

On Track to Major Change

Remember when your high school science teacher asked what would happen if an irresistible force met an immovable object?

By Doug Richardson

Well, the legal profession is about to find out.

Two trains are already in the tunnel, charging toward an inevitable collision. Let's call the first train the Nuanced Train of Thought (although Millennials just call it "the Old Train"). This is the "deep train" that carries the accumulated legal thought and wisdom of centuries. It controlled the rails right up until the technology explosion and the Great Financial Crisis. This train carries the lawyers schooled in and accustomed to the full immersion analysis, to considering all the angles, to exploring all risks, to exploring the subtleties and nuances, to elaborating all the options (and, of course, to billing all the hours).

Our second train is shiny, new, technologically beguiling and, above all, it's fast. This train represents our rapidly-evolving modes of legal communication, learning, decision-making, and rendering counsel to our clients. Perhaps it's unfair to call it McTrain or McLaw, because that suggests lack of substance, ingredients rushed together under intense time pressures, or hip-shot recipes proffered without careful and methodical reflection. In any event, the "fast train," supercharged with the latest technology, isn't going to slow down, and it isn't going to turn back.

So that's the collision we must anticipate: fast law vs. deep law. You see it in your work; I see it mine. I used to lead intensive, highly-interactive three-day seminars that produced both subtle insights and practical mastery of new skills. Now the longest workshop I facilitate lasts three and a half hours. Partners demand that complex topics be taught - and somehow translated into practical skills - in 90 minutes. The learning envelope is getting squeezed, and a lot of the juice and pulp is going down the drain.

Many mature Lawyers who rode in on the deep train have succeeded in switching tracks (albeit grudgingly) to today's fast track. They are adapting: they can speed it up, cut to the chase, and shoot quickly at moving targets. Behind their dazzling footwork, however, lies a depth of wisdom and judgment born of the experience of years.

The greater problem is that our accelerating learning curves and abbreviated learning cycles keep many of our younger lawyers from learning deep dive techniques or appreciating the exquisite rewards of nuanced, highly discriminating legal thought. As one large firm Professional Development Manager put it, "our young lawyers are learning - and accepting - the 'Law for Dummies' version. It's not their fault, but their superficial exposure to deep topics often makes them look naïve."

Neither the deep law immovable object nor the fast law irresistible force is going to change paths. So, BOOM! Before long, like it or not, we are going to have the answer to your science teacher's question, courtesy of the legal profession's "New Normal."

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