

# Legal profession is on the brink of fundamental change

**In an excerpt from his forthcoming book, Richard Susskind lays down a challenge to all lawyers**

The title and theme of this might appear rather self-destructive. I am a lawyer myself (of sorts). Many of my close friends are lawyers. Most of my clients are major law firms. Socially and commercially, it might seem that I am shooting myself in both feet.

However, as the question mark in the title should at least hint, I write not to bury lawyers but to investigate their future. My aim is to explore the extent to which the role of the traditional lawyer can be sustained in coming years in the face of challenging trends in the legal marketplace and new techniques for the delivery of legal services.

This is neither a lawyer-bashing polemic nor a gratuitous assault on the legal profession. Instead, it is a collection of predictions and observations about a generally honourable profession that is, I argue, on the brink of fundamental transformation.

That said, I do admit, if I may give away the ending, that these articles will point to a future in which conventional legal advisers will be much less prominent in society than today and, in some walks of life, will have no visibility at all. This, I believe, is where we will be taken by two forces: by a market pull towards commoditisation and by pervasive development and uptake of information technology. Commoditisation and IT will shape and characterise 21st century legal service.

Against this backdrop, I should be honest about one issue from the outset. I do not believe lawyers are self-evidently entitled to profit from the law. As I have said before, the law is not there to provide a livelihood for lawyers any more than ill-health exists to offer a living for doctors. Successful legal business may be a bi-product of law in society, but it is not the purpose of law. And, just as numerous other industries and sectors are having to adapt to broader change, so too should

lawyers.

This series calls for the growth and the development of a legal profession not by ring-fencing certain categories of work as the exclusive preserve of lawyers; nor by encouraging cartel-like activity which discourages all but lawyers from engaging. Rather, it calls for lawyers, their professional bodies, their policy-makers, and their clients, to think more creatively, imaginatively, and entrepreneurially about the way in which lawyers can and should contribute to our rapidly changing economy and society.

More specifically, the challenge I lay down here is for all lawyers to introspect, and to ask themselves, with their hands on their hearts, what elements of their current workload could be undertaken differently — more quickly, cheaply, efficiently, or to a higher quality — using alternative methods of working. In other words, the challenge for legal readers is to identify their distinctive skills and talents, the capabilities that they possess that cannot, crudely, be replaced by advanced systems or by less costly workers supported by technology or standard processes, or by lay people armed with online self-help tools.

I will argue that the market is increasingly unlikely to tolerate expensive lawyers for tasks (guiding, advising, drafting, researching, problem-solving and more) that can equally or better be discharged, directly or indirectly, by smart systems and processes. It follows that the jobs of many traditional lawyers will be substantially eroded and often eliminated. At the same time, I foresee new law jobs emerging which may be highly rewarding, even if very different from those of today.

While I hope this will be of interest to many general readers, I believe it is relevant for all lawyers, no matter how specialist or expert they perceive themselves to be. I am often amused and always bemused when, after a presentation to a group of lawyers, I am approached by a small number who purport to be in violent agreement with what I have said. Such lawyers will say that they accept a shake-up in the legal profession is long overdue and that my ideas about the transformation of legal services apply across the board, except for one vital area of legal practice — their own. There follows a stream of rationalisations, clarifying why their corner of the legal universe is and should be immune from change.

My scepticism here should be evident. No lawyers should feel exempt from assessing whether at least some of their current workload might be undertaken differently in years to come. And no lawyers should shirk from the challenge of

identifying their distinctive capabilities.

Lawyers can learn from the corporate world in this context. At the peak of the dotcom era, Jack Welch, for 20 years the CEO of General Electric (GE), set up a group of teams to analyse whether the internet could do to businesses within GE what Amazon was achieving in bookselling. In the spirit of the times, they were called “destroyyourbusiness.com” teams. Before long, however, these were re-designated “growyourbusiness” teams. They had concluded that the internet offered more opportunities than threats and so they moved from being defensive to proactive in responding to the new technology.

And so it should be with lawyers. The challenge is not to assess how commoditisation and IT might threaten the current work of lawyers, so that the traditional ways can be protected and changed avoided. It is to find and embrace better, quicker, less costly, more convenient and publicly valued ways of working.

To return to the disconcerting message of this book for much of the legal profession: for those lawyers who cannot identify or develop the distinctive capabilities to which I refer, I certainly do predict their days are numbered. The market will determine that the legal world is over-resourced, it will increasingly drive out inefficiencies and unnecessary friction and, in so doing, we will indeed witness the end of outdated legal practice and the end of outdated lawyers.

*Richard Susskind is Emeritus Professor of Law at Gresham College, IT adviser to the Lord Chief Justice and consultant to leading law firms. He was awarded an OBE in 2000. This is an extract from his forthcoming book, The End of Lawyers? Rethinking the Nature of Legal Services.*