

Internet Newsletter for Lawyers

By Delia Venables

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RSS: How to pull the news that matters by Nick Holmes

If you use the web seriously to keep up to date on a particular topic, you probably visit the news pages of dozens of sites and subscribe to a number of email newsletters - and you never have the time to review all of them regularly or in sufficient detail.

But there is a way to keep track of developments, with a friendly desktop tool that enables you to scan only the news that you want to see, without opening a single web page or email: the RSS reader. With one installed on your PC you can scroll through headlines and summaries of news stories, organized as you choose, with views of what's new today or topic by topic. When you see a story you want to read, you click on it and are taken directly to its web location. Most importantly, an RSS reader checks for new items periodically and alerts you when updates are found, so it is always fresh and there is no need for you constantly to check sites for changes.

The RSS reader is undoubtedly the killer application of the moment.

What is RSS?

RSS is a data syndication format originally developed by Netscape which has now spun off into several different versions under different control (hence the use of various expanded forms: Remote Site Syndication, Really Simple Syndication or Rich Site Summary, depending on whom you ask). In essence RSS is a standard format that enables publishers to produce headline feeds and users periodically to check those feeds for updates using an RSS reader.

Although there is heated debate in the technical community as to the merits of the various competing versions of RSS, this need be of no concern to the user, since all good RSS readers will handle all the various flavours. A new format called Atom has recently been developed, and the popular RSS readers are now being modified to read this too.

Where to find RSS feeds

RSS feeds are increasingly being produced by major news providers and by other specialist news sites. Below are listed selected sites producing feeds of direct relevance to UK lawyers. I would suggest that you first visit some of these sites to see what's on offer and then browse your favourite news sites to see if they produce feeds.

But first, how do you recognize an RSS feed? On the news site, look for links that say RSS, XML or Atom feed; more commonly they are orange buttons like this:



These links point to the feeds. Click on them and you will get a web browser view of the feed: either a formatted page or raw XML source. Don't panic! Instructions on how to use the feed are under "Getting started" below.

Weblog feeds

The publishing of online journals or weblogs (or simply blogs) has increased rapidly in popularity. Many weblogs also offer feeds; indeed the increasing provision of feeds generally can largely be attributed to the ubiquity of weblogs. So it's worth a quick detour here to explain what blogs are all about.

A blog is a reverse chronological list of items or "posts", with latest posts on the main blogsite page and older posts maintained on archive pages. There are several free web services that provide the tools to produce blogs just by pushing buttons. For the publisher

(or blogger) weblogs are attractive as no technical skills are required to publish them. But there are enough amateur publishers out there on the web already and you may be forgiven for thinking that blogging is just adding to the mayhem. However, blogs have a standard structure which both curbs the excesses of amateur publishers and provides a familiar environment for the reader.

Blogs tend to encourage personal diaries and the better ones make for compulsive reading. But their application is very much wider. Importantly, the diary format is ideal for current awareness publishing: hence law blogs (also, unfortunately, known as blawgs). Legal blogging has taken off in the USA (too many lawyers?) but in the UK only a handful have so far come to light, including those producing feeds that are mentioned below.

A selection of feeds for the lawyer

National news

The Telegraph produces feeds for each of its main sections. Go to www.telegraph.co.uk and click the XML link at the foot of the home page to view the list of feeds.

The Scotsman produces a huge number of feeds including several of specific interest to lawyers such as Legal Issues and Privacy Laws; see webfeeds.scotsman.com/feeds.cfm.

Moreover is a news feed aggregator, providing feeds on hundreds of general and business news topics: see w.moreover.com/categories/category_list_xml.html.

Government

Downing Street Says is an unofficial blog on "what the Prime Minister's Official Spokesman actually said in response to the lobby's questioning, rather than what he was reported as saying". See www.downingstreetsays.com; the feeds available are listed under the sidebar heading "Syndicate (RSS/XML)".

Help is at Hand: E-Gov News is a weblog produced by the British Educational Communications and Technology Agency (Becta), providing the latest developments and useful information about e-government and e-citizenship. Go to www.helpisathand.gov.uk/news/e-gov; an XML button at the foot links to the feed.

Legal

Freedom of Information Act Blog provides news, views and updates on the UK Act and worldwide FOI. Go to foia.blogspot.com; the Atom feed button links to the feed.

UK Criminal Justice Weblog provides the latest news on criminal justice issues from around the UK, drawn from media websites, government sources and criminal justice organisations. Go to www.ukcjweblog.org.uk; the XML button at the foot of the right-hand panel links to the feed.

The International Chamber of Commerce produces a number of feeds, covering news, rules, contracts and clauses; see www.iccwbo.org/law/rss.

What's new on the UK legal Web is a weblog I maintain on the infolaw site. Go to www.infolaw.co.uk/blog/blog.htm; the Atom feed button at the foot of the right hand panel links to the feed.

The Virtual Chase (US) lists a number of legal alerts and current awareness services with feeds: see www.virtualchase.com/resources/legal_alerts.html.

Getting started with an RSS reader

To use an RSS feed you first need to install an RSS reader (also known as an RSS aggregator). There are several free readers to be found: the one I use is RssReader which is available for Windows 98 and above; download it from www.rssreader.com. (Note that you need either to be running the latest version of Windows XP or Windows 2003 or to have already separately installed .NET framework, Microsoft's infrastructure for the .NET project.)

Next, you will add the feeds. To do this, point your browser to the sites you want to monitor and look for the RSS/XML/Atom links or buttons as already described. You just want to capture a feed's URL, so right click on the link and select Copy Shortcut. Then switch to the reader, select Add, paste in the URL and then continue, providing the desired title and allocating the feed to the desired folder. The feed title will now appear in the folder window and the reader will download the feed which will be displayed in the main window (an integrated web browser).

A feed item (or headline) generally consists of a title, a summary or the first few lines of the full article and a "Read More" link which will connect to the full version of the article (or story) on the web. So you can quickly scan the headlines in the reader and only need click through to the web if a story interests you.

You can create groups (folders) and drag and drop feeds into these, organising them to suit your needs. Clicking on a group name will display today's headlines from all feeds in the group in the browser window; clicking on a feed title will display all headlines from that feed. It is worth pointing out here that the maximum number of items in a feed can be limited by number or by timespan.

You can set your personal preferences, including whether or not to start the reader automatically when Windows starts (recommended), how often to check feeds for updates (hourly is probably optimal), maximum number of headlines to store, font styles and sizes and so on.

Follow the above steps and you will be up and running with your first feeds within a half-hour. Spend the same time each day for a week to select, add and group new feeds and soon you will wonder how you ever lived without RSS.

Where next?

It will be apparent from the comments above and the selected list of feeds that none of the leading online UK law publishers produces RSS feeds. Why not? To generate a feed from an existing content management system is quite straightforward and no ongoing overhead is involved.

Publishers may believe that users will thus be avoiding their promotional messages, but this need not be the case. On the contrary, the number of site accesses by feed users, and hence the opportunities to grab their attention, will actually increase substantially. In my personal experience, since starting to use RSS feeds I click through to the sites many times more than when they simply sat in my favourites folder.

So why not get yourself started, discover the joy of RSS and demand the feeds you want....now?

Nick Holmes is a publishing consultant and Managing Director of infolaw, www.infolaw.co.uk. Infolaw was the original online legal portal in the UK and Nick continues to develop new and innovative facilities for the site. Email nickholmes@infolaw.co.uk.

Traditional Legal Publishing - Inevitable Decline?

In the last issue, Russell Shepherd said that legal publishers were afraid of undermining their traditional paper-based products - and the revenues they received - with online services. He says "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." He also thinks that new leaner and meaner legal publishers (like him) will take business away from the traditional legal publishers.

Here are three responses to Russell's diatribe - ripostes from LexisNexis UK and Sweet & Maxwell respectively, and a further piece, developing some of Russell's ideas, from a legal librarian who prefers to remain anonymous.

LexisNexis UK by Matthew Rowe *Strategic Communications Executive*

Russell Shepherd's scrutiny of the issues facing the professional publishing sector is a perceptive one. Clearly his own understanding of on-line publishing adds a special dimension to the analysis. But the realities surrounding 'hard copy to on-line' are based as much on outlook, philosophy and business direction as on individual practice.

We must be cautious about adopting the argument that technology is an irresistible force for change. It is true that for every individual who sees technology as a compelling force for good, there is another who fears what it can bring. Our view at LexisNexis is that it allows us to have the best of both worlds. Individual format choice is therefore only part of the equation.

We are proud of our 200 years of publishing heritage. Established names such as Butterworths, Tolley and IRS Eclipse, as well as the encompassing LexisNexis brand, give us the vast breadth and depth of information that we provide to lawyers, accountants, news gatherers and general businesses. It is important that customers can choose between electronically-delivered services or a hardcopy book - or crucially, both.

Customers' needs - and the business pressures they face - ultimately decide the choice of information format. Publishing in an information-rich age is therefore about providing users with options that meet their wishes. LexisNexis does not solely provide material to the top 100 law firms but also to high street practitioners, so we have to recognise that one cap does not fit all. If a user is interested in employment law, they can (depending on their level of expertise) choose among a number of handbooks, subscribe to a loose-leaf service such as Harvey's Industrial Relations and Employment Law, or log on to Employment Law on-line which offers all this material and more besides.

Contrary to the belief that hardcopy publishing is reaching the end of the road to be replaced by digital media, we believe there will always be a strong professional market for books. After all, handbooks provide portability and many readers simply prefer the physical interaction with the printed page. This is, of course, an argument that is raging in all sectors - not least among the newspaper proprietors.

Over and above the argument of format choice is the simple fact that customers need to be confident in the quality of the sources they are using - herein lies the real definition of value. The reputation of our authors and editorial staff is not only central to our heritage but defines the true value of our information. Producing a trustworthy source still requires the same intellectual content, whether supplied on-line or off-line. Long gone are the 'something-for-nothing' days (which, in any case, were always viewed with suspicion by 'real' users like law librarians and lawyers).

If there is one defining argument in favour of information delivered on-line - and accepted by even the staunchest supporter of books - it must be the ease and speed of searching within and across on-line sources. Users of on-line material can cut their research time while obviously covering a subject in more depth and offer their clients a better service (and reduce the likelihood of giving them bad advice). This is a real driving force for positive change in the legal profession: new technology can support new ways of working - and so meet heightened client expectations.

Sweet & Maxwell, Legal Online by Julie Stott *Strategic Marketing and Business Development Manager*

In today's world, you could be forgiven for thinking that the delivery of information purely by electronic means is the only way forward. After all, many commentators would have us believe that the 'traditional' way of doing business is no longer a viable option and that new technologies mean that the only way forward is for publishers to move everything into electronic format. Customer demand tells us otherwise.

The publishing industry across the board has been grappling with the electronic vs print debate for a number of years now. However, the print book business is still thriving.

In the legal publishing industry, the content demanded by legal professionals and their advisers requires publishers to provide differing media to suit differing needs. Imagine reading 2000 pages of The Law of Banking online and you can clearly see why a printed book is still a preferred option. In contrast, imagine undertaking a long research trail, covering many cases, numerous pieces of legislation with amending S.I.s, links to journal articles with authoritative commentary included, and you can easily see why online services such as Westlaw UK have become embedded in the way many lawyers and their support staff work today.



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The simple truth is that customers require publishers to produce information in different formats. For many, the legal process itself requires print publishing to continue, such as the provision of print court titles like Archbold and The White Book. On the other hand, updating daily e-mails on new developments provided by services such as Lawtel are only viable in an online format. Rather than replacing printed volumes, the online revolution has created new demands for information.

It would have been unheard of, 30 years ago, for a barrister to attend a hearing in the High Court, having been made aware only hours before of a key decision in the Court of Appeal that had a dramatic impact on his case. Today, this is commonplace, with the updating online services, such as Lawtel, providing next day reporting. Far from removing the need to rely on the authoritative commentary provided by eminent authors in the legal field, the creation of online services has supplemented this knowledge with up to date developments, analysis and comment. Emerging technologies creating new demand is not limited to the legal publishing industry – the advent of online advertising for example has not replaced TV, print or radio advertising, but has established itself as a valuable additional channel for companies to reach target audiences.

The economics of legal publishing have also been the subject of much debate. The key to successful legal online publishing is content – information, comment, news and insight which is unimpeachable in its quality. The creation of Sweet & Maxwell's value-added online services therefore demands substantial and continuous investment.

In March 2000, Sweet & Maxwell launched its first legal online service, Westlaw UK, covering extensive archives of primary law. The initial investment in the service took over two years of development, with many hundreds of additional editorial and technology staff taking primary content and marking it up for electronic use, creating key word searches and developing links between content sets to ensure accuracy of results. Unlike a printed publication, development is not limited to a one-off cost of production. Searching thousands of sources daily to create and maintain updates, creating links to numerous databases to ensure a thorough research trail and adding new authored content and commentary, are all needed for the ongoing maintenance of a reputable legal online service. Understanding the value that this work creates for customers with the resultant savings in research and fee-earning time adds to the economic debate.

If firms are to compete effectively they must ensure that they deliver the best legal solutions to their clients. To do this an increasing number recognise that they have to take advantage of all the tools and services that are available.

The legal publishing industry is one that often attracts comment from many sources. However, the main voices are those of our customers and the message is very clear: print and online information is complementary rather than competitive, and they need both.

Contribution from a Legal Librarian

I read the article on the decline of traditional legal publishing with much interest as it is a subject very close to the hearts of most law librarians, who have been wrestling with the thorny issue of print versus electronic for some time now. The book is the preferred medium for many people and there is still nothing to beat it in terms of portability and readability. Many legal textbooks and sets of law reports are not available in any other format than print and show no

likelihood of being migrated at present. There is also no substitute for browsing a number of books and using their indexes as a means of legal research. The index leads you to related concepts, which may sidetrack you, but may also suggest other ideas and provide better rounded research.

Of course certain legal materials lend themselves well to new formats and we would now be lost without them. Some provide regular subject alerts and they all enable full text searching and can be made available concurrently to any number of fee earners - licences, permitting of course.

The suppliers of these new databases are very keen to encourage prospective lawyers to use them and they offer them to the law schools at heavily discounted prices. The expectation of Trainees arriving in a law firm is that every firm should subscribe to the major databases as a matter of course. As a result, with our younger lawyers, we are finding a reluctance to refer to printed sources and an assumption that everything is or should be available online. This means that we spend a lot of time trying to explain the differences between the databases, how to use each separate interface, which database should be used for a particular purpose and most importantly, that just because you don't find something online doesn't mean that it doesn't exist. We try to explain that they may not always have the luxury of working at a law firm where such services are available, but somehow I get the feeling that our words of wisdom are falling on deaf ears.

There are two major issues here for law librarians to deal with - content and cost.

To a large extent, the days are gone when the publishers hosted each other's materials. Each database hosts mainly only those materials published by themselves which means that to obtain comprehensive coverage, law libraries are under pressure to subscribe to more than one database, irrespective of the fact that they overlap/duplicate each other in certain areas. This obviously has cost implications.

So, not only are we continuing to buy printed sources, we are also having to subscribe to a variety of databases, the costs of which are spiralling. Until recently the publishers have been relatively flexible in their electronic pricing, but all this has now come to an end. Where we used to be able to select the databases we needed and make them available to key users, some publishers now require us to take out firm-wide licences at massively increased costs. They say that they are investing heavily in technology and that this enables everyone in the firm to have access, but why would the tax lawyers want to look at employment law and vice versa? They positively encourage roll out across the firms, and their ideal would be to give all fee earners desktop access. Then in subsequent years they demand greater payment based on the increased usage. I am sure that within most law firms, only the librarians, finance directors and perhaps managing partners have any idea of the cost of legal information and the increasing amounts being spent on online services.

An unfortunate side effect of this has been to damage the publisher/librarian relationship, which has traditionally been very good. It seems as if the emphasis is now firmly on selling - specifically with electronic products - and that service is sometimes taking second place.

Juggling the budget to enable the continued purchase of printed sources and find money for the ever increasing costs of online services is becoming a real challenge. Nobody told me when I became a librarian, that negotiating would be an essential skill and one that I would need to learn as much as any lawyer.

The Paperless Office by Peter Garsden

There is a lot of talk about the paperless office. I decided that I would try to turn it into a reality. Here is a description of how a relatively small, 2 partner, 17 fee earning, 2 office suburban practice tried to go paperless. The goal was to do away with all the paper files by saving outgoing post as documents on the computer network and scanning in all incoming post.

Although we wanted to get rid of as much paper as possible, as a safeguard we decided we would store all incoming paper that was needed for legal work offsite. It could then be accessed at some future date if necessary.

In conveyancing transactions, original documents are required despite the publicised intention to become paperless by 2005. Original mortgage deeds and contracts are still required. Naturally, one must store original deeds and wills. It is also prudent to keep original signed Witness Statements and original documents in litigation cases.

We decided that certain documents would not be scanned, such as office invoices (at the request of the cashier), and where documents were voluminous the permission of the fee earner would be obtained. Litigation disclosure, for example, might require special treatment by putting it on CD ROM.

One needs quite powerful scanning machines, which can scan the post speedily enough for morning distribution. We have two good quality reliable, high speed scanning machines. We did an assessment of our incoming post in order to establish the correct specification. A Fujitsu machine was recommended to us by our IT suppliers. It runs at 16 pages per minute with the facility to add a duplex (double sided scanning) and cost £1500. We also kept our existing HP machine which runs at 10 pages per minute.

We still produce outgoing letters in the normal way, but instead of printing a paper copy we save a copy of the letter onto our computer network. It becomes much more important to save electronic documents efficiently so that they can be found and retrieved.

Our computer network mirrors our previous filing cabinet system. In other words, we have a folder for each fee earner within which are separate folders for all his/her files. Within each folder there are separate folders for correspondence and the various types of documents. Each document/letter is saved first of all by date in reverse order so that everything appears in chronological order on the computer. There then follows a description of the type of document – "LET" etc. If it is a document we have created, this is then followed by the creator's initials. Finally, in parenthesis, there follows a description of what the document was about, and to whom it was sent. An example might be: 04.03.05LETPG(DeliaRePaperlessOffice)[Do not use spaces – computers do not like them].

The system enables one to view documents in a folder in chronological order. This replaces the "thumbing through a file to see what has happened" routine. One then ends up with chronologically ordered lists in computer folders of letters in and out.

One needs a large hard disc on the server to store double the amount of documents. Old files have to be deleted and stored on CD ROM/DVD. Counsel now get a CD ROM/DVD instead of a mountain of paper. Disclosure of documents sometimes takes place on CD ROM/DVD.

How does it work?

One must have a reliable computer network with a shared folder in which all firm files can be stored and viewed. One must decide what format to use for incoming post. The international image standard is a PDF file, which is viewed on the free-to-download Adobe Acrobat Reader software. The files are quite small and compressed. However, you will need more than the free Reader version. We have purchased Adobe Acrobat Standard 6 with which one can insert comments on documents, make text notes and digitally secure images so that they cannot be altered by anyone you send them to. This can be useful when serving documents electronically in Litigation.

If one purchases the Professional edition, then it is possible to create online forms. This is the software used to create Court forms available on the Court Services website. In order to save Court forms on your computer network, one must purchase Adobe Acrobat Approval, which costs about £30. Otherwise one must print off forms completed on the Court website and scan them in at the office.

Alternatively, one can scan in documents as TIFF images. This form of image is universally recognised and is viewed using Wang (Windows 95) or Kodak (Windows 98 and 2000) imaging. As the TIFF imaging viewer comes free with Windows, this is the version we chose. We had to purchase, however, the professional version of this software to use in conjunction with the scanner.

With Case Management Systems, some suppliers offer a scanning package which makes the delivery of the post far simpler. All the post is scanned in as a batch and then allocated to different fee earners. The Case Management System then delivers the post automatically so that it appears on the user's desktop. Whilst we plan to upgrade to Case Management Software in the near future, we did not have it when we went paperless. Thus we still use conventional email to deliver incoming post.

We had to decide whether to deliver both paper and electronic post. Because no human being is perfect, we decided that it would be better for the fee earner to have the paper as well as the electronic post. They could therefore check that all the incoming post had been scanned correctly. Also, the secretary finds it far easier to copy addresses from paper than from electronic images.

The post, therefore, is scanned in by the admin staff first thing in the morning into a back-up folder on the computer network, which is divided into years, months and then fee earners. We thought it was necessary to create an electronic back up reservoir. All post is saved in the method referred to above by the date it is received. One can easily, therefore, look for incoming post that does not seem to have arrived by email, or has been missed by the fee earner. There are therefore 2 back-ups – one electronic and one paper archive file held offsite.

The fee earner deals with the post that he receives electronically by email and paper. He puts it in his secretarial dictation pile. When the secretary has finished with it, she sends it to the admin staff for offsite storage. The fee earner can save his own post in his own folders, or send the entire batch to his secretary to do it for him. Different fee earners work in different ways.

The true paperless systems abandon the use of cardboard files. However a lot of our fee earners still use both paper and electronic versions. The implementation was too quick (see below). We hope ultimately, when the case management system arrives, to abandon paper altogether.

At Abney Garsden McDonald we specialise in Child Abuse cases. We are currently running about 25 Group Actions. The Lead solicitors have been using the paperless office for at least 6 years. As there would be about 100 Lever Arch files of paper, finding a document quickly would be impossible without a paperless system, particularly as some of the group actions have been running for 8 years.

Support and information

Before I embarked on this course, I did as much research as I could. I could not find a firm of solicitors who had gone paperless although I am sure they exist. I enquired through our IT suppliers, and found a firm who scanned in all their post, but who still used paper files. It did seem therefore as though I was charting new waters. I did find a PI work referrer who had introduced it without any problem to non-legal admin staff dealing with fast turnover low cost RTA cases. They seemed to love it as it saved them so much time and speeded up case turnover considerably. The impetus seemed to be a fixed cost regime.

There are a number of useful sources of information on the web, which are included in the web version of this article.

What are the Advantages?

* The stationery bill inevitably goes down, because one is not printing off copy letters. This also saves trees.

* The time taken to locate documents is much less. Because we specialise in Child Abuse cases, the files are fewer and more voluminous. Trying to find paper in such a big file is sometimes a nightmare. Finding the same electronic document is much quicker - they can be searched for by word, folder, date etc. on the network.

* If anything is deleted accidentally there is a tape or paper back-up system going back several months.

* We use email as much as possible, particularly for internal communications. This is vital because there needs to be liaison between Group Action co-ordinating solicitors and individual solicitors within the firm. We also communicate externally by email with solicitors as much as possible.

* When deadlines are tight and Counsel needs documents as a matter of urgency, we can send any number of documents immediately by email because all our incoming post is scanned in. This Counsel finds very useful.

* Whilst it is not a product of the paperless office, we use email to send documents backwards and forwards whilst they are in draft form. In Word, one can use a very useful facility called "Track changes". Any deletions and additions appear in a different colour and underlined. If one hovers the mouse over the change, one can see who made it. Changes by different people appear in different colours. This saves having to compare 2 documents to see what changes have been made. The facility can also be used in amended Pleadings.

* Words such as "Perusing 1 unit dd/mm/yy" can be inserted on images or indeed any text notes. One can print the document off without the annotation appearing. Electronic Sticky Notes can be applied. PDF files (but not TIFF images) can be searched for words or phrases.

What are the disadvantages?

* Whilst TIFF images or PDF files are currently used worldwide they could become obsolete. However, as PDF files are used on the Web, the risk seems minimal. In any

event we retain a paper back up off site. The question is how long after its creation will you need to view an electronic image?

* There is something psychologically reassuring about paper. The computer cannot replace the thumb flick through correspondence, and the ease of going back and forth between documents. Most fee earners have gone back to a paper and electronic file - they see advantages in both systems. Because administration is doubled we are keen, when case management arrives, to go completely paperless. However, all secretaries and support staff much prefer the paperless environment.

* Is administration increased? It was not necessary to take on any extra staff; basically the filing clerks became Scanning operatives.

* Auditing and File Reviews are perhaps more difficult on screen. Time is saved however as it is easier to source electronic files than paper. The case management system will do away with this problem.

* The post sometimes goes to the wrong person. In the same way as paper post (which is also delivered) it is easily forwarded correctly by the fee earner. Email makes it much easier to source post without a reference.

* There are difficult issues surrounding original documents, whether to store them internally or off site, and Data Protection issues (not the province of this article).

* The storage capacity of the Server hard disk (space is gobbled up more quickly) can become a problem without careful planning. However, disk space is cheap these days.

* If secretaries or fee earners use previous documents instead of templates and then save over them, they are lost for ever, unless this is discovered in time, when a back up can be restored to remedy the problem.

Summary

There is no such thing as the "completely paperless office". I would describe it as a "mostly paperless office". In my opinion there is no substitute for an armchair book read. For research and word searching, however, electronic documents win every time.

The paperless office has been a partial success. Not all the fee earners in the office have embraced it but hopefully we will achieve a completely paperless environment once the Land Registry sorts itself out and Case Management software is installed. Even though some fee earners have paper and electronic documents, time is still saved.

With hindsight, I would have introduced the paperless office more slowly. It is very important to get the team on board behind you and for rebellions to be avoided. A pilot scheme and lots of communication about the way forward before it happens is essential.

If any reader of this article has achieved the paperless environment, I would be very interested to hear from them.

Peter Garsden is a Partner in Abney Garsden McDonald, Solicitors, of Cheadle Hulme, Cheshire. He is a founder member of ACAL (Association of Child Abuse Lawyers). Email: peter@abneys.co.uk. Website: www.abneys.co.uk. The firm is in the Legal 500, a member of the Multi-Party Action Panel and has members of the firm on the Personal Injury Panel. We specialise in Child Abuse compensation claims and general Personal Injury work.

Outsourcing and Off-shoring for Lawyers using the Internet *by Sunil Radia*

Outsourcing is the practice by which work is sent outside of one's own business to businesses which provide the service as a specialism. In doing this the business outsourcing the work can free itself to deal with its core activities. Outsourcing, in most cases, will produce reductions in business overheads and therefore improve the bottom line.

Off-shoring involves outsourcing work to lower cost environments overseas. This is still a fairly new concept having been introduced to the legal sector some 7 years ago and having expanded considerably in the last 24 months. We regularly hear of call centres and customer care centres being operated from India. Off-shoring is now fully available to legal professionals.

What can be outsourced?

The simplest business processes that can be outsourced are data entry, typing, transcription, database management, discovery and disclosure for litigators, type setting and other routine, repetitive functions. The provision of legal services and some IT functions (including web site development and management) can also be outsourced economically but require a substantial commitment in training and to the establishment of systems and operating protocols between the parties involved.

Hemel Hempstead based Underwood Solicitors recently announced their intention to provide legal support for personal injury cases from South Africa. This is one of the most significant developments in recent months in the context of off-shoring for lawyers. The majority of firms that have taken advantage of outsourcing and off-shoring have used it for back office processes such as administration, data base management and accounting. A large number of firms and indeed many hundreds of lawyers are now off-shoring their typing requirements.

A bit about the Radia Partnership and UKTyping

I am a solicitor practising as a partner in the style of The Radia Partnership. My partner is my brother who is a dual graduate (Computational Science and Law). We have set up a business called UKTyping which has facilitated off-shoring for UK professionals since 1997. UKTyping provides typing, transcription, data base management, document management and discovery and disclosure processes for lawyers.

The fact that we are solicitors helps in that we understand the professional constraints and fears that fellow professionals may have in outsourcing. We are able to deal with issues such as confidentiality, Law Society Requirements and Data Protection to clients' satisfaction.

The Indian end of the venture is mainly in Delhi although some specialist medico legal and dental legal typing is carried out in Bangalore. We also type in South Africa and provide some data entry services such as time sheet posting from Sri Lanka.

In terms of technical infrastructure, it was the launch of the Olympus digital dictation suite around 7 years ago which provided the economical and reliable means of transmitting recordings over the internet which we needed. I believe that Olympus still make the best digital dictation equipment although Philips have made substantial advances recently.

Benefits of Outsourcing - Case Study

The benefits of outsourcing and particularly off-shoring can be best illustrated with a case study using typing and transcription services as an example. A two partner seven lawyer solicitors practice in the Cambridge area employs 4 legal secretaries (3 full time and 1 part time/evenings). The average remuneration for a full time legal secretary in the area is £15,000 per annum. The actual cost of a secretary to the business after other overheads is £21,000 excluding bonuses and perks. The firm has a mixture of privately funded private client, commercial and property work as well as an element of family law work which is both privately funded and funded by the Community Legal Service. The practice generates approximately 15% of its revenues from criminal law work. The challenges the practice faces are:

(i) The need to remain competitive and also to reduce its overheads with a view to making criminal work and funded family law profitable.

(ii) To make more efficient and economical the firm's typing and transcription processes and to reduce typing backlog without increasing overheads.

(iii) To tackle the very high cost of temp secretaries when employed secretaries are away from the office.

(iv) To tackle a situation where at times one or more secretaries may be inundated with work whilst other departments may have staff who are not busy at all.

The partners decide to outsource typing and transcription work to an off-shore agency and make enquiries of various providers including UKTyping. They decide initially to carry out a trial with one of the senior assistant solicitors sending out non-urgent dictation such as attendance notes and statements. They manage to take advantage of a free trial for a few days before deciding to proceed on a paid basis. Within a month five lawyers within the practice are using the outsourced typing service for their routine correspondence taking advantage of a guaranteed 24 hour turnaround. The immediate effect was that all backlog was cleared and that employed staff within the office were able to deal with daily urgent typing requirements, assist with administration, client care and such matters. The need for an evening secretary to clear backlog was eliminated and temp secretaries were no longer needed. The annual cost of typing per off-shore secretary was less than £9,000. With natural staff wastage the firm's fee earner to secretary ratio was reduced from one:two to one:four. In fact the only secretaries employed within the practice were two secretaries who performed all the office administrative functions, dealt with urgent typing requirements and assisted with data entry such as time sheet posting and the like.

The savings to the practice were immediate and considerable. The only notable disadvantage to fee earners was that they were unable to pass the files with the dictation to the secretaries and therefore needed to dictate names, addresses and references which would otherwise have been available to the secretary from the file.

India as an Outsourcing Centre

The main outsourcing centres currently in use by western countries are China, India, South Africa and Sri Lanka. The case study referred to above related to the submission of work to India for typing and transcription. All the major multinational IT companies now have a substantial work force in India. India has an anticipated revenue estimation this year purely from typing and transcription services of \$900 million.

India has several advantages as an off-shoring centre:

i) India has a very high level of literacy. Most graduates will take second degrees and often professional qualifications. Staff employed by UKTyping are either graduates or double graduates and some of them have MBAs. Several of the individuals are retired lawyers who prefer to provide transcription and quality control / audit services to typists.

ii) India is a lower cost environment and whilst transcriptionists, in view of their experience, education and expertise demand far higher salaries than many other skilled individuals, the charges are far lower than charges that would be payable to a secretary in the United Kingdom.

iii) English is the main commercial language in India and the English legal system forms the basis of the Indian one.

Potential Pitfalls and Problems

Outsourcing and off-shoring arrangements must be appropriately structured from the outset. If the UK organisation is to employ its own staff and to set up a base then it will need team leaders who are willing to deal with the difficulties in dealing with Indian bureaucracy and set up problems with infrastructure such as the arrangement of phone lines, broadband connections and so on. The set up process can take up to two years. Staff turnover can be high particularly within fields where work is laborious or mundane. It is necessary to provide motivational support to staff, days out together, and team building weekends. It is often easier to arrange a joint venture with an established Indian organisation with a view to enhancing the speed with which the venture can be established.

Issues such as confidentiality, data protection and other local and EU legislation need to be accounted for. British Standards now deal with the provision of services and outsourcing. Lawyers and accountants can have particular difficulty in ensuring that they comply not only with the Data Protection Act requirements but also that their Clients are correctly and appropriately notified of the relevant arrangements in their client care or engagement letters.

Whilst the time difference between the United Kingdom and India is of advantage in enhancing turnaround rates it can

cause difficulty in the management of work carried out in India from the UK. This will require team leaders in the UK to be in contact with the Indian workforce from 2.30am UK time. A lot of these issues can be alleviated by an appropriate web interface allowing workflow management and monitoring from the UK both by team leaders with relevant access being provided to Clients so that they can monitor their own work. The UKTyping website allows users to log on, to submit work, to receive work, to monitor progress and to raise any relevant questions or concerns.

One of the greatest difficulties in outsourcing services where there is either direct or indirect contact between clients or customers in the UK and providers in India is the difference in cultural background, the lack of local knowledge on the part of operators in India and often the difficulty in understanding accents. This is also relevant in the field of typing and transcription. As a result it is often necessary for work to be quality checked and audited by experienced staff in the UK. All services provided by UKTyping are quality checked by experienced legal and medical secretaries in the UK prior to the submission of work to client firms.

Summary

Undoubtedly the outsourcing and off-shoring of relevant business processes to lower cost environments will become the norm. This will be a matter of necessity rather than choice. In setting up such operations, however, one needs to be diligent in choosing the most appropriate off-shoring centre identifying the facilities and skills that are available at that centre. Management from the UK of the production centre is critically important if standards and quality are to be maintained.

The considerable benefits of off-shoring and outsourcing outweigh the initial difficulties in setting up such an operation and the time and money invested in the establishment of such an operation is recouped within a matter of months.

Sunil Radia is a partner in The Radia Partnership and also represents UK Typing, see websites at www.radialaw.com and www.uktyping.com. Email skr@radialaw.com.

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From Sweet & Maxwell

Running a Virtual Law Firm by Andrew Woolley

In 1996 I left my partnership in a traditional, but very well run, law firm to start my present firm, Woolley & Co, Solicitors. You can see our websites at www.e-lawfirm.co.uk and www.divorce-lawfirm.co.uk.

I had decided to work by myself, keeping overheads to a minimum. I had also studied at Warwick Business School and had been thinking about how the traditional model of a law firm might change in the modern world.

I wanted to remove "unnecessary" overheads such as a physical office, a reception area, receptionists, office juniors and even secretaries! I quickly found that using voice recognition software was too slow and so I started to use a very experienced secretary who lived locally and worked for a few businesses, paid on a per letter basis. It is incredible how much faster such people are than those in my last office! Of course, I only paid her when she was working directly on my work. We moved quickly to digital sound files instead of tapes and that means I can e-mail my "tapes" to her and she e-mails the completed documents back to me.

We then started on the first website which, looking back, now appears primitive but it was one of the first for a small law firm. I also needed to take on more lawyers. I have found that only those who are confident, mature and probably with a following (if not, why not?) work well with us.

How we work

We now have 7 lawyers, all working from home offices. All are very experienced (the average being 20+ years post admission) and all specialise in a particular area of work. I make sure that I get to know and trust them before they start. We find that regular team meetings are important and we place great store upon a feeling of belonging and involvement. I do not expect any of them to leave for another firm - why should they? This is a long term commitment and if I listen to their concerns and their ideas and then act upon them (or explain why not) we all know where we are going and how we are going to get there.

We have an experienced professional Marketing Director and a Finance Director. We also use a very experienced legal cashier - possibly the best monthly investment I make is in the knowledge that our accounts are absolutely "up to the mark" and dealt with by a "stickler" for the letter of the rules! We have had to agree with the Law Society that all monies come through Head Office i.e. my office. That is slightly inconvenient but perhaps one day we can talk to them again! We did have an early visit from the compliance people but I found that an open attitude and expressing the wish to comply and change if needed, to reassure them, worked wonders. Incidentally, we have had no claims and no complaints in 7 years, so I feel we have proved ourselves in this respect.

Rules such as money laundering do worry me, but we have all been trained using a CD programme of course!

We have an IT consultant who is able to access (securely) the lawyers' computers and "take them over remotely" if there is a technical problem. We use a secure outside server to exchange information, store knowledge and store back-ups etc. We have routers with firewalls, tip top virus and intrusion software....but I don't see any more vulnerability for a "virtual" firm than a normal firm. Those who go on and on about IT security forget about burglaries of offices and the normal situation there which is that filing

cabinets are generally left unlocked (and even when locked it is not hard to get into them as any office junior knows when their boss has leant against the lock and has no key!)

The work we do is all business related (e-commerce, insolvency, commercial, commercial property, commercial disputes and so on) and the only private client area we cover is divorce. In all of these areas we have had no difficulty in attracting work from people knowing that we run as a "virtual" law firm, indeed it has been a positive issue when speaking to e-commerce businesses who regard offices as a strange concept and are very well aware that it is the client who pays for them! However, I cannot imagine being able to do legal aid, conveyancing or mass PI claims in this firm, even if only partly due to my need to supervise the post and the accounts.

Websites

Our websites have been extremely successful for us. The www.e-lawfirm.co.uk site has won several awards and attracted a lot of traffic. We get clients directly from reading it. That said, this year we are totally redeveloping it. We intend to engage more with the visitors, to set up an area for on-line paid-for seminars on subjects such as "marketing by e-mail", to offer packaged law and documents on-line and to take on-line payment.

Our www.divorce-lawfirm.co.uk site is designed to give all the information we would normally provide in a first free interview, so we no longer do those. If a client clicks to have a meeting with us and pays, they are serious people and we find that very little of our time is wasted.

Overall, we now get 63% of our clients from our websites.

What are the Advantages?

- * Lower overheads—massively so.
- * Flexibility if profits go down rapidly—the typists, marketing and FD roles are all fulfilled by outsourcing.
- * Lawyers feel "free", proud to be in the forefront and much less tired - we reckon between us we save 1.7 days per week travelling!
- * Speed: e-mail is our normal channel of communication.

What are the Disadvantages?

- * You have to do a lot yourself - for example, I found that I did not know how to fold letters to fit in window envelopes!
- * Holiday cover is a major bother. There is no secretary to read the letters and to know which need to be referred so we have to refer everything to a colleague.
- * The cost of IT cover is considerable, especially as the PCs are spread out.
- * We cannot get enough lawyers who want to work like this! At the moment we are recruiting lawyers for wills/tax, business advice and divorce.

Summary

I am not aware of any other firm doing what we are doing and long may that continue! However, I am not sure I would want to go over about 10 lawyers in the firm.

Will this become the way to do things? I do not think so. It is very hard to move from being a traditional firm to a "virtual" one and most people are probably happy with the way they do things at the moment. In addition, most smaller firms do a lot of conveyancing and this is not appropriate to this form of working.

Andrew Woolley, aw@e-lawfirm.co.uk.

Another in the series on publishers online

WordWave - Courtroom and Beyond *by Sarah Andrews*

Established in the UK as Smith Bernal in 1983, WordWave initially specialised in real-time reporting and high-end legal services for high court cases and public inquiries. It won the contracts for the Courts of Appeal and the Old Bailey in 1996 and pioneered the use of remote, and real-time technology, where parties, both in and outside of the courtroom, can see what's being said, as it's being said in private litigation. Since then, we have covered hundreds of cases, hearings, tribunals, depositions and inquiries from the Heathrow Terminal Five Inquiry to the BCCI appeal.

In 1998, Smith Bernal joined 24 court reporting companies around the world to form the international arm of US corporation LegaLink (www.legalink.com). Based in London, Hong Kong, Sydney, Melbourne and Christchurch as well as in 24 states across the US, LegaLink now covers around 1,000 hearings a week. In 2000 it expanded again, with the addition of US subtitling giant VITAC (www.vitac.com) which provides more than 1,200 hours of live subtitling every week to clients that include CNN and the Discovery Channel. Since 2002, our UK and international division has operated under the WordWave banner (www.wordwave.co.uk).

During its 21 years of operation the business has grown, diversified and adapted its services, client base and geographical location, to meet the changing needs of the legal marketplace and the increasingly global nature of law firms and their clients.

Real-time for all

WordWave's trademark has long been its provision of real-time reporting, with writers capable of creating a verbatim record at speeds of 220+ words a minute at 98 per cent or higher levels of accuracy. Initially retained for the highest profile cases, it has become more common, with more and more clients feeling the benefits of reduced hearing times and increased accuracy and timeliness of transcripts. Software lets users code and annotate transcripts during proceedings; internet connectivity, messaging and document linking allow "on the fly" communication; and easy exchange of information in the courtroom and from remote locations opens up access.

WordWave is continuing to invest in its stenography school, training between 12 and 20 new writers each year. With a new school planned in Australia for 2005, we aim to make real-time the "norm" for any case lasting a week or more, bringing its benefits to even more clients.

As the use of real-time advances, so do new applications for traditional court reporting skills. Along with subtitling services for deaf and hard of hearing people, WordWave is now providing speech to text services for deaf witnesses in Crown Court cases, following a request from the Crown Prosecution Service in Newcastle.

A new kind of official record

While new technology is changing the way official records are created at the high end of the market, similar changes are happening across the board, with courts in England and around the world looking to it for new, more efficient ways to capture proceedings. Digital recording, archiving and transcription (known as DAR) is now common in Canada, Hong Kong and Australia, with electronic sound files routinely archived as the initial official record. Transcripts are created on demand, after the event. Pattern-matching software lets clients search archived material, identifying

relevant files and passages and obviating the need for routine transcription, saving time and money. Having an audio record also adds value: the way in which something is said can sometimes change its whole interpretation.

In England, there are digital recording pilot sites running in a number of Crown Courts, including the Old Bailey, and the forthcoming round of courts tenders should signal a significant increase in the availability of DAR around the country. Indeed the DCA's aim is to have all Crown Courts DAR-enabled by the middle of 2006.

All judgments – direct to your desk

We launched Casetrack (www.casetrack.com) in 1998, providing access to all judgments from the Courts of Appeal. Since then, we have expanded Casetrack to include cases from a range of other courts and added Case Review, with analysis of recent cases, the abstract-based Case Alertter (www.casealerter.com) and Case Detective.

Our in-house team can identify cases, alert clients when a new judgment is available or track and monitor the progress of a case. With daily updates from reporters and unrivalled access to court staff and clerks, we can also provide anecdotal and hot-off-the-press information – what judgments have been reserved, what's going to be handed down and what's been listed – as well as preview the new cases about to come to trial in the High Court.

Alongside this, WordWave continues to support the DCA's work to extend free access to judgments. Until last year, we offered a free, open access archive service called Casebase, but now we provide all this material to BAILLI. In addition, judges, academic institutions, not for profit organisations and charities can all access Casetrack for free. An agreement with Citizens' Advice ensures that members of the public can also access judgments.

WordWave has recently consolidated its position as a primary law publisher by creating links with other online data. You can now access Context (www.context.co.uk) material via links within Casetrack judgments, moving seamlessly from one source of information to another. Soon, a new venture with EMIS Professional Publishing Ltd (www.emislegal.com) will link civil procedure, property and employment information from both services.

Beyond the courtroom

While our work in the courts continues to be our core business, WordWave continues to develop services in other sectors. We are currently piloting digital recording and transcription of suspect interviews with the Metropolitan Police and several other regional forces. After just a few months, officers are already convinced that this will significantly speed up case preparation and are seeking to outsource all aspects of the process. So, as fewer officers have to type up their interviews from analogue recordings, digital files are provided to WordWave within a secure network, getting officers out from behind their desks and back onto the beat. It seems likely that collating data in electronic format at the start of the criminal justice process can help information flow more easily into the prosecution and trial phases, increasing efficiency overall.

As well as our criminal justice work we have set up a new joint venture to provide subtitling services, expanding our services for deaf and hard of hearing people, both in and outside the courts.

*Sarah Andrews is the Managing Director of WordWave International, www.wordwave.co.uk.
E-mail: sarah.andrews@wordwave.co.uk.*

E-Commerce Law Developments by Kolvin Stone

Kolvin Stone is a solicitor specializing in IT and e-commerce at City law firm Fox Williams, www.foxwilliams.com. Kolvin provides a round-up of recent e-commerce law developments in an article which you can download from www.venables.co.uk/n0405ecommerce.doc. It covers the following topics:

* **Privacy and Electronic Communications (EC Directives) Regulations 2003** particularly in respect of cookies and spam; he looks at the difference between opt-in and opt-out, the difference between individual subscribers and corporate subscribers, the nature of an "existing business relationship" and what type of enforcement is likely.

* **Data Protection and the Internet**, with a description of the recent European Court of Justice decision on the Data Protection Directive and the Internet in *Bodil Lindqvist*; Mrs Lindqvist worked as a volunteer in a Swedish parish and set up internet pages to allow parishioners preparing for their confirmation to obtain information they might need. However, the pages included personal information about individuals without their consent.

* **Trade Marks, Metatags and the Internet**, with a description of the Court of Appeal decision relating to Reed Executive plc and Reed Business Information - different organisation but sharing the key word "Reed". The action related to what can be - or cannot be - included in a site's metatags without infringing copyright.

* **The Gambling Bill and Online Gaming**. How advantageous will be the eventual bill be to online gaming and will the UK become the best place for it?

Debate on the "Pay as you Convey" model for conveyancing online

E-conveyancing and case tracking online were covered here quite extensively in the first three issues of 2003. You can see (and access) a whole series of articles and case studies at www.venables.co.uk/n0405joeoverall.htm in the section on Selling and Marketing Legal Services.

Most suppliers now provide software for case tracking online but to operate this on a firm's own website, with all the updating and security features required, is not a trivial undertaking. Smaller firms may not be able to do this.

To address this problem, several suppliers provide hosted facilities for the online tracking part of the conveyancing system, so the firm sends the summary information from their in-house case management system to the host, where the technically challenging part of the website operation is carried out.

Within this type of system, a key difference then emerges - some suppliers offer a "Pay as you Convey" option, whereby little or no initial cost is required, but an ongoing fee per conveyance is paid, and others require the firm to buy and install the software, and then provide the tracking part of the operation at a minimal cost.

I asked two suppliers - ConveyanceLink (previously known as SellersLink) and Easy Convey to write an article for me about how their systems worked and in particular, how they charge for these facilities. (Their respective websites are at www.conveyancelink.com and www.easyconvey.com).

Martin MacDuff of ConveyanceLink puts the case for "Pay as you Convey" as being an efficient and low cost (and low risk) way of providing these services and Dominic Cullis, of Easy Convey, argues that this is not good value for the firm and that buying and installing the necessary software in-house is cheaper in the long (and indeed medium) term.

These two articles can be read in the web version of this newsletter - see www.venables.co.uk/n0405joe.htm.

Two important new research tools

JustCite (www.justcite.com) from Context

JustCite is a legal reference search engine which provides a fully cross-referenced index to authoritative UK and European legal information. The user types a reference or case name into a search box and is then presented with a comprehensive overview of information relating to the reference.

In addition to full-text links, the user is offered a variety of important information, such as (for cases), a list of parallel citations, subject matter, cases and legislation judicially considered, and subsequent cases and transcripts. Similarly, entering a reference to a section of an Act tells the user whether it is currently in force and lists subsequent cases that have interpreted it, any amending and amended legislation, and other information.

JustCite offers the facility to view metadata related to each individual section of an Act. It is the only provider-neutral legal research service and combines searchable content from different publishers within a single interface. In some cases, the user can link directly to a free resource, such as on BAILII or HMSO although in others the user needs a subscription to the service concerned, such as Justis, LexisNexis Butterworths or Westlaw UK.

JustCite comprises two services - a free service (JustCite Basic) and a paid-for service (JustCite Plus). The free service, which requires no registration, offers a subset of the citation information mentioned above, including parallel citations, full-text links and subject matter abstract (for cases) and references, links and "in force" information (for legislation). Free trials of JustCite Plus are available.

You can also access the Justcite Basic facility (free) on the Venables site at www.venables.co.uk/justciteaccess.htm.

Lawlinker (www.infolaw.co.uk/lawlinker) from Infolaw

Lawlinker identifies legal references on a web page and provides direct links to the publicly available full text source materials (i.e. the free ones). It provides a table of links to the available resources and also sets up additional searches on Google and infolaw's Lawfinder database to aid further research or if a direct link is unavailable.

Lawfinder is particularly useful in any situation where the user needs to follow up statutory or case references. For example, if a user is reading a judgment online, Lawlinker provides a table of links to any Cases and Acts referred to and the user can then click through to the full text of the Case or Act concerned. The reference table stays in the top frame so the user can click back and forth to follow up as many references as needed.

You can obtain a free 30 day trial to Lawlinker. You have to register to use the service and you also have to download a small piece of software which works with the browser software to provide the facility.

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