

The changing legal services landscape



**MICHAEL
CARABASH**

Today's legal services are characterized by advisory and reactive services offered one-to-one on time-based billing. These legal services are restrictive, defensive, and have only a legal focus.

In contrast, tomorrow's legal services will be characterized by proactive information services offered one-to-many, based on commodity pricing. These legal services will be pragmatic, empowering, and have a business focus.

— Paraphrased from Richard Susskind's 2008 book *The End of Lawyers*

So are Susskind's predictions coming true? I surveyed the Canadian legal landscape to find out:

www.AdviceScene.com Democratizing

In 1999, Nancy Kinney was in her first year of law school at the University of Victoria. She was fascinated with the law and soon realized that she wasn't alone. There was a real public hunger for legal knowledge which wasn't being addressed. According to Kinney:

"Sure, we must abide by the law. But how can we if we don't know where to find it or what it says? If people could learn more about the law from lawyers, they would realize why they needed them."

After graduating in 2002, Kinney launched www.AdviceScene.com to help democratize the law. The website first featured a law wiki where users could post legal questions and have registered lawyers (and even Justice Harvey Brownstone of the Toronto family court) respond with free legal

information. Kinney recently added a lawyer directory, Canadian legal resources, and legal forms. She is currently working on a new initiative that will allow registered lawyers to have their own profile page for blogging, uploading pictures and videos, and marketing their services.

www.Duhaime.org Simplifying

Victoria, B.C. lawyer Lloyd Duhaime is an avid lawyer, writer, NHL-nut, jogger, goalie and self-proclaimed renegade. For decades, he's been melding law and technology to better educate Canadians. His website, www.Duhaime.org, is a popular go-to place for digestible information on legal terms, Canadian legal history, crazy laws, famous wills and more. Most recently, Duhaime launched a new online legal dictionary that is legal-area specific. For example, terms relevant to

"Contract Law" are now organized in a comprehensive law dictionary. When asked about where the legal industry is headed, Duhaime responded that "simplification" will continue to be the trend:

"Today's laws were all drafted when most people were illiterate. But now the public is educated and demanding simplified laws and an accessible justice system. The fact that you can now buy downloadable legal forms with guidance shows how legal services are becoming more consumer-friendly. The days when the old boys monopolized over legal services are numbered. In about 100 years' time, being a lawyer is going to be rare."

www.DynamicLawyers.com Commoditizing

In early 2008, I was at the library looking for books on how to establish my own law practice. I came across an odd-looking book

called *The Future of Law*. I didn't take it seriously because it was published back in 1996 and had been written by a U.K. law professor (Richard Susskind), but I started reading anyway. Early into the book, Susskind talked about a paradigm shift (noted above). I suddenly realized that his 1996 predictions were still in their infancy in 2008! That's when I knew I had to do something.

Later that year, I launched www.DynamicLawyers.com to offer innovative and cost-effective legal solutions for the middle class. We started off by helping connect prospective clients with the right lawyer in a competitive environment. Users could make free and anonymous posts of their legal issues and have registered lawyers (focusing on the area of law required) respond with information and quotes. The idea took off: website traffic, user posts,

See **Change** Page 24

TRAVELERS

Solid Reputation. Passionate People. Endless Opportunities.

We are one of the leading insurance companies in North America. Our superior financial strength and consistent record of strong operating returns mean security for our customers – and opportunities for our employees. You will find Travelers to be full of energy and a workplace in which you truly can make a difference.

Travelers Canada is hiring for a Claims General Counselor (Job Id: 2010-TO-26) in our Toronto office. He or she will report to the Vice President, General Counsel and US Claims Legal International. The Claims General Counselor will be responsible and accountable for providing legal advice and support to Travelers Canada Claims Executive Management Team (Claim EMT) and claim staff on Property & Casualty claim legal issues.

Job Specifications:

- Responsible for participating in and providing support to the Claim EMT;
- Responsible for providing day to day coverage advice;
- Manage and advise on legal issues that arise in the claim context (non claim legal issues to be identified and ushered to the appropriate Company legal resource);
- Proactively drive optimal resolution of claims and claim litigation through active strategy formation, management, monitoring, and reporting;
- Support legal expense management initiatives;
- Identify, monitor, and provide updates on claim related case law, legislative developments, and legal trends;
- Provide training for claim staff;
- Ensure claim legal best practices, claim handling procedures and litigation management are developed and maintained;
- Develop tools to assist claim staff in policy reviews; and
- Collaborates closely with the claim organization, Travelers US and other areas of the company as needed to achieve business goals and initiatives

Job Qualifications:

- A law degree (LLB/JD) with a minimum of five (5) to seven (7) years of relevant insurance and litigation experience
- Excellent communication and interpersonal skills
- Solid negotiation and dispute resolution skills
- Strong attention to detail, accuracy, client relationships, analytical problem solving, influencing, and documentation
- Exceptional time management skills in order to effectively manage a significant portfolio of claims files
- Strong computer skills, specifically with Microsoft Office
- Dual qualification in Ontario and Quebec preferred
- Must be fluent in both English and French

We are proud to provide comprehensive, high-quality employee programs to meet our employees' needs now and in the future including a very competitive financial package. For more information about the benefits and rewards of working at Travelers Canada, please visit our website www.travelerscanada.ca.

Please send applications to
hrcanada@travelers.com quoting the job ID and/or title.



BROWN & KORTE

barristers

INSURANCE DEFENCE LITIGATION

We are a leading insurance defence firm in downtown Toronto looking to expand our Insurance Litigation group

We offer challenging work and a competitive compensation package.

Submit your resume to the attention of:

**HARRY P. BROWN
CATHERINE A. KORTE**

BROWN & KORTE BARRISTERS

130 Adelaide Street West, 31st Floor,
Toronto, ON M5H 3P5
tel: (416) 869-0123
fax: (416) 869-0271

email: ms@brownandkorte.ca

"excellence in litigation"

BUSINESS & CAREERS

Susskind's predictions about legal services coming true now

Change

Continued From Page 21

registered lawyers and media attention all increased. Over time, we added tons of free legal information (on a blog, on the legal areas page, through offering stats and reports, and through our affiliations with other websites), a free legal health checkup, and downloadable legal forms and video guides (e.g. wills, cohabita-

tion agreements, leases, small claims court forms, independent contractor agreements, etc.). Each legal form is simplified, easy to customize and comes with instructional videos and written guides so that the user can complete them.

Legalwise Outsourcing Inc. Streamlining

The idea of legal process outsourcing came to Ontario lawyer

Gavin Birer in 2005 while working as an in-house general counsel. He was under pressure to "do more work with a smaller budget." Birer started looking for creative solutions and discovered (after a few trips to the U.S. and India) that certain types of legal work were perfectly outsourceable. "We're talking about the type of work that lawyers and law clerks need to do in order to service their clients, but don't

necessarily want to do (or can't do cost effectively) — such as high volume repetitive reviews of agreements and other documents," said Birer.

He established Legalwise Outsourcing Inc. in 2006 to help Canadian law firms and law departments outsource part of their workload. The company has a subsidiary company in India, which employs Indian lawyers trained in Canadian law.

Birer sees legal process outsourcing as a competitive advantage: it reduces clients' costs significantly and improves turnaround times. While local Canadian lawyers can focus on more complicated advisory work, lawyers in India can work on the high volume repetitive legal work. Birer predicts that legal process outsourcing will become the norm for law firms and in-house counsel.

Overall, you don't have to gaze into a crystal ball to find out if Susskind's predictions were right. Canadian legal pioneers are presently shaping the legal services industry into one that is commodified, democratized, simplified, and streamlined. The steps they are taking will facilitate a competitive legal marketplace: alternative legal services suppliers will be abundant, while prospective clients will have significant buyer power (e.g. through online learning and bid-tender processes). To survive and thrive in this new paradigm, legal professionals will need to market their services online in a meaningful way, cut costs, and speed up delivery of their work. Those who recognize these things now can take advantage of this paradigm shift; those who simply maintain the *status quo* will likely be relegated to www.Duhaime.org's Canadian legal history (category: the mouse who asked, "who stole my cheese?"). ■

Michael Carabash is a Toronto business lawyer, online marketing consultant, and founder / president of www.DynamicLawyers.com.

Quicklaw®
Research Solutions



To know is essential.
To **Know More** is powerful.

LexisNexis® Quicklaw®
SME Business Essentials

Get the *Halsbury's® Laws of Canada*, *Butterworths® Texts and Treatises*, *Forms & Precedents*, *The Canada Digest* and other exclusive online content.

FOR A FREE TRIAL call **1-800-255-5174** or visit www.lexisnexis.ca/freetrial

TOTAL PRACTICE SOLUTIONS

Client Development Research Solutions Practice Management Litigation Services



LexisNexis and the Knowledge Burst logo are registered trademarks of Reed Elsevier Properties Inc., used under licence. Butterworths and Halsbury's are registered trademarks of Reed Elsevier (U.K.) Limited and its affiliated companies. Quicklaw is a registered trademark of LexisNexis Canada Inc. © 2010 LexisNexis Canada Inc. All rights reserved.



IN-HOUSE
COUNSEL



Now accepting ad bookings.
Call for details.
905-415-5805
or **1-800-668-6481 Ext. 805**

THE LAWYERS WEEKLY
