

Crowdsourcing gains traction as a resource in legal practice

January 22 2014

For inexperienced lawyers, the amount of research and case law that must be studied can prove overwhelming, especially in areas of the law that are newer or uncharted. Even for attorneys who have years of experience, using online research services can be extremely costly, not to mention time-consuming.

So why not turn to the crowd?

Crowdsourcing, a concept that fuels many social networks, is starting to gain traction as a viable option in the legal industry. In its simplest form, crowdsourcing involves seeking input or advice from a large group, usually online. Social media networks like Twitter have helped to facilitate crowdsourcing, allowing information to be shared and spread quickly.

It was the concept of seeking advice from peers that motivated Adam Ziegler, a former litigator in Boston, to start Mootus, an online platform for legal argument and insight.

"I thought there should be a way - given that the [law](#) is public - that legal proceedings should be some way to tap into that, for lawyers to discuss, argue and explore legal issues on the Web," Ziegler said.

The more he learned about crowdsourcing, the more it made sense as a potential tool for lawyers. Decisions in the American legal system emerge as a series of decisions over time, he pointed out, "not so much

with one court dictating, but a bunch of different sources, usually in uncoordinated activity.

"That, to me, is a form of crowdsourcing, just a lot slower and more inefficient."

On Mootus, users can propose an issue for argument. For instance, "Is a Facebook 'like' considered free speech protected by the First Amendment?" and other users can weigh in, citing case law or other opinions. Users then vote on whether citations are "on point" or "off base," which helps earn status that gives their input more weight.

Mootus isn't just a popularity contest, though, Ziegler said, but a way for lawyers to practice the much-needed skill of effective argument. "Junior lawyers don't do enough citation of primary law before they enter practice," he said.

For Jake Heller, a former litigator with Boston law firm Ropes & Gray, the idea of using already-existing sources of legal expertise was something he had considered since graduating from Stanford Law School.

"I saw how every other field of information had been revolutionized by crowdsourcing," Heller said, offering examples such as restaurant review site Yelp, online encyclopedia Wikipedia, and GitHub, whose online repositories allow collaboration on software development projects. "I kept thinking, 'When will law catch up?' "

He quit his law firm job to start Casetext, which launched last summer. In addition to contributors, the site aggregates free, publicly available content from such sources as law firms' websites and law professors' personal blogs, and presents it alongside legal documents as annotation.

"Lawyers are already producing a lot of information for free - literally thousands of summary analyses," Heller said. "What (motivates) them to write for free, under certain circumstances, is that it helps them build their brand and establish expertise."

The idea of crowdsourcing and collaboration already is prevalent in the legal field, Ziegler notes, in the form of the amicus curiae brief, which allows a third party to offer information or opinion on a case in which it is not directly involved, but may have an interest.

And, he noted, it's important not to confuse [crowdsourcing](#) - which is seeking input and opinions from many people - with crowdfunding, which involves seeking monetary contributions. Ziegler said Mootus is not a crowdfunding site, nor are there plans to make it one.

Heller said he thinks that, while sites like Casetext and Mootus provide a valuable service, there will always be a place for the more traditional forms of legal research.

"But I think these major large services have to grapple with how sustainable their prices are," he said. "As law firms are having a harder time financially, they may start to ask themselves how they can afford to pay for an expensive site when there is content being produced for free."

©2014 Pittsburgh Post-Gazette
Distributed by MCT Information Services

Citation: Crowdsourcing gains traction as a resource in legal practice (2014, January 22)
retrieved 16 July 2024 from <https://phys.org/news/2014-01-crowdsourcing-gains-traction-resource-legal.html>

<p>This document is subject to copyright. Apart from any fair dealing for the purpose of private study or research, no part may be reproduced without the written permission. The content is provided for information purposes only.</p>
--