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## **Some Thoughts on the Future of Legal Practice**

[NB: The following is lightly adapted from my prologue to *New Suits: Appetite for Disruption in the Legal World*, DeStefano|Dobrauz, Staempfli 2019]

I have spoken of the providers of legal services, and of those whose task it is to educate those providers. Before I turn to the future, something needs to be said about the consumers of legal services: those who require aid in arranging their legal affairs or in seeking justice. Here there is a harsh dilemma: earlier I mentioned “that segment of the market that can afford to pay”. This world of large enterprises and institutions, and affluent individuals, can pay the cost of legal services, even if it does so grudgingly and even as it seeks, often successfully, to reduce such costs. Not so, unfortunately, for most of the world which, simply put, cannot afford access to justice. How large is the number so denied access? It varies from place to place, but it is often thought that *80 percent or more* of those requiring help may be unable to obtain it. That figure, or anything like it, is a calamity. A just world cannot afford to shut out the vast majority of its peoples from the instrumentalities of justice. Thus, when I consider the future of law, I do so on the premise that correcting this imbalance must be a prime goal. That will not be an easy haul. In a world where the elimination of hunger, the eradication of lethal diseases, or providing adequate shelter for all, are still distant goals, access to justice may strike some as being of lower priority. It is not; it is an essential need of humanity. But how is it to be met?

It is here the technological revolution that we see before us may hold great hope, though at the moment this is more *Zukunftsmusik* than practical reality. The number of “consumer-facing” software programs and apps is growing, but still small. It is clear, however, that the explosion of digital data available, coupled with advances in data analytics, machine learning and the decreasing cost of computer power, opens the door to the realization of genuine change. Equally important, there is enhanced pressure from governments, academics, bar groups and many others to push change. Some of this, obviously, encounters deeply entrenched resistance: few trade guilds welcome the loss of monopoly power with open arms and lawyers are hardly an exception. It is also important to realize that access for all, in law as in medicine, comes at a price. The chatbot may lack the comfort of human warmth; technology has its own values and these may differ from those of law. Nevertheless, there is significant hope to be found in online dispute resolution, law bots and apps that provide easy and free, or modest-cost, solutions to common legal issues, and much more.

What else might technology hold for the future of law? When I look at the marvels—and, alas, the horrors—of the world around us, I am often amazed by how frequently writers of science fiction whom I admired seventy or even eighty years ago were able to predict today’s world. Today’s crystal balls seem more clouded. There is a burgeoning body of literature that argues, with varying degrees of plausibility, that the singularity—and with it the robot lawyer—is just

around the corner. New cottage industries have sprung up to exploit the possibilities to be found in the new universe of distributed ledger technology. Indeed, cities and even small countries vie to be seen as the centers for this new wisdom. Fortunes have been made—and lost—in the space of days or even hours. No week passes without a series of hackathons, meetups and conferences devoted to exploring the brave new world of technology. Is there a problem seeking a solution? There is an App for that!

This is not said to belittle or scoff at these developments. They carry with them the excitement of new approaches that could truly change “the world as we know it”. Nor should the flashier parts of what we see distract us from the fact that significant, sound and powerful technological advances have been made in the world of law. Some have been broadly adopted, others are being tried, still others await the slow process most innovation goes through before becoming commonplace. But technology is on the march and, as with all genies, unstoppable once out of the bottle.

And so I come to the final question: what is this future that lies before us? As an old Danish proverb notes, it is difficult to make predictions—especially about the future. Moreover, as a colleague recently noted, perhaps it is simply too early in the game to make good calls on what it all means. Still, I will risk one prediction: The world today, tomorrow, and as far out as imagination can reasonably carry us has and will have a need for “lawyers”: as stewards of justice, in the sense of defenders of the rule of law and officers of the court, and as advocates and trusted advisors. Lawyers will not disappear. As a long-forgotten futurist once noted, we will continue to be the warm, wonderful, caring people we have always been, but there will be fewer of us, and more of our remuneration will be psychic rather than monetary. Why? Because much of what now is lawyer’s work will indeed be taken over by machines and their algorithms, and workers whose training and thus cost is significantly less than that of a conventional lawyer. That, however, need not be cause for despair.

While the world we live in is one of extraordinary complexity and lightning fast technological change, the legal world has responded! Whether it is exploring the impact of AI, or analyzing the new structures of law practice, the changing roles of law departments, blockchain and its progeny, the training of lawyers for the new age...all this and more requires huge work to be done. Ours is a world in flux: there are no long-standing precedents for resolving disputes around an ICO, no years of experience to draw upon in resolving the ethical dilemmas of an artificial intelligence experiment gone awry. No, the urgent need that has evolved is the ability to extract from the past and extrapolate to the future, with sharp awareness that many of the sharpest questions are not *just* legal. Instead, we often find a need to pull together all the wisdom our collective possesses: from science, ethics, and business sense to behavioral psychology and philosophy and beyond. A popular view today is that we need more T-shaped lawyers, where, in Wikipedia’s description

*The vertical bar on the T represents the depth of related skills and expertise in a single field, whereas the horizontal bar is the ability to collaborate across disciplines with experts in other areas and to apply knowledge in areas of expertise other than one's own.*

And that, perhaps, is where I come around full circle to my own shaping. By accident, fortune

both bad and good, and drift I came to be a T-shaped lawyer—though in my day we probably had this in mind when we said “well-rounded”. Should others repeat my path? Most obviously not. But there is much to be said for fostering and encouraging schooling, training and experience that seek to create multi-skilled generalists. We then will have the beginnings of a workforce best equipped to deal with the world before us—a world, it might be added, that needs all the help it can get! Lawyers are well-known for “making haste slowly”; perhaps for once we can do it differently—and when we put on the *New Suits* of our title will be able to move with the speed our time requires.

*Thus, though we cannot make our sun  
Stand still, yet we will make him run.*