

# 'We're not even at the fear stage' - Richard Susskind on a very different future for the legal profession



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**Professor Richard Susskind on disruptive technology and why lawyers aren't about to be replaced by machines just yet**

"I do a lot of presenting to law firm partnerships about technology," says Professor Richard Susskind.

"What you look for is genuine commitment and understanding from leaders in law firms. I can tell within two minutes which firms really want to make things happen, and those who want to do the minimum amount not to look behind.

"There are senior partners who say: 'Yes, technology is very important to us.' But you can see in their eyes: they know it's important but they haven't spent the time or been personally convinced that this is absolutely central to the future.

"These firms - in terms of their word processing, accounting systems, electronic mail, basic systems - are very well run. I'm talking about their use of technology in the delivery of service to clients."

As an adviser to the Lord Chief Justice, the president of the Society for Computers and Law, and an independent adviser to numerous professional firms and governments, Susskind does a lot of crystal ball gazing, anticipating how future technology will affect lawyers and their working methods.

But Susskind is no Nostradamus: his Brave New World will be neither dystopian nor dysfunctional although it will certainly be very different. And planning for it will be difficult.

As a self-proclaimed "moderniser", he firmly believes that the "still antiquated" practice of law is being, and will continue to be, changed irrevocably by the twin drivers of cost and technology. Consequently, most lawyers will not become unemployed, as sceptics might suggest, but redeployed.

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The predictor of "unprecedented upheaval" in law firms is also the author of nine books - the latest of which, *The Future of the Professions*, is co-authored with his son Daniel, an Oxford academic and a former Downing Street adviser.

The book is a critique of the challenges professionals face in the next decade from technologies that will far surpass their own capabilities.

"Many of my theories about the future of legal services are no longer considered outrageous," claims Susskind senior in the foreword.

## **Lawyers will be replaced**

But the book's central premise - that everyone will "have to come to terms with the need to defer to the superior capabilities of machines" and that "traditional lawyers will in large part be replaced by advanced systems" - has not been uniformly welcomed.

Lord Pannick QC recently penned a Times column headed: Masterclass on why lawyers will not be replaced by computers.

"The legal profession will, despite Susskind's efforts, continue to resist and defy change, as it always has," swiped Pannick, a near neighbour of Susskind in the Hertfordshire hamlet of Radlett.

Susskind fully appreciates Pannick's position: he encounters it daily.

"Our biggest barrier is that we have quite a conservative profession," he says, "with people who are attracted to the profession because of its fondness for the past, its fondness for precedence, its fondness for tradition. My most conservative audiences are where I speak to law students."

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Regarding his addresses to City law firm partners, he confides: "It's hard to convince a room full of millionaires you've got your business model wrong; it's quite tricky to stand up in front of them."

In these presentations, Susskind sets out: "How the world is changing - technology is radically transforming all sectors. There's no reason the law should be any different.

"Law firms are more information intensive, more document intensive than any other [professional group], and yet you can see many partners thinking: I can probably hold out to retirement before I need to do this."

From his experience, he suggests that "many of the very impressive IT directors in law firms are not really passionate about the law and legal services, they're interested in technology. Many users are also passionate about technology.

"The firms that are doing best have people who are hybrids, and have that double qualification: lawyers who are genuinely interested in technology's application to the law. There's a new role

emerging - the genuinely interdisciplinary person."

As examples, he identifies firms that are his clients ("not because they're my clients, but because they're the ones I know best"). He says: "You see it in Pinsent Masons; you see it in BLP - different kinds of individuals involved with technology, neither back office technologists, nor the hobbyist partner."

Bird & Bird, he suggests, "has done a lot, but maybe not as much as I'd expect because it's such a big technology firm".

### **A&O gets it**

Susskind enthuses about Allen & Overy's (A&O's) use of online services, generating "more than £10m in fee income with 10,000 users and over 200 institutional clients. If you speak to the senior partner, David Morley, he gets it



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completely, he understands it."

He identifies two individuals driving technological change at A&O: partner Jonathan Brayne, chair of the firm's innovation panel, "a man who really understands the potential of technology and believes in change", and "the guy on the ground", Marc-Henri Chamay (global head of e-Business), "who is so passionate about trying to change the way legal service is delivered".

Of US law firms, he adds: "You'd expect them to be really advanced, but in fact they're quite conservative." He singles out Davis Polk as "having a bit of a reputation for technology" and reserves praise for Cooley and Seyfarth Shaw.

Susskind's biggest commercial client over the last 15 years has been Deloitte, notably its tax group

"When you see the systems they've developed, they outstrip anything law firms have achieved," he says. "They're more technologically advanced."

He explains: "It's partly culture, but to a large extent it's leadership, because no matter how many enthusiasts there are, no matter how much energy they have, unless you have the genuine backin of people who run the firm, it goes quite rapidly to the ground."

And what can law firm leaders learn from Deloitte about the use of technology?

"The tendency for lawyers is to say: 'I can see how the accountants will use that and how that might work in audits, but we're different,'" says Susskind. "Lawyers need to have a willingness to imagine that their work might be done entirely differently."

He urges them to embrace the use of "increasingly capable machines" that will, over time "outperform human professionals at many tasks".

Pointing to IBM's Watson as a current example, he argues that Artificial Intelligence (AI) will become "vastly more intelligent than us." But unlike some forecasters, he does not foresee AI "being an integral part [of legal practice] until the 2020s."

Instead, he believes "the drive to save cash, both understandable and very real, will define the next decade of legal service. Right across the board, among general counsel and in house legal departments, my inclination is they can and should push the law firms far quicker to change."

Assorted GCs in FTSE100 and FTSE250 companies are among his clients, as he explains: "I'm still hearing them say 'we'll have to take 30-50% off our spending in the next five years'. You're not going to do that by alternative billing. It's not pricing differently, it's working differently."

Susskind uses what he calls "blank sheet planning" as part of the regular exercises he undertakes with law firms.

"I take a practice area within a firm and say: 'Imagine you could start the business from scratch with a blank sheet of paper, knowing all you know about technology, alternative sourcing and market demands. You've still got the brand of the firm and the star partners.'

"It's done anonymously. I ask 10-15 partners each to submit on one page with prompts of questions they should answer on what it would look like. Uniformly, what they come up with is something very different from what they've got today. It's really bizarre.

"I then say to them: 'You're the leaders of the business. All of you have said if you could start again you have a fairly consistent view of the future and it's a very different future. Now I regard that as your five-year strategy.'"

### **What happens next?**

Susskind divides the legal world's short-term evolution into three stages:

1. Denial. "Where lawyers deny that they really need to change the way they work. That's going to last until about the end of next year."
2. Sourcing legal work differently. "A period of about five years when the focus will be on sourcing legal work differently, but still using human beings. The dominant method is for law firms to set up lower cost service centres, and you're seeing that with the major firms."
3. Disruptive legal technologies. "The tasks involved under the heading of lawyer will change. A lawyer in 2025 might be a legal process analyst, a legal project manager, a legal knowledge engineer. Over the next decade, I don't see there will be a reduction in the number of lawyers, but there will be a great change in the nature of what they do."

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So does the Susskind future create fear for those lawyers set to be redeployed?

"The major emotion I find - and it's probably a rationalisation - is disbelief rather than fear. We're not even at the fear stage.

"The fear stage says: I understand that this is a clear and present danger, and there's an opportunity here to do a better job for our clients, but we need to work differently.

"It's a psychological phenomenon: the disbelief stage is based on an unwillingness to think the work that we do today might be done very differently. When I meet people who get it, and are responding, they're not thinking it's a threat, but: 'How can we meet this challenge?'"

And his quick one line prediction? "The law firms that survive and thrive are those that will refocus their people."

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The main findings of *Legal Week's* Best Technology Report, which asked more than 2,000 lawyers to rate the IT at their disposal, will be published next week.