

In-House Memorandum

~

Future of Law

Law is often seen as an old warhorse. Its wigs, gowns, heritage buildings, bowing and courtesies can give the impression that the law is an expensive, old-fashioned and archaic procedure. Other stereotypes see young lawyers suited-up, in large firms, clawing to climb the corporate professional ladder. This view fails to recognise the way the law quietly changes every day that a Court sits or a new Bill passes through Parliament. These cases and statutes one by one can institute fundamental changes to business, private life and political freedoms, e.g. Mabo, Tasmanian Dam Case, Climate Change Repeals.

The legal profession is as future-oriented as it is rooted in past tradition. New opportunities, new technology and unexpected changes to community needs for legal services, provide an important domain for contemporary thought to understand future legal requirements.

There is a diversity of literature on this topic. A number of thinkers in the field, for example Richard Susskind and Jordan Furlong, examine emerging challenges for the lawyer, including the application of new legal technology to meet needs for efficient, accessible and cost-effective legal services. They envision new opportunities outside conventional law firms. For example, Furlong defines a new set of roles for lawyers as 'general contractor', 'knowledge tailor' and 'strategic auditor'¹. Susskind also foresees the emergence of new legal roles, which he describes as the 'expert trusted advisor', 'enhanced practitioner', 'legal knowledge engineer' and 'legal technologist'².

They argue that large parts of the law are not 'bespoke' services at all. Susskind argues that there is an evolving scale of legal service which ranges from 'bespoke' right through to a completely 'commoditized' service. He argues that the law needs to integrate a more flexible model based on efficiency, which allows for the integration of automated or 'commoditized' data assembly technology, whilst retaining bespoke approaches.

It is well acknowledged across all areas of business that productivity can be improved through new technology. Legal technology needs to further address the evolving context of Court practice, government, universities, libraries and, critically, it must respond to the modern changes to client experience within the commercial, societal and digital environment.

Next generation technology can address document assembly, databases and precedent collections. Online 'extranets' can give clients 'real time' service excellence via the law firm's website, by allowing online access to their lawyer's advice, key documents and any applicable timelines at any time.

New technology in the form of market, business and societal data can increasingly assist a lawyer with an insight into their client's commercial and social setting. This in turn can help shape strategic advice and evidence before Court. It can also inform a better understanding of the pressures facing an individual client. Intelligent project management tools can enhance workflow and eliminate inefficiencies.

Cameron Algie
27 February 2014

¹ Furlong, J, 2012, 'The Future of Legal Employment', <http://www.law21.ca/2012/04/the-future-of-legal-employment/>, accessed 27 February 2014.

² Susskind, R, 2013, *Tomorrow's Lawyers*, Oxford University Press: Oxford