

HTTP/1.0 200 OK Last-Modified: Monday, 16-Jan-95 14:12:20 GMT Date: Thursday, 06-Apr-95 20:45:43 GMT Server: plexus/3.0m MIME-Version: 1.0 Content-Type: text/html Content-Length: 15804

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Peter W. Martin

[Based on a Presentation at New York City Bar Internet Program, April 22, 1994]

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How quickly this city sprang up, at least to its current size and complexity! In but a few years the Internet has moved from being a scientific/academic/military enclave to full metropolis -- with shopping malls, entertainment centers, and, yes, industrial parks and financial institutions. Its population is diverse, although significantly upscale when compared to such geographic analogs as New York, Paris, or Des Moines -- upscale in both education level and income. This is not just a bedroom community or massive holiday camp ground. Increasing numbers of enterprises and individuals that lawyers represent or might like to be on the Net. They are on the Net in no incidental way, but seeking out or doing business there -- establishing a presence, holding out an array of goods and services for inspection, taking orders and fulfilling them, providing customer service.

A few examples:

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One quality of the medium permits a critical further step -- a step that makes it possible to think of Venable and Heller Ehrman as opening office suites and not erecting billboards.

To illustrate the point have a look at another new Net presence, the West Publishing Company. West and MDC have, of course, used the Net for some time as a cost-effective connection between their host machines and some subscribers, but less than a month ago West opened up shop for the full Internet community. And what is West offering? Their directory of the legal profession. Using it a business in the UK looking for a firm doing products liability work in Elkhart Indiana with partners who graduated from the Cornell Law School can pull up the relevant options. [Have a try?](#) Now search for anyone in the [directory of legal academics](#) created and mounted by the Legal Information Institute at Cornell. Note the difference. First all entries carry e-mail addresses but even more important: with a full function browser the directory user in San Francisco, Syracuse, or Sydney who wants to communicate need only point and click and an e-mail message is begun. Turning from gathering information to communication (and potentially transaction) is an easy and therefore natural step.

Through directories mounted by West and others, through small spaces in important Internet market places, and much larger offices mounted on their own servers -- firms can and therefore will be able to engage potential clients in preliminary dialog about needs and available services. It has been our experience with the Cornell servers that when an institution embeds e-mail pointers aimed home in useful legal information they will be used.

Reason #3: Conversation Among Lawyers and Maybe Clients About Legal Issues Is Already Taking Place on the Net.

In so-called lists and related ways, peers exchange with peers on the Net -- posing questions, asking assistance of various kinds. Let me give you an example or two and invite your imaginations to aid mine in thinking about the potential value of this sort of activity for a lawyer's practice. One list I have been observing for several months is the copyright list. Many things are discussed there, by a population that includes many who use the list to get advice on issues they must resolve -- use of old photographs in published materials or in the classroom, whether private papers of a certain age can be quoted from and so on. Advice flows from other librarians, teachers, publishers who by experience or other means assume greater knowledge or expertise on copyright details. Some very expert copyright law teachers participate ... and so do lawyers who practice in the copyright field. Reading between the lines of their messages, I believe I find the following subtext: "Relying on the advice of amateurs is risky. Here is what my extensive background, knowledge and good judgment lead me to see in the question posed."

I have no information about the payoff of strategic participation in list conversations, but I presume all the reasons that lead lawyers to seek settings to display their expertise and good judgment in geographic cities apply to this new one. And since this is a community without geographic bounds it opens up these exchanges to lawyers and potential clients situated in remote places and outside the U.S. One recent posting to the copyright list on a "fair use" question being discussed there drew a subtle comparison between the way the U.S. and British acts framed the doctrine. It was "signed" with a name, the descriptive phrase "UK & European patent attorney", and an e-mail address. If you are a lawyer and you have been wondering how you might reach potential clients outside the U.S., the Internet may represent part of an effective answer. By the same token, it will be the means by which you may find yourself in competition with lawyers who are geographically distant, even continents away.

Reason #4: Cost-Effective Access to Information

Next not least (even considered in the straightforward LEXIS/WESTLAW/DIALOG database sense), the Internet offers lawyers a wealth of data -- law data, business data, scientific data, demographic data. And very little of it is surcharged beyond the costs of accessing the Net and the time of finding and acquiring the information (human search costs I'm speaking of here).

Because of the strength of current commercial legal databases in the U.S. it is important to describe the Net's resources of this sort in relation to them. And because of the spectacular rate of change, it is critical to reflect on the future.

Sticking to the notion of information retrieval as accessing and searching a database, the fundamentally different characteristic of the Internet is its distributed quality. Countless different entities, public, non-profit groups focused on particular interests, and profit-driven ones, are placing data on the Net. The resulting rainbow of resources, even now, holds out substantial likelihood that one can find important material on the Internet which the commercial vendors have not seen sufficient market to provide. And the moment one concedes that data beyond judicial opinions, legislative enactments, and agency rulings holds importance for lawyers and that access charges may be a factor the Net's riches become enormously attractive.

The future holds so much more. Public data of all kinds is headed for the Internet. Public access has meant print distribution and recently, perhaps, a dialup BBS. But as Internet connections explode, Internet distribution will augment and ultimately supplant the latter. By law, the California Constitution, Code and other legislative material are now available on the net. The Census Bureau, Social Security

Administration, SEC are providing important public access via the Internet. At state, federal, and local levels open Internet distribution of basic governmental data seems to me to be inevitable. But the critical new elements lie in the qualitatively better tools of use and the growing activities of value-adders.

The [LII Web server](#) is, in this sense, a forerunner of what is to come.

For the challenge of the Internet, the greatest barrier inhibiting its use as a steady data source has been a direct corollary of its distributed riches -- namely the difficulty of knowing whether the information you needed was to be found there and tracking it down. Those who find it in their interest to steer folks away from direct Internet connection invariably use words like "chaos", "alien", "unfriendly", "uncharted" in describing its heaving waters. The reality they evoke is historic. New tools like the LII's Internet browser, Cello, and NCSA's MOSAIC shield the user from having to learn multiple applications, each with its own, different complex syntax, and from having to keep track of the hundreds if not thousands of Internet addresses which offer potentially valuable information. Indexing tools remove the need to explore countless deadends in pursuit of the maybe non-existent item. But most significant of all is the rising class of value adders -- those prepared to evaluate and select, to organize, to contextualize -- creating network centers which draw people in (and derive benefit in the process) precisely because they assist seekers to find what they are looking for.

Moreover, information comes in many forms other than the packages we objectify as books, documents, or even data. The Internet offers powerful mechanisms for asking questions and receiving answers, for entering into a more extended consultation with an expert, for finding the right person or people which leads us directly to reason number five.

Reason #5: Cost-Effective Global Communication of Data of All Sorts

Lawyers communicate. Many modern law firms are themselves distributed organizations -- more like the Internet than WESTLAW. Being geographically dispersed in a digital age they need cost-effective/secure means of moving documents, images, audio material within the firm and to those it serves. Ah, "secure", you may be saying, there's the rub. Let me just note that the military and their large corporate partners have found ways to move highly sensitive material on the Net with comfortable levels of security. Sending an unencrypted e-mail message on a highly confidential matter may, indeed, be foolhardy but that in no way undercuts the proposition that what this network was built for is global communication.

Conclusion

In closing let's return to the Internet as large city metaphor. Like any city this one has long-term residents living in comfortable neighborhoods where the old ways, old laws and established mores are held dear. As newcomers barge in, bringing new activities and, often, insensitivity to the existing culture, clashes are inevitable.

Lawyers making their way onto the Net are not immune. I trust many have heard of the Phoenix lawyer who sent an unsolicited ad for his immigration legal services to several thousand Internet Usenet groups and received 30,000 replies, the bulk of them "flames" [outraged messages] from persons who objected to this use of the Usenet neighborhood for unsolicited direct mail.

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