

An Internet Rude Awakening

By Robert D. Aicher

Life is full of rude awakenings. For those of us over the age of 50, it's time to acknowledge what our younger colleagues have known for some time: the Internet is irrevocably changing the practice of law. A recent article by Janine Holsinger—available only on the Internet—lists websites that are devoted to the delivery of legal services.¹ The author identifies several categories of service including legal research, docket and brief retrieval, lawyer marketplace, practice management, case management, DIY legal forms and contracts, online dispute resolution, document automation and assembly, social and referral networks, lawyer-to-lawyer outsourcing, predictive analytics and litigation data mining, and legal billing. Holsinger lists *more than 100* websites she characterizes as *2014* legal startups.

Over the past few years, I have cataloged numerous websites—some have already come and gone, some are dormant but still can be seen (so-called “zombie” websites), and many are not only alive but thriving—solely devoted to lawyer-client development. An incomplete list would include FindLaw (part of legal giant Thomson Reuters/West) and its affiliated website SuperLawyers, Lawyers.com (operated by venerable legal directory Martindale-Hubbell), Avvo, LegalMatch, RSVPLaw, LawGives, LawDingo, and LawTrades. A few sites focus exclusively on serving the legal needs of businesses, such as UpCounsel and Priori Legal, while others serve not only lawyers but other types of professionals seeking clients, such as ProfectMarket, which includes accounting, engineering, business, real estate, and medical professionals as well as lawyers. And some sites are, in a sense, hybrids, offering legal services in conjunction with other related products. For example, RocketLawyer

provides legal documents for direct consumer use as well as access to lawyers. BridgeUS furnishes guidance on immigration law with legal support if needed. LegalShield offers a type of legal insurance that allows consumers to pay a monthly fee for ongoing access to legal advice and also sells identity theft protection.

The rise of these sites presents many challenges to lawyers, both in terms of ethical issues (clearly a perplexing and still-evolving area)² and in establishing a solid web presence to market to prospective clients. Some sites such as Lawyers.com and Avvo allow consumers to search a database of lawyers, while others like LawGives and RSVPLaw ask prospective clients to briefly describe their legal problems and then seek to connect them with suitable lawyers. A small study reported in the June 2014 issue of the *Law Library Journal* also found that “the depth and breadth of coverage varie[d] dramatically” among the sampled sites.³ Some sites solicit lawyers to join, while others essentially synthesize a profile from publicly available data and leave it up to the lawyer to activate (or, if need be, to correct). By way of personal example, despite having practiced for 35 years in finance law in Chicago and New York, I was erroneously listed on one such site as practicing 20 percent in elder law, 20 percent in estate

planning, 20 percent in fraud matters, and 40 percent unknown, and with only one year of work experience!

So what is to be done about all of this? Until a couple of years ago it was possible to simply ignore it, and many lawyers did. After all, who in their right mind would go on the Internet to find a lawyer? At a minimum, wouldn't people be worried that the individual who ended up advising them might be completely unqualified or, perhaps, not even a lawyer at all? That, unfortunately, is where the “rude awakening” part of this article comes in. There is no doubt that Internet usage in the U.S. has surged in recent years. The Census Bureau reports that as of 2012, almost 75 percent of households had Internet usage at home.⁴ Not surprisingly, surveys show that consumers are also increasingly looking for lawyers online. In 2012, a survey sponsored by LexisNexis and Martindale-Hubbell concluded that while word of mouth remained an important resource, 76 percent of adults who hired an attorney in the past year used the Internet at some point during the process.⁵ More recently, a 2014 FindLaw survey reported that the Internet is now the most popular place to find and research lawyers: 38 percent of those surveyed said they would use the Internet to help them find a lawyer versus 29 percent who said they would ask a friend

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or relative and smaller percentages who said they would use other means. This was a dramatic change from 2005 when only 7 percent said they would use the Internet and 65 percent said they would ask a friend or relative.⁶ Similarly, a recent survey by SoftwareAdvice.com reported that 43 percent of prospective clients used online review sites to research lawyers.⁷

These changes have occurred in part because practices and habits learned by consumers in their searches for books on Amazon, shoes on Zappos, or plumbers on Angie's List are being used by those same consumers when they need legal help. In addition, younger people—the so-called “digital natives”—turn to the Internet first for many types of information. But it's not only increased Internet familiarity that drives consumers to search for a lawyer online. Many of these lawyer-client development sites also provide resources and tools that the consuming public wants, such as reviews, transparent pricing options, and the ability to search for and compare lawyers, ask questions and receive answers, contact a lawyer quickly, and obtain rudimentary education concerning legal problems, among other features.

At this point, ignoring the Internet not only seems unwise as a business development matter—after all, that's where the clients are—but also plain denial. Moreover, failing to become actively involved does not mean you will be uninvolved. You might even be listed and described based on third-party sources whether you want to be or not—witness my earlier example.

To date, conspicuously absent in creating these sites are the regulatory bodies governing the practice of law. Bar associations frequently have lawyer referral services, but few offer the transparency and flexibility these private market websites provide. Many simply list lawyers who perform a particular type of work in a particular location. Typically, when a consumer makes an inquiry, the bar association asks for the consumer's location and provides the name of the next lawyer on the practice list in that location. The consumer does not have the ability to search and compare lawyers or

discover market pricing, and, most certainly, there are no reviews.

The State Bar of Michigan has decided it is time to get involved. It has partnered with the website www.ZeekBeek.com in an effort to produce a legal marketplace that gives consumers improved access to lawyers and addresses the needs and concerns of its members. ■



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ENDNOTES

1. Holsinger, *Legal Tech Startups in 2014* (June 25, 2014) <<http://lawyerist.com/74528/legal-startups/2/>>. All websites cited in this article were accessed September 17, 2014.
2. Buchdahl, *The Impact of the Three R's: Ratings, Rankings and Reviews*, available at <http://www.americanbar.org/publications/law_practice_magazine/2014/march-april/marketing.html>.
3. Whisner, *The 4-1-1 on legal directories*, 106 *Law Lib. J.* 257-266 (2014), available at <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2452993>. She compared listings in Martindale.com, FindLaw, Avvo, LinkedIn, and the Washington State Bar Directory.
4. U.S. Census Bureau, *Computer & Internet Trends in America: Computer and Internet Use 1984-2012*, available at <http://www.census.gov/hhes/computer/files/2012/Computer_Use_Infographic_FINAL.pdf>.
5. LexisNexis, *How Today's Consumers Really Search for an Attorney*, available at <http://lawyerist.com/wp-content/uploads/2012/11/How_Todays_Consumers_Really_Search_for_an_Attorney_102312.pdf>.
6. <<http://company.findlaw.com/press-center/2014/internet-is-now-the-most-popular-way-to-find-and-research-a-lawyer.html>>.
7. Wallace, *How Clients Use Online Legal Reviews* (May 28, 2014) <<http://www.softwareadvice.com/legal/industryview/how-clients-use-legal-reviews-2014/>>. According to this survey, the most popular review site was Yelp (58 percent), followed by SuperLawyers (20 percent), Martindale-Hubbell (14 percent), and Avvo (8 percent).

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