

### RISING STARS SPOTLIGHT

## DEFENDING THE BLOGOSPHERE

HOW ADAM BONIN SAFEGUARDED BLOGS FROM CAMPAIGN FINANCE LAW BY AMY KATES



When the Federal Election Commission (FEC) announced in 2005 that it was going to determine standards for applying campaign finance law to the Internet, Adam Bonin had a hunch. "The bloggers could be screwed by this," he says. "Just screwed."

Bonin learned about the importance of the Internet as a campaign tool while working on Joe Hoeffel's U.S. Senate bid in 2004. When a friend of his, Philadelphia blogger Duncan Black of *Eschaton* blog, realized how he and other political bloggers would be affected by the new rules, he helped recruit fellow bloggers Markos Moulitsas Zúniga, founder of *Daily Kos*, and Matt Stoller (MyDD.com) to the cause. Bonin represented all three pro bono before the FEC.

"There was language in early drafts of the rulemaking that would have forced all bloggers involved in politics, and certainly those involved in fundraising, to register with the federal government as political action committees, to disclose all of their activities to comply with record-keeping requirements ... some really outlandish, excessive stuff," Bonin says. "We maintained that the proper way to treat bloggers under the law was the same as how traditional media were already treated, which is that when a newspaper runs an editorial on behalf of a candidate or when a radio talk show host encourages fundraising on behalf of a candidate, that's exempt from campaign finance law."

Bonin, who's been a political junkie ever since "the only way to get political news was the thump of *The Philadelphia Inquirer* landing at the door," hoped the case would help raise his profile in the political legal arena—an area he wanted to add to his 9/11 litigation and other commercial litigation work at Cozen O'Connor. "I was hoping to be able to market myself as an expert," he says.

Turns out he marketed himself too well. "We had won so thoroughly that there wasn't much left for me to do as a lawyer," he says with a laugh. "There weren't going to be clients who needed me to navigate this space because the rules were clear and [bloggers] were exempt."

Soon, though, Bonin was landing clients outside of the blogosphere. "Local PACs, local candidates whom I worked with on a variety of campaign finance and election law matters. ... *Daily Kos* became a paying client as they grew," he says.

As the niche practice grew, it became clear that his work was incompatible with Cozen. "There were business conflicts that quite understandably came into play, which restricted my ability to add particular clients," Bonin says. "But I didn't want to be a political lawyer who wasn't practicing political law." So Cozen, whom he lauds for its entrepreneurial spirit and support, struck him a sweet deal: leave the firm but become a tenant, and retain clients on campaign finance, lobbying and related work.

Officially a solo act as of January 2012, business is good. "I don't think that I've had a typical day yet, especially right now, in the middle of election season," Bonin says. Although he's tight-lipped about his clients, he says a lot of his workload is advising them about ballot access issues. He also works in political compliance; federal, state and local campaign finance law; pay-to-play laws; and federal, state and local lobbying laws.

Bonin, a prolific political blogger in his own right—he sits on *Daily Kos*' masthead as a contributing writer and serves as its general counsel of litigation—has no aspirations to run for office. But if he does, he might have one serious VIP in his corner.

"Once he was just the guy teaching election law," Bonin says of Professor Barack Obama, whom he cites as an "engaged, smart teacher with a quick, sharp, sarcastic sense of humor." Bonin took two classes with Obama. "I did B+ level work," Bonin says. "I wasn't his favorite, although I saw him in 2004 when he came to Philadelphia to campaign for Hoeffel and in 2007 when he started his presidential campaign, and he remembered me both times." ■