

Corporate Strategy Optimization for Dutch Notaries with the use of IT

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Abstract

This research provides new insight in the application of IT to optimize the corporate strategy of notaries in the Netherlands. Since the forced liberalization of prices and the freedom of establishment introduced by the 1999 Notary Act, notaries have become entrepreneurs. Notaries are forced to adopt a competitive corporate strategy. This has brought new opportunities for the application of IT. This paper outlines the possibilities for IT to support a competitive corporate strategy. We will provide insight in the willingness of notaries to change their corporate strategy and to adopt IT. This can be contributive to the software vendors and other third parties targeting the notarial domain, as they can adjust their business strategy based on the results of this study. We will suggest a notarial strategy optimization method to transform generic corporate strategies into situational strategies, and assemble solutions into situational strategy advices. This method can be used to compose situational corporate strategy advices, and provides a solid starting point for further research on mixed corporate strategies and corporate strategy maturity.

Keywords

corporate strategy, latin notary, shared service center, outsourcing, customer relationship management, competitive advantage, value disciplines model.

1. Introduction

From 1999 onwards, forced liberalized prices and freedom of establishment have fundamentally changed the Dutch notarial system. The Dutch notarial system is now one of the least regulated in Europe. Whereas in other Latin notary systems prices of services are fixed, and the number of notaries is regulated, in the Netherlands there is an open market. Since the introduction of the 1999

liberalization, notaries are forced to become entrepreneurs that need to adopt a competitive corporate strategy in order to survive in the market. The liberalization has created new opportunities for both the notarial entrepreneurs and third parties. It made notarial entrepreneurs open up for new possibilities, like the ones provided by the application of IT. Especially when IT can contribute to a competitive advantage or efficiency, notaries are willing to adopt IT solutions. These solutions include small changes like software to automatically generate quotations, but also more substantial changes like the adoption of a shared service center (SSC) or customer relationship management (CRM).

Little research has been performed on the influence of the liberalization on corporate strategies. The positive and negative effects of the liberalization are studied by theoreticians and politicians, as the trend in Europe is to liberalize markets in order to open them up for international competition. On the practitioners' side, a new group of notarial companies that provide standardized low costs services is arising. This strategy, referred to by Porter [16] as a cost leadership strategy could not exist in the Dutch notarial market before the 1999 liberalization. As legal quality is not easily accessed by customers, their decision to purchase can be price based [3]. This fundamental change in the market rises the question if and how notarial corporate strategies have changed and how they can be optimized.

In their search for new innovative solutions to gain competitive advantage, notarial companies are confronted with IT related concepts like outsourcing, shared service centers (SSCs), and customer relationship management (CRM) [1]. In order to be competitive, companies need to be open towards the adoption of concepts that fit their corporate strategy, and above all optimize their corporate strategy. The clarification of a corporate strategy is therefore essential to identify possibilities for the application of IT.

With this study we want to provide insight in the possibilities IT can provide for notaries in the Netherlands

and particularly in what way it can be contributive to the optimization of their corporate strategy.

The research question is: In what way can IT support a corporate strategy for the Latin notarial profession in the Netherlands, in order for notarial companies to be more competitive?

2. The Notarial Domain

The Latin notary system is used in most European countries (80%), and also in the Netherlands. In the United States of America, the United Kingdom and most Scandinavian countries the notary public system is used, also called the Anglo-Saxon notary system. The Latin notary system is the more regulated variant of the two used notary systems [12, 7].

The main difference between the two systems rests in the status of the notarial profession. A Latin notary has a more dominant position in comparison to a notary public. A Latin notary is a legal professional, a notary public is not [5, 12, 7]. The two different systems are the result of two different law systems. The Latin notary system is the result of the Civil Law system. The notary public system is the result of the Common Law system. The notarial system used in a country corresponds with the applicable law system in that country.

This study focuses on the Latin notarial profession in the Netherlands. A Latin Notary is “[...] a private legal professional, who advises and drafts legal documents for private parties, maintains a permanent record of the transaction and has the authentication power of the state delegated to him” [11].

For the Latin notarial profession, the government normally regulates the number of notaries, their location of establishment and their service fees. However, this does not apply to the Netherlands. In 1999 the Notary Act enforced price liberalization in order to enhance competition which should result in acceptable fees and higher quality services. The act introduced greater free market operation. Where prices used to be unknown for customers, they are now shown on the internet [12, 8]. Disadvantages mentioned are described as well, since the public interest that the notary has to promote, and the commercial interests of the notary as an entrepreneur, can be dissimilar. Furthermore the cooperations that notaries started with insurers, banks and brokers may put at risk the neutrality and impartiality of the notary [8].

In general, notarial processes are similar for all notarial companies. This is partially forced by law. The processes are performed relatively efficient. We found that the size and geographic location of a company do not influence the processes much. The size of a company does however influence the division of roles within the company. By example, the intake conversation at family services is

sometimes done by a junior notary at large offices, where it is done by the notary at smaller offices. The signing of the document has to be done by the notary, or his or her substitute.

There are not many possible improvements for the notarial processes with respect to efficiency, as most actions are driven by law. The competitive advantage gained by process optimization will therefore be relatively limited compared to the competitive advantage that can be gained by corporate strategy optimization. This study therefore focuses on corporate strategy optimization. For understanding of the notarial process we will describe the generic notarial process composed based on the interviews in this study. The modeling is done using the meta-modeling technique of Van de Weerd and Brinkkemper [23].

As displayed in figure 1, the process immediately forks into family services and other services. For both paths, the customer will be invited for a conversation, but for family services the customer will talk to the notary. For the other services the customer will talk to the referrer. For family services, the notary fills out a questionnaire during the conversation. For the other services, a questionnaire is sent to the customer by the notary, filled out by the customer, and returned to the notary. This conversation together with the questionnaire clarifies the customers’ wishes.

In the next phase, the notary performs several preparation steps, depending on the service. Preparation steps can include, for example, checking properties at the land and public registers agency, checking if there is a mortgage for the property, checking if the property is registered as a monument, deleting the formal mortgage, or checking for land interest.

Next, the notary chooses or composes an instrument model. This model is adjusted with the customers’ data. When completed, the notary finalizes the instrument. This instrument is sent to the customer and possibly other involved parties.

In the next phase, the signing of the document, the notary makes an appointment with the involved parties to sign the instrument. The instrument is signed by the involved parties and the notary. The invoice is sometimes sent before the signing of the document, and sometimes at the end of the process. Some notaries ask their customers to pay at the desk on the date of the appointment.

Depending on the service, the notary performs finishing steps. These finishing steps consist of various submissions to multiple registers. Depending on the kind of service, the registers are updated by the notary. After completing the finishing steps, the notary sends a copy of the instrument to the customer.

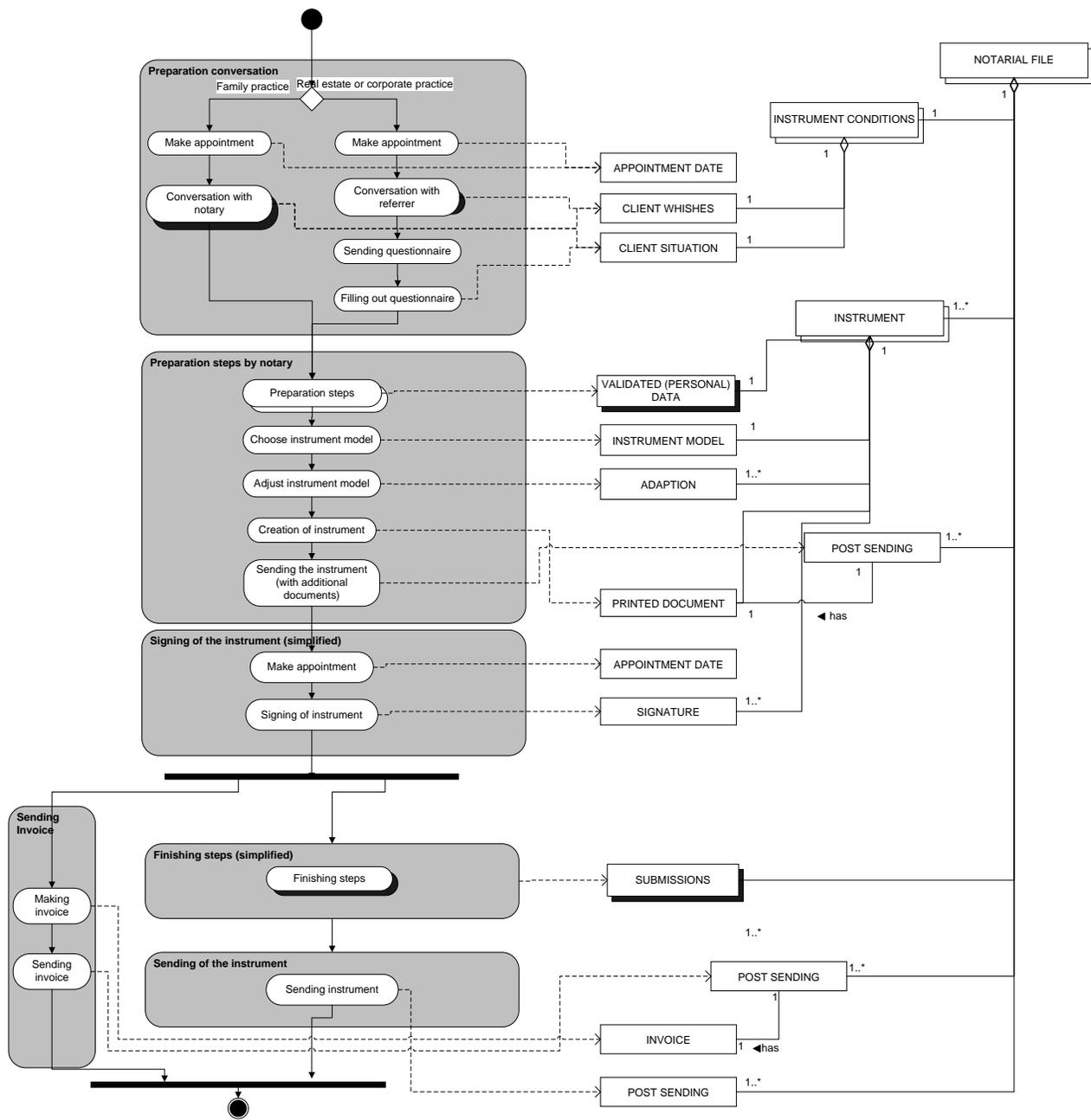


Figure 1: The generic process (simplified) of a Dutch (Latin) notary

3. Corporate Strategy Optimization

For this study we have determined the corporate strategy of multiple notarial companies. A comprehensive definition of corporate strategy is provided by Andrews & David [2]: “A corporate strategy is the pattern of decisions in a company that determines and reveals its objectives, purposes, or goals, produces the principal policies and

plans for achieving those goals, and defines the range of business the company is to pursue, the kind of economic and human organization it is or intends to be, and the nature of the economic and noneconomic contribution it intends to make to its shareholders, employees, customers, and communities”.

As the definition above outlines, a corporate strategy is a comprehensive concept, which may be hard for

managers to define. As notarial companies too have become companies that have to compete in an open market, a corporate strategy model may be of use for managers in the notarial domain.

We studied multiple corporate strategy models. Many focus on organizational structures for large companies. As most notarial companies are small or medium sized and do not have formal organizational structures, a higher level corporate strategy model will be used. Notaries are restricted by law to exclude specific notarial services. Notarial companies have to be full service companies. A corporate strategy of targeting a specific group of customers with a specific group of services is a common proposition in regular markets, but is not a possible proposition for the notarial domain. Porter's Generic Competitive Strategies [16] cannot be used for notarial companies, because the strategies "cost focus" and "differentiation focus" have a narrow target scope that excludes specific market segments.

We found the Dimensions of competence strategy model of Treacy and Wiersema [20] well suited for the notarial market as the described paths to market leadership do not take into account targeting specific groups. The three paths Treacy and Wiersema [20] describe are "customer intimacy", "operational excellence" and "product leadership". The model is displayed in figure 2. A companies' corporate strategy can be positioned on the model. When there is an unclear strategy or no strategy, companies remain in the middle and struggle with survival. A more explicit distinctive corporate strategy is positioned closer or beyond the success line, indicating these are more profitable companies [20, 22].

The customer intimacy strategy is about targeting a specific market of market segment, without excluding specific customers. Products and services have to be tailored to the needs of the customer. Customer intimacy companies not only have to satisfy customers, they have to please them by understanding their needs. Companies have to be willing to invest in long term customer loyalty and see the customers' lifetime value to the company. The operational excellence strategy is about enabling product and services to be obtained reliably, easily and cost-effectively by customers. Both low costs and a consistent quality of customer satisfaction should be delivered. Companies have to minimize overhead costs, optimize business processes and compete on price. With the product leadership strategy, companies aim to achieve a continuing product innovation, to meet the customer needs. In order to achieve this innovation, companies need to be creative, and need to have and use the right market knowledge. Companies have to recognize and embrace ideas, commercialize these ideas quickly and find new solutions to problems. As mentioned earlier, most notarial companies used to have a customer intimacy strategy, but

we see a group of operational excellence notaries arising in the Netherlands.

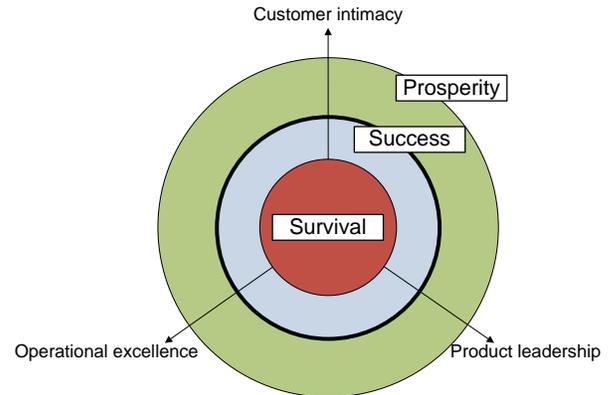


Figure 2: Illustration of the Dimensions of Competence model based on [20].

4. Research Approach

Explorative research is chosen due to the scarcity of empirical research on notarial strategy determination. The Dimensions of competence model of Treacy and Wiersema [20] is translated into a situational corporate strategy model for the notarial domain by translating each of the three generic paths to market leadership into situational strategies. The situational strategy characteristics are assembled to construct a framework that is used to determine the strategy mix of notarial companies, and map them on the Dimensions of competence model.

We performed a field study at twenty notarial companies, the supplier of a notarial shared service center (SSC) and an outsourcing vendor. The field study is split up in two phases, each containing ten notarial companies. The companies are randomly selected based on size and urbanity. Table 1 shows the selection of companies for the first phase. Urban areas are areas with over 100.000 inhabitants. Data about performance of the companies was not available.

Table 1: Selection of companies for our field study in the explorative phase.

Company	A	B	C	D	E	F	G	H	I	J
N. of notaries	3-6	1-2	1-2	1-2	3-6	3-6	>7	3-6	1-2	3-6
Urbanity	Urban	Urban	Non-urban	Urban	Non-urban	Non-urban	Urban	Non-urban	Non-urban	Non-urban

The first phase aims to identify the notarial processes and strategies, and solutions in the field. This is used to compose advices with possibilities for strategy optimization. The second phase aims to validate the proposed notarial strategy advices.

The strategy solutions identified in the field during the first phase are grouped into three generic strategy advices for notarial companies. The situational strategy characteristics are grouped by comparing them to the generic strategy characteristics provided by Treacy and Wiersema [20]. The solutions include both IT and non IT solutions that notaries use in order to excel in one of the three paths of market leadership. The advices are supplemented with solutions found in literature that are not found during the field study in order to provide comprehensive advices that include solutions that are new to the notarial domain.

After determining the current strategy mix of a company, we determined the desired corporate strategy of the company by discussing each of the three paths to market leaderships and their implications in the notarial domain. The difference between the current strategy and the desired strategy results in the desired strategy change. In some cases the current strategy is the same as the desired strategy. These companies use the strategy advices to excel further in their strategy. The advice corresponding with the desired strategy change is provided to the company and validated on usefulness. This advice can contain situational strategy characteristics that can be added to the current strategy, but can also contain strategy characteristics that conflict with the current strategy. In that case companies need to let go their current strategy characteristics that conflict, and adopt the characteristics of the advised strategy.

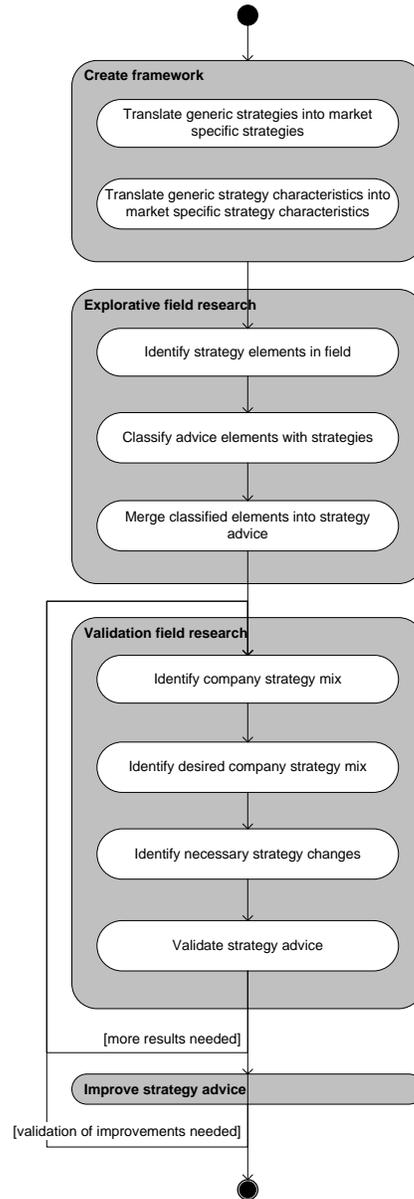


Figure 3: Research method.

5. The Shared Service Center

A shared service center (SSC) can be positioned both within an organization (i.e. intraorganizational) and between companies (i.e. interorganizational) [6]. Because of the relatively limited size of notarial companies, that lack separate business units, the intraorganizational intraorganizational kind of SSC will not be applicable. The interorganizational SSC is however a good way to provide IT solutions for several comparable companies. The SSC is applicable for all three strategies of the Value discipline model. Figure 4 shows the positioning of an intraorganizational SSC.

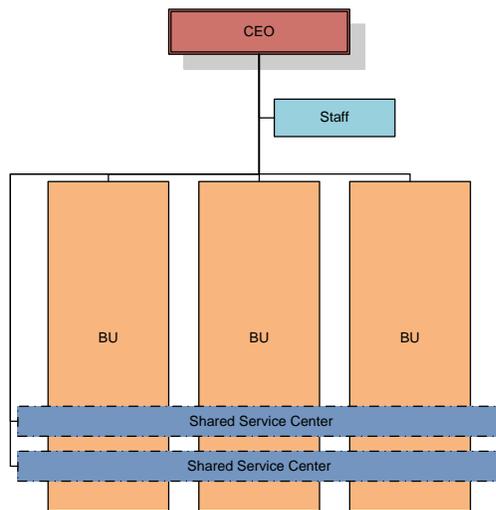


Figure 4: An intraorganizational Shared Service Center.

Figure 5 shows the possible positioning of a SSC for the notarial domain.

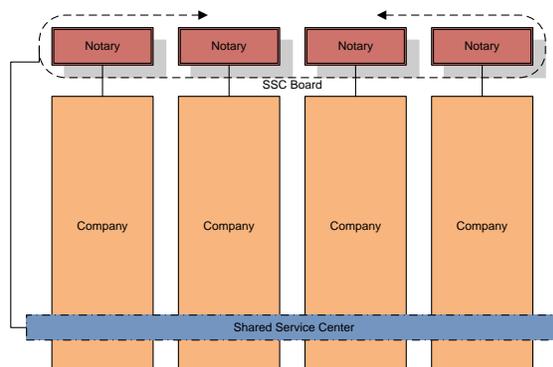


Figure 5: An interorganizational Shared Service Center for notaries

The most comprehensive SSC for the notarial domain is NetWyse, owned by Netwerk Notarissen, a union of over 160 notarial companies. NetWyse' SSC covers all IT infrastructure (except of course for thin clients, printers and a VPN concentrator). NetWyse hosts the servers and other hardware for the notarial companies. It contains the notarial software to create instruments, data storage of models and files, data storage of scanned notarial files, backups and updates. Members pay for licenses per user.

Sharing a SSC of this scale can be cost effective, but also be used to share knowledge on CRM and on other innovations. Therefore the SSC is applicable for all three strategies.

6. Results of the explorative field study

We found a division of notarial companies into all three strategies. The two main strategies followed are the customer intimacy strategy and the operational excellence strategy. Only at a few notarial companies a strategy corresponding with the product leadership strategy was found. Some companies were struggling with excelling in any of the strategies, and remained in the middle. According to Treacy and Wiersema [20], these companies are struggling with survival. It must however be stated that for the notarial domain there are companies that do not face fierce competition as they are operating in small towns. Some notarial companies did not use any marketing and did not have a website. This illustrates that for these companies there is no need to expose themselves to the market.

We did not find many companies extremely excelling in one strategy. At all notarial companies there was room for improving and redefining the corporate strategy. Many companies wanted to excel more in product leadership by adding product leadership to their existing strategy mix. The application of IT for product leadership is limited, as the product leadership strategy is about engineering the decision making process for speed in order to develop new services. For bigger companies IT can be applied on the domain of knowledge management. However, for most notarial companies these applications are too expensive to adopt because of their limited budgets for IT.

Most product leadership initiatives come from collaborations like unions of notarial companies, or from third parties like software suppliers. A good example is NetWyse, a notarial shared service center (SSC) owned by Netwerk Notarissen, a large collaboration of over 150 notarial companies. In the SSC, the companies share an IT infrastructure and generic instrument models to create notarial deeds. Other unions focus on joint marketing or joint purchasing, but not on sharing knowledge or IT applications. The willingness of organizations to

cooperate with notaries outside a union is found to be very limited.

According to the Dimensions of competence model, notaries should excel more in one of the three strategies. When companies are stuck in the middle of two or three strategies, changes have to be made in the corporate strategy of notarial companies, in order to survive. There is an exception for companies that have managed to excel in two strategies, when these companies are leading in both of the strategies. This study does not include specific advices for mixed strategies.

We found some notarial companies using two strategies. These companies use the two strategies as two labels. They have their regular label using the customer intimacy or product leadership strategy, and a second label using the operational excellence strategy, offering standard services at low prices. There are unions offering

these secondary labels like “Aktie notarissen”, “Vivaldi notarissen” and “Huismerknotarissen”. Some companies open a second location for their secondary label, others only start a website, and use their regular office for both labels. Treacy and Wiersema [20] do not mention this dual model. Therefore these companies are treated like separate companies. For companies using one office for two labels, the secondary label is not taken into account. This was applicable to two of the twenty notarial offices included in this study.

For the operational excellence strategy we identified the strategic solutions mentioned in table 2 under the column ‘advice element’. The other columns are the results of the validation phase. Two companies that want to excel in operational excellence validated the advice elements as shown in the table.

Table 2: Validation of operational excellence advice elements

Advice element	Identified at company OE1	Identified at company OE2
1. Reduce (tangible) mail by using email;	Adopted	Adopted
2. Send documents to the customer by a secured online environment, not by tangible mail;	Maybe	Adopted
3. Perform personal data checks in batches at predefined moments, or automate these checks;	Will not	Will adopt
4. Use standard company models to create instruments, not different models per notary;	Adopted	Adopted
5. Generate quotations automatically based on clients data provided on the website;	Will not	Adopted
6. Send invoices automatically when the case is closed;	Maybe	Adopted
7. Do not combine cases, combined cases are not standard;	Maybe	Adopted
8. Use standard workflows to eliminate unexpected obstacles;	Will not	Adopted
9. Let customers track changes of their file status online, do not call them;	Maybe	Adopted
10. Family services: sign the instrument within one hour after the first appointment in order to save costs.	Maybe	Maybe
11. Reduce the costs of employees by answering the phone only three hours per day;	Will not	Adopted
12. Use tactical CRM software to lower transaction costs of communication (e.g. automatic emails);	Maybe	Maybe
13. Use an outsourcing vendor to outsource administrative steps like financial services, this must be a cost efficient back office;	Maybe	Will not
14. Use software to spread manuals to employees, do not print manuals;	Maybe	Adopted
15. Use standardized interactive models to create instrument models fast;	Will not	Will adopt

For customer intimacy we identified nine strategic solutions, shown in table 3. They are validated at three companies that want to excel in customer intimacy.

Table 3: Validation of customer intimacy advice elements

Advice element	Identified at company CI1	Identified at company CI2	Identified at company CI3
1. Do not use standard workflows in order to remain flexible;	Adopted	Adopted	Adopted
2. Create or check the quotations by hand in order to provide the treatment the customer wants;	Adopted	Adopted	Adopted
3. Combine cases in order to provide a personal treatment that fits the customer needs;	Adopted	Adopted	Adopted
4. Use strategic CRM software to keep track of customers and build a long term relationship;	Will adopt	Maybe	Will adopt
5. Call customers to confirm or update a status change of their file;	Adopted	Not applicable	Adopted
6. Inform the customer of all the steps being performed by the company;	Will adopt	Maybe	Adopted
7. Let customers choose the way of communication (e.g. email or tangible mail);	Will adopt	Will not	Will adopt
8. Use questionnaires to get better insight in the customer need;	Will not	Will adopt	Adopted
9. Use "Call me back" feature on the company website;	Maybe	Will not	Maybe

The key of the product leadership strategy is to create an organization where there are many opportunities for new inventions. This advice consists of innovative solutions found in the field study. Adopting these solutions does not make the company a product leadership

company. The product leadership strategy is about coming up with new inventions and solutions. Examples of innovative solutions found in the field, and the validation of five notarial companies is shown in table 4.

Table 4: Validation of product leadership advice elements

Advice element	Identified at company PL1	Identified at company PL2	Identified at company PL3	Identified at company PL4	Identified at company PL5
1. Link IT systems to each other (e.g. financial system to document management system);	Adopted	Will adopt	Will adopt	Adopted	Maybe
2. Bundle strength with other companies for IT needs by sharing an IT infrastructure;	Will adopt	Will adopt	Maybe	Adopted	Maybe
3. Share models and experiences with other companies/locations to create a best practice model;	Will adopt	Will adopt	Will not	Maybe	Maybe
4. Cooperate with third parties outside the notarial domain to get strategic advantage and additional knowledge (e.g. e-commerce transactions);	Maybe	Will adopt	Will not	Maybe	Maybe
5. Store instrument model fragments in a database in order to manage the knowledge in the models;	Will adopt	Adopted	Maybe	Adopted	Adopted
6. Store working procedure fragments in a database in order to manage changes and knowledge in the working processes;	Will adopt	Will adopt	Will adopt	Adopted	Maybe
7. Use a centralized back office with other companies to store knowledge and develop innovative working procedures and instrument models;	Maybe	Will adopt	Will not	Maybe	Maybe

The willingness to adopt the suggested changes is variable for the advices. This could be due to the nature of the advice elements or due to the nature of the notarial companies. The operational excellence companies wanted to adopt changes with a short return on investment. The adoptability of changes that do not contribute to saving time or money was found to be low, as is shown by the many “will not”. We found many of the customer intimacy advice elements to be already adopted. The willingness to adopt the advice was relatively high, maybe because the elements are already adopted or easy to adopt. The willingness to adopt changes was highest for product leadership companies. These companies were very open towards changes.

7. Conclusions

The adoption of IT in the notarial profession is found to be relatively low. No companies were found with significant tactical or strategic CRM. We found that notarial companies often work with a complex set of legacy systems and technologies making it hard to adopt CRM software. Most notarial companies included in this study had a clear vision on how to deal with customers, but only a few had a clear and defined customer strategy. In order to implement CRM software successfully, this customer strategy is needed. Notarial companies have a long way to go in order to be able to effectively implement CRM.

The adoption of SSC and outsourcing arrangements is mainly driven by costs considerations, and therefore adopted by operational excellence companies. These adoptions mainly take place in unions, as the willingness to cooperate with companies outside a union is low. There is room for product leadership and customer intimacy companies to look into these concepts, as they can also be beneficial for these companies. When implemented well, notarial companies can use these concepts to enlarge their competitive advantage by sharing knowledge. The willingness to invest in these concepts was found to be low, as companies not always see the competitive advantage that can be gained by the cooperation.

The willingness to adopt changes in the corporate strategy was found to be relatively high. Especially companies that want to excel in product leadership have a high acceptance of corporate strategy changes. The willingness to adopt changes was found to be lowest for operational excellence companies, as these companies were only willing to adopt changes when they are cost effective in the short or medium term. The willingness to adopt corporate strategy changes does not automatically result in a high willingness to adopt IT solutions. The high willingness to adopt strategy changes does however offer

possibilities for third parties that want to implement their solutions in the notarial domain.

IT solutions for the notarial profession should be explicitly usable for one or two of the notarial strategies. Sending automatically generated offers only fits the operational excellence strategy, where video intake meetings can fit both the customer intimacy strategy when used as an additional service for the customer, and the operational excellence strategy when used to save office costs. IT suppliers should be aware of the strategies of their notarial customers, as the adoption of IT is generally low, but can become high when it can be used to gain more competitive advantage. Either the IT should contribute to a more efficient process and therefore cut costs, or it should enable the company to reach a larger market and get more customers.

IT will be playing an increasingly important role for the notarial profession in the future, as it does already. Notaries can use IT to excel in a strategy. However IT could become a force that pushes notaries in the same direction. This phenomenon is described by Porter [16] as the bargaining power of buyers and suppliers. Especially because of the limited size of the market, the bargaining power of the notaries is low, where the power of the software suppliers is high. Notaries should be aware of this force and keep a critical attitude towards new IT developments. The role of IT will be important and supportive, but will not substitute the notarial profession completely.

8. Discussion and further research

For both the explorative field study as for the validation phase, the number of companies included in this study was relatively limited. In order to gather sufficient data for validation, the number of companies should be above 15 to 20 per strategy, per validation round. The proposed method is time consuming.

Treacy and Wiersema [20] indicate that some companies can have a mixture of two strategies. For companies that want to follow a mixed path, this study does not provide a suitable advice. More research is needed on the positioning of the advice elements in order to be able to create a mixed path strategy. When the advice elements are stored in an advice elements matrix, an advice might be composed by using the starting point of the company, the path to be followed, and the positioning of the advice elements. When the advice elements are positioned in a matrix, it may be possible to describe a to be followed path that results in a dynamic advice for the company. The new positioning into dynamic advices instead of three generic advices may

raise new challenges for the validation of the results. More research on this way of composing advices is needed.

In this study we found big differences in the strategy maturity level of the companies. We did not take into account the strategy maturity of the companies. Companies that are in the survival area of the Dimensions of competence model, and want to excel in one of the strategies, may need a different advice than companies that are already excelling in one of the strategies and want to excel further or move to another strategy. These different approaches are not taken into account in this study. More research is needed on this area.

During the validation phase of this research, some companies indicated they were not willing to adopt some of the advice elements. It remains unclear if this was due to the nature of the advice elements or because of the willingness for the organization to change. When performing the proposed method, an additional study on the willingness for organizational changes must be performed. This area was beyond the scope of this study and could therefore not be taken into account.

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