

Patrizia Anesa*

University of Bergamo, Italy
patrizia.anesa@unibg.it

THE DECONSTRUCTION AND RECONSTRUCTION OF LEGAL INFORMATION IN EXPERT-LAY ONLINE INTERACTION

Abstract

With the advent of web 2.0 technologies, a preliminary step when looking for legal information and advice often involves the use of online law forums. Through the analysis of a corpus of threads drawn from the *Justanswer* law forum, this paper discusses the negotiation of professional identity and popularization of legal knowledge through the use of explanatory structures. Popularization cannot be simplistically intended as a form of intra-linguistic translation based on the transposition of specialized language into a simplified form. Instead, it should represent a process of text production or recontextualization in which explanatory structures play an important role in the communication of legal information. The study argues for the abandonment of the traditional paradigm that mechanically equates experts with the use of specialized language and offers a critical investigation into the notion of legal expertise, especially in light of the proliferation of online law forums, which have to some extent contributed to the redefinition of legal authority.

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Key words

legal forums, explanatory structures, expert-lay interaction.

* Corresponding address: Patrizia Anesa, Room 210 University of Bergamo, 24129 Piazza Rosate 2, Bergamo, Italy.

Sažetak

S pojavom Web 2.0 tehnologija, početni korak u traganju za pravnim informacijama i savetima često podrazumeva korišćenje pravnih foruma na internetu. Kroz analizu korpusa poruka ekscerpiranih s pravnog foruma *Justanswer*, rad se bavi pregovaranjem profesionalnog identiteta i popularizacijom pravnog znanja putem korišćenja eksplanatornih struktura. Popularizacija se ne može pojednostavljeno shvatiti kao neka vrsta intralingvalnog prevođenja koja se zasniva na pretvaranju specijalizovanog jezika u jednostavniji oblik. Umesto toga, ona bi morala da predstavlja proces proizvodnje ili rekontekstualizacije teksta, u kojem eksplanatorne strukture igraju značajnu ulogu u prenošenju pravnih informacija. U radu se zalažemo za napuštanje tradicionalne paradigme po kojoj se stručnjaci mehanički poistovećuju s korišćenjem specijalizovanog jezika, te pružamo kritički uvid u koncept pravnog ekspertskeg znanja, pogotovo u svetlu obilja onlajn pravnih foruma, koji su donekle doprineli redefinisaju pojma pravnog stručnjaka.

Ključne reči

pravni forumi, eksplanatorne strukture, interakcija između stručnjaka i laika.

1. INTRODUCTION

Knowledge asymmetries permeate communicative events and may be seen as the *sine qua non* of interaction between an expert and a layperson with reference to a specific field (Beatty, 2006; Kastberg, 2011). They are not simply intended as a knowledge 'gap', where a knowledge surplus is differentiated from a knowledge deficit, but as a multifaceted and dynamic concept which allows participants to co-construct knowledge (Anesa & Kastberg, 2012; Kastberg, 2011). The interaction between legal professionals and laypeople is commonly based on asymmetrical relations in terms of knowledge as well as power (Anesa & Kastberg, 2012; Turnbull, 2014). Moreover, when individuals seek legal advice, given the complexities generally associated with the field of law, a delicate balance is also sought by lawyers, who must be legally accurate while at the same time clear enough to be correctly understood by their (potential) clients.

Data derived from the observation of face-to-face lawyer-client interaction is available (e.g. Felstiner & Sarat, 1992) but is still relatively limited, given privacy and confidentiality issues. Conversely, online forums provide a vast amount of accessible data and, although often labeled as legally irrelevant, online interactions reveal precious insights into professional-lay communication.

In this study, data is drawn from the popular *Justanswer.com* website and in particular from the US law forum, where users can contact law professionals to pose their questions. Given the propagation of such interactive tools in the legal field, it is critical to achieve a finer understanding of the dynamics taking place, the communicative objectives and the legal constraints within which participants must act.

Since forums are becoming a common tool by which to acquire specialized information used by an ever-increasing number of people, it may be argued that they also assume a popularizing function. Popularization is intended here as a form of recontextualization of specialized information for a lay audience (Calsamiglia & van Dijk, 2004; Gotti, 2005; see also section 2.1). Thus, this paper aims to answer two main research questions:

- 1) *What are the peculiarities of expert-lay interaction in online law forums?*
- 2) *May this type of communication be intended as a form of popularization of legal information, and if so, what kind of explanatory structures are used?*

Online legal consultations are based on different but related dynamics, compared to those conducted face-to-face. On the one hand, the foundations are analogous, with a non-expert paying a qualified lawyer on the basis of his or her expertise. On the other hand, a number of differences emerge in online forums, namely: the right to anonymity, the immediacy of exchange, the possibility of opting out at any time, and the relative lack of commitment. Moreover, the fact that the written exchange is visible to third parties leads to the avoidance of certain considerations, which may instead be expressed in the privacy of a lawyer's office, such as comments on manifestly unethical practices. In particular, in the case of public forums, experts must move within specific constraints, such as the rules levied by the website itself, and the need to fulfill the expectations of a wide potential audience, as every post is subject to public perusal and unprofessional behavior may be immediately detected.

Before the advent of web 2.0, a client seeking legal information or advice would go through the process of finding and contacting an expert. Nowadays, for an ever-increasing number of people, the preliminary step is to seek information online and contact an expert through a forum. Clients appreciate the immediacy and ease of contacting someone anonymously, the time and cost efficiency and the possibility of accessing a number of different forums so as to receive different opinions in a short space of time. However, online interaction has often been disregarded and considered an insignificant activity compared to receiving real¹ legal advice.

¹ The term 'real' is not intended purely as an antonym of 'virtual': legal advice can of course be given online but most public forums, such as the one analyzed here, base their activity on the non-legal-advice disclaimer, so that by definition no information is to be intended as legal advice.

Some risks are inherent in this kind of online service. Generally, communication between attorney and client is based on the duty of confidentiality, even in the case of prospective clients or if no future client relationship develops. The issue of ask-an-expert forums is particularly problematic in that the participants are fully aware that their posts are visible to other users, which is antithetical to the concept of a confidential relationship. Moreover, what the expert may intend as a simple opinion may be perceived as legal advice, followed blindly by the client. This issue has often been raised by scholars over the last few years and, for instance, Schwarz (2001: 676) aptly remarks:

“despite an attorney’s best attempts online to provide only general legal information, there are a number of unique considerations implicated by communication over the Internet that pose a risk that the recipient of the information might attribute greater weight to it than the attorney intended, believing that the information was meant to be individualized advice”.

The consequences of such practices are unforeseeable and lawyers expose themselves to potential risks varying from loss of credibility to accusations of unethical conduct. To illustrate this point, sites like *Legalzoom* have often been accused of unauthorized practices (Schwarzentraub, 2013). Legal doctrine is not able to keep pace with new technology and thus clear guidance is lacking on what practices are permissible and ethical (Lackey & Minta, 2012).

Despite the reluctance and criticism expressed by several legal professionals and a widespread degree of skepticism towards online platforms, the number of people seeking information or legal help online is growing and this has crucial social implications. Indeed, on the Internet, we often observe latent social needs which may not emerge in more organized forms of expression (Antelmi, 2011: 285). Such needs may be related to a desire to acquire health-related information allowing the user to remain completely anonymous, or to express feelings without the risk of being judged. Law forums may be described as an arena where social demands associated with the field of law are expressed by users, including many who would otherwise never initiate any form of interaction with a professional because of a variety of factors. These include the fear of incurring excessive costs or being unable to understand the complexity of the issue, as well as a lack of trust in the justice system.

2. THE LANGUAGE OF EXPERT-LAY INTERACTION

2.1. Popularizing legal information online

Despite the linguistic conservatism that is generally associated with the field of law (e.g. Barnes, 2006; Williams, 2005), the way legal language is dealt with is not necessarily static. Although it has long been demonstrated that in traditional legal settings lawyers may have a preference for convoluted syntactical patterns, verbiage and linguistic complexity (e.g. Bhatia, 1983; Tiersma, 1999), this does not necessarily hold true in other settings. While these features are generally preserved, especially in intra-specialist communities, lawyers display a vast range of accommodation strategies when dealing with non-experts. For instance, when speaking with jurors, they constantly seek a balance between specialized and ordinary language (Anesa, 2012). Similarly, in online forums, while preserving their role as experts, lawyers are often inclined to use simplification strategies, accommodation tools and explanatory structures, aiming to facilitate comprehension on the part of the users.

I have argued elsewhere that specialized forums may become popularization tools (see Anesa & Fage-Butler, 2015 on medical forums). Indeed, although distant from the canonical view of popularization, forums often receive several views from a wide audience and become a repertoire of specialized information that is available to other potential users.

One simplistic interpretation of popularization defines it as a mere conversion from a technolect to a basilectal form (basilectal being intended in terms of register and style). This may lead to the perception of popularized texts as simplified adaptations, thus lacking the complexities that constitute the fabric of specialized language. From this perspective, the process may appear as a 'perversion' of the original text (Alcíbar, 2004: 49). This issue is particularly critical in the field of law where minor changes in the verbal realization of certain concepts may lead to their contestability.

Yoxen (1985: 163) defines popularization as "the translation of complex and esoteric ideas into the terms of everyday life". Nevertheless, the notion of popularization goes beyond that of a form of intra-linguistic translation where specialized language is transposed into a simplified one. Popularization is seen here as a form of rediscoursification,² intended as the creation of a new type of discourse, where specialized language is exploited differently according to a new set of participants, setting, objectives and rules, thus producing new culturally and historically located meanings.

² Rediscoursification differs from discoursivation, which is related to the transformation of local utterances into binding facts (Scheffer, 2007).

Popularization is often considered necessary when disseminating scientific knowledge and is mostly associated with the so-called hard-knowledge sciences. However, it also regards the field of law, where technical concepts need to be reframed and recontextualized for a more general public. This argument rests on the idea that legal and procedural notions display a high level of technicality and the lay user may not be able to grasp the nuances of a norm or understand its applicability to a particular case.

2.2. Expert-lay paradigms

The communication of specialized knowledge across professional cultures is a fluid and dynamic process. Traditionally, lay people pay professionals in order to acquire information that they do not possess and access those tools with which they are not familiar (Abbott, 1988). However, the process of constructing knowledge on a forum is based on complex negotiation between many different factors such as the expert's desire to display his/her knowledge, his/her awareness of accommodating strategies, the users' need to be presented with simple and comprehensible information and their aspiration not to be patronized (Anesa & Fage-Butler, 2015).

According to the traditional paradigm of expert-lay interaction, "professionals [...] are presumed to be the only judges of how good their work is, no layman or other outsider can make any judgment of what they can do" (Becker, 1962: 38). Along these lines, traditionalists assume that lawyer-client relationships are based on professional control and lay passivity (e.g. Bankowski & Mungham, 1976).

In this view, the lawyer maintains control over the relationship and its development, and the client is a user who theoretically needs to evaluate a service without knowing the parameters for carrying out that evaluation. Most decisions are made by the lawyer, and the client simply gives his assent, not having the legal competence to offer alternative strategies. Client dependency on the lawyers' skills is taken for granted and exploited although these dynamics may vary according to the area of law and the individual case. Following Rosenthal, the traditional model "holds that client welfare and the public interest are best served by the professional's exercise of predominant control over and responsibility for the problem-solving delegated to him rather passively by the client" (Rosenthal, 1974: 2). Thus, traditionally, lawyers assume control over practices (Heinz, 1983) and are skeptical about clients who are too active in their case (Hosticka, 1979: 607).

As a reaction to traditional models, other paradigms based on a client-centered approach developed (e.g. Binder, Bergman, & Price, 1991; Binder & Price, 1977). For instance, Binder, Bergman, and Price affirm that within the client-centered approach "a client should make critical choices whenever possible and practical" (1991: 21). However, some scholars have highlighted that this approach

is not applicable in practice (Hurder, 1996: 76) because decisions cannot be taken unilaterally and everything is subject to constant negotiation.

Subsequently, the collaborative paradigm has been used to promote collaboration among the parties involved. For example, Moliterno and Levy (1993: 86) propose a model in which the lawyer and client “share responsibility for diagnosis, action and implementation”. Consequently, they aim to account “for the lawyer’s training and experience and the client’s concern about the representation matter” (Moliterno & Levy, 1993: 86). Along the same lines, Hurder (1996) suggests that lawyer-client interactions should be based on a negotiating approach, in which decisions cannot be taken autonomously by either party, and which theoretically guarantees that the demand for equality and collaboration on the part of the clients be satisfied.

2.3. Asymmetries in interaction

Starting from the assumption that social phenomena are negotiated in interaction, although not always overtly, we can argue, following Giddens, that power is always “involved institutionally in processes of interaction” (Giddens, 1979: 88). In particular, in lawyer-client communication, power is “a complicated phenomenon that, over time, is constructed and reconstructed so that its possession is neither necessarily obvious nor rigidly determined” (Felstiner & Sarat, 1992: 1450). Thus, every interaction is a *locus* where a multifaceted compound of social dynamics takes place and lawyers and clients constantly negotiate the structure and meaning of professionalism and professional power.

The asymmetrical power dynamics taking place in expert-lay communication are an epiphenomenon of complex social relations. In lawyer-client interaction, such asymmetries are fundamental in that the lawyer displays a form of power granted by his knowledge and expertise and the client relies on a professional on the basis of this asymmetry. This type of relationship is apparently hierarchical, and the exercise of power is often dictated by routine practices. However, as mentioned above, the idea that even seemingly uncomplicated professional relations are constructed through complex negotiation processes has been widely accepted (e.g. Berger & Lukmann, 1966; Scheff, 1968).

In the legal field, although the authoritarian competence may seem a prerogative of the legal expert, this form of control is not automatic (Felstiner & Sarat, 1992). The praxis shows that the complexity of lawyer-client relationships is generally emphasized by the need on the part of the lawyer to satisfy his or her (paying) client. Moreover, the client has the power to withdraw from the relationship and contact another lawyer or even follow grievance procedures, as well as take actions to damage the lawyer’s credibility.

The relationship developing in online interactions somehow further affects the complexity lying behind the delivery of legal services (Clark, 2013: 24). The

hybridization of discursive processes taking place on an online forum implies the need to overcome the traditional paradigm which equates experts with specialized language and non-experts with non-specialized language. On the one hand, these processes may potentially facilitate the attainment of a more democratic understanding of law. However, on the other hand, legal concepts and principles may be oversimplified and distorted. The exploration of these dynamics is fundamental in that a real understanding of the law by those seeking information moves towards a fuller realization of the concept of justice.

3. ANALYSIS

Data is derived from the law section of the *Justanswer.com* site.³ The section includes different forums, each with a specific focus on different countries, such as the US, the UK, Canada, Australia, South Africa, New Zealand and the Republic of Ireland. Given the considerable variety across different legal systems, the posts analyzed refer exclusively to the US, for the sake of consistency.

All posts date back to the period between February and April 2015 as the aim is to focus on recent texts which are synchronically comparable. In order to be able to observe the development of the interaction, threads⁴ with a minimum of four posts were selected. Moreover the selection was restricted to those posts in which advice was asked by the user himself/herself and not by a third party in order to avoid potential discrepancies in the level of involvement. The total number of threads was 25, each including between four and fifteen posts. The number of tokens amounted to approximately 17,500.

After collection, the texts were coded using *QDA Miner Lite*⁵ with particular attention devoted to the explanatory strategies adopted by the experts, following those suggested by Calsamiglia and van Dijk (2004) and Anesa and Fage-Butler (2015). More specifically, the main structures coded include definitions, descriptions, tropes, synonyms, examples, and paraphrasing. The approach adopted is thus loosely definable as corpus-based, since the texts collected are employed as a repository of data in order to verify hypotheses. The corpus may therefore be used to confirm the presence of explanatory structures when legal information is acquired from an online law forum. It also provides authentic examples to explore how explanatory strategies may be used to popularize information.

³ The service is not free. The minimum payment to post a question is approximately £15. Refunds are possible if the user is not satisfied.

⁴ A thread is simply intended as a collection of messages posted as replies to each other in user discussions over the Internet. They are used in web-based forums, and in newsgroups, chatrooms, blogs, etc. The messages are generally displayed in chronological order by date of posting, as is the case in *Justanswer*. Some forums support sub-threads (where a new thread can start within the original one), but the site under scrutiny follows a linear hierarchy.

⁵ Provalis Research, 2012.

3.1. Communicative dynamics

The legal information provided by the expert in the posts constitutes a repertoire that is available for public view, thus accessible to a potentially infinite number of users. The characteristics of the information provided are clearly stated in the disclaimer which is present in every thread, stressing the educational and public nature of such information:

- 1) Please note: Information is educational and not given as legal advice. Only your local attorney can give legal advice. I can't establish or accept an attorney-client relationship with you. All posts are available for public viewing.⁶

Statements of this type are present in all threads, usually in the first answer offered by the experts, who also highlight the purely informative function of their posts:

- 2) I look forward to working with you to provide you the information you are seeking for educational purposes only. Just so there are no misunderstandings, you do understand pursuant to our terms of service that we are forbidden from representing you in any legal matters and cannot make personal referrals to local attorneys? All we are allowed to do is provide customers information based on their laws to help inform them of their rights and actions they can take.

On the *Justanswer* forum, users are defined as customers and lawyers are rated by the users themselves. It is, thus, in the lawyers' interest to offer clear and satisfactory answers. However, in some cases communicative issues occur:

- 3) I am not sure we are communicating clearly and I might ask that you go back and read all of my answers thusfar (*sic*)

Sometimes lawyers may ask for details about the case and not receive the necessary information. Even when the customers do not provide the information requested, the experts try to make hypotheses and offer possible interpretations. For instance, in the next excerpt the customer's reply is somewhat irrelevant and inconsequential. However, the lawyer politely attributes this to lack of clarity in his question and makes an attempt to provide useful information despite the lack of data at hand:

- 4) Expert: Can you please tell me if this military member was on duty at the time of this incident or was this when he was out in town on liberty?

⁶ Excerpts have been reported in their original form as found in the data regardless of syntactical errors or linguistic inaccuracies.

Customer: he was at a bar and grill possible dram shop? negligence pain & suffering damages

Expert: Hello again and thank you for your reply, however, *I am not sure I was clear in my question. I can still though address yours without the answer to it.* There would be no basis for a Federal Tort Claim against the Government (Navy) unless this service member was on duty and performing their duties when this incident happened.

The pragmatic function of a post is not only informative, but very often aims at giving support, showing sympathy and gaining the customer's trust:

- 5) I certainly understand the situation and your concern
- 6) I understand your frustration
- 7) That is very embarrassing. I'm sorry that it happened. And the bartender's comments are both unprofessional and inappropriate. I'm sorry that the owner took his side

The expert's expression of sympathy and understanding often emerges when the legal information given may not be in line with the customer's expectations, as the objective is to seek the users' approval:

- 8) I can understand the confusion, but that's what the law is.
- 9) I understand that you may be disappointed by the Answer you received, as it was not particularly favorable to your situation. Had I been able to provide an Answer which might have given you a successful legal outcome, it would have been my pleasure to do so.

The roles of experts and laypeople are fundamental for the development of the interaction, but these positions are characterized by a dynamic rather than static nature. This is epitomized by the fact that in one case an attorney acts as a customer and asks for legal information:

- 10) This is regarding an ethics complaint filed against me in NJ. I am an attorney and I was accused of harrasment (*sic*) when all I did was to tell the receptionist of a law firm to relay a message about the qualifications of the attorney at the firm.

This example confirms the fluidity of the concepts of expertise and laity even in a context where the differentiation of such categories is deemed an integral and essential part of the interaction.

3.2. Experts' strategies: Explanatory structures

Legal information is often offered through a form of prefigured accommodation, as the experts need to anticipate how users will interpret their message. Explanatory structures are used even without a specific request on the part of the users, as experts, on the basis of their experience, consider it advantageous to explain difficult terms or concepts which the user may not be able to comprehend without further clarification. The main explanatory strategies found in the corpus are: definitions and descriptions, exemplifications, synonyms, paraphrases and reformulations, and tropes.

Definitions play a crucial role in explaining legal concepts. In the texts analyzed, two main structures are present:

- Juxtaposition of definition + technical term (see Example 11);
- Technical term + definition (introduced by a verb such as “mean”, “define”, “indicate”, etc.) (see Example 12).

For instance, in the following passage the expert presents the technical expression *pro se* after its explanation has been offered, as the Latin wording may be incomprehensible for a lay audience, and the abstract definition is followed by its application to the specific case. Moreover, the excerpt shows the use of multiple repetitions so as to improve clarity.

- 11) While it is possible to represent yourself, individually, even if you are not a lawyer (this is known as “*pro se*”), it is not possible to represent anyone else. If you have an LLC, then you have a legal entity. So unless you have a law license and are admitted to the state bar, you would be prohibited from representing the LLC. So legally it is not possible to for you to represent the LLC (again, unless you are admitted to the bar)

In Example 12 the term ‘material provisions’ is explained by offering a definition followed by a concrete example:

- 12) Contract law allows voiding a contract when one party misleads another party on a “material provision” of the contract. Material provision *means* that the issue was material, or central, to the contract. *Example*; say that two parties are negotiating purchase of a vehicle. Seller tells buyer the car has never been in an accident. In fact the car was recently in a major accident and then repaired. Because of this accident the market value of the car is reduced substantially. This would be considered a material misrepresentation, the reduction of market value of the car makes this a significant factor for the negotiations.

Explanation does not regard just the definition of difficult terms but also the description of concepts and procedures. The verbal realization of a concept may

not be particularly complex, but its specific significance for the user may not be obvious. For instance, the notion of 'legal basis' to support an appeal is explained by stressing its practical implications:

- 13) The issue is if you have a legal basis to support your appeal. This typically happens when a Judge fails to follow the law or there is some type of procedural error.

Similarly, in the next passage, the lawyer describes the specific consequences of a suit for breach of contract and negligence, adopting a concise and practical approach, without delving into the abstract theorization of such concepts:

- 14) The suit is for breach of contract and negligence in moving the number without proper authorization, *which means* by law you are entitled to collect only damages you can prove you suffered

Likewise, the notion of 'small claims court' is explained not only with a definition (people's court) but relating it to the particular case in question and describing the implications of suing somebody in a small claims court.

- 15) [...] if the seller agreed to return your deposit and now is refusing you can sue them in small claims court to recover your money. Small claims is a true "peoples court" (*sic*). The formal rules of evidence and procedure do not apply. So you can represent yourself (no need to hire a lawyer).

Definitions and descriptions are the most common types of explanatory structures in the texts analyzed, but several others are also present, such as exemplification, which may be seen as a form of ostensive definition (Wittgenstein, 1958) relying on analogical and case-based processes. The use of examples allows users to link an abstract concept to a concrete image and is often employed as an explanatory structure:

- 16) The purpose of the deposit, again generally speaking, is to compensate the seller if the buyer fails to complete the transaction. *Example*, Bill agrees to purchase Ted's car. Bill provides \$500 deposit towards this purchase. Subsequently, Bill decides he no longer wants Ted's car. Bill refuses to purchase the car. In this case Ted could take the deposit to compensate for Bill's refusal to complete the contract.

Synonymic expressions offer an alternative term for a concept with which a user may not be familiar. Synonyms are often avoided in specialized language, in line with the principles of monoreferentiality and unambiguity, but represent a common popularization strategy:

- 17) [...] the type of attorney I would ask for would be a trial attorney or a *transactional (contract) attorney*.

18) Alternatively, you can make a *deal (settlement)* with him.

Paraphrasing and reformulation are also employed, aiming to advance intelligibility and transparency:

19) [...] it sounds as though the seller agreed with you to cancel the transaction. If that is the case? Then you are absolutely entitled to a refund of the deposit. *In other words*, if you and the seller mutually agreed to cancel this transaction you would be entitled to a refund of your deposit.

Other explanatory strategies used in the threads are tropes and, in particular, metaphors. Indeed, it is well-established that, far from representing mere decorative rhetorical tools, metaphors assume a key function in conveying meanings. Following the *locus classicus* of cognitive metaphor theory represented by Lakoff and Johnson's seminal work (1980), metaphors are not seen as ornamental but as epistemically and semiotically fundamental to structure meaning. It is generally agreed that "metaphors are ubiquitous in law" (Berger, 2013: 2) and their use in law has long been investigated.⁷ . By way of example, the following excerpt shows how the expert uses a well-established metaphor to explain the difficulty of the situation to his client from a legal perspective:

20) You're facing *an uphill battle* here.

Other forms of analogy such as similes and comparative processes are employed in order to improve clarity:

21) [...] *is the same result that would occur if* a service member while off-duty was in a car accident in their private vehicle. A person would have to treat them like anyone else and use the civilian system to pursue their claim.

Intertextual references do not constitute an explanatory strategy *per se*, but may be intended as a tool which contributes to the explanation of certain concepts and procedures. Given the convoluted nature of the law, it is often difficult for an expert to summarize a specific concept while preserving its complex nuances and without disregarding any important elements. Links to specific websites are often present, as they represent a practical device which allows users to access a vast range of external legal resources. References are often made to dedicated websites, relevant documentation and specialized publications:

22) Here are two articles that discusses (*sic*) this issue in depth:
<http://federalpracticemanual.org/node/17>
<http://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=4004&context=pen>

⁷ See Makela (2011) on the application of metaphor theory to legal reasoning, and Carpi (2012) for a thorough review of the concept of legal metaphor.

n_law_review If you are doing this by yourself (*sic*) you need to be organized. If you can get yourself a "litigation notebook." <http://www.jdsupra.com/legalnews/how-to-create-a-trial-notebook-53376/>

23) Seek out any self help clinics that may be run by legal aid or law school clinics. <http://www.ohiolegalservices.org/programs/ohio-law-school-clinics-1>

24) Depending on the response, your next course of action would be to file a complaint with the Texas Bar Association. Here is the information about that: <http://www.texasbar.com/Content/NavigationMenu/ForThePublic/ProblemswithanAttorney/CAAP/default.htm>

References may also be made to specific legal documents without providing a link:

25) The Statute of Limitations for oral agreements under Arkansas law is 3 years. See Arkansas Statute: §16-56-105.

This practice, however, is uncommon and lacks the immediacy of web links, which represent the most common form of intertextuality in the threads analyzed.

4. DISCUSSION

Different online platforms exist and it may be argued that their common denominator is the process which entails a linguistic accommodation towards a lay audience in order to facilitate comprehension. This may, in turn, lead to the assumption that the greater the amount of information acquired by users, the greater their power. Indeed, the Internet has often been associated with the possibility to challenge institutionalized and professional interests on the part of lay people. Power relations in expert-lay communication online display a particular type of tension. A higher level of understanding of their rights and duties may help individuals to manage specific hegemonic relations with a greater level of awareness. At the same time, however, the existence of manifest differences in the roles assumed by the participants is evident. The experts are given the power to answer the users' questions because of their expertise and qualifications. Thus, although fluid and dynamic, these asymmetries are determinant for the structure and development of the interaction.

The notion of laity and expertise are to some extent flexible and malleable (Sarangi, 2001). On law forums, the two roles appear more polarized than in other contexts, but several nuances are still present. Experts may become enquirers and laypeople can also assume the role of information providers, although the latter phenomenon is rare in the field of law. Indeed, compared to other forums (e.g. medical, see Anesa & Fage-Butler, 2015; Fage-Butler & Nisbeth Jensen, 2013) on legal platforms users are less inclined to show their knowledge in the specific area

of law concerning their case. The expert's posts are rarely criticized or challenged. Indeed, users of legal forums tend to trust the expert's opinion more passively than in other contexts and hardly ever make hypotheses on how to proceed or regarding which legal principles should be applied. The users' posts generally provide answers to the lawyer's questions or requests for clarification, but are less likely to be critical, to seek alternative ways of dealing with the case, or simply paraphrase the expert's words to check understanding.

In line with the complexity that is generally associated with the legal world, the users of legal forums sometimes admit their inability to understand a specific issue. Even people belonging to the legal practice use this type of service when they feel they do not have the adequate expertise to deal with a case. This may appear paradoxical in that it is assumable that an expert may easily contact other professionals in the field without resorting to an online forum, but the characteristics of the tool make it appealing for a wide range of users.

Thus, people often resort to online forums in order to find legal information, which may erroneously be interpreted as legal advice. Experts must take all necessary precautions to make sure this kind of interpretation does not take place and clear disclaimers appear in every thread with the aim of avoiding negative consequences for the professional. Lawyers must also pursue a form of rhetorical balance between the need to respect legal requirements, the expectations of their peers and their customers, and the awareness that accommodation towards a lay audience is a prerequisite for successful communication. Online forums can therefore indirectly assume the function of popularizing tools, where legal information is explained through a series of strategies. The main ones emerging in the corpus are: denominations, descriptions, tropes, synonyms and exemplifications.

5. CONCLUSIONS

The profound significance of interaction in the process of identity definition is well established, and this is also evident in online exchanges. Indeed, lawyers do not abandon the need to promote their professionalism, expertise and qualifications, but navigate these characteristics and their temporary mitigation in order to provide more informal, simplified expressions deemed more appropriate in relation to user needs, and may be seen as a form of popularization of legal information. In other words, because of the essentially dialogical nature of identity, lawyers aim to display their professionalism while accommodating their discursive practices towards a lay audience.

With the ever-mounting sophistication of web 2.0 technology, the advantages offered by platforms such as expert-lay forums can further be capitalized on and offer a valuable space where a vast number of users can access legal information related to their specific interests and needs. However, experts must pay particular attention to the information they provide, as users rarely challenge it. Moreover,

the rapid development of social media makes it difficult for lawyers to navigate outdated rules often written before the web 2.0 era, and the line between what is permissible or not is often blurred. The use of ask-an-expert platforms is important in that it complements other informative online tools, but it is plausible to expect that further increases in complexity of Internet technology will bring with them new challenges. Consequently, experts can exploit the benefits of online forums, but at the same time must always be cautious not to break professional and ethical rules.

Further avenues for research in this field include the investigation of user reactions, which can offer insights into problematic areas and successful strategies for conveying meaning without altering the legal precision of a statement. This approach can also show whether there are remarkable differences in style and register according to the area of law. Other legal systems may also be observed according to the framework suggested in this paper in order to carry out contrastive analyses.

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References

- Abbott, A. (1988). *The system of professions: An essay on the division of expert labor*. Chicago: The University of Chicago Press.
- Alcíbar, M. (2004). La divulgación mediática de la ciencia y la tecnología como recontextualización discursiva. [The media popularization of science and technology as discursive recontextualization]. *Anàlisi*, 31, 43-70.
- Anesa, P. (2012). *Jury trials and the popularization of legal language: A discourse analytical approach*. Bern: Peter Lang.
- Anesa, P., & Fage-Butler, A. M. (2015). Popularizing biomedical information on an online health forum. *Ibérica*, 29, 105-128.
- Anesa, P., & Kastberg, P. (2012). On some communicatively salient complexities of knowledge asymmetries in a jury trial. *Text & Talk*, 32, 1-19.
- Antelmi, D. (2011). Social demand and the new media Italian forums dealing with healthcare. *Pragmatics & Society*, 2(2), 282-300.
- Bankowski, Z., & Mungham, G. (1976). *Images of law*. London: Routledge & Kegan Paul Ltd.
- Barnes, J. (2006). The continuing debate about 'plain language' legislation: A law reform conundrum. *Statute Law Review*, 27, 83-132.
- Beatty, J. (2006). Masking disagreement among experts. *Episteme: A Journal of Social Epistemology*, 3(1-2), 52-67.
- Becker, H. (1962). The nature of a profession. In N. B. Henry (Ed.), *Education for the professions, The 61st Yearbook of the National Society for the Study of Education* (pp. 27-46). Chicago: University of Chicago Press.

- Berger, L. L. (2013). Metaphor in law as poetic and propositional language. *Scholarly Works*. Paper 749. Retrieved from: <http://scholars.law.unlv.edu/facpub/749>
- Berger, P. L., & Luckmann, T. (1966). *The social construction of reality: A treatise in the sociology of knowledge*. New York: Doubleday.
- Bhatia, V. K. (1983). *An applied discourse analysis of English legislative writing*. Birmingham: University of Aston.
- Binder, D. A., Bergman, P., & Price S. C. (1991). *Lawyers as counselors: A client-centered approach*. St. Paul, MN: West Publishing.
- Binder, D. A., & Price, S. C. (1977). *Legal interviewing and counseling: A client-centered approach*. St. Paul, MN: West Publishing.
- Calsamiglia, H., & van Dijk, T. A. (2004). Popularization discourse and knowledge about the genome. *Discourse & Society*, 15(4), 369-389.
- Carpi, D. (2012). Legal metaphor. *Pólemos*, 6(1), 1-5.
- Clark, G. J. (2013). Internet wars: The bar against the websites. *Journal of High Technology Law*, 13(2), 247-297.
- Fage-Butler, A. M., & Nisbeth Jensen, M. (2013). The interpersonal dimension of online patient forums: How patients manage informational and relational aspects in response to posted questions. *Hermes*, 51, 21-38.
- Felstiner, W. L. F., & Sarat, A. (1992). Enactments of power: Negotiating reality and responsibility in lawyer-client interactions. *Cornell Law Review*, 77(6), 1447-1498.
- Giddens, A. (1979). *Central problems in social theory: Action, structure, and contradiction in social analysis*. Berkeley: University of California Press.
- Gotti, M. (2005). *Investigating specialized discourse*. Bern: Peter Lang.
- Heinz, J. P. (1983). The power of lawyers. *Georgia Law Review*, 17, 891-911.
- Hosticka, C. (1979). We don't care about what happened, we only care about what is going to happen: Lawyer-client negotiations of reality. *Social Problems*, 26(5), 599-610.
- Hurder, A. (1996). Negotiating the lawyer-client relationship: A search for equality and collaboration. *Buffalo Law Review*, 44, 71-99.
- Kastberg, P. (2011). Knowledge asymmetries. Beyond "to have and have not". *Fachsprache*, 34(3-4), 137-151.
- Lackey, M. E., & Minta, J. (2012). Lawyers and social media: The legal ethics of tweeting, facebooking and blogging. *Touro Law Review*, 289, 149-182.
- Lakoff, G., & Johnson, M. (1980). *Metaphors we live by*. Chicago: University of Chicago Press.
- Makela, F. (2011). Metaphors and models in legal theory. *Les Cahiers de Droit*, 52, 397-415.
- Moliterno, J. E., & Levy, J. M. (1993). *Ethics of the lawyer's work*. St. Paul, MN: West Publishing.
- Rosenthal, D. E. (1974). *Lawyer and client: Who's in charge*. New York: Russell Sage Foundation.
- Sarangi, S. (2001). On demarcating the space between 'lay expertise' and 'expert laity'. *Text*, 21(1/2), 3-11.
- Scheff, T. J. (1968). Negotiating reality: Notes on power in the assessment of responsibility. *Social Problems*, 16, 3-17.
- Scheffer, T. (2007). On procedural discoursivation – or how local utterances are turned into binding facts. *Language & Communication*, 27(1), 1-27.
- Schwarz, J. M. (2001). Practice law over the internet: Sometimes practice doesn't make perfect. *Harvard Journal of Law and Technology*, 14(2), 657-709.

- Schwarzentraub, B. (2013). Electronic wills & the internet: Is LegalZoom involved in the unauthorized practice of law or is their success simply ruffling the legal profession's feathers?. *Estate Planning and Community Property Law Journal*, 5(1), 1-25.
- Tiersma, P. M. (1999). *Legal language*. Chicago: University of Chicago Press.
- Turnbull, J. (2014). Expert to layman communication: Legal information and advice on the Internet. In V. K. Bhatia, G. Garzone, & R. Salvi (Eds.), *Language and law in professional discourse* (pp. 61-76). Newcastle upon Tyne: Cambridge Scholars Publishing.
- Wittgenstein, L. (1958). *Philosophical investigations* (2nd ed.). Oxford: Basil Blackwell.
- Williams, C. (2005). *Tradition and change in legal English: Verbal constructions in prescriptive texts*. Bern: Peter Lang.
- Yoxen, E. (1985). Speaking out about competition: An essay on 'The Double Helix' as popularisation. In T. Shinn, & R. Whitley (Eds.), *Expository science: Forms and functions of popularisation* (pp. 163-181). Dordrecht: Reidel.

PATRIZIA ANESA holds a PhD in English Studies from the University of Verona and is a Research Fellow at the Department of Foreign Languages, Literatures and Cultures at the University of Bergamo. Her research interests lie mostly in the area of specialized discourse, with particular reference to the investigation of knowledge asymmetries in professional communication. Her current projects focus on the investigation of popularization of specialized discourse in medical, scientific and legal areas.