

**INTERNET STRATEGIES FOR LEGAL PROFESSIONALS**  
*Effectively and Safely Use the Research and  
Marketing Capabilities of the Web*

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**August 14, 2006**

I.        **FINDING "PRACTICE" TOOLS**

Loathing to "reinvent the wheel," legal professionals have historically relied upon aids such as samples of prior legal work and practice materials such as forms books as a good place to start legal drafting. Prior to the widely available use of the internet, legal professionals were left to those samples available from their colleagues and the forms available in form books at their local law libraries. Finding samples and forms specific to the task and jurisdiction was often impossible. The explosion in the use of the internet, however, made the availability of samples and forms widely accessible and easily obtainable.

No discussion about finding legal samples or forms (whether found on the internet or in the office next door) would be complete without a reminder of the old axiom caveat emptor or "let the buyer beware." Legal samples and forms are often imperfect, incomplete, inaccurate, imprecise, or too general to be of any real use. Similarly, legal forms are often just plain deficit and wrong. The axiom "let the buyer beware" is just as true for free samples and forms as it is for those purchased from well-known and highly-regarded web vendors. As a result, while good legal drafts can begin with a sample or form, the samples and forms should be used as a mere starting place and should never be a substitute for solid review, thorough legal thought and analysis, and independent legal research and drafting.

Below, provides a discussion of several research strategies that can be used to find practice aids such as sample litigation documents (such as briefs, motions, and complaints), sample business and government documents (such as forms and contracts), and uncovering jury verdicts.

A. Sample Briefs, Motions, and Complaints

Sample litigation documents are now widely available on the internet. If the task is to create a simple and commonly used litigation document, samples and forms can be found for free on several governmental and commercial websites.

1. Court Filings

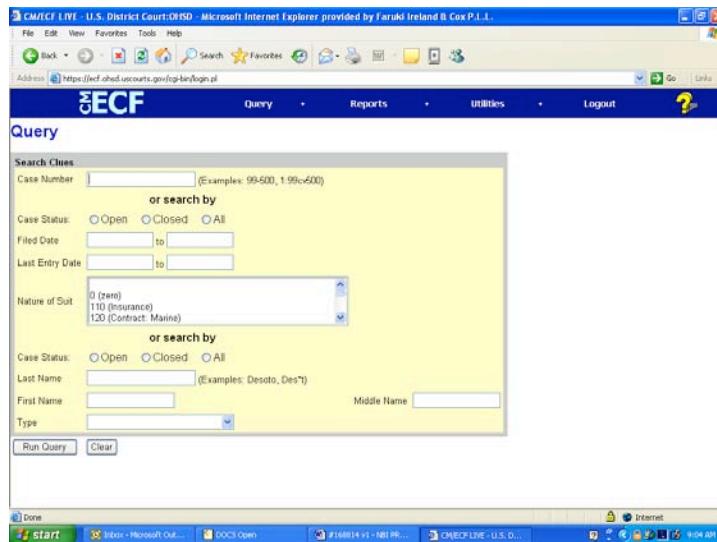
While dockets and court filings are used, for the most part, by the lawyers for the parties that are directly involved in the litigation, the court filings can be a treasure trove for legal professionals to find sample litigation documents. The court filings for both federal and state courts are increasingly becoming widely available over the internet. Often courts make .pdf images of court filings available on the internet with the case docket.

The Public Access to Court Electronic Records system (commonly referred to as "PACER" or "WebPACER") provides electronic access to case and docket information from federal appellate, district, and bankruptcy courts. Access to the PACER systems for most federal courts is available on the internet and can be accessed by registering with the PACER Service Center, which is the judiciary's centralized registration, billing, and technical support center. The PACER System offers legal professionals inexpensive, fast, and comprehensive information about individuals and cases. The information is displayed directly on the computer screen within a few seconds and the system is simple enough that little user training or documentation is required.

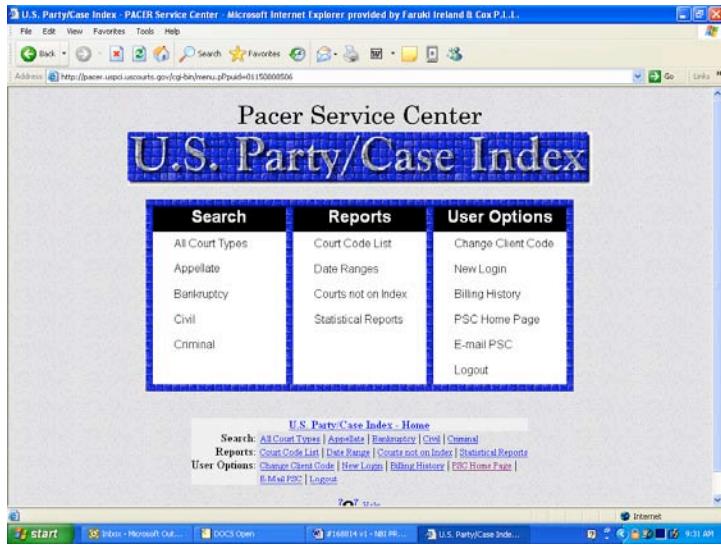
The PACER system can be used to find sample briefs, motions, complaints, and most other commonly filed litigation documents for use in federal courts. In addition, PACER can be used to access case dockets to retrieve information such as:

- A listing of all parties and participants (including judges, attorneys, and trustees);
- A compilation of case-related information such as cause of action, nature of suit, and dollar demand;
- A chronology of dates of case events entered in the case record;
- A claims registry;
- A listing of new cases each day;
- Appellate court opinions;
- Judgments or case status; and
- Types of documents filed for certain cases.

Each federal court maintains its own PACER databases; thus, each jurisdiction will have a different web address. Documents from the United States District Court for the Southern District of Ohio are available at <https://ecf.ohsd.uscourts.gov/>.

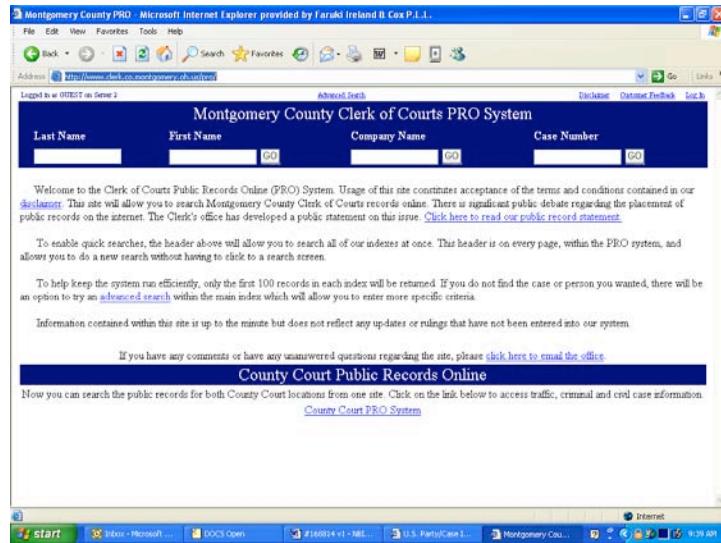


In addition to each jurisdiction's PACER system, legal professionals can search the U.S. Party/Case Index, which is available at <http://pacer.uspci.uscourts.gov/>.

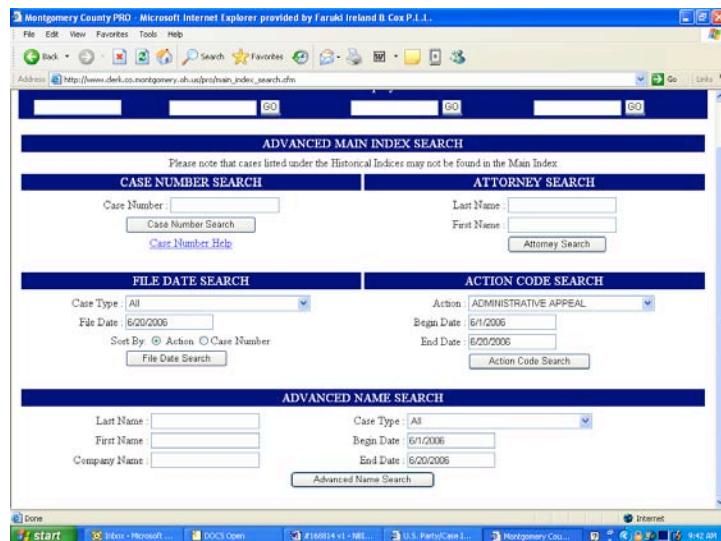


The U.S. Party/Case Index is a national index for U.S. district, bankruptcy, and appellate courts. While not all federal courts participate in the U.S. Party/Case Index system (including United States Court of Appeals for the Second, Fifth, Seventh, and Eleventh Circuits, and United States District Court for New Mexico), the index does allow for an almost nationwide search of cases by name or social security number in the bankruptcy index, name or nature of suit in the civil index, defendant name in the criminal index, and party name in the appellate index.

In state courts, county clerks of courts' websites are increasingly making court documents publicly available over the internet. Similar to the PACER system, clerks of courts' websites can be used to find sample briefs, motions, complaints, and most other commonly filed litigation documents for use in particular state courts. Hamilton County does not currently allow access to court filings on the clerk of court's website (although access to court docket information is provided). Several Ohio counties' clerks of courts, however, provide access to court filings on their website. For example, the Clerk of Courts for Montgomery County (<http://www.clerk.co.montgomery.oh.us/pro/>) currently provides access to almost all court filings on its website.



In addition to allowing searches by name and case number, the Montgomery County website also allows more advanced searches to be conducted using the attorney name, filing date, and nature of suit.

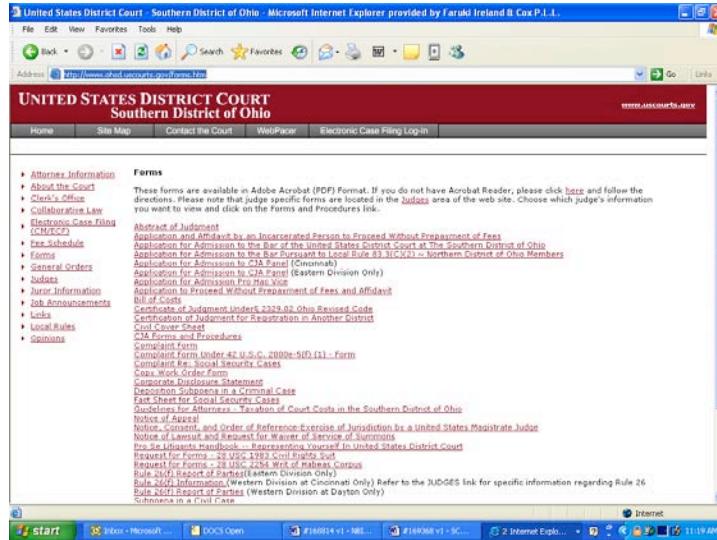


The above provides one example of the many clerks of courts' websites that provides access to court filings. The lesson is that if you need to create a commonly used litigation document in a certain jurisdiction, then look to the clerk of court's website for that jurisdiction to find sample litigation documents.

## 2. Court Forms

Several courts have generated forms for use while practicing in front of that court. In the past, the legal professional would be required to contact the relevant court to determine whether a form was available and to get a copy of the form. With the increased use of the internet and the development of courts' websites, court specific forms are now often found on the internet.

For example, the United States District Court for the Southern District of Ohio (<http://www.ohsd.uscourts.gov/forms.htm>) provides a number of litigation specific forms for use while practicing in front of the Court.



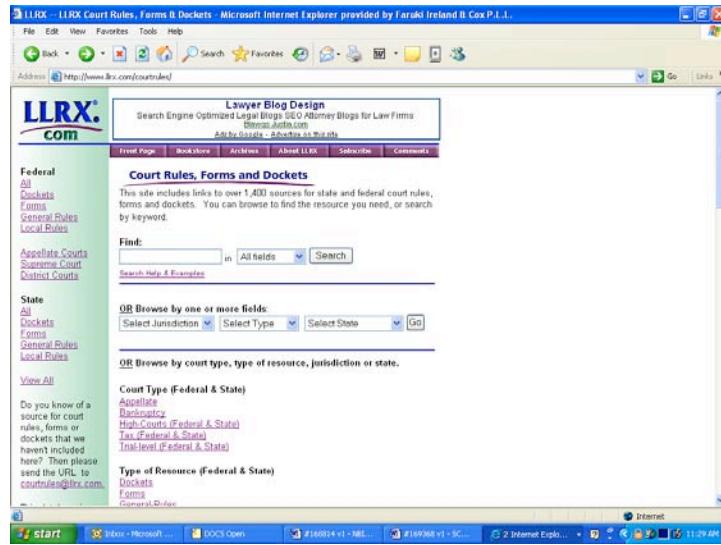
Similarly, the United States Court of Appeals for the Sixth Circuit provides a number of the forms necessary for practicing in front of the Court. The forms are available on the Court's website at <http://www.ca6.uscourts.gov/internet/forms/forms.htm>.



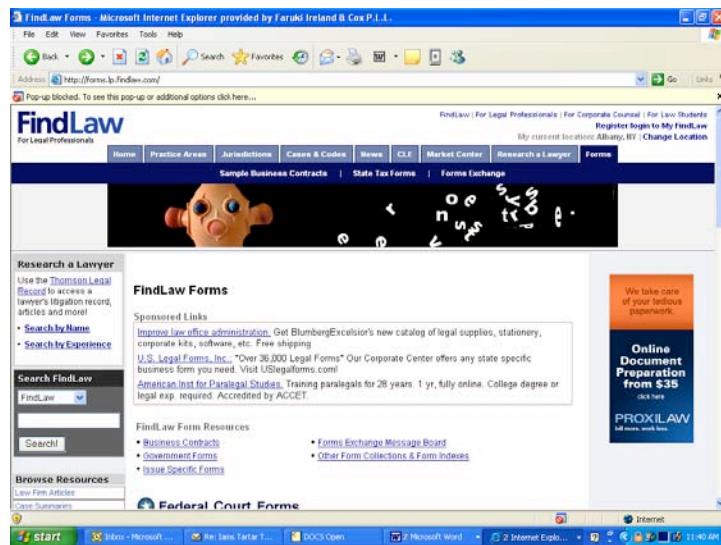
Hamilton County has forms specific to practicing in front of the Hamilton County Court of Common Pleas and Hamilton County Municipal Courts. The Hamilton County Clerk of Courts has made the forms available on the Clerk's website at <http://www.courtclerk.org/formqueries.asp>.



Links to the websites of over 1,400 federal, state, and local (municipal) courts have been compiled and posted on the Law Library Resource Xchange website at <http://www.llrx.com/courtrules/>.



Findlaw also provide links to the website for jurisdiction specific forms for many federal courts and state courts at <http://forms.lp.findlaw.com/>.



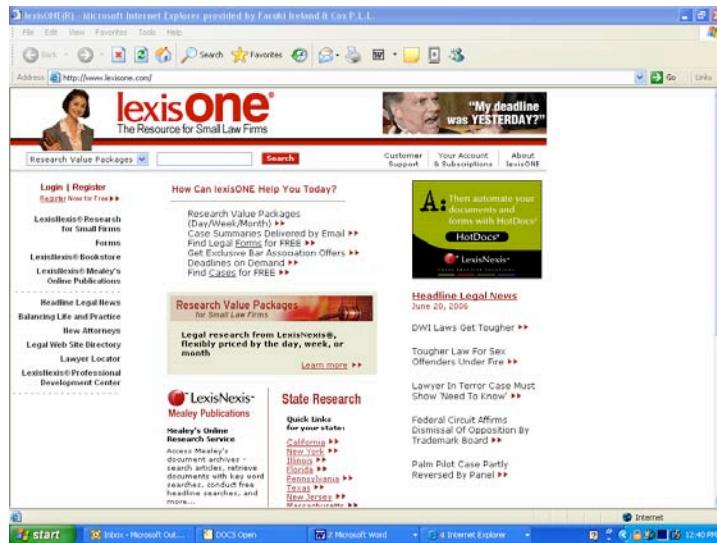
### 3. Form Books

Form books remain a common way for legal professionals to acquire model forms for use in drafting litigation documents. There are several different types of form books available, including several that are specific to a business or practice area. Many of the most common traditional form books are now available over the internet.

The most common and widely used litigation specific form book is Am. Jur. Pleading and Practice Forms, which covers all types and phases of litigation and include checklists and affidavits, complaints and petitions, answers and defenses, cause of action elements, jury instructions, and motions and orders. Since being purchased from Lawyers' Cooperative Publishing Company, Westlaw ([www.westlaw.com](http://www.westlaw.com)) has made Am. Jur. Pleadings and Practice Forms available through its website (library: AMJUR-PP).

#### 4. Internet Form Collections

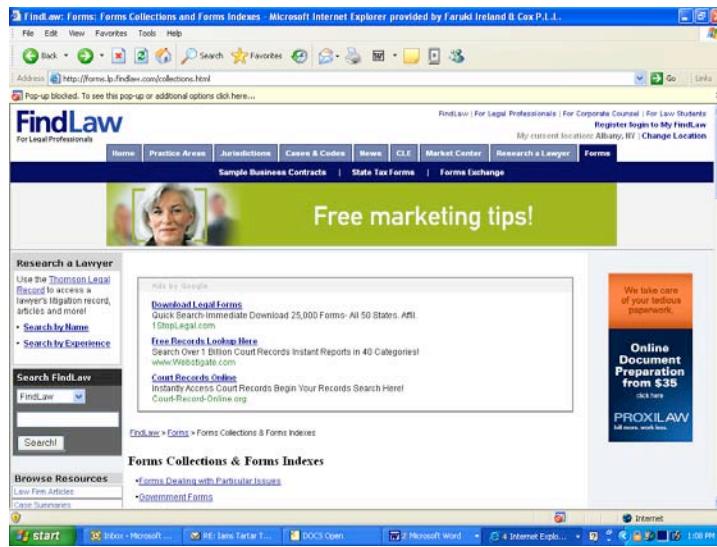
There are a number of websites that provide samples and form collections for use in litigation. Some of the websites offer samples and form collection for free and others for a fee. An example of both a mixed free and fee-based site is a LexisNexis website called LexisOne ([www.lexisone.com](http://www.lexisone.com)).



Designed for solo and midsize lawfirms, LexisOne provides free access to over 1,100 legal forms. The forms are accessible via an alphabetical topical arrangement. Forms are available for the following areas: bankruptcy, copyright, criminal law, employment, letters of credit, licensing, litigation (federal court forms), patent forms, secured transactions, and wills. For an additional fee, LexisOne offers a service that will

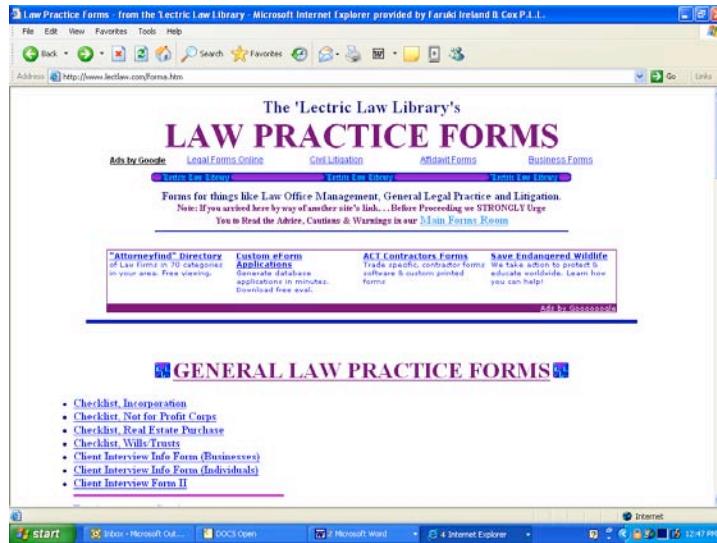
automatically insert client information throughout the form where that information is relevant.

Findlaw (<http://forms.lp.findlaw.com/collections.html>) also provides links to a number of websites that provide access to free samples and forms. Findlaw is a free legal information website owned by The Thompson Corporation (which owns Westlaw).



To the extent that the relevant litigation forms cannot be found on its websites, Findlaw also provides legal professionals a way to request and exchange forms by providing access to a message board that has the sole purpose of being a form exchange site <http://boards.lp.findlaw.com/>.

Finally, a large free litigation sample and form collection is available from the 'Lectric Law Library (<http://www.lectlaw.com/forma.htm>).

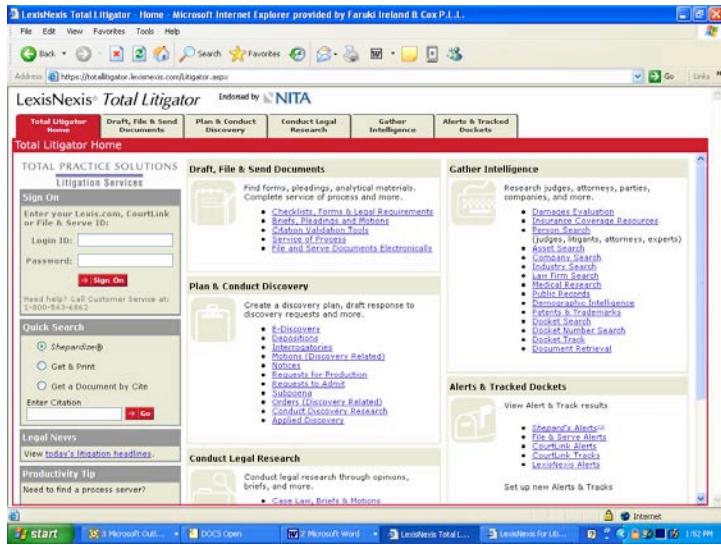


The form library on 'Lectric Law Library's website provides general law practice forms, including letters and fee agreements. The form library also has litigation specific forms, including a number of basic forms for preparing affidavits, answers, motions, and sample orders.

## 5. Sample Document Databases (Westlaw and LexisNexis)

Both Westlaw ([www.westlaw.com](http://www.westlaw.com)) and LexisNexis ([www.lexis.com](http://www.lexis.com)) offer access to sample document and form collection databases. For example, forms collections can be searched through Westlaw's library "FORMS-ALL". In many cases, legal professionals may find better samples and forms by searching the databases of documents actually used in litigation. Westlaw also offers a number of libraries that provide access to a number of documents that were actually filed in cases.

LexisNexis (<https://totallitigator.lexisnexis.com/Litigator.aspx>) recently launched a new website that is designed specifically for litigators. Called LexisNexis Total Litigator 1.0, the website was developed by LexisNexis with guidance from the ABA Section of Litigation and is endorsed by the National Institute for Trial Advocacy ("NITA®").



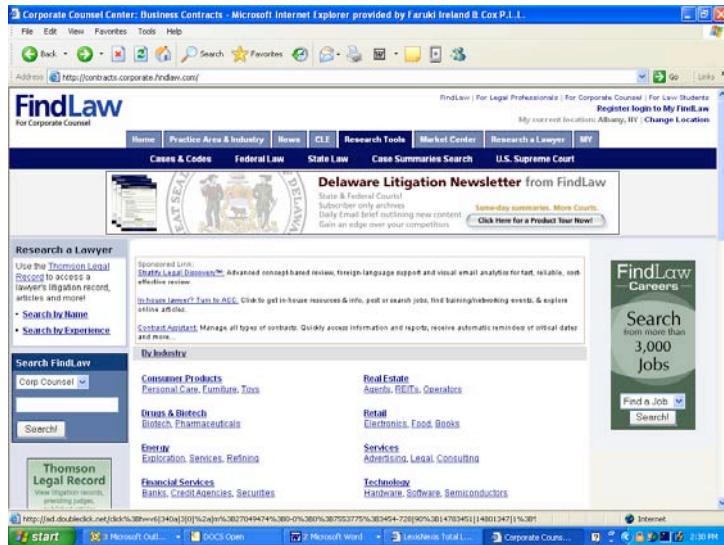
LexisNexis Total Litigator offers users access to briefs, motions, and pleadings that were obtained from selected noteworthy cases (as identified by the editors of Matthew Bender® and Mealey Publications®) that were decided or pending from 2000 to present in both federal and state courts. Since litigation samples are often difficult to locate in emerging areas of the law, LexisNexis Total Litigator places an emphasis on providing access to documents from cases involving areas such as intellectual property, securities, labor and employment, insurance and complex litigation.

## B. Sample Business and Government Forms

Like litigation documents, sample business and government forms are now widely available on the internet. Below are several websites that provide sample business contracts and forms and government forms.

### 1. Business Contracts and Forms

Findlaw (<http://contracts.corporate.findlaw.com/>) offers access to a large number of business contracts and forms that have been used by several large companies.



The documents are searchable by industry and type and include sample documents regarding:

- Business Formation (including sample bylaws, incorporation documents, limited liability company agreements, partnership agreements);
- Business Operations (including sample equipment leases, government contracts, intellectual property agreements, joint ventures and alliances agreements, sales and marketing agreements, services agreements, and standstill agreements);
- Business Planning (including sample asset purchase agreements, contribution agreements, merger agreements, separation agreements, share exchange agreements, and stock purchase agreements);
- Compensation Documents (including sample benefit plans, consulting agreements, deferred compensation plans, director stock plans, employee stock plans, employment agreements, incentive plans, labor agreements, management stock plans, noncompetition agreements, retirement plans, severance agreements, and trust agreements);
- Corporate Documents (including sample charitable giving plans, governance agreements, indemnification agreements, nondisclosure agreements, and retirement policies);
- Finance Documents (including sample credit agreements, debt-equity exchange agreements, factoring and receivables purchase agreements,

guaranties, indentures, loan agreements, security agreements, and warrant agreements);

- Real Property Documents; and
- Securities Documents (including sample investors' rights agreements, pledge agreements, registration rights agreements, shareholder's agreements, and underwriting agreements).

## 2. Government Forms

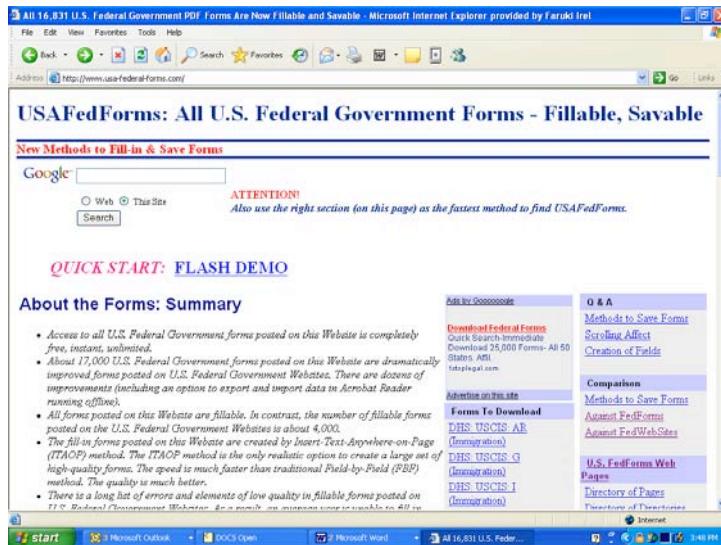
Several government agencies provide public access to forms that are necessary for appearing before the agency. The particular government agency should be a first stop to those legal professionals that practice in front of the agency or that advise companies that are regulated by that agency.

For a general search of government forms, the Federal Government has created the Federal Forms Catalog (<http://www.forms.gov/bgfPortal/citizen.portal>), which provides the public a common access point for forms that are used in all federal agencies.



In addition to government websites, there are a number of private websites that provide access to the forms that are necessary to practice in front of several federal agencies. For example, USAFedForms (<http://www.usa-federal-forms.com/>) provides

access to about 17,000 different federal forms (some 13,000 more than currently available on the Federal Forms Catalog) and provides users with the ability to fill-in the forms and print them directly from the internet.

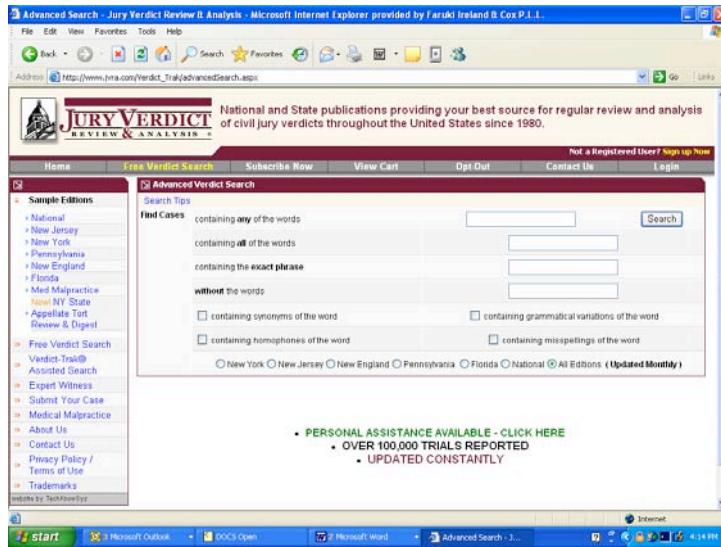


### C. Uncover Jury Verdicts and Settlements

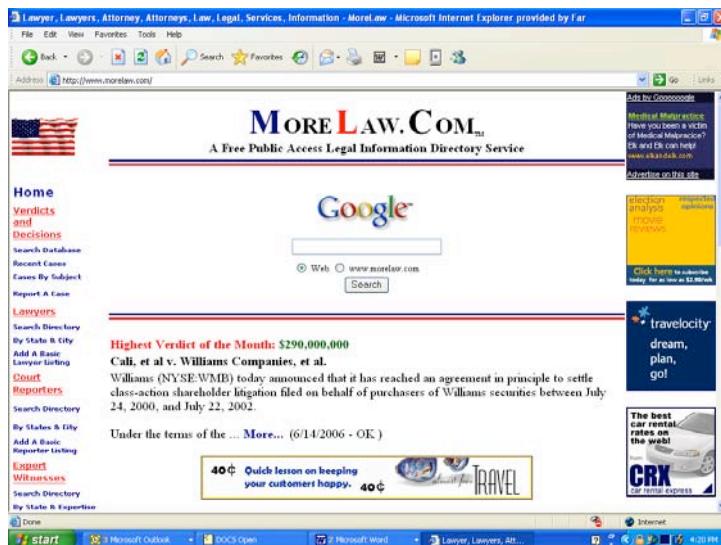
Jury verdicts and settlement information provide invaluable information to litigators (whether plaintiff or defendant) and are a necessary resource for, among other things, case valuation and settlement negotiations. Jury verdict and settlement information, however, can be difficult to find as there are only a few quality resources (both free and fee based) available on the internet.

#### Jury Verdict Publications

([http://www.jvra.com/Verdict\\_Tрак/advancedSearch.aspx](http://www.jvra.com/Verdict_Tрак/advancedSearch.aspx)) produces monthly newsletters that report jury verdicts for several jurisdictions. The company also maintains a database, called Verdict-Trak, and allows users to search for information regarding jury verdicts. While Jury Verdict Publications will reveal the amount of the jury verdict for free, a \$20 fee is required for more detailed information about the particular case and verdict.



MoreLaw.com, Inc. (<http://morelaw.com/>) provides public access to jury verdicts. The website allows the user to search by jurisdiction and subject.



Both Westlaw ([www.westlaw.com](http://www.westlaw.com)) and LexisNexis ([www.lexis.com](http://www.lexis.com)) provide access to jury verdict information. A broad collection of verdict and settlement reports can be searched simultaneously on LexisNexis (Library: ALLVER) and Westlaw (Library: JV-ALL).

## II. LOCATING PERSONS AND FINDING BACKGROUND INFORMATION

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The internet has become one of the most valuable resources used to locate persons and find background information. The nature of the information available on the internet and its wide availability, have made it difficult — and many times impossible — for persons to hide. From local newspaper articles to individual's blogs to the nationwide availability of telephone books and reverse telephone number directories, the locating, tracking, and finding information about people has never been easier.

Locating people and finding background information through the use of a popular search engine has spawned the slang term "Googling." Googling someone means to use the popular search engine ([www.google.com](http://www.google.com)) to look up a person's name in an effort to find out more about them. It is common for people to Google neighbors, old college roommates, or co-workers to find information about them on the internet. In fact, since Google has a ranking system for providing responses to searches, there is an unsubstantiated belief that the more Google returns a person has the more important they are.

Below is a discussion of the ways to locate people, including locating telephone numbers and addresses, social security numbers, bankruptcy information, locating neighbors, relatives, and associates, discovering mailing lists and blogs, and finding background information on judges and experts.

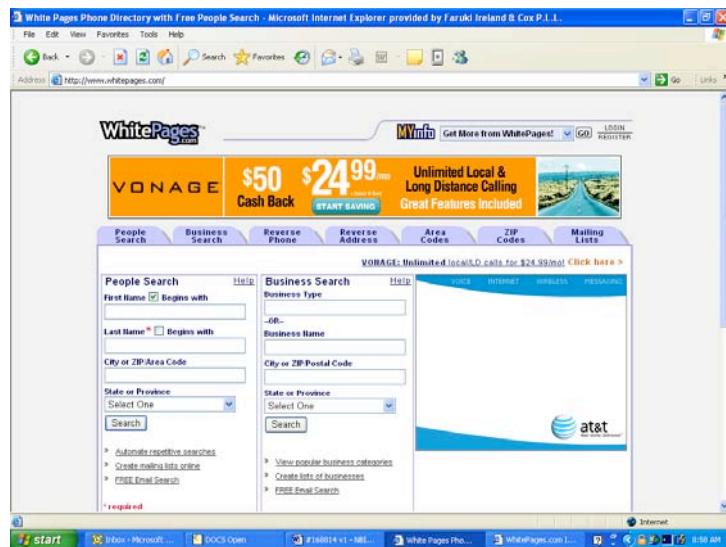
### A. Telephone Numbers and Addresses of People

The internet has made finding telephone numbers and addresses simple and easy. Gone are the days when people had to rely on a telephone directory or call directory assistance. Now people can use free people-finder websites.

## 1. Free People-Finder Websites

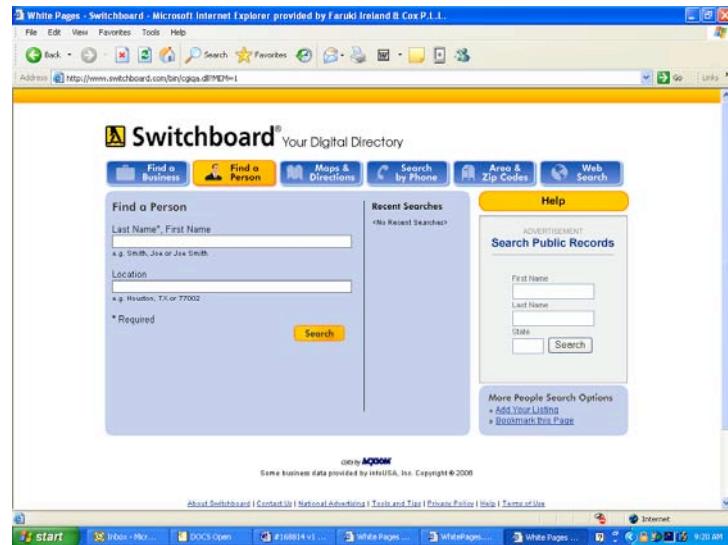
The internet is full of websites that provide telephone and address directory assistance. Most of the major internet search engines provide free telephone and address finder searches (for example, Yahoo! provides free people-finder searches at <http://people.yahoo.com/>).

WhitePages.com Network is a leading provider of online directory assistance. The WhitePages.com Network is comprised of WhitePages.com ([www.whitepages.com](http://www.whitepages.com)), WhitePages.ca ([www.whitepages.ca](http://www.whitepages.ca)), PhoneNumber.com ([www.phonenumber.com](http://www.phonenumber.com)) and 411.com ([www.411.com](http://www.411.com)).



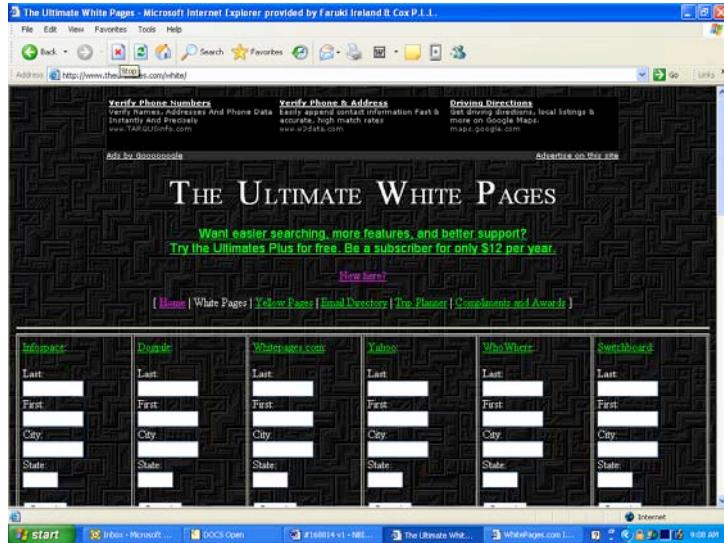
WhitePages.com provides a free, simple, and fast way to find contact information. While there are a number of telephone directories and address services available on the internet, WhitePages.com powers many of them (including MSN, YellowPages.com, and three of the country's major telephone service companies); thus, the website is a good place to start a search for a person.

Switchboard.com ([www.switchboard.com](http://www.switchboard.com)) is another commonly used internet directory assistance website. Like WhitePages.com, Switchboard.com provides a fast and easy way to locate telephone numbers and addresses on the internet.



Switchboard.com also provides searches of businesses' telephone numbers and addresses (including reverse look-up), maps and directions, and areas and zip codes.

If you cannot find the person you are looking for with WhitePages.com or Switchboard.com, then you might also try The Ultimate White Pages (<http://www.theultimates.com/white/>), which provides a portal to the most common people finder websites available on the internet.



The Ultimate White Pages' website is designed to be fast and simple as it automatically copies the search criteria that is entered into the other people-finder website forms by the use of a Javascript applet. In addition, the website provides portal access to reverse telephone number look-up websites and map searches.

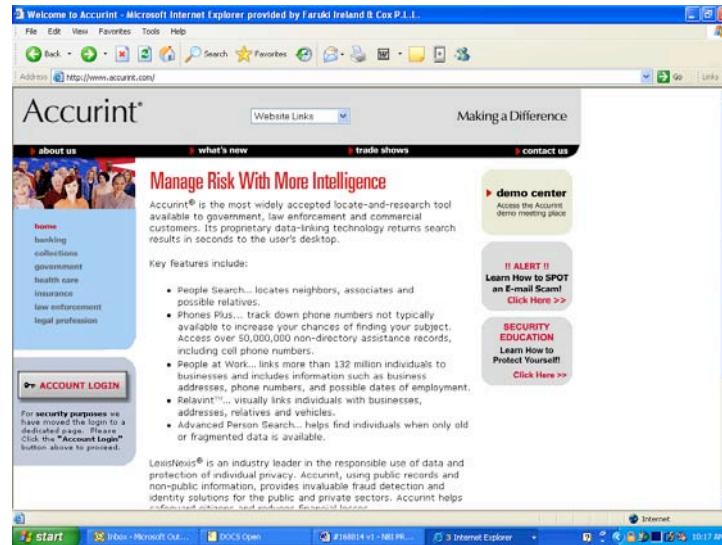
While the above websites will provide listed telephone and address information, if the telephone number and address is unlisted or the telephone number sought is a cellular number, then obtaining telephone number and address information can be more difficult. Cellular telephone number searches are commonly available on the internet; however, at the present time, the searches remain inaccurate and ineffective. In addition, the legality of these services has come into question recently and many of the websites no longer provide this service. If you have a telephone number and need to determine whether it is a cellular phone number or land-based number, most reverse look-up services will provide that information.

## 2. Fee-Based Searches

If the free websites do not help, then there are several fee-based websites that offer access to databases specifically designed for finding people. Since many fee-based people-finder websites rely on more than telephone directors to gather information, the websites provide information that is not available on free directory assistance

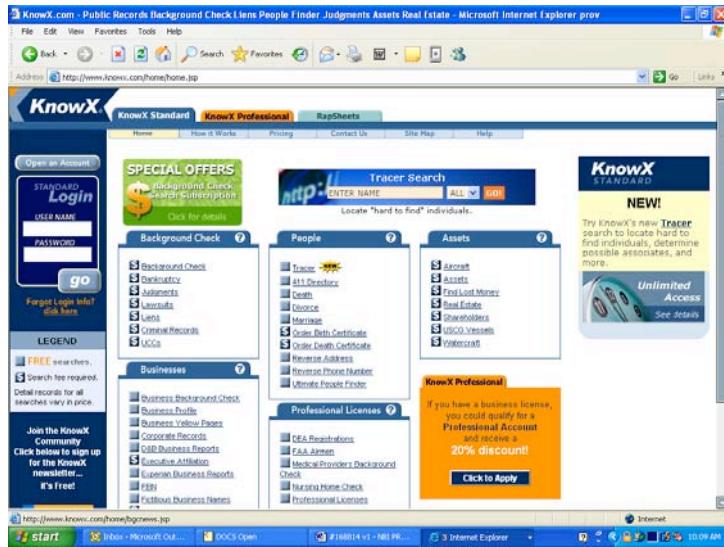
websites. In addition, the fee-based websites are a good source for unlisted telephone numbers and addresses.

Accurint® (now part of LexisNexis) is a popular fee-based people-finder service. Searches can be conducted on its website [www.accurint.com](http://www.accurint.com).



The key features of Accurint® include: people search (to locate neighbors, associates, and possible relatives); phones plus (to track down phone numbers); people at work (links individuals in businesses including business addresses, phone numbers, and possible dates of employment); Relavint™ (which links individuals with businesses, addresses, relatives, and vehicles); and advanced person search (to find individuals when only old or fragmented data is available).

ChoicePoint, Inc. provides a service it calls Ultimate People Finder. The fee-based search service (available at [www.KnowX.com](http://www.KnowX.com)) can be used to locate hard to find individuals.



The service relies on, among other things, public record information like residence information and real estate records to locate people and find and verify addresses or telephone numbers. KnowX.com can also be used for, among other things, conducting background checks, locating businesses, verifying professional licenses, and identifying a person's assets.

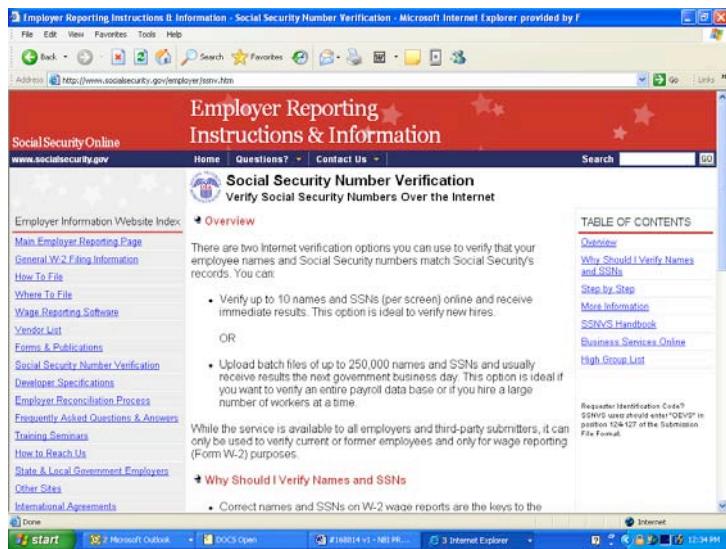
## B. Social Security Numbers

Public access to Social Security Numbers ("SSNs") has become a controversial subject over the last few years. Since SSNs are considered personally identifiable information, many companies that provide the information limit access to SSNs. Some companies restrict access to only certain qualified customers or mask SSNs to other non-qualified customers (usually the last four numbers) or both. For certain limited purposes, it remains possible, however, to find a person's SSN.

Several companies provide limited access to SSNs, including Acxiom Corporation ([www.acxiom.com](http://www.acxiom.com)), ChoicePoint, Inc. ([www.choicepoint.com](http://www.choicepoint.com)), and LexisNexis ([www.lexis.com](http://www.lexis.com)). For example, LexisNexis provides several products that could be used to find a person's SSNs. LexisNexis does, however, limit the display of SSNs to only qualified customers and, for other customers, masks the SSN by including only the last four characters in search results. LexisNexis will display full SSNs to select

customers that qualify by falling into a few specific categories. In addition, even if the customer is permitted access to full SSNs, LexisNexis only allows searches (where full SSNs are displayed) for certain limited authorized uses. For more information on the restricted display of SSNs by LexisNexis, read LexisNexis Data Privacy Policy (<http://www.lexisnexis.com/terms/privacy/data/LNDataPrivacyPolicy.pdf>).

If you are looking for the SSN of a person that has died, then you can search the Social Security Death Index, which is maintained by the United States Social Security Administration ("SSA"). The SSA does provide access to the Index on its website (<http://www.socialsecurity.gov/employer/ssnv.htm>).



The SSA limits the database's use to those employers that seek to verify employee information and requires users to register with the SSA prior to providing access.

There are several private companies, however, that provide free access to the Social Security Death Index and do not require registration. One such website is from RootsWeb.com (<http://ssdi.rootsweb.com/>).



Using the person's name or SSN, the website will provide access to the name, birth date, last residence, and SSN of the persons (if they died since 1963, had a SSN, and the death was reported to the SSA).

Although finding the SSN of a living person is often difficult and available from only fee-based services, it is possible to use the internet to find out if an existing SSN is valid. If you have a SSN and need to verify whether the number is valid, then the SSN Validator (<https://www.ssnvalidator.com/pages/search.aspx>) is available.



SSN Validator will tell you whether the number was issued by the SSA, and, if it was, where and approximately when the SSN was issued. In addition, SSN Validator can also tell you if there is a related death record associated with the SSN.

### C. Bankruptcies

There are several places on the internet that provide information about whether a company has filed for bankruptcy protection. The simplest (and most comprehensive) way to determine if a bankruptcy has been filed is to search the U.S. Party/Case Index (<http://pacer.uspc.uscourts.gov/>) (discussed above in IV.A.1. Case Filings). The U.S. Party/Case Index is a national index for most federal courts, including bankruptcy courts. The Index can be searched by name and SSN. LexisNexis ([www.lexis.com](http://www.lexis.com)) and Westlaw ([www.westlaw.com](http://www.westlaw.com)) also provide comprehensive databases for searching bankruptcies.

Free information about whether a major public and private company has ever filed for bankruptcy under Chapter 11 is available on BankruptcyData.com (<http://www.bankruptcydata.com/findabrttop.asp>).



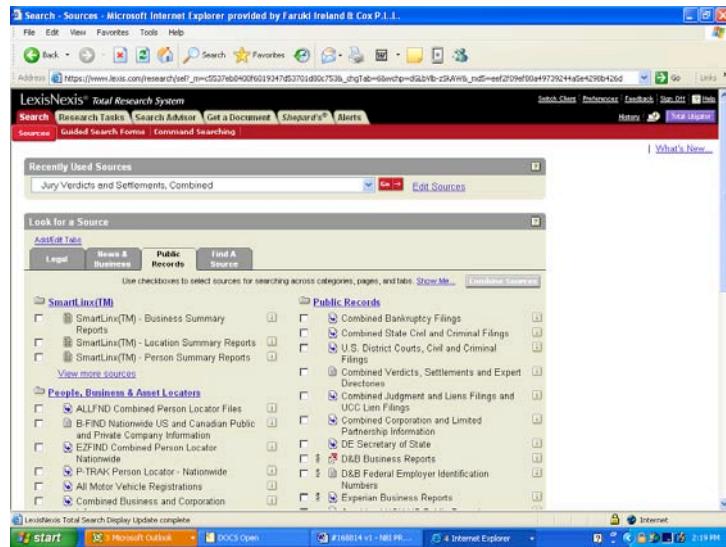
BankruptcyData.com provides free access to information about major bankruptcies that were filed since 1986. In addition, the website, for a fee, will provide access to a

searchable online database that includes over 300,000 private and public bankruptcy filings.

#### D. Neighbors, Relatives, and Associates

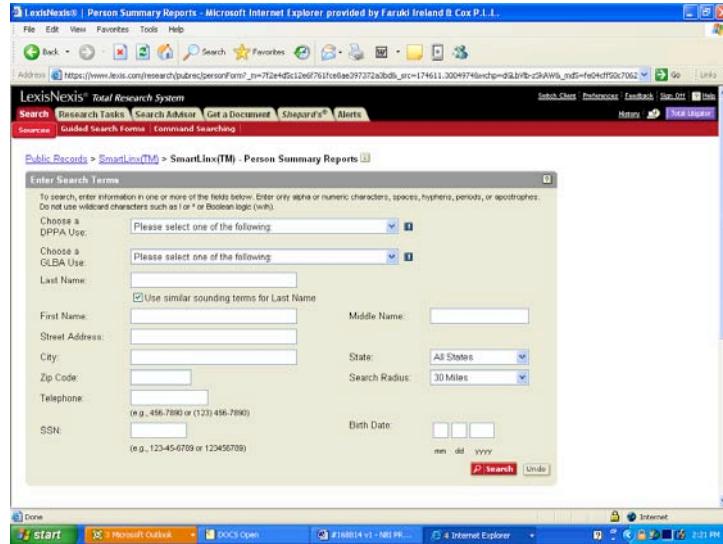
Access to information about neighbors, relatives, and associates is now available on the internet from several sources. Many of the information providers including LexisNexis, ChoicePoint, and Acxiom provide research tools that show potential neighbors, relatives, and associates as part of the person reports.

For example, LexisNexis SmartLinx product ([www.lexis.com](http://www.lexis.com)) provides access to reports that contain information about known neighbors, relatives, and associates.



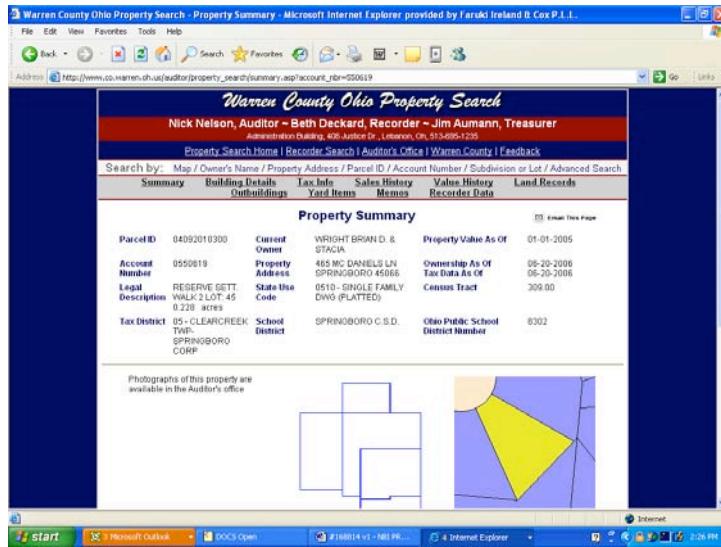
Since the SmartLinx product provides access to personally identifiable information, LexisNexis requires that its use complies with all applicable laws, including the Driver's Privacy Protection Act and related state laws ("DPPA") and the Gramm-Leach-Bliley Act ("GLBA"). LexisNexis requires SmartLinx users to provide a permissible purpose under the DPPA and GLBA and certify that the data will only be used for that permitted purpose.

Searches can be conducted by using, among other things, a person's name, business name, or entering an address.

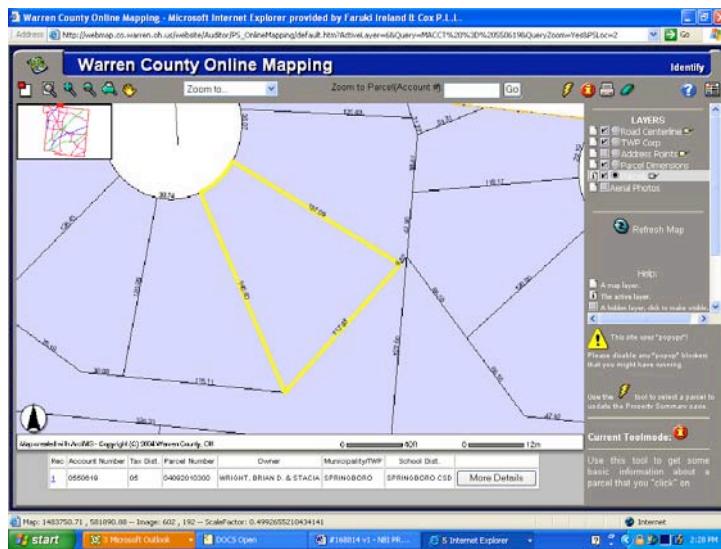


When a search is run in SmartLinx, a report is generated that provides several different types of information, including information about potential relatives, associated entities, and neighbors. In addition, SmartLinx reports provide a subject summary (including SSN, state issued, date issued, and information about others possibly using the SSN), address summary (including address, telephone number, and census information), voter registration information (including registrant information and voter information - registration date, date last voted, party affiliation, and race), professional license information (including type, number, status, date issued, and expiration date), personal property records (including registration, title, vehicle, and registrant information), boat registration records, real property records (including valuation information), and bankruptcy, judgment, and lien records.

In addition to the fee-based websites detailed above, many county auditor websites provide information that could be used to identify a person's neighbors. For example, the Warren County Audit website ([http://www.co.warren.oh.us/auditor/property\\_search/owner.asp](http://www.co.warren.oh.us/auditor/property_search/owner.asp)) provides access to information about persons that own property in Warren County.



The simple to use mapping tools could be used to identify the owners of a neighboring property.

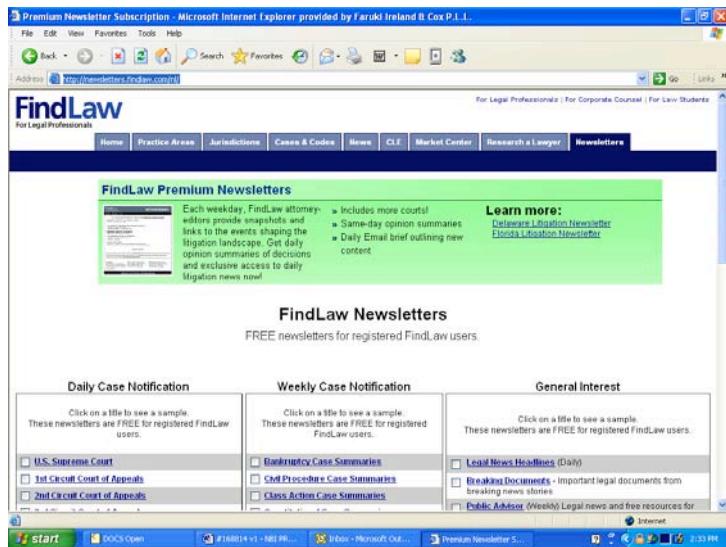


## E. E-Mail Newsletters and Web Blogs

The explosion in recent years in the use of e-mail newsletters and weblogs has made it easier for legal professionals to keep abreast of current and important events. There are newsletters and weblogs for almost every imaginable legal subject and jurisdiction. Below is a summary of how to find useful legal newsletters and blogs.

## 1. E-Mail Newsletters and Mailing Lists

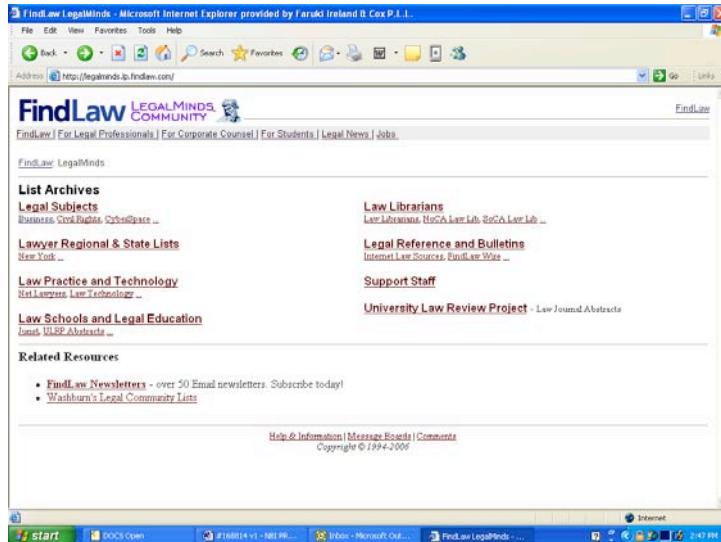
One of the most useful e-mail newsletter services available for legal topics is provided by Findlaw (<http://newsletters.findlaw.com/nl/>), which provides special newsletters for free to all registered users.



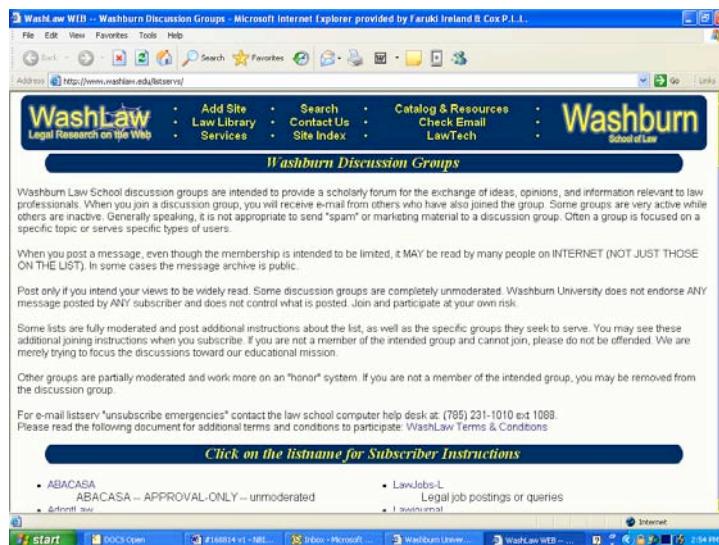
Findlaw provides daily e-mail newsletters that cover legal and case notifications (from the United States Supreme Court, every Circuit from the United States Court of Appeals, the New York Court of Appeals, the Supreme Court of Delaware, the Supreme Court of Illinois, the Supreme Court of Texas, the Texas Criminal Court of Appeals, the Supreme Court of Florida, and certain courts in California). In addition, Findlaw provides weekly newsletters that cover cyber law, entertainment law, environmental law, and sports law and case summaries for the following areas of law: bankruptcy, civil procedure, class action, constitutional law, contracts, criminal law, environmental law, ethics, family, government benefits, government contracts, immigration, injury & tort, insurance, intellectual property, labor and employment, patent, and tax.

Although less common now than five years ago, e-mail mailing lists still provide up-to-date information on a number of legal topics. Mailing lists are a subscriber-based, global discussion group that takes place through e-mail. Findlaw provides a list of

legal e-mail mailing lists for a number of legal topics at  
<http://legalminds.lp.findlaw.com/>.



A more comprehensive list of legal e-mail mailing lists can be found on the Washburn University School of Law website (<http://www.washlaw.edu/listservs/>).



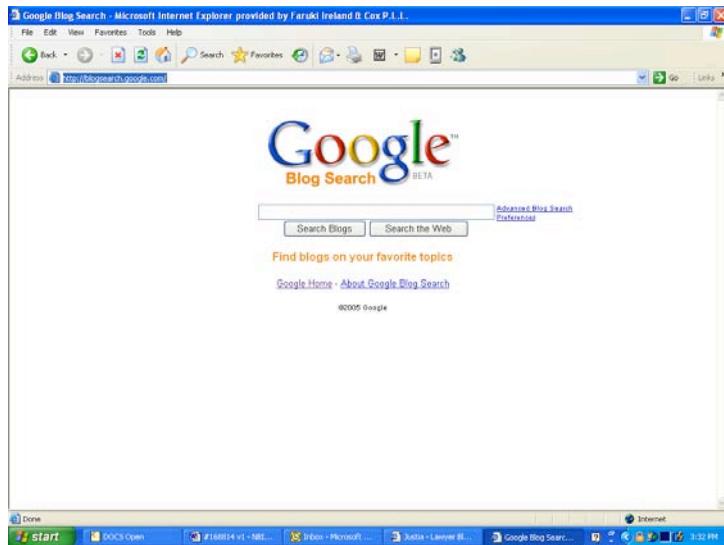
## 2. Weblogs

A weblog (or "blog") is a collection of postings available on a website that are arranged in chronological order. The material on the blog can take any form and have content related to any subject. Often blogs are merely a collection of the writer's thoughts on a particular subject. The number of available blogs has grown significantly in almost every area and has emerged as a significant source for information in the legal community. Lawyers, professors, and legal institutions have been using blogs to deliver law-related information. In fact, law-related blogs have become so common that legal or lawyer blogs have been given their own name "Blawgs".

The University of Rutgers School of Law website (<http://www.llrx.com/columns/notes58.htm>) provides a good list of law related blogs.



Google provides a good search engine (<http://blogsearch.google.com/>) that can be used to search for blogs.



#### F. Attorneys, Judges, and Experts

There are several sources on the internet for locating information about attorneys, judges, and experts. Below is a summary of the most common internet sources.

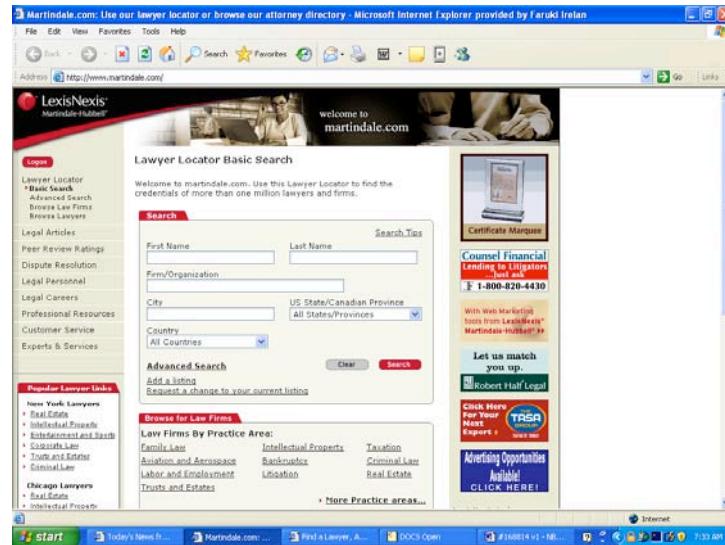
##### 1. Locating Attorneys

Every search for information on attorneys should start with a search for a website associated with the lawyer or the lawyer's lawfirm. The ease and low cost of creating websites has made its use common for lawyers trying to attract clients. A good place to start a search for lawyer websites is to search the Internet Legal Research Guide ([www.ilrg.com/lawyers.html](http://www.ilrg.com/lawyers.html)).

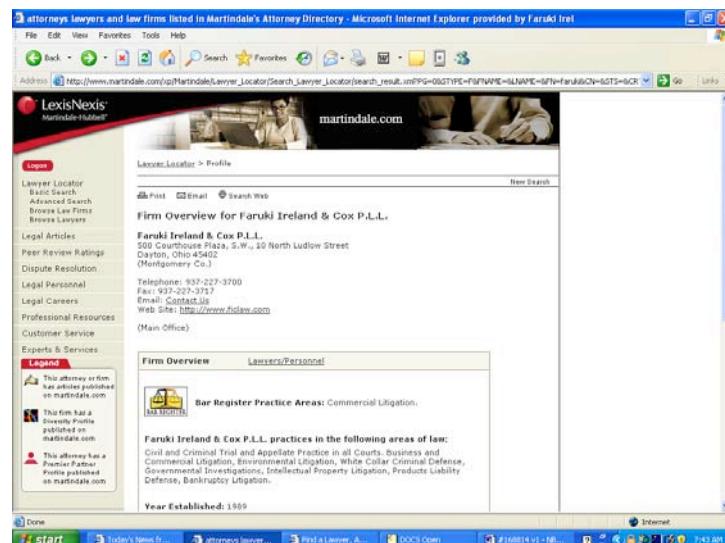


The Internet Legal Research Guide provides an index to a number of lawyer and lawfirm websites. In addition, simple searches on common search engines such as Google ([www.google.com](http://www.google.com)) or Yahoo! ([www.yahoo.com](http://www.yahoo.com)) can provide valuable information about a lawyer. If a lawyer's website yields insufficient information, then there are a number of other websites that could be used to find additional information on the lawyer.

There are several general directories that are good sources for background information on lawyers. Martindale-Hubbell Legal Directory ("Martindale-Hubbell") ([www.martindale.com](http://www.martindale.com)) is the most commonly known general legal directory.



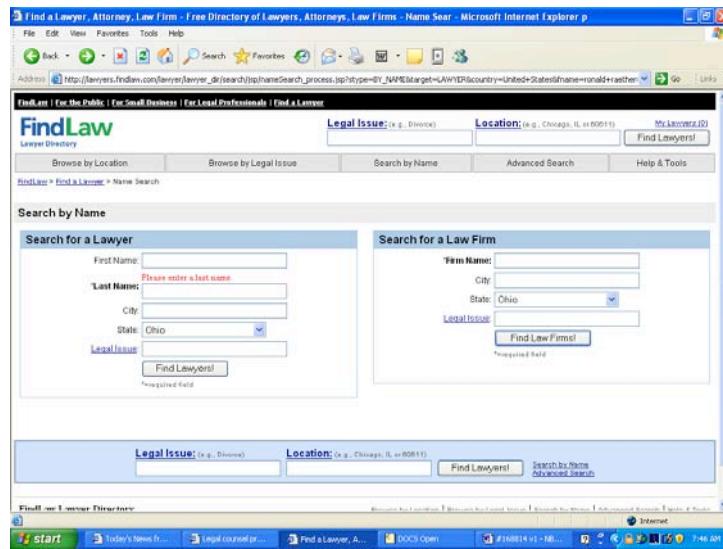
Martindale-Hubbell provides searches based on several criteria, including searches using names, locations, and practice areas. In addition, Martindale-Hubbell can be searched based upon number of years since first admission, law school, languages spoken, and major bar association memberships. Search results produce a summary lawfirm overview that provides the lawfirm's practice areas, year established, firm size, and a brief profile of the lawfirm.



Martindale-Hubbell also provides individual listings for many lawyers that includes biographical and contact information. In addition, Martindale-Hubbell also provides a

rating (called Martindale-Hubbell Peer Review Rating) for many lawyers. The rating (AV, BV, and CV) purports to evaluate the professional ability of the lawyer in the area where the lawyer practices, the lawyer's expertise, and other professional qualifications. Peer Review Ratings are created through the confidential pooling of the members of the local bar and judiciary.

The Findlaw Legal Directory ([www.lawyers.findlaw.com](http://lawyers.findlaw.com)) is another good legal general directory that can be used to locate lawyers.



Lawyers can be searched on the website by name or lawfirm. Although far less comprehensive than Martindale-Hubbell, the Findlaw Legal Directory does provide background information on many lawyers both domestically and abroad.

In addition to the general legal directories described above, there are a number of specialized directories available on the internet. Best Lawyers in America ([www.bestlawyers.com](http://www.bestlawyers.com)) is a widely used specialized directory that provides background information on lawyers in 57 specialties in all 50 states and Washington, DC.



Information regarding lawyers can be searched by geographic location or name and profiles are provided that show, among other things, contact and biographical information. The profiles of lawyers are compiled through a peer-review survey in which lawyers confidentially evaluate their professional peers.

Similar to Best Lawyers in America, Chambers and Partners ([www.chambersandpartners.com](http://www.chambersandpartners.com)) provides a directory of lawyers and is available on the internet.



Chambers and Partners provides contact and biographical information about a number of prominent lawyers. The directories can be searched on Chambers' website by lawyers name, lawfirm name, or geographic location. Chambers and Partners also provides lawfirm and lawyer profiles that are compiled through interviews with clients. The profiles can be used to assess the reputations and expertise of business lawyers in 175 countries.

## 2. Locating Background Information on Judges

The use of the internet has not only become commonplace for lawyers, but there is also widespread use of websites by the courts. Most court's websites provide general background information. Many courts, however, also provide information about the judges that currently sit on the bench.

For example, the website for the Hamilton County Court of Common Pleas ([http://www.hamilton-co.org/common\\_pleas/](http://www.hamilton-co.org/common_pleas/)) provides access to contact and docket information.



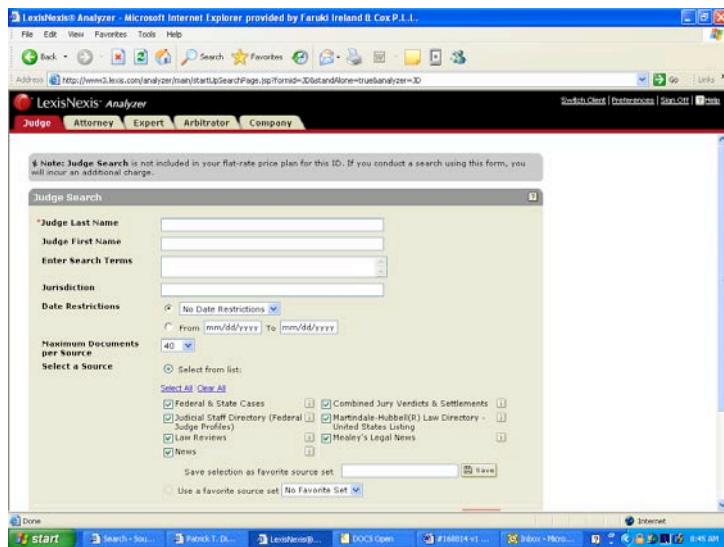
In addition, many of the judges of the Hamilton County Court of Common Pleas provide invaluable information regarding practicing before the judge, including such things as courtroom etiquette and pet peeves/expectations/comments.

In addition, the Federal Judicial Center (<http://air.fjc.gov/public/home.nsf/hisj>) provides access to a general biographical directory of all federal judges who have served since 1789 in the U.S. District Courts, the U.S. Courts of Appeals, the Supreme Court, and the former U.S. Circuit Courts.



General information regarding the judge's federal judicial service, education, professional career, race or ethnicity, and gender is available on the Federal Judicial Center's website.

Invaluable information about judges can also be found through LexisNexis ([www.lexis.com](http://www.lexis.com)) and Westlaw ([www.westlaw.com](http://www.westlaw.com)). For example, LexisNexis Analyzer provides background information from a wide array of sources, such as Martindale-Hubbell, the Judicial Staff Directory, jury verdict, and case libraries.



LexisNexis Analyzer provides background information from which you can learn information about the judge's experience with a particular area of the law, uncover tendencies (such as citing unpublished opinions), and read authored materials (such as opinions and law review articles).

Finally, background information about judges can be gathered through the use of simple searches on common search engines such as Google ([www.google.com](http://www.google.com)) or Yahoo! ([www.yahoo.com](http://www.yahoo.com)).

### 3. Locating Background Information on Expert Witnesses

Gathering background information on expert witnesses should start with a search on a reliable internet search engine like Google ([www.google.com](http://www.google.com)) or Yahoo! ([www.yahoo.com](http://www.yahoo.com)). Often materials such as resumes and other background information can be located through the use of these search engines.

Fee-based services such as the Idex Defense Network ([www.idex.com](http://www.idex.com)) provides access background information about several expert witnesses.



The Idex Defense Network provides information on previous cases in which the expert has given trial or deposition testimony and allows users access to a database that contains

over 900,000 records. In many instances, full text copies of the expert's testimony and other documents are available and can be viewed and downloaded directly from the Idex database. In addition, when a copy of a transcript is not available, Idex allows access to other members of the Defense Network, which may have access and be willing to send the materials.

There are several expert-finding agencies, such as the Technical Advisory Service for Attorneys ([www.tasanet.com](http://www.tasanet.com)) that can assist with locating and identifying expert witnesses.



Finally, both LexisNexis ([www.lexis.com](http://www.lexis.com)) and Westlaw ([www.westlaw.com](http://www.westlaw.com)) provide a number of libraries that provide access to background information on expert witnesses.

### **III. LOCATING COMPANIES FOR DUE DILIGENCE AND BACKGROUND INFORMATION**

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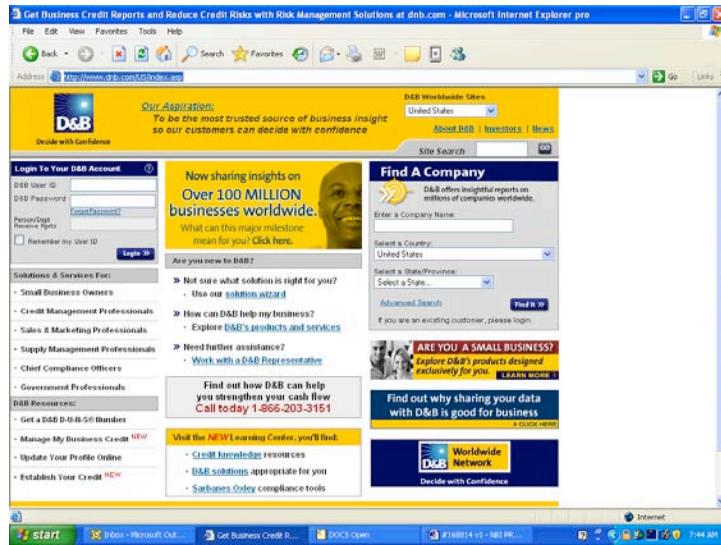
The internet has become an excellent source for conducting due diligence and for gathering background information about companies. From filings with the Securities and Exchange Commission to easy access to Annual Shareholder Reports to access to historical stock quotes to company run websites, there are innumerable ways to gather intelligence on companies without leaving your office.

Below is a summary of some of the websites that are available for locating company information, stock quotes, filings with the Securities and Exchange Commission, and state corporate records.

#### **A. Company Information (Private, Public, and Foreign Companies)**

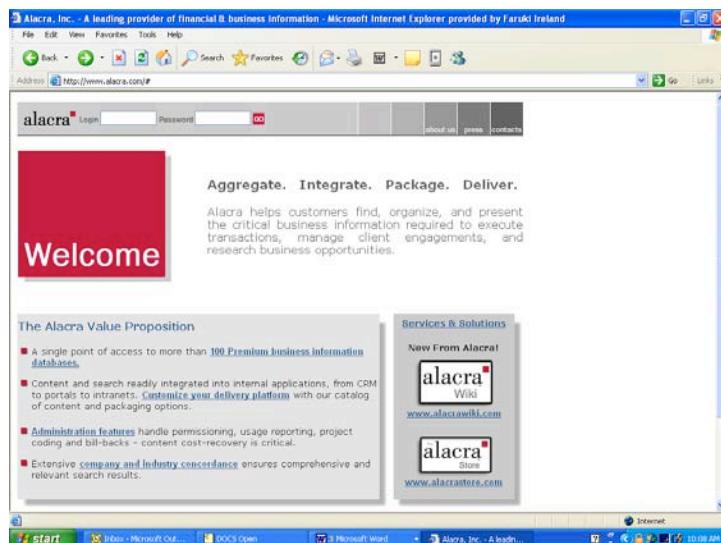
The first stop for using the internet to gather intelligence and conduct due diligence on a company is to review the company's own website. Most companies — large and small — have websites where they market their products or communicate to investor shareholders. Common internet search engines, such as Google ([www.google.com](http://www.google.com)) and Yahoo! ([www.yahoo.com](http://www.yahoo.com)), can be used to locate the company websites. Keep in mind that many public companies have multiple websites, including one for customers and one for investors. Make sure that you look for both types of websites during your search.

After examining the company website, D&B (formally Dun & Bradstreet) Business Information Reports provides a wealth of information about companies. D&B is a subscription-based service that is available on the internet at [www.dnb.com/US/index.asp](http://www.dnb.com/US/index.asp).



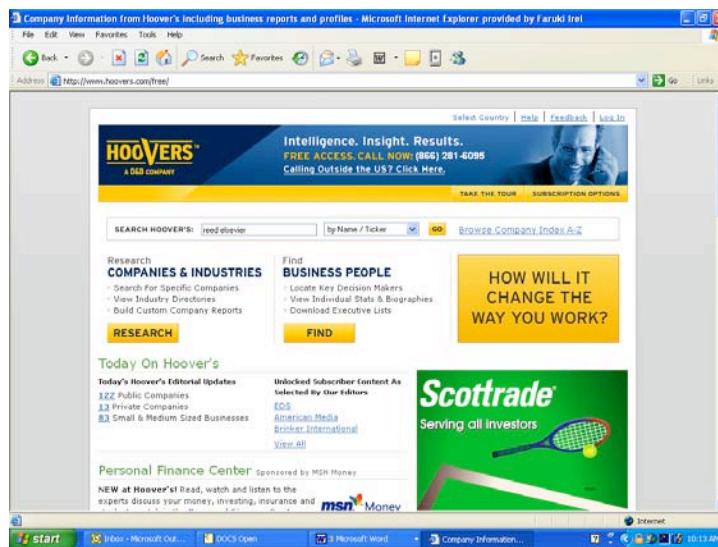
D&B provides a number of different reports, which provide access to comprehensive information about both private and public companies. For example, D&B's Business Information Reports provide instant access to detailed financial information, payment records, suits/liens/judgments, and information about corporate officers.

Another useful subscription-based business website is Alacra (<http://www.alacra.com>). Alacra allows users the ability to search in one place more than 100 premium databases including Barra, D&B, Thomson Financial™, The EIU, Factiva, Mergerstat® and Reuters.



The databases offered in Alacra provide content that covers company fundamentals and financials, economic data, business news, investment analysis, and market research. Alacra provides users with the ability to search the databases independently, or to use proprietary applications to access relevant content by company, industry, or country.

Hoover's (which is owned by D&B) (<http://www.hoovers.com/free/>) can be searched for information on companies.

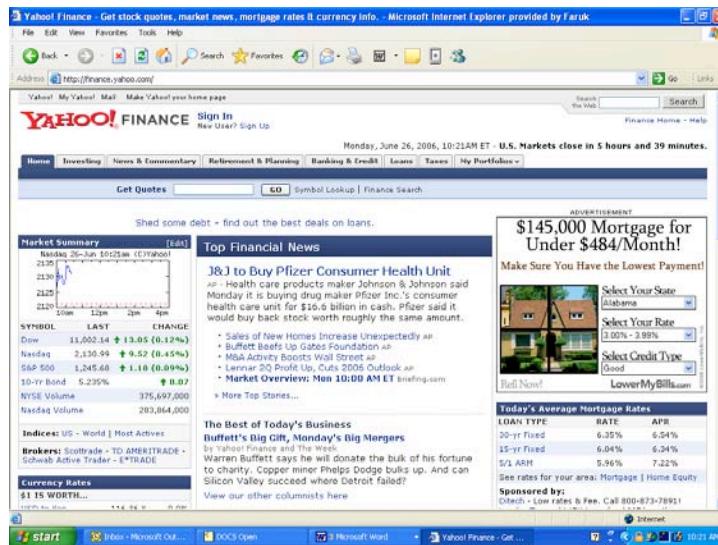


Hoover's provides free and fee-based information on thousands of public and private companies, and provides access to financials and news on many of the companies.

Finally, both LexisNexis ([www.lexis.com](http://www.lexis.com)) and Westlaw ([www.westlaw.com](http://www.westlaw.com)) offer libraries that contain almost every kind of company information. Both websites provide access not only to basic company profiles, but also to rankings, stock prices, sales, major shareholders, brand information, info on competitors and the industry, and news articles.

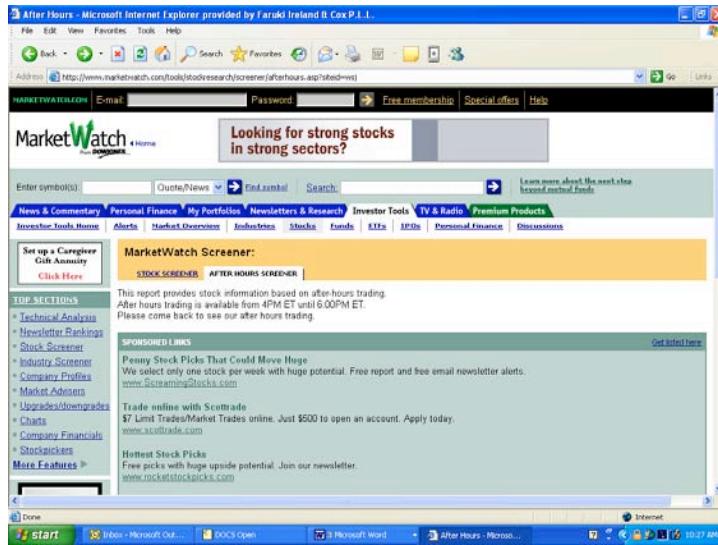
## B. Stock Quotes - Current and Historical

Both real-time (or slightly delayed) and historical stock quotes are available from a number of different websites on the internet. For example, Yahoo! provides instant access to real-time stock quotes on ([www.finance.yahoo.com](http://www.finance.yahoo.com)).

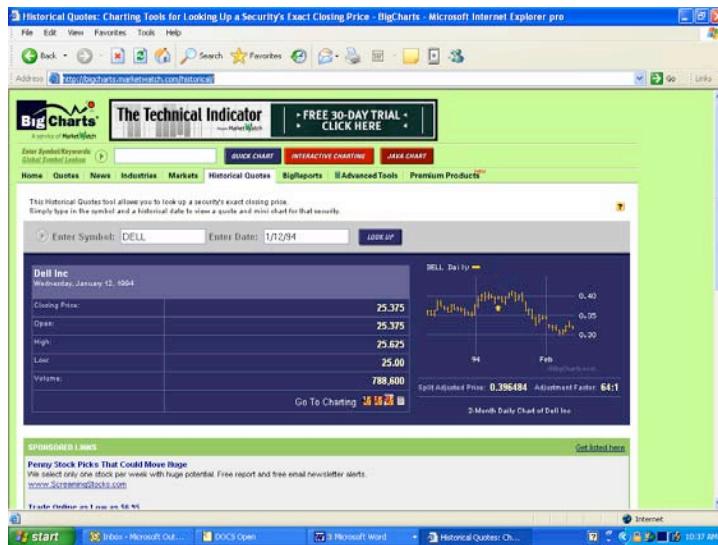


Because of certain regulations, Yahoo! requires users to register before real-time access is granted. The market closes at 4:00 PM and final stock market information is usually available on the internet at about 4:30 PM.

In addition, a number of websites provide access to information regarding after-hours trading. For example, Marketwatch, Inc. (which is supported by Dow Jones) provides information about after-hours trading on its website ([www.marketwatch.com](http://www.marketwatch.com)).



Finally, historical stock quotes (including open, close, high, low, and volume) are available on Yahoo! finance ([www.finance.yahoo.com](http://www.finance.yahoo.com)) and Marketwatch, Inc. (<http://www.marketwatch.com>). In addition, Bigcharts (<http://bigcharts.marketwatch.com/historical/>) provides instant access to historical stock quote information.



## C. SEC Filings

The Securities and Exchange Commission ("SEC") provides access to a number of pieces of information directly from its website. The most common searches on SEC's website are searches for company filings. All companies with at least 500 stockholders and/or \$5 million in assets (or big private debt placements) must file financial disclosure documents with the SEC. Recent filings (since 1996) are available from the SEC's EDGAR database (<http://www.sec.gov/edgar.shtml>).



EDGAR (or the Electronic Data Gathering, Analysis, and Retrieval system) performs an automated collection for the SEC. The system validates, indexes, accepts, and forwards the submissions by the companies. While not all documents are available on EDGAR, most filings since 1996 are available on the system.

The EDGAR system provides quick access to SEC filings. However, because of the formatting of the filings, printing can often be difficult. There are other websites that provide access to the same information that provide access to the documents in .rtf (rich text format) for free. One such website is EdgarScan (<http://edgarscan.pwcglobal.com/servlets/edgarscan>).

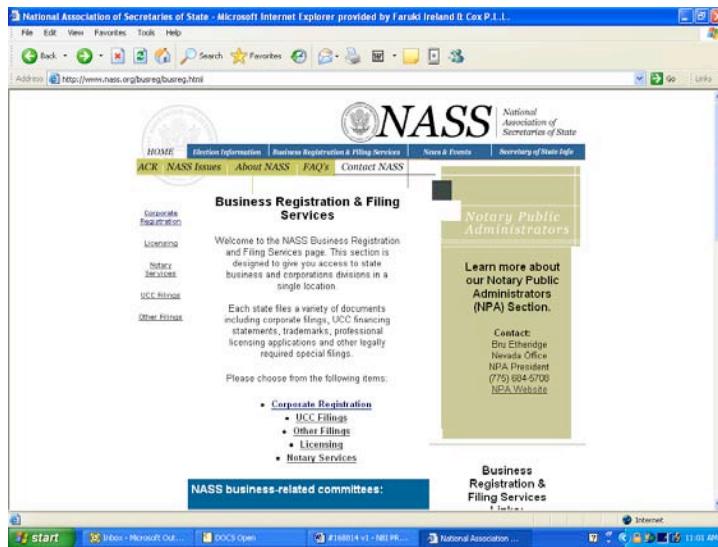


EdgarScan (which was developed by PricewaterhouseCoopers) provides an interface to the EDGAR system and pulls filings from the SEC's servers. EdgarScan then parses the filings automatically to find key financial tables and normalize the financials to a common format that is comparable across companies. EdgarScan also provides hyperlinks so that you can go directly to specific sections of the filing, including the financial statements, footnotes, extracted financial data, and computed ratios.

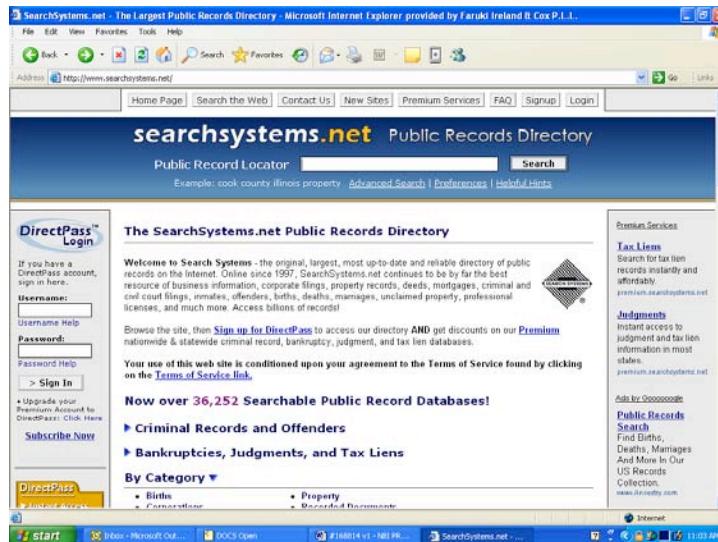
#### D. State Corporate Records/Registered Agents, and Fictitious Business Names

Corporations and other businesses are often required to file certain documents with the Secretary of State where they are incorporated. The Secretary of State's websites for most states provide instant access to a number of corporate documents. For example, corporations are often required to file articles of incorporation and corporate charters with the Secretary of State. Similarly, corporations, partnerships, and people doing business under different names are generally required to register with the Secretary of State.

Links and access to each of the Secretary of State's websites are posted by the National Association of Secretaries of State ([www.nass.org](http://www.nass.org)).



In addition, public filings can also be accessed through a subscription-based service available on the SearchSystems' website ([www.searchsystems.net](http://www.searchsystems.net)).



Of course, you can search the information directly from the relevant Secretary of State's website. For example, Ohio's Secretary of State's website is available at <http://www.sos.state.oh.us/>.



The website provides access to a business name directory of businesses incorporated or registered in Ohio, charter/registration number search, agent/contact name (statutory agent), prior business names (names previously used by businesses in Ohio) and church names registered in Ohio.

#### **IV. PROTECTING YOURSELF AND YOUR FIRM**

All legal professionals have an ethical obligation to protect the confidentiality of their client's information. As a result of this fundamental ethical duty and the increased use and availability of technology in their everyday work, legal professionals must be ever vigilant in protecting themselves and their clients against the security risks that are associated with the use of technology. All legal professionals that make use of technology in their everyday work must make sure that proper security is in place so that client confidences are not unreasonably placed at risk.

There are a number of areas that must be addressed by legal professionals to ensure reasonable secure use of technology. At a minimum, legal professionals should employ security practices that address issues related to the identification and authentication of users on the computer systems, block spam, spyware, and anti-virus protection, internet access controls, utilize wireless access controls, prevent common internet hacking attacks (such as phishing and pharming), and utilize data encryption techniques as necessary or as required.

##### **A. Identification/Authentication**

Security practices should address identification and authentication issues to make sure users are properly authenticated before being allowed access to the technology. Proper identification and authentication procedures limit user's access to technology, monitor access and system activity, and restrict access to authorized individuals.

Identification and authentication policies must require all users to have a unique login and password and these passwords should be changed periodically. As hackers have become more sophisticated, however, legal professionals should consider utilizing additional security practices that use complex authentication methods. Such policies should:

1. Require identifiers and passwords to be at least 6 characters;

2. Require identifiers and passwords to contain letters, numbers, and symbols;
3. Require users to change passwords at least every 60 days;
4. Require all passwords to contain letters, numbers, and symbols;
5. Prohibit users from using the previous five passwords when changing passwords; and
6. Utilize standard systems for locking out users after a certain number of unsuccessful log-in attempts.

In addition, legal professionals' security practices should prohibit users from using weak passwords or passwords that are easily guessed (e.g., birthdates, common names, and the like).

Legal professionals should utilize security policies that provide specific instructions regarding the creation of passwords. At a minimum, policies should require users to protect their identifiers and passwords and prohibit common conduct like writing passwords on sticky notes at workstations or sharing their passwords with others. Legal professionals need to strictly enforce such policies and consistently make attempts to remind users of the security policies and any policy changes.

Legal professionals should consider providing added protection by requiring multi-factor authentication, which is a method of providing two different access controls on a system. Multi-factor authentication includes something you know (e.g., password), something you have (e.g., require the entry of a constantly changing set of random numbers that are provided through a separate device (called a VPN chip)), or something unique to you (e.g., a biometric fingerprint reader or optical scan). While to some the above may seem futuristic, as the technology becomes more prolific, it is simply a matter of time before the technology becomes more affordable and the standard of reasonableness will require the adoption of these security measures.

## B. Anti-Spam, Anti-Spyware, and Anti-Virus Protections

Legal professionals' security policies should include features such as anti-spam, anti-spyware, and anti-virus protection software.

### 1. Anti-Spam

Legal professionals should employ systems that block spam. Spam is a slang term that is associated with e-mail that is not asked for (unsolicited) or e-mail that is sent to multiple recipients (bulk). Anti-spam software can be used to block or divert unwanted incoming e-mail. Most anti-spam software can be installed on a user's machine; however, in most cases, anti-spam software is installed on the mail server. By installing the anti-spam on the mail server, the unwanted mail is prevented from ever touching the user's machine.

Anti-spam software can be configured to filter messages based upon a variety of criteria, including unwanted mail from known e-mail addresses, monitoring for specific words located in the subject or message body of the e-mail, or by prohibiting certain types of attachments that accompany the e-mail message. In addition, anti-spam software should be updated with current address lists of known habitual spammers (known as a blacklist). Blacklists are maintained and made available by a number of organizations, internet service providers, and individuals. Conversely, lists of acceptable addresses (known as whitelists) that might be misconstrued as spam should be kept and utilized by legal professionals.

Many legal professionals have concerns about the over-zealous use of anti-spam software. Over protection from spam can be just as detrimental as no protection at all and can have disastrous results if critical communications are prevented from reaching their destination. Moreover, legal professionals have concerns about automatic messages being sent to clients that say such things as "your e-mail has been identified as spam."

To mitigate against these concerns, legal professionals should implement security practices that require, at a minimum, all client domain names and e-mail addresses to be added to the approval list (or whitelist) before the anti-spam system is rolled out. In addition, security practices should be developed for regular (recommended daily) review of all e-mail messages blocked by the spam filter.

Finally, if possible, anti-spam software should be configured so that notifications are not sent to the senders of blocked messages. Rather, e-mail messages about rejected messages should be sent to one centralized person. Such a configuration not only allows for the quick verification of e-mail from addresses, but it also prevents unnecessary (and often embarrassing) e-mails being sent to recipients (especially if that recipient is a client).

## 2. Anti-Spyware and Adware

In the past couple of years, spyware and adware have become common and increasing threats to computer systems. Often, spyware and adware are quickly installed on a user's computer system through the free download of selected software from the internet. However, the installation of spyware or adware can occur merely by visiting a website. Generally, spyware is used by a hacker to track a user's internet usage or transmit information about the user's passwords and machine configuration. Adware is usually less malicious and typically just generates annoying pop-up advertising to infected machines.

As an initial matter, practices should be developed and implemented to reduce the chance of a computer becoming infected by spyware or adware. At a minimum, security policies should be developed to prohibit users from installing any unauthorized software on the user's machine.

Security practices should also be developed to utilize anti-spyware and anti-adware software. There are several good (and free) anti-spyware and anti-adware software packages that can block spyware and adware from entering and infecting a

user's computer system. Good anti-spyware and anti-adware software constantly monitor computer systems for infections and notify the user and remove or quarantine the suspected spyware and adware from the computer system.

Legal professionals often become concerned about anti-spyware and anti-adware software when the software begins to block pop-ups from legitimate sites. For example, pop-up blockers will interfere with the print function of LexisNexis. To mitigate against these concerns, anti-spyware and anti-adware software or pop-up blockers should be configured so that a user can allow the pop-up messages for certain permitted websites.

In addition, legal professionals often complain because anti-spyware and anti-adware software can cause computers to slow down as the software is constantly running on the computer's processor. To prevent a computer from operating unnecessarily slow, anti-spyware and anti-adware software should be configured to monitor and protect against only the more common methods of infection. In addition, legal professionals should be trained about why anti-spyware and anti-adware is in place and reminded that legitimate information will not be blocked by anti-spyware and anti-adware and that an infected computer will run slower than a properly monitored and protected computer running the anti-spyware and anti-adware software.

### 3. Anti-Virus Protection

Legal professionals should create security practices to make sure that appropriate anti-virus protection software is used to protect the computer systems. Anti-virus protection software has been developed to work two different ways. The most common method of virus protection scans all files against the binary patterns of all known viruses each time the file is opened. The second method, which is less common, takes a blueprint of every file on a system and stores that information in a database. The next time the file is opened, the anti-virus software compares it to the one in the database to see if the file has changed. If the file has changed, then the program scans the file for

viruses. If it has not changed, then the file is considered virus free. Since most files are virus free, this method is faster because comparing a file against an older copy is faster than comparing a suspect file with the binary patterns of all known viruses.

Although anti-virus protection software has become commonplace and standard on most computer systems, legal professionals must be diligent in maintaining the software. This is especially true if the anti-virus protection software uses the common method of checking the binary pattern of all known viruses as the anti-virus software must be consistently updated so that as new viruses are discovered, their binary patterns are added to the database, and the computers remain protected.

Legal professionals often complain that anti-virus software can slow computers and block important e-mail attachments. For example, transcripts are commonly sent as executable files (.exe) and may be blocked by anti-virus software. To mitigate against the concerns, anti-virus software should be configured so that the most intensive anti-virus checks are performed at the server level, and legal professionals should be trained to request important attachments as authorized file types or in compressed file formats.

### C. Website Blocking

Legal professionals should develop security practices to block certain selected websites. Blocking websites is an effective way to prevent unwanted and dangerous websites from threatening computer systems. With the proper configuration, blocking software can increase the overall security and prevent unnecessary traffic on the computer systems.

The principal complaint from legal professionals after website blocking software or methods are employed is that business-related websites can be mistakenly blocked by the software. Security practices should take into consideration the types of legal practices at the lawfirm and exceptions should be made to make sure that business-related websites are not mistakenly blocked by the software.

#### **D. Wireless Controls**

The use of wireless networks has become more prevalent as legal professionals are becoming aware of the benefits and convenience of not being tied to the network for access. The convenience, however, comes with risks. If wireless networks are utilized, then security controls must be put into place to mitigate against the inherent risks with the technology. While not perfect (as no security plan is), security measures that can enhance security on the network include limiting the broadcasting of the network, setting up the wireless network router to only accept access from certain computers, and encrypting the transmission between the computer and the wireless router.

#### **E. Phishing and Pharming Schemes**

Legal professionals should be ever vigilant in keeping up-to-date on new and commonly used hacking techniques and should take steps to make sure that all users are aware of the scams to make sure that the computer systems remain secure. For example, phishing and pharming techniques are internet scams employed by hackers to gain unauthorized access to computer systems.

"Phishing" is an internet hacking scam that is designed to trick a user into revealing confidential information (such as credit card numbers, passwords, social security numbers, and other personal information) to hackers. The scam is done by a hacker sending an e-mail to a recipient that is designed to appear as if it is coming from a reputable company. Often the e-mail instructs the recipient to verify or update account information by requesting a reply to the e-mail, or by providing the recipient with a link to a website where the information will be compromised.

Like phishing, "pharming" is done by a hacker setting up a fraudulent website that looks identical to the legitimate website in order to capture and compromise confidential information from unsuspecting users. While pharming can be done by simply creating a website with a similar — but slightly different — web address and

waiting for an unsuspecting user to mistakenly come to the website, pharming is more commonly and maliciously done by hacking into the DNS (Domain Name System) server and changing the IP (Internet Protocol) addresses of the system; automatically redirecting users to the fraudulent website.

#### F. E-mail Privacy and Encryption/Protection

Legal professionals often transmit confidential information via the internet through e-mail communications. Quite often, however, legal professionals do not take precautions to ensure that the e-mail remains a private communication. Most legal professionals still send e-mail messages in plain text, and current industry standards do not place an emphasis on the security of the e-mail message. The nature of unprotected e-mail communications (and the internet), however, provide an inherent risk of unauthorized access.

E-mails are delivered by being transmitted through many routers before finally arriving at their final destination with the recipient. The more routers the e-mail travels through, the more there is an inherent risk that the e-mail could be compromised. Some security professionals argue that e-mail traffic is protected from attacks by "security through obscurity." In other words, since there are such a vast number of e-mails sent on an everyday basis, it is very difficult for a hacker to find a specific e-mail message. That "security," however, may be inadequate to protect information.

To provide a reasonable measure of security, confidential and sensitive e-mails should be sent using data encryption. The most common technique for data encryption is for a program to translate the contents of the e-mail into incomprehensible text. If properly done, the text can be decrypted only by the recipient. The less common, but equally effective, method is for the sender to send a message to the recipient (which contains no sensitive information) that informs the recipient that there is a message waiting for the recipient on the sender's secure e-mail site. The recipient then follows a

link to the sender's secure website and logs on with a username and password to retrieve and view the e-mail message.

Legal professionals' security policies should require that all confidential and sensitive client information be sent using encryption methods to prevent any unauthorized access to the information.

V. BASIC CONSIDERATIONS FOR MARKETING YOUR FIRM ON THE NET

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Legal websites are no longer for just the larger lawfirms. The wide use and inexpensive availability of the internet has made websites a necessary tool for the large lawfirm and small and solo practitioners as well. For both large and small lawfirms, websites have become a key marketing tool that is used to provide the exposure to potential clients, recruits, and other legal professionals. Websites are not only a great way for lawyers to reach people, but also a great way for legal professionals to distinguish themselves.

The first step in developing an outstanding website is to understand why visitors often come to a legal professional's websites and to understand the visitor's basic internet surfing behaviors. The website is often the first impression that a visitor will have with legal professionals and, like all opportunities for first impressions, it is important that the website sends the right message. It is difficult to market a legal professional as cutting edge if the website is stale and boring. Similarly, it is difficult to recruit quality legal professionals if the website is poorly written and organized.

Generally, potential clients come to a legal professional's website for one of three reasons: (1) to shop for legal services (especially if they are unfamiliar with the legal market); (2) to find a lawfirm or lawyer that they can trust with their legal problem; and (3) to locate a lawfirm or lawyer that has the expertise necessary and has a successful track record in the field for the legal problem that they have. There are, however, a number of other reasons why visitors come to legal professionals' websites. For instance, often the website is the first place that potential employees or recruits visit to find information about the legal professional. The website is the first impression that many receive and the site can (and does) send important and often unintentional messages about the legal professional.

Below is a discussion of some of the important considerations that should be considered when legal professionals choose to market themselves through the use of a

website. While not intended to be comprehensive, the below points provide a starting base from which further questions can be raised and explored to design and create a website.

A. The Elements of a Valuable Website

There are several different components to a quality website and there is no one size fits all for legal professionals. The content of the website should be driven by the selected target audience and should be developed with them in mind. There are several common components to most websites for legal professionals. The key components are summarized below:

1. **Overview:** The website should have a page that describes what the legal professional does. Is there a specialty that the professional routinely handles? Does the legal professional only represent plaintiffs in personal injury matters?
2. **Detailed Attorney Biographies:** Most clients hire lawyers - not firms. Thus, websites should provide detailed biographies of all legal professionals at the lawfirm. The biographies should contain more information than is available at such places like Martindale-Hubbell.
3. **Detailed Practice Area Descriptions:** The website should not only tell the visitor what practice areas are covered by the lawfirm, but should describe the practices areas in simple clear language. Often, visitors use terms to describe practice areas that are different from how legal professionals describe practice areas. Clear descriptions of practice areas help avoid confusion.
4. **Office Information:** Contact information should be included (locations, telephones numbers, facsimile, e-mail, on-line forms).

In addition to the key components outlined above, there are several other components that should be considered:

1. **"What's New" Content:** If you are not merely providing a static website, then you want to clearly identify updated content. Be aware, however, while updated content is a good idea, it can be harmful if the content becomes stale. While "content is king" on websites, static websites are better than stale ones.
2. **Newsletter/Articles:** Posting a newsletter and articles related to the legal practice areas are good things to provide on websites. Such things provide useful information and provide free value to visitors to the website.
3. **Representative Clients:** It is often a good idea to provide the names of some representative clients or matters on the website. Make sure, however, that the clients do not have a problem with being placed on the website. Clients often have sensitive matters and may wish not to be identified on a legal professional's website.
4. **Maps/Directions:** A map or directions to the office is often a helpful piece of information to place on a website.

While there is no end to the possibilities for content on a website, make sure that the content is appropriate and communicates a professional message to the target audience.

Unlike many businesses on the internet, legal professionals must also consider ethical considerations. Make sure that the website complies with ethical standards and provides appropriate disclaimers on the website. In addition, consider such ethical issues like development of the attorney-client relationship, conflicts of interest,

confidentiality concerns, competence and the unauthorized practice of law, and advertising restrictions in the licensed jurisdictions.

## B. Getting Started - Making a Plan

Getting started requires a well thought out plan that not only considers the selection of things like web hosting companies, domain names, website designers, and methods for attracting visitors, but also considers things like budgets and timelines for completing the work. The more detailed the plan is, the less of a chance there will be for surprises or missed expectations.

### 1. Selecting a Hosting Company

There is a wide array of different web hosting companies and various things to consider when selecting a hosting company. There is, of course, the option of retaining an all encompassing web designing company that would take care of all of these issues. A lower cost option, however, is to do it yourself.

Cost is a major consideration when considering a hosting company. Hosting plans can range from nearly free to hundreds of dollars a month. It is important to remember that often "you get what you pay for" when it is almost free. At the same time, it is essential to keep in mind that if you are not careful and do not shop around, then it is possible to be vastly overcharged for an unnecessary high-end service. For example, if you are a solo or small firm who is merely trying to start to have a presence on the internet, then it may be appropriate to look for a lower cost option. When selecting a lower cost service, however, consideration needs to be made to make sure that the hosting company will be able to upgrade its capabilities over time as additional features become necessary.

Locating a hosting company is not difficult as there are a number of options and almost all can be easily found on the internet. There are, however, better places to start a search for a hosting company. As a starting place, ask experienced people in your community for a reference or, better yet, look at their websites. Many

times, the websites will have links to the web hosting company's web pages. Through the use of this method, it is possible to locate hosting companies that tailor their services to the legal profession. In addition, looking at websites in the larger web development community is another good option. Often, it is not difficult to identify the hosting companies that have good reputations within the web development community.

It is important to remember that moving hosting companies is not a simple task and can require the porting of the website content from one web server to another. Thus, like other choices, choosing a hosting company should not be made until you are satisfied that the company can meet the needs for the lawfirm. Some basic considerations and questions include:

1. **Is there an existing website or database environment that is used with current clients that you would like to incorporate with the website?** If there is, then you need to be sure that the web hosting company has the ability to meet the demands, such as amount of bandwidth necessary to run the applications.
2. **Does the hosting company take proper precautions to make sure that your website will not be down, or, if your website goes down - for some reason - can the hosting company quickly get the website back up?** An important criteria is what types of systems does the hosting company have in place to make sure that the data is secure and whether the data is backed up on a regular basis to make sure that, if there is a problem, then the problem can be fixed.
3. **Does the hosting company have a privacy policy and what are the terms for the use of the data?** Many times hosting companies use contracts that make them the "owners" of the data on the website (as it sits on their servers). Depending on what data

is placed on the website, affirmative steps need to be taken to make sure that the information remains confidential and private.

4. **Does the hosting company require a default set of scripts to be used on its servers?** Often, web-hosting companies require you to use scripts mandated by them, rather than choosing your own. There are, however, reasons for selecting scripts that have certain features that are not available with other scripts.
5. **Does the hosting company offer an e-mail service?** If it does, then you need to make sure that it allows you to have many addresses using the domain name. There is nothing that informs potential clients that you are a smaller firm more than using e-mail addresses from common internet providers (yourname111@aol.com).
6. **Is support available from the hosting company?** Many lower cost companies offer cheap service because they offer no (or little) tech support. If tech support is offered, then make sure you find out if it is telephone-based or only available via e-mail.
7. **What type of security is used by the hosting company?** You need to make sure that the hosting company makes sufficient efforts to secure your website. Insufficient security can lead to such things as unauthorized changes to your website or worse susceptibility to "pharming" scams.
8. **Does the hosting company offer domain registration and management?** Many hosting companies offer domain registration and management services. Better yet, some even have registered with ICANN (Internet Corporation for Assigned Names and Numbers) and can register domain names themselves.

Choosing a hosting company should not be taken lightly and there are several specific criteria that should be considered and important questions that must be answered before the selection is made.

## 2. Selecting a Domain Name

Selecting a name and registering a domain name are good places to start when building a website. When selecting a name, try to select something that would be intuitive for your targeted audience. For example, if you are a sole practitioner with an uncommon name, then select your name ([www.yourname.com](http://www.yourname.com)). However, if you have a name that is difficult to spell, then you might want to consider an alternative that would be easier for your target audience to remember.

If you are in a multiple member lawfirm, then a common choice would be for you to use the first two names associated with the lawfirm. For example, if you are part of Dewey, Cheatum & Howe LLP, then you might want to consider [www.deweycheatum.com](http://www.deweycheatum.com). Similarly, if you concentrate in one particular practice area, like patents, then you might want to consider something like [www.ohiopatentlawyer.com](http://www.ohiopatentlawyer.com).

There are many suffixes that are available for selecting domain names, like .org, .net, and .pro. Make sure that you use ".com" as people are less likely to be able to remember websites that use other suffixes. In addition, you may want to consider using multiple names and having all of them direct the visitor to the same website. Start with a primary domain name, and then select secondary domain names. It is also a good idea to purchase similar sounding domain names to prevent another from selecting a similar sounding name.

### 3. Selecting a Website Designer

Once you select a web-hosting company and select a domain name (and register the domain name), then a decision must be made regarding who is going to design the website. There are two main choices; either a web design company or a freelance designer. The decision comes down to what features you wish to use on your website. For example, if you are looking to build a complex website that requires extranets, portals, and high-level scripting, then use a web design company since they have the knowledge and the resources to implement those features. In addition, consider whether you will require maintenance on the website. If you will, then a full service web design company may be more appropriate than choosing a freelance designer.

In contrast, however, if you do not need complex features and seek "style over substance" (so to speak), then a freelance designer may be a cheaper and better choice. In addition, freelance designers often have a diverse set of experiences and backgrounds and many times they are able to contribute fresh ideas to help set the lawfirm apart from other firms. Freelance designers are now available across the country. The important consideration when choosing a freelance designer is that the person does work that you like, is appropriate for your lawfirm, and that they understand your legal marketplace. It is a good idea to choose a person that has already done work in the local legal community, if possible.

When selecting a freelance designer, it is important to know that they possess the necessary skills to perform the task. Inquire whether the designer has knowledge of the most current techniques with website design. For example, make sure that they understand and are familiar with XHTML and CSS, which are the current table-based web layout design languages. This is not just important because you want to make sure that the freelance designer knows the latest techniques in web design, but also because using the most current web design languages makes changing and updating web pages much easier.

After you have identified a couple of freelance designers, make sure that you take a look at their resumes and portfolios. Hire someone who has valid experience with building professional websites, not just designing websites for family and friends. In addition, take a look at the freelance designer's personal websites and look for his/her attention to detail. The last thing that you want is a freelance designer who is prone to errors. In addition, make sure that you hire a designer that understands the scope of the work and has the skills required. Ask for references from current and past clients and check to see if the customers are satisfied with the designer's work.

You may want to consider sending out a formal Request for Proposals (RFP) to several different freelance designers. The RFP responses will give you a good idea of the cost differences between the designers. If you are going to send a RFP, then make sure that you provide a detailed outline of what you want from the website and what you expect the designer to provide.

Once you decide on a freelance designer, then you may want to draft a formal contract. Many times the designers will already have a standard contract that outline such things as the scope of the work, rates, what additional work will cost, and deadlines. Make sure that that contract has built in sign-off points where you are able to review the work. Such terms make sure that both you and the designer are accountable for the end result.

#### 4. Attracting Visitors

There are several cost-effective ways to attract visitors to the website. One common way to attract more visitors is to use a Search Engine Optimization ("SEO") service. There are a number of SEO services available at a variety of price ranges. Like anything else, beware, because you often get exactly what you pay for. Select a SEO service that can optimize your website for search engines and make sure that your website is registered (and re-registered) with major sites. In addition, you may want to consider marketing the website by purchasing keywords from search engines or

banner advertising from appropriate legal or consumer-oriented websites (as appropriate). Most importantly, make sure that your website is included in the Martindale-Hubbell listing.

### C. Analysis/Evaluation of Your Website

Often times, the best method of getting more visitors to your website begins with a solid evaluation of the site. Any evaluation of a website should start with a review of the statistics about visits to the website. The most relevant statistics should be easily obtainable if you have selected the right web-hosting company. For starters, an examination should be made of the entry places of your website, most visited pages on your website, search terms that users are using to find your website, the bounce rate, and referrer websites.

The entry place of a website is not always the first page that is viewed when entering the domain name into the internet browser. The entry page is the first place that a visitor comes to when they are visiting your website. It is key to know whether visitors are entering your website through the homepage first, or whether visitors are entering to a specific page (like a biography of a specific attorney).

Reports identifying the most visited pages are also important to review. The reports consolidate all of the webpages available on the website and provide a ranking of what visitors are most often looking at. From these reports, you can determine what pages are not being visited and, from that information, start to investigate why.

It is important to understand what search terms visitors are using to visit your webpage from search engines. A search term report may be obtainable from your web-hosting company. From that report, you can tell if you have tailored your website so that the terms that describe the types of work that are done at the firm match the search terms used by visitors looking for attorneys to do that work.

Just as important as understanding the entry page for a website, it is also important to know the exit page. In addition, the bounce rate can be determined by dividing the exit page by the entry page that matches it. For instance, if the top exited page is the homepage with 10,000 visits, and your homepage is the entry page and it has 20,000 visits, then the bounce rate is 50%. In other words, this means that 10,000 people visited the home page and then immediately left without visiting any other page. There are analytics programs that provide reports that show the bounce rates for websites. For example, Google offers a free service at <http://www.google.com/analytics/>.

Finally, it is important to know where visitors found the website. A referrer report shows the website that a visitor was on immediately before visiting the website. Often, the referrer report shows that a search engine was the most used referred website. Other times, internet directors (such as Martindale-Hubbell) will be the most used referred website. Importantly, if your lawfirm is paying for a listing on an internet directory, the referrer report is a good way to tell if you are getting your money's worth.

#### D. Blogs (Blawgs) and Podcasts

Very often legal professionals choose to create flashy websites that look nice, but provide the user nothing of substance and no value. Surveys of users of legal professionals' websites routinely state that a nicely designed website means little to a user's experience and that content is what counts. Lawfirm's websites should make sure that fresh and valuable content is added to the website on a consistent basis to make sure that visitors bookmark the site as a valuable resource to check for updated content.

The most successful lawfirm websites today offer services that are of value to the visitors like headlines, links to pending industry regulations, developments in the caselaw, links to recently published articles from the legal professionals at the firm, and recent and significant victories by members of the firm. Gone are the days when lawfirm's websites can be static in nature. Static websites may be visited once; however, without fresh content visitors will not return.

Legal professionals may want to consider adding things like blogs (or Blawgs) and podcasts to their websites. Blog (short for weblog) is at its core simply an online journal, with posts that are listed in reverse chronological order. Blogs allow users to place photos, sounds, videos, and text on the internet. Blogs have been made that cover almost any imaginable subject. In recent years, however, legal blogs (often referred to as "blawgs") have become particularly popular. There are a number of reasons for the rapid growth in the popularity of blawgs. They can be used to help lawyers serve existing clients, as blawgs can be used to keep their existing clients updated regularly with any news or information that the client should be aware of. In addition, blawgs can be used to market lawyer's expertise to potential clients as a blawg is a quick and inexpensive way to convey a legal professional's expertise and opinion. Developing and maintaining a blawg is a great way to keep visitors coming back to a legal professional's website.

Similarly, podcasting is another way to draw visitors to a legal professional's website. Podcasts are on-demand radio-type programs that are created and disseminated in the form of a MP3 audio file. Several legal professionals and larger lawfirms have begun to make podcasts available for download from their websites and podcasts have become the new "it" thing in legal marketing. The term podcast is derived from Apple Computer, Inc.'s iPod portable musical player. In its original form, Podcasts gave thousands of people, from ranting amateurs to polished radio personalities, the opportunity to develop virtual radio shows. However, as a direct outgrowth of the blogging phenomenon of the past couple of years, lawyers soon learned that they could use the same technology to transmit audio files. Lawyers have developed programming like "The Supreme Court Watch Podcast" and "The Legal Underground." Even famed trial lawyer, F. Lee Bailey, has begun to podcast ("Legal Talk Network").