

The British Are Coming-Who Is Your Real Competition?

BY ROY SIMON

"History," a fellow law professor quipped recently, "is strewn with the corpses of people who said, 'Technology will never replace me.'" Take seriously the advice implicit in that observation. Whether you are a solo practitioner or a powerhouse Wall Street corporate lawyer, your competition is stalking your clients - and your real competition may not be who you think it is. Forget Martindale-Hubbell. Check out the Internet. Whatever the nature of your practice, whatever your specialty, wherever your practice is located, companies operating on the World Wide Web are competing for your clients.

This article reviews a web site in Great Britain where your clients can get free information about the law and can purchase legal forms, legal advice by telephone, and everything else you have to offer except your smile.

And, remember, the web is everywhere and the Americans are hard on the heels of their British cousins.

Meet DesktopLawyer.com

In Great Britain today, many people are purchasing legal forms and finding lawyers at a web site named **DesktopLawyer.com**, which began operating in July of 1999. *The National Law Journal* reported in its April 17th issue that DesktopLawyer has already grabbed 6% of the divorce business in Great Britain in less than a year, and the founders of the site recently promised that they would bring the site to America in the near future. I decided to find out how this site works.

At the top of the DesktopLawyer home page is a query box where you can enter a search. I typed in "simple will" and hit the "go" button. Up popped 33 documents. Here's how the first few documents are described:

1. Mutual Will and Memorandum
2. A Will for married or single person
3. Memorandum of wishes
4. Codicil Revoking Gift to a Named Beneficiary

I'm married, so I clicked on "A Will for married or single person." The following information then came up on the screen:

A Will enables a Testator (the person making a Will) to make sure that his/her family and loved ones are provided for and his/her possessions or property will be distributed in accordance with his/her wishes. This document is not designed for a complex and large estate where regard has to be had to taxation issues. This document should be used only for a basic estate which is below

the threshold for the payment of inheritance tax and where discretionary trusts and settlements are not required. It has specifically been designed for the following purposes (a) for use by a single person appointing executors leaving specific and residuary legacies or (b) by a married person appointing their spouse as an executor and leaving their residuary estate to their spouse.
Price: ££19.99

Then of course comes the friendly message - a red button says "Buy me" and a line next to the button reads: "Click here to add this to your basket." See? It's now as easy to buy a simple will form as it is to buy the latest Grisham novel at Amazon.com. And the site doesn't just sell wills.

Free Information & Adaptable Forms

Of course, I don't know if the will sold at DesktopLawyer.com is any good, or is suitable for your potential estate planning clients - but neither do your clients. All they know is that you charge a lot more for a will than DesktopLawyer's rock-bottom price of ££19.99 (about \$35 U.S.), and you can't provide a will on a Sunday afternoon or at 3:00 a.m. when a client is sleepless in Seattle. DesktopLawyer.com will serve your client at 3:00 a.m. Like the rest of the Internet, it never sleeps.

DesktopLawyer also gives your clients enough free information about the law to help them choose an appropriate will form and understand its meaning. The client begins by clicking on a box called "Lawguide," then chooses a topic from a list that includes "Jobs and Employment," "Crime and Punishment," "Motoring Issues," "Family Matters," "Powers of Attorney," "Disputes and Claims," "You and the Internet," "House and Home," "You the Consumer," and "Wills and Trusts."

Clicking on "Wills and Trusts" brings up a list of topics that includes "Making a Will Won't Kill You," and clicking on that leads to a series of short essays on "Why Do I Need a Will?" "What Happens If I Don't Make a Will?" "The Need for Executors," "What Gifts Can I Make?" "Providing For Children," and "Does My Will Need to be Updated?"

If your clients aren't in the market for a will right now, they can choose from lots of other "Intelligent Documents," as DesktopLawyer.com calls them. These are electronic forms that the client fills out right over the Internet, cued by prompts from the web site. When the client clicks on the word "Documents," here's the message that comes up:

Using this website you are able to search for, order and download intelligent Rapidocs legal documents and letters. All legal documents have been professionally prepared by top UK barrister chambers, 11 Stone Buildings. When you download a document, our FREE Rapidocs Assembler software will automatically find your document and ask you a series of questions set by the Barristers. By following the prompts the document will draft itself automatically to suit your requirements. It's that simple!

Yeah, it is that simple. It's like Quicken's Family Lawyer CD-ROM, only it's available anytime, anywhere to anyone with an Internet connection. In half an hour, your client can have a new will, or a new employment agreement (13 to choose from, starting with "Letter giving notice of termination of contract," "General Employment Agreement," and "Guarantee for the Performance of a Contract"), or a lease form,

or whatever the client thinks he or she needs. But that's not all. DesktopLawyer.com also offers live telephone "support."

"Desktop Lawyer Legal Support"

When you buy a computer, the seller offers you "technical support" by telephone to help you solve any problems. In the same way, **DesktopLawyer.com** offers you something called "Desktop Lawyer Legal Support," which the website describes as follows:

Telephone legal support is available to assist in both the assembly of your ordered document or following assembly to ensure the document fully meets your requirements. All you have to do is order telephone support during the purchase process (you will be prompted). You can either order telephone legal support with your document or return later to purchase support separately. Support can be extended during a support session.

I can hear you asking a question: "Can they do this? Is this legal?" The answer, at least in America, is no. Giving live in- person or telephone advice about filling out legal forms is the unauthorized practice of law, and it's illegal in every state. Maybe it's permitted in Britain, but it isn't permitted in the U.S.

However, lawyers can't take much comfort from the unauthorized practice laws because enforcement is terribly weak. On the Internet, it's not clear who is enforcing these laws at all, and new websites spring up frequently - perhaps faster than authorities can keep up with them even if they try. Disciplinary authorities do not police the activities of non-lawyers, and mounting disciplinary proceedings against all of the lawyers who cooperate with Internet legal services sites will be a daunting task. Besides, it's perfectly legal to sell blank forms over the Internet. The only illegal part is selling telephone support. The reality, then, is that website legal services like DesktopLawyer.com will pose increasing competition for neighborhood lawyers in the years ahead.

In future articles, I will review some of the other web sites that offer legal information, legal services, or requests for proposals. In the meantime, if you want to know who your real competition is, check out Thelaw.com (headed by former New York Mayor Ed Koch), Americounsel.com (affiliated with Harvard law professor Arthur Miller), mylawyer.com (run by a lawyer from Baltimore), and eLawforum.com (which allows corporations to post requests for proposals so that lawyers who register on the site can ask questions and post bids). What you find on these sites will astonish you. The future - British and Yankee - is not just coming - it's here.

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