

Internet Newsletter for Lawyers

By Delia Venables

March/April 2004

On other pages....

<i>Jurisdiction on the Internet - Where to Sue?</i> by Sinead Morgan	2
<i>Lawyers Like BlackBerries</i> Patrick Ryan	3
Jonathan Fox	4
Jennifer Buckle	5
<i>Theory Meets Real Life in the Legal Library</i> by Julia Bragg	6
<i>Developments at Legalease</i> by Mark Cusick	7
<i>Foul Play or Fair Game</i> by Daniel Doherty	7
<i>The Inevitable Decline of Traditional Legal Publishing</i> by Russell Shepherd	8
<i>Landlord-Law Online (Selling Legal Services Online)</i> by Tessa Shepperson	9
<i>What's On My Bookshelf</i> by Jeremy Holt	10
<i>Money Laundering</i> by Michael Kaye	11
<i>Latest Specialised Sites</i>	11

Scottish Firms Work Together to Provide a Legal Knowledge Data Base

A very interesting development is taking place north of the border involving firms working together in a way as yet unknown in the rest of the UK.

Legal Data Solutions (www.legaldatasolutions.co.uk) is a company in Scotland founded by two solicitors from Orkney which has managed to bring together 15 of the major firms in Scotland to share in the content provision for a new database of Scottish law. The database is then embedded into the websites of the contributing firms which choose to do so, and other firms. Corporate bodies can also licence the database without being part of the development process. There is a demonstration on the Legal Data Solutions site and the database can also be viewed on many of the participating firms' own sites.

The contributing firms are as follows and the list shows which firms have already embedded the database in their own site and the name they have given it:

Anderson Strathern (<i>Knowledgebase</i>)	Balfour & Manson (<i>Legal Online Resource</i>)
Bishops	Burness
Harper Macleod	Ledingham Chalmers
Lindsays (<i>Information Zone</i>)	Maclay Murray Spens
MacRoberts	Morton Fraser
Murray Beith Murray (<i>Knowledge</i>)	Ross Harper (<i>Legal Data Base</i>)
Shepherd+ Wedderburn	Tods Murray (<i>Knowledge Bank</i>)
Turcan Connell	(see www.venables.co.uk/n0403ste.htm for web addresses).

The different names, and the different branding for each firm is part of the attraction of the scheme since the firms can feel that the database is "theirs". Jameson & Mackay (*Legal Info*) is the first non-content providing firm to license the database for their site.

The Law of Scotland has been broken down into 14 Categories of information. Each Category is then broken down into Sub-Categories and Base Categories, creating a simple hierarchical information tree. The actual information itself is contained within each Base Category in the form of a simple "Answer", a more detailed "Factsheet" or a simple "Document". Most of the information comes in the form of "Answers" all of which are free to view. Professional support information for law firms is shortly to be added to the system.

Legal Data Solutions, based in Livingston, was set up in July 2002 with funding of £650,000 from a number of bodies. They are now also in consultation with a number of leading English firms to develop a version for England and Wales.

Here are some questions I put to Chief Executive Roy Flett.

Delia. How did you go about getting the 15 firms to collaborate with you? And were there others which declined?

Roy. The benefits of the system were explained to the firms concerned and, in seeing those, they agreed to become Content Providers. However, since this had never been done before, it took time to convince some of them, though others did commit quickly. It is also true to say that some of those firms which ultimately signed up to be Content Providers declined in the first instance. Yes, a few did finally decline though they turned out to be in the minority, and discussions with some of those continue.

Delia. How are you dividing the input between the firms - is it one topic each?

Roy. For a database such as this to have credibility in the marketplace, the information has to be of the highest quality. Firms were not chosen at random but rather on the back of the experience in the areas where they contribute. The input is not divided up quite as simply as topic by topic though, broadly, that is correct.

Read the Newsletter
on the web at
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n0403ste.htm](http://www.venables.co.uk/n0403ste.htm)

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To give some examples, most of the Business & Organisations Category (with some small exceptions) is being written by Maclay Murray & Spens, though within that you will find a Sub-Category on Charities which has been written by Lindsays. Elsewhere for example, you will find the Work & Employment Category has been written by MacRoberts, while the Wills & Trusts Category has been written by Murray Beith Murray. The Criminal and Legal Aid Categories have been written by Ross Harper and so on.

Delia. I gather that you developed a "content delivery system" to manage the input of new information. Presumably, the firms use this to keep it up to date.

Roy. Yes, the software allows the firms to input content online into the editorial system. Our Editor takes charge of it at our end and it passes backwards and forwards (in reality, very few times) before the content is finally approved and digitally signed off by the Content Providing firm. All firms have found the system easy to use. It allows for regular updating and indeed, all Content Providing firms are obliged to keep the legal information up to date within an agreed period.

Delia. What is the attitude of the Scottish Law Society?

Roy. The Law Society of Scotland has been very helpful and supportive. Their chief executive, Douglas Mill, has described the database as "an invaluable tool which will allow firms to provide their clients with a valuable legal service in an increasingly competitive marketplace".

Delia. What about CLS - any connections there?

Roy. Not at the moment, not least as the CLS applies to England & Wales. Orkell Plus, the name of the Legal Data Solutions populated legal database, is multi-jurisdictional in nature but applies only to the Scottish legal jurisdiction at this time. (We had to start somewhere!) However, we intend to replicate the process in England & Wales next.

Delia. Although you mention Factsheets and Documents in your literature, I did not come across any in my own 'tour' - can you give me some examples of these?

Roy. The bulk of the information in the first instance does comprise (Questions and) Answers. Those were our first priority when populating the system while Documents were always going to follow. There are over 3,500 Answers in the system and over 170 Factsheets.

For example, if you look at the Murray Beith site, click on Knowledge on the home page, click on Knowledge Categories, Wills & Trusts, Wills, Making a Will, you will find a couple of Factsheets (F) and a Document (D) at the bottom of the list. While Answers are all free to view, many of the Factsheets and Documents require either a modest payment or special access permissions from the firm involved in order to view them. You will however, see a synopsis describing the item.

Delia. You have had considerable funding for this initiative so presumably there has to be an income at some point. Do you charge the firms for the use of the database?

Roy. Yes, while we believe we are providing a genuinely useful and unique service that will provide considerable benefits to people, we are not a charity and our investors are certainly looking for a return. We charge Licensee firms an annual fee for their database licence, though Content Providing firms receive a substantial discount. Importantly, the licence fee structure has been designed to make Orkell Plus affordable to law firms of all sizes from the one-man band, to the 100+ partner firm.

Email roy@legaldatasolutions.co.uk.

Comments from the Firms

I contacted several of the firms involved and asked for their comments. They were all very positive about the project and they felt that Legal Data Solutions had done a good job in "pushing" for the content on a regular basis and ensuring that it is of good quality. All the firms felt that the quality of the database was enhancing their own websites and providing them with up to date information in a way that would be impossible for them to achieve on their own.

One firm said that collaboration between law firms is going to become increasingly important and likened the project, in this context, to the collaboration of Property Agents in the Solicitors Property Centres.

Although there is an element of altruism in the project in providing good legal information without charge, most firms also feel they will benefit from viewers who need specific advice rather than general information and become clients.

One of the smaller firms, Jameson Mackay, was pleased that the database would show clients that you do not have to be a large City-based firm to provide a good service - an interesting reason for small firms to get involved.

Yuill & Kyle Offers Firms a CreditToolbox

Here is another initiative from Scotland - a product which can be embedded in other firms' own websites, with their own branding. Yuill & Kyle (see www.debtsotland.com) are debt recovery and credit control specialists in Glasgow who have developed a series of downloadable documents including demand letters which automatically include any interest and collection costs due. Regularly updated news on debt recovery and credit control is also provided. Email Stephen Cowan scowan@yuill-kyle.co.uk.

Jurisdiction on the Internet - Where to Sue? by Sinead Morgan

Due to the borderless nature of the internet, issues of liability and jurisdiction are fraught with difficulty. Despite the fact that e-commerce is experiencing incredible growth on a global scale, European states have not yet dealt clearly with the question of which court to try the defendant in a dispute which arises out of an online transaction. In direct comparison with the European situation the US courts have succeeded in establishing a strong framework of case law in relation to this issue. In this article I propose to examine European legislation on this issue and look to US caselaw to determine if we can draw from their experience in order to deal with on-line disputes in a practical and commercially workable manner.

This substantial and informative article can be downloaded as a Microsoft Word document from the web version of the newsletter - see www.venables.co.uk/n0403ste.htm.

Sinead Morgan completed a commerce and law degree in National University of Ireland, Galway and a Masters in International Commercial Law (specialising in IP law) in Queen Mary and Westfield College, London. She trained in BCM Hanby Wallace and qualified in 1999, continuing to work there in the employment law department before heading off to Australia to gain legal experience in Minter Ellison as a senior paralegal. She took a career break to travel around Australia and Asia before returning to Ireland and is presently working in finance, seeking a legal post. Email sineadamorgan@yahoo.com.

Lawyers Like BlackBerries (Case Studies)

Basic Information

A BlackBerry is a small handheld device for sending and receiving emails on the move. It can also be used as a mobile phone and general "personal digital assistant" (PDA) with calendar, contact list and text facilities.

The emails come in to the device without the user having to do anything ("always on, always connected") due to the built-in wireless modem.

The BlackBerry is made by a Canadian company called Research In Motion (RIM) and they can be purchased from the mobile phone carriers, Vodafone, O2 and T-Mobile, or from resellers, such as Isis Telecommunications.

To integrate with the main firm's or chambers' system, a "BlackBerry Enterprise Server" (BES) is run on the network. The BES server encrypts arriving emails and sends them on to the users "on the move". Emails prepared by these users are sent back to the BES (encrypted by the BlackBerry) and sent out from the main system in the normal way. The BES cost depends upon the size of the organisation and what "deals" are available but it typically costs around £2,500 plus the cost of the computer.

The purchase cost of the device is typically £200 to £300, depending on the model and the additional features required by the user. There is also a charge of around £30 per user per month to Vodafone, O2 or T-Mobile, which operate the respective wireless networks.

Another version of the service is available for individuals, using an ISP; in this situation, the service is not "push email" and is not encrypted but the device automatically rings into the server every 15 minutes to collect the mail.

Other applications are available on the BlackBerry, including time recording, expenses recording, billing and financial information alerts.

Patrick Ryan of Kilroys

Kilroys is a medium sized commercial law firm in Dublin representing a broad spectrum of Irish and international clients, primarily in the Financial Services, ICT, Insurance, Motor Distribution and General Commercial sectors.

Most law firms of any size now use email and it has grown to become a critical business communication tool for most if not all law firms both large and small. This is certainly the case for our firm.

But don't you need a PC, or laptop, or the latest mobile phone to send and receive email? What do you do when you are on the move, in a train, a taxi or in an airport or waiting to take a meeting out of the office? This is "dead

time" in terms of sending and receiving mail and this is where, in my opinion, the BlackBerry comes in to its own.

In simple terms it is an "always on" mobile email device that links users to their networks remotely.

We initially looked at the BlackBerry about two years ago and we were very impressed by its "always on" wireless functionality. However we were put off by the cost of the individual units and the monthly tariff structure so we did not proceed with its deployment.

We looked at it again about twelve months ago when the unit price had dropped to 240 euros although the monthly charge remained high, in our view, at 60 euros per unit per month. (We pay this to O2 Communications (Ireland) Limited, the operator of the communications network).

We took some units on trial for a month. Within that period we became convinced that we could benefit from it notwithstanding our reservations about the level of charges.

Five of our lawyers have been using the BlackBerry for about a year now, very successfully, and our experience has been very positive overall.

We can send and receive email while on the move which allows us to keep in touch with essential client and internal office communications. It has proved to be a useful alternative means of communication to our mobile phones. We can also check our appointments calendar because the device replicates with our desktop calendar automatically.

That said we are not probably not using them to their full potential, e.g. we do not use them to send and receive document attachments. This is mainly due to the fact that we have found the screen size and keyboard to be quite limiting and neither would facilitate ease of working with documents of any length in the manner that a laptop would.

In essence you type using both thumbs and strange as this may sound you do become quite used to this quite quickly. It is quite useable for typing reasonably short messages.

We are also not using the devices for mobile phones yet although we do make some savings in our mobile phone charges since we often now send an email (which does not incur additional charges since it is on a fixed monthly charge) instead of phoning.

The BlackBerry is not a full substitute for a laptop but if you need a mobile email and calendar device then it is an excellent piece of technology.

Each device can connect to the user's PC by means of a small desktop docking cradle, which allows it to replicate with the user's email platform and desktop calendar. It also operates to recharge the battery. The details of your email address book are automatically replicated to the device, as are any updates that you make.



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Typically you would carry the device in a cradle that clips to your belt in the same way that you would with a mobile phone. The device is not heavy. A discrete vibration alert notifies you of incoming messages.

A wheel embedded within the side of the device facilitates navigation between the various functions and I have found this to be both very easy and intuitive to use.

On receiving an email notification, you press this wheel, which prompts you to "open" the message. If you press the wheel again the email then opens up on screen and having read it when you press the wheel once more, you receive a prompt to "reply". You can save the message, forward it or delete it.

If you press the wheel to reply, a message screen automatically opens with the sender's original message and email address inserted for you to reply to. Having written your message (and you would be amazed how proficient you can become with both thumbs) on pressing the wheel again you are prompted to "send" your message which you can do by simply clicking the wheel once more.

Its other main function that we use to great effect is the calendar function. Any appointment entered in our individual PC calendar will automatically replicate to our individual BlackBerry. Similarly any entry on our individual BlackBerry calendar will replicate automatically to our desktop PC.

The battery life is quite good and in stand by mode it will usually last several days. If used heavily the battery will typically discharge within 4 to 6 hours. The device has a backlit screen function, which allows you to read your messages in poor light conditions although I have found that it is not that suitable for prolonged use.

My colleagues and I have found it to be a very useful communications tool. It has allowed us to use the "dead time" that I mentioned earlier to send and receive emails and to make and check calendar entries.

Our clients now quite like knowing that when any of us are out of the office they can still send us an email, which they know we will receive while we are away from our desks. This gives them an alternative to leaving detailed messages or to trying to contact us by mobile phone.

We found the implementation to be very straightforward, reasonably inexpensive and thus far, trouble free. Our IT supplier is a reseller of the BlackBerry so they looked after the full implementation for us.

All communication is encrypted so it is very secure and each device is password protected. That said if you lose it and it is switched on the finder would have access to your email until the device is locked out so you do need to take care. If it is switched off it cannot be activated unless the password is keyed in. After three attempts you are locked out in the same way as with your mobile phone.

In my view this is not a device just for the bigger commercial law firms. Any lawyer who spends any time away from the office and who needs to be able to communicate by email with clients and the office will find this device to be a very useful business tool. I would recommend it highly.

Patrick Ryan is a partner of Kilroys (see www.kilroys.ie), practising primarily in the areas of e-business, information technology, telecommunications and public tendering law. Email pryan@kilroys.ie.

Jonathan Fox of Collyer-Bristow

Collyer Bristow is a 27 partner firm based in London which has been providing legal advice to a wide variety of both private and commercial clients for over 270 years.

We introduced BlackBerries following the problems we were experiencing keeping in contact with some of our partners and fee-earners as they were travelling to visit clients, particularly those abroad. We are in a number of relationships with clients where we provide secondees to assist their businesses and we have had difficulties in connecting our laptops into multi-nationals' networks. That is where the BlackBerry has come into its own.

Different lawyers use the device in different ways. I like to think that most of the people in this firm who are using the Blackberries are those that really operate a 24hr practice. There are also those people that find it difficult to switch off, where the device manages to take a great deal of stress out of their lives, by letting them know what is going on at a time when they are out of the office. Basically it is their "office in their pocket". Interestingly, we have had some very positive comments from clients about emails being responded to promptly, indicating that it says something very good about the firm, that we are leading edge etc.

The costs are minimal. The units themselves are about £50 each and then there is a monthly charge of £30 regardless of use. We do not currently use them as phones, but we are looking at the costs associated with merging mobile phone and BlackBerry technology. We are also investigating time recording on the device and O2 are helping us with this.

The skills that are needed are very basic. It is extremely easy to navigate around the main screen and whilst the keyboard is a little small, basic emails can be sent and most attachments can be opened. We have experienced some problems with password protected attachments and one or two other specialist pieces of software including our Axxia time recording system and Zeta fax, which unfortunately (as yet) do not interact with the technology.

In terms of the changes to the network that are required, it is very basic stuff with the software just being loaded onto the server. In terms of costs, providing the figures stack up, then most providers are prepared to install the software for no charge, but if numbers are low, then I think it is someone in the region of £1,000 to get things up and running.

Most firms should have the expertise needed already within their IT teams. It is pretty basic stuff and we were up and running within 24 hours.

I asked for feedback from my group and got a good response. Here are some of the comments I received:

"It is great when you are going on trips abroad. One does not have to take the heavy laptop for email or go through the fuss of making the connection".

"When I am on the move, I can deal with my emails when waiting in a reception area to start an appointment, or at the airport or train station, or on the train itself."

"Having been out of the office for a day, then typically, the next morning I would have had to spend an hour going through my emails. Instead, with the BlackBerry, I will have done this whilst on the move the previous day".

"The greatest plus point is convenience. It is in my pocket and I can use it at anytime, just like that".

"Having the calendar on the Blackberry is a great advantage when I am out and about and I want to make appointments. It avoids having to telephone the office".

"My entire database is on the Blackberry and I can gain access to phone numbers without having to call the office and ask my secretary for the number".

"It gives a very good image to clients and others. It shows that we are modern and contactable".

Laptops still have a place in what we do. However, for the price of a laptop you can kit out your whole "sales force" with mobile connections.

Once returning to the office, the simple little cradle that connects to the network, synchronises the two machines.

One downside though, is that certain items sent and deleted on the Blackberry do not appear on the main screen, so you do have to be carefully that you keep copies of things that you have sent, when you are out and about.

In terms of security, there are always problems with small devices and it also seems that, the smaller the device, the more easily it is damaged. I remember one of my first Nokia mobile phones being practically indestructible and phones now seem to break as soon as you drop them.

The BlackBerry is fairly robust and I have dropped mine on a number of occasions without problems. There is the danger that they are left on trains or in airports and we have got a security pin code entry system to keep people out, but if the device is lost while in "on" mode then individuals would have access to our network. The BlackBerries can be controlled centrally, so as soon as somebody notices that there is a problem, then access can be denied. As a firm, we are very conscious about security and we treat it very seriously when things go wrong. However, so far, we have had no problems at all with security, loss of equipment or indeed breakdown.

In terms of the time saving, then it depends on how the person operates. For our busiest Partners I think it is saving around an hour per day. If we are able to sort out our emails and order our lives before we enter the office, then we can get straight into fee earning work when we arrive.

Having a piece of equipment like this sends out a good message to clients and indeed potential clients. I attended a meeting with a good client of ours recently and, within 15 minutes of leaving, I had been able to email a detailed note to one of my fee earners to sort out one of the problems and also send a thank-you to the client for spending the time with me. The client was amazed that we were able to do this. This kind of thing makes a very good impression.

We are still trialling the system. The good thing though is that centrally I am able to see who is actually using the device and who is not. These are not toys, they are proper business tools and they should be used accordingly. I think it is likely that we will have a number of these devices for those Partners and fee earners who are out and about and probably have one or two "pool" devices per group. If we merge our mobile phones with our BlackBerries, then that becomes a different story.

Jonathan Fox is the Chief Executive of Collyer Bristow (www.collyerbristow.com).

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Jennifer Buckle, Sole Practitioner

I have the service where you pick up messages via T-Mobile. This is ideal for the sole practitioner who needs to keep in touch. The cost of a BlackBerry 7230 (the colour version) is about £145 plus VAT and the monthly charge is £13.50. This allows you to have e-mails forwarded to you from several accounts if you wish.

My BlackBerry worked well in Italy and saved me the bother of having to go in search of an internet cafe whilst on holiday. It did not work in Lithuania but I would have been rather surprised if it had!

I have been looking for something like this for years. I tried an O2 XDA but found it very difficult to access emails, it didn't work more times than it actually worked. The BlackBerry is far better for simple communication on the move and can be used as a phone as well. The applications that come as standard on it are pretty useless but the "always on" email facility is great.

Jennifer Buckle is a solicitor. She ran an employment law practice as a sole practitioner and is now a Tribunal Chairman. Email jennifer.buckle@ntlworld.com.

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Westlaw^{UK}
From Sweet & Maxwell

Theory Meets Real Life in the Legal Library by Julia Bragg

In June 2003 I graduated with a degree in Information and Library Management. I had been a mature student with some years of unqualified experience in legal libraries. My first job following graduation is as solo law librarian for Mace & Jones (www.maceandjones.com), a broad based regional firm of solicitors with about 100 fee earners. The Head Office is in Liverpool and there is a large office in Manchester and two other branch offices in the North West. My brief is to catalogue the firm's scattered resources collection onto a library management system, to support and develop the use of their electronic/online resources and generally to develop a library service. Having spent the previous few years learning about all the latest Information and Communications Technology (ICT) developments in the library world this seemed like an exciting challenge.

So how has all the theory worked in real life, starting with the fundamental theory of Library Resources Management? The academic study of "collection management" and "enquiry service" gives a useful framework on which to base these tasks. The hardest part of enquiry work in real life is conducting an enquiry interview impersonally by email since it is not easy to pin down precise requirements without a spoken discussion.

"Collection Management" now includes the management of electronic resources, with all the complexities of licensing and VAT. There is, however, little training in negotiating with suppliers on a university course, so I was lucky to have my previous work experience for this part of the job.

Another part of the university experience is the excellent library and departmental Intranet pages which, as a student user, I greatly appreciated, so I have made it a high priority to develop the library on the firm's Intranet. Getting users to visit the site is harder. I can foresee a need for some marketing of the library and more training in its services in the future.

Installing a Library Management System

Buying and installing a library management system is a specific one off project and I have tried to conduct the project in line with the theoretical models of good project management. A library management system computerises the catalogue of a collection, so that wherever a fee earner is sited they can go to the library on the Intranet, search the firm's catalogue and locate a book, electronic resource or piece of knowhow wherever it may be in the firm. In the case of an online resource they can just click on the link. For a librarian a library management system also has many useful housekeeping features such as serials management.

Having already reviewed library management systems in my University course, I was in a strong position to find the most appropriate system for the size of firm in which I am employed. There are some huge systems available, used by a number of the major law firms but well out of the price range of more medium sized firms. However, there are a handful of more affordable systems and deciding which was best for this particular situation needed careful consideration as, although the final decision as to which system to purchase was ultimately taken by the project team, my recommendations carried considerable weight.

Alongside this initial appraisal of different types of system, I was stocktaking, auditing and classifying each department in readiness for loading onto the system. I had to decide upon a classification scheme, devise a location code and identify an appropriate keyword taxonomy.

All of these had to be loadable onto a library management system. In mid December we finally took delivery of our chosen system. With hindsight, taking delivery at the peak serials renewals time, and with the long Christmas break approaching, was not ideal. It did, however, fit in with the IT department's work schedules. Close co-operation with IT is crucial with such a project and particularly at the installation stage.

I am now working through the construction phase, learning my way round the system and loading data as quickly as I can. I have found it impossible to stick to my original time scales. As with all library housekeeping tasks, the work has to fit around the first priority of responding to users' needs. A hectic day of responding to enquiries or trouble shooting problems can soon play havoc with the best laid plans. Theoretical models have to compromise in 'Real Life', though it is helpful to perceive a task within such a model. It gives the task a focus, even if it cannot be rigidly adhered to. The theoretical study of project management also gives a good idea of potential pitfalls so there is more chance of avoiding them or managing them effectively.

Electronic/Online Resources

Keen to ensure currency of information, my employers subscribe to a variety of electronic/online resources, some firm wide and others subject specific. Developing the use of these online resources has required more teaching skills than were taught on a library management course but fortunately my employers have a full time trainer with whom I work closely to deliver training to users. In this sphere of my work I could certainly have done with more in depth theory training, though it is difficult to see how it could be fitted in to an already tightly packed university course. Planning a balanced training programme for different types of users is much more complex than planning a short presentation, which was the extent to which my theory in this area was covered at university. The revolution in the delivery of main works online has left many lawyers struggling to find time to master the new techniques needed to do their research on online databases. Constructing an effective search string to produce a satisfactory result is something they find particularly hard but many online legal resources purport to be for all users and not to need a trained information intermediary.

Going Forward

As you can see, my first six months have been hectic. My university training, with its currency of knowledge in IT and the information world, has proved invaluable. The theory has been very useful in providing an underlying structure on which to base library tasks although compromise to accommodate a variety of situations has been the reality. I hope that in another six months I will have the library management system fully operational, the firm's stock completely under control and fee earners comfortable with all the online resources. In short, every fee earner equipped with the best and most appropriate tools to do their job. Well that's the theory anyway!

Julia Bragg began working at Manchester Law Library in 1993 following a long career break to raise a family. In September 2000 she started studying part time at Manchester Metropolitan University, going full time in 2001. In the summer of 2002 she spent some weeks on work experience in the Library and Information Service at Linklaters. She graduated in the summer of 2003 with a First Class Honours Degree in Information and Library Management and began working for Mace & Jones (www.maceandjones.com) in June 2003. Email julia.bragg@maceandjones.co.uk.

Developments at Legalease by Mark Cusick

Legalease Limited (www.legalease.co.uk) was established in 1987 by John Pritchard, a solicitor who was also editor of *The Penguin Guide to the Law*. The company, which has its head office in West London, off Kensington Square, now employs some 90 members of staff.

Legalease is best known for *The Legal 500*, *Legal Business* and *The Practical Lawyer*. In addition, the company publishes a series of technical legal titles along with a number of other professional titles including *The In-House Lawyer* and *Lex*, the leading title for law students. Many of these are also available on the web.

The Legal 500

Legalease's publications are recognised for the quality of their content and the independence of their research. *The Legal 500* was the first publication to rank law firms for expertise. *The Legal 500* series – UK, Europe and Asia – provides independent analysis of over 70 legal markets around the world and is relied upon by both clients and lawyers. The accompanying web site – www.legal500.com – typically receives over 113,000 visits a week and so qualifies as among the busiest legal sites outside the United States. A user of the site can identify a recommended arbitrator in Australia, a banker in Belgium, a corporate lawyer in China, and so on. Recent initiatives in on-line publishing in Chinese will attract a vast, new readership.

Other Titles on the Internet

Visitors to the Legal500 site are also able to access the *Courts & Agency Directory* (www.courtsandagency.com). This provides information relating to all the courts of England, Wales and Scotland and those firms of solicitors which offer agency services therein. As with *The Legal 500* on line, there is no charge for this service to the user.

Lex (www.lexonthenet.com) is an online student magazine containing a mixture of news and features designed to meet the needs of those currently studying law or considering a career in the law. The website includes articles from the current issue of the printed magazine (published termly), a calendar of important events during the student law year (application deadlines, law fairs, etc) and information on the firms and issues related to a career in the law.

Legal Business magazine (www.legalbusiness.co.uk) is an established title for partners in the country's leading commercial law firms. Since its launch in 1990, the magazine has been at the forefront of reporting on the legal profession in the UK. It was the first title to truly address the business issues of running a law firm: for example, it was the first magazine to disclose solicitors' earnings and to review the performance of the judiciary. The magazine's awards evening, which takes place in mid-February, has been called the "Oscars of the legal profession".

Publications in Print Only

The Practical Lawyer, a monthly digest and updating service, is among the most popular legal titles in the country. A loyal readership enjoys regular briefings on key developments across a range of areas of legal practice, along with advice on how to implement change for the benefit of the client. The accompanying CPD programme is likewise very popular.

Legalease also produces a number of specialist monthly journals. These include *Property Law Journal*, *Employment*

Law Journal, *Personal Injury Law Journal*, *Family Law Journal* and *Trusts and Estates Law & Tax Journal*. Rather than taking a dry, highly legalistic approach, the journals have a reputation for providing practical and topical articles. The articles focus on key developments and case law, offering advice on how these developments impact those in practice. *Trusts and Estates Law & Tax Journal* has a sister product in *Wills & Trusts Law Reports*, the only specialised set of law reports in that field.

A Bit of History - LINK

Legalease has often broken new ground in the field of legal publishing and the LINK online network, launched in the mid 90's, was no exception. To use the service, lawyers logged on to a dedicated phone line and sent each other electronic communications. There were also a large number of useful discussion groups online which LINK groupies contributed to with great enthusiasm. There were over 6,000 regular users at one time.

Indeed, LINK introduced many in the legal profession to a whole new way of working and communicating with one another. However, with the emergence of the internet and the proliferation of other general email services, we decided that a battle against Microsoft and the rest would distract us from our core business. We are proud of LINK and what it achieved during its lifetime.

New Developments

Looking forward, 2004 will be an exciting year for the company as a new line of journals, magazines and books reach publication.

*Mark Cusick is the CEO for Legalease.
Email: mark.cusick@legalease.co.uk*

Foul Play or Fair Game: Copyright and Reporting Sports Events Online by Daniel Doherty

Football teams are realising the commercial potential of their brands and are taking advantage of, amongst other things, licensing opportunities for broadcasting matches and offering general services to their fans. Exclusive rights to show Premiership football is big business in the UK and those who have those rights understandably wish these rights to remain exclusive.

A football mad client instructed me to consider the legal practicalities of offering video clips for fans to view goals on a weekly basis. How could we try and circumvent this without infringing copyright?

This article looks at how far a football game can be protected by copyright and to what extent the (exception) fair use principles can be used to protect websites, most notably those websites that wish to report current events.

This substantial and informative article can be downloaded as a Microsoft Word document from the web version of the newsletter - see www.venables.co.uk/n0403ste.htm.

Daniel Doherty is a trainee solicitor at intellectual property specialists Lawdit Solicitors in Southampton (www.lawdit.co.uk). Daniel recently graduated with an LLM in intellectual property at Southampton and teaches intellectual property and media law at degree level and patent law at master's level. Daniel specialises in both contentious and non-contentious intellectual property matters. Email daniel.doherty@lawdit.co.uk.

The Inevitable Decline of Traditional Legal Publishing

by Russell Shepherd

Over the last few years, I have been pondering the likely changes in the dusty old world of law book publishing as we move into the 21st century. One might imagine that to be able to grant access to unlimited amounts of information in a universal, inexpensive and easy format – using an internet browser, for example – might be a very positive thing for legal publishers and their subscribers. The trouble is: it doesn't seem to be happening. Indeed, my experience leads me to believe that the internet is the greatest threat to law publishing ever encountered. It does not require much imagination to see why.

Most of the current profits from legal publishing remain tied to the provision of loose leaf services which were first introduced about 50 years ago. It is worth pausing for a moment to admire the resilience of this business model.

It has a simple beauty. The customer places an order and receives a book and a ring binder. Further regular updates follow, all paid for by the customer. The publisher has no need to reprint the costly volume and the update work is carried out by the customer, whose responsibility it is to ensure those updates are catalogued correctly and filed in the right book, in the right chapter and in the right order.

Many of the most popular paper based services have become almost automatic reorder items for large law firms, and this has led to successful law publishing being tied to inertia in the client base. Up until now, the model has worked very well, but nothing lasts for ever. Customers change. Worst of all, they get younger and demand to do things differently and more efficiently.

The pressure for change is not unforeseen. Law publishers have recognised and discussed it for the last thirty years and they know that the day will come when digital media will replace these paper services. Nonetheless, it remains a significant problem to replace lost paper revenues with new digital revenue. A digital service, in the customer's eyes, should not cost any more than the old books and, in fact, they intuitively realise that it should be less costly.

After all, the internet means that these products could be updated overnight without the customer knowing and without the fuss of traditional paper based services. Lots of information on the net is free anyway ...

When you have spent 50 years slowly increasing book prices, then it absolutely goes against the grain to devalue your precious back catalogue by sending out inexpensive CDs or making content available online at discounted prices. The subscription rates have to be maintained and new, digital services must be priced at the same level.

Unfortunately, customers see publishers charging twice for the same product and believe digital services are cheaper to produce. By avoiding the issue publishers have lost the argument and the opportunity.

Bluntly, the traditional law publishers dare not produce quality digital products because this will hasten the inevitable decline in the sales of book based legal reference material, especially those very profitable loose leaf services. Take precedent material for example. Why is it that the vast majority of precedent material provided by UK law publishers is still in paper format, when there are any number of document assembly products - such as HotDocs - being used effectively in other parts of the world?

It will not be possible to replicate the existing paper margins (up to 90%) in the new world of digital publishing. Especially as these book publishers have to learn a completely new trade whilst fighting off lots of new, quick and lean competition, unfettered by history and institutional shareholders expecting a seamless transfer from paper to digital business without missing a beat in performance.

Is it possible to transfer the business model of the existing publishers to the new digital age? Surely not without a great deal of pain. Staff reduction and copious re-training of the remaining staff are just two of the issues to be faced if old book publishers attempt to metamorphose into bright, young, digital things. It seems unfair but customers cannot be expected to forgo technical and technological advances out of sentiment.

Lawyers have had to change too. Web publishing has given them greater opportunities. Where the vast majority of legal content, whether commentary or precedent material, is provided by lawyers on a royalty system, publishers have rarely paid much for it. The reward is in the recognition.

Recognition of the individual is one thing, but recognition of an individual law firm is quite another. Until recently, it was a laughable idea that all but the very largest of international law firms might consider publishing but in the last 10 years the rise of the law firm as publisher has begun.

Virtually all law firms have become publishers by necessity as the essential, and generally painful, web site has grabbed many otherwise chargeable hours. Solicitors are forcibly turned into reluctant digital publishers – but why? Again, publishers have missed an opportunity.

Cards on the table. I'm prepared to back my opinions and I have recently made an investment in Henry Scrope's www.Emplaw.co.uk business and believe it is a great example of a small and nimble competitor creating a better product than the massive, incumbent players. Henry's employment law site is easy to use and has a vast amount of free and useful material, alongside excellent and well written commentary and digital research tools, all of which is available at reasonable subscription terms, coming in at less than half of the price of the incumbent law publishers. Search on Google.co.uk: the site is first for UK employment law, entirely on merit and without corporate funding.

Digital publishing is a different business and has to provide services to customers at highly competitive rates. Technology can increase profits and, in turn, should increase profits for customers by passing on lower costs and creating opportunities for new business. An example of this is the arrangement that Emplaw has made with Norton Rose to introduce an extranet for their clients delivering both Emplaw research material and HotDocs precedents. This was launched in 2000 and has been very successful.

In Summary, it seems to me that there are many opportunities for new digital legal publishers, and a willing customer base for useful and appropriately priced material.

Russell Shepherd is Chairman of Capsoft UK (www.capsoft.co.uk), based in Edinburgh. He developed Everyform.net, a site providing free forms on the Internet, using Capsoft's document assembly product HotDocs. Everyform was sold in 2001 to Reed Elsevier for an undisclosed seven figure sum. He has now made a substantial investment in Emplaw (www.emplaw.co.uk), the innovative employment law subscription website developed by solicitor Henry Scrope, and is now the Managing Director of the business, with Henry Scrope continuing as Publishing Director. Email rs@capsoft.co.uk.

Landlord-Law Online (selling legal services online) by Tessa Shepperson

About 4 years ago I decided to discontinue legal aid work and develop a specialist niche practice, my specialist area being private residential landlord and tenant work, particularly evictions. As a sole practitioner I feel happier working within a narrow area of law I know well and this also allows me to become a specialist which in turn opens up opportunities for writing and lecturing. However I needed to reach a wider market in order to make a reasonable living from my legal practice.

I therefore launched a web-site to advertise my work for landlords. However through running a Q&A page on this site I became aware that many people were wholly ignorant of their legal rights and obligations, and feedback showed that they would be prepared to pay for a site with enhanced content. I therefore launched a subscription site called Landlord-Law Online (www.landlordlaw.co.uk) in December 2001 to meet this need.

What's On the Site

The site consists of two areas - an open area which is free to view and a members-only area. The fee for members is £20 for four months or £50 for a year.

The main purpose of the open area is to tell people about the site and show them what I can do so hopefully they will decide to subscribe. An important part of this is the Q&A section. For some years I have answered 10 questions from the public every two weeks, which serves as a "shop window" for my work. Anyone can see the current Q&A but only members can access past ones. This is one of the most popular parts of the site and many people regularly log in to see what is new. I would go so far as to say that the Q&A is a major factor in the success of the site. I have also deliberately tried to make the site as a whole feel friendly, and to write in a chatty informal style which will hopefully not put people off.

Other free content consists of a Law Reform section with government and other papers on housing law reform (which I find is now often used as an online resource, particularly by students), an extensive links and contacts section, and a book review section. Members-only content includes a large database of tips, FAQs, articles, and forms, and members can instruct me online to do fixed fee legal work at special rates. There is also a regular newsletter.

The site is definitely a success. Over 1,000 members have joined and we are now getting over 17,000 visitors per month. Most of my work now comes via the site, and the subscriptions are generating a healthy income. Members include not only landlords and tenants but also letting agents, housing advisors and lawyers, and a growing number are choosing to subscribe by standing order.

Advantages of the Site

Fees. All fees are paid in advance. Legal services consist of standard possession proceedings, drafting tenancy agreements, and a "catch all" £50 advice service which can be used for unusual problems and where I can assess and give a quotation for non standard work. These services are only available if payment is received in advance which does away entirely with chasing unpaid bills and bad debts.

Terms and conditions. All members and clients have to accept my terms and conditions via the subscription and

instruction process. These are permanently available on the site to view, as is my complaints procedure, plus full details of costs and expenses for possession claims with details of the work done. The online forms also provide for compliance with the distance selling regulations. I now refuse to act for clients (other than longstanding clients) unless they have followed my online procedure.

The work. I can now deal with this much quicker as, for example, all the possession proceedings I do are standard. Because the information I need is provided via the online forms and the paperwork which clients send to me, I am generally able to deal with the work easily and promptly. Drafting work takes a little longer, but even then, it is quicker to receive instructions in a written form than it is to see the client in the office.

Client base. I can now reach a much wider market. It is not important where people are geographically, and indeed, I often act for ex-pat landlords who find it easier to instruct a solicitor via the internet.

Cash flow. This has been greatly improved. Having a larger number of small fees has made my income more regular and of course I now have a completely new income stream from the subscription payments.

Job satisfaction. I enjoy writing and working via the site, and I find it very exciting to be developing a new type of service. I used to run a traditional litigation practice but I now find this work stressful. I still do my possession proceedings but I limit these to straightforward cases where it is appropriate for me to act at a distance (I am developing a database of solicitors to whom I can in future refer the more complex work). Also, it is extremely convenient for me as a mother with family responsibilities to be able to control the hours I work.

Clients. From the client's point of view there are also major advantages. The site is always available for them to use, 24 hours a day, and for many members this is all they want. If they wish to instruct me this can be done easily via the web, and they know exactly how much it is going to cost them.

Factors to be Considered

Cost. The initial setup cost (although very reasonable for what it was) was a lot of money to find at that time. This is quite a complex site. My web designer not only had to set up a secure area for online payment, but also deal with passwords and create several different types of page (Q&A, online instruction forms etc). I also have to pay for hosting and maintenance and further development. There have been two complete overhauls since it was launched, and there will be further new features this year. However, this is essential; you must continually develop, innovate, and improve the service.

Maintenance. This includes reviewing existing and uploading fresh material, and dealing with problems that arise. Also, there are a constant stream of emails from members which must be dealt with promptly. Even on holiday I have to log in to my email every day.

Skills. As my own "webmaster" I have had to learn quite a few technical skills, for example I can write straightforward html and create online forms using Adobe Acrobat.

Marketing. As my service is different and new I have to go out and tell people about it. This means doing talks and writing articles. I also have to market the site via the internet and I now use a specialist firm to improve my sites rating in the search engines. Marketing is vital.

Legal Online Services In General

Overall, I am delighted with Landlord-Law Online and the advantages it has brought me. So why are there not more solicitors firms offering online services? I suspect that some of the reasons are as follows.

Most of the partners now running high street practices were at university in the 1960's to the 1980's. At that time computers were large mainframe machines using stripy green paper and cards punched with holes, whose operators needed to learn new "computer languages". They were generally avoided by arts and law students (including myself) who found them incomprehensible. Computers and their use are therefore often wholly unfamiliar territory to most partners today.

Also solicitors tend to be traditional creatures and slow to embrace newfangled technology. (I understand that 100 years ago many firms similarly regarded the telephone with deep disquiet.) As a result, I suspect that many firms have not even considered developing an internet presence apart from a basic "brochure" web-site. If they do, the project will probably be handed over to a member of staff or junior partner (as the more senior partners want nothing to do with it) and then ignored, other than when requests are made for funding at which time its failure to produce instant results will often be used as a justification for discontinuance.

Even when an internet service is set up, it will often feel rather impersonal (because writing for the ordinary person and the web is not a skill most lawyers have) and information may be presented in a way which is difficult for the ordinary person to read and understand. Even if the site is an excellent one, there will often be a failure to market it properly, for example through the search engines. For all these reasons existing online services tend not to be very successful which then discourages people from expanding them further or from developing new services.

The delivery of legal services via the internet is a relatively new concept and on the whole it takes a long time for any new service to become known and accepted by potential clients. During its first year my online service barely covered its costs. Although I consider this to be an excellent result (bearing in mind that many Internet big success stories still haven't made a proper profit), many traditional firms might consider this to be unacceptable. Also unless there is at least one person in the firm who is prepared (and allowed) to lavish a lot of time and care on the site, monitor its progress, and move it forward, it will just stagnate. This person really needs to be a partner or the sole principal, i.e. someone with the clout to see that things get done and someone who is not going to leave the firm just as the service is getting going. Firms though, in these stringent times, will be reluctant to allow a fee earning member to spend so much time on something which may not benefit the firm in the immediate future.

The winds of change are blowing at the start of this new century and not least in the legal profession where traditional practice is becoming increasingly bureaucratic and stressful. Many lawyers are despondent about the profession and its future. However the internet, which is developing at a remarkable rate (I understand that a significant proportion of the population already now have broadband) will undoubtedly bring many changes in the years to come, not least in the delivery of legal services. We need to see this as an opportunity and not a threat, and use the advantages it can bring to ourselves and to our clients. If we do not, others will undoubtedly do so and the legal profession may lose out in what could eventually develop into a lucrative area of work.

With a little imagination I believe that a strong internet presence can enhance all areas of legal practice and help practitioners face the future with confidence. However it is not a "quick fix" and those looking to develop an online presence should take a long term view.

Tessa Shepperson is a sole practitioner whose practice TJ Shepperson is based in Norwich. Her online service can be viewed at www.landlordlaw.co.uk and her email is tessa@tjshepperson.co.uk.

What's On My Bookshelf by Jeremy Holt

I am a solicitor in private practice specialising in computer law. This article describes the books that I refer to most frequently when advising on internet law.

The book that I use the most is **E-business: the practical guide to the law** by Amanda Brock (429 pages, £49.95 published by Spiro Business Guides 2003). As it is written by the first lawyer to work on Freeserve, there is lots of down to earth practical guidance. The chapters are not divided into legal areas but into the areas that affect electronic business, which is a much more sensible manner of coverage. At the end of the chapters the author has provided checklists of additional information. These are deliberately set out in a separate page format so that they can be copied to the reader's heart's content. Finally, there are 88 pages of sample terms and precedents.

Another book that I use frequently is Tolley's **Business, the Internet and the Law**. When it was originally published in 1999 it was a paperback book but it is now looseleaf. It costs £78 (updated twice yearly) and is published by Butterworths LexisNexis. The general editor is the indefatigable Susan Singleton. As well as having written more than 25 books, set up her own law firm and had 5 children she probably knows as much about this area of law as anyone else in this country. Each chapter starts with an apposite quotation (the final one on taxation being by ex-President Clinton). The appendix contains a wealth of web contracts, terms and notices. This includes a very useful note for employers on legal issues relating to email, the internet and the workplace and a specimen email policy. (It would benefit all employers to read this before the stable door is forced open for the first time). Unless you go to specialist books on the subject (such as Tolley's "Managing Email and Internet Use" or "e-policy" by Michael Overly) it is surprisingly difficult to find out good examples of employee email and internet use policies.

One of the great joys of internet commerce for lawyers is the number of contracts that are required to get an e-commerce website off the ground (I once calculated on the back of an envelope that a normal business would require at least 16 of these). The looseleaf book **e-contracts** published by Tolley's recognises this. The general editor is again Susan Singleton and there are contributions to the book from members of solicitors S. J Berwin and Steptoe & Johnson. The chapters cover website development and services, fora and chatrooms, advertising, end-user internet access, internet selling, employment, journal content access, notices, software licences, content provision and framing agreements. The book costs £87.50 and is updated twice yearly.

Lastly, I have three different ring binders of specimen terms that I have assiduously collected from real life websites since my firm first started to advise clients on the internet in 1995. The first consists of consumer terms for the sale of goods, the second is a collection of consumer terms for the

supply of services and the third covers internet-related business-to-business commercial agreements (e.g. linking agreements). In each case, for ease of reference, I have put the best example at the start of the ring binder. My personal Oscars are awarded to www.amazon.co.uk and www.silicon.com for their privacy policies and to www.ft.com for its website terms of use.

Jeremy Holt is the head of the computer law group of Clark Holt, Commercial Solicitors (www.clarkholt.com). He is Secretary of the Law Specialist group of the British Computer Society and is joint editor of the BCS' recent book "The Manager's Guide to Computer Law". In 2003 he set up, in Swindon, the only computer museum in the country (www.museumofcomputing.org.uk). Email JeremyH@ClarkHolt.com.

Note from Delia - Jeremy's book, "The Manager's Guide to IT Law" explains the legal framework relating to IT issues. There are contributions from seven authors, all experts in their field. The cost is £25, and the book can be ordered from Clare Greenslade, pubsenq@hq.bcs.org.uk.

New Money Laundering Regulations by Michael Kaye

The coming into force of the Money Laundering Regulations 2003 has brought the spotlight of media attention on the new UK anti-money laundering regime. Amazingly, the focus has been on aspects of the law that have been in force for a year or more rather than on the coming into force of the Civil Compliance Regime brought about by the Regulations themselves.

Anti-money laundering law and regulation consists of two distinct elements. The first, contained basically in the Proceeds of Crime Act 2002, creates various new offences about which much has been written. The second, the Civil Compliance Regime, has received far less publicity but is likely to have a far greater effect on the day to day running of the office and business of those within the widened regulated sector than almost any other piece of legislation of which one can think.

The Treasury announced last year that it would lay its new regulations in June 2003 and then give those affected three months in which to implement its requirements. The June publication date was postponed twice and it was not until 28 November that the regulations were finally laid bringing themselves into force on 1 March, i.e. three months later just as promised. The catch however was that while they were laid on 28 November they were not published until the first week in January allowing at best nine weeks for businesses to ready themselves and completely ignoring the fact that accountants are generally unbelievably busy during January dealing with their clients' tax returns. In the limited time that the Government allowed the regulated sector to prepare themselves, the firms must nominate their money laundering officer, establish compliance systems, incorporate them within an office manual and, most importantly, on pain of up to two years imprisonment, train their staff.

Guidance

The Law Society has issued guidance. This is available via its web site (www.lawsociety.org.uk) in the form of 29 PDF downloads and is well over 100 pages long. The Institute of Chartered Accountants for England and Wales has issued a publication of similar length which is on sale at more than £100 per issue.

Additionally, there are numerous lectures available and we are certain that all of our readers will have received flyers and adverts but all of them aimed at the training of qualified staff. Apparently, it is intended that qualified staff and in particular the money laundering officer of the firm should then filter their training down to general staff. In our view, such a course may well be a recipe for disaster if an employee makes a mistake and then seeks to rely upon the statutory defence that he was not trained by pleading that the training that he received was inadequate.

Courses On Line

Socrates Training provides CPD accredited training on audio CD's and cassettes. The pack on money laundering comprises a compliance manual, forms and precedents and up to two hours training on CD's and tapes which includes interviews with leading practitioners. One of the CD's is designed for fee earners and relevant non-partner staff and the other is designed for partners and sole practitioners. The people behind Socrates are a former director of the London College of Law, Bernard George and Francis Owen, former head of Business Law at the London College of Law. www.socrates-training.co.uk.

Kaye Tesler & Co. (my firm) offers a training package created by Jonathan Fisher QC and myself. This offers twin training solutions for everyone working within the regulated sector. Firstly there is a double audio CD intended for qualified staff and secondly there is a web-based training system whereby individual staff members are able to log on individually and in their own time. The cost is £35 plus VAT per head with discounts for 10 or more staff members. There is a free demo on the web site which actually is the first training session. www.mlts.uklaw.net.

HotLearning.Com provides a multi-national training course covering 35 countries (the price is quoted in US\$). This would need some investigation to see whether it satisfies UK requirements. www.hotlearning.com/hl01.htm.

We are moving into a new era where anti-money laundering and the appropriate procedures required by the Money Laundering Regulations 2003 must be foremost in your mind, not merely during the transaction but from the moment of taking instructions.

Michael Kaye of Kaye Tesler & Co. (www.kt.uklaw.net) has a long history of IT innovation for legal practices and also in lecturing on IT topics. He is particularly concerned about the effect that the money laundering requirements will have on legal firms and he provides a free money laundering news page on the site with frequent updates. email kt@uklaw.net.

*Stop press: **Legalease** have launched an on-line money laundering training module - see www.legalease.co.uk/cpd.*

Latest Specialised Sites by Delia Venables

The latest interesting specialist sites include:

- * get-the-boot from GMH
- * employ-claims from Pearce West
- * asbestosis, injurysolicitors, bikeclaim from Higgins & Co.
- * divorce-lawfirm from Woolley & Co.
- * fashionlaw, britinvest and five others from Fox Williams
- * trademarkroom, policeandprotect, resolve from Lawdit
- * coalcompensation from Hugh James
- * designprotect from Briffa
- * roadlaw from Law on the Web
- * edlaw from Govan Law Centre.

See www.venables.co.uk/n0403ste.htm for the details.

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