

Internet Newsletter for Lawyers

By Delia Venables

July/August 2006

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Judicial Use of IT and the Internet by His Honour Judge Behrens

"With the completion and roll-out of several major IT projects underway, the judiciary is about to enter the cyber-age with a vengeance."

This is how BENCHMARK, the new electronic judicial business newsletter, introduces an article on Judicial IT. According to the Judicial Website, www.judiciary.gov.uk, there are now more than 42,000 judicial office holders in England and Wales including full and part time judges, tribunal members and magistrates. Leaving aside the tribunal members and magistrates there are some 3,400 members of the judiciary of which 1,220 sit full time.

With such a large number of judges it is obvious that different judges will have different levels of IT skills and different demands on the services that are provided. There are still some judges (I believe relatively few) who steadfastly refuse to use a computer at all; the majority recognise it as an invaluable tool in our day to day life. In those circumstances I cannot hope in this article to cover the full spectrum of judicial use of IT. It is necessarily largely a personal view.

Hardware Resources

All full time members of the judiciary are provided with a laptop computer equipped, inter alia, with Microsoft Office software. Due to the security restrictions imposed by the Government Secure Intranet (gsi) network we have very limited power to alter the settings on our laptops (we cannot even alter the format of the date) and we cannot add our own software. Some judges find this very inconvenient and protest. However most of us have our own computers at home where we can do what we like; for my part the advantages of having a linked laptop greatly outweigh the inconvenience caused by these restrictions.

All large Court centres have docking stations networked to the gsi network. We thus have in our rooms a permanent broadband connection to the internet together with a private e-mail address on the gsi network. In addition, in many Court centres (though not the RCJ) there are docking stations in the Court rooms enabling us to be connected throughout any hearing. Many of the smaller court centres are not yet linked to the gsi network. So far, some 205 sites have this Broadband access. There are currently projects to provide Broadband connections to unlinked Courts.

We are currently provided with a facility enabling dial up access to the network whilst at home. The security filters attached to the gsi network are such that the connection is unacceptably slow. It can be used to pick up and send e-mails (preferably without attachments) but not much else.

For the increasing number of judges who have their own broadband connection to the internet at home there is currently a project to provide them with wireless routers. This is intended to enable them to have a wireless connection to the gsi network at home. There are a number of security issues involved in access to the network with the result that anyone who wishes to take advantage of the facility has to have special software downloaded on to his laptop. There is, what appears to be an unresolved bug in the software which means that whenever the judge wishes to move his laptop from (say) his Chambers to Court the computer needs to be rebooted. This process causes an unacceptable disruption to the Court proceedings. In the result many judges (including myself) have decided not to take advantage of the project until the position has been resolved. Take up of the wireless routers has not been good.

The web version of this
Newsletter is at
[www.venables.co.uk/
n0607ani.htm](http://www.venables.co.uk/n0607ani.htm)

ISSN 1467-3835
£40 plus £3.50 VAT
for a year (6 issues)

Delia Venables

10 Southway, Lewes
East Sussex BN7 1LU
phone and fax
01273 472424
delia@venables.co.uk
www.venables.co.uk

Legal Resources

A vast amount of legal material is made available free to members of the judiciary. Most of it is made available via the internet but some is downloaded directly to our laptops either via the network or by CDROM. I, for example, have the White Book, the Green Book and the All England Law Reports downloaded to my laptop giving me access to them at all times including when I have no network access.

To list all the resources available free to (full time) judges on the internet would take too long in an article of this size. We gain access to most of them at present via the eLIS (electronic Library and Information Services) website. This is the government-funded provision to the judiciary of a very considerable range of legal information otherwise available only through prohibitively expensive commercial subscription (see www.hmccourts-service.gov.uk/elis for more on eLIS). From my point of view the most of useful sites are the Law Reports (Justis), Halsbury Laws and Statutes (Butterworths) but I make use of Gore Browne on Company Law, and the Insolvency Law reports from time to time. I try to keep up to date via Lawtel.

In addition to the sites available through eLIS we also have access to unreported decisions via Case Track or (of course) BAILII. If ever I make a decision of any potential interest I endeavour to send a copy to these sources.

Conferencing

In addition to e-mail, judges have enjoyed a judicial conferencing facility via a dial-up networking facility known as Felix. There were a large number of conferences. Some were open, to which anyone could join and contribute including non-judicial members. Most were closed and limited to specific purposes. Thus there were conferences limited to specific circuits and to topics within those circuits. As an example there is a conference specifically designed for High Court Queens Bench Civil Cases that may be heard by a visiting High Court Judge. Each case is summarised – usually by a District Judge after a case management conference – and the summary is then posted in the appropriate conference. The relevant Presiding Judge then posts a message deciding whether the case needs to be tried by a High Court Judge or whether it can be released to a Deputy. A similar conference deals with criminal releases. Other conferences allow important information or decisions to be disseminated fast and allow, for example, District Judges to raise practical problems with their colleagues in the hope that they might be able to provide solutions.

The whole system has proved extremely useful and efficient. It was originally based on a dial-up system but later versions permitted updating via a broadband connection. The software was somewhat basic and undoubtedly had some limitations. Whether those limitations justified the replacement of the entire system is a matter on which views differ and which it is not now profitable to discuss. The decision has been taken that – at considerable expense – a new web based judicial portal will be provided by Cable and Wireless.

Those of us involved in the testing of the new portal can see that it is potentially a sound web based conferencing system and is potentially capable of all the functions now carried out by Felix. Furthermore it will be available to many more people than those who can currently access Felix. It will be accessible from any internet-enabled computer not just the Court laptop.

However there are problems. It is currently running a year late and it is still not clear when roll out will occur. The conference topic in Felix on the Judicial Portal makes it clear that there are still a number of bugs to be fixed. The overwhelming criticism relates to the speed of operation. The time taken for the messages to be displayed is regarded as unacceptably long. Views differ but the more extreme testers suggest that it should not be accepted at all. Access to the portal has recently been withdrawn to testers in the hope that Cable and Wireless can sort out the problems and it will not be restored before the autumn. It may not be restored at all.

The Future

There are a number of other IT changes which affect the judiciary. As already noted there is now a judicial website that aims to increase public understanding of the judiciary. It includes amongst other things, factual information about the different types of judicial office holders and their work. We also receive an electronically produced and delivered judicial business newsletter.

There are a number of other IT projects being piloted or rolled out. Some of these such as XHIBIT and PROGRESS affect listing and the administration of criminal cases in the Crown Courts. Of more interest to me, as a civil specialist judge, is the civil eDiary Project which will replace paper diaries at all civil and family centres, which is currently being rolled out. In the more distant future there is a project for the filing of documents in civil cases to be carried out electronically. If implemented, it will be the first step towards electronic case management, electronic communication between judges and parties and electronic rather than paper based hearings. The project is at an early stage but a formal Project Board has been formed.

As with all publicly funded projects it will need to be justified financially. Indeed concern has been expressed as to whether there will be sufficient public funds to maintain the present IT provision, never mind develop improvements.

His Honour Judge John Behrens is the Specialist Chancery Judge for Leeds and Newcastle-upon-Tyne.

(Advert)

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Who will provide a pay-as-you-go library service?

By David Vaughan-Birch

I am one of four partners in Cleggs Solicitors, a niche private client and commercial practice in Nottingham. We have 2 offices linked by a broadband-based terminal services network, and we think that the investment we have put into hardware and software over the last few years has paid real dividends in terms of efficiency and productivity. The equipment we now have is both cheaper and more effective than ever - the laptop I'm typing this on is half the price and many times faster than the one it replaced. The choice of IT solutions available means that it is possible to put together a package to suit virtually any budget, from sole practitioner to multi-national partnership. So why doesn't the same principle apply to buying the legal information we all rely on?

This brave new world of legal IT seems to have bypassed library providers; the choice appears to be either the immense expense of a subscription to a web-based source such as LexisNexis Butterworths or to do the best you can by other means. Like many firms of our size, our library consists of a rather ad hoc assortment of textbooks, some works in both text and CD-ROM format, and (until recently) a subscription to LexisNexis.

As I'm sure you know, LexisNexis has recently revised its services. Undoubtedly it is an extremely powerful tool and much easier to use than before, but the costs are equally formidable. Our subscription to LexisNexis used to be approximately £6,000; we have now been quoted £6,000 for our four practice areas but it will be nearly £10,000 if the Encyclopaedia of Forms and Precedents is included. This has prompted us, like many other firms I imagine, to review our library strategy and to undertake a cost/benefit analysis of the various options open to us.

The criteria we have chosen are:

- i) Cost;
- ii) Negligence exposure - the risk of basing our professional judgments on inadequate information;
- iii) Compatibility - the ease with which information sources, and particularly precedents for commercial transactions and probate work, can be integrated with our IT system;
- iv) Usability - how easily our end-users can actually use the information to do their jobs.

An entirely non-scientific survey of our fee earners has revealed widely divergent needs, but it seems that many of those needs can be met by a combination of traditional and CD-ROM textbooks, resources on the internet, and an in-house precedent bank.

Much is available online - for instance the Civil Procedure Rules and Court forms can be found at the Court Service website, and many other practice forms are available

on-line from other government sources. These resources are up to date - and free.

Fee earners range from those who are entirely comfortable with a computer-based data source, to those who barely know how to turn a computer on. Fortunately the free services I mention above are both system-compatible and relatively user-friendly, with most providing data in the form of pdf files, but it is not possible to manipulate these documents (and in particular to save the contents) without upgrading to a professional version of Adobe Acrobat, networked across the firm. This would increase the usability of this option but as yet the cost is unknown.

Books on CD-ROM have the advantage of being relatively cheap, easily networked, and can also be updated relatively easily. We have found that some (but not all) the needs of our company/commercial and property departments can be dealt with by publications such as Kelly's Draftsman and the like. The "books on screen" system employed to access the data is, with some experience and training, an effective means of searching for and retrieving information and compatibility with our IT system is not an issue.

It would be a relatively simple task to build up a comprehensive precedent library using Microsoft's Sharepoint for instance. This would form a networked and searchable database of Counsel's opinions, commercial agreements and so on. Over time, this could build into a highly efficient source of information, and the set up costs would be minimal in terms of software and hardware. The major issue would be the human input required to maintain it - essentially an in-house librarian would be needed.

However, none of these sources can provide an effective alternative to Halsbury's Laws and the All England Law Reports, or (most importantly for us) the Encyclopaedia of Forms and Precedents. The major advantage of an online database is the ability to allow a fee earner to deal with issues of which they have no existing data or precedent, for instance to ensure that a commercial precedent incorporates the latest statutory amendments.

By their very nature, the suppliers of these databases must constantly update them, and hence access to them is expensive - almost prohibitively so. But the risk of not having such access is equally alarming. Ideally, we would like to be able to access these databases on an "as needed" basis, without being committed to the immense expense of a full subscription. The obvious alternative would be a time charge, perhaps also factoring in the amount of data downloaded, which could then be billed to the file in question. I'm sure we aren't alone - who can help?

David Vaughan-Birch is a partner in Cleggs solicitors, www.cleggssolicitors.com, in Nottingham. Email dvb@cleggssolicitors.com.

Contributions and suggestions are invited!

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Electronic ID Verification

By Bill Jones

Under the Money Laundering Regulations 2003, all solicitors undertaking regulated work have an obligation to set up and maintain satisfactory identification procedures for clients. The obligation applies to one off transactions where the amount involves 15,000 Euros or more or to all transactions where a business relationship has been established. Failure to comply is a criminal offence carrying a maximum penalty of 2 years imprisonment.

The Regulations also provide that records of identity are kept for at least 5 years after the one off transaction has concluded or in the case of a business relationship after the relationship has terminated.

The profession's initial response to these requirements was to become obsessed with demanding from clients, before accepting instructions, sight of passports, driving licences, utility bills etc. The inevitable result has been disgruntled clients and frustrated solicitors who have become burdened with massive additional administrative responsibilities. Clients understandably are reluctant to send important original documents, such as passports, through the post. Law Society Guidance suggested that non original documents had to be certified as being "true copies" and that the person checking them had to be satisfied that they were authentic.

Money Laundering Reporting Officers were not prepared to put themselves or their firms at risk and a very robust and cautious approach was generally taken

Having acquired satisfactory evidence of identity the next problem facing solicitors was what to do with it. If a particular client had several matters, which file would contain the ID evidence? Was it necessary to have a central record of ID evidence? Where was the mass of additional paperwork to be stored?

In January 2004 the Law Society issued pilot guidelines to assist solicitors in terms of compliance with the money laundering regime following the introduction of the Proceeds of Crime Act 2002 and the Regulations. Most firms interpreted these guidelines as requiring, in every case, documentary ID evidence and yet a close examination of them shows this not to be the case. In fact the main thrust of the guidance on the topic of establishing evidence of identity was to encourage a "risk based" approach.

Paragraph 3.68 of the guidance states:

"In deciding what evidence is satisfactory, and how much evidence is required, a common sense approach should be applied. There will be circumstances when it will be both necessary and permissible to apply commercial judgement to the extent of the initial identification requirements"

Paragraph 3.71 of the guidance states:

"You may make checks by looking at actual documentary evidence such as passports and certificates of incorporation issued by Companies House or by making electronic checks of suitable databases"

Paragraph 3.72 of the guidance states:

"You may also ask third parties, such as investigation and information service providers, and credit reference agencies, to obtain the evidence for you as long as you are reasonably satisfied that they are reputable, and that the evidence they produce will be reliable, and that you ensure that your records of the evidence are complete"

The reality is that law firms should use a common sense approach. ID evidence should be proportionate to the risks of money laundering activity and various factors have to be taken into account such as the type of transaction in question, the reason for the client instructing your firm and the source of funding etc.

So where is all this going? What is the way forward? With modern technology there is an irresistible move toward the use of electronic data as opposed to conventional paper based documentation. The benefits are obvious and have been recognised by the Joint Money Laundering Steering Group (JMLSG) which is made up of the leading UK Trade Associations including banks and building societies. JMLSG's latest guidance, approved by the Treasury in February this year, specifically aims to simplify the ID verification process. The guidance expressly encourages the wider use of electronic means of verification of identity and discourages the practice of important documents being sent through the postal system.

The Law Society has recently announced that it intends, in the near future, to issue its own guidelines on the use of electronic ID verification. There is a certain inevitability that these will follow the spirit of the JMLSG guidance. Indeed any new guidance to the contrary would be quite perverse.

There are a small number of Government approved Credit Reference Agencies, such as CallCredit plc www.callcredit.plc.uk and Equifax, www.equifax.co.uk who offer on-line electronic ID verification. CallCredit has established CallML as its money laundering support arm and its on-line product allows users to verify customer ID in seconds rather than hours. The web site includes an interesting cost benefit analysis illustrating the financial gains to be made from the use of electronic ID verification. Many UK solicitors now subscribe to this service.

CallCredit also works with most of the major case and practice management suppliers so that their product can be incorporated into client opening procedures. The benefits of this are enormous. Imagine a system whereby, having entered your client's name and address in your database, you then click a button and this fires up an on-line search of millions of records and authentic data sets. Within seconds your client's ID is verified. Behind the scenes the search results produce a detailed report which is automatically attached to the document management file. As the report is captured at client level it remains linked to the client and not the matter. The benefits are that no paper-based copies are required, no separate central records are required and as the information is kept within your practice management system you have no worries about storage.

An additional benefit is that clients usually are quite prepared to pay a modest charge for this type of service in order to avoid the inconvenience and risk of producing passports etc. The fact that the whole process of client identification can be dealt with so quickly also means that you can immediately get on with the client's business.

Banks and Building Societies are already well advanced in the use of this new technology and it is only a matter of time before solicitors follow suit.

*Bill Jones is the Managing Partner of JMW Solicitors in Manchester, www.jmw.co.uk, and he is also the Managing Director of ML Solutions 4U Ltd, www.mlsolutions4u.co.uk, a company set up specifically for the purpose of assisting law firms in terms of providing compliant anti-money laundering solutions.
Email Bill.Jones@jmw.co.uk.*

Syndication, Syndication, Syndication (RSS Explained) by Nick Holmes

The most helpful expansion of the RSS acronym (there are several) is Remote Site Syndication. In this context, syndication refers to making data feeds available from a website in order to provide others with an updated set of content from it (for example latest news). News and blog sites were the first to offer feeds, but increasingly many other types of information are syndicated.

I introduced RSS in the April/May 2004 Newsletter - see www.venables.co.uk/n0405rss.htm for a detailed tutorial on this topic. Support for syndication is now developing rapidly. This article recaps on the essentials of RSS, explains why it is set to become ubiquitous and points you to the many RSS feeds now available for lawyers.

Benefits of syndication

The benefits of syndication are that it replaces the "push and pull" of internet publishing with an open "channel" between you and the publisher. You subscribe to feeds that interest you and are then constantly fed updated information, without any action on your part and without disrupting your current activities.

By subscribing to RSS feeds you avoid the need to visit numerous favourite websites to view what's new (the "pull"). Nor need your inbox fill up with unread email newsletters which arrive not when you want but when the publisher wants (the "push") and which contain perhaps only one or two items of immediate interest.

A good, straightforward, example of an RSS feed and its benefits is provided by the Department for Constitutional Affairs. Visit their home page www.dca.gov.uk and you'll see, at the top right, their latest What's New headlines. Beneath the headlines is a button like this:



This points to the RSS feed for their syndicated What's New data. By "subscribing" to this feed as described below you will have constant access to these latest headlines without visiting the DCA site and can simply click straight through to the pages that interest you.

Subscribe to multiple feeds from diverse sources that interest you and all your current awareness requirements can be met from a single point of access on your desktop.

How to read web feeds

Until recently you could read web feeds only with a dedicated desktop reader, via an email or browser add-on, or using a web-hosted service.

The first feed readers to be developed were dedicated desktop applications and these probably still provide the most comprehensive support for managing and viewing feeds. Free and low-cost readers available include:

- * RSSReader www.rssreader.com,
- * FeedReader www.feedreader.com and
- * NewsGator www.newsgator.co.uk.

Once installed, you can add feed URLs to your reader and assign the feeds to user-defined folders. You can then browse the latest headlines and extracts provided by the feeds. You can also set the frequency with which you wish to be alerted that new entries are available.

Email and browser add-ons are now also available, extending the features of Outlook and Internet Explorer to bring feed data within the ambit of applications you use all the time. Web-hosted services such as MyYahoo and Google's personalized home page enable you to manage and read feeds without installing any applications locally. If you use Yahoo or Google as your "gatekeeper", as many of us do, then maintaining a personalised page incorporating your favourite feeds makes some sense, even if you also use another method to read feeds.


Most people, however, do not want to bother with yet another application. The new open-source Firefox browser and Release 7 of Internet Explorer (currently in beta testing) will change that. Both have feed support built in: in IE as an extension of Favorites, and in Firefox as part of its equivalent bookmarks functionality. Both automatically "discover" feeds on web pages. You then save the feeds to your favorites (bookmarks) and when you click on a favorite, the live headlines from the feed are displayed. It is with the full release of IE7 that feed reading will become second nature to most users.

What feeds are available

There are already numerous feeds published of direct use to the UK lawyer but discovering them can be something of a treasure hunt. Fortunately, I am doing the work for you and you can currently find over 110 feeds, classified under subject headings, in the Lawfinder Feeds section at www.infolaw.co.uk/lawfinder/browse_type.asp?typ=Feeds.

Feeds are of particular value for any time-sensitive data and the vast majority are of news items. As well as numerous, broadly-classified national news feeds, there are now general legal news feeds, for example from *The Lawyer* and *The Times* and also specialist legal news feeds from industry magazines such as *Contract Journal* (construction law news) and *Personnel Today* (employment law news) and several from PinsentMasons' excellent OUT-Law.com. Some Government Departments are also now offering news feeds and feeds classified by subject are available via the info4local service. Finally, there are of course blog feeds, delivering news and comment from several of the expanding number of law blog sites.

Feeds are valuable also for distributing other types of information, for example, for conveying abstracts of the contents of the latest issue of a journal (eg OUP's *Journal of Intellectual Property Law and Practice*), for posting a jobs board (eg Jobs in Law from www.jobs.ac.uk), and for notifying the latest accessions to any type of database (eg SOSIG's What's New in Law?).

To discover other new feeds for yourself, on news pages and elsewhere, look out for buttons that say RSS, XML or Atom feed, or increasingly the "live bookmark" icon .

In fact, as mentioned above, Firefox and IE7 automatically discover feeds that are linked on a web page, displaying the live bookmark icon in the URL address bar.

There is no real limit to the type of data that can be syndicated with RSS, and as feed data can be "repurposed" and (copyright restrictions permitting) republished, the uses to which it can be put go far beyond simple feed reading.

Nick Holmes is a publishing consultant and Managing Director of infolaw. Nick blogs on legal information issues at binarylaw.co.uk. Nick also manages the www.infolaw.co.uk website which provides structured access to over 110,000 legal resources.

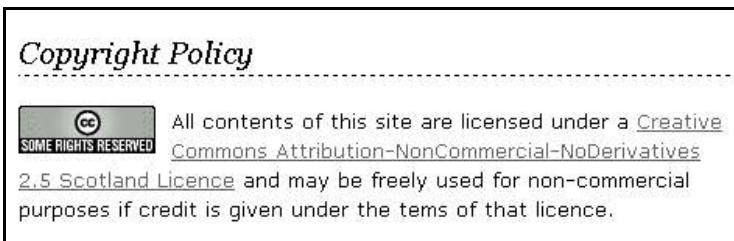
Email nickholmes@infolaw.co.uk.

Using a Creative Commons licence for a legal website

by Jonathan Mitchell

Earlier this year the Murray Stable of advocates - the approximate equivalent of an English barristers' chambers - launched a new website at www.murraystable.com. Scottish advocates have lagged far behind the English bar in publicising themselves on the internet, and the official advocates site, at www.advocates.org.uk, although updated last year, still has very little by way of legal resources.

We wanted to include a regular stream of substantial articles. So far, so ordinary. But then we decided that, rather than publishing these under the usual principles of copyright law, we would release them, and indeed the whole content of the site, under a Creative Commons licence. Several Scottish legal sites have used this, including my own, and at least one major law centre. This seems to be the first time, however, that a stable, firm, or chambers site has done so. This article is to explain why we did so; why I am sure we made the right decision; and why others should consider doing so.



UK copyright law is designed for people who are concerned to limit re-publication; it is notoriously unfriendly to any re-use of copyright material. If you are a novelist, the logic is obvious; you will not want to see people publishing pirate editions of your work, taking the profit and stealing your livelihood. This logic has little or no application to the sort of work one sees on sites such as ours. No advocate or barrister would ever expect to be paid for such work in anything but reputation. Its marketing purpose is to build up reputation, both for the stable and for the individual. The wider the distribution the better, so long as the author is credited and the work is not plagiarised or distorted.

Why would anyone operating such a site want to tell readers that they should not download or reprint articles? Yet practically every similar English site does so, either by publishing an explicit copyright notice or by retaining the 'default' that all published work is copyright of the author even when it is obvious that the author would be happy to see his or her work more widely distributed. No doubt some users, if they are aware that their re-publication is illegal, conceal its source; so the author gets no reputational benefit. One has to wonder sometimes what a copyright notice on a website is supposed to do; do people really believe that readers will not print out a good article or pass it around? Weren't they supposed to?

So it is important, we thought, to tell our readers that they were welcome to distribute our articles pretty much as they liked so long as the authors got their due credit. A Creative Commons licence, creativecommons.org, does this.

Creative Commons provides a flexible range of licences for anyone who wants to allow others to re-use their work without further ado, and without payment: the advantages of these licences, particularly to those who believe in the free distribution of information, were well described in a recent report, 'The Common Information Environment and Creative Commons': see www.intralect.com/cie-study/CIE_CC_Final_Report.pdf.

The common features of the whole range are, firstly, that the user is given an irrevocable licence to re-use or re-publish the work, whether by copying or otherwise and, secondly, that the author must be properly credited. We opted for the most restrictive form of licence, which does not allow commercial re-use or derivative works (though my own site allows both). Licences are available for both Scottish and English law: creativecommons.org/license (there is an Irish licence in the pipeline too, but meanwhile Irish readers can use a 'generic' version). Obviously we do not police use, any more than any similar site author does, but we do know from our site statistics that the most popular articles are each downloaded around three hundred times a month, and we also know that we have a high proportion of repeat visitors. Several of our customers, and also the Journal of the Law Society when it reviewed our site, have explicitly commented on our publication policy. It seems to work.

And, principled people that we are, we don't just publish this way as a marketing tool; when we discussed this, we felt that it was right in principle to put legal education material of this kind into something akin to the public domain - even with the restrictions we impose - and to be upfront about the fact that we were doing so. We wanted to make it clear that we were positively happy to see our work being read and used by others without any immediate or obvious return. Quite a few of us had been doing this for years when we wrote or spoke for the voluntary sector. A great deal of legal publishing has of course been driven by such authorial attitudes for many years; few legal writers, in Scotland anyway, could ever hope to make money from their writing.

It seems strange that it remains the norm for academic and other legal writers effectively to donate their work to their commercial publishers, whose interest is to hold down distribution to maximise profits, when their own interest is to maximise its distribution and utility. The public sector is slowly coming to realise that it has obligations to permit re-use, though even there one still sees sites marked 'copyright'; recently the Office of Public Sector Information moved to encourage local authorities to publish under its 'click-use licences' which, like Creative Commons, allow re-use. But that is for another day.

Creative Commons as an organisation, or as a movement, may be a little off-putting to many professionals and it can also seem to be a little evangelistic and self-satisfied on occasions. Its emphasis has been more in the arts than in the professional communities, and it is still rather USA-centred. Much of what it does is concerned with the broad policy that a middle road must be found between our grossly over restrictive copyright system, and the piracy from which that system emerged. It also gives a 'brand name' to a publishing licence which suits the needs of the typical Bar or solicitors website in openness and potential re-distribution. It has an increasingly-well known name; over twenty million websites use its licences world wide. It seems to me to make sense to use its licences rather than hand-craft text to the same general effect.

Jonathan Mitchell QC is a practising advocate and is joint Scottish project lead for Creative Commons. His own web site is at www.jonathanmitchell.info. email via www.murraystable.com.

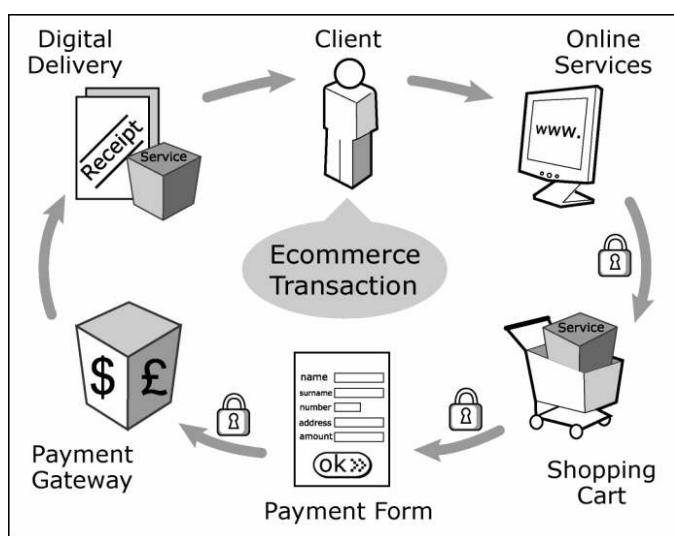
The Sleeping Fee-Earner and the Mechanics of Ecommerce

By Gabriel Karawani

Is the myth of “making money while you sleep”, just a myth? Can ecommerce be a way of selling relatively simple legal services, while saving internal and often limited resources?

And what exactly is ecommerce? Enter “define:ecommerce” into Google and you will be provided with eleven slightly different interpretations! In this article, I will take it to mean the delivery of a legal service via the internet to an individual or organisation in return for online payment.

The “nuts and bolts” of a classic ecommerce transaction can be a bit daunting but really it is very similar to going into a shop, purchasing a product and paying via a PDQ machine. The online scenario is shown below.



As a good starting point for ecommerce, we will think of two relatively simple Digital Delivery services:

1. A standard document that can be provided with no (or very limited) client input.
2. A document where additional information can be captured with a standard web form and the final document can be “assembled” and delivered to the client online or via email without any additional processes required.

An example of a simple document could be a standard Power of Attorney which will require no additional input. More advanced services can be defined where for instance information is captured via a standard web form, but where additional work can be carried out (such as an optional document review or approval by a lawyer) before final document assembly and delivery to the client.

DesktopLawyer www.desktoplawyer.co.uk is an example of a company selling legal documents, as is CompactLaw www.compactlaw.co.uk, where they also provide packaged products such as an Employers Pack.

Setting up your “e-firm” for ecommerce

Having suitable products and adequate technology in place is only part of the story. No matter how helpful your website is, those responsible for maintaining the service must be prepared for many questions from new clients that often will seem like a waste of time to answer. This shows natural lack of trust from new prospective clients. Over time this will develop into full trust once they have been satisfied with the service you provide.

Step 1: Products and Pricing

Start by identifying the relevant products and how to price them in a competitive way. Remember that clients will price-shop (that is largely what the internet is all about) and there are quite a number of suppliers of legal documents and packages available already, although mainly from commercial companies rather than from firms of solicitors.

Step 2: Where to display your products?

Will you set up ecommerce on your own website, or will you use an existing retail service through which you can sell your products? You may not have thought of this, but legal documents are in fact for sale on EBay. This article assumes that you will set up your own website to provide online services and ecommerce.

Step 3: How to take the payments?

There is no reason why you can't take payments in traditional ways but to get the real benefits of ecommerce you should aim for online card payments so that you get payment approval instantly. Using a well known and trusted payment service can be crucial when the client is about to make a decision about whether to use your service or not.

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There are many to choose from but WorldPay www.worldpay.com is a well established Internet Payment Provider used by a large number of UK businesses including some of the largest. PayPal www.paypal.co.uk is very well known in the wider retail community due to its association with websites such as eBay. PayPal is typically the cheaper option, but the downside (in my opinion) is a perception that PayPal is used for less established and low cost retail services. A number of other options exist, including solutions that your firm's bank may recommend (Barclays for instance will recommend ePDQ).

Step 4: Secure the domain

Websites that display the padlock icon at the bottom right corner of the browser increase the level of trust and have been secured with what is known as a SSL Certificate (SSL comes from Secure Sockets Layer). From a technical point of view, having a SSL certificate means that the client's web browser has established an encrypted communication channel with the website.

Thawte www.thawte.com and VeriSign www.verisign.co.uk are two of the more established and trusted brands, but their costs are typically 3 to 4 times higher than some others. Comodo www.instantssl.com is cheaper but is less well established. All these companies have information on their sites about the processes involved in obtaining a SSL certificate.

Step 5: Implement the Shopping Cart

There are a number of off-the-shelf Shopping Carts that can be added to an existing website. On the other hand, the more costly but flexible and scalable option is to develop your own Shopping Cart. This will allow you to sell your services in exactly the way that you want to and to plan for future features that you may want to implement.

In both cases, you will need to integrate the shopping cart into a Payment Gateway (such as WorldPay or PayPal). PayPal offer their own Shopping Cart as a free alternative, while WorldPay maintain a list of third party solutions that support payments through WorldPay. netCharge, Actinic and CactusSoft are examples of other Shopping Cart tools.

Step 6: Get approved to sell online

When you are selling directly from your website via a Payment Gateway such as WorldPay you will need an Internet Merchant ID (even if you already have a normal Merchant ID). This can be issued by your bank, or directly from WorldPay. It is often more cost-effective to get it via your own bank and then provide the Internet Merchant ID to the Payment Gateway as part of the registration process.

You will have to show that you are in control of the online sales process and that you have prepared all the necessary groundwork, such as clear service descriptions and prices, terms, policies and more. WorldPay's activation rules offer a good example of what needs to be in place - see support.worldpay.com/activation/rules.html.

You should start this process as soon as possible since a lot of bureaucracy is involved.

Step 7: Testing and launching

Ensure that you are confident that your website will provide the online services in the way that you and the client would expect. You will need to test the website in a number of possible scenarios, not forgetting that some potential clients will be novices when it comes to purchasing anything online

and will quickly go elsewhere if your website is difficult to use. Carry out worst case scenarios, and complete the whole payment process as well (in test mode).

Once you have completed this, you will be ready to take your first real online orders. Set-up a small pilot group and invite some known users, possible existing clients if appropriate, to use the service initially.

Costs

The total cost of implementing ecommerce can vary from a few hundred pounds to five or even six digit figures. Setting a budget is really down to the functionality, scalability and flexibility required. A cost that is often left out is the internal cost to get it off the ground and then to manage and support the service afterwards.

Secure Certificates for domains have dropped significantly in price over the last few years. Comodo certificates prices start at just over £50 for its lowest priced, while Thawte and VeriSign are typically 3-4 times higher.

The costs associated with Payment Gateway services are in the region of a few percent per transaction. PayPal charge up to 3% + approx 15 pence per transaction. WorldPay charge a one-off set-up fee, an annual fee and a transaction service charge. The pricing will vary depending on transaction volume, but you can expect around 4% per transaction assuming WorldPay provide you with the Internet Merchant ID. If you have obtained the Merchant ID from your own bank then the Payment Gateway will normally charge you less, but you will have to pay a transaction fee to your bank instead. Negotiate these fees with your bank (and Payment Gateway) again as your online transaction volume grows.

The cost of implementing the shopping facility on your website will again vary depending on requirements. PayPal's is free, netCharge licenses start at \$125 for a license, while Actinic start at £20 per month. Add to this the cost of implementing it.

Risks, regulations and legalities

When trading online, you don't have the luxury of looking the client in the eye, or doing various other checks before agreeing to take the client on. Instead you have other tools at your disposal to limit your exposure to risk.

Payment Gateways offer a number of ways to prevent fraud and guarantee the merchant against fraud, as well as requiring that the site adheres to regulations and legal requirements. WorldPay as an example offers a number of options and provide a set of activation rules to ensure compliance with these.

Summary

Sleeping fee-earners may after all not be a myth, and if your firm can identify some simple and fixed-price services then you are well on your way.

Gabriel Karawani is Director of Technology with ClearPeople Ltd www.clearpeople.com, a leading provider of advanced web solutions and services primarily for the legal sector. They provide consulting and development services for Web Content Management, Ecommerce, Knowledge Management and Customer Relationship Management. ClearPeople is a Microsoft Certified Partner and a WorldPay accredited partner. email: gkarawani@clearpeople.com.

Individual barristers offering legal resources on their web sites by Delia Venables

In the last issue of this newsletter, the May/June 2006 issue (www.venables.co.uk/n0605chambers.htm) I covered the free online legal resources currently offered by chambers and commented particularly on the Human Rights Update from One Crown Office Row, the case reports in Media, IP and related areas on the 5RB site, and the Human Rights coverage on the Doughty Street Chambers site.

However, it would appear that many of the most creative sites are actually being provided by individual barristers, unhampered by chambers meetings or discussions about costs or return on investment. It seems as if quite a few individual barristers feel that they have important information to offer and are happy to put untold, unpaid hours into providing this information online for the legal community at large.

These sites do of course raise their profile in the legal world and it may well lead to increased business over a period of time but my own impression of these sites is that the barristers' feeling that they have something important to contribute is the main reason that they do it, and any possible commercial advantage (if indeed there is any commercial advantage) follows a long way behind.

Here are my 6 favourite barristers' web sites followed by another dozen or so who offer useful and interesting resources. Most of these sites are "home made" and sell themselves on the excellence of their content rather than their beauty. To me, however, content is always king!

Neil Addison of New Bailey Chambers, Liverpool, provides two important sites:

Harassment Law at www.harassment-law.co.uk covers stalking, malicious communications, racial, sexual, religious or cultural harassment, harassment at work and anti-social behaviour (including neighbours from hell). There are links to legislation and sources of training and assistance.

Religion Law UK at www.religionlaw.co.uk is designed to provide practical information and relevant web links on the subject of Religion and the Law today. He covers the law relating to criminal and also civil situations where religion is involved and also has sections for case law relevant to religion, with links to the judgments if they are available.

There is a section on international declarations and a very comprehensive set of links to religious bodies under headings of Legal, Catholic, Protestant, Orthodox, Muslim, Jewish, Eastern and General. Neil says that Discrimination Lawyers, Charity Lawyers and Criminal Lawyers need to be aware that in October 2006 new law on Religious Discrimination and Religious Hatred comes into force. The relevant legislation and guidance to these is on the site.

Jamal Demachkie of Veritas Chambers provides **Housing Law Updates**, www.housinglawupdates.co.uk, a user friendly guide to UK Housing Law. (*Actually, this one does look rather attractive*).

Housing Law Updates



The screenshot shows the website's layout. On the left is a navigation menu with links for Home, The Law, Housing Law Updates, and Contact. The main content area features a header image with a scale of justice and a gavel. Below the header, there is a section titled 'Housing Law Updates' with a brief description: 'Housing Law Updates is designed to provide a user-friendly guide through different aspects of UK Housing law.' A featured article is titled 'Bailldon District Council v Wahlen' with a sub-headline: 'Whether the claim for possession and Tenants right to buy has priority over the other. A balance should be struck between the competing claims.' Below the article title is a link: 'Griffiths v St Helens Council'. To the right of the article is a short paragraph: 'Although primarily aimed at public sector landlords, (such as Local Authorities, Housing Associations and other Registered Social Landlords), private landlords and tenants of all description will find a wealth of information at their disposal.' At the bottom right, there is a note: 'Housing Law Updates was created by Jamal Demachkie, a Barrister at Veritas Chambers. To instruct Jamal or find out more about his work, please click here.'

The information is aimed at both landlords and tenants and includes a section dedicated to providing information on recent case law and legislative changes. In addition, the site contains the ability to ask short questions on Housing Law matters which can be answered free of charge.

Daniel Barnett of 1 Temple Gardens runs the popular **employment law mailing list**, www.danielbarnett.co.uk. Over 13,000 recipients receive these bulletins (which have been running since 1999) including judges, tribunal members, barristers, solicitors, in-house lawyers, HR professionals, academics, journalists and union officials. The bulletins provide breaking news in employment law matters. Daniel also offers web seminars from the site on age discrimination, and remedies in employment law; the next ones will be in September. There is an extensive set of links in employment law and also a list of solicitors specialising in employment law. Basic listings are free for firms who apply but there is a charge for "featured" listings which contain more details and a statement from the firm about the services offered and the general approach.

DeadMan's Handle - stops data theft in its tracks

Losing your notebook might be expensive - but losing your data could be catastrophic.

Your notebook is gone - what was on it? Valuable client details in the wrong hands; your personal information being examined by a thief: a nightmare scenario.

DeadMan's Handle stops that happening the moment your missing notebook is turned on.

Unauthorised access leads to deletion of all designated information and the program itself: no indication is left that there was anything of importance on the machine. Data and configuration files are gone: your systems are safe.

DeadMan's Handle is a new approach to security. It has won a 9/10 "Editor's Choice" award from "What Laptop", a UKT&I innovation award and a nomination for the coveted European IST award.

For more information, visit DeadMan's Handle at www.deadmanshandle.com.

Tim Kevan of 1 Temple Gardens provides information on personal injury, sports, consumer and internet law at www.timkevan.com. In particular, he provides a free email newsletter called **Personal Injury Brief Update** which gives a brief introduction to recent case law, news alerts and information of developments in the industry. This newsletter, which goes to over 12,000 people, is written by a team of five barristers who specialise in personal injury. There is a further extended version of this newsletter called **Personal Injury Brief Update Law Journal (PIBULJ)** which is written by over 30 barristers as well as a number of medical and health and safety experts. Whilst the newsletter will remain free, the Law Journal will eventually be subscription-based. He and Daniel Barnet are also editors of a newer website called **Law Brief Update** at www.lawbriefupdate.com which provides a free email newsletter containing brief law reports from around 20 participating barristers on all major areas of law and already has 8,000 subscribers (and see article on next page).

Gary Webber of 33 Bedford Row runs **The Property Law Website** at www.propertylawuk.net, an online property law updating service. Updates are available on the site most months, together with appropriate links to cases, statutes, statutory instruments and other documents (when available free on the internet). It is also possible to download the monthly updates in pdf or word format. Material from the monthly updates is also put into "The Property Law Library" section of the site, which also contains articles and other information relevant to property law. There is a section covering courses available which relate to property law, an extensive description of the web resources on the topic and a list of mediators available to deal with property law disputes. Some parts of the site are free but full access is only available to members who subscribe, currently £50 plus VAT, with group rates offered.

Francis Bennion has been writing on law, professional ethics, human rights, sexual ethics and many other legal and political topics for over 40 years. He has also had many letters to the Times published (since 1949) and has written poetry, fiction and plays. He started his site, at www.francisbennion.com, 10 years ago and it now records a substantial part of his writings: there are 1,000 pages of these materials. I would say that he is one of the Great British Eccentrics - you may not agree with everything he writes, but you cannot fail to be impressed. He also offers a paid service to barristers seeking an Opinion on a problem involving the Interpretation of Statutes, based on his own textbook of that name.

Roger Horne, of 11 New Square, offers what he describes as a **Miscellany** at www.hrothgar.co.uk. The site contains an analysis of copyright issues in law reporting in the UK and other countries, some experiments with indexing the references of the House of Lords Judgments, and some ideas for the future of law reporting using the web. He has also taken the new Civil Procedures Rules on a part of his site called "YAWS" (Yet Another Woolf Site) and added internal linking to the material. There are 50 full text judgments included in the material. He has also prepared a zipped version which can be downloaded in one go and then perused off-line. There is also information on XML.

Jonathan Mitchell a Scottish QC from the Murray Stable, at www.jonathanmitchell.info, provides information on a variety of topics, including the Faculty of Advocates, so that non-Scottish Lawyers can understand more what is on offer. The site also discusses issues relating to the Scottish Bar and jurisdiction and provides information on the Scottish legal System, the way the Scottish Parliament operates, data protection, Creative Commons, and public

law. He also provides a number of "top downloads" which are documents important to lawyers, gathered into one place, including the Direct Access scheme, the Code of Conduct, Data Protection guide, FOI guide, and other documents. (See also his article on Creative Commons for legal websites on page 6.)

Nik Nicol, of 1 Pump Court, at www.niknicol.co.uk, offers extensive information relating to support for asylum seekers (i.e. housing and subsistence). There is also an introduction to the English Legal System (and available in Spanish too). All these articles are excellent introductions to the respective topics, with extensive links to other resources.

Laurie West-Knights, of 4 Paper Buildings, was one of the early providers of legal websites. His site, LawOnline, at www.lawonline.cc, covers UK and international resources and he also has a section on the Civil Procedures Rules and a section on the British and Irish Legal Information Institute (BAILII) for which he was one of the major initiators.

There do not seem to be many websites from Irish barristers but **Kieron Wood** at indigo.ie/~kwood was early into the medium several years ago with his pages on **Irish Legal Matters**. He provides information on family law, including all relevant legislation and the paperwork to carry out a divorce without a lawyer. There is also information on wills and, under a separate civil law section, there is information on Irish citizenship, Irish work permits, defamation, tenancies, redomiciliation and bringing an appeal in the Supreme Court. There is also a glossary of legal terms, a section on Irish solicitors and barristers (and how to become a barrister) a useful set of Irish legal links and a list of all Irish barristers with phone numbers and (where available) email addresses.

James Kessler, of 24 Old Buildings, hosts a discussion forum on trusts at www.kessler.co.uk. The Forum is a moderated mailing list initiated in October 1998 and covering topics relating to the drafting and administration of trusts, wills and other private client issues including taxation.

Terry Lynch, from Northampton Chambers, provides Family Law Topics and commentary on selected cases at www.terrylynch.co.uk.

Dr Michael J Powers QC, from the "Virtual Chambers" Clerksroom, provides articles relating to medical negligence actions on his site at www.medneg.co.uk.

Charles Price, of No5 Chambers, covers the latest developments in employment law at www.charlesprice.net and offers practical advice for employment lawyers. You can sign up for a regular email "E-Missive" on these topics.

Jonathan Turner of 13 Old Square, provides case reports and articles on IP, competition and IT law, on his site at www.jonathanturner.com.

Brian Watson of Guildhall Chambers, Bristol and now a District Judge at Bristol, provides a free site called Litigation Liabilities at www.litigationliabilities.co.uk which gives a summary of recent cases and practice developments since 1st December 2001 as an up-dating service for his book of the same name. The information on the site is free standing and the viewer does not have to have bought the book.

Pearl Willis, of Northampton Chambers, provides some case reports and commentary on Family, Child Care, and Criminal cases at www.pearllwillis.co.uk.

Sending out email bulletins - a new type of marketing for barristers?

And a new type of legal resource for everyone else?
by Tim Kevan and Daniel Barnett

What with the wigs and gowns and their ancient buildings in the Temple, barristers as a breed are not generally associated with innovation and new technology. However, last year we brought together a team of sixteen barristers with the aim of dispelling such an image.

Our goal was ambitious: to set up the largest legal email bulletin in the UK. Subscribers would get experts giving them pithy summaries of all the important developments in their area for free in return for which contributors would be receiving more publicity and coverage than most of them could possibly achieve working alone.

Starting from scratch, this would be quite a challenge. However, our confidence lay in the quality of the product. We had identified what might be described as the second stage of the development of online information provision.

The first stage had simply been that of getting as much information as possible online and also perhaps aiming to get as much of it as possible available to all at no cost. However, such projects almost became a victim of their own success since consumers in most areas of the internet are now suffering from information overload. This has resulted in the irony that whilst in the past lawyers may have read the odd case summary that was passed around the office, they now read much less as there is nothing to distinguish the useful cases from the mountain of others.

This is where the idea came into its own. We believed that the next stage in the evolution of online information provision would be the growth in edited content written by experts in particular specialist fields. As a team of barristers we were perfectly placed. Not only did we have our own professional reputations as experts but we also had the brand of our profession itself as a guarantee of quality.

With this in mind, the name for the project was fairly easy to come up with. A bunch of 'briefs' writing 'brief' case summaries led to the name "Law Brief Update". The sign-in website (www.lawbriefupdate.com) was launched last year. Since then, the number of people who have signed up has already reached 8,000 and is rising steadily each week. Each month, a bulletin is sent out containing around half a dozen condensed case summaries in each of the main areas of law (including commercial, PI, family, employment, crime and property).

The bulletins are not intended to replace services such as Lawtel, which provides a far more comprehensive service. However, it is a good alternative for those who prefer not to pay commercial fees to legal information providers, or who simply want a short, snappy summary of crucial cases, rather than detailed recitals of facts and arguments. It also goes one step further and provides cases which have specifically been picked out as significant by an expert in a particular field.

For technical assistance, we have had the help of an IT expert, Garry Wright of 3001 Internet (www.3001.co.uk) who designed the web-site and set up the database using free software called dada mail (mojo.skazat.com). This is a web-based e-mail list management system. To quote from the Dada website: "Dada Mail handles double opt-in/opt-out subscriptions, sending complex announce-only and/or discussion mailing list messages, archiving/viewing/

searching/resending/syndicating (rss, atom) sent messages and doing all this and more with style." We have also needed the assistance of a programmer to tailor the software being used to our particular needs, in particular in setting up and running the database.

There have been a number of ways that we have achieved this sign up rate (8,000 so far). First, we already had existing newsletters in our own specialist fields which each go out to over 12,000 people in personal injury and employment law respectively (see www.pibriefupdate.com and www.danielbarnett.co.uk). We were therefore able to promote Law Brief Update through our own publications.

In addition, there have been a number of publications which have agreed to cross-promote our bulletin in return for promotion of their own products. An example of this cross-promotion is Mike Semple-Piggott's Legal Practitioner Newswire (www.lawinabox.net). Over time, the content is also being taken up by publishers providing specialist hard copy magazines in particular areas of law such as EMIS Professional Publishing's Personal Injury and Property Law Services (www.emispp.com). We have also worked hard to get as many links from other sites as possible in the knowledge that this is perhaps one of the most important factors in achieving the all important 'google rating'.

In terms of those that have signed up so far, the vast majority are solicitors and the other significant group are barristers themselves. However, it is surprising how many people without legal backgrounds have also signed up and this is perhaps an indicator of the underlying interest or curiosity that the general public have in all things legal. We have had good feedback, with people not only finding the bulletins useful themselves but also, in many cases, printing them off for further distribution or storage.

The team of barristers has now risen to 24 and is likely to grow further over the next few months. As the number of subscribers increases, it is intended that Law Brief will launch specialist newsletters within other areas of law in addition to those already existing in personal injury and employment law.

In addition, the first subscription service has also been launched. This is the Personal Injury Brief Update Law Journal (www.pibriefupdate.com/pibulj.php) which is written by a team of around 30 barristers and other experts. The article titles are advertised in the PI newsletter and whilst the initial issues have been free, later ones will be by subscription with xpl Publishing (www.xplpublishing.com) who will publish bound copies every six months.

Whilst it remains to be seen whether the ambition of becoming the biggest legal email newsletter will be achieved, what can be said with certainty is that we have surpassed even our own hopes for the first year.

Tim Kevan www.timkevan.com and Daniel Barnett www.danielbarnett.co.uk are barristers at 1 Temple Gardens. email TimKevan@1templegardens.co.uk and dab@1templegardens.co.uk. To sign up for the free Law Brief Update, visit www.lawbriefupdate.com.

Note from Delia: there are a number of very stylish email bulletins now being sent out by solicitors as well as barristers and there are a number of sources of software available to handle this in a relatively straightforward way. In the next issue, Nick Mundy of specialist property lawyers Mundy's, www.mundys.co.uk, will describe how he produces "The Mundy Morning Mail", an HTML based bulletin using facilities from www.groupmail.com.

Criminal Solicitor Dot Net by Gavin Burrell



Criminal Solicitor Dot Net (www.criminalsolicitor.net) came to life in 2004. I had registered the domain name in the year 2000 but I failed to do anything useful with it for some

years. In 2004 I had joined an e-mail based mailing list for criminal solicitors and I saw that similar questions were asked time and time again. Also resources were requested repeatedly. The functionality of an e-mail based mailing list struck me as being fairly poor. An e-mail would be sent from one user and distributed to others on the list but the e-mails were not accessible or searchable. I decided to set up a forum based web site for criminal solicitors since this type of site could keep a record of the questions and answers which would be far more useful than an e-mail based mailing list system.

I searched the web for suitable forum software and came across an open source portal solution called Soop (see www.soopportal.org). Soop is based on active server pages that are hosted on a Windows server. I was fortunate enough to have access to a Windows server so I began to experiment with the software and found it relatively easy to customise. I have no formal qualifications when it comes to web design although I have over the past few years got to grips with the basic concepts of different types of web page languages such as .asp and .php, and I have also had to learn how to deal with 'back end databases' such as MySQL and MSSQL.

I set up the web site in order to establish a community in the world wide web for criminal solicitors to discuss issues such as criminal law and criminal contracting. Since 2004 the Criminal Solicitor Dot Net web site has grown from being 'just' a forum to containing several distinct parts that are of use to every criminal practitioner. To get the most out of the web site users need to register but this is free and the only requirement for registration is a valid e-mail address.

The backbone to the Criminal Solicitor Dot Net web site is the forums. The forums allow registered users to post questions, request assistance and interact with each other. The discussions that take place are searchable so if a user is looking for an answer to a question that has been asked before they will be able to find the answer.

The site also provides news and updates. The Case Law Updater area contains cases from April 2004 onwards that are seen to be of paramount importance to criminal practitioners. A case report on the Criminal Solicitor Dot Net web site will usually include a short summary of the case and a copy of the full report if the case has been reported on a free web resource such as the British and Irish Legal Information Institute, BAILII (www.bailii.org). The Legislation Updater contains items of legislation relevant to criminal practice from April 2004 onwards. The Legislation Updater reports contain a summary of the legislation and then the full content of the legislation from the Office for Public Sector Information (www.opsi.gov.uk). News items such as new developments in law or criminal contracting are posted in the forums allowing members to comment.

In addition to the information available within the Criminal Solicitor Dot Net web site I operate a newsletter that is distributed by e-mail on a weekly basis. The newsletter lists updates to the content of the web site so that users who opt

to receive the newsletter can be sure that they do not miss relevant news or forum posts.

The Criminal Solicitor Dot Net web site has grown steadily and at present there are over 800 registered members and about 2,000 different visitors each month. The site is updated regularly with news, case law and legislation updates, and forum discussions are added on a daily basis. Management of the site is relatively easy as the web pages are dynamically generated. All of the information on the web site is stored in a database and when a user requests a particular page the relevant information is extracted from the database and shown to the user.

The greatest cost involved in managing the web site is time. At the end of each working day I add material to the web site and try to engage in the discussions taking place in the forums. There are also financial costs in operating the web site. Unfortunately as the web site has grown in popularity so have the operating costs since there is a direct link between the volume of bandwidth a web site consumes and hosting costs. The hosting costs are broadly paid by the site taking advantage of the Google AdSense programme. Adverts relevant to keywords within the web site are displayed at various points within the web site and revenue is generated when users click on the adverts.

I set out in February 2004 to create an online community for criminal solicitors and I hope that I have now achieved that goal. The Criminal Solicitor Dot Net web site will continue to grow and develop in the future and recently the web site started to publish information through RSS feeds. A popular news website (www.ukcjweblog.org.uk) that digested criminal justice news from UK newspapers recently fell into decline and I established a news service to effectively replace it with news reports from the UK newspapers relevant to criminal justice in a daily news feed. The next possible development is the free provision of CPD points. I am currently in discussion with a software developer about bespoke software to enable the web site to take advantage of distance learning CPD courses based on the content of the web site.

I do not run the Criminal Solicitor Dot Net web site for financial gain, nor do I run the web site as an advertising base for the firm that I am employed by. I run the web site simply so that criminal practitioners have their own place on the world wide web to discuss criminal law and criminal contracting. As the web site is not affiliated to any organisation, or supported financially by any organisation, the discussion and views offered are truly independent.

When the Criminal Solicitor Dot Net web site was originally set up I did receive a number of comments pointing out that the site appeared to be much the same as Andrew Keogh's CrimeLine (www.crimeline.info). CrimeLine is a very useful resource that keeps subscribers informed of updates in criminal law, and Andrew Keogh also offers criminal practitioners the ability to receive up to 12 free CPD points a year. His new WikiCrimeLine (www.wikicrimeline.co.uk) is an ever growing resource of criminal law knowledge.

The Criminal Solicitor Dot Net web site is rather different. It is an online resource that allows users to interact and discuss matters. It is rather like a portal that presents a wide range of up to date news (both legal and media based), case law and legislation to users when they visit the site and it also provides daily updates. I would suggest that these sites compliment each other rather well.

Gavin Burrell is a solicitor with BTMK Solicitors, Essex. email gavin@criminalsolicitor.net.

Website Strategy of a Scottish Law Centre by Iain Nisbet

As a charitable law centre, one of the aims of the Govan Law Centre has always been educational. We try to provide legal information to people in order to equip them with the knowledge they need to assist themselves with any given legal problem. Traditionally this has mainly taken the form of training events and seminars, community information stalls or events, or information leaflets. However, with the advent of the Internet, we have also begun to establish a presence on the World Wide Web.

Providing information on a website has some fairly obvious advantages over printed leaflets. The first is that it widens the potential readership. A popular leaflet printed by the law centre might be read by a total of ten thousand people or so. The same information provided on a website has the capacity to reach ten times that number (or even more)!

Providing information on a website is cheap. Even taking into account the time, hosting fees, domain names etc., the cost of producing a page on a website is negligible when compared with even a modest print run of printed leaflets. This cost advantage is underlined when you consider that a webpage can be easily updated to reflect changes in the law, where a printed leaflet would require a costly reprint.

Our main website

Our online adventure began almost 5 years ago with the purchase of our first domain name www.govanlc.com, and the construction of a smallish website with information about the law centre and some legal information about various topics of Scots law. From the outset, we decided that we would prioritise useful content over design.

Private practice law firms walk a tight-wire with their websites. The aim is (often) to provide just enough information to attract people to the website, but not enough to render a visit to the firm superfluous. As a charitable body, we are mercifully free of such constraints and we are quite happy to provide as much information as we can usefully pass on to people. This approach has made the website a popular destination with over 28,000 unique visitors in the last month alone!

Other domains and websites

The next addition to our suite of websites was a dedicated site for our newly founded (in 2002) Education Law Unit (ELU). Why did we need a separate domain and website?

First, we reckoned that we were dealing with two very distinct legal "markets". The information needs of the parent of a child with special educational needs were quite different to the target consumer or tenant profile of the main law centre website. Second, from an operational point of view, responsibility for the content of the ELU website was to be held by me, whereas the Principal Solicitor was to retain responsibility for the main website. Too many authors and editors spoil the website broth!

Finally, it was a condition of our funding that we set up a website for education law matters, and a page or set of pages hosted on another website didn't seem quite enough.

So, a new domain was purchased, www.edlaw.org.uk, and a website launched. Now in its third incarnation, it continues to be the leading website in the (admittedly very small) field of education law in Scotland and follows the main site's commitment to providing useful content. It is widely used by both parents and teachers.

We opted for "edlaw" as opposed to "educationlaw" on the grounds that we wanted something short and easy to remember. In retrospect, given the number of times I have to spell the URL, I am not sure that this was a good idea!

To coincide with the coming into force (in November 2005) of the Education (Additional Support for Learning) (Scotland) Act 2004, we launched a brand new website which was to be a detailed guide to this new law. Adopting a school room look to the website design (clichéd, I know) we drafted a comprehensive yet comprehensible text which explained all aspects of the new law and how it was likely to work in practice. This was then split into manageable chunks and entered into a series of linked pages to form an electronic guide. Added to this were links to the legislation, relevant events, downloads, related legal topics etc. Having learned our lesson about using abbreviations and in an attempt to maximise our search engine visibility, we opted for www.additionalsupportneeds.org.uk as a domain name.

The site is aimed at senior pupils, parents and educationalists. Providing this level of detail online has been a real bonus in terms of our workload as well. The Education Law Unit operates an Education Law Helpline and many of the questions we receive are about additional support needs. Rather than taking a caller through the whole detailed procedure for referring a matter to an independent adjudicator, for example, if the caller has Internet access we can now simply refer them to the web page and ask them to call back if they have any problems.

We have recently fulfilled another funding condition by creating a website on education law matters for pupils who speak Gaelic. The domain name had also to be in Gaelic, so www.lagh-sgoile.org.uk was chosen – or "school law" in the English translation. This highlights another benefit of our websites – the ability to provide legal information in different community languages simply and cheaply.

Last, but by no means least, is our Unfair UK Bank Charges website, www.bankcharges.info which has been a runaway success. Stemming from our own experiences of having been charged with hefty bank charges for minor fiscal misdemeanours, we decided that this was an area of law which was not well known to people, but could potentially be of use to almost everybody – ideal law centre territory!

The site sets out, in a few short simple steps, how to reclaim charges imposed from your bank or building society. It includes all of the information you need, whether you live in Scotland, England, Wales or Northern Ireland and has standard letters to download and send. The system works and from the 105 e-mails thanking us for our assistance we know that we have helped in the recovery of £36,951. We also know that many others have downloaded the letters (approx. 3,000 per month at present) and if even some of these are successful, we estimate that the site has been instrumental in the recovery of well over £250,000 in unlawfully imposed charges by banks, building societies and credit card companies.

The site has also been the subject of a great deal of media attention which has helped us to reach even more people. Would the site have been so popular if it was just www.govanlc.com/bankchargespages.html? I doubt it.

Iain Nisbet is a partner at the Govan Law Centre and Head of its Education Law Unit (ELU). He designed the three ELU websites himself and also runs the Scots Law portal absolvitor.com. email iain@wordjam.org.

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