

FUTURE-PROOFING FOR LAWYERS 101

A NUMBER OF POWERFUL FORCES ARE CONVERGING ON LEGAL PROFESSIONS ACROSS THE GLOBE. WHAT DOES THE FUTURE OF LAW HOLD FOR LAWYERS AND LAW PRACTICES?

The Future of Law

The future of law is not a subject that lawyers were taught at law school. Neither would it seem to be a priority for the busy practising lawyer, who has to contend with the overwhelming challenges of his or her clients' matters in the present. For many lawyers, the future of law is a distant, amorphous notion that is best left to contemplate another day (if time permits).

But what the future of law holds is inevitably becoming a critical, and even existential, question for lawyers and law practices. A number of powerful (and sometimes overlapping) forces, both external and internal, are converging on legal professions across the globe. These include: increasing clients' expectations, artificial intelligence, legal technology, alternative legal service providers and online dispute resolution.

Books such as Richard Susskind's *Tomorrow's Lawyers: An Introduction to Your Future*¹ have highlighted the likely impact of disruptive legal technologies on the future delivery of legal services.

In a recent report by Wolters Kluwer titled "*The Future Ready Lawyer: The Global Future of Law*",² more than 50 per cent of the surveyed lawyers expected to see some impact from current transformational technologies such as artificial intelligence, machine learning and blockchain technologies. However, fewer than 24 per cent indicated that they had a good understanding of such technologies.

Also, in a survey of European lawyers³ conducted in 2018 by AIJA (International Association of Young Lawyers) on the future of the legal profession (**the AIJA survey**)⁴, resistance by lawyers to innovate, the rise of alternative legal service providers, and commoditisation of legal services were identified as the top three threats to the legal profession.

But only about 41 per cent of the respondents felt confident that their law firms were taking the necessary measures to meet these challenges. Nevertheless, there are signs that lawyers and law practices in some jurisdictions are taking steps to future-proof or future-ready themselves.

According to a December 2018 report by the Commonwealth Bank of Australia,⁵ 95 per cent of the Australian law firms surveyed were “developing alternative fee arrangements in response to client pressure”, while 93 per cent were “adopting new technologies to adapt to changing client expectations and better compete with more flexible and efficient rivals”. A majority of top-tier and mid-tier Australian law firms was also entering into new practice areas.

Preparing for Future Justice

Another key area where lawyers and law practices may wish to begin to adopt future-proofing strategies is future justice. While robot judges are still a long way off (if at all), online dispute resolution (**ODR**) is already prevalent in many jurisdictions. Although a universally accepted definition of ODR has yet to be established, at its simplest, ODR refers to the process of resolving a legal dispute which “is entirely or largely conducted across the Internet”.⁶ Common examples of ODR providers are eBay’s Dispute Resolution Centre and Modria.⁷ ODR has also been incorporated into court systems such as those of the United States and Canada.

Nevertheless, usage of ODR systems by lawyers appears to be still at its infancy. For example, in the AIJA survey, about 62 per cent of the respondents agreed that ODR systems would play an important role in conflict resolution, but slightly less than 10 per cent of the respondents said that they had used ODR systems. On the other hand, ODR is gaining increasing traction among consumers.⁸

Some academic commentators have suggested that ODR will seriously disrupt legal professions because it promises greater efficiency and costs savings for both clients and the courts.⁹ Lawyers are likely to play a diminished role in an ODR environment, even though ODR may create some new roles such as “legally-trained ODR technologists” or “ODR consultants guiding people through ODR processes”.

Hence, lawyers will need to adopt future-proofing strategies in order to stay relevant. In an article titled “What Dinosaurs Can Teach Lawyers About How to Avoid Extinction in the ODR Evolution”, these commentators recommended that lawyers will need to develop six adaptive skills to survive in the changing dispute resolution landscape. These include “digital literacies”, “interdisciplinary knowledge”, “emotional intelligence” and “an entrepreneurial approach”.

How Can I be Future-ready?

With the growing attention on future-proofing legal professions, the Law Society of Singapore is supporting its members by providing resources and ideas for future-proofing strategies. In early May 2019, the Law Society’s Legal Productivity and Innovation department launched a new microsite <https://www.lawsociety.org.sg/lpi/> which features a section on “Future-proofing Strategies for Lawyers and Law Practices”.¹⁰

It compiles relevant articles from the *Law Gazette* on six key areas:

- Equipping yourself for AI;
- Dealing with emerging risks;
- How to be tech-savvy;
- Being cyber-safe, cyber-ready;
- Developing and managing talent; and
- Accelerating legal tech.

In addition, the Law Society’s Legal Research and Development department will be publishing a report on future-proofing strategies for members in the coming months. These initiatives will provide members with a good starting point to think about, and more importantly prepare for, the future of law.

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Endnotes

1. Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford: Oxford University Press, 2nd Edition, 2017)
2. <<https://lrus.wolterskluwer.com/media/3002/future-ready-lawyer-white-paper.pdf>> (accessed 10 May 2019).
3. In collaboration with the Council of Bars and Law Societies of Europe.
4. "The future of the legal profession survey" <https://www.aija.org/images/uploads/AIJA-CCBE%20Future%20of%20the%20Legal%20Profession%20survey_2018_summary.pdf> (accessed 10 May 2019).
5. "CommBank Legal Market Pulse" (December 2018) <<https://www.commbank.com.au/content/dam/commbank-assets/institutional/2018-12/legal-market-pulse-report.pdf>> (accessed 10 May 2019).
6. Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford: Oxford University Press, 2nd Edition, 2017) at p 52.
7. <<https://www.tylertech.com/products/modria>> (accessed 10 May 2019).
8. See e.g. Pablo Cortés, *The Law of Consumer Redress in an Evolving Digital Market: Upgrading from Alternative to Online Dispute Resolution* (Cambridge: Cambridge University Press, 2018).
9. Greenberg, Elayne E. and Ebner, Noam, "What Dinosaurs Can Teach Lawyers About How to Avoid Extinction in the ODR Evolution" (January 17, 2019). St. John's Legal Studies Research Paper No. 19-0004. Available at SSRN: <https://ssrn.com/abstract=3317567> or <http://dx.doi.org/10.2139/ssrn.3317567> (accessed 10 May 2019).
10. <<https://www.lawsociety.org.sg/lpi/future-proofing-strategies/>> (accessed 10 May 2019).
