

Internet Newsletter for Lawyers

By Delia Venables

November/December 2005

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Get Ready to Register .eu Domains

By Jody Tsigarides



The impending introduction of the .eu domain suffix which will be applicable to all Member States and thus accessible by all its occupants is likely to cause a huge intellectual property scramble.

Get ready to register these domains - or risk losing them.

The aim of the new .eu suffix is to boost e-commerce within the single market and to challenge the dominance of the .com. The European Council has appointed 200 registrars to deal with the applications and to allocate the new domain names. The new suffix can be registered by any individual or organisation providing that they are established within the European Union.

There are strong fears that the introduction of this new domain suffix may lead to vast disputes and hold serious consequences for those businesses which either lose out to their rivals or have to undertake expensive litigation to acquire the transfer of the domain name from a 'cyber-squatter'. Due to these concerns a 'sunrise' period will be enforced.

The sunrise period will last for four months and will grant companies which have registered National and European trade marks the exclusive right to obtain the domain name applicable to their registered mark.

The 'sunrise period' will begin on the 7th December 2005. Once this period has been active for two months the registration process will become accessible to those individuals and organisations which have other prior rights. Once the period has expired on the 7th April 2006, the restriction will be lifted and the domain name suffix will become available to the general public.

However, despite this pro-active effort to avoid the problems feared by so many, there are still some major concerns. These concerns are particularly important to law firms which are perhaps responsible for the intellectual property rights of a client.

Concerns with the process

The first concern is that trade mark registration is specific to a particular class, that is to say that should a mark be registered for example, in the class which relates to children's toys, it is quite possible that the same mark may be owned by a separate unconnected company which produces fresh foods. This will be where the scramble begins, the two competing entities may both apply for the same domain and it will be assigned on a first come first served basis.

The second problem is that the 'sunrise period' could be regarded as being very low-profile and thus many rights holders may not be aware of this grace period. This may cause an incident where individuals 'grab' the name and use it first, causing the original right holder to either lose it or undertake lengthy and costly legal proceedings in order to obtain it back.

It could be argued that it would be appropriate for law firms to contact their clients who have registered trade marks and inform them of the new opportunity, also stressing the importance of avoiding these problems by immediate registration when such is available. With regard to the interests of the law firm, whilst it could be argued that they are less likely to be a victim of either unawareness or cybersquatting, it would still be advisable to act quickly to prevent any dispute or indeed the eventual use of the firm's well-respected name in bad faith.

A further problem which is currently apparent and should form part of the immediate advice given to any client on a .eu domain registration is that of pre-registration. Perhaps provoked by the concerns resonating around the legal world, opportunistic registration companies are offering a reservation service which is essentially an agreement that the company will register the domain name as soon as registration is available. However, these companies are not official and cannot guarantee a successful registration. The European Commission is heavily warning against adopting such methods to register a domain and they advise anyone seeking a list of official registrars to visit EURid, at www.eurid.eu. EURid is the not-for-profit organisation, established in Belgium, selected by the European Commission, to operate the new domain.

As the 'sunrise period' draws closer, any company which owns a National or European trade mark needs to be taking action now and preparing themselves for the registration process. Perhaps law firms need to be advising those clients for which they act, on the issues surrounding a registration and indeed assisting in the preparation of the registration should the client so wish. The urgency to do so cannot be overstated. You must get there before everybody else does.

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Digital Dictation and the Internet

By Delia Venables

Digital dictation has been a rapidly developing field over the last few years. By using a handheld digital recording device, a lawyer is able to record work wherever he or she wishes, and then download the collected voice files to a computer in the firm whence it is "farmed out" to the most suitable, or most available, secretary.

In-house systems can vary from a one-to-one version, between one fee-earner and one secretary, to a massive corporate management system with multiple departments and several locations. So far, it is mainly the larger firms who have adopted digital dictation but smaller firms and chambers are now also showing a keen interest.

In all these cases, special software is needed to manage the recording (stops, starts, corrections, priorities etc) and the transcription process, where the secretary has to be able to control the incoming voice file (stops, starts, corrections, status reports etc). There are many firms vying to provide the relevant hardware and software and some of these contenders can be seen on my website at www.venables.co.uk/softwarevoice.htm.

Voice files can be sent by telephone or email to secretaries working at home or to freelancers or to transcription companies, which manage the work for multiple users and multiple secretaries. Transcription is a very suitable service to "outsource" or "off-shore" and the actual transcription services are often provided abroad, for example in India and South Africa. There are many companies now offering transcription services to lawyers, as can be seen from my page www.venables.co.uk/transcription.htm. Some of these specialise in legal work, as for example, www.uktyping.com, a service set up by the partners of the Radia Partnership, in Harrow.

Now however, the whole field has gone one stage further with key digital equipment supplier SRC, www.src.co.uk offering a "Hosted Digital Workflow Service" whereby, instead of the transfer of voice files and completed documents being mainly handled by email, a special web site is maintained as the data centre for multiple users of the service and multiple transcription companies.

The Commercial Director of SRC, Colin Howman, writes:

The service provides telephone, wireless and most importantly, web access for solicitors and barristers who want to record dictation and have their completed documents returned to them within a guaranteed period of time.

All that the lawyer requires is a dictation device (typically a Philips or Olympus mobile recorder or microphone) and some simple software on their desktop. He or she then simply signs up to an agreed turnaround time for their work with one of the transcription providers involved in the scheme and then dictates into the application on the PC. When the lawyer is finished a simple mouse click sends his or her dictation in an encrypted format securely over the web to the hosted dictation service where it is accessed by the appropriate transcription provider.

The audio is compressed and streamed and thus limited bandwidth is required.

The system also provides real-time information on where the lawyer's work is in the transcription process, enabling them to check if it has been completed. Typed up work is normally e-mailed back to the lawyer as a completed document and the transcription provider can also keep lawyer's preferred templates on file so that documents are returned fully formatted and ready to be sent to client. As an alternative to e-mail delivery, the system also allows documents to be viewed or collected on line, rather like the use of a web-based email service.

To date around 60 organisations, mostly with 1 to 10 fee earners, access the service every day, and the volume of work being processed continues to grow significantly as lawyers become comfortable with a web-based dictation and transcription service.

It also helps significantly that the service is based on a world-leading dictation technology from WinScribe (www.winscribe.com) which is very well known in the marketplace and is already used by many transcription companies.

Transcription is being carried out in countries as far away as South Africa (www.exigent-global.com), and Australia (www.jpexec.com). Both these countries have good levels of skilled legal transcription staff and use shift operations to ensure their next day turnaround.

If access to the internet is lost for any reason, lawyers can simply dictate via a telephone and their work still reaches the transcription service as quickly as before.

So for the smaller law firm, or for barristers, the combination of leading-edge digital dictation technology and the web has provided an exciting new service that fits well with the increased demands and expectations on lawyers to provide a fast and reliable service to their clients.

More information on the service can be found at www.src.co.uk/whatwedo/hostedservice.html or from Colin Howman at colinh@src.co.uk.

Ten things a firm should be doing now to prepare for e-conveyancing by Tim Platel

1. Creating a leadership group

All change is - more or less - painful, so it is not surprising that most people are - more or less - resistant to it. The best way to overcome resistance is to create a leadership group whose tasks are, firstly, to formulate the strategy, and secondly, to drive it forward to fruition. It is important that at least one group member has real authority within the firm, and can "get things done". It is also important that secretarial and support workers are encouraged to get involved. Pick a group of "champions" - as few as two or three might suffice - who combine the qualities of enthusiasm on the one hand, and IT savvy on the other, and give them the encouragement and support they need to succeed. Thereafter, you can roll out the implementation, desk by desk, department by department. Using this method ensures that when things go wrong (and they are certain to go wrong!) that you are only dealing with a localised hiccup, as opposed to a general melt down.

2. The three certainties of e-conveyancing

When gathering the information needed to make sensible decisions, it is important to remain focused on the certainties of e-conveyancing, and not lose your way by pondering the imponderables! Broadly speaking, the three certainties of e-conveyancing are,

- someone will be doing the conveyancing;
- e-conveyancing is being driven by Internet technologies (the main topic of this article); and
- with the introduction of HIPs, the marketing paradigm will shift from B2C (business to client) to B2B (business to business), such as agents and conveyancing panels.

3. Creating an electronic culture

From the technical point of view, it is important to bear in mind the second certainty above - that e-conveyancing is being driven by Internet technologies. In practical terms, this means placing a premium on those products and services that can demonstrate good current and future integration with the internet, especially when dealing with email and SMS texting, which are set to overtake the letter as the primary means of written communication. Try to take solid practical steps to ensure that all information leaving and entering the office does so in electronic format (see below on NLIS channels). Encourage the use of email wherever possible, ensuring that on client questionnaires, you actually request email addresses! Give all members of staff as wide as possible access to the Internet. Think about how you can do this, without compromising security and productivity (see section 5 below on Internet servers).

4. Investing in IT

If you are serious about e-conveyancing, you will need to get serious about IT, so take a long hard look at your network, and put together a two year investment programme. Your servers will be at the heart of your network, so if you have been getting by with an ordinary PC, it is time to go up a gear! Plan for a dedicated RAID1 server, using a fast Pentium 4 or D processor, with at least 8gb hard discs, and 256k of RAM. The HP ProLiant ML110 G3 server is a good affordable choice. As more and more of your precious data migrates from paper to digital format, a quality backup solution will be critical. One again, HP is likely to be your best option, and their StorageWorks DAT 24 SCSI Tape Drive is a good bet. Round off the configuration with a decent DVD-RW and a UPS (uninterruptable power supply). If you have any energy (and cash) left, why not investigate a wireless network? Inexpensive and flexible (because you don't need to hardwire fixed site workstations), it is the best way to give laptop users (ie: fee earners) access to the network and your Internet connection.

5. Increased Traffic and Security Issues

Remember that e-conveyancing is being driven by Internet technologies. As more and more business facing routines migrate to the internet, the more time you will be online. The increase in Internet traffic will put pressure on your server, and slow your network down and will also increase internal and external security threats. The best solution is a dedicated Internet server. This takes pressure off your main server, speeds up Internet access, enables you to manage how your staff access the Internet, and provides an additional and highly effective level of protection against viral and hacker attacks. Netpilot3 from Equinet is a suitable solution for the small or medium sized practice.

6. Scanners

For some years to come, conveyancers will be obliged to work in two environments at once - analogue ("real") and digital. Electronic data transmission requires digitising paper-based data, and that, of course, means scanning. There are two sorts of scanners to think about, desk top (for smaller, "one off" A4 sized tasks) and theatre (for bulkier tasks, up to A3 in size). A good quality desk top scanner can now be had for under £50 - the Cannon Lide 60 flatbed for instance. The two most important features here are the "Scan to PDF" function (see section on PDF below) and the USB port connection, which makes for very fast operation. As for theatre scanners, it really depends on how big the task is likely to be. A machine that can be networked, handle A3 sized documents, incorporates a good quality auto-feed and can scan at 50+ pages per minute is unlikely to come in at much under £2,500. Again, Cannon is a good bet, and their DR-5010C Document Scanner would be a good choice for most practices.

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7. NLIS Channels

One of the most important features of Home Information Packs – and often the most overlooked – is that they will be compiled and transmitted electronically. So it makes sense to source the information that goes into them electronically as well – and that means using an NLIS channel. There are three to choose from: [Transaction On Line](#), [Searchflow](#) and [TM search](#). They all enjoy similar functionality, the main differences being the user interface and pricing structure. Each channel represents a “one stop shop” for just about every search you will ever need to do. However, many Local Authorities still cannot transmit local search results electronically, and even when they can, copy planning consents and the like are still produced in paper format. You can get round this by using a personal search agent. Setting aside questions of authenticity, they are often quicker, cheaper and will generally transmit everything – including planning consents – electronically.

8. Case Management Systems

Case management will be the critical technology. This is because Land Registry, when designing its own e-conveyancing model, has assumed that you will be using case management, and that it will integrate with Land Registry systems. You will need agreement from Land Registry to access its network, and this will not be forthcoming if you have not invested in a case management system. As to which system you buy, this will depend on how much conveyancing you do as a proportion of turnover. If it is significant proportion, then you will need to look at “best of breed” solutions, such as [ConveyProControl](#) from Courage & Co, or CASA from [Easy Convey](#). If not, and you are already using an accounts package, then your existing supplier is likely to have a solution worth looking at. Otherwise, the Law Society’s Software Solutions Guide is a good starting point. When looking at case management products, insist on seeing live software, rather than PowerPoint presentations. Whatever product you finally opt for, ensure it has good current and future integration with the Internet (such as on-line SDLT submission for instance), and (so far as you can tell) enjoys a shallow learning curve.

9. PDF files and Adobe software

A PDF (Portable Document Format) file is a universal file format that preserves the fonts, formatting, colours, and graphics of any source document, regardless of the application and platform used to create it. Developed by Adobe Software, it is now an industry standard, and will almost certainly be the file format used to create and transmit HIPs. Whilst the software used to read PDF files, known as Acrobat Reader, is free, the software used to create PDF files, currently Adobe Acrobat 7.0, has to be purchased. Depending on what version of the software you buy, the cost is anywhere from about £190 to £350. Simple to learn, easy to use, and cheap to acquire, every conveyancer should now be using Acrobat to create bespoke documents (contracts, transfers, questionnaires etc.) which can easily be transmitted as email attachments.

10. Training

Training is the poor man of IT implementation, partly because of the way legal software is sold. With some notable exceptions, software suppliers are generally much more interested in increasing the number of sites using their software, rather than increasing yield from those sites. As a consequence, and because suppliers are so keen to get their product into your office, training is often undersold and, because of this, users’ experience of the product often falls

somewhat short of their expectations! It is essential to ensure that all your staff (fee earners as well as support staff) get sufficient training of the right quality and sort. The sort of training you need is known as EDIP – explanation, demonstration, imitation, practice – so if the trainers don’t know what EDIP means, you may have a problem!

Tim Platel was a practising solicitor for 25 years before he began working in the legal IT industry, firstly as a consultant for Professional Computer Group in Dorset, and latterly as In-house Counsel for Easy Convey Ltd in Surrey. In May of this year he set up his own consultancy, Horizon Legal Sciences, www.horizonlegal.co.uk which is aimed at helping smaller law firms implement successful IT solutions. Email timplatel@horizonlegal.co.uk; or 07767333576.

New book from Sweet & Maxwell - a short note from Delia The Susskind Interviews

Richard Susskind is something of a hero in legal internet circles having first written about the way that the internet would transform the practice of law way back in 1996.

In *The Future of Law* (OUP) he described *traditional* legal services as being advisory in nature, “one-to-one”, reactive to problems as the problems came up, defensive of the client’s position (and the lawyers), narrowly focussed on legal aspects of the situation, delivered in printed form and charged on the basis of time spent.

New legal services would redefine the lawyers as information engineers, information would be created for the “one-to-many” situation, advice would be proactive, and would suggest new opportunities, advice would combine legal, banking, business etc, it would be prepared and delivered using IT (and the internet) and charged on a basis reflecting the value of the advice.

His message was that Lawyers should start to adopt the opportunities which the Internet can provide - or lose out to others who will take their place.

And all this was 9 years ago!

Since then he has continued to lead in the general field of IT in the legal world. He has advised on numerous government inquiries and, since 1998, has been IT Adviser to the Lord Chief Justice of England. In 2003, he was appointed by the Cabinet Office as Chair of the Advisory Panel on Public Sector Information. He holds law professorships at Gresham College in London and the University of Strathclyde in Glasgow. He is also an OBE. You can read more about him at www.susskind.com.

Now he has brought out a book called **The Susskind Interviews: Legal Experts in Changing Times**. This charts interviews with 18 leading legal figures of our time - top judges, barristers, politicians and solicitors.

The interviews have taken place in turbulent times for lawyers and politicians, as they sought to cope with the implications of September 11th, proposals to abolish the Lord Chancellor’s Office, the possibility of a Supreme Court, the collapse of Enron and Andersen, and the Hutton Inquiry. The interviews are very candid and are supplemented with Richard’s own impressions of his distinguished guests.

You can see the details of who has been interviewed on Richard’s site at www.susskind.com/interviews.html and you can order it from there, or by calling 020 7449 1111.

Web Resources and Knowledge Management by Derek Sturdy

Lawyers increasingly want to ensure that all work is done to best practice standards and that lawyers of less than lifetime experience can carry out complex work to very high standards, using know-how inherited from their elders. They want to be able to reuse materials which encapsulate professional experience and knowledge. As legal organisations devote more investment to document reuse and to document preparation for reuse, they start to realise the potential for integration with online resources to deliver real benefits. However, this is not as easy as it sounds and some of the problems are described below.

The issue is updating

Legal knowledge suffers from three unusual difficulties:

- legal knowledge that is right, and advice based on it that is sound, at a given time, can become respectively wrong and unsound more or less overnight;
- the changes in legislation and case law (primary law) and regulations, that bring this about, are effectively random, although notice of them is normally available;
- the UK, unlike many other jurisdictions, does not codify legislation, but instead issues a mass of SIs, amending, bringing into force, repealing or amplifying legislation; it can be quite hard to find out exactly what the current law is on any topic.

Engineers, say, or even doctors, don't really have these problems. For them, an existing best-practice, proven solution to a problem will still work, even if a recent technical improvement means that a better solution is actually available. So lawyers have to attend more strictly to the problem of updating the foundations of their know-how and legal knowledge than most other professions.

The traditional methods of handling this issue rely on reading the legal journals relevant to a lawyer's discipline, receiving and reading updates from bodies such as the Law Society, and, in the larger firms, receiving and reading bulletins prepared by information staff or support lawyers paid to do the work. However, the arrival of updating information does not coincide with the need for the new knowledge in the course of daily work. In addition, each lawyer has to know that the update has been prepared, and remember at least that they have read it or glanced at it, in order to be able to apply the update to their work when it is actually relevant.

Legal publishers have done their best to provide the data on which these methods depend, including updating services of various kinds ("push" technologies). However, these have their downside, where a deluge of randomly timed pieces of information arrives and the miserable recipient has to decide what to do with it - file it? store it in email folders where it might get lost? read it instead of carrying on earning fees? As a result, yet more technology has been developed to solve the problem caused by push technologies and random updates, such as email searching. This might actually be seen as an expensive way to compound the problem. But what is the alternative?

Providing the update at the point of use

This is obviously the thing to do. The provision of updates at the point of use requires access to a real-time resource, which today will be web-based. There are two methods, which need not be mutually exclusive:

- outsource the provision of legal know-how, precedents,

etc to a publishing organisation that has the dedicated staff to ensure that all the legal knowledge is up to date;

- find a way to tie the changes in primary law, and commentary on them, directly to your know-how.

The obvious choice for outsourcing is the Practical Law Company (PLC), www.practicallaw.com; they have the specialists in place and they concentrate on know-how rather than legal information. However, the range of legal work types they cover is by no means comprehensive and also, such services are expensive.

The second method is quite easy to do in places like the US, where the form of case report citations is standardised, where cases rarely have more than one report citation unless there is a federal dimension, and where cases are reported in accessible electronic media like LexisNexis and Westlaw very quickly. Automatic case finders work well and lawyers use the proper citation forms because it is easy and because the cases are reported quickly.

It is much harder to do this sort of thing in the UK. Case report citation forms vary at the whim of publishers and historical accident, multiple report series often report the same hearing, and the most interesting period of a case hearing's significance (the first few weeks after the judgment is handed down) is normally also the period during which the hearing is not reported and therefore does not possess a report citation. Lawyers then compound the problem by omitting the standard citation given to cases at the hearing, by using various nicknames for cases, and employing language such as "the new regulations" or "the following section of the 1990 Act", instead of "SI 2005 346" or "Town and Country Planning Act 1990, s.56". The result is that automatic primary law reference finders cannot work very well for internal know-how. In addition, most are tied to the offerings of a particular publisher.

As a result, most know-how collections are updated by hand, with all the expense and inefficiency this implies. The problem is compounded by the fact that most City firms will be paying expensive PSL salaries to have precisely the same thing done - the application of new primary law and regulation to their know-how - and the primary law and regulation changes being considered, if not the know-how, are all the same. Clearly there are opportunities for reducing the redundant elements of this work and reducing costs. Two approaches are gaining ground.

1. Using citators in the web-enabled office

The first approach is the ongoing development of central authority files, summarising in a standardised way the metadata about primary law that is needed for updating purposes. Such information has been available for years in published citators, but these are not always easy to search automatically and have proved hard to link to internal know-how. There are many reasons for this. Suffice it to say that in most cases the programming costs are very significant and beyond the reach of all but the largest law firms, the accuracy limited, and the lifetime of the resulting applications short as publishers and their customers alike change their formats and infrastructures.

The most obvious new commercial service is the development of the JustCite database, www.justcite.com, by Justis, which is a digest of "what affects what" in a subscription service. As a simple database without commentary, JustCite provides what many think of as 95 per cent of the value of the information, which is first, knowing that something has been affected, and secondly, providing the links to both the thing that makes the effect and the thing that is affected. Examples of the effects

logged by JustCite are the SIs that implement Directives, hearings which are appealed, hearings which are distinguished, followed, etc in other hearings, sections of Acts which are amended or repealed by SIs, and SIs which affect other SIs, in all cases providing publisher-independent linking to the fuller texts.

2. Linking to specific resources

The second approach is the development of specific linking services which enable the relevant link to be made to approved, specified sources without the need to remember passwords and logons and the vagaries of each different service. There are two sorts of destination sites:

- comprehensive and predictable for specific data - in other words, if you know the piece of information such as a case or SI which you want to connect to, you can know whether the destination holds the information or not without doing a search;
- eclectic - the site may or may not have any particular piece of information.

The most commonly used eclectic legal sites in the UK are probably Lawtel and BAILII. Examples of predictable sites are the All England Reports cases, which are all uniquely on the LexisNexis Butterworths service; so if you have any All ER cite, then that is the place to go and you will find it. Similarly, the Fleet Street Reports cases are all uniquely on the Westlaw UK service, so if you have any FSR cite, you will find the case on Westlaw UK. Such sites normally allow the creation of the URL to find the particular piece of information by means of a formula unique to the site, so that if you have the necessary metadata, and the necessary programming abilities, you can build the correct URL in real time using the formula. The advantage here is that if the publisher changes the way their site works, you just change the one formula, not all the links.

With eclectic sites, the linking process effectively has to do a search on the site to see if what is needed is there. Carrying out an accurate search automatically on such sites may not be easy to accomplish.

There are two techniques for taking the user to the required resources:

- search integration, of various levels of complexity and sophistication;
- linking straight from the metadata in the authority file or citator, and constructing the URL in real time from the metadata to link to the precise resource that is relevant.

A technique which is considered unsatisfactory is the hard-coded link, which is constructed by highlighting a piece of text in a document, and creating a specific link to a URL (the address of, say, the explanatory note of an SI on HMSO). Publishers and other resources change their sites from time to time and the work done in finding the destination and creating the link is then wasted.

Search integration, supplied by such sterling organisations as Magus Research, www.magusresearch.com and Solcara, www.solcara.com, can be used to handle the particular problems of the eclectic sites, and it has other specific uses:

- it can be set up to visit specified sites for specified purposes: for example, the use of a taxonomy can direct the search integration service to specific sites which have been associated with specific terms;
- it also can visit only approved sites, thereby cutting down on the amount of unwanted noise generated by, say, a Google search.

Direct linking - constructing the URL in real time - is the hallmark of the JustCite and the Tikit Know-How System applications, www.tikit.com/km, and in both cases it has been developed to deal with links to primary law, that are only weakly, if at all, handled by search integration techniques. These direct linking applications know which citations are to be found on which sites, how to perform silent authentications where the sites allow it, so that users do not have to remember logons and passwords, and work from rule books to construct URLs in real time, so that they have low updating maintenance costs.

It is still the case, however, that somebody has to supervise the linking of particular pieces of text in re-useable documents and guides, to the specific pieces of primary law and regulation. Although software such as Justis' Link Studio can help, no software currently available can handle all the vagaries of the language used in internal knowledge resources and some references will be missed. The nettle of editorial involvement must therefore be grasped, whether this work is outsourced, as is the normal case with the Tikit Know-How application, or performed in-house, as is the normal case with those who employ the Justis applications.

Big firms and little firms

A very few large firms represent over half the total legal fees earned in the UK, and have a full supporting infrastructure, while at the other end of the size scale, a multitude of one-person operations or very small organisations have to consider every expense, whether of time or money, very carefully against the benefits it might bring. For these lawyers, whether solicitors in very small law firms or barristers in chambers, KM might consist of their own best practice, as exemplified by recent files on their personal computers, precedents out of "the books", and their variably competent access to a smattering of free web sites. The individuals concerned seldom have the combination of expertise and spare time required to link, let alone to integrate, their "last time I did this" documents to external web sites of any kind, and web resources are searched, or looked up, by hand as required.

Slightly larger organisations are moving into the integration province which used to be restricted to the largest firms. The use of skilled support staff is no longer confined to the largest firms as the economic benefits of updateable, re-useable materials start to be realised.

There is therefore an increasingly obvious advantage in the "one-to-many" mode, both in re-usable document preparation and processing work, and in know-how publishing, citator and authority file maintenance. This will increase as the new technologies start to deliver their promise. As usual, the smaller players - PLC, Justis, Tikit, InterWoven, and so on - are currently running ahead of the larger players such as LexisNexis, Thomson, SAP and Documentum.

After a Cambridge doctorate and a number of years in industrial process control, Derek Sturdy joined Legal Information Resources in 1991. Together with Christine Miskin he produced the first legal electronic metadata databases (especially Legal Journals Index). When LIR was taken over by Sweet & Maxwell, they launched Current Legal Information, and then created the editorial and database systems for Westlaw UK. In 2000, Derek founded Granite & Comfrey to provide effective KM systems for law firms. This is now part of Tikit, www.tikit.com the largest integrator of legal systems in the UK, where Derek continues his work in legal KM. Email derek.sturdy@tikit.com.

Web Marketing for Chambers

By David Rose

Websites have two main roles in marketing for chambers:

- they should **reflect** the current standing and service provision of chambers; and
- they should **develop** market share by offering additional services to raise the profile of chambers in the minds of potential clients.

The website is the fundamental tool in developing new business for any set, since it will now be the first point of contact most new customers will have with a chambers, whether they are working with direct access or are receiving briefs in the normal way.

The website will be viewed as a reflection of the way chambers will communicate with potential clients and the skills, ability and success of members of the set. Chambers should make use of their website to show-case their successes, no matter where else that information may already be published. It is always worth remembering that in using the website as a marketing tool, one is particularly aiming at an audience that may not yet be aware of what chambers does. Chambers' marketing in the past has relied heavily on personal networking - the knowledge of which set is the best for a particular circumstance. A well designed and implemented website can be used to reinforce a position of dominance, or make it possible for a set to quickly show ability in a particular area (see for example 2 Temple Gardens, www.2templegardens.co.uk).

Web marketing removes the barriers that personal networking can present and allows a set to demonstrate expertise and establish a reputation in a matter of years rather than decades. This provides opportunities for new chambers to compete with existing sets by demonstrating their abilities and successes, and opportunities for experienced chambers to demonstrate their depth of experience as well as their expertise (see for example Hollis Whiteman Chambers at www.holliswhiteman.co.uk). One particular point cannot be over-emphasised: if the website does not reflect an ability or a success, then it is as if it does not exist. The best practice of website design follows this imperative to create sites that are reflective of chambers' ability and their approach to their clients.

There is some content that all websites should have, including contact details, a description of areas of practice and a list of members, as one would expect in a printed brochure. Analysis of access logs shows that the single most common use of a website is to find contact details. The website, however, will also allow you to do other things which would not be practical or affordable in print, such as to provide much more information about the individual barristers in the set, including their photographs, areas of practice and successful cases (see for example Farrar's Building at www.farrarsbuilding.co.uk).

Design Considerations

Care must be taken in the design of the site to make sure that all this useful and interesting content is readily accessible. The website is reflecting chambers' ability to communicate and a poorly designed site will suggest that the chambers does not take client communication seriously. Design techniques that are perfectly appropriate in other contexts should be avoided in chambers' web design.

One must always be careful to observe the requirements of the Disability Discrimination Act with regard to website accessibility. If chambers offer any services via their websites then they are obliged to make sure the site does not make it unreasonably difficult for disabled people to use. Avoid site design using Flash navigation with complex mouse-over effects. In addition, text-based navigation rather than image or icon-based navigation is essential for ease of browsing by disabled people.

It is also important that Java-based tools for modifying page displays are used with caution. Java is a popular programming language for the creation of animation and interactive features for the web, but client-side Java applications require the installation of a plug-in called a Java Virtual Machine (JVM) before it will run on a user's computer. Previous versions of Windows included a JVM, but, following a legal dispute, Microsoft no longer provides it as part of the standard distribution. Although it is possible to attempt to detect the ability of a client's machine to display Java content and offer access to download a JVM, it is normally not possible for a business user to do this as their network security should prevent them from downloading and installing software on demand. JavaScript, whilst having a similar name, is completely different, and JavaScript tools and techniques are perfectly acceptable.

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Keeping the content up to date

These basic technical issues, including ease of use, clarity of design, ease of navigation and awareness of the DDA are half the battle and perhaps the easiest to accomplish. The other half of the equation is to do with the content of the site itself and the commitment that chambers has to the upkeep of the site. This is the area that has the most marketing potential for every set. In principle, one can simply say that the website must contain as much information as possible about chambers' areas of practice, about the individual members and about recent successful cases, and that this information must be up to date.

Provision should be made in the construction of the website to cross link barristers with their areas of practice so that visitors to the site can quickly and easily see which members work in which areas (see for example 17 Bedford Row at www.17bedfordrow.co.uk). Avoid having separate lists without cross linking as it makes it difficult for users of the website to see who does what.

Chambers should consider the website more as a rolling news service than a simple brochure. This does have a financial implication since the website will not be a one-off expense but will require a budget for the ongoing development of the site content. The overall cost of maintaining the site can, however, be kept to a minimum if the site is constructed using a content management system (CMS) which should not require any special skills on the part of the people providing the material. Any initial extra cost is offset by the fact that the day-to-day site maintenance can be done by chambers' secretarial support staff or by the members themselves, rather than needing to be carried out by the web design company.

CMS-based sites are easy to keep up to date and so are a very effective marketing tool. An additional advantage is the ease of website development and expansion. Using XML and back-end SQL database tables, the data held within the CMS site is kept separate from the display, making it easy to add new content or to re-livery the site without having to commission a completely new site. This greatly reduces the total cost of ownership.

Trends in advanced content and services

A little while ago it was sufficient simply to have a website in order to show that chambers were part of the leading edge. Now, as practically every set has a web presence reflecting their situation, in order to stand out and develop a greater market share it is necessary to provide additional services via the website. These services are usually free and fall squarely under the marketing heading. They serve two purposes: attracting and keeping clients, and attracting and keeping members of chambers.

The trend in the recent past has been for the provision of some form of free legal resource from the website. The most successful chambers have made substantial investments in this area, offsetting the cost of the provision and upkeep against the prestige - and therefore it is hoped, additional business - that it will bring to Chambers. Probably the best example is One Crown Office Row's Human Rights Update at www.humanrights.org.uk.

Not all chambers, however, can afford the cost of such a large-scale development, so instead they have focused on a more targeted approach to build ongoing relationships with client solicitors.

Some chambers produce regular publications that can be distributed from their website; others offer a range of

individual notices and updates on various topics of interest. The website mechanisms manage the announcement of the article, or control the email subscription to the newsletter and both enable the creation and distribution of the material whilst minimising the cost of managing the service. The website can also be used for distributing lecture notes and publicising events (see for example the Family Law Bar Association at www.flba.co.uk and the Criminal Bar Association at www.criminalbar.com).

In each case the key to getting the most marketing effect from the investment is to have the website manage the subscription, and to have automatic email announcements of the release of new information. These announcement emails should not simply distribute the "product" directly, but instead should link back to the chambers website and thence to the new information. This return visit is the pay-off for the marketing effort, so it is vital that the return link goes via a page which has other up-to-date news and information about members and their recent cases (see for example 1 Serjeants Inn at www.no1serjeantsinn.co.uk).

The "walled garden" is another trend that is beginning to emerge in the use of websites for specific clients or for groups of clients, providing free legal resources of one kind or another, including subscription services. The content may be similar to the free services on other sites - newsletters, lecture notes, guides and reports - but their distribution is controlled by subscription. These subscriptions may be free but restricted to current clients, or to types of client. An example of this is 5 Essex Court at www.5essexcourt.com.

Access may be on a pay-per-use basis tied to Continuous Professional Development. The emergence of widespread broadband technology has made it quite practical for chambers or bar associations to use their websites to deliver full lectures, complete with audio, video and lecture notes as a bundle. Video can now be streamed for a relatively modest cost, certainly less than the production and postage cost for a video or CD.

In all of these situations, the website that was originally intended simply to reflect the ability of chambers has been turned into a business development tool.

The near future will further integrate the website into the way that chambers conduct their business.

The use of low-cost, virtual deal room technology allows websites automatically to create space where case-related documents can be lodged and discussed without physically having to be moved and copied from place to place. Similarly, data analysis tools can be integrated within the website to provide intelligent querying of large data sets, such as email archives or correspondence archives for use in criminal fraud cases. The provision of these services will strengthen the relationships between chambers and existing clients, and make particular sets stand out.

Chambers websites will continue to reflect the strengths of individual sets. They will form the keystone of developing new business and reinforcing current relationships by the provision of additional web services to clients.

David Rose is Marketing Director of Enstar www.enstar.net. Enstar are the developers of the neatComponents™ website development system for the creation of content-driven websites by web design companies and are also specialist producers of websites for law firms, through [justLawsites.co.uk](http://justlawsites.co.uk). Email coffice@enstar.net or telephone 01234 240211.

Web Accessibility – Why Bother? by Andrew Gray

You may remember the article "Is Your Website Accessible?" by my colleague David Gilroy which appeared in the July/August 2004 issue of this newsletter (see www.venables.co.uk/n0407accessibility.htm). This time, we are providing two new articles - one general and one more detailed. This first article tries to provide succinct answers to some commonly asked questions; the more detailed article, by David Gilroy, is described at the end..

Why should I care about accessibility?

Believe it or not there are over 10 million adults in Britain covered by the Disability Discrimination Act (1995) - you can't afford to ignore this issue for ever and get away with it! Hopefully you support the moral argument in favour of accessibility for all but if not then there are sound marketing reasons to be as inclusive as possible (why irritate or partially exclude 10m people?). But there's a third less obvious reason why paying attention to accessibility issues makes sense. If you build your website to be accessible then it will work better on the new generation of internet devices (Blackberrys, smart phones, PDAs etc.). Many of the issues that make websites inaccessible to disabled users turn out to be the same issues that make them difficult to present on small screen devices.

Is text resizability necessary - and sufficient?

Why would you build a website and force all your users to view it at a particular font size? It's crazy! You don't know how young their eyes are or how good their monitor is or even what device they are using (don't assume it's a PC it could be smart phone). Furthermore, it's easy to build websites in such a way that the user can select their own font size. On accessible sites you will often see a menu option that allows you to increase the font size. Is it *sufficient* just to provide text resizability? Certainly not – there are many other issues to consider.

What about completely blind people?

Blind people are often very avid users of technology and a significant proportion of them will already be in the habit of using special "screen reading" software. The software is basically a browser (similar to Internet Explorer or Firefox). It retrieves a web page, processes it to extract all the useful text and then starts to read the text to the user. As soon as you stop to think about how your webpages might "sound" when read in this way there are some obvious issues.

The biggest issue is probably the order of things on the page. If your page uses tables to control how content is presented on the page then the screen reading software will have a hard time. Should it read across the row or down the columns? How does it know? Does the page make any sense if the software reads the rows when the information is actually presented in columns (or vice versa)?

The answer is not to use tables to control the layout of pages. For many years now there has been a much better way of controlling page layout – a technology called Cascading Style Sheets (CSS).

What is CSS?

Cascading Style Sheets (CSS) is an international standard for controlling the presentation of information. In the old days the way a page looked and what it contained would all be jumbled up together. But for years now all good websites have been built in a way that keeps "presentation" (the way the page looks) separate from "content" (what the page contains). There are numerous benefits from this approach

the most obviously of which is that you can change your mind about design issues without having to edit every page of content. You decide that headings should be red not blue? No problem! A small change to the style sheet and all the pages on your website will be affected. It's just like a well design Word template – if you know even the basics about Word then you know not to apply font size to text in order to make it appear as a heading. Rather you should apply a heading style to the text and then modify the style sheet to control how headings appear.

The other main benefit of building websites with CSS is that they become accessible to a much larger range of internet devices...as well as to disabled users. A blind person using screen reader software will understand your pages far more easily since the content is clearly presented and signposted: "this is the content – read me" and "here is the presentation information". But a fully sighted user with a Blackberry or smart phone will also benefit.

How accessible is accessible?

The Disability Discrimination Act (1995) does not specify exactly how websites must be built in order to be compliant. Instead the act (very wisely in such a fast moving technical environment as the Internet) talks in terms of best practice and suggests that you'll face prosecution only if you fail to do what you reasonably can to make your site accessible.

In my opinion, the absolute minimum you need to do is to ensure that your website is built using CSS so that fancy layouts no longer hinder accessibility for disabled users. You may find that your developer has not implemented the standards 100% but provided you have a CSS based site any accessibility problems that are brought to your attention will be relatively easy to correct.

Who sets the standards?

The most important organisation for Internet technologies is an industry body called the World Wide Web consortium www.w3.org. To tackle the issue of accessibility they formed a project called the "Web Accessibility Initiative" which has developed a number of technologies and guidelines in this field. Read more about these at www.w3.org/WAI/.

Do most sites comply with DDA requirements?

Unfortunately not - most don't even come close. Most were built 3+ years ago and are not using CSS technology (even though it was available at that time).

Will non compliant sites be prosecuted?

Probably not – not for now anyway. The important thing is to make sure that when you do next have your website designed, it is done properly. The existence of the legislation is having the desired effect in that most large websites are now built with accessibility in mind. There are so many good technical reasons to use the standards associated with accessibility that compulsion via high-profile persecutions seem unlikely (at least for now).

David Gilroy has written a very detailed paper for the newsletter entitled **Ensuring your Website is DDA Compliant** which looks at each of the requirements in turn and gives some practical advice about how to satisfy them. You can download this as a Microsoft Word document from www.venables.co.uk/n0511accessible2.doc.

Andrew Gray and David Gilroy are joint Managing Directors of Conscious Solutions, www.conscious.co.uk, a firm that delivers websites, intranets and marketing solutions exclusively to Law Firms.

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PISCES - what is it?

By Osman Ismail

PISCES (Property Information Systems Common Exchange Standard) is an attempt by property professionals to standardise the way they exchange information with one another. PISCES is not software; it is a language that will, once it has been adopted by more firms, lead to better communications among property professionals.

As an example, if a firm's case management software is PISCES-compliant, they can 'talk' to any other PISCES-compliant system without either they or their software suppliers having to make any further changes.

Software that is not compliant will not be able to exchange information with 90% of the lenders and other property professionals that are involved in property transactions in the UK. As an example PISCES member companies who are already committed to the standard include the Halifax, Legal & General, and the Nationwide.

There are often many parties involved in a property transaction and the communications challenges that face everyone are the same: sharing information, and keeping up to date with changes. Without a common standard for data interchange, the challenge is impossible to meet.

With the impending introduction of Home Information Packs (HIPS), the data interaction between the client, mortgagee, solicitor and property professional, is becoming more and more important to the smooth running of a case file. The other common factor among these work providers is that, so far, they use very different formats of communication (information transfer from and to themselves and other property professionals).

LMS, 55live, XIT2, and London & European, have one thing in common: they all provide some form of on-line data facility and/or instructions to firms of solicitors on their panels, and they expect data back from those firms.

This is only the tip of the communications iceberg. There are all the NLIS channels; that is, [SearchFlow](#), [Transaction Online](#) and [TM search](#). They all provide web-based services to firms of solicitors, and any case system should be able to use any of the providers interchangeably; because if they don't, the firm is clearly tied to the provider that their case software integrates to. All the NLIS providers again use different forms of data communications between themselves and solicitors.

This gives all case management software suppliers problems, because each provider needs a bespoke software interface written to deal with that provider. This interface then needs to be maintained and adapted according to that provider's needs. Inevitably this leads to unnecessary costs that are often passed on to the solicitor using the case management software, in the form of increased costs for support, or to purchase interfaces.

The objective of the PISCES standard (see www.pisc.es.co.uk for more information) is to allow information to flow among all the parties involved in a property transaction simply and effectively. This should lead to all parties that are involved in any transaction being always up to date, and cut down the replication of data across the different parties.

Say a solicitor is instructed by a bank on a re-mortgage, or a mortgage repossession; the instruction issued by the bank would create a case on the solicitor's case

management system (once it is accepted and has passed conflict checks, of course). The solicitor would benefit from the case 'appearing' with all its information on their system. If the solicitor had to correct some of this information, the bank would immediately receive the corrections.

When searches are needed, the property details are passed automatically to an appropriate NLIS provider, which then returns all the searches that are available for that particular property. Choosing the required searches raises internal disbursement requests. The searches are returned electronically and automatically 'attach' themselves to the file. All the while agents and clients are being kept abreast of changes and movement in the transaction on the internet through a case-tracking file.

PISCES gives us the tools but using them effectively is the responsibility of the software providers.

I believe that the PISCES standard will in some form be adopted by the vast majority of property professionals over the next 2-3 years, and so it is important that solicitors' software complies with this standard. PISCES is the only standard that has had input from all property professionals including surveyors, solicitors, estate agents and software companies. It is well positioned to be adopted as the leading, and probably the only, standard in this area.

DPS Software moved PISCES compliance to the top of the agenda and worked hard to achieve it for their case management software. The DPS product 'One Office' was passed as PISCES-compliant in late August 2005. It is currently the only PISCES-compliant case management software available.

Osman Ismail is Managing Director of DPS software, www.dpssoftware.co.uk, one of the earliest, and still most successful, providers of case management software for solicitors and particularly conveyancing case management. Email Oismail@dpssoftware.co.uk.

Irish Legal Resources Online by Jane Clavin

Jane Clavin is Knowledge Services Manager in A&L Goodbody, Dublin, www.algoodbody.ie, one of Ireland's largest and most prestigious law firms. In the article, she describes some of the main Irish online services, both those provided on a subscription basis and the free resources. In Part 2 of this article, planned for the next issue, she will discuss the impact and use of these services in law firms.

The article is online at www.venables.co.uk/n0511irishreviewpart1.htm and www.venables.co.uk/n0511irishreviewpart1.pdf

Please Vote for Delia and Nick!

There is a new series of awards being launched by Legalease, the publisher of *Legal Business* and the *Legal 500 Series*, called Legal Technology Awards - see www.legaltechnologyawards.co.uk. In the first section of the awards (the Supplier awards) there is a category called "Supplier/consultant personality of the year".

Vote for Delia and Nick (jointly)! They have worked together on several projects over the last 10 years, most recently the new e-book and CPD course "**Whither the Legal Web?**" And of course, do buy it! See www.venables.co.uk.

Are there alternatives to Windows for a small professional practice?

By Robert Newey

I am a practising solicitor specialising in tax consultancy and this article is based on my own thoughts and experiences. It is written primarily from the perspective of a small practice with a client-server network (currently running Windows) but with no in-house IT support staff.

New technologies eventually overshoot users' needs

An Economist survey of Information Technology, October 2004, focused on the need to master complexity. It said:

- Like IT, technologies such as motor cars and electricity were originally difficult to use. Over time, the trend with new technologies is to hide complexities from the user.
- At the same time, successful innovators tend to defend their positions by adding more features, to the point where users no longer need them. When that happens, there is an opportunity for a new generation of innovators, who introduce something simpler, or cheaper, or both.

Arguably some of the current problems with Windows arise from this process of overshooting users' needs. It is difficult to eliminate vulnerabilities to viruses and spyware, for example, because of the need for consistency with existing software.

Mac OS X and Linux offer advantages over Windows

Apple's Mac OS X and Linux, an open-source operating system, are both arguably "simpler, or cheaper, or both". I believe that both systems are currently, for practical purposes, free of viruses and spyware. This is partly because they are minority systems but also, probably, because their design makes them less vulnerable to the problems associated with Windows.

Linux is aimed at specialists. It is more common on servers than on desktops. I am not well qualified to comment on its merits on the server and I have not tried spending the time and effort needed to run it on a desktop. (Apple also makes servers.)

Mac OS X is much better suited to non-specialists than Linux. This article will therefore focus on Apple. (For general information, see www.apple.com/uk/.)

Apple

Apple computers run Mac OS X, which was introduced in 2001. To quote from the Apple web site: "All the communication ports are closed and all native services ... are turned off by default. The Mac OS X administrator account, unlike the Windows admin account, disables access to the core functions of the operating system."

Apple has a reputation for usability, summarised by their slogan: "It Just Works!" I have to say that my own recent experience bears that out: on average using an Apple is easier, faster, more reliable and more enjoyable than using a PC. Apple currently seems to be best at "hiding complexity from the user", making for a quieter and more productive life.

Another reason why Apple offers a smoother, more reliable, experience is that Apple designs and integrates both the

hardware and the operating system, whereas Microsoft relies on hardware manufacturers to create products that work with Windows. The traditional drawback is that one gets less power for one's money. Arguably, however, computers now tend to be overpowered for the tasks they undertake - another example of overshoot - so factors such as stability, security and usability are more important than sheer power.

Personal experience

In the light of the thoughts set out above, I recently bought my first Apple. I am running Microsoft Office for Mac OS X, including Word, Excel, Powerpoint and Entourage (a similar application to Outlook).

Briefly I have found:

- There is no problem with accessing files on a Microsoft Exchange server, or saving files onto the server (on a network where all the other computers are currently Windows PCs);
- Wireless networking is much easier and more reliable with Apple than with Windows;
- Mac OS X is much better than Windows at managing numerous applications and documents open at the same time, and at finding documents etc;
- Microsoft Office for Mac OS X works very smoothly and there have been no problems with document compatibility between Windows and Mac versions;
- Users of both Entourage and Outlook can access emails and share calendars, address lists etc in a Microsoft Exchange Server environment;
- Internet browsing is easy;
- I do not believe that clients can tell the difference between emails or Word documents sent to them from either system.

Go hybrid?

There are more applications available for Windows than for other operating systems. Besides the mainstream tasks, such as web browsing, email, word processing, spreadsheet and presentations, a business will use other applications. In my practice these include accounting, OCR and document management.

For such applications, there are three possibilities:

- Switch to a Mac OS X version, or find an equivalent for Mac OS X;
- Use emulation software - Microsoft Virtual PC - to run the Windows application under Mac OS X;
- Keep at least one Windows PC to handle these functions.

The first solution may prove disruptive and expensive. The second is likely to have a cost in terms of performance. I feel the third solution - a hybrid setup - may prove most resilient in the long run.

The bottom line

In the last analysis, Apple saves me time. For a professional, the value of time hugely outweighs hardware and software costs. I would be interested to know how far my own experience is transferable to other practices. I suspect that, the smaller the practice, the greater the attractions may be.

Robert Newey is a solicitor specialising in business and international tax consultancy. His practice, Robert Newey & Co, www.taxlaw.demon.co.uk, is a member of the Chown Dewhurst Tax Group, www.chowndewhurst.com. Email newey@taxlaw.demon.co.uk.

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