

# Publishing success builds on a community of lawyers

Legal publisher Smokeball is advertising big, and forging ahead. *LSJ* finds out why, and speaks to three practitioners who provide the content.

**T**HE NUMBERS AROUND Smokeball are impressive: in March, 1,350 new people registered with the online publisher, an offshoot of LEAP Legal Software, which caters for small practices that cannot afford to buy more traditional legal publications, and provides legal practice guides and precedents written by practising solicitors and barristers.

With more than 15,000 registrants altogether, since its start-up in 2008, general manager Jane Oxley says it's "expanding quite quickly".

"It's coming at legal publishing from a different angle – because it's all online, it's much cheaper and there are more and more publications all the time."

At last count, there were 135 practice guides on offer, written by 19 authors.

The publications – which cover most areas of the law – are, Oxley says, affordable, practice-based rather than academic, and accessible, starting at only \$90 initially and with small fees for updates.

Another attraction, which

brings huge amounts of traffic and goodwill, is that they offer free legal forms, at last count 9,628.

Smokeball's authors receive 50 per cent of the revenue generated by their publications, and, Oxley says, it offers great opportunities for lawyers to cement their place as know-

ledge leaders in their chosen area of law.

## **Tough audience**

When the GFC came along, Kalde & Associates Commercial Lawyers, like many other firms, downsized and laid off some staff.

Still, principal Eric Kalde had more free time than before, and writing for Smokeball seemed like a good idea.

"In the months that followed, I got busy pulling together my collection of legal documents, drawing them together with a narrative on how to use them.

I included tips and tricks I learned from experience. I had amassed a rather large collection of precedents over the years, and sent my first batch off in an email attachment to Smokeball, fingers crossed."

Lawyers, he knew, could be a tough audience, so he was thrilled when he received a call from Smokeball to say sales were good. The customer feedback, too, was useful and constructive.

Kalde, who has just submitted a practice guide on commercial leasing to Smokeball, also enjoys the camaraderie



**Anthony Jucha says writing is a welcome break from the cut and thrust of lawyering.**





PHOTOS: ERNEST FRATCZAK



with other writers who all gathered for an end-of-year dinner last year. Aside from the extra income, he feels it has raised his professional profile.

"I've actually had a couple of referrals from other lawyers through it. I understand mine have been quite popular. But it is a fair amount of work. I can't say I'd be quitting my legal practice ..."

Where it is most useful, he says, is for a practitioner, for example, who generally does commercial work and needs to do something specific such as a shareholders' agreement. Smokeball, Kalde said, could set you up not to deal only with that client, but with further cases in that realm. Someone purchasing a shareholder agreement might get three or four different versions.

Kalde points out that there is a difference between precedents and expertise. Using a precedent properly takes expertise. "I've had a couple of calls from members of the general public looking to create a legal document. They realise fairly early on that what they

need is the expertise, not the precedent."

#### Cornering the market

Anthony Jucha wants to corner the market for precedents for in-house lawyers. His work has only been online a few weeks, but, he says, he has made some money already. He also likes the idea of selling his intellectual property, as opposed to time.

That's not to say, however, that drafting precedents is for the fainthearted. The first batch took him between 100 and 200 hours – and, he says,

**Erica Taylor has found an outlet to explore issues, and indulge her thirst for knowledge.**

inside out.

"I would have spent I don't know how many hours agonising over a confidentiality clause, getting it perfect and now I think it's really good and it will serve me well."

Jucha says that while buying a document sight unseen is always risky, at least Smokeball's are fairly affordable and buyers know a lawyer has put their name to the document. Enterprising lawyers, he says, should be prepared to draw

Smokeball's main drafter for in-house lawyers."

Smokeball, he said, spends plenty on marketing, in turn providing people like him with a marketing opportunity.

It is also a way of networking, with something genuine and tangible underpinning it, something real you could put your name to, rather than just posting something empty on Twitter.

"Sharing precedents with lawyers who are friends, and publishing online is a good exercise, and sharpens skills. Ultimately, I think selling time is a mug's game. My new strategy is to sell intellectual property. I'm paid for time now, and get paid well for that, but it's relentless."

Jucha has arranged for his work on Smokeball to be peer-reviewed by lawyers from another firm, Optim Legal, before publication.

Also the author of "Lexcursions", a regular humour column for *LSJ*, he says there are, perhaps surprisingly,

**"You have to write tight. You might be conveying a dry message, but you have to do it clearly and snappily with an economy of words."**

after that initial spurt he will spend five or ten hours a month "tending" to them. "It takes a lot of work and time," he says. "But if you don't do it properly, it will end in disputes."

There are benefits, too, for his own practice: "Even if I'm not making a stack of cash yet, now I've made my precedents, I have these tools that I know

resources from anywhere, and all sources are complementary.

For him, writing is a good break from the cut and thrust. "There's no client hassling you, it's a quiet and peaceful task. I just sent off a few more precedents to Smokeball last week. I want to occupy the space and keep it, so I stay





**Eric Kalde says writing for Smokeball has raised his professional profile. He also enjoys the camaraderie.** PHOTO: ERNEST FRATCZAK

similarities between writing comedy and drafting precedents. "You have to write tight. You might be conveying a dry message, but you have to do it clearly and snappily with an economy of words."

#### Peer education

Commercial lawyer and

principal of lexicon:legal, a boutique commercial practice based in the north-west of Sydney, Erica Taylor has written a practice guide to commercial contracts. She likes the idea of practical peer education.

"I guess I've also found the whole traditional approach to

CLE or CPD a bit stale. You sign up for a seminar which may or may not cover the issues, and you can pay a lot of money and quite often might feel like you don't get what want out of it.

"I've felt that way when I've attended CLEs in the past, and I was interested in delivering learning materials to my peers in a different format: online, easily accessible and cost-effective."

Smokeball, Taylor says, also provides her with an outlet to explore issues, and indulge her "thirst for knowledge" in a structured way. She

likes the fact that, too, that it lets you retain your copyright and splits the proceeds handsomely with the authors, giving them 50 per cent, a more competitive rate than those of other commercial legal publishers.

Taylor says Smokeball is a very good entry point to refresh your legal knowledge and is pitched correctly to keep

practitioners abreast of developments. Publishing over the net is much more cost-effective than paper-based, and more accessible, and doesn't require reams of paper. "I think it's a fantastic complement to CLE and is especially beneficial for lawyers working in-house who may find access to other commercial legal publications prohibitively expensive.

"I have worked as an in-house lawyer, and when you require a few thousand dollars to subscribe to an essential legal resource, it can be difficult to justify that spend to a financial controller who might not otherwise see the value in the resource." Smokeball, she said, filled a gap.

She also likes the idea of a small revenue stream to complement her practice which is "going brilliantly" after what was not an easy ride, and full of ups and downs. Taylor has a three-year-old child and is finding her work incredibly rewarding and fulfilling. "People talk about that elusive thing work/life balance, and I think I'm getting close." □

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