

IN THE UNITED STATES DISTRICT  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION

TODD JANSON, et al.,                    )  
  )  
                                  Plaintiffs,                    )  
  )  
vs.   ) No. 10-04018-CV-C-NKL  
  )  
LEGALZOOM.COM, INC.,                    )  
  )  
                                  Defendant.                    )  
\_\_\_\_\_)

DEPOSITION OF EDWARD R. HARTMAN

Taken on behalf of Plaintiffs

August 3, 2010

9:25 a.m.

NAOLA C. VAUGHN, CCR, RPR, CRR, CCP  
MO CCR #1052  
KS CCR #0895

**EXHIBIT 1**

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WESTERN DISTRICT OF MISSOURI  
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 Plaintiffs, )  
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 vs. ) No. 10-04018-CV-C-NKL  
 )  
 LEGALZOOM.COM, INC., )  
 )  
 Defendant. )

DEPOSITION OF EDWARD R. HARTMAN, produced,  
sworn and examined on behalf of the Plaintiffs, Tuesday,  
August 3, 2010, between the hours of 9:25 a.m. and  
2:06 p.m., at Law Offices of Bryan Cave, One Kansas City  
Place, 1200 Main Street, Suite 3500, Kansas City,  
Missouri, before Naola C. Vaughn, Certified Court  
Reporter, Registered Professional Reporter, Certified  
Realtime Reporter, and Certified CART Provider within and  
for the State of Missouri and Kansas.

EDWARD R. HARTMAN,  
a witness, being first duly sworn, testified as  
follows:

EXAMINATION

BY MR. BUTSCH:

Q. Could you state your full name, please.  
A. Edward Hartman.  
Q. Do you have a middle initial,  
Mr. Hartman?  
A. Yes, I do.  
Q. And what is that?  
A. R.  
Q. Mr. Hartman, what is your current  
business address?  
A. 7083 Hollywood Boulevard, Los Angeles,  
California 90028.  
Q. Do you reside in Los Angeles?  
A. Yes, I do.  
Q. Are you employed at this time?  
A. Yes, sir.  
Q. And can you tell me the nature of your  
employment?  
A. I'm employed at LegalZoom.com.  
Q. What is your position at LegalZoom.com.  
A. My current title is chief strategy

A P P E A R A N C E S

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officer.  
Q. Mr. Hartman, if I use the word  
LegalZoom, you'll understand that I am referring to  
LegalZoom.com. Is that okay with you?  
A. It is.  
Q. Have you had your deposition taken  
before?  
A. Yes, sir.  
Q. Have you had your deposition taken  
before with regard to your employment at LegalZoom?  
A. Yes, sir.  
Q. And can you tell me the name of that  
proceeding? Was it a lawsuit?  
A. Yes, sir.  
Q. What was the subject matter of that  
lawsuit?  
A. Sir, I would have to consult -- to tell  
you the truth, I do not know the name of that  
lawsuit off the top of my head.  
Q. Did the lawsuit concern the -- a claim  
of unauthorized practice of the law?  
A. Can I get a brief moment with counsel,  
please?  
MR. THOMPSON: Sure. What's your  
question?

1 just a term, which is an area that furnishes  
 2 information that might be useful to a customer.  
 3 The customer might go into our legal  
 4 articles, which are not -- legal articles might not  
 5 be the right term. Articles which are articles  
 6 designed to be potentially repurposed for other web  
 7 sites, talking about interesting things happening in  
 8 the world that pertain to the law. The customer in  
 9 short might go to many different areas of the web  
 10 site before going to the branching intake that we  
 11 described.  
 12 Q. But ultimately everyone who is going to  
 13 obtain a will is going to go through that branching  
 14 mechanism?  
 15 A. Yes.  
 16 Q. Let me hand you what we've marked as  
 17 Exhibit 13. It starts with a Bates stamp LZ48.  
 18 This is a document provided to us by your attorneys.  
 19 Is this, Mr. Hartman -- and certain  
 20 information is blacked out. Is this an example of a  
 21 will that was prepared through the LegalZoom web  
 22 site?  
 23 A. I have no way of specifically knowing  
 24 that. It does appear similar to one. It does  
 25 appear similar to a LegalZoom will product that

1 could be purchased by a customer.  
 2 Q. And how do you recognize it as being  
 3 similar to a product being purchased by a customer  
 4 of LegalZoom?  
 5 A. The font, in the words The Last Will and  
 6 Testament seem similar to a will document that could  
 7 be prepared by a customer.  
 8 Q. In this case, Mr. Hartman, did you look  
 9 at the will that a Mr. Janson obtained from  
 10 LegalZoom, Todd Janson?  
 11 A. I believe I did.  
 12 Q. I want to ask you a few questions about  
 13 some other documents that your attorneys produced to  
 14 us. Let me hand you what we've marked as Deposition  
 15 Exhibit 14.  
 16 Do you recognize Exhibit 14,  
 17 Mr. Hartman?  
 18 A. I don't specifically recognize  
 19 Exhibit 14, but it does appear similar to an email  
 20 that might be sent by LegalZoom.  
 21 Q. You testified that a person could select  
 22 the manner of the document delivery, right?  
 23 A. I did.  
 24 Q. And how long does it typically take --  
 25 if I'm ordering a will, how long does it take

1 LegalZoom to prepare that document?  
 2 MR. THOMPSON: Object to the form.  
 3 Q. BY MR. BUTSCH: I mean actually get the  
 4 final product together to be shipped to the  
 5 customer.  
 6 A. I have trouble with the word prepare.  
 7 Q. Yeah, I assume you do. But how long  
 8 does it take for LegalZoom to get the final document  
 9 in a final state ready to ship to the customer?  
 10 A. If I understand your meaning, the order  
 11 of a will document --  
 12 Q. Yeah.  
 13 A. -- is typically prepared -- is  
 14 typically -- I'm sorry. I'm using your word.  
 15 Is typically made ready to be shipped to  
 16 the customer within two or three business days.  
 17 Q. Two or three business days?  
 18 A. Depending on the packet selected by the  
 19 customer.  
 20 Q. If I didn't order the premium package  
 21 but got the lowest level package, no rush, how long  
 22 typically would that take, from the time I went to  
 23 LegalZoom web site, put in all the information that  
 24 was needed? How long would it take me to get my  
 25 will in my hand?

1 A. Depends upon the shipping method. It  
 2 could be variable depending upon the length of time  
 3 it would take to get from our place of shipment to  
 4 your residence.  
 5 Q. So it could be a week? Two weeks?  
 6 A. I imagine it could be a week or longer.  
 7 Q. After the documents have been shipped by  
 8 LegalZoom to the customer, does LegalZoom typically  
 9 have further contact with that customer or is that  
 10 the end of the business relationship unless the  
 11 customer would initiate another transaction?  
 12 A. LegalZoom will typically communicate  
 13 with a customer after transaction by email.  
 14 Q. And is this an example? Is Exhibit 14  
 15 the type of email that LegalZoom would send to a  
 16 customer?  
 17 A. I imagine that the email would arrive  
 18 prior to the physical order.  
 19 Q. Delivery of the order?  
 20 A. But I couldn't say that with any  
 21 certainty.  
 22 Q. After the delivery of the order, does  
 23 LegalZoom have any further contact with the  
 24 customer?  
 25 A. Yes. LegalZoom does.

1 Q. Can you describe that, please?

2 A. We send a regular newsletter to the

3 customer. We also send promotional emails, advising

4 the customer of discounts they may be eligible for.

5 Q. Do those newsletters -- is that an email

6 format, or is that hard mail?

7 A. It's an email format.

8 Q. Do you have any mail contact via the

9 mail system?

10 A. I don't believe we do.

11 Q. Let me hand you what we've marked as

12 Deposition Exhibit 15. Do you recognize this

13 document, Mr. Hartman?

14 A. While I do not recognize this specific

15 document, it does resemble the email -- an email

16 that would be sent by LegalZoom.

17 Q. Is that something that's sent -- it

18 refers to feedback and created a survey for you to

19 share your thoughts. Do you see that?

20 A. I do.

21 Q. Is that something that the survey

22 that -- do you send that to all the customers?

23 A. The survey you're referring to is termed

24 a willingness to refer survey, or WTR. It is one of

25 the best predictors of customer satisfaction. There

1 Exhibit 16, and I'll also hand you what we've marked

2 as Exhibit 17. These are documents that were

3 produced to us by your counsel.

4 Do you recognize those, Mr. Hartman, as

5 wills that are LegalZoom products?

6 A. I don't specifically recognize these

7 documents, at they seem similar in form to a

8 LegalZoom order for a will document.

9 Q. Is that because of the font or how do

10 you recognize that?

11 A. Yes, in general, sir, font and other

12 structural similarities.

13 Q. If I had ordered my will through

14 LegalZoom like we discussed before, after it was

15 prepared in final format for use by the customer,

16 would an attorney at LegalZoom look at that final

17 form before delivery to the customer?

18 A. No, sir.

19 Q. As we discussed before, in preparation

20 of a will, you describe this branching procedure or

21 mechanism where a customer would go through and

22 answer a series of questions, and depending on that

23 answer may go in one direction on the web site or

24 may go in another direction.

25 Is that procedure or mechanism as to

1 are many scholarly articles that support the use of

2 WTR and related statistics. We have one of the

3 highest WTR ratings in the industry. Actually we

4 have one of the highest WTR ratings of most

5 companies in business today.

6 Q. Willing to refer. That's WTR?

7 A. WTR.

8 Q. And what is that? Does a customer then

9 give you information about potential other

10 customers? Is that the idea?

11 A. It is not.

12 Q. What is it willing to refer -- what does

13 that mean?

14 A. It's a measure of the customer

15 satisfaction with the web site and the overall

16 business-like manner of the company.

17 Q. So it doesn't -- what does willing to

18 refer refer to? Are you willing to refer us to

19 other customers, or would you recommend us to other

20 customers? Is that what it's about?

21 A. It is. Although it is not a specific

22 request to refer us to anyone else. Instead it is a

23 gauge of customer satisfaction. One of a class of

24 statistics known as net promoter scores.

25 Q. Let me hand you what we've marked as

1 wills, this branching mechanism -- does that apply

2 as to other documents available through LegalZoom?

3 A. It does.

4 Q. And what are the types of other

5 documents that this -- it's called a question

6 branching mechanism? What other documents would

7 that apply to?

8 A. The question branching mechanism, as

9 you've termed it, applies to many documents.

10 Q. Would that include trusts?

11 A. It would apply to trust orders.

12 Q. How about powers of attorney?

13 A. It would apply to powers of attorney.

14 Q. Formation of business entities like

15 corporations and limited liability companies?

16 A. It would apply to the two business

17 entities that you have named.

18 Q. Are there others that you can think of,

19 Mr. Hartman, that it would apply to?

20 A. Yes.

21 Q. Can you identify those, please?

22 A. That would be a long list.

23 Q. I'd like you to do the best that you

24 can.

25 A. Would this be a good time to take a