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Law Practice TODAY

Does Web 2.0 Point Us Toward Law 2.0?

A Roundtable Discussion

January 2006

Dennis Kennedy (DK): There has been a lot of discussion in the world of technology in the last few months about "Web 2.0." Last month, in Law Practice Today, we wrote a [roundtable article](#) using an Internet tool called [Writely](#), a free collaborative writing service that allowed all of the authors to work together on the article. We were so enthused with the process that we decided to use it again to write a roundtable article on Web 2.0 to discuss the tools now available and the potential implications for the legal profession.

For more on Web 2.0 Read:

[The Strongest Links: Web 2.0](#)

We wrote the article by putting a draft with the questions up on Writely and inviting people to visit the site and add their comments to create the article in a couple of days.

What is Web 2.0?

Tom Michell (TM): Here's how I described it in The [Texas Bar Journal](#) this month: If you have used the new [Google Maps](#), you've already experienced a part of Web 2.0; the ability to literally grab hold of the map and drag it in any direction you want is pretty cool. The technology at work here is called AJAX (which stands for Asynchronous JavaScript and XML), and it changes the way browsers like Internet Explorer interact with Web pages. With Web 1.0, when you click on a link, the page had to "reload" and send the requested information (images, text, etc.) to your computer. With Web 2.0, that's no longer necessary — the Web pages are constantly and instantly refreshed, and there's no more waiting. Another Web 2.0 term is API, which stands for "application programming interface." In plain English, it's software that allows anyone to integrate these Web 2.0 applications with other applications, or build new functionality on top of an application.

John Tredennick (JT): Web 2.0 is arguably the next step in the evolution of the Internet. Web 1.0 was about hyperlinks and static content which could be accessed from anywhere. Web 1.5 was about dynamic content - Web pages that changed on the fly as the underlying data changed. Now comes Web 2.0, which is about collaboration and using the Internet as a software platform rather than just a networking tool.

DK: I like to point people to Tim O'Reilly's class article talking about Web 2.0 as a great place to start. It's important to realize that Web 2.0 refers to both a genre of technology and to a conceptual approach to the use of the Internet. Both are important. I like to think of Web 2.0 as turning the places you visit on the Internet into applications, or lightweight programs, rather than solely information resources. One of the most useful descriptions I've heard describes Web 2.0 as turning the Internet into a giant database with database applications readily available to all of us. As John says, Web 2.0 turns the Internet into a software platform.

Stephen M. Nipper (SMN): Come on! How can we define Web 2.0 without deferring to a Web 2.0 source...[Wikipedia](#).

How About a Quick Example of What You Mean by Web 2.0?

JT: This fall, without benefit of a Rolling Stones concert or even a celebrity fest in Redmond, Microsoft rolled out Microsoft "Live," a new service designed to change the way you do business, or at least how you interact with your computer. It promises a new desktop with gadgets and other tools that will allow you to work on the Internet without need for traditional software or even an IS staff. While "Live" may never rise to the level of Windows 95 for the company, it does represent one of the more important developments in technology today.

SMN: Collaboration, collaboration, collaboration. If it involves collaborating with others on the Internet...to me that is Web 2.0. It is this interaction between users that is what takes the web to the next level. Compare that to the "static" content John mentioned earlier.

DK: I think that Writely is a classic example. It's a lightweight application that allows a group of people to work together easily and for free. It has a limited tool set, but, for the right projects, it's the right tool. Web 2.0 definitely does not mean full-featured programs, but it does mean highly useful programs. I also like the many mapping applications that take advantage of the Google Maps API. [Here are some examples](#).

Frederick L. Faulkner IV (FIV): I agree with Steve about collaboration and Dennis about lightweight applications. But it is more than that. It is sharing, streamlining, and interactivity. It is also enabling anyone to build those applications. What were the biggest hits of the Web 2.0 world in 2005? Flickr, del.icio.us, Basecamp, 43Things. Each of those applications was built by either an individual or a team less than ten. It wasn't Yahoo! or Microsoft. It was someone with an idea that wanted to share it with everyone.

TM: Ditto on all that has been previously said. For me, Web 2.0 also represents one step closer to making the Internet seamless with the rest of your computer. All of these new sites work in much the same way that your desktop applications operate; the new Yahoo! Mail is a good example of this. It works almost like Outlook -- I can drag and drop e-mail into any folder, and it also has an RSS reader.

Let's Talk About Wikis.

JT: Take [Wikipedia](#), for example. Before the Web, encyclopedia companies hired thousands of employees to capture the world's knowledge in multi-volume sets. Web 1.0 simply converted these books into electrons and made them available on the Internet for a fee. Wikipedia is the first collaborative encyclopedia, written by hundreds of thousands of volunteers. It already has more than 800,000 articles in the English language version and more are going up each day. By way of comparison, Encyclopedia Britannica has about 85,000 articles, if you don't like what you read on Wikipedia, change it. Editing is open to anyone. To be sure, there are volunteer editors who will review your contributions as will your peers. But with a click of your mouse you can be adding your own perspective on your favorite band to this global encyclopedia. How cool is that?

DK: I love the idea of Wikis, but I've found them very difficult to use. They might make sense for the right project. There are also many Wiki platforms and tools to choose from and that can make it difficult to get started. Wikis have a lot of potential, to be sure, but I see them being more useful for internal collaboration in organizations at this point. It's funny that lately almost any discussion I have with a group of people who want to work together on a project invariably results in someone saying "How about a Wiki?"

SMN: I have to agree with Dennis. Wikis are not the magic bullet. Wikis work great for problems that can be put into an outline like format. A user manual that is constantly updated by the community is an excellent example, as is [Wikipedia](#). I'd love to explore the use of a wiki in a law firm setting for knowledge management (KM) purposes...think of the benefits to your staff of having a wiki checklist of things to remember as they head to the courthouse with that filing you need them to make.

FIV: While I hear the same phrase Dennis does "How about a wiki?" several times a week it seems, I wouldn't limit them to internal only. What a wiki solves is similar to what Writely does for this article; provide a collaboration and documentation tool. How many times have we had to circulate a Word document amongst a group of people who may not be on the same platform, let alone version of Word, to collaborate on a document? How many times have you wondered where your edit went or who took it out? Or have you had the job of taking everyone's edits and synthesizing them together? Wikis give groups the ability to do this in an online environment with version control! Yes, there are many tools available and it can be confusing on which to pick, but I have found more times than not a wiki to come in handy for external collaboration. Is a Wiki Web 2.0 though? Not yet. I think the next generation of Wikis which incorporate WYSIWYG formatting toolbars, ability to export to multiple formats (Word, PDF, RTF, TXT, HTML, XML) and in secure environments will bring them up to speed. Writely is a start, but combine it with wiki technology and you're there. Who can ever remember what character command you need to use to make a line bold? I need the "B" button.

TM: I'm with Dennis on this -- I really love the technology behind Wikis, but they just don't seem to fit into the way I work and collaborate with people. I also agree with Fred -- if Writely had an outline function where we could brainstorm on the individual topics

in this article that would be awesome. A quick mention of two sites that caught my attention recently: the first is [Wikilaw](#); defined as an "open-content legal resource," it's building a body of legal knowledge from the general legal community. It just started up, so there's not a lot there so far, but it definitely looks intriguing. The other site is [ServerSideWiki](#), which can get you up and running with your own easy-to-use wiki in minutes.

Are Blogs Part of Web 2.0?

JT: Blogs are quintessential Web 2.0. Think of them as a personal soapbox on steroids. Anyone on the planet can publish his or her thoughts on anything and potentially reach millions of people. Just open your browser, join a service and start blogging. The blogging world has only been around for about three years but it is exploding. Technorati (www.technorati.com) provides a search engine targeted at blogs and currently tracks more than 18 million of them. Legal writers have become an active part of the blogging community. There are thousands of legal blogs and we are starting to see successful group blogging sites like Between Lawyers (www.corante.com/betweenlawyers). Indeed, type in the word "legal blogs" in Google and you will get more than 55 million hits.

TM: I think that blogs were sort of the first generation of Web 2.0, because of their collaboration features. I just don't see them as interactive as they used to be, for two reasons: RSS and blog spam. Because I read all of my blogs in an RSS reader, I never have an opportunity to view the comments. And blog spam has led many bloggers to turn off the comments entirely.

DK: This may surprise people, but I wouldn't point to blogs themselves as being part of Web 2.0, although bloggers and blogging are clearly drivers of Web 2.0 tools and the Web 2.0 culture. Blogs have certainly spread the word about Web 2.0. In a sense, blogging software and certainly the many blog applets and tools probably fall into the Web 2.0 category. In a sense, I see blogging as primary staging area where Web 2.0 applications are tested and used. Bloggers writing about Web 2.0 have helped challenge assumptions and point us toward uses of these new technologies.

SMN: I'm going to have to agree with both Dennis and John on this one. Blogs themselves are just a nerdy way to generate static content. But...where they are delivered to readers using RSS (or RSS fed email), where readers can leave comments, etc., that magic collaboration takes place that results in the 2.0 outcome.

Where is RSS Taking US?

SMN: I remember the day when it dawned on me that a substantial number of the commercials I was seeing in print and on television included mention of the company's URL. URLs are everywhere...everyone realizes the benefit of allowing consumers, customers, and others to have easy access to you and your information. The problem is that in a static (URL) world, the person who wants the information you have needs to come to you to retrieve it. When you have new information, they'll see it when (if) they

come back. RSS changes all of this by giving users (the consumers, customers and others) the ability to request the information they are interested be automatically send (retrieved) to them. Thus, using RSS you can pull in the information you need automatically. The result is an instant access to all of the information you want and need.

DK: I make a clear distinction between RSS and blogs. RSS (Real Simple Syndication), in simplest terms, is a lightweight, highly adaptable technology based on XML that allows information to be published, received and repurpose in a seemingly limitless number of ways. RSS was initially used as a way to "push" blog post content out to subscribers. Now, it serves as a platform for podcasting, videocasting and other channels for information. If there's one technology that you want to learn more about in 2006, it is definitely RSS.

FIV: I agree with Steve and Dennis when it comes to RSS. Where RSS is going in the next year is what will be placed in the feeds themselves. RSS will stop being a one way medium. Expanding collaboration via interative RSS is something Microsoft is working on. Be on the lookout for Simple Sharing Extensions (SSE) to show up in RSS sometime in the next year.

TM: I agree completely with Steve's comments, but here's the current problem: whereas URLs are everywhere, RSS is not quite as visible. I have been giving a lot of seminars lately on RSS, and I constantly get the question, "but where do I find RSS feeds?" The ability for Web users to have information delivered to them is extremely powerful, but until it becomes easier to use it will remain primarily a tool of the early adopters and the tech-savvy. One important step would be to enable "one-click" subscriptions to RSS feeds, much like [My Yahoo!](#). It also wouldn't hurt to make that little orange RSS logo bigger and easier to see. :-)

What Web 2.0 Applications Do You Actually Use?

DK: I've tried many of the applications. Some I've used once and not returned to because I didn't find them useful. Some definitely fall into the "cute" or "clever" category. Others really intrigue me, although I haven't found a use for them. As I've mentioned, I like Writely. I have used Rollyo – a "roll your own" search engine that lets you create a search engine that searches the websites of your choice – on a regular basis as a research tool. It seems like I'm always experimenting with wikis and blog applets. It seems like I try a new Web 2.0 app on a weekly basis. There's a blog called [eHub](#) that lists new Web 2.0 apps on a regular basis that gives me a lot of apps to try. If you have any dealings with Matt Homann, I guarantee that you will be hearing about and trying new Web 2.0 apps all the time. Gmail and the other Internet email apps are great examples of Web 2.0.

SMN: I've become quite fond of Backpack (<http://www.backpackit.com>), an online personal information management site where you can store notes, to do lists, appointments. One of the great benefits of Backpack is its ability to send you and email and/or SMS message reminding you of an appointment [i.e., "Don't forget your meeting with ACME at 1:00pm"]. Another of my favorites is del.icio.us, a Web 2.0 website that

was recently purchased by Yahoo! Del.icio.us is an online bookmark website (rather than tying your web page bookmarks to one computer, place them on the Internet where you can search them and share them with others).

FIV: Surprisingly I'm slow to adopt Web 2.0 applications into my life. I've tried Backpack, and like many other tools, haven't committed to using it regularly yet. I'm very protective of what I store where when it comes to information. Do I want to host content on my Mirra Personal Server, or trust it to be out there, even in a secured environment, on someone else's servers? It is an internal struggle. I use Gmail on a daily basis though.

TM: [Writely](#), of course - since we have been using this platform to collaborate on documents, I cannot imagine how we ever got along without it (I'll be sad when it goes to a subscription model once it leaves its beta phase). I do like del.icio.us, and use it to deliver new sites to my blog readers (through the RSS feed), but I actually use [Yahoo!](#) [My Web](#) more often. It's a lot easier to search my bookmarks there than del.icio.us, and I can easily designate which sites I want to keep private and which sites I want to share with others. It will be interesting to see changes between My Web and del.icio.us now that Yahoo owns them both.

What does it mean for lawyers?

JT: Web 2.0 is based on global collaboration but equally about using the Internet as your computing platform. Thus, if Microsoft Live catches on, many of us will look to a hosted Web site (Microsoft's they hope) for email, news, research and even basic Office applications (Word, Excel, PowerPoint). Free or very cheap email will doubtless lead the way. Add to that VOIP (voice over Internet) and things start to get compelling. Tools like these will someday make virtual law offices easy to set up and administer. Already there are large international organizations of lawyers operating in virtual networks, albeit through traditional LAN/WAN infrastructures. As Web 2.0 applications grow more sophisticated, teams of individuals will build their own law firms, just as teams of volunteers built Wikipedia.

DK: First of all, Web 2.0 offers the chance for lawyers to use advanced collaborative technologies very cheaply. I also like the way that it offers a platform for ad hoc collaboration among colleagues, clients and others working on projects. I see these technologies as being even more attractive to small and mid-sized firms for collaboration than for large firms. For smaller firms, the limited feature sets and other factors that might stall Web 2.0 apps in a large firm committee will allow those firms to, as some friends of mine like to say, "git 'er done." I don't know whether Web 2.0 apps will provide an "infrastructure" for virtual law firms or whether the ad hoc use of Web 2.0 apps by groups of lawyers will lead to virtual law firms.

Will Web 2.0 Change the Way Law is Made and Legal Services are Delivered?

JT: The way we write laws may change as well. The UCC was one of the first laws created by committee but required in person meetings by select drafters in each state.

Why not write new laws in a more open fashion using public wikis (the software behind the Wikipedia). That way every member of the public could comment on proposed statutes and point out flaws or inconsistencies. Indeed, this is already starting to happen. The Legal Scholarship Network is a joint project hosted by [Stanford Law School and the European Corporate Governance Institute](#). It provides an open facility to upload and catalog legal research and position papers on legislation and other issues. Currently the site holds more than 75,000 papers submitted by more than 50,000 authors. There have been almost 10 million downloads to date. The best of these may morph into broader legal services delivered over the Web, with the chance for client feedback and interaction.

DK: People are already talking about the idea of "Open Source lawyering" based on the concepts underlying the Open Source software licenses. [WEX](#) is Cornell's effort to create a legal encyclopedia along the lines of Wikipedia. I'm intrigued by the idea of adapting document assembly apps to the world of Web 2.0 and delivering document preparation and other legal services via the Internet. The only limits are our imaginations and, of course, ethical rules and other bar regulations designed for a Web 1.0 or earlier era.

SMN: Clients are starting to expect and demand better and more instantaneous access to THEIR information and data. How law firms deal with this will be interesting. Couple this with their current ability to easily use the Internet to educate themselves regarding legal issues and the days of "all my client needs to know about the law is my phone number" will soon be gone.

FIV: I think the Internet and Web 2.0 applications will continue to make consumers question whether they need to hire a lawyer for certain needs. The Internet didn't kill the printing press like everyone thought it would, and it won't eliminate the need for lawyers or legal services. It will, however, provide more access to basic legal services without the need of a lawyer. Solos and small firms will have to re-evaluate their services and pricing to keep up.

TM: See my comments above on [Wikilaw](#). This is a living, breathing document that lawyers will create, but it will be a resource for both lawyers and their clients. With sites like these, it's not hard to envision the open-source legislative process proposed by John, and the relationship between lawyers and their clients will certainly be changing as these types of resources begin to appear.

How About a Few Final Observations?

FIV: Web 2.0 will help the legal profession in many ways, collaboration being the biggest contributor. What Web 2.0 won't do for the legal profession is eliminate the need for lawyers. There are certain legal needs, advice, and services that Web 2.0 technology cannot replace.

DK: But there are a lot of people who wouldn't mind eliminating some of the need for lawyers. In fairness, some people are already talking about a Web 2.0 bubble. There are questions about how these tools and services can be turned into revenue-makers. The

hype can obscure what is happening and lead people to have unrealistic expectations. I like to focus on the simplicity and availability of the tools, the promise of the Internet as a software platform, and how it can enable us to accomplish our work better, faster and cheaper.

SMN: In my opinion, lawyers tend to be later adopters of any technology, often not adopting until clients, the Bar or the courts require it. Those that are early adopters of Web 2.0 technology have a substantial leg up on their Web 1.0 competitors in the marketplace.

JT: Whatever direction it goes, it will be fascinating and a lot of fun to watch. In the Web 2.0 world, the Internet becomes a platform for connecting people in social networks. And, about empowering them with software to work together in ways never contemplated by traditional organizational manuals.

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