



Virtual Law Practice Opens Access to Justice

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The benefits and challenges associated with practicing law using web 2.0 technology are well-known and continue to be debated in many circles worldwide. As international regulatory agencies grapple with security and privacy issues (which are very real and very significant), many lawyers lament the assumed lack of direct contact with their clients or loss of their advisory roles by adoption of virtual platforms and document assembly functions. I say assumed, because these concerns are expressed by lawyers who have never used either in their practice.

Meanwhile, the [ABA Journal](#) reports that judges express concern over too many people appearing pro se “at their peril”, and that [Middle-Class Americans](#) can neither afford to pay lawyers nor qualify for legal aid. The [Wall Street Journal](#) states: “The economic downturn has left more Americans with the daunting prospect of fighting court battles without a lawyer”, leaving them more vulnerable to an adverse decision. To compound the problem, Legal Aid is cutting back services due to lack of funding.

The venerable [Laurence Tribe](#) calls the inability to afford legal representation a “dramatically understated” crisis. He states that “The whole system of justice in American is broken. . .The entire legal system is largely structured to be labyrinthine, inaccessible, unusable” and is not optimistic that the US can solve the problem.

While it is true that the system can certainly not be repaired overnight, one of the primary solutions to this crisis is to pass the cost-savings of operating a virtual law office on to consumers, thereby giving them access to affordable legal advice and documentation. Yes, offering consumers affordable

services is a great way to create a market for your practice. But the advantages of affordability also spill over to one of the great tenets of our profession: access to justice. I would argue that the advancement of this right is as paramount as any security and privacy challenge posed by the use of cloud-based practice management platforms.

[VoxPopuLII](#), a guest-blogging project sponsored by the Legal Information Institute at the Cornell Law School, recently posted an in-depth article on this subject entitled [IT and the Access to Justice Crisis](#). The article is based on the book [Technology for Justice: How Information Technology Can Support Judicial Reform](#) by Dory Reiling. It discusses the knowledge and information barriers to access to justice, and the information needs for resolving these problems. It explores whether legal policy should first address preventative measures or access to resolution forums, and how interactive IT, such as document assembly systems and electronic management systems, can provide court access.

As a double-dip recession looms and world-wide markets suffer and collide, there is no apparent roadmap back to the prosperity we all relied on. We are left more or less on our own to navigate the consequences of this enduring economic downturn. We must open our minds to the alternatives available to us right now to bring about changes necessary to meet these challenges, rather than play the waiting game that we will never win.

As lawyers and law firms look to the cost-control benefits of virtual law, let's also keep in mind our commitment to provide legal services to those who cannot afford them. Pro bono is no longer the only way to contribute to the plight of the unrepresented. The middle-class poor have now been added to the list of those in need, and the means to address their needs is at our fingertips.

Richard Granat, co-chair of the ABA's eLawyering Task Force and owner of [DirectLaw.com](#), has recently begun [Virtual Lawyer Connect](#), a learning community for lawyers interested in collaborating about virtual lawyering. Granat is also now offering a free version of DirectLaw, a virtual law office platform including document assembly functions. I urge you to join Virtual Lawyer Connect to explore the facts, options and value of a virtual practice. This is your opportunity to start or expand your practice, earn a living and provide a valuable public service at the same time.