



The Advocate

Official Publication
of the Idaho State Bar
Volume 54, No. 3/4
March/April 2011

Casual Tweet? 18
Attorneys General Step Up 21
Social Media Soloist 28
Merlyn Clark 31

FINDING A NICHE: THIS IDAHO LAWYER HAS 1,632 TWITTER FOLLOWERS, BUT HOW MANY WILL BECOME CLIENTS?

Dan Black
Managing Editor

Don't know a hash-tag from your metadata? No worries. A Boise attorney has created a new kind of law practice.

With its truncated spelling, implicit urgency and insider culture, social media appears to be growing in popularity by the hour. But who will offer legal counsel for those of us who can't seem to wrap our heads around it?

Last year Lisa McGrath left her job with Greener Burke Shoemaker, P.A. to build a solo practice around new media, "and right now, I'm surviving," she said recently. "The first year is the hardest."

Lisa lectures, blogs and tweets about cutting-edge communications with the ease of a digital native – she grew up with the Internet. A consummate networker, she created a niche legal service drawn from her interests, expertise and her drive to be out in front of the next big thing. But are social media questions big enough to support a law practice?

To get her practice going, Lisa leveraged relationships with other social media attorneys nationwide and used her connections with technology start-up companies, and of course, an army of online friends. Currently, there are 1,631, (make that 1,632), "followers" reading her every tweet. Comments range from the latest technical developments to where to meet for a beer.

A year ago Lisa surveyed the market and found attorneys who specialize in narrow niches were doing well, even in the recession. Given her options, Lisa said the choice to create a new kind of law practice was clear. She wanted a flat-fee practice that focused on questions surrounding new media.

"The legal issues involved are very real," Lisa said, adding that "sometimes people don't take it seriously."

Lisa's clients want to know how social media issues jibe with existing intellectual property and employment law. They want social media policies "that maximize the benefits and minimize the risk," Lisa said. And they need to handle privacy and discrimination issues that surface between employers and their employees' social media presence. She compliments her knowledge of new media with her knowledge of public relations and the law.



Lisa McGrath, chair of the Young Lawyers Section, recently began a solo practice dealing with legal issues surrounding new media.

Q. What advice do you have for law school students facing a difficult job market?

A. During law school is the time to be creative. They really have to brand themselves to stand out. Use social media to do it. The resume is dying out. Certainly clerkships and internships are important.

Q. What do young lawyers wish the rest of the Bar knew about them?

A. Young lawyers are very community – oriented. We do a lot of pro bono work and volunteering for charity. We also have a tremendous willingness to be mentored. There is some feeling of isolation.

Q. What makes for a sophisticated user of new media?

A. It's not about technology. It's about creating relationships very quickly. At first just sit back and watch. It's listening to other people. Get back with them, engage them. Promote other people and talk about other people, not just yourself. It's just like conversation skills. Social media is really customer relationship management. Measure your online presence. Find out where your traffic is coming from.

Lisa's twitter trail shows a stark functionality. A recent tweet from tweetmzg:

nice reminder for attys/mktg/ad ppl to make social media posts compliant w/ FTC Guides <http://bit.ly/hYbRjN> (@InternetLaw)

“Education is a big part of what I do,” Lisa said, adding that she is in the faculty certification process for the University of Phoenix and is a faculty adjunct at Broadview University.

So how did Lisa, who recently passed her 30th birthday, wind up sailing confidently into such uncharted waters? She and her three sisters grew up around a robust family business, Action Couriers, a Meridian-based company that serves southern Idaho and has hundreds of employees. “We learned the importance of hard work,” she said. “My dad is an incredible entrepreneur,” and “there was a pull to join the family business.”

But Lisa said her parents raised her to be “strong willed,” and she “wanted to go to the top.”

An advanced student in high school, she interned in the governor’s office when Phil Batt was in office, and was enthralled with public service.

“I was in love with the system,” she said, and imagined a career in government. Naturally, a law degree would provide the best background. While at American University in Washington, D.C., she took a full time job as a clerk for the U.S. Senate Judiciary Committee, which threw her into an intense environment of policy papers, press releases and news cycles. “I was outrageously ambitious,” she said, and loved being in the middle of events such as reauthorization of the Patriot Act, and confirmation hearings for Justices Samuel Alito and John Roberts.

The Hill staffers, her colleagues, “were dysfunctional Type As,” she said, and “I fit in perfectly. The pay was terrible, you work late hours, but it’s like the Hollywood of politics.”

But those colleagues, many of whom left large firms to do public policy work,

Her market research showed that while young lawyers were struggling and big firms were laying people off, “niche soloists were thriving.”

influenced Lisa. Talking with them, Lisa developed “an early skepticism” about big firms.

During summers in Maryland, she worked as an intern for the federal prosecutor and also did pro bono defense work. “I wanted to cover my bases” learning different kinds of law, she said, adding that while she enjoyed the work, “I could see how criminal law could become repetitive.”

Eventually, the big-city schedule wore her down. “It was nice to come back here and breathe. I really did rush things in my 20s,” Lisa said.

She moved back to Idaho and accepted a clerkship at Idaho Supreme Court, an experience she found “extremely rewarding - seeing cases litigated through the appeals process.” She had weekends off and found time for skiing and friends. After that, she worked for nearly two years at Greener Burke Shoemaker PA, but wanted to chart a new path.

Her market research showed that while young lawyers were struggling and big firms were laying people off, “niche soloists were thriving.” She sized up the market, her skills and interests and came up with a plan. She designed a flat-fee practice “that focuses on value, not billable hours,” which she said puts clients at ease. She also ratcheted up her networking. This winter, Lisa spoke

to the Idaho Nonprofit Association, the Idaho Library Association and has addressed several other groups looking for help with laws relating to social media.

She’s happy with her decision. As a soloist, she has time for pro bono work and for hobbies such as giving ski lessons at Brundage, Start-Up Weekends and Social Media Club Boise. It gives her lifestyle the flexibility and meaning she didn’t expect working for a firm.

Another benefit, she said, has been discovering the beauty of a more simple life as a solo practitioner. “I’ve changed my habits to be more responsible,” she said, making fewer purchases and living modestly. “Solos are working for their own food. It’s a fabulous life.”



Dan Black

About the Author

Dan Black is Managing Editor of *The Advocate*. A graduate of the University of Montana School of Journalism, his articles have appeared in the *Idaho Statesman*, *Idaho Press Tribune*, *Idaho Business Review*, *Boise magazine* and *The Capital Press*.

KEEPING UP WITH CASE LAW?

- * Case summaries every other week to your Inbox or mailbox
- * Complete opinions and online research tools
- * Timely, affordable, reliable, authorized advance reports

*ISCR/ICAR – Idaho Supreme Court Report /
Idaho Court of Appeals Report*

IBCR – Idaho Bankruptcy Court Report

GOLLER PUBLISHING CORPORATION

208-336-4715

info@gollerpublishing.com

www.gollerpublishing.com



Mediation and Arbitration Services

D. Duff McKee

Practice limited to alternative dispute resolution services

Post Office Box 941

Boise, Idaho 83701

Telephone: (208) 381-0060

Facsimile: (208) 381-0083

Email: ddmckee@ddmckee.com