Is law a service?

Speaking about law as a service or LaaS might either initiate a thinking process about lawyers providing services in general or online counselling provided by a machine. One might ask how law can be a service and not simply norms that form parts of the roots of society. In a citizen-government scenario laws and norms are rather often pushed to its citizens; the tax authority will remind citizens to hand in their declarations, the police will help a victim of a crime to find the guilty perpetrator. In a citizen-citizen or client-company relationship law is not always easily at hand or easily retrieved in the relevant situations. Individuals therefore have to seek the advice of a person trained in solving certain issues, whether it be before a problem occurs (proactive) or after (reactive).

Traditionally, seeking legal advice encompassed finding a lawyer and asking her opinion on a particular situation, which she then provided after filtering all facts of the case into legally relevant information. The result of the advice would often include written documents of some kind, whether in the form of a contract, application to the court or summary of the necessary steps to be taken.
In a typical scenario, a client/individual would go through the following steps in order to find legal help:

1. Finding a lawyer who is specialised in the relevant area of law.
2. Client-lawyer interaction, where the client describes the situation he is in and the lawyer assesses if she can help him.
3. The lawyer would then find all relevant legal information to answer the questions of her client.
4. Based on the legal information retrieval and legal reasoning, the lawyer would provide her client with legal advice, consisting of necessary steps to take/avoid and/or a description of his rights and obligations.
5. The lawyer will produce some sort of written document explaining the situation or constituting a contract, application to the court or representation letter.

These five points represent roughly the process of a legal service, and have traditionally taken place in an offline, unconnected world where conversations were held in person and documents were produced in writing on printed paper. Nowadays, the digital online dimension adds possibilities as well as risks for both the client and the lawyer. Disputes can arise purely online, contracts can be concluded without ever signing a written document with a pen, and legal services may be provided without any human interaction.

The risks and possibilities are severalfold and cannot all be covered in this article. What we do want to discuss, however, are legal services currently available that take advantage of the new digital online world, and the challenges and possibilities they create for individuals as well as lawyers.

Offering legal services online

Though the possibilities of the digital online world are severalfold, we will focus on the communication part of the services. As the word communication indicates, online is not equal to automated service, which would exclude human interaction. Online merely refers to the environment in which the service is provided, not the process it is provided through.

Finding a lawyer (step 1) has partly moved into the online world, as clients might search for potential law firms online, use Twitter and blogs to post questions or search for answers directly. Other services offer price comparisons, which suggests that quality is not the only factor when choosing a service.

Services that assist clients in identifying the legal question (step 2) and/or offer legal reasoning and advice (step 4), are not that common yet. While they might be used in-house, and provide guidance to lawyers, they are rarely offered to the general public.

Most available online services today concern creation of legal documents (step 5). Assuming that the end-product of most legal services is a document, in the form of a contract, official document or policy statement, templates of any kind can be of immense assistance. The bulk of legal documents often consist of the same basic content, dealing with rights, obligations, liabilities and remedies. Law firms have been using templates in-house for quite some time, saving time and energy whilst increasing the creative value for their clients. Knowledge management has been using this know-how and allowing lawyers to adapt document templates to the specific needs of their clients. These templates are now being offered to clients directly, allowing them to adjust the terms and conditions to their own needs. In most cases, these services are even automated, consisting of several questions being posed to the client, which result in specific terms depending on the answers.

Services such as Rocket Lawyer, Policy Tool and the Swedish service for company and employment law, VQ Legal, are excellent examples of the potential of online legal services providing this type of legal document.

Improved access to law

The result of offering legal services in the online world in theory leads to improved access to law. As society and technology develop, more online services could be introduced, and related services connected, bringing law closer to citizens through a few clicks of a button. Such availability of legal services should in turn lead to an increase in democracy, as the only prerequisite is an internet connection. The cost of such services is outside the scope of this article, but is obviously a determining factor in how many people would be able to make use of such services.

Due to increased accessibility of law, a proactive approach hopefully develops, whereby individuals seek help before a problem has arisen, as a preventative instead of a reactive measure. Individuals, aware that such services are available around the clock and accessible from their own homes, are more likely to take advantage of them. In addition, people may use these services at an early stage, instead of consulting a lawyer only when the problem has developed to such an extent that immediate action is needed.

However, improved access to law is not without potential challenges. One important aspect in this regard is whether services are offered by those outside the traditional legal profession, for example high-street retailers. This has been seen in the UK through the liberalisation of the legal profession as a result of the Legal Services Act 2007, sometimes referred to as the ‘Tesco law’ as services may be offered by companies such as Tesco, originally a grocery store. Here, the quality and reliability of services may be brought into question. Law firms have long-term experience in giving legally-sound advice, which is both accurate and relevant to the needs of the specific client. In contrast, new actors may have experience in providing services but not necessarily in giving tailor-made legal advice. In this sense, an increased quantity of legal service does not
equal an increase in service quality, but may in fact lead to the opposite result.

How much a customer is able to trust a service provider depends on its level of expertise in the field, along with its background and reputation. However, as noted by Chris Bull, the advantage such providers as Tesco have are brand and high-street presence; they may not be seen as traditional providers of legal advice, but a trust between them and consumers has already been established. In choosing a legal service provider, some customers may be more likely to transfer existing trust than investing in someone they have never had dealings with.

Legal online services can come in many different shapes and forms. Only the future will show if this development improves access to law and quality of legal advice.

What changes are needed?
In order for law to prosper as a service, changes are needed in the way legal services are built up, and technology has the potential to play an important role in facilitating this prosperity. To start with, more services should be made available to the public at large. This could be done both by increasing the number of services focusing on a particular legal question as well as introducing services covering new legal areas.

Related legal issues could furthermore be connected in order to provide a more holistic approach to different aspects of legal life. Legal (online) services should be able to deal with specific scenarios, and provide answers to individual legal questions. This not only has the advantage of improving access but also allows outsourcing of legal work from professionals to technology.

Although it is true, as mentioned above, that online services are not necessarily automated (but rather some may include client-lawyer interaction), a part of the work that lawyers do today may be able to be replaced by technology. What were once manual tasks should in some cases be able to be carried out through the use of technology and automated processes. This outsourcing from lawyers to technology would leave professionals free to engage in the type of work that they are most needed for, particularly tailor-made legal advice, whether this be in the online or offline world.

Although further into the future, another way to help citizens in their legal affairs would be to make the law pro-active (rather than the individuals), in an approach which can be described as, «Law pushed to you». Individuals would therefore not need to search for an answer to a particular question, but could be passive and rely on the law to provide legal guidance as and when it was necessary. The system could, for example, notify you when you receive your monthly salary that you are approaching a certain tax barrier and suggest that you alter your tax payments. Another possibility is an application warning you about an unfavourable clause in a contract you are entering into and suggesting alternative courses of action.

A more immediate change that must occur if the legal service area is to develop, is that the people offering such services have to change alongside it. This process starts with changing and updating legal education in order to prepare lawyers and other legal professionals for their future careers and for the marketplace that awaits them. Educating students not just in substantive legal rules, but also the way in which law and legal advice is given, will aid in the development of LaaS.

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Noter:
1 This article has been inspired by the recent Knowledge and Strategy Forum 2011, http://www.vqab.se/events/vq-knowledge-and-strategy-forum-2011.aspx; 4 October 2011, hosted by VQAB, along with the upcoming Trust for Legal Information (Stiftelsen för rättsinformation) Conference, Juridiska tjänster via webben - dricksraper och överväganden, 15 November 2011, http://www.rattsinfo.se/111115.htm. For more information on these events, see the Swedish Law and Informatics Research Institute’s blog at http://blawblaw.se.

2 e.g. http://www.comparelegalcosts.com;

3 http://www.rocketlawyer.com/

4 http://policytool.net/

5 http://www.votelegal.se/

6 This is the approach taken by Richard Susskind, in his keynote speech at the Knowledge and Strategy Forum 2011 and in his book The End of Lawyers? Rethinking the Nature of Legal Services, Oxford University Press, 2009.


9 Chris Bull, partner at Edge International, speaking at the Knowledge and Strategy Forum 2011.