What is virtual law practice?

- ✓ A virtual law office is a professional law practice that is located online through a secure portal and is accessible to both the client and the attorney anywhere the parties may access the Internet.
- ✓ Other terminology: virtual lawyering, VLO, virtual law firm, web-based or web-enabled law practice, online law practice, delivering legal services online.

Username:
Password:
LOGIN

eLawyering is...

"...all the ways in which lawyers can do their work using the Web and associated technologies. These include new ways to communicate and collaborate with clients, prospective clients and other lawyers, produce documents, settle disputes and manage legal knowledge.

Think of a lawyering verb – interview, investigate, counsel, draft, advocate, analyze, negotiate, manage and so forth – and there are corresponding electronic tools and techniques."

- Marc Lauritsen, co-chair, ABA eLawyering Task Force

Virtual law practice is not exclusively...

- ✓ an online website that sells legal documents without attorney review, such as LegalZoom and other web-based companies selling online legal forms
- ✓ a law firm website with an email "contact us for a free quote" form for prospective clients
- ✓ communication by email even if sent through a law firm's website
- ✓ a rented physical office that may be shared with other professionals along
 with a receptionist service
- ✓ **VPNs, extranets and other services**, such as GoToPC and LogMeIn
- ✓ a conglomeration of attorneys in remote locations pooling resources and communicating over the Internet
- ✓ a law practice based in a virtual reality world, such as Second Life

Benefits

- ✓ For the Public
 - Greater access to justice
 - Court systems and non-profit legal aid organizations already rely on cloud computing methods to deliver legal services online
 - Affordable and accessible legal services for lower and moderate income individuals
 - Pro-se litigants
 - Pro bono opportunities

Benefits

- ✓ For the Legal Professional
 - Main Benefits
 - Technology streamlines and automates the workflow allowing the attorney to focus on practicing law
 - Prevent malpractice through automated checks and processes
 - Lower overhead, less office waste, eco-friendly
 - Expanded client base, competitive advantage
 - Better quality of life through work/life balance and flexibility
 - As a transition method while meeting other personal and professional needs:
 - o To raise families
 - o To care for ill spouses or aging parents
 - o To ease into retirement
 - After layoffs, to start a solo practice or work while searching for another legal job

How Attorneys Use Virtual Law Offices

- ✓ Completely Web-based
 - Unbundled or limited legal services
- ✓ Integrated into a traditional law office
 - Unbundled and full-service



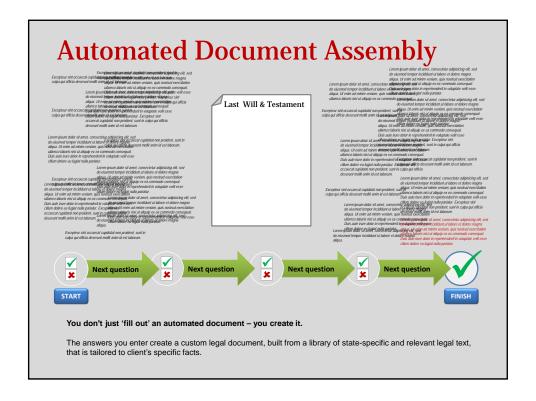
Unbundling Legal Services

- ✓ Break out tasks associated with a legal matter and provide the client with only specific portions of the legal work
- ✓ Clearly define for online client the nature and scope of unbundled legal services what will and will NOT be covered
- ✓ Provide comparisons/education for the client to make an informed judgment
- ✓ ABA Unbundling Resource Center <u>http://www.abanet.org/legalservices/</u>

 <u>delivery/delunbund.html</u>
- ✓ Serving the DIY Client ebook: www.virtuallawpractice.org

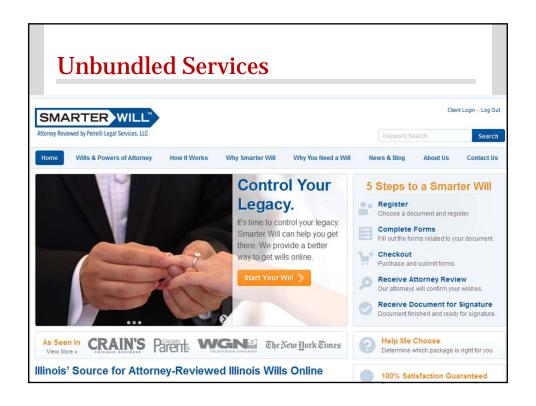
Online Document Assembly & Automation

- ✓ Automating document assembly for online clients
- ✓ Intuitive online forms
- ✓ Purchased directly by the client after attorney review or in conjunction with additional legal advice





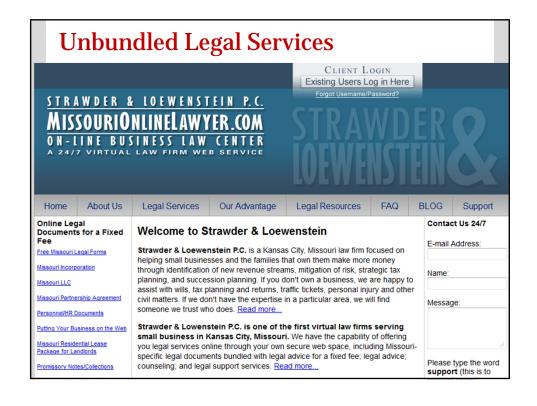


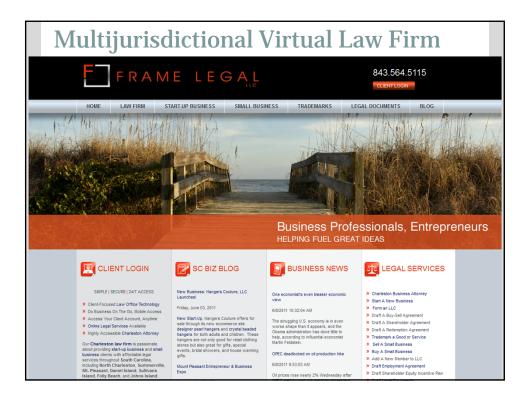




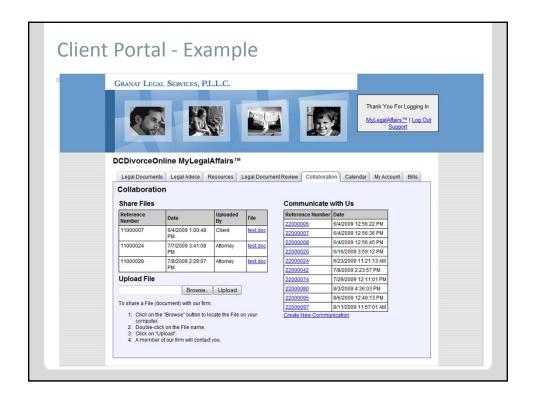


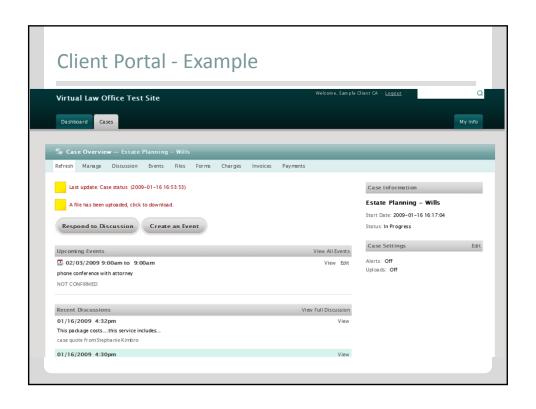


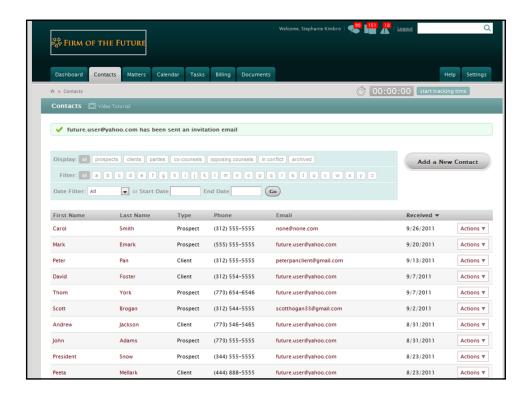












Practice Management Applications

- √ Case calendar
- ✓ Conflict of Interest checking
- ✓ Jurisdiction check to avoid UPL
- ✓ Document archiving
- \checkmark Billing and invoice management
- ✓ Online bill payment by credit card
- √ Case and client management
- ✓ Contact management
- ✓ Libraries: Files, Forms, Legal Research

Part Three: Ethical Issues

- ✓ Choosing the Technology and Researching the Provider
- √The Attorney's Daily Use of the Technology to Deliver Legal Services Online



Due Diligence & Reasonable Care

- ✓ Model Rule 1.6(a), "Confidentiality of Information"
 - Comment 17 provides that lawyers must "act competently" to safeguard confidential information and prevent it from going to unintended recipients during the transmission.
 - ✓ Most State Bars' Rules of Professional Responsibility have the "reasonable care" standard.
 - ✓ Conduct due diligence in researching both the provider and the technology application.

Research the SaaS Provider & Review the SLA

- ✓ Data return and retention policies
 - Transferring Data/Compatibility Issues
- √ Backups
 - Export features and/or offline versions of the software
- ✓ Third-party hosting
 - Server locations and geo-redundancy
- ✓ Response time/customer service and tech support
- ✓ Infrastructure to support growth
- ✓ Costs Subscriptions, what is included
- ✓ History of the company
 - Financial history or funding of company
- ✓ Current user reviews
- ✓ Infrastructure to support growth
- ✓ Membership in LCCA and/or ILTSO compliant
 - Legal vs. Public SaaS

Research the SaaS Provider & Review the SLA

- ✓ Confidentiality of law office data
 - Who has access?
 - Government and civil search and seizure actions
 - Breach of confidentiality unlimited liability for data breaches?
- ✓ RPC Rule 1.6(a), "Confidentiality of Information"
 - Comment 17 provides that lawyers must "act competently" to safeguard confidential information and prevent it from going to unintended recipients during the transmission.

For Guidance

- ✓ ILTSO Standards (April 2011): www.iltso.org
- ✓ Proposed NC FEO 6 (2011)
- ✓ PA FEO 2010-200 (2010)
- ✓ eLawyering Task Force Guidelines (2011)
- ✓ Law Society of British Columbia's Working Group Report on Cloud Computing (Summer 2011)
- ✓ Legal Cloud Computing Association (LCCA)

Ethics Considerations

- UPL
 - Multijurisdictional virtual law firms
 - Rule 5.5, regarding UPL and multijurisdictional law practice.
- Establishing the Online Attorney/Client Relationship
 - Rule 1.18, "Duties To Prospective Client"
- Defining the Scope of Online Representation
- Conflict of Interest
- Conflict of Laws

Ethics Considerations (cont)

- ✓ Authentication of Online Client's Identity
- ✓ Competency
- ✓ Confidentiality of Client Data
 - Safeguarding Client Property
 - Online storage and retention of client data
- ✓ Using Internet Tools to Build an Online Client Base
 - Rules 7.1–7.5 of Professional Conduct regarding advertising of legal services
- ✓ Online Payments
 - Trust Accounting & IOLTA Compliance

Minimize Risk

- ✓ It is the responsibility of the attorney operating a virtual law office to do the following:
 - Make the determination on a case by case basis:
 - Can I competently handle this legal matter online or does it require in-person representation?
 - Understand the technology and the security risks
 - Implement daily best practices for use of the technology