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# Virtual Law Practice and the Online Delivery of Legal Services

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*presented by*

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Canadian Discipline Administrators Conference

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# Overview

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- ✓ **Part One:** How do virtual law firm operate?
- ✓ **Part Two:** Forms of Virtual Law Practice, Canadian Case Studies
- ✓ **Part Three:** Ethical Issues and how these are being addressed
- ✓ **Part Four:** Future of Online Delivery
- ✓ **Q&A**

# What is virtual law practice?

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- ✓ A virtual law office is a professional **law practice that is located online** through a **secure portal** and is **accessible to both the client and the attorney** anywhere the parties may access the Internet.
- ✓ **Virtual lawyering vs. the “untethered” lawyer**

Username:

Password:

LOGIN

# Virtual law practice is not exclusively...

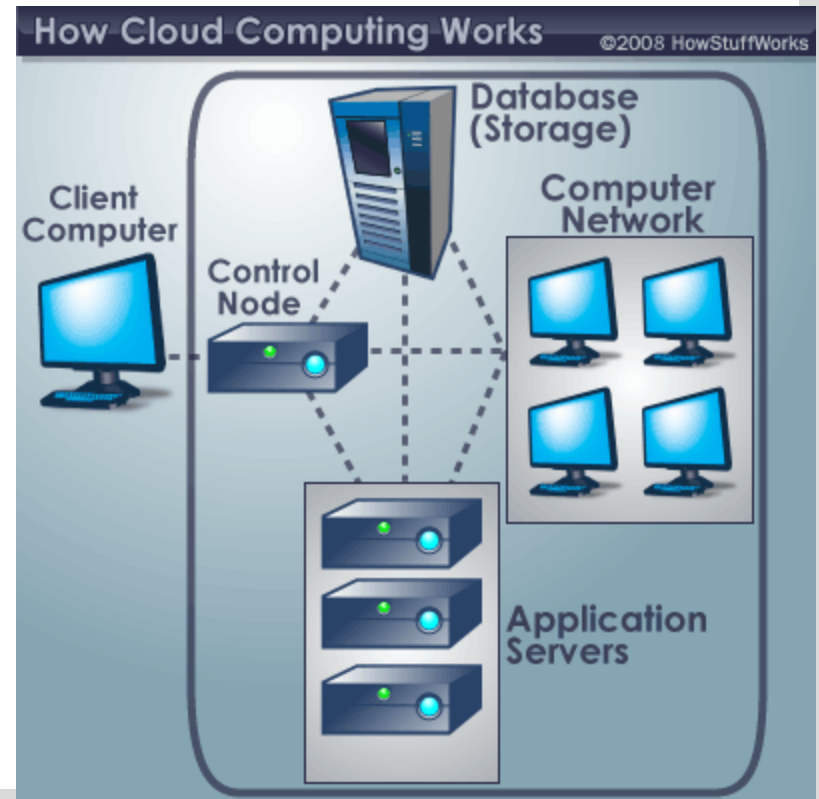
- ✓ an online **website that sells legal documents without attorney review**, such as LegalZoom or Corporation Centre
- ✓ a **law firm website with an email “contact us for a free quote” form** for prospective clients
- ✓ **communication by email** even if sent through a law firm’s website
- ✓ a **rented physical office** that may be shared with other professionals along with a receptionist service
- ✓ **VPNs, client extranets and other services**, such as GoToPC and LogMeIn
  - Ex. Aird & Berlis LLP in Toronto
- ✓ a **conglomeration of attorneys in remote locations** pooling resources and communicating over the Internet
  - Ex. Valkyrie Law Group
- ✓ a **law practice based in a virtual reality world**, such as Second Life

# How it Operates

- ✓ Origin of the term “cloud computing”
- ✓ [Computer Security Division of the National Institute of Standards and Technology \(NIST\)](#):

"Cloud computing is a model for enabling convenient, on-demand network access to a shared pool of configurable computing resources that can be rapidly provisioned & released with minimal management effort or service provider interaction."

- ✓ What is a Data Center?



# Software as a Service (SaaS)

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- ✓ SaaS is one form of cloud computing.
  - The technology used to create and maintain the virtual law practice is handled through a secure, third-party hosted system.
  - Practicing law “in the cloud.”
  - Most traditional firms already use some form of SaaS

# Most traditional firms already rely on SaaS

Examples: Lexis/Westlaw research, email, search engines, Google apps, Skype, etc. Even the firm's voice mail.



Canadian Legal Information Institute

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## Databases

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CanLII is a non-profit organization managed by the Federation of Law Societies of Canada. CanLII's goal is to make Canadian law accessible for free on the Internet.

## Search all CanLII Databases

1 full text [tips](#)

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3 decision date between  
 and

4 scope  
 Legislation  Courts  Boards and Tribunals

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# Why SaaS?

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## ✓ Security

- Regular data backups, geo-redundancy of servers
- Level of security at a Tier4 Data Center is far greater than the resources a typical law office could afford for security of law office data.
- Data stored on the server is encrypted, same high level of security used by banking and government institutions

## ✓ Economic

- Lower overhead costs
- Less expensive than paying for software, storage, and server hardware and having to run it internally with or without hiring an IT professional for the office
- Streamline your practice for greater efficiency



# Part Two: Virtual Law Practice

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- ✓ Virtual Law Practice Structures
  - ✓ Unbundling Legal Services
  - ✓ Doc Assembly/Automation
  - ✓ Practice Management
  - ✓ Client portals & methods of communicating
  - ✓ Case studies



***There is a growing online market for legal services.***

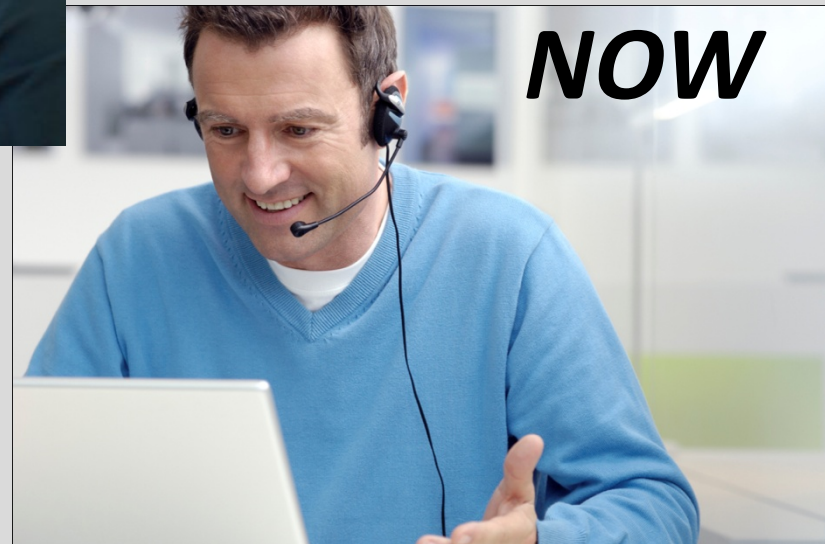
✓ ***Online companies such as Legal Zoom, when available for specific areas of law, are being turned to by the public and individuals who may otherwise have consulted with a lawyer.***

***In July 2011 - one month alone - an estimated 434,000 people in the US searched online seeking legal solutions through the Legal Zoom website.***

# ***Customer service has changed.***



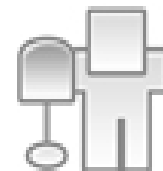
All law firms must make **CUSTOMER SERVICE** a part of delivering quality legal services.



# Good Customer Service =

*Communicating and being accessible using methods that are currently embraced and relied upon by clients.*

They are used to using social media with friends and family online.



# ***The public conducts the following tasks online:***



- ✓ Shop
- ✓ Sell
- ✓ Bank
- ✓ Invest
- ✓ Trade
- ✓ Pay Taxes
- ✓ E-file
- ✓ Obtain degrees
- ✓ Work

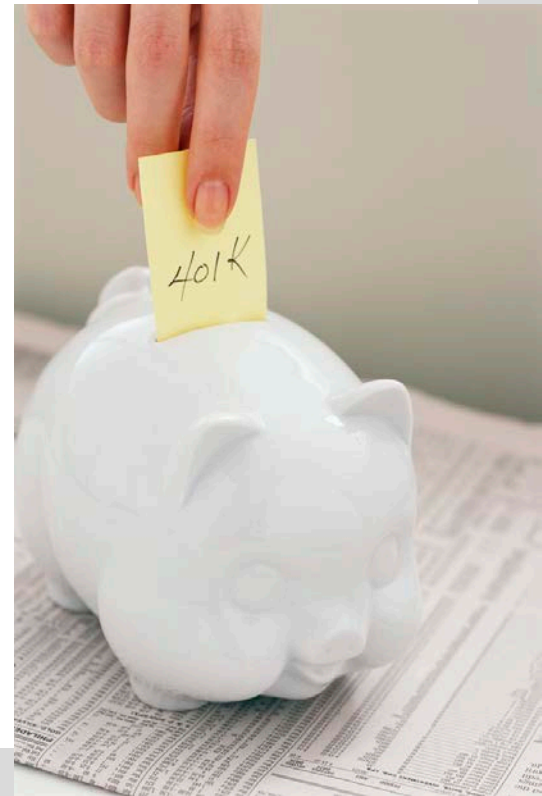


*Be ready for the  
“Digital Natives”*

# Benefits of Virtual Practice

## ✓ For the Public

- Greater access to justice
  - Court systems and non-profit legal aid organizations already rely on cloud computing methods to deliver legal services online
- Affordable and accessible legal services for lower and moderate income individuals
- Pro-se litigants
- Pro bono opportunities





# Benefits

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- ✓ For the Legal Professional
  - Technology streamlines the workflow, improving efficiency
  - Prevent malpractice through automated checks and processes
  - Lower overhead, less office waste, eco-friendly
  - Expanded client base, competitive advantage
  - Better quality of life through work/life balance and flexibility



# How Attorneys Use Virtual Law Offices

- ✓ Completely Web-based
  - Unbundled or limited legal services
- ✓ Integrated into a traditional law office
  - Unbundled and full-service



# Unbundling Legal Services

- ✓ Break out tasks associated with a legal matter and provide the client with only specific portions of the legal work
- ✓ Clearly define for online client the nature and scope of unbundled legal services – what will and will NOT be covered
  - Limited Scope Engagement Agreement
- ✓ Provide comparisons/education for the client to make an informed judgment
- ✓ Law Society of Upper Canada:
  - September 2011 Convocation approved amendments to the Rules of Professional Conduct to provide guidance on unbundling



# Online Document Assembly & Automation

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- ✓ Automating document assembly for online clients
- ✓ Intuitive online forms
- ✓ Purchased directly by the client after attorney review or in conjunction with additional legal advice

# Online Case & Client Management


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- ✓ Clients have access to their own online case files with limited control
- ✓ Backend online law office with case and client management
- ✓ Other law practice management tools

# Practice Management Applications

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- ✓ Case calendar
- ✓ Conflict of Interest checking
- ✓ Jurisdiction check to avoid UPL
- ✓ Document archiving
- ✓ Billing and invoice management
- ✓ Online bill payment by credit card
- ✓ Case and client management
- ✓ Contact management
- ✓ Libraries: Files, Forms, Legal Research



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Kimbro Legal Services provides cost-effective North Carolina estate planning legal services delivered online. [Register](#) for a secure account to request legal services from Stephanie Kimbro, Esq., a licensed N.C. attorney. Payment plans and fixed fee billing are available upon request. Your satisfaction is 100% guaranteed. If you are not satisfied with the quality of services delivered online, the total amount will be refunded to you. I look forward to speaking with you about how we may work together to create the estate planning that is needed to protect you and your family.

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## Basic Estate Planning Package for Couples

For Two Individuals, Includes:

- Last Will and Testament
- Living Will
- Power of Attorney

## How it Works

1. Register for a secure account page.
2. Complete estate planning worksheet with guidance from the attorney.
3. The attorney reviews your documents and discusses them

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- Retain a full-service lawyer, or
- Purchase forms from a non-lawyer document preparation or legal forms company and hope that you were doing the right thing.

With Abraham Law, there is a third way. We are the first law firm in Ontario (and only the fourth law firm in Canada) to use DirectLaw's Virtual Law Platform. Using the Virtual Law Platform, we can take the best from the above two choices and provide you with cost-effective and efficient, limited legal services. "Limited legal services" means that Abraham Law provides only a limited scope of legal services as requested and purchased by you through our online legal services. Our relationship with you will not exceed the limited scope of the work we agree to perform on your behalf. All documents are purchased based on a fixed fee and are reviewed by our firm.

Abraham Law offers lawyer-reviewed legal documents such as employment contracts, employee policies and handbooks, termination letters, releases, and much more. Our fixed pricing includes legal advice sufficient for you to confidently utilize our legal documents. For a complete list of services we can perform for you, [click here](#). To register and create an account for our online legal services, [click here](#).



# Traditional Firm w/Virtual Law Office



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About Rice Law, PLLC

▶ Virtual Law Office

**Watch an overview**

Attorney Williams shows how to create a VLO account

Attorney Williams shows how to ask a question in the VLO

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Register for a free account & ask a legal question in our virtual law office

## VIRTUAL LAW OFFICE

Many clients prefer the convenience of our virtual law office, which allows legal advice to be obtained online from a lawyer licensed to practice in North Carolina. Register for a free account today and ask a legal question.



### What is a Virtual Law Office?

The Rice Law virtual law office (VLO) provides a secure environment that's

### Resources



**Have questions about the VLO?**  
See what others are asking about our virtual law office

*Read the FAQ »*



**Use the virtual law office**  
Learn how to use the virtual law office (VLO) in these short videos

*Video: Create a VLO account »*

*Video: Message an attorney »*



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Message an attorney, check your legal calendar, or track your case in our secure online office (*registration required*)

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## Legal Q&A

Sometimes all you need is a relatively simple legal question about your business or technology answered. While the internet is a great resource to get information you need, you cannot always be sure that the information you receive is up-to-date or applicable to your jurisdiction. Our Legal Q&A is a FREE service that provides you with a secure, confidential portal to get your question answered from a lawyer licensed to practice in Ontario.

While we try to answer all questions within 24 hours, depending on the volume of questions we receive and the availability of our lawyers, response times may vary. We will inform you if we anticipate response to take more than three (3) working days.

**Disclaimer:** Our Legal Q&A is designed to provide you with advice about issues that are not too complex and do not require a full legal consultation. To get sound legal advice pertaining to your particular business issues, you will need to consult with a lawyer to analyze the facts in your situation. We will inform you if your question is better answered through a proper legal consultation.



Online Services

> Online Services

Site Overview

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Contact Us

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Canada T2P 3N9  
[Kre8tive@shaw.ca](mailto:Kre8tive@shaw.ca)

## Virtual Firm - Real Lawyers

Every successful business needs enforceable business agreements. There was a time when you only had two choices to get your legal documents in Alberta:

- retain an expensive and slow full-service law firm, or
- purchase forms from a non-lawyer legal forms company and hope that you are doing the right thing.

A legal forms site is not a law firm and cannot provide true legal services. These sites do not help you choose the right business structure and contracts nor do they help you tailor your document to your specific situation. Use of these legal document sites can lead to costly disputes and litigation.

Kre8tive Law Group has designed a service that combines efficient and cost effective legal document production with quality legal advice regarding Alberta law delivered by an experienced, qualified and insured Alberta lawyer.

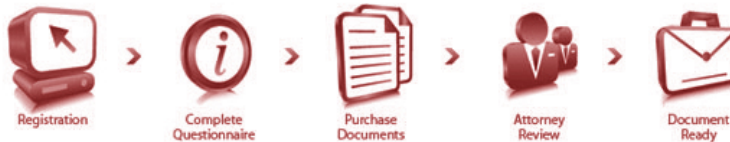
If your situation turns out to be more complex and you want a more traditional form of help, you can switch services at any time. What is important is that you remain in control and pay fees matching the value of the service.

We currently offer on-line services in the following areas:

- [Wills and Estate Planning](#)

Let us know if you need a legal document that is not displayed on our website.

## How It Works



1. Register for the on-line service.
2. Complete the questionnaire.
3. Lawyer review of your completed document.
4. Download or print off your document.
5. Conveniently pay a fixed fee online.

Once again, you only pay for the legal services you need and use.

# Virtual Law Office - Home Office

HOME ABOUT ARTICLES RESOURCES FEES CONTACT WORK WITH ME

CLIENT LOGIN

NEW CLIENT



## TEXAS WILLS & TRUSTS Online

GETTING STARTED WILLS TRUSTS ESTATE PLANNING DIY RISKS INTESTACY PROBATE FAQs ABOUT MY FIRM



### WELCOME TO RANIA COMBS LAW!

Our lives are hectic. Thankfully, the Internet allows us to accomplish a lot of what we need to do online. We already use the internet to communicate, bank, shop, and work. Why shouldn't we be able to get legal advice from a licensed attorney in the same way?

#### What is a virtual law office?

My virtual law office is not a "forms" website that generates identical, mass-produced documents. I am a licensed attorney who practices law through a secure online law office. As a licensed attorney, I am able to provide legal advice based on the facts of your individual situation and tailor your legal documents to ensure that your legal needs are met.

#### How is a virtual law firm different?

Unlike traditional law firms which are constrained by time and location, clients can access this law firm 24 hours a day and 7 days a week from any location through a secure Internet connection.

This means that you have the flexibility to communicate with me after you put the kids to bed, on the weekends, early in the morning before work, or any other time it is convenient for you. Simply contact me through your client account and leave a message. I'll respond as quickly as possible.

#### What are the benefits of a virtual law firm?

#### ABOUT RANIA



Rania is an attorney with a completely web-based law firm who helps busy Texans prepare their wills, trusts, and

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## FOCUSED ON SOLUTIONS



## UNBUNDLED LEGAL SERVICES

### 1. **What are "unbundled legal services"?**

Unbundled legal services or "limited legal services" involve dividing the usual full spectrum of legal services a lawyer retained on a "full service" basis would perform into separate distinct tasks. This means that you retain a lawyer to perform only specific tasks, and you maintain responsibility for all remaining tasks.

### 2. **Why "unbundled legal services"?**



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## New Clients

If you are / or would like to become a new client, simply select the 'file' that corresponds to your particular requirements and complete the online form. Please take your time completing the forms as some of them are quite lengthy and will require detailed information.

### [Estate Planning File](#)

The Estate Planning file is used to gather the necessary information to enable proper wills and estate planning.

[Open File Online »](#)

### [Estate Administration File](#)

The Estate Administration file is used to gather information about an estate to help administer a will through probate.

[Open File Online »](#)

### [Incorporation File](#)

This incorporation file is used to gather the required information to incorporate a company.

[Open File Online »](#)

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View our inventory of Family Law videos on topics like:



- Estate Administration
- Estate Planning
- Family Law
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Harrill Law maintains a full-service southern California law practice together with multijurisdictional secure online law practices through this website for both California and North Carolina.

Harrill Law is a multijurisdictional law firm integrating traditional values with innovative online law practice technology to better serve clients. This law firm is committed to helping domestic and international clients by providing personalized legal counsel across a broad spectrum of practice areas, including business, real estate, intellectual property and estates.

Regardless of the size or complexity of your legal matter, Harrill Law strives to deliver timely, cost-efficient representation tailored to achieve your goals.

Clients of Harrill Law may choose to receive full-service legal counsel in a traditional law firm structure or limited legal counsel and services through this website over a secure HTTP network, the best industry standard protection available on the Internet. Because the Internet has become one of the most widely used methods of communication, Harrill Law has integrated online law practice technology to better serve high-tech industries and individuals by providing seamless, efficient legal counsel and services over an online secure network.

**Consultation**

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11622 El Camino Real  
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San Diego, CA 92130  
Telephone

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Facsimile +1 858-847-0559

E-mail: [info@Harrill-Law.com](mailto:info@Harrill-Law.com)

# Part Three: Ethical Issues

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- ✓ Choosing the Technology and Researching the Provider
- ✓ The Attorney's Daily Use of the Technology to Deliver Legal Services Online



# Due Diligence & Reasonable Care

- ✓ LS of Upper Canada: 2.03 (1) “[a] lawyer at all times shall hold in strict confidence all information concerning the business and affairs of the client ...shall not divulge any such information unless expressly or impliedly authorized by the client or required by law to do so.”
- ✓ LSBC: 3-68(3) “reasonable security arrangements against all risks of loss, destruction and unauthorized access, use or disclosure.”
- ✓ Conduct due diligence in researching both the provider and the technology application.



# Research the SaaS Provider & Review the SLA

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- ✓ Confidentiality of law office data
  - Who has access?
  - Oversight and Auditing
  - Government and civil search and seizure actions
    - US Patriot Act & EU Data Protection Directive
  - Breach of confidentiality – unlimited liability for data breaches?

# Research the SaaS Provider & Review the SLA

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- ✓ Data return and retention policies
  - Transferring Data/Compatibility Issues
- ✓ Backups
  - Export features and/or offline versions of the software
- ✓ Third-party hosting
  - Server locations and geo-redundancy
- ✓ Response time/customer service and tech support
- ✓ Infrastructure to support growth
- ✓ Costs – Subscriptions, what is included
- ✓ History of the company
  - Financial history or funding of company
- ✓ Current user reviews
- ✓ Membership in LCCA and/or ILTSO compliant
  - Legal vs. Public SaaS

# For Guidance

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- ✓ [The Law Society of British Columbia's Cloud Computing Working Group](#) Report (July 15, 2011)
- ✓ [ILTSO Standards](#) (April 2011)
- ✓ Proposed NC FEO 6 (2011)
- ✓ PA FEO 2010-200 (2010)
- ✓ ABA eLawyering Task Force Guidelines (2011)
- ✓ Legal Cloud Computing Association (LCCA)



# Ethics Considerations

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- UPL
  - Multijurisdictional virtual law firms
  - By unlicensed individuals
- Establishing the Online Attorney/Client Relationship
  - Duties To Prospective Client
  - Avoid Misleading
- Defining the Scope of Online Representation
  - Nature of the use of the technology and unbundling
- Conflict of Interest
- Conflict of Laws
- Choice of Law

# ABA Ethics Commission 20/20

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- ✓ Proposal on Model Rule 5.5 (UPL) and Foreign Lawyers  
(September 2011)

- intended to help lawyers determine when their “non-physical” presence might be classified as “systematic and continuous”

“...a lawyer may direct electronic or other forms of communications to potential clients in this jurisdiction and consequently establish a substantial practice representing clients..., but without a physical presence here. At some point, such a virtual presence in this jurisdiction may become systematic and continuous within the meaning of Rule 5.5(b)(1).”

- ✓ Concluded: “precision in this area is not possible”, virtual should be treated the same as traditional under 5.5, and **“lawyers who have such [virtual] practices can offer legal services efficiently and effectively and can improve access to justice.”**

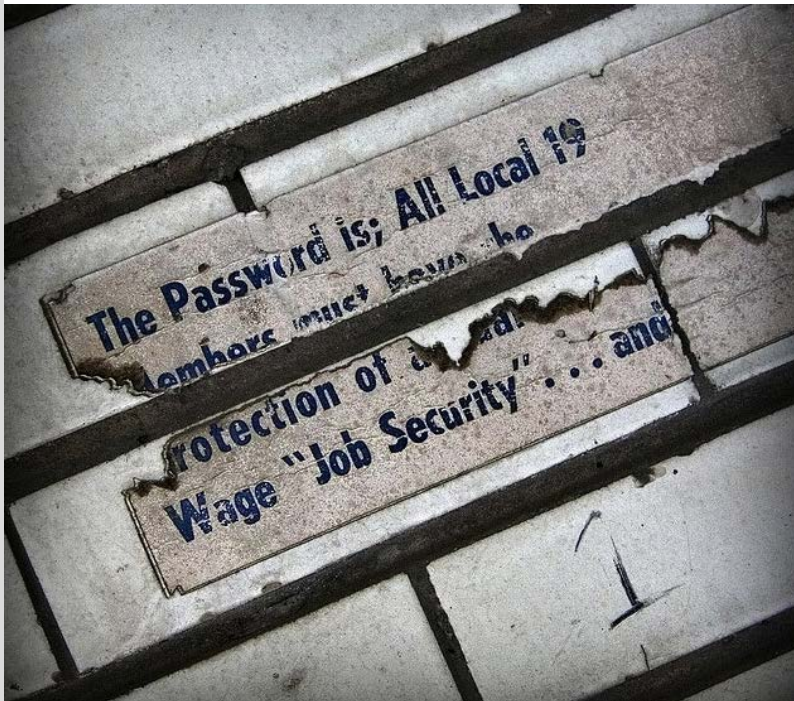
# Ethics Considerations (cont)

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- ✓ Authentication of Online Client's Identity
- ✓ Competency
- ✓ Confidentiality of Client Data
  - Safeguarding Client Property
  - Online storage and retention of client data
- ✓ Using Internet Tools to Build an Online Client Base
  - Advertising rules related to marketing a virtual law office
- ✓ Online Payments
  - Accounting and compliance

# Minimize Risk

- ✓ It is the responsibility of the virtual attorney to:
  - Make the determination on a case by case basis:
    - **Can I competently handle this legal matter online or does it require in-person representation?**



Understand the technology and security risks

Implement daily best practices for technology

# Part Four: Future of Online Delivery

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- ✓ Movement from passive law firm web sites to interactive virtual law firms.
- ✓ Pressured by change in consumer behavior and competitors like LegalZoom and branded networks.
- ✓ WatsonJD, FairOutcomes.com & applications of AI



# Other Forms of Online Legal Service Delivery

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- ✓ Web Calculators
- ✓ Web Advisors
- ✓ Legal Q&A sites
- ✓ Legal Crowdsourcing
- ✓ Online dispute resolution (ODR)
- ✓ Collaborating with branded networks to deliver unbundled services online

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### I want a lawyer to handle this for me

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2 DO YOU AGREE?

3 HOW MANY YEARS?

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This program was developed under grants from the State Justice Institute (SJI grant number SJI-04-N-121), Center for Access to the Courts through Technology, Chicago Kent College of Law, Center for Computer-Assisted Legal Instruction (CALI), and Legal Services Corporation (LSC). The points of view expressed are those of the authors and do not necessarily represent the official position or policies of the SJI, Center for Access to the Courts through Technology, Chicago-Kent, CALI, or the LSC.

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**SJI**

Type your detailed legal question here

- Ask Question Publicly
- Ask Question Confidentially

Get your answer



### How it works:

**Businesses get legal advice** by asking questions and receiving crowdsourced answers from lawyers

**Lawyers market themselves** by providing legal advice, building their online reputations, and providing fixed-price services

### Two Options for Legal Advice

LawPivot is the largest marketplace for businesses to receive crowdsourced legal advice from lawyers. Businesses can either:

- Ask questions **publicly**, and receive legal advice that will benefit the entire LawPivot community.

### Recent Q&A Activity



**tbd**, Aakar Vachhani from Evanston, IL responded to the question:

"It is legal to start a website that would allow for the



**Frank Natoli**, Founding Partner & CEO from New York, NY responded to the question:

"I'm a singer who performed vocals on an artists

### From the Blog

» **A heads up for startups** by Stewart Einwohner (Stewart G. Einwohner, P.C.)

» **Top ten legal tips for independent contractors** by Dana Shultz (Dana H. Shultz, Attorney at Law)

# Branded Network Concept

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## Fair Buy-Sell

Fair Buy-Sell is a patent-pending system used by joint owners of property - such as business partners, joint venturers, shareholders, and married couples - who wish to bring their joint ownership to an end on terms that are mutually acceptable and legally enforceable. Each party enters confidential information into the system specifying a monetary value at which it would be willing either to sell its share to the other side or to buy out the other side's share. The system compares the two offers and announces a sale to the party that offered the higher value. However, the sale price is set at the midpoint between the two offers, or at some other value arrived at by applying a mutually agreed-upon formula. The system always produces a full and complete resolution of the dispute, and it always provides each party - whether the buyer or seller - with a resolution that is more favorable to it than the one that it had proposed.

The Fair Buy-Sell system can also be configured so as to allow for multiple rounds, with feedback in between rounds, and can be used to transfer interests in properties that are not jointly owned. This relatively simple but powerful new system provides an excellent introduction to some of the basic game-theoretic principles that underlie the other systems offered by our company.

**Further information about this system, and access to a simple and fully automated online version of the system that can be tested and used by the public free of charge, may be obtained by clicking [here](#).**

## Contact Us

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F. 978 367-1256  
info [at] fairoutcomes.com

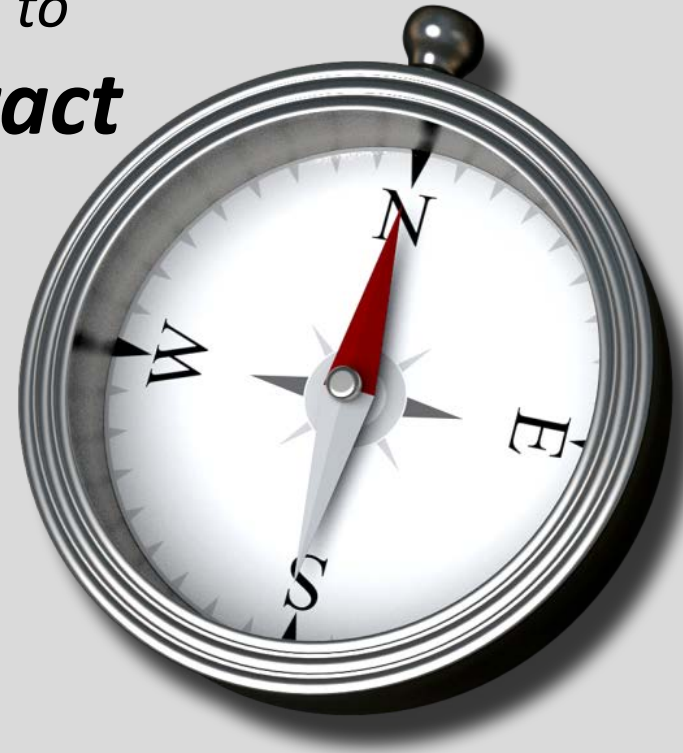
Chairman of the Advisory Board:  
[Steven J. Brams](#)

Chief Executive Officer:  
[James F. Ring](#)

***Future innovations*** in the delivery of legal services will include more applications to allow the ***public to directly interact with their attorney online.***

## ***For Regulators:***

- ✓ *How will you guide and educate members on:*
  - *unbundling*
  - *online delivery methods*
  - *security concerns*
  - *practicing ethically in a rapidly changing legal marketplace*



# Other Resources

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- ✓ ABA ELawyering Task Force  
<http://www.elawyering.com>
- ✓ ABA Unbundling Resource Center  
<http://www.abanet.org/legalservices/delivery/delunbund.html>
- ✓ [Lawyers' Professional Indemnity Company Submissions on Unbundled Legal Services](#) (December 3, 2010)
- ✓ International Legal Technology Standards Organization [www.iltso.org](http://www.iltso.org)
- ✓ *Virtual Law Practice: How to Deliver Legal Services Online*, Kimbro, (ABA/LPM book) <http://www.virtuallawpractice.org>
- ✓ *Serving the DIY Client*, Kimbro, forthcoming ABA/LPM (2012)



# Contact

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*Technology Consultant, Total Attorneys*

- ✓ Virtual Law Practice Blog: [www.virtuallawpractice.org](http://www.virtuallawpractice.org)
- ✓ Kimbro Legal Services: [www.kimbrolaw.com](http://www.kimbrolaw.com)
- ✓ Total Attorneys: [www.totalattorneys.com](http://www.totalattorneys.com)