

LEGAL-SERVICE-ORIENTED ARCHITECTURE (LSOA) IN ELAWYER

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Abstract

Legal services have long been practiced under a monopolistic mode, face-to-face consultation between lawyers and clients being the prototype. Pervasive use of information systems provides the possibility for clients to access legal services in a more cost-effective way. eLawyer is an electronic system assisting lawyers to provide and clients to receive legal services. In this paper, I would like to introduce current development in the respect of eLawyer. In this paper, a broad outlook on legal service is applied, and I will give some basic ideas about how the eLawyer should be structured and operated, which parties are involved, what kind of relationship they have, what services they transact, and what limitations there are in eLawyer services.

Keywords: *eLawyer, information systems, legal services, Legal-Service-Oriented Architecture (LSOA)*

Introduction

Legal services have long been practiced under a monopolistic mode, face-to-face consultation between lawyers and clients being the prototype. Pervasive use of information systems provides the possibility for clients to access legal services in a more cost-effective way. Lawyers have to consider role-transformation and service-transformation. The clients' requirement for change and the lawyers' willingness to transform provide eLawyer with a sturdy foundation.

The term "eLawyer" can be loosely defined as an electronic system more or less assisting lawyers to provide and clients to receive legal services. In this paper, I would like to introduce current development in the respect of eLawyer. As a website, eAvocat's self-introduction states that, "eLawyer is a management application for a law firm using Internet technology and that allows besides an easy management and monitoring of a law firm, easy access from clients to their dossiers and documents." (URL: http://www.amorphys.com/company/news/The_eLawyer_presentation_website_is_online_.html). In this sense, eLawyer has sense in overall eservices industry and deserves research. Friedman (1999, 2001a, 2001b) dealt with providing legal advice to clients through the WWW. However, legal advice is only a part of overall legal services. In this paper, a broad outlook on legal service is applied, and I will give some basic ideas about how the eLawyer should be structured and operated, which parties are involved, what kind of relationship they have, what services they transact, and what limitations there are in eLawyer services.

Parties involved and interaction process

Parties involved

Legal service is purely a knowledge work, whether people nominate it or not. It is a process that the client, who was not trained to have sufficient legal knowledge and skills, acquires legal advices from the lawyer, who was trained to have sufficient legal knowledge and skills, by paying a very big sum of commission. It is so that no state in the world provides sufficient resources in

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training a great number of people to have sufficient legal knowledge to exercise law in the country. Only one in hundreds of thousands of people can be trained and granted a lawyer's qualification at the end of a long-lasting competitive procedure, and after she/he gets a license she/he can do so. Thus her/his knowledge and skills would be very expensive for potential clients to purchase and consume. Monopoly of resources in legal education lead to monopoly of knowledge and skills, and in turn leads to monopoly of market for legal services. One single lawyer cannot monopolize the market of legal services, yet the whole market is in fact monopolized by all the lawyers as a whole. This monopoly is usually supported by the state power. That's why this monopolistic status can be challenged by no one.

Unfortunately, unlike other services where people can create added-value by access to the existing market, transforming lawyer into eLawyer would not create more lawyers than before. eLawyer is operating in the old market and takes on a new outlook. It is not a force to change the monopolistic situation, but to simplify the process of human-human interaction which is a necessity in transaction of legal services. Similar transactions are prostitution, massage, medical operation, haircut, and so on. They are all examples of services that cannot be substituted by non-human-human interaction.

In this service, the two parties have different roles and status:

1. The service provider is lawyer (or in the name of attorney, solicitor, barrister, counselor-at-law, legal advisor, etc.). The transaction process of legal services can be simplified by adopting eLawyer. To search and hire a lawyer online save much of the client's offline attempt. Some kinds of or some parts of legal services can also be provided through eLawyer. Particularly, preparation for some kinds of legal forms can largely be submitted to the lawyer through eLawyer website, but the lawyer's personal involvement is still a must.

2. The service recipient may be plaintiff or pursuer, and defendant in civil and administrative cases; suspect or defendant in criminal cases; parties to the contract or agreement, and so on. All of these kinds of parties can be an individual, a group of individuals, or an organization, or a group of organizations.

Traditionally, relationship between the lawyer and the client is closely tied by human-human interaction. By eLawyer, the human-human interaction relationship between the lawyer and the client is only slightly intervened by the introduction of human-machine-human interaction.

Interaction process

In eLawyer services, a database of law might be grasped by the service provider. But access to the database is not necessarily a core service of eLawyer, because access to database itself could not constitute a part of legal advices. It can be said that law itself provides only general advices (proscriptions and prescriptions) to all citizens. But legal advices are those that targeted at detailed cases of the clients. Thus access to database of law does not constitute a core service of eLawyer, because a database is not a lawyer and no human-human interaction or even human-machine-human interaction is involved there. It can be seen as a human-machine interaction, a half interaction between human beings.

In practice, legal services are usually provided in particular situations, for example, in the court. When a lawsuit is heard in the court, at the moment, all parties must be present in person, or in special cases, at least the lawyer. So eLawyer has to go offline into the court, where the human-human interaction between the lawyer and the client is transformed into influential force over the human-human interaction between the client and the judge and the jury, so that the judge and the jury can have more knowledge about the situation of the client from a more professional point of view.

Beyond the introduction of the term stand-in-person, I reviewed and recognized that the previous thinking was limited to two extremes of legal services. One end is that legal services are

only provided as a kind of knowledge base for the clients through information system, without much effort of lawyers to assist them. A stand-in-person is not a must and never practically in charge of the service, once the legal database is ready for use. The other end is that legal services finally go to the field- mostly, a court. A stand-in-person become fully in charge of the entire service. Information systems are only assistance for building relationship between clients and lawyers.

Now, with the introduction of the term stand-in-person, I could further expand my discussion. That is, between the above extremes of legal services, there stand more forms of legal services that can be provided as composed of a proportion of automated computing and another proportion of stand-in-person intervention. Here, neither the automated computing nor the stand-in-person is completely responsible for the whole service. Rather than these two extreme forms, both automated computer and stand-in-person contribute to the establishment of relationship between clients and lawyers, to the maintenance of such a relationship, and to the fulfillment of the service object. During the process that lawyers collect commission and provide legal services to clients, clients pay commission to lawyers and accept legal services, information systems constitute a part of the human-human interaction.

Here is a case of eLawyer services provided as in a middle-of-the-way form. According to its self-introduction, LegalZoom.com was founded by attorneys who have worked at some of the most prestigious law firms in the US and have used their expertise to simplify the law and make it accessible for everyone. Many common legal matters, such as drafting a will, incorporating a business or filing a small claims action, are services that have a great market need, while most people do not want to spend the time, or the money to meet a lawyer. LegalZoom was designed to help clients quickly and affordably create estate planning documents, start a business, register a trademark and so on. From legal practice, preparation of legal documents and formalities is a service that is possible to be provided by lawyers with information systems to simplify the process, without the service quality being reduced.

As it is well known, traditional legal services have been solely a knowledge work. They could not be provided entirely without lawyers' personal intervention. In this sense, electronic legal services are at most substitute or supplementary to personal legal services. Thus in case there is any problematic situation, it is the only method for clients to seek help from stand-in-person, and for the lawyers to use their knowledge to resolve the problem.

The Self-service conception and eLawyer service

An ideal model of self-service may exclude any intervention of human elements from IT infrastructure. But other degrading models may involve less and less intervention of human efforts; at least, if there are any errors during the process of self-service, human intervention becomes necessary.

In order to give a broad understanding of the conception, we can look at a conspicuous example of Omenahotellit (Anckar and Patokorpi 2004). It is an idea that hotels are for the purposes of rest and sleeping, all other services, including entertainment, meeting and meal, being supplementary and thus being excluded from such hotels. Some supporting services, such as cleaning and security, are outsourced to specific companies. Beyond this, these hotels can be operated and managed by automated systems rather than any personnel. Exhibition of rooms, booking, payment, check-in and check-out are all realized through the Internet and terminals in the rooms. We can see a highly self-served model.

eLawyer, will not be as highly self-served as Omenahotellit. Legal services have a broad coverage and many different kinds of aspects, differing from consultancy that is highly dependent on knowledge of the lawyer to form-filling that is less dependent on knowledge of the lawyer (nonetheless the knowledge and intervention of the lawyer is still a must).

I think the difference comes from the processes and the results of different services. During the process of legal services, final decision-making is usually manipulated by official agencies but not lawyer or client. Thus the fulfillment of legal services does not mean that the client will realize her/his goal of buying the service. The lawyer has to do her/his best to use legal knowledge to assist the client to cater for the requirements of official agencies. Comparatively, in accommodation services there is not such a decision-making organ. Rather, accommodation services are decided solely by service provider and service consumer.

In addition, in the case of accommodation services, the results of some services have some extent of possibility of reversal and compensation. If there are some errors or faults, one party may give another party some kinds of pecuniary compensation and the other party may be satisfied by the money, additional services, or by finding services elsewhere. Legal services are different. If the clients failed in official decision-making because the lawyer did not provide qualified services, even if she/he gets compensation, she/he may not have an opportunity to get the same need met. Sometimes, the official decision may be final. Other times, the official decision may be appealed against and be reversed. But uncertainty of the final result is beyond the control of either the lawyer or the client.

Added value and compensation

Legal consultation is rather expensive all over the world. For example, in the US, hourly rates of attorneys are calculated by experience levels:

| | |
|-------------------------|-------|
| Experience | 06-07 |
| 20+ years | 425 |
| 11-19 years | 375 |
| 8-10 years | 305 |
| 4-7 years | 245 |
| 1-3 years | 205 |
| Paralegals & Law Clerks | 120 |

Source: United States Attorney's Office,
http://www.usdoj.gov/usao/dc/Divisions/Civil_Division/Laffey_Matrix_6.html

eLawyer service can reduce the attempt that the client searches, finds and hires a lawyer, and also reduce the attempt that the lawyer finds a client. The process of transaction in legal service can become simplified because of less transportation, communication, and face-to-face consultation. Most importantly, the expenses involved in face-to-face consultation are to be removed if no such consultation is involved, as in the case of LegalZoom.com.

The lawyer can collect compensation according to the complexity of the case, and the quantity and quality of the legal advices. For example, LegalZoom.com's incorporation service is priced according to three different kinds of packages:

The first is economy package, service of which is priced at \$139, covering basic incorporation preparation, such as preliminary clearance of your corporation's name, preparation and filing of Articles of Incorporation, customized corporate bylaws, including provisions protecting officers and directors from liability, and prepared resolutions of the first meeting of the Board of Directors.

The second is standard package, service of which is priced at \$239.00, covering basic incorporation preparation and some popular options, such as those included in the economy package, and Deluxe Corporate Kit embossed with your company name, official corporate seal,

twenty custom stock certificates with stock transfer ledger, Microsoft Accounting Express 2008, and medical expense plan forms.

The third is express gold package, service of which is priced at \$359.00, being a all-inclusive rush package, such as those included in the standard package, and priority rush service (7-10 business days); over 40 essential business forms on CD-ROM, including employment and independent contractor agreements; Federal Tax ID (EIN) application preparation; S Corporation election preparation; and second day FedEx shipping of final package.

It is said that the standard incorporation package was priced at about 1,480 US dollar by a lawyer. The primary cost of face-to-face consultation was saved because of provision of it as an eService.

Duration of the relationship

In eLawyer services, lawyer-client relationship can be diversified. In lawsuits, it is a kind of encounter relationship, that is to say, a short-term relationship. This kind of relationship expires when the procedure of the lawsuit is over. It is decided by a short-term demand and supply of legal services. For example, a suspect can only need a lawyer before his innocence is cleared or his conviction takes effect. Further interaction is only possible when relationship is established on new demand and new supply. But between the client and the counselor-in-law, it might be a long-term relationship. It is decided by a long-term demand and supply of legal services. For example, enterprises usually employ such long-term counselors-in-law.

eLawyer services are more valuable in encounter relationship. The client search, find and hire a lawyer only when she/he needs one (for example, <http://www.legalzoom.com>). Online availability of lawyers' profiles specialized in certain areas can be of special interest for the client in need. High-profile lawyers can have more competitive advantage over their low-profile counterparts in obtaining potential clients.

In long-term legal services, eLawyer service can also be valuable in reducing unnecessary face-to-face interactions between the client and the lawyer. This in turn creates a possibility to reduce counseling time and costs by taking advantage of counselor-in-law's familiarity of the enterprise's business and interests.

Roles of lawyer and client in service chain

The service chain involving the lawyer and the client is more complicated than any other service chains. There are special marketing procedures. In service chain, the following table can well illustrate the roles of the lawyer and the client:

| Stage | Lawyer | Client |
|--------------------------|---|---|
| Marketing | Advertisements, free answers to questions, FAQ, Pricing standard, past experience (case study), partners and customers | Inquiring regarding basic information about the products and services provided |
| Negotiation | Describing capacity of the firm for relevant services | Describing service needed, providing necessary information about the service |
| Contract | Acting as a service provider | Acting as a service consumer |
| Performance and delivery | Preparing legal documents according to information provided by client, appearing in court or other judicial agencies with client, as an independent legal knowledge worker, but representing interest of the client | Submitting legal documents prepared by the lawyer to official organs, appearing in court or other judicial agencies with lawyer |

| | | |
|--------------------------|--|--|
| Follow-up and evaluation | In general, the result is subject to official decision. The standard for whether the service provided is qualified is not based on whether the official decision supports the client's request. But if the client's goal is not reached, the client may claim the service unsatisfied by providing enough evidences. | In general, the result is subject to official decision. The standard for whether the service provided is qualified is not based on whether the official decision supports the client's request. But if the client's goal is not reached, the client may claim the service unsatisfied by providing enough evidences. |
| Invoice and payment | Holding the right to invoice | Having the liability to pay |
| Post-marketing | After client accepts the service, the contract fulfilled; if the client is unsatisfied, may refund. | Satisfied with services, the contract fulfilled; unsatisfied with services, requesting a refund for service fee but not official charges |

Legal-Service-Oriented Architecture (LSOA)?

Now we are turning to the concept of SOA. I will not say much about how a LSOA looks like, rather, I think there is a critical factor influencing the basic orientation of a LSOA. Legal service has much specific elements absent in many other kinds of services. In considering designing or building a LSOA, these specific elements must be emphasized.

1. Legal service providers are mostly individual lawyers working in person. Even if they are legally organized, they deal with single cases with individuals' knowledge, skills, and experience. No substitute has yet been innovated in the world. The development of legal informatics did not liberate lawyers from physical work. Under such circumstances, the LSOA could not be built as an entirely automated system, which would simply not work.

2. Legal framework is the basis of legal services. However, legal framework, including laws and regulations, cases and decisions, is frequently changing with the development of many relevant factors in society. The LSOA shall have sufficient flexibility to adapt to new, fast and frequent changes in legal framework. Certainly, the central concern is for lawyers to learn new knowledge, skills and to have new experience.

3. Perception of facts in each individual case is a process of precise communication between clients and lawyers. Traditional face-to-face communication was and still is the most important means for clients to clarify facts to lawyers. Whenever lawyers have suspect about facts, clients shall provide detailed information. New ways of communication under LSOA must guarantee correct convey of information from clients to lawyers, or else it would lead to failure of the service.

4. Legal service requires particular trust and security. In all services, customers usually need to provide some information for maximizing their interests and benefits. Legal service is not an exception. But there are different concerns about privacy and security. For example, a criminal suspect might tell a lawyer all the details of his/her criminal act. The lawyer does not have the responsibility to provide a court with those details that are unfavorable for the criminal suspect, but to provide those favorable details. On the contrary, the lawyer has the obligation to keep those bad evidences secret. A successful LSOA must guarantee secured trust.

Limited possibilities

Unlike many other kinds of services, legal services are heavily based on human-human interaction, within which the lawyer provides legal advices to the client strictly according to

disputes and law. At least two parties, the lawyer and the client, are involved in the process. At least two kinds of knowledge, knowledge about the fact, and knowledge about law, form the basis of the interaction. Sometimes more parties are involved in the process and more respects of knowledge are necessary. Most importantly, the process of transmitting legal advices is usually undergoing a dynamic process, in which the client continuously supplements new situations that the lawyers must take into account, and in which some other parties continuously challenge the existing knowledge about fact stated by the client and the existing legal advice stated by the lawyer. Any other interaction cannot substitute the whole complex of human-human interaction, but, to a maximum extent, only part of it. From this point of view, we cannot expect that eLawyer completely exercises the functions of a lawyer.

Another factor that makes client-lawyer relationship special is that the lawyer is hired by the client. It means that the client only buys services from the lawyer within the scope of their contractual clauses. That the client buys is neither the personality of the lawyer, nor the whole knowledge and whole ability of the lawyer, nor something else physically perceivable. This relationship poses the lawyer as a special existence: on one hand, she/he stands with the client, independent of other parties; but on the other hand, she/he stands independent of the client, serving the client with her/his legal knowledge and skills. Thus the transaction of the legal service cannot be made through transfer a package and so on. In most cases, eLawyer might help to simplify the arrangement of human-human interaction by introducing a knowledge-based machine intermediary.

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