The Legal Side of Blogging: How Not to get Sued, Fired, Arrested or Killed

By: Ruth Carter
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Over the past decade, the art of blogging has progressed over the Internet. The idea of standing on a digital soapbox: sharing ideas, fierce opinions, or new outlooks on life is appealing to the public; and people all over the world enjoy the forums for sharing these thoughts. Blogs provide an outlet to share and read about topics that one finds entertaining, important, educational, and sometimes ridiculous. Thanks to the First Amendment much of blog speech is protected, however not all speech is protected and there are many legal implications that come with authoring a blog. Ruth Carter’s The Legal Side of Blogging: How Not to get Sued, Fired, Arrested or Killed discusses the legal risks every blogger takes when they post to a blog. In this book, Ruth Carter, a licensed attorney and dedicated blogger, provides legal insight and gives direct answers to legal questions that every blogger should be aware of.

Ruth Carter is a passionate blogger who has blogged since 2009 for both her law firm and for herself. With her experience, The Legal Side of Blogging presents a book that gives individuals information they need to avoid problematic situations. Although her book was specifically written for bloggers, her lessons apply to not only the blog community but to social media sites like Facebook, Twitter, and media-sharing sites like YouTube and Flickr. Carter explains that both civil and criminal claims may rise as a
result of whatever a blogger posts by providing examples of such. Carter’s well-reasoned and well-researched material will make any blogger better prepared for any legal implications their blog may cause.

Even though the freedom of speech does exist, it does not mean bloggers can’t get sued, fired, or arrested. Carter opens *The Legal Side of Blogging* with a discussion of the risks and responsibilities individuals encounter with having a blog. She presents the reader with four important questions:

1) Don’t think your blog can get you sued? Talk to the guy paying thousands of dollars for copyright infringement for using someone’s picture in a post without permission.

2) Don’t think your blog can get you fired? Talk to the guy who was an at-will employee but now is applying for unemployment because his boss terminated him when she didn’t like his latest post.

3) Don’t think your blog can get you arrested? Talk to the guy who is sitting in jail because his latest rant constituted an illegal threat.

4) Don’t think your blog can get you killed? Think again.¹

With these scenarios in place, and the reader hooked on whether his blog is in danger, Carter then presents her first important legal lesson: Blogging and the First Amendment. In detail, she outlines the ins and outs of the First Amendment and many common misconceptions, specifically that the First Amendment does not protect all speech. She provides examples of unprotected speech and cautions bloggers to avoid dangerous language that could result as unprotected speech like threats. She outlines the importance of distinguishing between stating a fact and sharing an opinion. Now, with knowledge of the First Amendment, a blogger can begin to question whether his/her own posts are in danger.

Carter then jumps into the law focusing on copyright works. She breaks the subject down into several subtopics to not overload the reader with legal jargon. When she provides definitions, Carter specifically takes each word within the definition and provides further explanation. She outlines the Federal Copyright Act and what pieces of works are copyrightable. By discussing copyright rights, she informs the reader not only how he can infringe on another person’s rights but also how other’s can infringe on his copyright rights. The book also provides the reader the advice on how to protect his own work through copyright law.

One of the more valuable aspects of the book is that Carter does not just provide lists of ways people may break the law but she offers bloggers options to protect their blog through the law. She makes a point to not turn the law against the blogging world but also shows that the law can benefit bloggers. She teaches bloggers how to register their blogs at the Copyright Office. She does not just state the obvious and tell the reader to show up at the Copyright Officer and he will be all set but walks the reader through the step by step process he can expect. For example, if bloggers choose to register their blog, Carter tells bloggers that they must know whether they want to copyright an individual post on the blog or the entire complete blog. Knowing the rules of copyright law is important not only to protect the blogger from being sued but also to provide means for the blogger to express their original ideas with protection and expectation that others will not steal those ideas.

At this point through the book, Carter has provided the legal implications bloggers face with their own personal blog. The next part of *The Legal Side of Blogging*, discusses the relationship between bloggers and blogging for others as an employee or
independent contractor. When a blog post is a work made for hire, the blogger doesn’t own the copyright to the content but the employer does. As a blogger for hire, one’s work is no longer necessarily personal but also can represent the thoughts and opinions of the employer or company. This presents a unique responsibility for the blogger and Carter outlines this relationship and responsibility clearly.

After all of copyright law and blogging is covered, Carter explores blogging and trademark law. Like her approach with copyright law, Carter defines trademarks and the scope of protection offered to bloggers within the law. She also walks the reader through how to register a trademark and the trademark problems related to blogs. Similarly to copyright law, Carter informs the reader on the implications of trademark infringement and how it occurs. As always, Carter outlines the subject matter in a clear and concise manner and avoids confusing the reader with excessive legal language.

In the next part of her book, Carter tackles the subjects of defamation, invasion of privacy, intentional infliction of emotional distress, jurisdictional issues, and confidentiality. She dedicates a chapter to each issue and provides readers with a detailed outline the importance of each issue. Carter has the ability to take complex legal matters, such as, jurisdictional issues, and explains in laymen terms to a level that someone completely unfamiliar with the law would acquire a basic understanding. Once again, Ruth Carter uses her expertise in the law and intertwines it with blogging and provides examples, explanations, and discussions of numerous problematic situations that a blogger might face with every blog post whether it be personal or for an employer.

All of the topics covered thus far are very specific to how an individual might get sued because of blogging and Carter waits until the last part of her book to investigate
and answering the last three questions: getting fired because of blogging, getting arrested because of blogging, and even death by blogging. For purposes of getting fired because of one’s blog, Carter outlines not only the grounds needed to be fired because of the blog, but also the circumstances where it is illegal for a boss to discipline or fire an employee for a published blog. She warns against ranting online about certain information with regards to a job since certain speech can get an employee in grave trouble at his place of work. In regards to getting arrested because of blogging, Carter highlights the importance in avoiding threats of violence, threats against the president, cyber harassment, illegal sales, and solicitation on a blog. These are only several reasons an individual might get arrested for something posted on a blog. Unfortunately, death by blogging is a real thing and Carter discusses some of the situations where someone has been killed because of what he posted online. At first, an individual might think that Carter is being humorous with death by blogging but after reading the situations, bloggers are immediately made aware of the gruesome reality and the fact that their words can have morbid effects.

The best advice Carter shares with her readers in order to avoid having a blog used against its author is to only post information on a blog that the author would have no problem posting on the front page of a newspaper. She urges bloggers to operate their blog responsibly and to know the rules. Carter’s The Legal Side of Blogging provides a great starting point for all individuals interested in blogging and online publishing. Although it only provides some legal aspects that come with having a blog, Carter covers the major issues and explains these issues in great detail that is easy for any reader to understand. Any individual who is already an accomplished blogger or any individual
who is considering starting a blog should read Ruth Carter’s book and learn the ins and outs of blogging safely and avoid getting sued, fired, arrested, or even killed.