

Monday, September 22, 2008

## **Welcoming your comments / Why fear someone who once wore diapers?**

Some blogs get more comments than other blogs. The Volokh Conspiracy, TalkLeft, WSJ, and Res Ipsa get constant dialogue among commenters throughout the day. My criminal defense lawyer brothers Scott Greenfield in particular, Gideon and Mark Bennett get their fair share of comments both quantity- and quality-wise, too; they post many blog entries that entice comments, and they participate with their commenters. Underdog often makes up in comment quality over comment quantity. I notice that the number of quality comments on my blog tends to increase when I address items of more widespread interest, which makes sense. Of course, I keep blogging on such topics that get fewer comments as recent criminal law court opinions, the deaths of those important to me, and the intersection of music and art with my practice of law, because a raison d'être of my blog is to share a place where I organize and think through my thoughts, ready to be retrieved at any time, including when I realize I need access to a court opinion and a synopsis thereof that I have posted to my blog, and only have access to my Blackberry to obtain it. This is imperfectly akin to my t'ai chi teacher Len Kennedy, who yesterday told his t'ai chi class how he has kept over a hundred breast-pocket sized notepads to record his learning and experiences with t'ai chi. He does not keep such ideas in notepads and paperscraps to obtain blogpost comments -- he has no blog at all -- but because it helps his personal growth. I blog to interact with my readers, so I encourage you to keep your blog comments coming, and to know that, conservatively (from reviewing my daily website statistical software), I receive at least three hundred to four hundred daily visits to Underdog's front page, even more visits to all pages at my katzjustice domain, and repeated volume visits for months and beyond to some particularly popular blogposts, so your comments are getting attention well beyond my eyes. My current blog software does not enable me to register commenters, so I have the insufficient choice between permitting all comments without moderation and moderating them. Here is why I moderate comments. Since I started moderating seven months ago, I have only kept out two comments. One was a mere link with an address looking like an MLK-related site, but instead going straight to a very graphic video of two people having sex. (I advocate permitting people to upload such material to the Internet, but I have no obligation to keep such links on my blog, particularly when they purport to be about Martin Luther King, Jr.) The other comment was merely and inane addressing some retail website that had nothing to do with my blog nor any of my blog entries. Rarely does more than one business day pass for your comments to be approved on Underdog, with the exception of this past Wednesday through Saturday, when I had overlooked updating my blog software to use my new email address (jon[at]katzjustice[dot]com) to notify me of new comments, now that I have retired my old email address of jon[at]markskatz[dot]com, which was being redirected to the new one, but which also was the source of the huge amount of spam that I blissfully no longer receive. To reduce spam, do not enable email and webpage hyperlinks to your email address. Some people tell me they are unsuccessful in posting comments. Our comment software only works by commenters' accepting cookies, and possibly only by using Internet Explorer. Judges, I am sure some of you or your law clerks or other assistants are reading this blog, if for no other reason other than to know whether commenters are badmouthing you, and hopefully for the purpose of becoming better people and better judges, just as I hope everyone reading this blog will find ideas on Underdog for becoming better people. Therefore, I encourage everyone to keep commenting, and encourage judges to send me some anonymous comments, and non-anonymous comments if you want your identities known. To keep fully anonymous, you can insert a completely fictitious email address where you are prompted to do enter such an address into the comments page. I will then have no way to know who you are, let alone to reveal who you are. Before closing, here are links to some of my more favorite recent comments: Glenn Graham on "You're not wanted in these parts." Thanks, also, to Jeffrey Raymond, for adding a comment inviting people to an "exhibit about the early life and career of Justice Marshall, which is being unveiled at 5:30 p.m. Friday, Sept. 19, at the Thurgood Marshall Law Library at the University of Maryland School of Law, 500 W. Baltimore St. in Baltimore." I regret that my above-detailed technical glitch caused me to miss Jeffrey's comment until after last Friday's unveiling, which included Justice Marshall's widow Cecilia as a presenter. William Garland, taking a zero tolerance view on "criminal conduct" by both law enforcers and demonstrators, as opposed to my view that cops repeatedly target suspected demonstrators near presidential conventions and beyond for unconstitutionally pre-emptive and censorious content-based search warrants and arrests, intimidation tactics, excessive force (including pepper spray), oppressive and overly lengthy pre-trial detention, dragnet sweeps that often include innocent bystanders, violation of journalistic freedom, and enforcement of unconstitutionally overbroad and oppressive demonstration-rein zones. While that is my reply to William's comment, I welcome all comments, and encourage hearing from those who disagree with me. Ron Sylvester's link to his website's discussion on the Busted video, about which I blogpost from time to time. Remy Orozco's addressing his roller coaster experience in integrating his recent time at the Trial Lawyers College into his life. Saving the best recent comment for last -- and exemplifying the benefits of my blogging and receiving comments -- is Susan Cartier Liebel's comment on "Practicing non-anger": "This is very poetic and even more revealing when playing with a toddler. When you take a moment to

realize everyone you represent or interact with was once as innocent as a 2 year old it certainly gives you pause." One month after Susan posted her excellent comment, Gerry Spence wrote how Josh Karton -- acting and trial teacher extraordinaire -- had followed through with Susan's idea, apparently with neither Susan nor Josh's realizing what either one was up to: "At [the Trial Lawyers College], Karton sought to remind the participants that judges are but humans, that they were lawyers as we, and, yes, before then they were once but little children." He called upon a ex-marine, a former sergeant in the Vietnam war to play the part of judge. He dressed this judge up in a pair of little panties and put a teddy bear in his arms. Then Karton called upon another participant to present his argument to the judge. There was spontaneous laughter from the audience. How silly, the judge, how ridiculous. That we should be intimidated by such a man, was unthinkable. But how was it that a tough Marine, by a few exterior accouterments of the child, was transformed in our vision from the fearsome jurist to the ridiculous child? That, then, is my final thought here. Why fear anyone who at one time wore diapers? Why, indeed? Jon Katz.

Posted by Jon Katz in Jon's news & views at 00:00

Comments can be a blessing or a curse. So many great thoughts come from commenters, and the conversations that we look for, beyond one person's POV, can be informative, enjoyable and fascinating.

But the ton of crap that comes along for the ride can be a nightmare. Between the constant spam, the blatantly offensive comments and the truly stupid ones, it can be a burden.

I read your posts everyday Jon, even though I may not comment, and appreciate the thought and effort that you put in, as well as the interesting subjects and thoughtful commentary. Please know that while I may not add to the conversation as I should, your work is appreciated.

Anonymous on Sep 22 2008, 05:39

Thanks, Scott, for your comment.

Fortunately, my comment spam blocker does a good job at keeping spam to a trickle.

When my blog first started, it was on regular webpublishing software and I did not have comment capacity. When I got blog software two years ago, I was not sure what to expect with comments. Fortunately, I've not needed to delete more than two comments the entire time I've had this blog. Keep on blogging. Jon

Anonymous on Oct 1 2008, 20:13