



LEGAL ZOOM

PUMMELED YOU IN 2009!

eLawyering Strategies to Avoid a 2010 BEAT DOWN!

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eLawyering Strategies to Avoid a 2010 Beat Down

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WHY I AM **SHOCKED** AND **AMAZED**

I remember when Legal Zoom first appeared on the web. The site looked technologically advanced, and they had some star-power backing them. I looked around a little bit and thought to myself, “Not bad...not bad at all.” Fast forward about six or seven years (give or take a couple) and Legal Zoom has become a power house and leading non-lawyer legal document preparation firm in the United States. We all know that Legal Zoom now boasts a “satisfied” customer number of **1 Million**. Boy did we miss that boat! Or did we?

If we take a deeper look we will see that Legal Zoom has scaled back some of its document services including divorce and other family law matters. Why, you ask? I believe that Legal Zoom has realized the inevitable fact that complex routine legal matters require a more specialized solution. However, I am still amazed that we have been asleep at the wheel while they took over!

WHAT MAKES THEM **SO** **GREAT?**

Nothing! You could do the same, or better if you let go of the assumption that e-lawyering is a passing fad. You can be **greater than** they are, by following some basic fundamental strategies when developing your elawyering solution.

Legal Zoom does not have a magical solution, nor are they as technologically advanced as some might think. I truly believe that Legal Zoom is a well marketed **product**. They have invested in all of the bells and whistles that go into any product. Fancy packaging, persistent marketing, and a list of promises that claim to solve people's problems. They have a targeted marketing plan that they execute well. However, at the end of the day, Legal Zoom is and always will be a **product**.

Can you be more than a product? Of course you can! You are a trained legal professional who offers a **professional service**.

What Legal Zoom lacks, you can provide by doing what comes naturally.

Let us take a moment to examine the entire traditional process one experiences when handling a legal matter. A potential client finds you via some form of marketing. The client contacts you and the facts of the case are ascertained. Next, you decide whether you will take the case and begin to discuss basic strategy with the client. Next, you give the client a specialized intake questionnaire to complete. The client completes the questionnaire and you prepare any necessary documents for filing or storage. The client reviews the documents. Finally, you complete finalization paperwork and attend any necessary hearings required as a result of the completed paperwork, as well as post-hearing tasks.

Now let us look at the Legal Zoom process. A customer picks a product, completes a questionnaire, gets completed documents (and instructions) and is set free to navigate the perilous waters of the American Civil Legal System. Surely, you can do better than this? In fact, I know you can.

TWO WORDS: **JURIS** – **DICTION**

You put them both together, and you have one large commonsense competitive advantage. I do not know about you, but there is no way I would go to a nationwide legal document firm to get divorce paperwork before I used a local resource. Of course, I am also well versed in family law for my particular jurisdiction. It is for this reason that I cringe when I think of mass divorce document production by companies like Legal Zoom. Unfortunately, most consumers are not as legally savvy as you or me.

What if you could be **the** elawyering resource in your jurisdiction for your particular area(s) of practice? Would you not have local success equivalent to the national success of Legal Zoom? I think so. In fact, I think we have a situation where the first legal professional to establish a truly advanced, practice-and-

jurisdiction-specific elawyering application or virtual law office, will gain a serious competitive advantage and corresponding market share. Imagine being the first in your particular jurisdiction and practice area to break fertile ground on the future of the legal field.

Of course, you will have to be far more advanced than Legal Zoom. This is where you have yet another advantage. Legal Zoom has become a behemoth. Conversely, you are still like a little infant in the online legal service delivery world. This means that you have the advantage of seeing what works and what doesn't. You can be quick and agile. Most importantly, you can develop a better elawyering application than Legal Zoom or anyone else out there.

The ability to offer online legal services in a niche area is a wide open opportunity at this point. I can state for a fact that I have not seen an existing elawyering application that meets my definition of a "next-generation" elawyering application. Is that a bad thing? No.

NO MORE **BABY STEPS**

If I have to go to another blog (or blawg, whatever that is) and listen to the constant whining and complaining about Legal Zoom and non-lawyers providing legal services online, I will die of boredom! Now is the time to stop complaining and to start formulating a plan for action.

Unfortunately, the time for baby steps is over. 2010 is your year to take one huge **leap** into the elawyering world. What do you have to lose? Really, what exactly is the risk? When I say leap into the elawyering world, I am describing more than syncing your BlackBerry to Outlook, or using some new slick practice management software. Besides, what good is practice management software without clients? ☺

Now is the time to seriously begin thinking about an overhaul to that one-dimensional electronic brochure that you call a website. Unfortunately, that slightly more cluttered and prettier website will not work either. What you need is a complete overhaul.

GOODBYE WEBSITES, HELLO WEBAPPS



Do you have a website or do you have a web application? If you are not sure, ask yourself, “Does my site actually do anything other than submit a contact form?” If you answered no, you probably do not have a web application. If you remember anything from this e-book, please remember that the days of the

static web are over. This holds equally true for the static legal web.

An elawyering **application** is multifaceted. It must be pretty and it must be functional. If not, people will bounce off your application like a basketball (a bounce refers to a website visitor who lands on a page at your site and decides to leave before clicking through to another page).

Some key components of a great, next-generation elawyering application include:

- **Latest programming innovations** – avoid old technology at all costs. If you are not sure whether a particular programming technology is current, get a second opinion. I would be happy to let you know if your solution is up-to-date. I am not implying that all older solutions are bad, just that in the internet realm, things have advanced rapidly in the past seven years.
- **Professional quality design** – notice that I did not say professional design. Some professional self-proclaimed legal

website designers fall way short of well designed applications. Furthermore, application design differs from static web design.

- **Practical features and processes** – your application must model the real world. For example, you should make sure your developer includes a case review process, a messaging mechanism, a document space, a dedicated client account area, and more.
- **Personalization** – no matter what, you will not succeed in your elawyering endeavors if you do not personalize the experience for every client every time they use your application.
- **Jurisdiction-Specific** – I know that there are so-called elawyering gurus out there peddling law-firm-in-a-box software. Buyers beware! I have said multiple times that next generation e-lawyering solutions must be jurisdiction-specific.
- **Integrated marketing** – of course the bottom line is what really counts. Marketing in the online world is quite a different task than traditional marketing.

LEGALLY SAVVY **WEB** DEVELOPER

As you have probably realized, your web developer will be your new best friend during the development of your elawyering application. Although not mandatory, it really helps if he/she has a background as a legal professional. As legal professionals/developers we have the ability to translate legal requirements into complex intelligent solutions.

It also helps if your web developer has samples and a clear vision for how she will implement the complexities of your elawyering application.

At this point you must be thinking about cost and initial investment. I do not blame you. Just mentioning the topic of an elawyering application to legal professionals makes them clench their wallets and pocketbooks. Well an elawyering solution will be expensive, but worth it.

FINANCIAL CONSIDERATIONS

There are ways to keep the costs of developing your elawyering solution under control. Unfortunately there are no cheap solutions (that are worth your time). The amount of work that goes into creating something as complex as an effective elawyering solution is immense.

One way to avoid an enormous price tag is to focus on one niche at a time. The online world works a lot like the physical world, but it is also very different. In my experience on the web, I have found that most legal sites focus on everything, and specialize in nothing. There are others who have a targeted practice, but who fail as a next-generation elawyering solution. The best way to avoid this is to segment your elawyering solution into Tactical Practice Components™ (TPC).

TACTICAL PRACTICE COMPONENTS™ (TPC)

The idea of a Tactical Practice Component™ is the metamorphosis and adaptation of core marketing principles to the specific realm of elawyering applications. Evaluating a TPC involves a deep understanding of the particular area of law that the TPC will represent.

For example, a dedicated family law firm might serve clients in many areas related to family law. Some focus areas might be divorce, custody, child support, domestic partnerships, relocation, etc. One of the core goals of developing TPCs is to slice up and segment these sub-practice areas into separate virtual services.

I know that as legal professionals we tend to view legal services in a particular area of law as an inseparable whole. However, this way of thinking is a mistake. Tactical Practice Components™ will help you find clients exactly when they need your services.

REAL WORLD MODELING

Most application developers and designers will agree that the most effective applications model the real world. In other words, effective applications solve some real-world problem. This is an important concept to grasp, and one that is often overlooked.

Most if not all of the current elawyering solutions and virtual law office solutions geared at the online delivery of legal services fail miserably at real world modeling. There exists a mindset among some established legal professionals that the new elawyering world is simply a way to make a “quick buck”. The “quick buck” way of thinking leads to elawyering implementations that have no real world value to the potential clients who are searching for answers and professional guidance. Elawyering is not a means to make easy money; rather it is a way to be more efficient and effective as a legal professional. Consequently, you will provide more value to your clients. When that occurs, they will reward you for it.

UNBUNDLED LEGAL SERVICES

An unbundled legal service, also known as limited representation is the cornerstone of your elawyering endeavors. Although you will be able to serve those who are willing and able to pay for full representation, most of your clientele for your elawyering application will be seeking some form of limited representation.

It is up to you to decide what services you will provide as a part of limited representation. One thing you want to avoid is the “quick buck” mindset that I discussed earlier. Do not assume that the visitors to your elawyering application are so desperate that they will pay a significant sum for a lawyer review of automated documents and a few nuggets of legal advice. Is this really providing expanded access to effective legal services?

We must forget the idea that visitors to our websites or applications are not as important as those who visit our brick and mortar offices (if we have one). Clients who need limited

representation are just as important as those who need full representation.

With that said, my idea of a good limited representation elawyering application would at minimum consist of the following:

- **A case review or consultation** – it would be a fatal mistake to solicit any type of funds from a potential client before you even looked into their legal matter. You would not do this if they visited your office, so why do it in your elawyering application. Asking for upfront cash before looking into the client’s situation is very shoddy indeed. In fact it is a surefire way to turn your professional service into a humdrum **product**.
- **A written case analysis/engagement letter** – do not shoot off an informal email rambling on about the specifics of the case. It should live in your application, be formal, and be downloadable.

- **An intelligent and relevant interview process** – if you decide to take a case after you have completed the case review/consultation, the client should be presented with a streamlined and seamless process of supplying additional information. Ideally, this will be done in your application via highly intelligent questionnaires. The interview process should be relevant and efficient. The client must be shielded from questions which are irrelevant and likely to cause anxiety or confusion.
- **Lawyer or paralegal prepared documents** – once the client completes the interview process the real work begins. It is absolutely crucial that the client's documents are personally prepared. At this point you know how I feel about automated document assembly software, so I will not go into that.
- **Post-document processing** – maybe this part is where the real work begins. At this point the client has a stack of documents and they are probably more confused than ever. It is essential that you put in the time to develop a post-document plan. Help facilitate the execution, copying, and

filing of the necessary documents. Ideally, this will be an integrated component of your elawyering application.

- **Contingency event processing** – if you are not there when the client really needs you, what good are you? In litigation situations (includes routine legal matters) a number of variables exist. Contingency event processing is an important part of the elawyering application framework.

It is my hope that this information has assisted you in taking your first **leap** into the exciting world of elawyering. I encourage you to begin to think like a next-generation elawyer. Perhaps you have already implemented some form of elawyering application? Now is the time to evaluate and decide whether that solution will meet the stringent requirements of the next-generation of elawyering applications.

ABOUT THE **AUTHOR**



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