

IMPORTANCE OF LEGAL WEBSITES IN INFORMING ON LEGAL SOLUTION AND LAW POSSIBILITIES

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ABSTRACT

The globalisation and regionalization trend in Europe have resulted in the need of globalisation and uniformed Law. However, it has become apparent that the practice of the Court has to be transparent and as such the court decisions and opinions should be available.

At the same time, the increasing Internet traffic resulted that Websites became the fastest, the cheapest and the most accessible way to get information regarding different legal problems, solutions for solving those problems and legal possibilities of different countries. Problems of Property Law, Trade Law, Family Law become transparent through the Internet and national border does not exist any more.

The existing Web sites are public and accessible source of Law with legal solutions, legal advice and advertised legal procedures, enabling to the interested site visitors a comparison between domestic legislation and the legal solutions in other countries.

The article encompasses analysis of the possibilities of different Websites and the accompanying links. Levels of observations are related to instructing on legal solutions, informing on legal possibilities as well as on the manner of obtaining specific legal advice.

Key words: web sites, legal solution, legal advice, judge's web, non-traditional, client, lawyer, advice-giving

1. INTRODUCTION

Need for construction of legal web sites has resulted from development of Internet Traffics. Usage of these web sites can be observed from different points of view: from the point of view of legal institutions as well as from the point of view of interesting legal subjects (legal and individual persons). Visitors of the legal web sites will be interested in updated web sites with bright review of valid legal norms, review of legal institutions, links for legal aids and lists of experts.

Having in mind communication directions, visitors of the legal web sites have a possibility to use published legal information in active and passive way.

The passive way means only searching the web sites containing legal contents. Active communication includes *e –correspondence* of visitors of legal web sites with institutions, experts, newsgroups or other relevant subjects. The active communication in the relationship attorney–client, started in 1930s with first models of advice – giving in non–traditional contexts (Lanctot, C. J., 1999). Development of media (newspaper, radio, television and especially Internet) has resulted in the need to adapt traditional relationship attorney – client to the new one, the-question-and-answer form, adapted to Internet communication.

Authorised legal institution (Bar Chamber) should analyse and regulate by Law ethical problems in new non-traditional legal contact as the-question-and-answer form. One example of regulated non – traditional legal contact was the Good Will Court radio broadcast in the 1930s.

Increasing of the Internet Traffics and need for faster legal communication, caused irreversible process. Some countries (e. g. Croatia) have legal web sites on Internet without proper legal regulation of the-question-and-answer communication form.

Constructed legal web sites depend on authorised state organisations announcing their work on Internet, but there are other possible ways on announcing follows:

- attorney’s practice on Internet
- legal newsgroups
- chat regarding legal issue,
- free legal aid (as are sites Free Advice and Law Guru).

However, assessment of legal web sites includes, except classical and technical parameters (e.g. log on, speed of reading...), transparency, accessibility of legal advice, capacity of legal information and up date of web sites.

2. LAW ON INTERNET

Establishing “of the Good Will Court, and innovative method of giving legal advice over the radio that emerged in the 1930’s, only to be rapidly suppressed by the organised bar”¹, shows that traditional communication is not enough.

Practice also referred to the fact that legal institutions, as well as other segments of the legal system, extend and develop traditional model of communication with

¹ Lanctot, C.J. (1999): Attorney-Client Relationships In Cyberspace: The Peril And The Promise, Duke Law Journal, 49 Duke L. J. 147, pp. 164

participation on radio and TV contact shows, columns in newspapers and last years on Internet.

Importance of the legal web site constructed by legal institution is proportionally related to the importance of institution in the legal hierarchy.

However, published information, as well as e- mail addresses or offered links give a possibility to inform about legal system or laws, and to make contacts.

2.1. LEGAL INSTITUTIONS

Role of Constitutional Courts and Supreme Courts as corrective of judiciary power is crucial and in accordance with its structure and quality of their web sites.

Structure of such web site should be consist of:

- Constitutional and Court decisions,
- Legal acts,
- Legal opinions and articles of the judges and others legal experts,
- Useful links (web sites of Law Faculties, other courts, legal Institutes, international organisations, legal experts).

Quality of legal web site means following:

- Up-dated web sites,
- Organising of newsgroups,
- Contacts with experts
- Easy access to the web site,
- Easy researching and transparency of published information,
- Presentation of all Law segments (e. g. Constitutional Law, Family Law, Civil Law, International Law, Commercial Law, Criminal Law, Finance Law, Contract Law, Labour Law).

When constructing web sites of courts and other judicial institution one should have in mind that “The Courts tasks is to render are decision that will prevent the conflict – and all potential conflicts like it – from disrupting productive co-operation”².

Web site of the Court with presentation of the institution and judges should include detail information about legal issues.

2.2. Legal solution

Legal Aid e.g. **Legal solution** (Bailey, S.H.; Gunn, M.J., 1996) will, in principle, be capable of providing any help- not just from lawyers – which can either

- (1) prevent court proceedings or questions that would demand a legal solution from arising, or
- (2) promote their settlement or other disposal, in accordance with the Law and in a way that will produce an enforceable result.

Legal aid is professional legal assistance given either no charge or for a nominal sum, to indigent persons in need of such helps.

Traditionally, in many countries, as one of the public service responsibilities attached to the practice of law, lawyers also undertake to give legal aid in civil cases.

² Bredmeire, H. C. (1962): Law as an Integrative Mechanism, in: Freeman, M.D.A.: Lloyd's Introduction to Jurisprudence, Sixth Edition, 1996, Sweet&Maxwell, London, pp. 579

In 1958 the International Bar association sponsored the organisation of the International Legal Aid Association, the purpose of which is to

- 1) compile and maintain a directory of legal aid agencies,
- 2) collect and distribute information concerning both services provided by such organisation and laws, and other provisions regulating legal aid in the various nations
- 3) develop facilities for the referral cases on a basis of reciprocal service among the co-operating agencies, and
- 4) encourage establishment of legal aid service in all countries where it may be needed and to co-operate with the associations, the judiciary, social welfare agencies, and other international organisations interested in extending and improving legal aid and different services.

The whole concept of legal aid is founded on the work of Bar Chamber, precisely on the traditional communication between the attorney and the client.

The speed of information exchange on the Internet results in a possibilities to give new on-line legal advises.

“The case law demonstrates that on-line exchanges resulting in the giving of specific legal advice likely will be viewed as creating attorney-client relationships. Moreover, disclaimers are unlikely to provide the protection that many lawyers seek.”³

This way of communication presents enormous promise for addressing the unmet legal needs of many people with lower incomes, through the following activities:

- contacts with several attorney offices at the same time (sending one e- mail request to several Internet attorney addresses),
- compression advises of numerous attorneys, or
- take participation into on-line discussion on the Internet.

Lawyers who provide specific legal advice on-line may find it difficult at some future point to persuade the Court or the Bar Chamber that they did not intend to incur any professional obligations by answering questions on Internet. Therefore, the question of whether lawyers can give such advice and simultaneously disclaim any responsibility for its accuracy must be considered.

3. ANALYSIS OF SELECTED WEB SITES

While searching to the legal web sites on the Internet, through legal web sites, every visitor will be faced with numerous pages, which are accessible. Some of the basic criteria for analysis of quality of web sites are: the first impression, the structure of the web site, log on (v. 90), researching (site/base), the quality of data base, newsletters, the quality and number of links, contacts and up-dating of the web site.

Selected web sites⁴ according to the above mentioned criteria are presented in Table 1.

The sheer volume of material on the Internet makes it impossible to catalogue all the relevant sites, but we can consider a few representative examples.

³ Lanctot, C.J. (1999): Attorney-Client Relationships In Cyberspace: The Peril And The Promise, Duke Law Journal, 49 Duke L. J. 147, pp. 148

⁴ Notes in the Table 1 are: + poor, ++ good, +++ excellent, - there is no characteristic

Table 1: Analysis of selected legal web sites

WEB sites	first impression	structure of the web site	log on (v. 90)	researching (site/base)	quality of data base	news-letter	quality and number of links	contacts	up dates	comment
www.sudackamreza.hr	++	+++	+++	+++	-	-	+++	+++	-	- search requires authorisation - page under construction
www.mn.hr	++	+++	+++	+++	+++	-	+	+++	++	- access requires registration (subscription)!!!
www.vsrh.hr	+	+	+++	+	++	-	+	+	-	- small amount of texts (articles, lectures, seminars) - complicated search
www.usud.hr	++	++	+	+	+	-	+	+	-	- personalised page - titles without text!!!
www.odvjkomora.hr	++	+	++	+	++	-	+	++	+	- undeveloped data base
www.zakon.pravo.hr	++	++	+++	+	+	-	+++	+	-	- without scientific papers - data base consist of data about the institution
www.jagor.srce.hr/gpp	++	+++	+++	++	++	-	++	++	++	- students' Internet project - news in Law, law abstracts, articles
www.law.cam.ac.uk	+++	+++	+++	+++	+++	-	+++	+++	++	- excellent data base
www.coe.int	+++	+++	++	+++	+++	+++*	+++	+++	+++	- three newsletters! - simple search - regular up-date - diversified data base
www.lawinternational.com	+++	+++	+++	++	++	++	+++	++	-	- contemporary site concept - rich contents for members
www.prairielaw.com	++	+++	++	+++	+++	++	+++	+++	-	- easy accessible legal aid - large data base - forum, chat
www.findlaw.com	+++	+++	+++	+++	+++	+++	+++	+++	+	- excellent data base

Most of good noted web sites belong to the Anglo-Saxons area of Law. Even if Continental Law (e. g. Croatian's Law system) is not compatible with the Anglo-Saxons, existing web sites presents examples about possible solutions effective construction legal web sites.

4. LEGAL ADVICES ON INTERNET

Even if searching through legal web sites, the visitor might not get doesn't means I get proper legal advice. In that case, there are another possibilities to find legal advice in frame of (Lanctot, C.J., 1999):

- news groups (as is alt.lawyeers.sue.sue.sue),
- mailing list,
- chat room.

A newsgroup represents another huge Internet service (in 1996 16,000 discussion groups have existed) where participants have possibility to use and search through articles classified thematically (Batinic, B., 1997; Bradley, N., 1999). All of the participants may use those articles, comment them, write new article, ask questions or offer answers. There are two areas of newsgroups: special newsgroups and thematically close groups.

In another type of discussion group, called a "listserv" or mailing list, messages are sent to a central e-mail address and then redistributed to the list's subscribers; some of those lists may also feature request for legal advice.

Chat room is communication in which two or more individuals may communicate in "real time", receiving responses on the screen as soon as they are typed in. Lawyers occasionally answer the questions, often while simultaneously disclaiming any intent to form an attorney-client relationship.

However, visitors of legal web sites have possibilities to request legal aid to the authorised institution (free legal aid or with fees) by sending e-mails to law firms or to an attorney. These sites differ from the previous two types of sites in the way that neither the questions nor the answers are visible to the public.

Except for the above mentioned ways, there are some web sites like www.findlaw.com, which offer the following topics:

LEGAL PROFESSIONALS

- Legal subjects (Constitutional, Intel. Prop., Labour...)
- Legal Careers (For Employers, For Candidates, Salaries...)
- West LegalEdcenter (FindLaw Online CLE: Elim. Bias, Ethics...)
- Consultants & Experts (Investigators, Practice Support...)
- Software & Technology (Case management, Time Billing...)
- Lawyer Marketing (Advertising, Consultants, Strategies....)
- Law Office & Practice (MY FindLaw, Free E-mail, Firm Web Sites...)

STUDENTS

- Law Schools (Law Schools A-Z, Paralegals, Rankings...)
- Law Reviews (General, International, Technology....)
- Law Student Resources (Study Skills, Publications, Discussion Group...)
- Pre-Law Resources (Financing, Preparation, Forums...)
- Laws: Cases & codes (US Sup Ct, US Code, Constitution, States...)
- US Federa Resources (Californica, New York, Texas...)

- Foreign & International (Countries, Int'l Law, Int'l Trade...)
- Forms (Court, Tax, Sample Contracts...)
- Reference Resources (Library, Dictionary, Directories...)
- Legal Organizations (Nat'l Bars, State Bars, Local Bars...)
- Outlines & Exams (Const. Law, Civil Procedure, Property...)
- Course Pages (Constitutional Law, Ethics, Evidence...)
- Employment (Firm Salaries, Alt. Careers, Insider's Guide...)
- The Bar (Prep-Courses, Bar Results, Bar Exams...)

BUSINESS

- Business Formation (Business Plans, Legal Structure...)
- Legal (Lawsuits, Contracts, Environmental...)
- Finance (Bankruptcy, Funding, Taxes...)
- Intellectual Property (Copyright, Patent, Trademark...)

PUBLIC

- Housing (Landlord-Tenant, Buying, Selling...)
- Auto (Accidents, Buying, Repairs...)
- Personal Injury (Med Malpractice, Negligence, Products...)
- Crime (Drunk Driving, Identity Theft...)
- Government and Politics (Issues and Legislation, Write to Congress...)
- Human Resources (Compensation, Hiring, Firing...)
- Tech Deals & Contracts (Exec. Compensation, IP Licenses, Acquisitions...)
- Silicon Valley Canter (Finance, Human Resources, Management...)
- Lawyers (Lawyer Directory...)
- Family (Adoption, Divorce, Marriage...)
- Money (Credit, Bankruptcy, Taxes, Wills...)
- Work (Pensions, Termination...)
- Immigration (Green Card, HIB, Student, Travel...)
- Lawyers (Lawyer Directory...)

This web site is not the official web site of judicial bodies. The mentioned web site presents a public site for ordinary visitors interested in certain legal issue. The equal type of web site in the Republic of Croatia could be www.sudackamreza.hr. This web site is good project but not finished yet. Construction of web sites like www.sudackamreza.hr will propose future frame for non – traditional context of legal communication.

5. CONCLUSION

Construction of legal web sites on Internet results in the development of traditional context of communication in relationship attorney – client into a new way of non – traditional context. Having in mind communication directions, visitors of the legal web sites have a possibility to use published legal information on active and passive way.

The passive way means only searching the web sites containing legal contents. Active communication includes *e –correspondence* of visitors of legal web sites with institutions, experts, newsgroups or other relevant subjects. The active communication in the relationship attorney–client, started in 1930s with first models of advice – giving in non–traditional contexts (Lanctot, C. J., 1999). Development of media (newspaper, radio, television and especially Internet) has resulted in the need to adapt traditional relationship attorney – client to the new one, the-question-and-answer form, adapted to Internet communication.

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Except above mention ways, there are some web sites like www.findlaw.com.

This web site is not official web site of judicial bodies. Mentioned web site presents public site for an ordinary visitor interested in certain legal issue. The construction of similar web sites will propose future frame for non- – traditional context of legal communication.

The problem of ethics in non – traditional legal contact, known as the-question-and-answer form, should be a topic of consideration and legal regulation for the relevant institution in the nearest future.

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