The Death of the Legal Profession and the Future of Law schools

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It is obvious to anyone awake that the legal profession is changing at a furious speed. Among a range of other tensions, technology, globalization, and changes in client expectations are re-writing the assumptions that undergird the entire legal system. The most foresighted commentators recognize that the provision of legal services in the future will not be confined to lawyers from an anachronistic legal "profession"—instead, what we think of as the "practice of law" will extend past lawyers, and will include new approaches and new entities, from technology companies delivering document generation systems and artificially-intelligent legal support systems, to multi-disciplinary practices providing a combination of professional services that defy 19th century conventions. Legal process offshoring firms will be widespread, delivering technologically-mediated legal solutions across the globe, using the cheapest-and-or-best legal operators from jurisdictions outside the ones from where the work is commissioned. Large companies will adopt a managed-services strategy for their legal needs, an approach that doesn't necessarily involve law firms, or even lawyers, in order to deliver better quality legal product at the lowest possible price. And technologically-enabled business positions roles in compliance—in areas like anti-money laundering, "know your client" requirements, financial services regulations, and Sarbanes-Oxley—will come to replace large numbers of legal jobs in the commercial sector.

Against this reality, law schools still look like something out of the early-20th century. They teach an old-fashioned curriculum in an old-fashioned way. They are extremely conservative, focusing on the transmission of legal content modelled on requirements established law schools from the 19th or early 20th centuries. They are ruled over by regulators who—while certainly being good people and earnest in their desire to ensure that legal advice is high quality and accurate—are focused on the maintenance of a profession that is splintering at a dizzying rate and which simply will not exist in its current form within a few years. Apart from some worthy experiments undertaken by highly-motivated individual academics, the most significant innovations within law schools in the last twenty years have been a greater commitment to experiential learning and legal skills, and some limited use of online teaching.

No established law school in United States, Australia, or England has radically changed the way in which it prepares its students for the new legal services environment, because none has systematically given any thought to the knowledge, skills, and dispositions that its graduates will need to have in order to have interesting and decent careers in the new world of legal services. A small number of schools have introduced electives units or majors in innovation and technology; but generally these are reserved for student who self-select into these sorts of activities, and in any event are restricted to a small number of offerings in an otherwise unchanged JD or LLB degree. Other schools engage in "innovation theatre," creating media-friendly events like two day legal hackathons, which result in literally no useful outcomes at all, or provide vendor-sponsored legal coding electives that lock students into one programming environment with very little long-term value to them as graduates. For the vast numbers of students graduating into a radically different legal job market—and one that will

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change even faster in the coming decades—this cannot be reassuring. The best hope they have is that traditional law firms employers are equally at sea as the law schools in the face of radical changes to the profession, and so any small amount of training in innovation or technology makes students appear forward-thinking in comparison to those in the profession.

This Article then has two aims. First, it seeks to make some informed guesses about what the future of law looks like over the course of the next ten to twenty years. By looking at some trends that are already emerging, we can make some qualified predictions about how things are likely to changes in the near future—for, as the science fiction writer, William Gibson memorably said, the future is already here, it's just unevenly distributed. The second aim of this piece is to take these predictions, and explain what law schools should be doing to ensure that their students have the best possible graduate outcomes. Since law schools are in the business of educating the next generation of lawyers— and the students who enrol in law school today will have careers spanning decades—then the faculty and deans of every law school has a moral obligation to be thinking about the future of law and of the legal profession.

In the Parts I and II below, I articulate five large-scale changes to the legal profession as an institution, and to the way that law operates as a system, a practice, and a business. Part I covers the first three changes, ones that are part of the present reality, but are often overlooked or misunderstood. The first change is to the way that technology solutions have moved law from a wholly bespoke service—think of a handmade suit, or pair of shoes—to one that resembles an off-the-shelf commodity, like a jacket created on production line. The second change is in globalisation and outsourcing, which upends traditional expectations that legal work is performed where the legal need is, and shifts production away from high-cost centers to low cost ones. The third change is in the rise of managed services, which involves a shift in the corporate legal departments from purchasing costly customised advice from law firms, to using low cost, technology-enabled and process-driven providers for significant parts of their legal needs.

Part II moves on from the present reality to explain the changes that will happen in the near future. The two main changes here involve the emergence of legal platforms that destroy, or at least diminish the role of, the law firm, and the rise of artificial intelligence systems that will take over a significant chunk of lawyer's work by the end of the 2020s. Oddly enough, although all of the breathless journalism foretells the end of lawyers at the hands of artificially-intelligent machines, it's actually the rise of platform technologies which will have the biggest impact on the way that law is delivered, and the eventual evolution of the legal profession.

Having explained the likely future of law, Part III turns to the implications for law schools and legal education. Here, I examine the limitations of legal education in the United States, Australia, and England, and critique the limited efforts made to make legal education more relevant for graduates. I make some suggestions about ways in which law school deans and faculty can innovate within the system, and how university presidents, vice-chancellors, and provosts can radically rethink the way that legal education is offered across the university in an effort to meet the opportunities of the new legal services market.