



LEGAL TECHNOLOGY

The newsletter of the Illinois State Bar Association's Standing Committee on Legal Technology

A review of ways to use technology to improve client service for your practice

By Steven M. Wallace, The Kunin Law Offices, LLC, Collinsville, IL

"Oooo, they have the internet on computers now!"

—Homer Simpson

Typewriters will forever change the practice of law. Copy machines will forever change the practice of law. Fax machines will forever change the practice of law. Desktop computers will forever change the practice of law. Portable computers will forever change the practice of law. Laptop computers will forever change the practice of law. The Internet will forever change the practice of law. E-mail will forever change the practice of law. Handheld devices will forever

change the practice of law. [Insert technology here] will forever change the practice of law.

All of the above is true, and the speed at which technology is changing the practice is accelerating. "Keeping up" in real time is impracticable, but incorporating available technologies is a necessity in order to attract and retain clients and remain competitive in the 21st century. The following are just a few simple examples of how technology can change the practice.

Word processing

Word-processing software, such as Microsoft

Continued on page 2

Implementing document assembly software in your practice

By Trent L. Bush, Ward, Murray, Pace & Johnson, P.C., Sterling, IL

Lawyers produce gobs of documents (or at least most of us do). That's nothing new. But how we do it continues to evolve. I was recently at the Third District Appellate Court and was perusing a beautifully handwritten docket sheet book from the late 1800s. I was thinking how my handwriting is barely legible—I'd like to think because I hardly do it. From handwriting to typewriters and carbon paper to word processing programs, the way we produce documents has changed over time. Indeed, like many other things, the pace of change continues to increase.

Out with the old (way)

As noted in a previous newsletter article, if you're a solo or small firm practitioner, chances

are you do a fair amount of your own document production. Whether you're a litigator drafting pleadings, a transactional lawyer generating contracts, or an estate planner creating wills and other estate planning documents, most of us spend a lot of time creating documents.

Thankfully, other than the odd form that the State still requires be submitted in duplicate carbon paper, typewriters have faded into history. Word processing programs revolutionized the production of documents, making it possible to create many more customized documents with much greater efficiency. As the lawyers' stock in trade is his or her time, we all strive to be more

Continued on page 2

INSIDE

A review of ways to use technology to improve client service for your practice. 1

Implementing document assembly software in your practice 1

ScanSnapSV600...A touch of the button...But a contactless scanner? 4

LinkedIn: Now what's this all about? 5

Internet marketing, part I—The law firm Web site 6



IF YOU'RE GETTING THIS NEWSLETTER BY POSTAL MAIL AND WOULD PREFER ELECTRONIC DELIVERY, JUST SEND AN E-MAIL TO ANN BOUCHER AT ABOUCHER@ISBA.ORG

A review of ways to use technology to improve client service for your practice

Continued from page 1

Word, is more than a glorified typewriter. These packages contains countless gems that reduce the amount of time previously spent preparing documents such as briefs, contracts, wills, trusts, etc. For example, how many times have you finished writing the body of an appellate brief and then set about the (sometimes daunting) task of preparing the table of contents and table of authorities? Word processing software can automatically generate those tables with appropriate page references. It can also streamline the preparation of documents such as leases, trusts, loan agreements, and the like. On a very basic level, documents can be assembled by cutting and pasting from prior agreements, contracts, wills, and the like. In addition, documents can be “automated” by creating templates that are then completed by providing the necessary variables.

Research

It can be difficult to let go of the books. However, commercial services such as Westlaw, Lexis/Nexis, Fastcase and others provide an easy, cost-effective means to access primary law, secondary sources, and forms. In addition, there are myriad free online resources. For example, most, if not all, states’ statutes are available online. In addition, most states provide online resources for searching corporate records and the like. Pay services such as Tapestry Land Records that permit real estate searches. These services

give users the ability to download or print copies of documents such as deeds, mortgages, easements, and judgment liens.

Time and billing

The days of handwriting time entries, converting time entries to bills, and keeping track of accounts receivable are over. Commercial packages, including Case Manager, Timeslips, and Quickbooks, permit time entry and automatically incorporate those entries in client invoices. Some of those vendors also offer applications for smartphones and tablets, which accommodate remote time entry and billing.

Paperless files

With a serviceable scanner and some diligence, clutter and paper can be eliminated from the law office setting. In large measure, our communications are electronic, and need not be printed. Many jurisdictions, state and federal, either permit or require electronic filing, and, therefore, there is no need to retain hard copies of pleadings, motions, or other papers. Research services permit users to download documents such as cases and statutes. In many cases, when paper is received, it can be scanned. The bottom line: it is not necessary to produce or retain paper copies of every document. Naturally, there are exceptions such as court rules governing electronic filing. Those rules require retention of documents containing original signatures.

Smartphones and tablets

Where to start? The number of applications applicable to the legal profession is expanding constantly. Commercial legal research services, like those discussed above, provide applications for both smartphones and tablets. In the past, we schlepped statutes and/or rules to court, but that is no longer necessary. State and federal statutes, as well as federal and state court rules, while not always free, are available for download on tablets and cell phones. Have you ever been in a meeting or other setting and needed to photocopy a crucial document? No photocopier? No problem. Scanning applications for smartphones and tablets, one of which is Genius Scan, are readily available, and they permit scanning, saving and e-mailing of documents. There is no need to wait until you return to the office to prepare an e-mail, note, or memo. Voice recognition applications like Dragon Dictation and Active Voice, which are becoming more accurate, convert voice notes and e-mails to recognizable text.

Reluctance to embrace technology, at least to some degree, is not an option for lawyers who want to remain competitive. In many ways, technology is creating a new paradigm for the practice of law. Existing and emerging technologies not only make our lives easier, they also better serve the client by permitting us to respond more quickly and cost-effectively. ■

Implementing document assembly software in your practice

Continued from page 1

efficient (and profitable) with our practices.

Over time, the traditional approach for handling form documents was to save them somewhere on the computer system and customize them for each particular client, either by cutting and pasting, searching and replacing text, saving over forms, or some combination of these approaches. However, these approaches had their problems, such as the disappearing form (you couldn’t find it or it was inadvertently deleted) or when the form was unknowingly altered (someone took out a clause they didn’t like in a particu-

lar situation, only to have it be gone forever and not noticed). Further, these methods were prone to errors (such as forgetting to replace a name or pronoun correctly). At a minimum, these mistakes did not impress the client and worse could lead to a malpractice or ARDC claim.

Enter Document Assembly Software

Not only do we want to avoid ethics problems and have lots of happy clients, we also want to avoid tedious work—both for us and

our staff. This makes us all happier, more productive, and more profitable.

Generally, document assembly software is software that automates the creation of documents. Like most software programs, there is a wide variety of providers offering many different products with various capabilities. However, the programs generally utilize a database to gather the common elements for a particular matter and then apply those elements or variables to document templates, which can then be edited in the user’s standard word processing program.

Imagine the estate planning attorney who is drafting a basic will for a client and powers of attorney. With a document assembly software, the attorney or his staff can input all of the relevant data (client's name, spouse, children, etc.) and apply those variables across the documents without using the time-consuming and unreliable cut-and-paste or search-and-replace methods. Once the software applies those variables to the documents, they can be further modified to fit the client's needs.

There are a variety of document software programs available, with a variety of features, complexity, and cost. Many of these are specifically developed for attorneys. The following are some of the industry leaders: Hot Docs,[™] ProDoc,[™] Pathagoras,[™] XpressDox,[™] SmoothDocs,[™] The Form Tool,[™] and Smokeball.[™]

Some of the above products are not stand-alone software but are rather known as a Microsoft Word "plug-in". These tools install as a tab in your Microsoft Word ribbon and are designed to make the creation of templates much easier and reduce the learning curve as you're already using a product that is familiar. The programs allow a lawyer to set up a document that can be auto-filled with no programming skills.

As is the case with any new product (software or otherwise), there is a learning curve with these products. Some claim to be easy to learn and ready to use in three minutes. While it is true that you may be able to watch a three minute video and understand conceptually how the product works, the reality is that it will take a significant investment of time to really understand how the products work and to incorporate them into your existing systems.

Our Implementation Experience

Several years ago, we decided it was time to take the next step and implement a document assembly tool into our practice. We are an 18-attorney general civil practice firm. As is probably typical, we have the full range of tech users—from those that are perfectly happy with the very basics to the proficient, with most somewhere in the middle. And as is probably typical of any general practice, we had developed a lot of forms over the years and experienced some of the problems with the cut-and-paste or search-and-replace approaches.

After investigation, and several free trials of various products, we decided to try out one of the plug-in options—Pathagoras[™]

(www.pathagoras.com). With Pathagoras[™], a lawyer can just pull up the lawyer's own form in Microsoft Word and replace all of the variables (e.g., names, dates, contact info) with the name of the variable surrounded by brackets (e.g., replace Joe Client with [Client Name]). Once your form is "Pathagorized" (i.e., variables bracketed), you can then start to use the program's tools to assemble your document.

The first step is to call up the program's "instant database" by simply pressing Alt-D. A window will appear that gives you the option to scan your document to generate a table for all of the variables. This is a simple two column table with a column on the left indicating the names of all the variables (e.g., [Client Name]) and the column on the right having the blanks so that each variable can be completed.

Once the underlying document is scanned for the bracketed variables, you can then fill in the information for each variable. For example, in a form letter, you may have [Client Name], [Client Address] and [Client City, State, Zip]. In the instant database window, you would type in the applicable name and contact information. When you were ready to apply that information to the form letter, you would simply click next. Before leaving the database window, the program asks if you want to save the information (called a record). Once you do, it can be re-used again for future documents. After you choose whether to save the record, the program will then apply the data to your underlying document.

The magic with this model is that once you have applied the data, you are left with a Word document that can be edited just like any other Word document. Another piece of magic with Pathagoras is the "DropDown Lists." This feature allows you access all of your most commonly used forms and documents with just a couple clicks. The added bonus is that the underlying form is never altered; rather, the DropDown list simply makes a copy of that underlying form that can be modified as a Word doc.

Step-by-step

Our implementation has been an evolutionary process. The documents we wanted to tackle first were those from our foreclosure practice. We represent many local community banks and credit unions and foreclosures represent a significant part of at least one partner's practice. As anyone who has dealt with foreclosures knows, the practice

LEGAL TECHNOLOGY

Published at least four times per year.

Annual subscription rate for ISBA members: \$25.

To subscribe, visit www.isba.org or call 217-525-1760

OFFICE

Illinois Bar Center
424 S. Second Street
Springfield, IL 62701
Phones: 217-525-1760 OR 800-252-8908
www.isba.org

EDITOR

Ethel Spyratos
9042 N. Kenton Ave.
Skokie, IL 60076

MANAGING EDITOR/ PRODUCTION

Katie Underwood
kunderwood@isba.org

STANDING COMMITTEE ON LEGAL TECHNOLOGY

Shamla T. Naidoo, Chair
Bryan M. Sims, Vice Chair
Mark C. Palmer, Secretary
Aaron W. Brooks, Ex-Officio

Hon. Adrienne W. Albrecht	Adam Grais
Kimberly J. Anderson	Peter V. Mierzwa
Gina Arquilla DeBoni	Adam C. Nelson
Michael F. Brennan	Nerino J. Petro
Trent L. Bush	Alan R. Press
David M. Clark	Jonathan E. Shimberg
Dion U. Davi	Ethel Spyratos
Carl R. Draper	Martin W. Typer
Todd H. Flaming	Steven Wallace

Charles Y. Davis, Board Liaison
Chris Bonjean, Staff Liaison
Eric P. Hanson, CLE Committee Liaison

Disclaimer: This newsletter is for subscribers' personal use only; redistribution is prohibited. Copyright Illinois State Bar Association. Statements or expressions of opinion appearing herein are those of the authors and not necessarily those of the Association or Editors, and likewise the publication of any advertisement is not to be construed as an endorsement of the product or service offered unless it is specifically stated in the ad that there is such approval or endorsement.

Articles are prepared as an educational service to members of ISBA. They should not be relied upon as a substitute for individual legal research.

The articles in this newsletter are not intended to be used and may not be relied on for penalty avoidance.

Postmaster: Please send address changes to the Illinois State Bar Association, 424 S. 2nd St., Springfield, IL 62701-1779.

is very document intensive with a lot of the same information being used over and over again (e.g., mortgage, mortgagee, property address, property legal description, etc.). For accuracy and efficiency, the practice lends itself perfectly to a document assembly tool.

After learning about the program by reading up on the user manuals and watching the introductory videos, I started developing the forms by gathering our existing forms and making a master list of variables that could be applied across all of the foreclosure documents (what I call the data sheet). Over the months and years, the data sheet has grown to contain almost 250 variables. We have over 110 foreclosure pleadings and letters Pathagorized and continue to add to

that collection.

After our foreclosure documents were substantially completed, we then moved on to other suitable practice areas. Several years ago I had turned our guardianship documents into mail merge documents, so we next tackled those. We did the same approach—gather the relevant forms, identify the variables, make a master data sheet, and then Pathagorize (i.e., bracket) each document with the variables. From foreclosures and guardianships we moved on to general collections, forcibles, and name changes. Recently we have been working on the transactional side of life with probate, estate planning, and real estate. We hope to tackle family law in the near future.

What will work for you?

Like many things in life, the more time you spend on developing your product, the more powerful the result. And like many things in technology, the best way to find out what might be right for you is to sign up for a free trial and start to play with it. Pathagoras offers a 30-day free trial and the customer support has been outstanding. So will Pathagoras be the right fit for you? Only you can figure that out by giving it a try. One thing seems certain—to be an efficient and profitable attorney, sometimes you have to leave the old way of doing things behind and learn how to use a new tool. ■

ScanSnapSV600...A touch of the button...But a contactless scanner?

By Alan Pearlman, "The Electronic Lawyer"TM

As trial lawyers we all know the value of using the right technique and/or instrument at the right moment for the desired effect, commonly known as the proper tool for the job. Recently, I had a case where I needed to have some larger size document shown to the court. I also needed many paragraphs from several books and I also needed to show the court some valuable old documents in exceedingly poor condition. My problem then was how to do all this and still keep the continuity of the trial moving along without worrying about the documents, without thinking about losing valuable and irreplaceable documents, technologies or anything else to take away from my presentation.

My solution became what I believe to be one of the best new scanner products on the market today—the ScanSnap SV600- they call it a contactless scanner, and you soon will see why. This new scanner can do what no other on the market can accomplish. It scans quickly and easily items like large documents, bound and fragile documents, like magazines, books, newspapers, drawings, painting, business cards, and the list just keeps going on and on and on.

It has a versatile technique that Fujitsu entitles VI Technologies, i.e., versatile imaging which combines high-quality CCD Optics and advanced LED illumination, with advanced capture techniques which allow the user to minimize all the unevenness of scanning, even from a distance giving the image

a smooth look!

I love that I can scan delicate documents, and old items of rare value, several of which I used at trial, with a no touch scanning technique, by just laying them out on the table, and letting the SV600 use its no touch scanning to give me a quality set of images to work with! Now you will never have to worry if your copier will eat that rare item or if you will get a new tear in the item. I had only to press a blue button on the scanner and it automatically captured my image!

If you think that's good news, think about this, the SV600 also will allow perfectly scanned images of three dimensional items up to a whopping 1.18 inches in height. So that when you need to work with rare memorabilia in a trial setting you can scan and show it without having to touch that item ever again.

Likewise, those large and sometimes extra-large law books and treatises that are needed to be carried into court, tugging and lugging all the time, and oh yes, what a pain to keep constantly copying them. With the SV600, I can scan each and every book page, of any bound document, and digitize it. A great feature is also the fact that the scanner has page-turning detection, and it will automatically detect when I turn to the next page, and then it will continue to scan again, or if you prefer, you can set it to automatically scan a new page after a set number of seconds and then press the scan button again, stop the scan and create a multi-page PDF.

Ok, but I have copied many books, why should I do this? Well, have you ever noticed that your book copy has a distortion always caused by the curve of the open book? With my SV600 the scan automatically corrects that distortion and I confirm and fine tune all my images with their preview dialog that comes after the scan. Ok you say, I get it, but hey my work will look sloppy, since my fingers are holding the book open. Not so, my friend, all the images of your fingertips are easily removed with the SV600 and you won't see a thing but your work product.

Ok, ok I'm almost convinced, but who has the room for this thing it must really be a big footprint for the unit, since it can do large objects. Again, Fujitsu made it happen in a small area. Anyone familiar with the Fujitsu ScanSnap line already knows that they are the makers of the smallest, yet the best footprint, of any scanner in today's market. It has a small amount of area it needs to work in, and you just place the item on your table top and it will scan any item with ease. This is a unit that is a perfect solution for anyone who wants a simple, efficient and very affordable way to preserve all of your hard-to-scan documents with the ease of access to them anytime and anywhere.

The unit has the ability to scan large documents up to 1.18 inches high and 11" x 7" in length in less than 3 seconds (600dpi, Color) and can scan multiple documents which means you can put down a business card, a larger photo, a document, etc. at the

same time and the machine will automatically crop your items into individual digitized documents.

The SV600 comes with a valuable hoard of software, at no additional cost, and it supports cloud services so you can scan directly to Evernote, Google Docs, Dropbox, SugarSync and Salesforce, from your computer and then you have an ability to store, access and share the trial documents with every attorney working in and on the case! As for using business cards, well the SV600 has software that once you scan the card, it will extract all the information automatically and export it to Outlook, Excel, Salesforce and other contact management software. Now you can throw all your cards away and be

able to have a digitized file to work with and searchable too!

Great, now you have me hooked, so what bank do I need to rob in order to by this thing? Well, correct your way of thinking since, all of this comes to \$795.00, less than most copiers you will need to perform the same, but sloppier, type of function.

I am convinced that once you use the ScanSnap SV600 for your next big trial, motion, hearing, or whatever, you are going to never want to have a real exhibit in your hand again. This is the one new product I can't do without in my office. I now can have all my files and exhibits in my computer ready to work with anytime and anywhere, while having the ability to also print out copies of the

same, to hand off to others. I think that once you try the SV600 you will use it in every aspect of your legal practice. Oh, and incidentally, your secretary and paralegal will love you since they no longer must really worry about that much too large document and/or law book they have been pondering on how to copy it all??

And so, my fellow litigators, we have happy scanning in my offices—will you have it in yours? ■

© Copyright 2014-Alan Pearlman →The Electronic Lawyer™ All Rights Reserved.

This article was originally published in the September 2014 issue of the ISBA's *The Bottom Line* newsletter.

LinkedIn: Now what's this all about?

By Leonard F. Amari and Anthony Pasquini

In a new world filled with “friending” and “following” and such, we—especially those lawyers long in the tooth like me—must deal with and become familiar with these newfangled communication methods. We've previously written in these pages about “blogs” and “QR Codes,” so now here's another important “networking” responsibility all of us have to get to know, like it or not. It is a good idea to learn how to use LinkedIn, but vitally important to know what it is. Involving virtually millions around the world, it is one place on the internet that allows professionals to connect, network, share their experiences, and provide opportunities in their businesses worldwide. This “LinkedIn” thing is the internet's largest professional network, with over 200 million members all over the world. This professional internet site allows its users to join a global network of professionals and provides an opportunity to meet other professionals and connect with businesses. LinkedIn does what other “social media” networks do not, and that is provide the ability to nurture professional growth and develop new successful approaches to business of all kinds, including our legal profession.

LinkedIn consists of a unique brand of users. Unlike other social media outlets, LinkedIn serves those seeking professional advancement and, to a large extent, the legal profession. Users are unemployed job seekers, small businesses, corporate businesses, schools (of all levels), CEOs, CFOs, presidents of companies, interns, lawyers, paralegals, legal service providers of all kinds, judges,

administrators, and a plethora of other titles that would take pages to list. Furthermore, LinkedIn has a user age range from 18 to 55, which attests to the nature of progress and opportunity afforded by this expanding network. Certainly, in the years to come, when older lawyers like me realize we can handle LinkedIn, that age range will expand. There's a sense that the older American population, folks like me, don't want to deal with these new social communication vehicles, but those folks are just simply obstinate (or possibly southern Italian, like me). All users can register on the site *for free*, but users are given the option to upgrade for a fee that gives access to features that enhance the user's experience and provide opportunities in posting and searching alike. LinkedIn allows users to post photos and share information in their profile; however the site emphasizes the importance of professionalism in the profile. LinkedIn allows users an opportunity to describe themselves and their business, in their own words, to provide contact information for business inquiries and links to a professional or relevant website. Users can upload their resumes and work history. Once the user has finished his or her profile, the user can then publish it to the network for other users to view. Users also have the option to “connect” with one another and this is the key benefit of LinkedIn, ultimately a social Ponzi structure. Connections may be based on a variety of details. These connections can be based on personal connections to other users, similar employment, similar duties,

similar skills, etc. The idea behind connections on LinkedIn is to build a mini network within the larger LinkedIn network.

Joining LinkedIn comes with several benefits. Users may search for available career opportunities, promote their own or recommend other user's skills, enhance business recruiting, receive job alerts, advertise, establish positive reviews, review their competitors, and utilize a plethora of other nifty tools to make their professional career more successful and less stressful. Another important benefit is that users are given the ability to see who has viewed their profile, which could lead to the creation of a new, potentially important, connection. LinkedIn offers an opportunity to its users that never existed before. Neophyte and experienced professionals alike, and even senior lawyers, now have a place to share their stories of success and lend a hand to those that may be struggling or seeking a new career path. LinkedIn is not a place for a personal story line, but rather it is a very useful tool that enhances the professional world we are all members of. LinkedIn promotes appropriate internet content for its users, how to highlight skills and accomplishments, the importance of making connections (on the website and in the work place), and, overall, that as professionals we can all be connected, even attorneys. ■

This article was originally published in the November 2014 issue of the ISBA's *Senior Lawyers* newsletter.

Internet marketing, part I – The law firm Web site

By Michael Downey

The Internet has become the primary tool potential clients use to locate and evaluate the suitability of potential legal counsel. Yet small law firms often have no Web site, and many firms that have Web sites should recognize their site is patently inadequate.

Lawyers seeking a Web site, however, often may feel they face the same bewildering set of choices that potential clients face when seeking a lawyer. Should they go with someone local or national? Should they choose a specialist? And why do the prices for law firm Web sites vary so greatly.

This column seeks to oversimplify a law firm's search for a Web site provider so that lawyers may gain some understanding of the provider market. Hopefully this will help you make an intelligent choice in building or improving your law firm's Web site.

Different Levels of Web sites

The basics of Web sites. Generally, law firm Web sites can be divided into three categories: (1) basic information sites; (2) credibility sites; and (3) business generation sites.

A **basic information site** is a site designed to help someone who knows the lawyer, find contact information for that lawyer. It normally contains a welcome or home page, perhaps some information on the firm's attorneys and perhaps other employees, and contact information.

You can probably construct your own basic information Web site for free using a program like WordPress, available at WordPress.com. Originally designed—and still used—for blogging, WordPress is now the most common program used to create Web sites for all industries. The free site allows you to select a template (or format, font, color scheme, and the like) from several options. You can also pay a small amount for a custom template, and thus have greater control over the look of your Web site.

Creating a WordPress Web site is quite easy: my son and I created one using a free template for a Boy Scout Troop in about 20 minutes. Alternatively, you could hire someone to create a basic information Web site for you. Presuming you are comfortable ensuring your content complies with the applicable Rules of Professional Conduct (an issue I will discuss at the end of this column),

you can probably employ a local marketing company or Web site designer to create a site for you for approximately \$200 to \$500. If you are willing to pay a bit more, it would be good to ensure the site is "mobile" or "responsive," which means it will modify itself to respond to the type of viewer a visitor is using—thus, appearing properly on a smart phone, a table, or a computer. More on that in the discussion of important features at the end of this article.

In addition to WordPress, there are a host of Web sites that will help you design your own Web site for little or no money. Some of the most popular alternatives to WordPress include Wix, SquareSpace, Weeble, and 1and1.com. Each of these sites offers slightly different options for Web sites, so you may wish to look at a few Web site creation sites before you commit.

Whether you are designing your site yourself or paying a professional designer, it would probably be worthwhile for you to secure your own URL or Web site address. A URL typically costs \$10 or less per year, plus a small annual hosting fee. That way, your site can appear as www.YourFirm'sName.com, instead of as a suffix on www.WordPress.com or the like.

Many firms will not be satisfied with a basic information site, because they want to provide enough information so that someone who is viewing the site but does not know the lawyer, will feel comfortable contacting or retaining the firm. I call this site a **credibility-building Web site**.

For a credibility-building Web site, a law firm should be prepared to pay a bit more for setup. Either a local Web site, marketing company, or a national Web site design provider, will provide such a site for \$1,000 to \$2,000 to set up, plus an annual maintenance fee of perhaps several hundred dollars. These costs will often double if you want the Web site design company to prepare all text for the site—and then you would want to hire a design company that focuses on Web sites and has lawyers on staff to draft text.

A credibility-building Web site would be a relatively sophisticated site for a law firm that primarily serves corporate clients, and offers information about the firm, its lawyers, and practices with a professional appearance. The site is not intended, however, to

draw traffic from potential clients running Internet searches for specific types of legal services. Rather, the site would be designed to convince someone looking for the firm to conclude the firm could provide competent, sophisticated legal services.

For those firms that want to use their Web site to draw potential clients that may know nothing about the firm, a credibility-building site may not be enough. Then the law firm may want to obtain an even fancier site, what I call a *business generation site*.

A **business-generation site** is intended to draw potential clients who need legal services but cannot identify a particular firm to the firm's Web site. These sites often require substantial investment of time and/or money from the firm, because the firm – and usually its lawyers – must provide substantial content through blogs and the like. The set-up costs for these sites generally exceed \$1500, and can easily surpass \$5000. Law firms that operate business generation sites, and that seek to develop substantial business through those sites, also normally pay \$200 to \$500 or more per month to ensure that the site will continue to generate substantial amounts of Internet traffic.

Some firms purchase or build even more impressive or complicated business generation sites. These sites may include multiple "landing pages" or content-specific starting points for potential clients. For example, a family law firm may have separate landing pages for clients seeking a lawyer to assist with a prenuptial agreement, a divorce, or a modification proceeding. The site may also include video and other resources to help attract attention from people using web search engines (such as Google) to look for a lawyer, and to help cause the potential client to engage the firm. Such sites may cost \$50,000 or more and require significant upkeep (and related charges) to continue to attract attention from search engines—or have what in the industry is referred to as "search engine optimization" or "SEO." But more about that in Part II of this series.

Obviously, the prices listed in this column are only guides. But feel free to contact me if you have specific questions about different types of Web sites, or if you need help deciding what type of Web site is perfect for your practice.

Important Features for Web sites

Having addressed the basic levels for Web sites, it seems appropriate to provide some guidance on four features lawyers often consider when building Web sites.

1. WordPress, Typepad or custom software?

Today, most Web site design companies use software such as WordPress or to a lesser degree TypePad to design all but their most complex, sophisticated sites. Such software was originally designed as an “open source,” free system for creating blogs, but has developed to the point that it will support enough text, images, video, links, and other features to serve most law firms and other small businesses. These systems are often quite easy to use, so the Web site owner (*i.e.*, law firm) can easily add or modify text. Someone creating a site can also elect to use a free or “premium” template.

Presuming that you do not plan to operate an on-line store, use a great deal of video, or offer some other rather unique features, you will probably find that using WordPress or a similar program will satisfy your needs, and also allow you to limit the cost of creating and updating your site. Most law firms benefit from using these systems because it allows the law firm to update the site on its own, for example to add or remove an attorney, without incurring significant additional costs.

Frankly, unless you intend to build a very sophisticated business-generation Web site, I would advise you to think long and hard before using a system other than WordPress.

2. Mobile-viewable or responsive

One of the first upgrades that law firms should consider when designing a site is ensuring that the site includes “mobile” or “responsive” features. This means that, if the site senses a viewer is accessing using a mobile or similar device, the Web site will alter its layout to conform to the viewer tool being used. Considering the large percentage of people now using tablets, smartphones and similar devices to view Web sites, many law firms want a site that has mobile functionality (generally a lower-level of responsiveness) or that is “responsive.”

Sites that are mobile-ready or responsive normally ensure that a visitor to a Web site may see critical information quickly no matter what type of viewer is used. If sites lack these features, the pictures, text and navigation bars are often partially obscured on tablets and smartphones. Studies indicate that a

visitor using such a device will often quickly depart the site, looking for a site that is more convenient to view.

3. Credit card payment systems

Many law firms seek to allow clients to pay for legal services using credit cards. Firms can often include credit card payment systems to their Web sites without significant cost.

If you are considering allowing web-based credit card systems, I have three suggestions. First, it is critical that you ensure credit card information will be kept safe and secure. Thus, consider site security a first priority in determining how credit card payments will be accepted.

Second, seriously consider using a credit card payment provider who focuses on law firm payments. These companies often work hard to differentiate payments that should be deposited in a law firm’s trust and operating accounts, a critical issue in avoiding unwanted attention from disciplinary counsel. There are several options available, although the most common are LawPay and LawCredit.

Third, you may want to consider practice management software that will allow you to integrate your timekeeping and billing as well as credit card payment systems into a unified system. Such software is now often cloud-based, and will cost you a monthly fee—sometimes \$60 to \$100 per user per month—but may help you save considerable time and avoid significant headaches.

4. Multi-jurisdiction compliance

Finally, you should ensure that your Web site does not cause you to engage in unauthorized practices, or cause you to face disciplinary issues relating to deficiencies in your Web site. As a legal ethics lawyer, I generally advise lawyers (a) only to seek clients in jurisdictions where they or another lawyer in their firm is allowed to practice, either through licensure or through some federal-practice exception or the like; (b) to indicate what states those jurisdictions are, often by indicating states of licensure; and (c) to ensure that the site and its contents comply with all ethics rules applicable to those various states, perhaps by having someone who practices in the area of legal ethics review the site and its contents.

Ensuring compliance with the ethics rules of each state where potential clients are being solicited is particularly important for Illinois lawyers because, although Illinois’s Rules of Professional Conduct generally impose fewer restrictions on lawyer advertise-

ments, the ethics rules of several neighboring states—including Missouri, Iowa, and Kentucky—impose more stringent regulations. In Missouri, for example, a lawyer is generally required to include a specific disclaimer on all but the most basic advertisements.

Conclusion

Hopefully this column has provided useful guidance to help you establish or improve your firm’s Internet presence. In the next column, we will discuss some fundamentals for advertising or attracting business through the Internet, specifically what is meant by (a) “Search Engine Optimization” or “SEO” and (b) “Search-Engine Marketing,” “SEM,” or “Pay-Per-Click” advertising.

Finally, although I reference several specific providers in this article, please be aware that I do so only to provide basic guidance to the reader. I do not receive any benefits for anyone using those providers, nor can this article take into account flaws that may exist or changes that occur. Rather, the reader should conduct adequate due diligence and use referenced service providers at his or her own risk. ■

Michael Downey is a legal ethics lawyer and founder of Downey Law Group LLC, a law firm devoted to legal ethics, law firm risk management, lawyer discipline defense, and the law of lawyering. Reach Michael at (844) 961-6644 or Mdowney@DowneyLawGroup.com.

This article was originally published in the December 2014 issue of the ISBA’s *The Bottom Line* newsletter.



**ILLINOIS STATE
BAR ASSOCIATION**

**Now Every Article Is
the Start of a Discussion**

If you’re an ISBA section
member, you can comment on
articles in the online version
of this newsletter

**Visit
WWW.ISBA.ORG
to access the archives.**

LEGAL TECHNOLOGY

ILLINOIS BAR CENTER
SPRINGFIELD, ILLINOIS 62701-1779

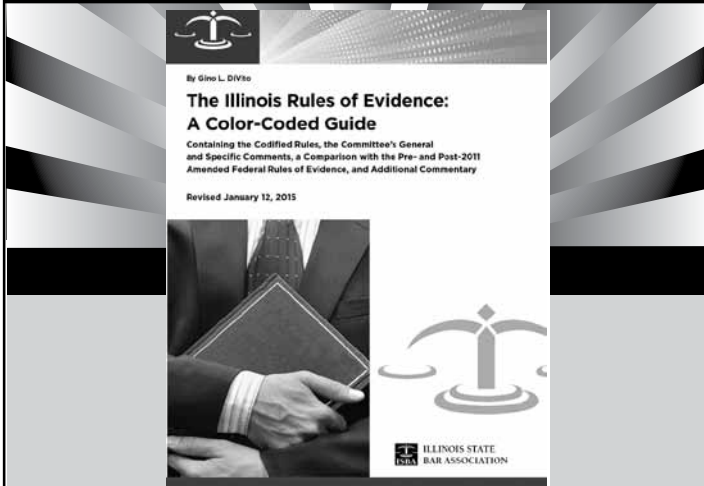
MARCH 2015

VOL. 22 No. 3

Non-Profit Org.
U.S. POSTAGE
PAID
Springfield, Ill.
Permit No. 820



The book the judges read!



THE ILLINOIS RULES OF EVIDENCE: A COLOR-CODED GUIDE 2015 Edition

Still learning the intricacies of the Illinois Rules of Evidence? Don't be without this handy hardcopy version of Gino L. DiVito's authoritative color-coded reference guide, which is now updated through January 12, 2015. It not only provides the complete Rules with insightful commentary, including the latest supreme and appellate court opinions, but also features a side-by-side comparison of the full text of the Federal Rules of Evidence (*both* pre-2011 amendments and as amended effective Dec. 1, 2014) and the Illinois Rules of Evidence as amended effective January 6, 2015. DiVito, a former appellate justice, serves on the Special Supreme Court Committee on Illinois Rules of Evidence, the body that formulated the Rules approved by the Illinois Supreme Court. Order your copy of this ISBA bestseller today!

Order at www.isba.org/store/books/rulesofevidencecolorcoded
or by calling Janet at 800-252-8908 or by emailing Janet at jlyman@isba.org

THE ILLINOIS RULES OF EVIDENCE: A COLOR-CODED GUIDE – 2015 Edition

\$35 Members / \$50 Non-Members
(includes tax and shipping)



Illinois has a history of
some pretty good lawyers.
We're out to keep it that way.