

Why are we afraid of the future of law?

Technology is changing the legal profession, so why don't law students want to hear that? BY WILLIAM HENDERSON

Richard Susskind is a famous British lawyer and technology consultant who travels the world giving speeches on how the legal industry is on the brink of a fundamental transformation. Because his topic is change, Susskind's ideas are quite controversial among lawyers. But as a futurist, he has a pretty good track record.

Back in 1996, in his book "The Future of Law," Susskind predicted that email

would someday become the dominant method for lawyers and clients to communicate with each other. Because the Web was still a novelty limited to universities and computer aficionados, Susskind's comments

were viewed as reckless and unprofessional — lawyers would never rely on such an insecure method to communicate with clients. Yet, 16 years later, lawyers' daily lives are comprised of an endless stream of emails coming over their desktops, laptops and smart phones.

In June of this year, I attended the LawTech Camp in London (lawtechcamp-london.com), an event that attracted a wide array of entrepreneurs and lawyers who are figuring out ways to use technology to improve the delivery of legal services and products. There were three major themes that underlie many of these innovations.

One was the ability of machine algorithms to replace people, particularly when it comes to finding information. For nearly all of the 20th century, a substantial part of a lawyer's job was to know where to find the answer to the client's legal problem. A Google search can now find many answers faster than traditional legal research methods. And companies like Legal Zoom, which is well capitalized by non-lawyers, are selling do-it-yourself solutions for wills, trademarks, incorporation and other legal needs.

A second theme of the conference was the emergence of a global supply chain in which price-sensitive, labor-intensive work is increasingly flowing to destinations like India. There is now sufficient technology infrastructure in place to make the integration and training of Indian lawyers a highly cost-effective decision for many international businesses. This means that to garner a good living, U.S. and U.K. lawyers need a substantial competitive advantage over Indian-trained lawyers. Deep expertise in the most complex areas of law is one strategy, but the technologists are constantly trying to find ways to standardize and systemize the expensive work that lawyers would prefer to do by the hour.

A third theme of the conference was the value and importance of developing a deep, trusting relationship with your client. This part has more to do with our humanity than our technology. It means investing our time to understand our clients' businesses and doing a better job seeing the world through their eyes. This gives us the best opportunity to use our

legal expertise to solve their problems in a way that makes us indispensable. Thus, as our client grows, we have the opportunity to grow with them.

Fittingly, the keynote speaker for the LawTech Camp was Richard Susskind. He had identified many of the innovations and trends discussed at the camp in his 2008 book "The End of Lawyers?" Richard had earned the right to be taken more seriously.

For the last two decades, Susskind's work has required him to stand in front of skeptical, disbelieving, recalcitrant audiences and tell them things they didn't want to hear: some variant of we need to change and adapt to survive. Over the years, I have heard Susskind speak several times, and I can vouch for the attitudes he inevitably encounters.

Yet, I was quite dismayed when I heard Richard say: "I talk to many audiences, nearly all of them skeptical and conservative. And consistently, the most conservative audiences are law students." That's right. Law partners, in-house lawyers, associates, law professors and bar association officials, as disbelieving as they might be, are all more prepared to hear Susskind's message.

This raises a critically important question — why? Susskind suggests that many young people entered law school with an image of their future careers based on idealism and pop culture. If their careers were going to be dramatically different from these preconceptions, surely their professors would have told them. (News flash: Few law professors track the changing structure and economics of the legal pro-



Professor Henderson

profession. They tend to be specialists in narrow areas of substantive law.) So law students are the least emotionally braced for a different future — one a lot more challenging and uncertain than they imagined.

As a law professor who routinely presents evidence of a changing legal marketplace, including Susskind's work, to first-year students, I can personally attest to the student blowback. The students find this information depressing — at least initially. Yet, my students tend to differ from older audiences in how quickly they reconcile themselves to this new fact-based reality. Although their idealized version of the legal profession is tarnished, they also see the opportunities to create something that is new and important that resonates with their values.

As my experience at the LawTech Camp makes clear, there is tremendous creative ferment taking hold in many corners of the legal profession, albeit the safe and established legal brands are not leading the way. So that is our dilemma. In the year 2012, there is no conservative path that will take most law students to where they want to go. Every option has risks.

My advice? Invest time, understanding the intersection between law and technology. Read Susskind's books and subscribe (via email or RSS feeds) to the many publications in the Law.com network, including the Law Technology News and the ABA Daily Journal (most content is free). Some terrific blogs include Law21, Strategic Legal Technology, 3 Geeks and a Law Blog or the Legal Whiteboard (my own blog). Identify some of the new, innovative companies and ask for informational interviews — don't be shy. These companies will be flattered. And remember the advice followed by countless successful people: Luck is when opportunity meets preparation.

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