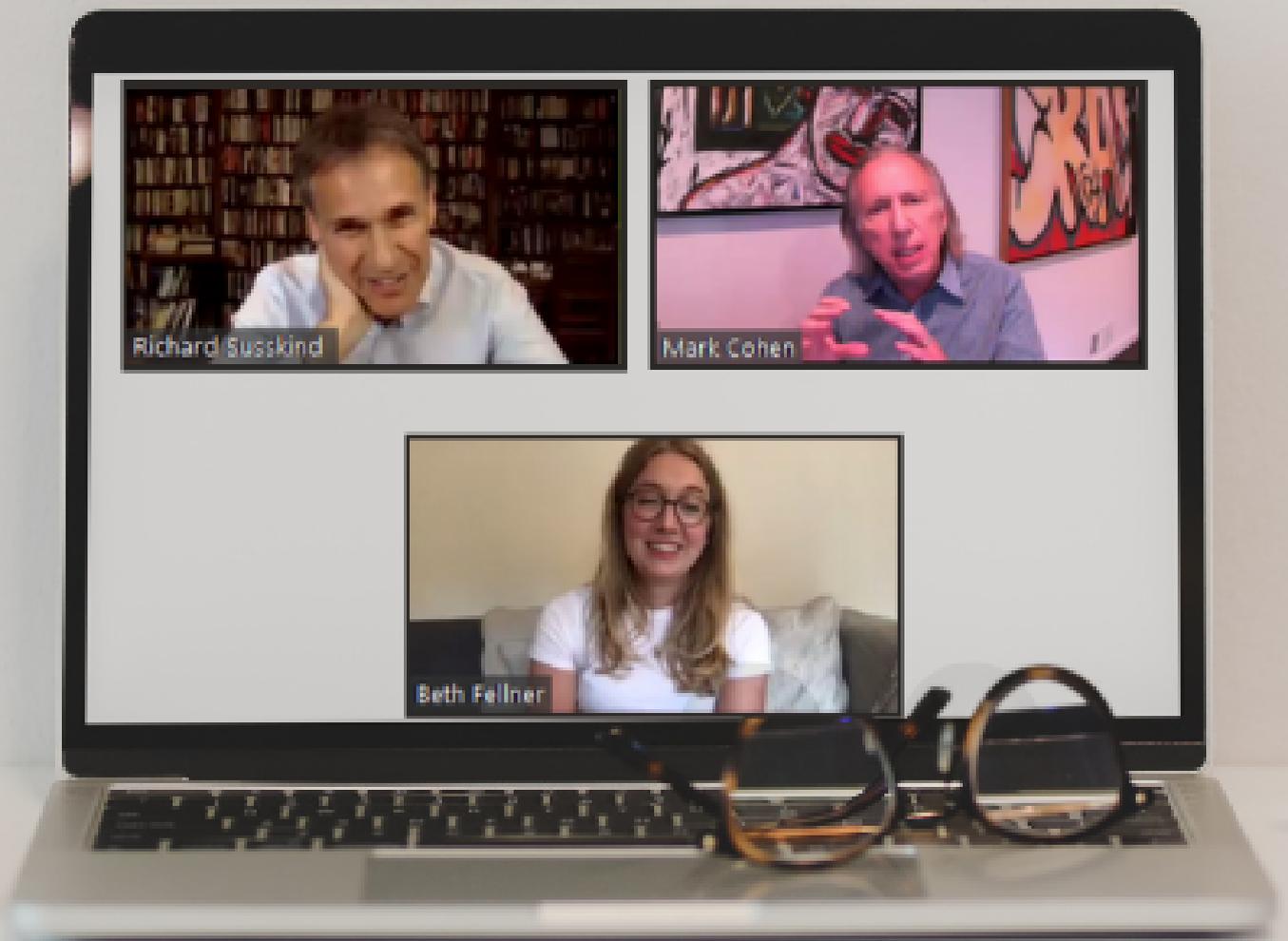


# The Uncertain Decade

Series One 2020



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## Introduction

This writeup doesn't arrive at a solution for The Uncertain Decade the legal sector is facing. In fact, you are likely to be as uncertain at the end of it as you are now.

We won't even mumble an apology for that: 2020 has been a year when the world's best-laid plans flew out the window, so we're a bit mistrusting of looking at the future and making solutions to meet its challenges

Instead we've put our energies into creating a whistle-stop summary of conversations held between two of the finest minds in legal technology, Richard Susskind and Mark Cohen, conducted

over the course of four webinars during the summer of 2020.

The outcome of these conversations provides an armoury of informed, insightful and nuanced ways to look at the changes taking place in the legal world.

Being effectively armed for the future, we believe, is a stronger position to be in than being told what it's going to contain, because, simply, no-one knows that part.

We hope reading this makes you want to hear more from Mark and Richard at future events.

## Speakers

### **Mark Cohen**

Mark is a thought leader and innovator in the legal industry. He is the CEO of Legal Mosaic, a regular contributor to Forbes, and Executive Chairman at The Digital Legal Exchange.

### **Richard Susskind**

Professor Richard Susskind OBE is an adviser to professional firms and governments. The world's most cited author on the future of legal services, he has written ten books.

# Legal life after COVID-19 a very new normal

## Summary

The legal sector - like many others - responded to the coronavirus pandemic by trying to continue operating as normally as possible, just at a distance. That meant adopting technology-enabled solutions at warp speeds.

Within weeks of the UK's lockdown, any residual mis-trust within the legal sector towards technology was replaced by a feeling that post COVID-19, the legal space would be a very different place to work in and from a technological point of view, a "very new normal" was coming.

## Audience polling

To what extent will COVID-19 change the way that lawyers work?



Massively



Somewhat



Modestly



Very little

## Speaker view

“ In a matter of weeks, the coronavirus has created remote legal workforces and distance learning. This has cast a light on latent technologies that enable things to be done differently.

**Mark Cohen**

”

“ It's not too early for law firms to take control of the future but that hasn't happened yet. We have only seen coping mechanisms.

**Richard Susskind**

”

# When courts close, what will half the world's lawyers do?

## Summary

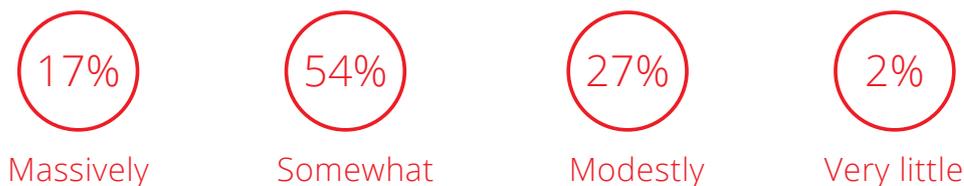
One of the themes which our webinar series kept returning to is that people don't want doctors, they actually just want health. Therefore they asked, do people actually want lawyers? Or just the outcomes they bring?

Understanding this concept has led - over the last 10 years - to the emergence of Alternative Legal Service Providers (ALSPs), whose offering to clients intersects legal, business and technology.

The lawyers of the future need to accept they are one part of the whole legal sector, and do not form the entirety of the legal sector themselves.

## Audience polling

To what extent will COVID-19 change the way that litigators work?



## Speaker view

“ We are living through a massive pilot – as we run our firms and courts remotely, it's important to capture as much data as possible about what's working and what's not.

**Richard Susskind**

”

# Industry view: Thomson Reuters

## Certain change, a decade of opportunity and abundance

The future for lawyers is one of abundance, but at present, uncertainty is almost palpable. The legal world is challenged and now is changing. Over a matter of weeks, law schools converted to online education, something they had resisted for a decade. Courts too adjusted, adapting latent technology from “other industry use” into this new reality. Susskind underscored these challenges asking, “Is a court a service or a place? And if it is a place, do we need that place anymore?” Before the COVID-19 pandemic and the increased reliance on technology, this question was unfathomable.

“

**Two years ago, a few hundred LegalTech startups emerged, now, a few thousand exist.**

”

The melodic drumbeat of doing more with less has never been louder. Two years ago, a few hundred legal tech startups emerged, now, a few thousand exist. Their aim, to chip away at the traditional legal model and show how to do more with less. Surprisingly, a majority of these companies endeavor to solve law firm back office functions, rather than helping clients, said Susskind. Clear opportunities exist here.

While pitting the U.S. vs. U.K. legal market sounds like a Revolutionary War redux, the divide is small, said Cohen. The single battlefield advantage for the U.K. is

regulation, which has set that country up for success, innovation, and competitiveness. Self-regulation of the legal practice in the United States is an Achilles’ heel.

Client is king. Cohen and Susskind hammered this point throughout the series. The focus will always be on the client, but how those clients are served has changed. Cohen reminisced that once “lawyers had to practice or leave,” but now they need to meld many different components together, including technology, operations, and analytics, while working with technologists, engineers, and data analysts from different genders and ethnicities. It is a potent and powerful mix in appeasing the client king.

Finally, as exponential growth of technology consumes to world, future gazing of the legal industry is especially appetizing. No doubt, legal services will fundamentally be different in both job function and the way services are provided. That uncertainty is here — both Susskind and Cohen illustrated that idea with aplomb throughout the series. Leveraging technology and being ever mindful of the client will create legal abundance, even as lawyers labor alongside machines.

*By Joseph Raczynski, Technologist & Futurist at Thomson Reuters*



THOMSON REUTERS

# What clients want and need

## Summary

Is the client always right?

Are in-house lawyers best placed to then judge the quality of the service provided? Some caution may be required.

If the ultimate legal function is to build the fence at the top of the cliff rather than station an ambulance at the bottom of it, then a degree of upwardly educating a client may be wise, but must be handled with care.

## Audience polling

Given the current shock to the industry, where do law firms need to focus most?

46%

Modernizing culture

24%

Adopting more technology

16%

Changing pricing approaches

13%

Training their people

## Industry view

“

The clue is in the title, it's all about understanding what the needs are and how best to meet them. To do that effectively you have to ask questions, establish the reality, verify your understanding and show genuine interest. If you don't understand what the need really is, by asking effective questions and showing empathy, you run the risk that what you deliver isn't what's wanted, won't be useful and you won't make your client feel like you really care..

”

**Chris Fowler, General Counsel Technology, BT Legal**

# Alternative legal suppliers – hope or hype?

## Summary

When people talk about ‘disrupting’ the legal industry, they are quite often talking about ALSPs.

But how have they risen to prominence? Mark Cohen reminded us of what Derek Bok, the former President of Harvard, once said: “there is far too much law for those who can afford it and far too little for those who can’t.”

ALSPs have helped bridge the gap for those who need legal advice and the

high prices demanded by legal firms.

As companies encounter ever more regulation, ALSPs are there to help them at a fraction of the price of a conventional law firm. Such has been the success of these businesses, that they may have already shed the tag of alternative.

## Audience polling

To what extent does the model - traditional or alternative - matter to clients?



Massively



Somewhat



Modestly



Very little

## Speaker view

“

I think it is important, if ALSPs are to flourish, that advanced jurisdictions liberalise and I've been, and remain, quite vocally critical of the US, because it seems to me that lawyers should survive and thrive because they bring value that others cannot, and not because we regulate others out of the field.

**Richard Susskind**

”

# UK vs US – the next decade

## Summary

Whoever said it would be impossible to compare legal systems in jurisdictions as different as the US and UK, hasn't met Richard Susskind and Mark Cohen.

Over eight different categories - the courts, elite law, regulators, general counsel, law schools, ALSPs, start-ups, and COOs in legal departments - Richard analysed who was better prepared for the coming decade, the US or the UK.

The outcome may have been a diplomatic draw but the process highlighted some eye-opening differences between the two jurisdictions in many of the categories.

## Speaker view

“ Imagine it was your passion to help people understand and enforce their entitlements in relation to housing, and particularly low-cost housing. On the one hand, you could be a traditional lawyer and work in a face-to-face consultative advisory way and in your career see 10,000 clients. On the other hand, this is where I get excited, imagine if you can produce some kind of app that would allow millions of people to understand and enforce their entitlements at low costs without necessarily needing to interact with an expert lawyer through some kind of diagnostic system and some kind of online dispute resolution system.

**Richard Susskind**

”

# Skills and education for legal professionals in the 2020s

## Summary

A 2018 survey by Deloitte predicted that almost 40% of all legal tasks will be automated in some form by the end of this decade.

It's a fairly safe bet therefore that the skill-set of a lawyer in 10 years' time is going to be vastly different to the skill-set of a lawyer today. But how can you teach lawyers the skills for a future that hasn't arrived yet?

It needs to be a mindset shift where centres of legal education promote and empower lifelong learning so that legal practitioners can adapt to challenges as they arise.

## Audience polling

To what extent must legal education and training be reimagined to change the way that lawyers are prepared for the new decade?



Massively



Somewhat



Modestly



Very little

## Industry view

“ Higher Education providers have to recognise the changing skills set required of the modern lawyer and empower our students to respond dynamically to future challenges. Two years ago the University of Law set up a group comprising some of our leading academics, our legal innovation and technology academy. The group plays a key role in engaging with the legal tech community and embedding legal tech as a pervasive subject.

**Gareth Richards, Acting Campus Dean (Moorgate),  
The University of Law**



# The future of legal technology

## Summary

For so long legal technology resembled the future of the legal industry, like a panacea that at some point would need to be swallowed whole.

But the global lockdown has proved that actually, the future comes in stages. Now the pilot period of this “very new normal” has ended and it’s time for the legal

sector’s blue-chip law firms, the brightest start-ups, and most forward-thinking ALSPs, as well as individual industry professionals, to lay out our stall for how the future will look, and start moulding it to how we’d like to see it.

## Audience polling

Artificial intelligence will dominate legal technology by the end of the 2020s



Strongly agree



Agree



Disagree



Strongly disagree

## Industry view

“ I could not agree more with the prediction that the future will not be about lawyers, and nor in my view will it be about the law, per se. It will instead be about how the law must and can serve people and businesses who need certainty, responsibility and fairness in life - who need to be able to get domestic and professional things done real time and at a sensible price point, with confidence, and defend their rights in an uncertain world. Technology that enables people to take care of their own legal matters will be a great leveller, supporting significant untapped markets in terms of scale, but it will take public/private collaboration to take us where we need to go: investment in systems, infrastructure and shared standards, with a rich dose of entrepreneurialism, commitment and innovation.

**Jenifer Swallow, LawtechUK Director, Tech Nation**

”

# Industry view: iManage

In many ways, the COVID-19 crisis has provided a spark that has driven law firms to accelerate their digital transformations. Challenges that they were facing before have taken on even more urgency and increased relevancy as they adapt to “the new normal.”

What are the best ways to share knowledge across the firm when people aren't sitting under the same roof? What are the most effective ways for professionals to work together and collaborate? How can firms ensure that sensitive content is properly secured and governed outside of the office?

These are questions that need answers because there are elements of this “new normal” that will become permanent – not because the pandemic is going to continue forever, but because individuals and teams have figured out how to make remote working a viable proposition.

“

**The ability to access critical documents and emails at any time, from any location, on any device matters more than ever**

”

They've realized that though born out of response to the upending of “business as usual,” there are actually some advantages to this new way of working – and this realization has longer term

ramifications for how law firms operate and how lawyers in general will get work done.

Having the right technology platform can make the transition to this new way of operating easier, ensuring that professionals stay both productive and secure.

The ability to access critical documents and emails at any time, from any location, on any device matters more than ever, as does the performance and resiliency of the systems that manage these files.

The security and threat landscape only gets more complex with remote work because there are more endpoints to protect, and law firms need products that offer a comprehensive response. Likewise, professionals that are largely distributed need innovative technologies that can help knowledge sharing continue unabated, by uncovering connections that identify best practices and expertise across the firm.

As they embark on their digital transformations, law firms and corporate legal department who stay focused on vendors that understand their unique work requirements, are committed to comprehensive security, and are equipped to partner with them for the long term will be best positioned to navigate this new world.

Here's to what's next.



# Digital transformation and the legal function

## Summary

Predicting how digital transformation will change the legal sector is like trying to predict how developments in robotics will change the human race. We know that it will significantly alter things, but how exactly is, at this stage, unknown.

What we do know is that digital transformation should not mean

digital replacement whereby a computer replaces a human in completing a menial task. It should mean finding entirely different ways to deliver the conventional outcomes we require. The people who deliver this sort of digital transformation in the legal sector are the true lawyers of tomorrow.

## Audience polling

What stage is your digital maturity?

10%

Still using manual processes

23%

Using systems to manage legal work

27%

Some automation

24%

Using productivity tools

16%

Using artificial intelligence or machine learning

## Industry view

“ The influx of digital natives into our workplace, combined with the continual drive to do more for less, means there has never been a more important time to adopt new technologies, new processes and better ways of working. We need to equip all our lawyers with the tools and the training to deliver legal advice faster, more cost effectively and in a manner and format that best suits clients.

**Greg Baker, Lead Innovation Lawyer, Corporate, Linklaters**

”

# Industry view: UnitedLex

Digital Transformation is the catalyst for creating expansive value within the legal function and across the wider enterprise. What is required for transformational change is an entirely new way of thinking that reimagines how services are structured and delivered, aiming to reevaluate every aspect of the law department and its impact on the success of the business.

You do not add digital. You become digital.

A "digital first" mindset yields a higher Digital Quotient, the measure of readiness around five essential elements necessary to fully embrace Digital Transformation and derive the resulting business value:

## **Instill a Hyper-Client-Centric Outlook**

Deconstruct and rebuild legal processes with a progressive, 360-degree program that ensures highly attuned sensitivity to the complete lifecycle needs of the business and shared services teams as well as external customers.

## **Access the Power of Data**

Aggregate all forms of data from disparate legal and business sources as the basis for advanced analytics and Artificial Intelligence (AI), yielding data-driven insights and actionable content that deliver measurable Return on Investment (ROI) and c-suite and board-level impact.

## **Employ Business Management Technology**

Integrate a productivity framework that creates new modes of service delivery through empowering user interfaces, highly interactive portals, automated workflows, practice-specific tool integration, and successful self-service.

## **Spark a Culture of Innovation**

Arm the legal team with digital training that complements legal expertise to stimulate innovation, by drawing inspiration from other industries and disciplines for expansive learning and professional development. Accelerate team and individual contributions via greater rewards-based compensation and career progression opportunities.

## **Deepen Operational Excellence**

Adopt a zero-based design approach to accelerate gains in service delivery from process reconstruction, integrated automation, highly flexible and scalable resourcing, innovative dashboards, and applied intelligence.

When all five elements are working in concert, the law department progresses through each successive stage of the Digital Transformation journey to realise the greatest value for the department and the enterprise.

# UnitedLex

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