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E-Lawyering and Virtual Law Practice: A Paradigm Shift for Law Library System

Wisdom Okereke Anyim

Miyetti Law Library, Abuja, Nigeria, wisdomaris@gmail.com

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Abstract

This paper investigates the e-lawyering and virtual law practice as an innovative approach in rendering legal services and how the innovation has influenced a new system of library operation. Specifically, the paper aimed at giving an overview of e-lawyering and virtual law practice, characteristics of e-lawyering and virtual law practice, law library system in the era of virtual advances, overlapping significance of virtual law practice and virtual law library, cloud-based legal technologies in virtual libraries for effective legal practice, advantages of cloud technologies in virtual law library system, features of cloud management software for virtual law practice and challenges of the virtual law library system for effective virtual practice in Nigeria.

Keywords: E-lawyering, Virtual Law Practice, Law Library, Law Library System

Introduction

Decades ago, legal practice was confined to the four walls of the firm with large open spaces such as lawyers' units, reception areas, lounge, few conference rooms, offices for non lawyers, law libraries, and areas set aside for administrative assistants and paralegals. Legal offices were stored with files in filing cabinets, and research was conducted in a law library filled with avalanche copies of books and other printed resources while the lawyers met with clients in their offices or the firm's conference rooms. These changed with the arrival of web-based technologies. Lawyers are no longer confined to their law firms' bricks and walls but can practice anywhere irrespective of time and distance so far as web-based databases and software are available. With virtual portals, digitised law firm documents can be accessed from any Internet-enabled device, allowing lawyers to meet with clients at any location in cyberspace. "The convenience and flexibility offered by 21st century cloud computing software has revolutionised the way that lawyers practice law and run their law practices" (Black, 2015).

With virtual law practice, law libraries are taking a new dimension. It is no longer a case of whether legal practice takes traditional approach that heavily depends on library printed information resources or e-lawyering approach that depends on electronic information resources— e-portals, web-based computing devices, online databases and social media. Law libraries must leverage the new opportunity by creating virtual library platforms that serves the needs of e-lawyers. Virtual law libraries

simply refers to law libraries “without walls”. It has all the attributes of the traditional law library except that there is no physical existence of printed materials, shelves and space. In this kind of library, information is accessed via the Internet and other web-based technologies. Virtual law library utilises various databases and other virtual platforms to support the practice of virtual and e-lawyering.

Overview of E-lawyering and Virtual Law Practice

It is no longer a prediction as whether information technology would have tremendous impact on legal profession. It has become a reality in today’s Information Age that with certain technologies at the lawyers’ disposal, legal practice can be carried out with or without meeting the clients face to face. “So the idea that web-based computing will change the practice of law isn’t a dream — it’s a reality. Lawyers are using technology to create law practices that give them increased flexibility and greater control over their practices and their lives” (Black, 2015).

Today, tech-savvy lawyers are finding new clients and new ways of rendering legal services by administering e-lawyering and virtual practice mechanisms which involved application of vast array of services via the Internet. “This isn’t just about blogging, using social media or using Skype, although those do factor into the equation” (Bilinsky, 2012).

E-lawyering simply means electronic lawyering. It is different from conventional legal practice only in approach while the practice areas and ethics remain constant. E-lawyering involves rendering legal services using internet and web-based computing technologies. “This enables Lawyers to communicate easily, collaborate with clients and other lawyers, produce legal documents, settle disputes, interact with courts, conduct legal research and manage their legal knowledge effectively” (Ibrahim, 2012). Law practice of this kind does not involve the use of traditional aids and materials such as printed law reports, hardcopies court forms, books, clients’ files and other printed documents in delivering legal services.

E-Lawyering encompasses all the ways in which lawyers can do their work using the web and associated technologies. Think of lawyering as a “verb” – interview, investigate, counsel, draft, advocate, analyse, negotiate, manage... – and there are corresponding Internet-based tools and technologies. E-lawyering simply refers to delivering legal services to clients using the Internet (California Western School of Law,2014).

Simultaneously, e-lawyering and virtual law practice refer to the use of web based or cloud computing technologies and other information technologies to do the same legal work that could have been done in a traditional way. This practice has come to stay even in different parts of the world. “Many people who think of virtual law firms will perhaps think of firms with no main office, no employees, no physical presence. A firm which exists in all respects in the cloud thanks to modern computer technology and the internet” (The Law Society Gazette, 2013). Virtual law practice involves exploitation and utilisation of internet resources such as emails, discussion forums, online legal databases, social media and so on to deliver legal services including clients’ interview, presentation in court, court filling etc.

Characteristics of a E-lawyering and Virtual Law Practice

E-lawyering and virtual law practice consist primarily, the provision of legal services remotely with the assistance of cloud-based legal software and other legal online platforms. Taylor (2018) opines that virtual law practice is characterised by:

- A solo-practitioner or a core group of virtual attorneys operating under one legal entity.
- Usually consists of a group of online attorneys who practice their own specialty but procure clients under that single entity. Sometimes the online lawyers practice in the same area or in areas that complement each other.

- They don't usually share the same office. The virtual law firm may have online attorneys working from home or in offices in different cities. And they may use case management software such as Smokeball, CloudLaw etc. that allows to update client and matter information in one shared virtual space and collaborate in real time.
- The online law firm usually has very low overhead because they don't have to pay rent for office space and they avoid paying all the expenses associated with an office space such as furniture and utilities.

Law Library System in the Era of Virtual Advances

Libraries in general, exist to enhance the acquisition of knowledge by through the provision of reading materials – book and non-book for the purposes of teaching, learning and research. Law library which supports legal transactions, learning and research activities of lawyers remains a heavily patronised information centre, where information is packaged in various formats to the advantage of the users. The value of the library collection depends not only on the quantity of information sources but on the effective ways and means of providing and interpreting them to users. Some of the terms used in the library activities such as cataloguing, classification, charging and discharging, etc. are not common to the users; hence these should be interpreted in the easiest understandable way (Bassegy, 2018).

The legal library has recently experienced dramatic shift as librarians seek alternative ways of providing legal information to their clients. Virtual library practice is revolutionising the way lawyers receive information. Law library however, could be referred to as a bundle of legal knowledge and collection of legal information resources made available for use by the legal practitioners and other users. It is a place so must trusted and depended by legal researchers, lawyers and students. Law libraries provide access to legal information resources and equip users with knowledge of the sources of law. It serves as a laboratory to lawyers and other users of legal information. Most of the law libraries today, have gradually migrated from traditional mode of operation to digital heavens while others are still on the brink of conversion. It is also no doubt that many libraries choose to remain

hybrid—a practice of combining traditional and digital library system. Law libraries are now offering a wide range of on-line services to the legal practitioners and other users of the library. Lawyers are now acquainted with the internet and web technologies and are gradually tailoring their research aspirations towards the use of web-based technologies. It is not a surprise to witness high consumption of virtual libraries by lawyers since the meteoric rise of E-lawyering and virtual law practice in recent years. This necessitated the need for Law libraries to be virtual and develop their on-line presence in order to further facilitate and enrich the e-lawyering processes. As a matter of fact, virtual libraries provide a new way of serving the new generational breed of legal practitioners. As the new vision of libraries of the future, virtual law practitioners have very little or no reason to visit conventional libraries in order to gain access to information sources if at their beck and call virtual library is available. Virtual law libraries however, have gained more ground and become the new and one of the trusted legal information provider in cloud and reach of e-lawyer and virtual law practitioners.

Meanwhile, virtual library is another kind of Digital Library which provides portal to information that is available electronically elsewhere. Librarians have used this term for a decade or more to denote a Library that provides access to distributed information in electronic format through pointers provided locally (Koganuramath, 2007). Virtual law library is a groundbreaking online resource that helps eligible library members with their legal research and case preparation by providing free online access to a large number of key legal publications from leading publishers in various areas of law (Supreme Court Library Queensland, 2019).

Virtual law library provides remote access to the legal contents or links to online resources via the Internet. Virtual law library holds more credence to e-lawyering and virtual law practice. The speedy and wide access to current and retrospective information contents like case laws, law reviews, law journal, legal textbooks, legislations, court forms and other law resources makes virtual law libraries a global legal laboratory for information access and research by virtual law practitioners. The Virtual

law Library has changed the traditional focus of law librarians. The entire library operations such selection, organisation, preservation, dissemination and management of information resources have received aggressive digital revolution. Virtual law Libraries have induced libraries, lawyers, legal researchers, publishers and document delivery vendors to synergise and develop legal portals, databases and web-based computing systems can enhance the e-lawyering and virtual law practice. The purpose of a virtual law library is to assist lawyers in their legal research, acquisition of knowledge and access to authorities for litigation, adjudication of justice, clients' engagement and other legal transactions. "Virtual law Libraries combine materials in electronic format with an electronic network which ensures access to and delivery of those materials" (Koganuramath, 2007)

Virtual libraries offer opportunities for learning that are not possible in their physical counterparts. Whereas physical libraries operate with designated hours, virtual libraries are available anytime and anywhere there is an Internet connection. Virtual libraries provide immediate access to a range of resources not available in physical collections. Virtual libraries often contain more up-to-date information than physical collections. Their sources can be searched more efficiently than those in physical libraries, and the information they contain can be updated more frequently. Well-designed virtual library collections are organised and managed to increase the productivity and efficiency of the user believed that virtual libraries complement other virtual learning environments such as those provided in distance education and courses offered online. Many students who are accustomed to using the Internet as a source of information expect schools to make quality online resources available to them in order for them to complete school assignments (Bassey, 2018).

Overlapping Significance of Virtual Law Practice and Virtual Law Library

As information technologies are gradually sweeping behind traditional legal practice, law libraries must complement the activities of lawyers for effective discharge of needed legal services by embracing technologies which are altogether beneficial to the clients in a number of ways. According to Taylor (2018), as law firms figure out how they can be served by technology such as case management and collaboration tools to better serve clients and help their practices thrive, more benefits of virtual law firms will become more evident. However, there are some core benefits of virtual law firms in complement with virtual law library that every attorney should know. Taylor identified the following benefits of virtual law and library practice including:

Capture legal savvy clients

There are a lot of people who use the internet to get a basic understanding of their legal issues. They recognise that they have a legal problem and they understand enough about the internet that they use it to get more information. Some clients may stop there because they feel confident that they can solve the legal issue with the basic information they found. But an attorney with a virtual law practice has an opportunity to connect to this type of client. Virtual attorneys can provide basic information to legal savvy clients but also help them understand that solving their legal problem may require the expertise of a seasoned attorney who understands the nuances of the law. Having a virtual law office provides a low-cost and low-effort way to capture this type of client.

Retain existing clients

Leveraging a virtual law firm to provide deeper information to existing clients can help retain those clients. By providing content that helps a client understand the legal aspects of their issues a little more deeply, virtual law firms can help them understand why they should maintain an active relationship with a law library. This is especially the case with any client (such as a business) who needs ongoing attention to their legal issues.

Expanded reach

Since having a virtual law practice doesn't require that all the attorneys on the team be physically in the same room, online law firms have an opportunity to expand in ways that is more expensive and more difficult for traditional law firms. It's a lot cheaper to hire a lawyer in another city who's working from his home office than it is to open up a physical location that requires leases and signage and the purchase of office equipment. With the provisions of virtual library, physical boundaries are eliminated.

This ability to render legal services virtually opens up vast ways to reach out and serve clients as compared to a traditional "bricks and mortar" practice. This can be evident on the potentials of online forms, unbundled legal services, private discussion forums, deal rooms, document depositories, cloud (public, private and hybrid) services and more. Unlike a traditional office that keeps traditional business hours, a virtual lawyer could work from home asynchronously, at all hours of the day, rendering legal services to fit their schedule, at lower cost and in a way that meets their client's needs (The e-Lawyering task force of the American Bar Association, 2014).

Flexibility and Work-Life Balance

Flexibility and work-life balance considerations of e-lawyering and virtual law practice have made this new practice thrive over the traditional legal practice. Therefore, lawyers can offer legal services from the comfort of their homes or any location of their choice without necessarily have physical contact with clients. In the words of Bilinsky (2012), "the 24/7 nature of the Internet offers the ability for lawyers who may not desire the traditional model of practice the ability to stay active in their profession as well as achieve a work-life balance that fits their lives. Already, lawyers with young families have found that a virtual practice allows them to continue in their profession but without the rigid work-time constraints of traditional practice".

Speedy Access to Information and Time Saving

Both virtual law practice and virtual law library provide speedy and wide access to up-to-date legal information in a global manner and therefore, save the time of the clients (Koganuramath, 2007).

Effective Service Delivery

Through the effective use of virtual law library resources, lawyers will be able to provide legal services to a large pool of prospective clients whose legal needs were previously unmet (California Western School of Law, 2014).

Cloud-Based Legal Technologies in Virtual Libraries for Effective Virtual Law Practice

Cloud-based technologies that facilitate quality service delivery to clients including data and software on a remote server. Cloud application involves the use of internet connection and browser for on-demand and scalable access to a shared pool of resources hosted in a data centre at providers; s site. Cloud technologies depend on web computing where shared servers give software infrastructure platform devices and other resources and hosting to clients in order to meet their needs.

Advantages of cloud technologies in virtual law library System.

Cloud technologies as a change agent in ways in which Internet and other web resources are utilised in virtual law library have various advantages over traditional libraries. Malik, Wani and Rashid (2018) identified the advantages of cloud technologies which include:

1. **High scalability:** It provides data or information resources on a huge scale without requiring human cooperation with each service provider.
2. **Agility:** It shares the resources among users and works very quickly.
3. **Multi-sharing:** Various customers and applications work all the more adequately with less cost by sharing fundamental infrastructure utilising distributed computing.
4. **Maintenance:** Maintenance of cloud computing applications is easier as they are not required to be installed on each computer and can also be accessed from various places, ultimately reducing the cost.
5. **Low cost:** It is cost effective because the company no more needs to set its own infrastructure. It pays according to resources it has consumed.

6. **Services in pay-per-use mode:** APIs (Application Programming Interfaces) are given to the clients for accessing the services on the cloud and pay on the basis of service is use.
7. **On-Demand Self Service:** Cloud Computing allows the clients to use services and resources on request for human interaction with cloud service providers. One can logon to a website whenever and use them. Computing resources include virtual machines, processing power, storage etc.
8. **Rapid elasticity:** It is very easy to scale the resources up or down at any time. Resources used by the customers or currently assigned to customers are automatically monitored and resources. It makes it possible.
9. **Measured Service:** In Measured service cloud provider controls and monitors every one of the parts of cloud service. it depends on capacity planning, Resource billing, optimisation and etc
10. **Broad network access:** Resources such as virtual machines, storage, processing power, can be accessed over a internet using heterogeneous gadgets like mobiles phones, laptops, computers, etc. Since cloud computing is internet based, it can be accessed at any time and from anywhere. (Bernsteiner, Kilian and Ebersberger, 2016)
11. **High availability and reliability:** The availability of servers are more reliable and high henceforth it limits the chances of disappointment in the infrastructure (Srinivasa, Nageswara and Kumari, 2009).
12. **Resource Pooling:** Cloud computing allows multiple occupants to share a pool of resources. One can share a single physical instance of database, hardware and basic infrastructure. For example, a physical server may host several virtual machines belonging to different users (Srinivasa, Nageswara and Kumari, 2009).

Features of Cloud Management Software for Virtual Law Practice

Cloud management software for effective virtual law practice in a virtual library should be able to contain platforms for delivering different legal services. LawCloud, a practice and case management

software for law firms in the UK provides typical features of a legal cloud-based technologies which include the following:

- **Accounting**

The accounting module of legal cloud-based contains central database of clients and case files, firms accounts, client accounts, feeing with WIP integration, financial reports, key performance indicator (KPI) notifications, VAT, bank record, period & year end, accounts certificate, secure transaction processing & rollback and fully compliant with Law Society and SRA rules & regulations.

- **Business Essentials**

Business essentials module contains features such time recording, WIP reporting, fee preparation, performance analysis and WIP management reporting; strongroom database of wills, POAs, titles, agreements; marketing and mail-shot capability; business KPI notifications and alerts; portal page for staff information; and access to financials, client ledgers and electronic posting slips.

- **Case Manager**

Case Manager module contains central database of clients, case files and contacts database, money laundering and risk assessment, activity recording and file notes, case file reminders and review, Microsoft office licences, document (styles, assembly and retrieval) and email management (incoming and outgoing).

- **Hosted and Managed Server**

The hosted and managed server is accessible from anywhere with Internet access and has features such as automatic daily backups, full disaster recovery plan, all software updates are included, access to our technical helpdesk and hosted email with virus and spam protection.

Challenges of the Virtual Law Library System for Effective Virtual Practice in Nigeria

As promising as virtual legal practice and librarianship are, Nigeria still lacks some basic and vital infrastructure and resources capable of creating a viable environment for cloud-based legal services or virtual library operation. As a result of setbacks in infrastructure, human and financial resources, virtual law practice and virtual library operation have not been fully maximised by the attorneys in Nigeria. The following are the prominent challenges militating against virtual law library system in Nigeria:

a. Poor Power Supply

For decades, poor power supply remains one of the major factors affecting digital progress in various sectors across Nigeria. Cloud-based technologies as energy compliant can not be utilised when the server, computers and other ICT facilities are not powered. Since poor power supply affects virtual law libraries, it however shows that virtual law practice in Nigeria suffers slow progress..

b. Poor Internet facilities in Nigeria

It is no news in Nigeria that the Internet service providers are notorious for providing terrible Internet services to users. Since virtual law firms in Nigeria can only use Internet networks provided by ISPs operating within Nigeria, it means that they will have to occasionally put up with bad Internet services at the hands of their ISPs. This will invariably affect the quality of the practice of such virtual law firm. The issue of poor broadband penetration cannot be overemphasised. The level of broadband penetration in Nigeria is still quite negligible compared to that of other countries. Because of this, there may be lags in data speed for use to process information. Where this is the case, a virtual firm operator may have difficulty performing certain tasks like logging in for virtual meetings with clients using virtual meetings software since there may be lags in data speed of uplink/downlinks. Since Nigerian internet service providers cannot be relied upon to have good network connectivity at all locations, this may be a problem since the services clients require will be handled online/remotely. Even though that problems that can be associated with virtual law practice abound, some can be summarised thus: (Ani, 2018).

c. Digital Incompetencies among legal practitioners and potential clients

Lack of competencies among legal practitioners in the use of online resources and digital platforms discourages the adoption of virtual law practice. Even when the virtual library is available, if the attorney lacked the requisite competencies in utilising the resources, the objective of the library would be fulfilled.

Ani (2018) states that in a situation whereby a lawyer would have difficulty understanding concepts like domain registration and web hosting, online user data protection using SSL certificates and other encryption scripts; CRM; web content creation; SEO; client log-in portals and cloud-based law firm management systems alongside a host of other terminologies any tech-savvy individual would be acquainted with, then such a legal practitioner would find it extremely difficult to operate a virtual law office model. For a virtual law practice to gain ground, potential clients need to be also well-grounded and comfortable with the use of technological systems. A potential client who cannot navigate through a web site, use a contact-us interface to get in touch with a virtual law practice, and if possible access prepared documents which are forwarded via email, Skype, Dropbox or One Drive document URL view, would not make an ideal client for a virtual law firm. Such a person would be better off using the services of a traditional law firm where he can walk in and be attended to by the firm practitioners.

d. The human interaction between librarians and lawyers

In a virtual environment, physical contacts and interactions with colleagues and clients are eluded, which hinders effective interpersonal communication, clarifications and exchange of ideas and feelings.

Virtual Law firms do not have a stationary practice like a traditional law firm does. Practitioners are not restricted by any geographical constraints. While this allows for great flexibility of practice, it has the advantage of cutting off face-to-face interactions between

practitioners since they are isolated in different locations. This may be a barrier to professional advancement and development because most lawyers would ordinarily benefit a lot from constant interactions with their colleagues (Ani, 2018).

e. The total lack of a legal regulatory mechanism for lawyers practicing the virtual law system

Another challenges associated with virtual library and e-lawyering according to Ani (2018) is that there is no regulations in place to regulate the operation of a virtual law office model in Nigeria. Because of this, it would be difficult for the requisite regulatory bodies to monitor the activities of a virtual law office. It would also be impossible for a virtual law office practitioner, no matter how big the practice and the quantity/quality of the staff, to attain the rank of the coveted Senior Advocate of Nigeria status since the Guidelines makes no provisions for such a practice model.

Conclusion

Virtual law library can be viewed as a new phenomenon which enables virtual law practitioners to utilise web based resources via the Internet to deliver legal services. There are numerous new advantages offering by virtual library system centred on making flow of information easier across boundaries for virtual law practitioners and potential clients. The future of law firms and the corresponding law libraries was long prophesied by the experts without much clarifications on what the benefits would be like. As the future has finally arrived with its application of cloud-based technologies and Artificial Intelligence in rendering legal services to clients. This paper clarifies a brief overview of e-lawyering and virtual law practice, virtual law library system with loads of advantages over the traditional library system.

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