

## Embarking on a virtual odyssey, ultimately to save money

By Diane Curtis

Staff Writer

Attorney Kyndra Miller has her feet in two different worlds: the virtual one of electronic communication, robot phones and limiting her client contact to e-mails and phone conferences, and the more traditional one of face-to-face contact in brick-and-mortar buildings.

They both have their place, says the entertainment lawyer, who has offices in Los Angeles and San Francisco. It's still important for many clients to meet their attorneys in the flesh, to see that shingle outside a real office and to let the attorney fill out whatever forms need to be filed, she says. For others, e-mail and electronic exchange of documents is just fine.

Miller says she's just starting her virtual odyssey, and her main reason for taking that voyage is to save money. "I leverage technology in order to decrease overhead," she says, which allows her to pass savings on to her clients and to be more flexible in billing. Her goal after law school (Lincoln) was "to be able to provide quality legal services to the public without someone having to mortgage their home to be able to get them." Most of the time, she says, she charges a flat fee for her services, primarily entertainment civil litigation and corporate transaction work.



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Miller's favorite techno accessory at the moment is the "robot," as she calls it. She uses virtuosity.com's services to get calls and faxes at her toll-free 877 number wherever she is in the world. The service is sort of an electronic secretary that recognizes callers and will tell her there's a call on hold for her and who it is. The service sets up video and voice conferences, sends reminders of appointments and tasks, calls back clients, recognizes frequent callers, takes voice instructions and "whispers" if there is a call waiting. "Of course," she adds, "I have an iPhone. You can't talk about being tech-savvy without having an iPhone." But she says she's just getting started.

There are dazzling technological gadgets and abundant helpful software out there. Some lawyers use a calendar/appointment software similar to what hotels use for making appointments online. The client can search online for available appointment times and then schedule that time through the lawyer's Web page without playing phone tag with a secretary. A number of lawyers create client Extranet pages in which the client gets a username and password and has access to all documents, correspondence and billing statements related to his or her case. Web-enabled documents allow clients to type in answers to questions that are then reviewed by the lawyer, eliminating office interviewing time in which the lawyer has to ask the questions and write them down as the client answers. Another technology allows clients to click on a contact link on the firm's Web site and be immediately connected by voice to the attorney.

All this technology is well and good, says Wells Lyman, a member of the State Bar Board of Governors and family and bankruptcy attorney in La Mesa — up to a point. "With all this manner of communication, what we've lost is the nuanced communication that occurs when there is a person in front of you." He's all for making an office run more efficiently with certain software, but there's nothing, he insists, that can replace a face-to-face meeting. He once tried having husband and wife clients download an interview sheet and then bring it to his office. The form looked fine, Lyman says, and he was all ready to move forward based on what the couple had filled out. But in the course of a conversation, Lyman noticed that the two looked at each other when talking about a certain subject. When Lyman pressed them on what that look meant, it turned out they had answered a vital question incorrectly because they hadn't quite understood the questionnaire.

Lyman relies heavily on body language, eye contact, facial expressions. "The entire body is communicating, which is far more nuanced and complete than the forms," he says. Still, he is not against the use of technology, just that technology that eliminates the critical personal communication.

Gideon Grunfeld, chair of the State Bar of California's Law Practice Management and Technology Section, says California lawyers use technology "very well," especially when it comes to applying it to discovery and such social networking sites as Twitter and LinkedIn. Where lawyers, especially solos, fall behind, Grunfeld says, is in using technology for such law office necessities as billing and calendaring — "back office uses that allow law offices to be more efficient. If you look at that technology, a relatively small percentage of lawyers are using it even though on a cost basis, it's some of the strongest technology you can buy. It's a real bargain for the benefits it provides."

Richard Granat, co-chair of the e-Lawyering Task Force of the ABA's Law Practice Management Section, says such billing and calendaring services should be just the beginning. He has his own Maryland virtual law firm, which he runs out of his home in Florida, and he also has a number of businesses under the umbrella of the company, Epoq, that help lawyers use technology more to their and their clients' advantage through managing legal contact and providing platforms for legal Web sites. One of his companies provides online legal documents to people around the country in competition with a growing number of such document services.

Client intake forms and document drafting systems for everything from wills and trusts to contracts and court pleadings, e-mail discussion forums and private "chat" rooms are just some of the ways to lower overhead costs and draw in clients who might not have believed they could afford an attorney, Granat says.

He believes that attorneys who lag behind in using technology are denying themselves access to what he calls "a large latent market" worth billions of dollars of middle-income clients who can't afford the high hourly rates of many law firms. That group, he says, head to the Internet first for business resources and are looking for alternatives to current legal billing practices. Eighty percent of Americans don't even have a will, he says, a hint that the broad middle class might improve that statistic if lawyers made it easier and cheaper to get one.

Granat has no doubt that LegalZoom, the immensely popular online legal document service that started in 2001 and boasts it has more than 1 million satisfied customers, has taken away business from small-firm lawyers and is causing those lawyers to re-evaluate their own use of technology. He says he's seen more interest in technology from small firm lawyers in the last 18 months than he had in the last nine years.

He and other lawyers have expressed concerns about LegalZoom and what they say is misleading promotion through its TV ads with former O.J. Simpson attorney Robert Shapiro and the company motto, "We put the law on your side." The promotion, the critics say, gives the impression to clients that they are getting legal help. Their rates are also high for a document service, Granat says. LegalZoom co-founder Brian Liu notes that disclaimers are on the Web site stating that the company doesn't offer legal advice and that the prices are more than reasonable. "We are simply a self-help document preparation and filing service authorized by the California Business and Professions Code. We don't give legal advice. We don't apply facts of a person's particular situation to the law. We don't give recommendations as to what kind of forms they need to complete," Liu says. His clients, he adds, are the ones who would have used self-help books or done nothing at all. They're not people who switch from a lawyer to his service.

"Law firms are notoriously late adopters," Liu states. "A lot of law firms are still using WordPerfect programs that nobody else uses." If LegalZoom's popularity with the public inspires lawyers to beef up their own use of technology, "that's great."

Whatever he may think of LegalZoom, Granat does give it credit for lighting a fire under lawyers who thought they could coast along on old traditions. Solos and small firms ignore automation and technological advances that could benefit them "at their peril," he says. "It is time for the legal profession to catch up and not cede this piece of business to non-lawyer operators. At the end of the day, it is the consumer who will suffer by not having access to the legal profession," he wrote in his blog, [elawyeringredux.com](http://elawyeringredux.com). "The future belongs to law firms that learn how to use Internet technology to disrupt their competition by offering a client experience that is both low cost and of high quality," says Granat.

Paul Bergman, a law professor at UCLA who is listed as a member of the board of advisors at LegalZoom ("I didn't know that I was," he says), notes "there's been a market failure" by law firms in serving the everyday needs of people, so it's no wonder that document preparation services, especially LegalZoom, have been so popular. If "lawyers are not going to make themselves available to people at a reasonable price," then those people are going to seek alternatives like LegalZoom, even if they don't get a lawyer's judgment and advice.