written rules about what is and is not acceptable, and she said she only occasionally has to edit someone. She said members generally don't stray into areas like politics and she said while healthy exchanges of ideas are encouraged, personal attacks are strictly forbidden and can get someone kicked out of the community.

'Continual free seminar'

Sadowski said she can't imagine any new lawyer not taking advantage of what she calls a continual free seminar.

“New lawyers especially need listservs, you don’t learn in law school how to practice law, you may learn law but not how to practice,” Sadowski said. “But you can learn how to practice with the advice on our list. I can’t imagine any other type of tools for lawyers across the state from Ishpeming to Monroe to reach out to each other in an instant ...”

Gursten said he believes the listserv can be one of the greatest weapons a trial attorney has. “Most plaintiff lawyers are in smaller firms and they don’t have big firm resources; this gives you big firm resources from around the state, the country if you want.”

He noted a time when he was in Roscommon County in trial and had a defense witness on the stand. Something he said seemed wrong to Gursten, but he couldn’t quite place it. That evening in his hotel, he put a query out on the listserv, got three answers on why that witness was wrong, and used the information on cross-examination the next day.

Sadowski said she is amazed that all family law attorneys aren’t part of the listserv, although about half of them are members.

“How can you practice family law and not have a passing interest in that which is concentrated on your practice,” she asked, also mentioning all of the other specialty practice listservs available through the bar.

“I think a lot of lawyers that don’t know they exist,” Chard said. “I would encourage lawyers to at least look around for some, learn from people who have already made mistakes, or know a better way to do something and this is a really good way to access that wealth of information.”

There are listservs for every practice area, Chard said, mentioning young lawyers, office tech, practice management, health care law, intellectual property and ADR to name a few.

If you would like to comment on this story, call Gary Gosselin at (248) 865-3103 or email gary.gosselin@mi.lawyersweekly.com.

Some hints for the uninitiated listserv participant

- **Stay on topic.** People join a listserv for that particular subject matter, not to hear about your politics. Save it for Facebook.
- **Don’t get personal.** Professional disagreement and lively discussions are OK, sometimes encouraged, but personal attacks are not. You could be “moderated” or even thrown off the listserv. It’s easy to get carried away or misunderstood via computer messages, so be vigilant about what you type.
- **Ditch the sales pitch.** Listservs are made to spread information, and the fastest way to get kicked off a listserv — and not allowed back — is if you are constantly trying to sell your services.

- **Be a resource.** Treat the listserv like a cocktail party and assist others, give them the benefit of your expertise. On the rare occasions when you need advice or resources, they will be more than happy to reciprocate.

- **Mum's the word.** What's said on the listserv should stay on the listserv. Members hope for some level of security, so do your part to help keep it that way. A note of caution — it is a semi-public forum and there is no guarantee of security.