

CBA LEGAL  
**FUTURES**  
INITIATIVE

**CONTRIBUTING PERSPECTIVE**

THE FUTURE OF THE LEGAL PROFESSION:  
**REPORT ON THE STATE OF RESEARCH**



THE CANADIAN  
BAR ASSOCIATION  
L'ASSOCIATION DU  
BARREAU CANADIEN

INFLUENCE. LEADERSHIP. PROTECTION.

January 2013

© Canadian Bar Association

865 Carling Avenue, Suite 500

Ottawa, ON K1S 5S8

Tel.: (613) 237-2925 / (800) 267-8860

Fax: (613) 237-0185

E-mail: [futures@cba.org](mailto:futures@cba.org)

Home page: [www.cba.org](http://www.cba.org)

Website: [cbafutures.org](http://cbafutures.org)

ALL RIGHTS RESERVED

No portion of this paper may be reproduced in any form or by any means without the written permission of the publisher.

**Printed in Canada**

*Sommaire disponible en français*

The views expressed in this report do not necessarily reflect those of the Canadian Bar Association.

# CONTENTS

- PREFACE: 2013 UPDATE**..... 5
- I EXECUTIVE SUMMARY**..... 7
- II METHODOLOGY**..... 11
- III BAR ASSOCIATIONS**..... 13
  - A AMERICAN BAR ASSOCIATION ..... 13
  - B U.S. STATE BAR ASSOCIATIONS ..... 29
  - C INTERNATIONAL BAR ASSOCIATION ..... 42
  - D LAW SOCIETY OF ENGLAND AND WALES ..... 43
  - E BAR COUNCIL OF ENGLAND AND WALES..... 44
  - F AUSTRALIA ..... 45
  - G NEW ZEALAND ..... 48
  - H OTHERS ..... 48
- IV OTHER ASSOCIATIONS**..... 53
  - A ASSOCIATION OF CORPORATE COUNSEL..... 53
  - B NATIONAL ASSOCIATION FOR LEGAL CAREER PROFESSIONALS ..... 54



<b>V</b>	<b>LAW SCHOOLS</b> .....	55
	A CANADA.....	55
	B U.S. ....	56
	C OTHER .....	64
<b>VI</b>	<b>FIRMS &amp; LEGAL FUTURISTS</b> .....	65
	A CONSULTING FIRMS .....	65
	B LAW FIRMS .....	74
	C LEGAL FUTURISTS .....	76
<b>VII</b>	<b>ARTICLES</b> .....	79
	A ACADEMIC ARTICLES .....	79
	B OTHER ARTICLES.....	84
<b>VIII</b>	<b>BOOKS</b> .....	87
<b>IX</b>	<b>CONFERENCES</b> .....	91
<b>X</b>	<b>BLOGS</b> .....	95
<b>XI</b>	<b>OTHER</b> .....	97
<b>X</b>	<b>BIBLIOGRAPHY</b> .....	99

# PREFACE: 2013 UPDATE

This report is an update of two previous reports (May 2012 and August 2010) on the future of the legal profession. The methodology on page 11 highlights how this update was carried out.

Since the May 2012 update, very few new insights into the future of the legal profession have surfaced. One publication that was due for February 2013 is academic James E. Moliterno's book entitled *The American Legal Profession in Crisis - Resistance and Responses to Change*. It proposes to analyze the efforts of the legal profession to protect and maintain the status quo even as the world around it changes.

While research continues to be undertaken into the challenges facing the legal profession, few answers to these challenges have been identified. The state of thinking appears to be in 2013 much as it was in 2010 and 2012.





## EXECUTIVE SUMMARY

*"The best way to predict the future is to invent it."*

- Dr. Alan Kay, formerly of the Xerox PARC laboratory

The future of the legal profession has been on people's minds for some time. Two sets of events got people thinking: The turn of the millennium and the financial scandals of the early 2000s on one hand, and on the other, the recent recession which led to a certain level of introspection within law firms. Although these events are credited with driving change, the studies reviewed below are unanimous: The transformation of the legal profession was inevitable and these events only accelerated it.

Most of the research so far has focused on the future of the legal profession for lawyers in mid-sized and large law firms and, to a considerably lesser extent, on the impact of these changes on access to justice.

### 1. THE FUTURE OF THE LEGAL PROFESSION AND LAW FIRMS

Considering what is at stake financially, it is easy to understand why research and reports on the future of the legal profession have revolved mainly around law firms. Concern lies primarily with large or moderately large corporate law firms with institutional corporate clients. Legal futurists and others studying the future of the legal profession have paid less attention to the practice of non-corporate law (e.g. criminal law, family law) and the practice of government lawyers. Several have, however, pointed out that technology will increasingly allow the levelling of the playing field to the benefit of sole practitioners, as well as smaller boutique firms and firms outside large cities, while others have noted that the increasing availability of online legal information will reduce the market share for smaller firms.

Within these parameters, there appears to be considerable consensus with respect to the main issue affecting the future of the legal

profession: cost. Cost here means both the increase in the cost of legal services, and the smaller savings that can be had by clients obtaining certain services elsewhere, be it from legal alternatives to law firms (e.g. in-house counsel, foreign law firms), from non-legal alternatives (e.g. accounting firms), or through the use of technology (e.g. do-it-yourself law). The various challenges facing the future of the legal profession can be understood to revolve around the question of cost.

It would be wrong to suggest that the challenges facing the legal profession are off somewhere in the future. This report reveals that the challenges have been playing out for a number of years already. Indeed, the types of challenges and opportunities that were predicted for the legal profession 10 years ago are more or less the same as those predicted today. Despite this early attention and the general consensus among those who have studied the issue that the legal profession would be transformed, little proactive action has been taken since.

The causes for this quasi-inertia are not clear. One possible explanation is the perceived inevitability of change in the legal profession. The advent of electronic communication and resources is now taken for granted, even if its advent was perceived to be (and in many respects was) revolutionary. Legal firms reacted. They did not do so in the same way or with the same speed, but they accommodated change. This reason, added to the fact that the law has traditionally been a conservative profession and that lawyers have financially greatly benefited from status quo, did not create much incentive for change.

The difference between then and now, as highlighted in the Seize the Future conferences sponsored by the ABA in the 1990s, is that clients are reacting and are increasingly calling the shots. Corporate clients are having enough of old-school law practise and are pushing law firms to change and align themselves with new business realities. Rio Tinto's decision in 2009 to outsource some of its legal work to India represents this kind of new business reality. It reflects a client determined to cut legal costs in reaction to law firms' real or perceived lack of flexibility.

Today's primary debate on the future of the legal profession therefore seems centred less on when such radical cost-related changes will take place, but rather how and when law firms should act or react.

In terms of solutions offered by scholars and commentators, there is near consensus over the forces pressuring the legal profession to change, but too little engagement with how best the profession should act. There is a lot of talk about *creating value* for legal services, *disaggregating* legal processes, *unbundling* legal services, changing current *business models*, reconsidering *fee structures*, using *technologies* to become more *cost-effective* and becoming more *client-driven*, but little information or few examples on how to implement these ideas. Faced with what could be described as a mounting existential crisis, law firms are more or less left to their own devices to determine how best to remain viable and profitable in these uncertain times. Perhaps this lack of information reflects the reality that there are no obvious solutions and that, by the tried and true path of trial and error, firms will, with time, find the path to sustainable transformation, even if some fail in the process.

It is expected that some law firms will take the lead, while others will wait and see. What transpires



from this report, however, is that time is of the essence and that firms cannot sit and hope that another 10 years will pass without too much change. A sea change can occur relatively quickly if a number of firms begin to undertake significant changes, thereby encouraging others to follow. Should this fail to happen, this report reviews how clients are ready to take matters into their own hands.

## **2. ACCESS TO JUSTICE**

The second theme covered (albeit to a considerably lesser degree) by the research undertaken to date is access to justice in the context of the future of the legal profession. While the future appears gloomy for law firms that do not react, it holds some promise for access to justice.

Here again, rising costs have underpinned problems of access to justice. One way through which access to justice is expected to improve is by new mechanisms that require neither a lawyer nor court proceedings. Indeed, access to justice is being reconceived in such a way that it does not mean access to courts. The rise of dispute-resolution mechanisms and the foreseen proliferation of self-help resources and tools will strengthen this development.

Technology will continue to play a major role in increasing access to justice and fulfilling part of the current unmet legal needs. Standardization and computerization of legal processes should bring down the costs of legal services, while allowing work traditionally done by lawyers to be done by other practitioners or even by intelligent software. With technology, clients will increasingly realize that lawyers are not essential for all questions touching the law — in some respects, they are fungible.

## **3. CONSIDERATIONS FOR BAR ASSOCIATIONS**

Technology, plus an increasing willingness by clients to have domestic legal work shipped abroad, is challenging traditional jurisdictional frontiers. Not only will lawyers compete with lawyers from other countries, they will compete with other practitioners who have had an eye on what has traditionally been within the territory of lawyers. How will the traditional leaders of the legal profession respond to the fact that their territory is shrinking — both in terms of work performed by lawyers and work performed by lawyers in traditional markets?

As the internationalization of law practise continues to evolve, bar associations will be called upon with increasing frequency to speak to the questions of multi-jurisdictional practises and of the unauthorized practise of law.

In addition, as law firms are increasingly called upon to run themselves as businesses to maintain profitability and to respond to the requirements of clients, including the creation of one-stop shops where clients can receive all the services they need, the legal profession will be called upon to evaluate and rule on how this impacts lawyers' professional ethics and conflicts of interest. The

issue of multi-disciplinary practices will become increasingly important, especially in light of the U.K. *Legal Services Act 2007*.

The dual role of bar associations as defenders of the public and the legal profession may lead to difficult situations. New competitors for lawyers and the effective use of technology will likely contribute to lowering legal costs and to increasing access to justice, with appreciable benefits for members of the public. However, as highlighted above, these developments will be to the detriment of some legal practitioners, who will lose work to new and innovative ways of delivering legal services. In such circumstances, bar associations may be pulled in two different directions when asked to speak to these developments.

## II

# METHODOLOGY

The expression “future of the legal profession” is broad. Almost every topic touching the legal profession, lawyers, and law firms can be said to affect, in some way or another, the future of the legal profession. Defining the scope of the expression “future of the legal profession” was therefore a necessary preliminary to researching the topic.

To this end, the “future of the legal profession” was focused on the direction in which the legal profession is heading as a result of external factors, including the economy and technology. Secondary issues related to the future of the legal profession, such as work/life balance, diversity in the profession and general law practice management issues, were not explicitly researched, although they are covered obliquely by some of the reports and initiatives on the future of the legal profession reviewed in this report.

The research for this report was initially undertaken in July and August 2010. The focus was primarily Web-based, with the exception of all the bar associations reviewed in this report, which were contacted directly via email. The research items mentioned in the 2010 agreement concluded with Joan Bercovitch have all been covered. A general Google search was also carried out using the term “future of the legal profession”. This led to several important findings, which in turn opened the door to further material. A search using “avenir profession juridique” was also performed, but led to very few results. A report was completed in September 2010.

Further research was undertaken in April and May 2012 and in January 2013 to update the 2010 report. The Initiatives to Watch section was investigated, Google searches carried out using “the future of the legal profession” and “avenir profession juridique” and the websites of the bar associations mentioned in the report were reviewed for new information, as were the journals, study centres, and initiatives or conferences mentioned in the 2010 report. A bibliography compiling the materials cited in this report was added after the January 2013 review.

All in all, the author is confident that this report provides a comprehensive portrait on the state of research on the future of the legal profession. To the extent that material of interest may have avoided detection, it is doubtful — based on the findings reported below — that such material would raise issues not already addressed in this report.





## BAR ASSOCIATIONS

### A. THE AMERICAN BAR ASSOCIATION

The issue of the future of the legal profession has been on the American Bar Association's agenda for some time. In 1976, the ABA sponsored a conference entitled *Law and the American Future* and another one in 1980 called the *Role of the Lawyer in the 1980s*.<sup>1</sup> While information on these conferences is not available, it is safe to assume that challenges facing the legal profession in the 1970s and 80s were far different from today's challenges. Nevertheless, the fact that the ABA organised these conferences more than three decades ago demonstrates its awareness that the legal profession is not static and that its role and shape are bound to change.

What follows is a detailed review of the work the ABA has undertaken. The detail is warranted, given the importance of the ABA and its studies for the future of the legal profession.

#### ○ 1. SEIZE THE FUTURE CONFERENCES

The ABA's most sustained work on the topic of the future of the legal profession peaked at the turn of the century at the time of the Enron scandal. The ABA's Law Practice Management Section and Lotus Development Corporation sponsored a conference in 1997 entitled *Seize the Future I* and another in 1999 entitled *Seize the Future II*. The conferences were by invitation only and gathered bar leaders, influential practitioners, academics and judges from the U.S. and elsewhere, as well as prominent speakers from outside the legal sector. Both conferences are discussed at length in a book by Gary A. Munneke entitled *Seize the Future: Forecasting and Influencing the Future of the Legal Profession*, published in 2000 by the American Bar Association Law Practice Management Section. This book is now out of print, thus restricting access to the conferences' content, proceedings, and conclusions.<sup>2</sup> Fortunately, publicly available reports from commentators who attended the conferences allow us to grasp the main issues.

The conferences invited participants to explore the trends affecting the legal profession, especially the issue of multi-disciplinary practices and led to the creation of a sense of crisis in the ABA.<sup>3</sup> Both conferences featured renowned speakers. Tom Peters, author of *In Search of Excellence* and *Circle of Innovation*, predicted that commoditization and globalization of white-collar work would result in a loss of 90% of the jobs in the United States over the following decade. He highlighted that

---

1 G. A. Munneke, "Legal skills for a Transforming Profession" (2001) 22 *Pace Law Review* 105, 107.

2 At the time of submitting this report in 2010, the ABA had found a copy of the book and was to send it to the attention of Joan Bercovitch at the CBA's offices.

3 W. Cobb, "Another Look at the Future of the Legal Profession: Using the Tolls of Change" *Oregon State Bar Law Practice Management*, Volume 10, No. 3, (2002). See also Gary A. Munneke, "Seize the Future", which appeared in the *Law Practice Quarterly*, Volume 1, No.2, (2000).

e-commerce had become a fixture and suggested that lawyers had to “say ‘no’ to commodity” and create unique value for their clients.

The conferences also featured futurist Peter Bishop, professor of human sciences at the University of Houston–Clear Lake; Lotus general counsel Melinda Brown; and former ABA Law Practice Management chair and futurist Charlie Robinson. They discussed the need to reinvent legal service delivery by focusing on creative solutions, client services, and technology. The question of the continued vitality of the current system of legal education was also raised.

IBM vice-president John Landry argued that the Internet was a commercial vehicle that would grow dramatically, leading to the commoditization of services. Internet services would help consumers arrive at the best deals on commodities, and competitive differentiation would become crucial for sellers. As Web drove down prices and profits, sellers would e-bundle products and services to maintain a hold on their customers. He added that one major outgrowth of e-commerce would be disintermediation, the removal of intermediaries between clients and service providers.

The conference reviewed how lawyers spend too much time on what they called administrivia, and how outdated technologies represent a barrier to change. Law firms were told to develop a client-centric approach to practice, because clients would be calling the shots in the future. Since anybody, anywhere, with a legal problem would be able to access a lawyer with expertise, clients would no longer be tied to existing law firm relationships.

Professor Gary Hamel of the Harvard Business School highlighted that law firms were not immune to these changes. The real threat was not inefficiency, he said, but irrelevancy. He compared lawyers to insurance agents who used to think that insurance was such a complex field that people would always need an agent to make decisions. Yet, he pointed out that a rapidly increasing number of consumers were buying their policies on-line or by phone. According to Hamel, strategic innovation was the key to confronting change, and lawyers had to envision how the practise of law would change to take advantage of the rapidly changing world. He opined that lawyers did not sell law; they sold solutions. For lawyers to succeed in the next century, they would need to focus on two things: innovation and relationships.

Barry Melancon, CEO of the American Institute of Certified Public Accountants (AICPA), reviewed how the accounting and legal professions were facing common challenges. He explained how the AICPA invested \$20 million and commissioned an independent research firm to develop a professional vision communicated to its members through CD as well as to clients through a television ad campaign. The vision held that CPAs helped people solve complex business problems and that they brought together teams of professionals in order to perform this work effectively. Melancon explained that as a result of this effort, the CPA profession became more market-driven. The AICPA recognized that the future success of the profession relied on public perception of CPAs and their role. Information was disseminated on a value chain of complexity, with clients willing to pay more for more complex information. The AICPA strategy was to work at higher levels of the value chain. Melancon indicated that although there was considerable and entrenched resistance to change, AICPA's vision had served as a catalyst for many CPAs and professional service firms.

Following the *Seize the Future* conferences, the ABA recognized that the question of the future of the legal profession required further study. To this end, the ABA created a special committee with a two-year mandate.

## 2. STANDING COMMITTEE ON RESEARCH ABOUT THE FUTURE OF THE LEGAL PROFESSION

In 2000, the ABA established a committee to research the future of the legal profession (Futures Committee), tasked with developing a report on the current and future state of the profession. This report would serve as a platform to examine the challenges and opportunities for change facing the legal profession, and offer ideas about how the profession could and should define its future.

Three subcommittees were formed to study specific questions: The first examined trends relating to globalization, the second looked at access to legal services, and the third addressed the state of private practice. The Futures Committee released an interim report in 2001,<sup>4</sup> which gathered the results from the subcommittees' research and set the parameters for the Committee's agenda for its second year of operation.

- Futures Committee 2001 Interim Report

The interim report highlighted how the practise of law and the administration of justice were on the "brink of change of an unprecedented and exponential kind and magnitude"<sup>5</sup> and how the adage "this is the way we've always done it" could no longer stand. The rapidly expanding delivery of legal services by non-legal entities was considered a symptom of an "insidious, complicated and systemic condition"<sup>6</sup> that was bound to determine the future of the legal profession if the profession did not act first. The report called for a critical and profound examination of the legal profession, beginning with a study of who the members of the legal profession are, what they do and, most importantly, what only they can do. It suggested that lawyers would have to be ready to share work that does not require exclusive legal expertise and, in turn, staunchly to defend work that requires their unique abilities and highest standards.

Before turning to the core of the committee's research, the interim report presented a series of trends affecting the legal profession and the role of law and lawyers. For ease of reference, these trends are reproduced below.

---

4 The report is available at: [www.abanet.org/lawfutures/report2001/home.html](http://www.abanet.org/lawfutures/report2001/home.html) (Interim Report). The author was unable to locate this report during her 2012 and 2013 reviews.

5 Interim Report, p. 2.

6 Interim Report, p. 4.

## TRENDS AFFECTING THE LEGAL PROFESSION

1. Legal services are, and will increasingly be, provided electronically.
2. The increasing commoditization of some forms of legal services (e.g., transactional documents, *pro se* dispute forms for divorce, wills in a box, and legal information services) will continue.
3. Non-lawyers are increasingly providing legal and quasi-legal services electronically.
4. Lawyers are increasingly engaging in substantial inter-jurisdictional representation.
5. Lawyers are facing increased competition from other professionals, primarily accountants and consultants, which the Internet is facilitating.
6. Lawyers will be subject to rating systems, both internally from the legal community and externally from the public.
7. Courts will move to electronic filing, which will require trial and litigation lawyers to learn and understand technology.
8. Lawyers will begin working at home or in non-traditional office space.
9. Electronic ADR and mediation systems will be used with increasing frequency.
10. Litigation will become more of a specialty practice, with the prospect of a British-style division between barristers and solicitors introduced in the United States.
11. More virtual law firms will be created.
12. The use of unbundled legal services will increase.
13. Auctions for legal services and reverse auction techniques will increase at all levels.
14. Non-lawyers and MDPs will do increasing amounts of legal work.

The interim report reviewed the findings of each of the subcommittees. On the globalization subcommittee, the interim report described the move of large law firms towards globalization, including the finding that clients were increasingly asking that law firms deal in multiple jurisdictions and provide seamless service across national borders. Large U.S. and U.K. law firms were found to be developing global practices by expanding internationally, just as major accounting firms were doing, with consequential challenges for lawyers. It was noted that this trend was reflected by the fact that four of the largest accounting firms ranked among the top 10 global employers of lawyers. In many European countries, law firms were owned by or affiliated with accounting firms.



## TRENDS PUSHING GLOBALIZATION

1. Globalization of financial markets.
2. Demand by clients in major financial and commercial centres for legal services in multiple countries.
3. Relaxation of restrictions in foreign countries against lawyers being partners with or employed by law firms from other countries.
4. Demands by clients that law firms be big enough to deal with major matters in multiple jurisdictions.
5. Demands by clients for seamless services of equal quality across national borders.
6. Enhanced communication capabilities.
7. Competition from an increasing number of law firms with global practices.
8. Competition from international accounting firms.

With respect to the findings of the subcommittee on access to justice, the interim report noted that despite efforts to provide justice to all Americans regardless of economic status, the poor continued to face inadequate and ineffective access to systems of civil justice and dispute resolution, the result of which was an increase in *pro se* representation. While new resources had been developed to face the increasing presence of self-represented litigants in the legal landscape, the legal profession had to innovate and find new ways of delivering cost-effective legal services. Unbundling legal services and the commoditization of legal services through technology were identified as becoming increasingly important. Technology was predicted to continue to offer new avenues for delivering affordable legal services. Though this was not expected to supplant the role of lawyers, it was recognized that it would doubtless redefine it.

Thirdly, the report examined the changing face of private practice, with technology and numerous other factors challenging the ingenuity and creativity of lawyers. Sole practitioners and small, mid-size and large firms were said to be transforming themselves through technology. Small firms were using technology to become more flexible and to compete on an even playing field. More practice was being conducted at a lawyer's home or at remote locations. In order to maintain their relevance in a changing legal marketplace, proactive law firms were reported to be relying on the following techniques:



## SOME RESPONSES FROM LAW FIRM REGARDING THE USE OF TECHNOLOGY

1. Using the Internet and technology to become more cost-effective in providing legal services.
2. Becoming more consumer-oriented and client-driven.
3. Affirmatively assisting clients who wish to litigate on a *pro se* basis and supplying unbundled legal services for clients who request them.
4. Restructuring fee agreements to develop alternatives to the hourly billing rate.
5. Restructuring law offices to reduce overhead costs and unnecessary personnel.

The interim report came to a close with a series of questions on the future of the legal profession. While the exact purpose of setting out these questions was not explained, it is assumed that they were included to encourage reflection on where the legal profession was heading and at informing the work of the committee for the second year of the project. The questions remain relevant today.

## QUESTIONS ON THE FUTURE OF THE LEGAL PROFESSION

1. Given that equal access to justice is a core principle of the legal profession, what opportunities do the changes affecting the profession offer to help make that commitment a reality?
2. Given that provision of legal services is no longer the sole domain of lawyers:
  - What is the role and relevancy of the organized bar?
  - What are the implications for lawyers' regulatory system?
  - What, if any, changes must occur in legal education to meet the changing reality of the profession?
3. Given that the law is not just another business or industry, but is the foundation on which society, the justice system and enlightened self-government are founded:
  - Can the legal profession on a global basis preserve its values and character in an increasingly borderless society?
  - Must lawyers continue their role as guardians of the justice system?
  - What is the lawyer's role in ensuring an independent bar and judiciary?
  - Does society care whether the profession provides factual support for its claim that without lawyers, democracy would not exist?
4. Given that traditional barriers among the professions are falling because clients find them irrelevant, what are the essential elements of the practise of law that must not be ceded to others?

5. Given that society is moving away from a world in which clients or users have no choice but to deal with a profession or specialty on the terms set out by that profession or specialty, are there outdated or historical premises that the legal profession must reconsider?
6. Given that law firms that emphasize the business rather than professional dimensions of practice are shaping the profession in a way that is different from the past:
  - Can the profession benefit from the experiences of business while maintaining its professional values?
  - How can the profession replace the eroding levels of *pro bono* that are driven by the business orientation?
7. Given that the general population is becoming less white and Eurocentric, is the legal profession, which can claim only a minority of members of colour, rendered less effective and credible in relating to the general population?

- Futures Committee 2002 Final Report

In its second year, the Futures Committee worked with legal futurist Stuart A. Forsyth to define “the preferred future of the legal profession” and proposed steps to foster that future. A final report was presented to the ABA Board of Governors in August 2002. The final report differed in format and outlook from the interim report; it consisted of a series of short user-friendly documents designed to have a greater impact on the urgency of adapting the legal profession to a new reality.<sup>7</sup>

The first document is entitled *Diary of the Last Lawyer* and is available in both audio and text format. It is a two-page parody of the last senior member of an about-to-be-dissolved law firm, who explains how the demise of lawyers came about. The message of this

---

<sup>7</sup> The final report is available at: <http://www.abanet.org/lawfutures/report2002/>. The author was unable to locate this report during her 2012 and 2013 reviews.

story speaks to how legal practice has changed drastically and that lawyers must take into account their clients' concerns, keep the public trust, and use technology to find new ways of delivering cost-effective legal services. Technology will transform the practice of law; those who do not embrace it are bound to disappear.

The report includes three imaginary issues of the *ABA Journals E-reports from the Future (2016)*. They consist of short news stories to illustrate changes that will likely happen in 2016, including the growth in arbitration and mediation; self-lawyering activities; the use of artificial intelligence technologies; and the emergence of new areas of practise for law.

The report also presents a 2016 interview with U.S. president and lawyer Sue Generis, in which she reflects on the past 15 years and discusses the state of the legal profession in 2016. Among the issues relating to the changing nature of the legal profession, she notes how:

- Technology has levelled the playing field for small and mid-size law firms. Artificial intelligence and expert systems have been a part of that revolution, as has the move by states to relax rules against multi-jurisdictional practice;
- Technology has not only changed the way lawyers practise, it has changed the way law-related services are delivered;
- *Pro se* representation has grown tremendously and the courts and the bar have reacted by creating means to help self-litigants;
- Alternate dispute resolution — both voluntary and mandatory — has played an increasingly important role in the legal system;
- Legal education has changed. Law school classes have become smaller and students spend more time learning how to be a lawyer rather than how to think like one. Clinical work, practical classes in law firm management skills, mentoring, mandatory internships, and dual degrees are now part of the legal education landscape.

Lastly, and most importantly, the committee presented a list of action steps that must be taken by the legal profession to achieve its preferred future. These steps are reproduced below.

### **IN ORDER TO ACHIEVE ITS PREFERRED FUTURE, THE LEGAL PROFESSION MUST:**

**Foster:**

- National and international valuing of the rule of law — even in terrorist times — and understanding of how it allows societies and citizens to prosper;
- Diversity in the profession;
- Legal education that teaches law students how to be lawyers;
- Dual-degree programs that allow law students to obtain training in other fields relevant to the practise of law;
- Technology to assist in the delivery of legal services, including self-help programs, artificial intelligence and expert systems.

**Promote:**

- Extensive and frequent lawyer communication with clients;
- The multi-jurisdictional practise of law (including international);
- The unbundling of legal services;
- Alternative dispute resolution, both voluntary and mandatory;
- The use of private means to resolve disputes, particularly in large cases;
- Courts requiring litigants to disclose the evidentiary and legal basis for a claim at the time of filing.

**Facilitate:**

- *Pro se* representation;
- Do-it-yourself solutions to legal needs;
- Working with non-lawyers to provide clients with the most appropriate mix of services;
- Electing significant numbers of lawyers to legislatures at all levels of government;
- Increasing public funding to enable legal services providers and public defenders to meet caseload and quality standards;
- Creating programs that allow law students to pay off their law school debts by working in any sort of public interest setting;
- Providing a government-funded lawyer to a party who cannot afford one in a civil proceeding;
- Causing business expenses for employee prepaid legal services plans to be tax- deductible.

The committee was disbanded in 2002 and it does not appear that any sustained follow up activities or initiatives were developed to implement the Futures Committee steps for the “preferred future of the legal profession.”<sup>8</sup>

### 3. 2004 LAW PRACTICE MANAGEMENT SECTION ROUNDTABLE: LOOKING AHEAD TO THE FUTURE: WHAT CHANGES DO YOU SEE COMING IN THE NEXT 20 YEARS?

In 2004, the Law Practice Management Section organized a roundtable discussion that gathered experts to answer several questions on the impending changes facing the legal profession.<sup>9</sup> On the

<sup>8</sup> Email correspondence with a research specialist of the ABA Legal Technology Resource Center.

<sup>9</sup> A report of this roundtable appeared in Law Practice Today in November 2005, available at: <http://www.abanet.org/lpm/lpt/articles/mgt12041.html#author>.

question “What will be most different about the practise of law 20 years from now? Why?”, answers included:

- There will be a substantial premium placed on lawyers and staff possessing a technical background, skills and a willingness to rapidly adjust to changing circumstances and to assimilate new technologies into their office procedures. Law firms that do not quickly evolve will become irrelevant;
- There will be two extremes of practise. At one end will be simple, routine matters for which most people will not retain a lawyer either because they will obtain do-it-yourself counsel through the Internet or because they can rely on paralegals and non-lawyer consultants. At the other end will be the complex matters for which clients will require counsel and representation. This includes trial work and new areas of law. This division between the two extremes is explained by cost, the view that routine, commodity-type matters do not require a lawyer, and the need to loosen requirements for the non-professional practise of certain areas of law;
- Almost all commodity practice (e.g., uncontested divorces, low-damages litigation, basic estate planning, and simple business structure creation) will be provided either by non-lawyer commercial entities and/or by the court system itself;
- Most compliance work will be done by sophisticated software;
- Limitations on practising in different states will be struck down as a restraint of trade and there will be a national bar exam that admits attorneys to practise in any American jurisdiction;
- General counsel will play an increasing role, driven by the imperative to reduce costs.

On the question: “Will the billable hour still be king in 20 years? If not, what will replace it?”, most participants agreed that lawyers in private practice will no longer be billing the majority of their work by the hour. Market forces will push for the creation of alternate models of compensation. Some thought that while fixed fees would become the norm for routine, commodity-type matters, the billable hour would still be the primary fee basis.

On the question: “What will law firms look like in 20 years? Mega firms, virtual organizations, or what else?”, several participants believed that mega-firms would thrive while small firms could compete by using innovative technology and by differentiating themselves by building unique personal services for clients. Multidisciplinary practices providing one-stop, full-service professional service will develop, and law firms will evolve in the direction of more loosely affiliated networks of lawyers working with each other on an *ad hoc*, per-project basis. Virtual law firms will become increasingly present.

On the question: “Will computers replace most of what lawyers do in 20 years? If so, how and what will be left for lawyers?”, all participants agreed that computers will not replace lawyers, but will replace some work, such as routine and compliance work currently undertaken by lawyers.

On the question: “Will the trend toward internationalization of law firms increase over the next 20 years? Will it engulf even the small firms?”, most participants agreed that globalization will continue

to push the trend toward internationalization. The future roles of small and large firms differed among participants.

#### ○ 4. THE ABA 20/20 ETHICS COMMISSION

The ABA 20/20 Ethics Commission was created in 2009 by ABA president Carolyn B. Lamm.<sup>10</sup> It was appointed to examine the impact of technology and globalization on the legal profession and to determine what, if any, changes to the ABA Model Rules of Professional Conduct and other policies governing lawyer regulation should be proposed. While the core of the commission's mandate is not devoted to a study of the future of the legal profession, its work has covered some issues relevant to this question.

The work of the commission was originally scheduled to take three years, but as this report was being written, it had not concluded its work. The first year focused on hearing from the profession and the public about the ethical challenges lawyers and clients face in light of the changes generated by the proliferation of technology and increased globalization. During the second year, the commission formulated possible solutions to the problems highlighted. These were released for comments and feedback.<sup>11</sup>

The commission has held hearings, taken submissions and appeared before over 60 different sections, committees, and state and local bar associations. At its October 2011 meeting, the commission decided that, in order to facilitate the House of Delegates' consideration of its proposals, it would split its recommendations to the House into two. The first proceeded to the House in August 2012,<sup>12</sup> and the second was scheduled to proceed in February 2013.

The commission's proposals intend to respond to the comments it has heard over the last three years and respond to developments the legal profession is facing.

---

10 Information on the commission is available at:

[http://www.abanet.org/groups/professional\\_responsibility/aba\\_commission\\_on\\_ethics\\_20\\_20/comments.html](http://www.abanet.org/groups/professional_responsibility/aba_commission_on_ethics_20_20/comments.html).

11 All the commission's draft and revised proposals can be found at:

[http://www.americanbar.org/groups/professional\\_responsibility/aba\\_commission\\_on\\_ethics\\_20\\_20/comments.html](http://www.americanbar.org/groups/professional_responsibility/aba_commission_on_ethics_20_20/comments.html).

12 A good summary of the approved resolutions by the ABA House of Delegates is available at: [http://www.abajournal.com/magazine/article/clean\\_sweep\\_house\\_of\\_delegates\\_approves\\_ethics\\_20\\_20s\\_full\\_slate/](http://www.abajournal.com/magazine/article/clean_sweep_house_of_delegates_approves_ethics_20_20s_full_slate/)

## DEVELOPMENTS THE COMMISSION HAS SOUGHT TO ADDRESS THROUGH ITS PROPOSALS TO THE ABA HOUSE OF DELEGATES

- Legal advice and information about legal services are increasingly communicated through electronic media — including e-mail, texts, podcasts, blogs, tweets, and websites — reaching easily across jurisdictional lines, both domestically and globally.
- Confidential client information is no longer kept only in file cabinets, but on laptops, smart phones, tablets, and in the cloud.
- Connections with potential clients are sought not just through print advertisements, but via social networks, lead generation services, pay-per-click ads, and deal-of-the-day coupon sites.
- Legal and non-legal services are increasingly outsourced, both domestically and internationally, raising questions for lawyers working with other people and entities about who is responsible for the work that is being outsourced.
- Lawyers in all practice settings increasingly need to cross state and national borders — virtually and physically — in order to serve their clients. They need to know what rules apply to them.
- Non-U.S. lawyers increasingly seek to practise in the United States, and U.S. lawyers increasingly need to practise internationally in order to meet their clients' needs.
- In other countries, there is movement toward both more liberal multijurisdictional practices and permitting new law firm practise structures, including non-lawyer ownership interests in law firms.
- Lawyers change jobs regularly, triggering potential conflicts of interest and other ethics issues that need to be addressed.
- Many new ways of funding litigation are emerging.

In general, the commission found that the principles underlying the current model rules are applicable to these new developments. As a result, many of the commission's recommendations involve clarifications and expansions of existing rules and policies rather than an overhaul. In addition to recommending changes to some model rules, the commission has suggested that the ABA provide resources — such as continuously updated websites — to help lawyers stay abreast of changes wrought by technology and globalization and to describe useful practices for dealing with those changes. It has also produced white papers to explain some problems, and possible solutions, in more detail. Finally, it has referred several questions to other ABA entities better able to address them.<sup>13</sup> The following is a summary of the commission's proposals by subject matter.

---

13 See for more detail: [http://jay.law.ou.edu/faculty/Jmaute/Lawying\\_21st\\_Century/Spring%202012%20files/summary\\_of\\_actions\\_ABA\\_Ethics.pdf](http://jay.law.ou.edu/faculty/Jmaute/Lawying_21st_Century/Spring%202012%20files/summary_of_actions_ABA_Ethics.pdf).



- Technology: Confidentiality

The commission proposed the creation of a user-friendly, continuously updated website containing answers to common questions about the protection of confidential information when using technology. The website would also contain detailed information about the latest data security standards. The commission also proposed several amendments to the model rules and their comments to clarify a lawyer's obligations when using technology, particularly a lawyer's obligations with regard to competence and confidentiality. In particular, it proposed amendments to comments to Model Rule 1.4 (Communication); to Model Rule 1.6 (Confidentiality of Information) and its comments; to Model Rule 4.4 (Respect for Rights of Third Persons) and its comments; to comments to Model Rule 1.1 (Competence); and to comments to Model Rule 1.0 (Terminology). The ABA House of Delegates approved the proposed amendments to the ABA model rules in August 2012.<sup>14</sup>

## ○ TECHNOLOGY: CLIENT DEVELOPMENT

The commission concluded that the principles underlying the existing rules are applicable to new forms of client development tools and that these tools should not be subject to new restrictions. The commission determined, however, that lawyers could use more guidance regarding the use of these new tools. To that end, the commission proposed amendments to Model Rule 1.18 (Duties to Prospective Client) and its comments; amendments to the title and text of Model Rule 7.3 (Direct Contact with Prospective Clients) and its comments; amendments to the comments to Model Rule 7.1 (Communications Concerning a Lawyer's Services); amendments to the comments to Model Rule 7.2 (Advertising); and amendments to the comments to Model Rule 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice of Law). The ABA House of Delegates approved the proposed amendments to the ABA model rules in August 2012.<sup>15</sup>

- Uniformity, Conflicts of Interest, and Choice of Law

The commission proposed amendments that would make it easier for lawyers to cross jurisdictional lines to serve their clients' needs, but with appropriate safeguards to protect clients and the public. It also proposed to clarify how to resolve inconsistencies between different jurisdictions' ethics rules and to clarify the circumstances under which lawyers are permitted to disclose limited confidential information to detect and prevent conflicts of interest, such as when lawyers seek to move to another firm or when two firms consider a merger. In particular, the commission recommended amendments to Model Rule 1.6 (Confidentiality of Information); a stand-alone model rule on practice pending admission; and a reduction of the time in practice requirement in the ABA model rule on admission by motion from five of seven years to three of seven years. The House of

---

14 The resolution adopted by the ABA House of Delegates, (August 6, 2012) is available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20120808\\_revised\\_resolution\\_105a\\_as\\_amended.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120808_revised_resolution_105a_as_amended.authcheckdam.pdf)

15 The resolution adopted by the ABA House of Delegates, (August 6, 2012) is available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/2012\\_hod\\_annual\\_meeting\\_105b\\_filed\\_may\\_2012.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/2012_hod_annual_meeting_105b_filed_may_2012.authcheckdam.pdf)

Delegates adopted resolutions to this effect in August 2012.<sup>16</sup>

- Outsourcing

The commission concluded that lawyers need more guidance on their ethical obligations when engaged in outsourcing. Thus, the commission proposed amendments that would identify the factors that lawyers need to consider when retaining lawyers or non-lawyers outside the firm to assist on a client matter (e.g., outsourcing legal and non-legal work). In particular, the commission proposed new comments to Model Rule 1.1 (Competence); amendments to the title of Model Rule 5.3 (changing it from “Responsibilities Regarding Non-Lawyer Assistants” to “Responsibilities Regarding Non-Lawyer Assistance”) as well as its comments; and adding language to the comments to Model Rule 5.5 (Unauthorized Practice of Law; Multijurisdictional Practice) to make clear that lawyers cannot engage in outsourcing in a manner that would facilitate the unauthorized practise of law. The ABA House of Delegates approved the proposed amendments to the ABA model rules in August 2012.<sup>17</sup>

- Alternative Litigation Financing

According to the commission, the most effective way to address the many nuanced issues arising from new forms of litigation financing was to issue a white paper that can be used as a resource by the profession. The commission filed the white paper as an informational report with the ABA House of Delegates at the February 2012 ABA mid-year meeting. The white paper offers guidance on conflicts of interest resulting from the lawyer’s involvement in a funding transaction; obligations relating to the duty of confidentiality and the attorney-client privilege; competence in advising clients with respect to alternative litigation financing; and rules regulating the exercise of the lawyer’s independent judgment.<sup>18</sup>

- Alternative Law Practice Structures

At its meeting on April 12-13, 2012, the ABA Commission on Ethics 20/20 decided not to propose changes to the ABA policy prohibiting nonlawyer ownership of law firms. According to the commission’s co-chairs Jamie S. Gorelick and Michael Traynor, “based on the commission’s extensive outreach, research, consultation, and the response of the profession, there does not appear to be a sufficient basis for recommending a change to ABA policy on non-lawyer ownership of law firms.”<sup>19</sup>

---

16 The resolutions adopted by the ABA House of Delegates (August 6 2012) are available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20120808\\_house\\_action\\_compilation\\_redline\\_105a-f.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120808_house_action_compilation_redline_105a-f.authcheckdam.pdf).

17 The resolution adopted by the ABA House of Delegates, (August 6, 2012) is available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/2012\\_hod\\_annual\\_meeting\\_105c.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/2012_hod_annual_meeting_105c.authcheckdam.pdf).

18 The white paper is available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20111212\\_ethics\\_20\\_20\\_alf\\_white\\_paper\\_final\\_hod\\_informational\\_report.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20111212_ethics_20_20_alf_white_paper_final_hod_informational_report.authcheckdam.pdf).

19 The ABA Commission on Ethics 20/20 press release, (16 April 2012) is available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20120416\\_news\\_release\\_re\\_nonlawyer\\_ownership\\_law\\_firms.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120416_news_release_re_nonlawyer_ownership_law_firms.authcheckdam.pdf).

- Inbound Foreign Lawyers

The commission is proposing changes to the model rules concerning *pro hac vice* admission, multijurisdictional practice, and registration of in-house counsel that would authorize, and place limitations on, the practise of foreign lawyers within the United States. In particular, the commission is proposing amendments to Model Rule 5.5 (Multijurisdictional Practice); amendments that would include foreign lawyers within the ABA model rule on *pro hac vice* admission, with appropriate regulatory safeguards; and amendments that would include foreign lawyers within the scope of Model Rule 5.5(d)(1). These proposals were to be considered by the ABA House of Delegates at its February 2013 mid-year meeting.<sup>20</sup>

- Rankings

The commission was asked to examine lawyer and law firm ratings and rankings. In response, it submitted an informational report to the House of Delegates in August 2011, which concluded that no changes to the model rules were necessary. The report, however, suggested that the profession and public would benefit from a formal ethics opinion from the ABA Standing Committee on Ethics and Professional Responsibility which provides additional guidance to lawyers on how they should address their confidentiality obligations when asked for information from ranking entities and on how lawyers can use ratings and rankings in manner that is truthful and not misleading.

## ○ 5. THE JANUARY/FEBRUARY 2010 EDITION OF ABA LAW PRACTICE MANAGEMENT MAGAZINE

The 2010 January/February edition of *Law Practice* magazine was devoted to the future of law practise.<sup>21</sup> While the articles covered a wide range of issues relevant to the future of the legal profession, the most important for the purposes of this report are:

- “The Gravity of Market Forces: A Global Firm Leader’s Take on the Trends That Will Reshape Law Firms” by Harry Trueheart

This article discusses trends that law firm management must respond to when

---

20 The proposed resolutions are available at: [http://www.americanbar.org/groups/professional\\_responsibility/aba\\_commission\\_on\\_ethics\\_20\\_20.html](http://www.americanbar.org/groups/professional_responsibility/aba_commission_on_ethics_20_20.html).

21 The Web version of this issue is available at: [http://www.abanet.org/lpm/magazine/articles/v36is1\\_toc.shtml](http://www.abanet.org/lpm/magazine/articles/v36is1_toc.shtml).

determining strategies for future success. These trends are: the increasingly competitive market for legal services; the move of capital and trade flows from North Atlantic countries to global flows; the increasing role played by technology in the delivery of and access to legal services and the search for competitive advantage; consolidation among law firms; and an increased cost-consciousness among clients and legal departments.

- “Figuring Out Your Place in the Race” by Marilyn Astin Tarlton

This article looks at business models emerging as a response to the changing legal landscape.

- “Metamorphosis: Five Forces Transforming the Legal Services Marketplace” by Jordan Furlong

This article highlights five catalysts, which are already present or emerging and which are pushing the profession forward in new directions. These are: new (needed) lawyer training; regulatory revisions; globalization; collaboration tools; and the systemization of legal service delivery.

## 6. AMERICAN BAR ASSOCIATION 2012 BAR LEADERSHIP INSTITUTE

The Bar Leadership Institute held its annual meeting in March 2012 in Chicago. The program included a discussion entitled *What the Future Brings* featuring Jordan Furlong and Frederic S. Ury as speakers.<sup>22</sup> The discussion covered the themes of i- and e-lawyering and cross-border practice and highlighted the trends impacting on the legal profession and what they portend for the organized bar.<sup>23</sup>

## 7. 2012 ABA TECHSHOW

- Plenary Session on *The Future of Law Practice: Dark Clouds of Silver Linings*

In March 2012, the ABA annual Techshow featured a plenary session on the future of law practise from a technological perspective. While information of this session is not available on the event’s website, some blogs provide information.<sup>24</sup> An *ABA Journal* article<sup>25</sup> reports that a presentation by Jim Calloway, director of the Oklahoma Bar Association, highlighted that “lawyers process information, and information technology is a huge part of our future. Those who don’t get it may soon no longer be doing it.” His recommendations included a greater emphasis on client portals rather than email, implementing better document assembly methods, and alternative fee arrangements.

---

22 Their presentation is available at: [http://www.americanbar.org/content/dam/aba/events/bar\\_services/2012/03/2012\\_aba\\_bar\\_leadershipinstitute/fredjordan.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/bar_services/2012/03/2012_aba_bar_leadershipinstitute/fredjordan.authcheckdam.pdf).

23 Information on the 2012 Bar Leadership Institute is available at: [http://www.americanbar.org/groups/bar\\_services/events/bli.html](http://www.americanbar.org/groups/bar_services/events/bli.html).

24 See C. Crosby, “ABA Techshow 2012: Jim Calloway on the Future of Law Practice” April 2, 2012, available at: <http://www.slw.ca/2012/04/02/aba-techshow-2012-jim-calloway-on-the-future-of-law-practice/>

25 See R. M. Zahorsky, “The Future of Law: Dark Clouds or Silver Linings?” *ABA Journal*, March 31, 2012, available at: [http://www.abajournal.com/news/article/the\\_future\\_of\\_law\\_dark\\_clouds\\_or\\_silver\\_linings](http://www.abajournal.com/news/article/the_future_of_law_dark_clouds_or_silver_linings).

- LexThink 1: The Future of Law Practice

The ABA Techshow was kicked off by *LexThink: The Future of Law Practice* during which 12 speakers each shared in six minutes their vision of the practise of law. All the presentations were recorded and can be watched online.<sup>26</sup> One of the presenters emphasized that “those lawyers who fear or fail to embrace social networks and blogs will see their business leave them for Web-based legal services companies or their practising peers that do embrace the Net”. The increasing dominance of LegalZoom<sup>27</sup>, the largest online legal documents service company in the U.S. (also available in Canada)<sup>28</sup>, was also discussed as a threat to solo and small-firms: “Our profession is endangered in terms of solo and small firms. LegalZoom is going to eat their market share for lunch.”<sup>29</sup>

## ○ 8. TASKFORCE ON THE FUTURE OF LEGAL EDUCATION

The Task Force on the Future of Legal Education was created in summer 2012 and was charged with making recommendations to the American Bar Association on how law schools, the ABA, and other groups and organizations can take concrete steps to address issues concerning the economics of legal education and its delivery. The need for the task force, and for recommendations as to action comes from rapid and substantial changes in the legal profession, legal services, the national and global economy, and markets affecting legal education. The task force is working through two subcommittees, one dealing with the economics of legal education, and the other with the delivery of legal education and its regulation. As its work proceeds, drafts will be made available for review under its web site.<sup>30</sup>

### B. U.S. STATE BARS

All 50 U.S. state bars were contacted in 2010. Twenty-eight responded; 22 did not respond to the initial email enquiry or to subsequent email follow-ups.

Twenty state bars declared that they had not undertaken previous research, work, or initiatives “relating to the challenges facing the legal profession, the impact of technology and globalization on the profession, and related questions.” In turn, among the 22 bars that did not respond, a review of their websites and a Google search were performed to determine whether they had carried out activities or research relating to the future of the legal profession in the past. The search results revealed that 17 state bars did not appear to have undertaken such work. In total, 37 state bars have not engaged in research pertaining to the future of the profession.

---

26 The presentations are available at: <http://www.pointonlaw.com/videos/>

27 See : [www.legalzoom.com](http://www.legalzoom.com)

28 See : [www.legalzoom.ca](http://www.legalzoom.ca)

29 Presentation by Richard Granat, March 2012. See R. M. Zahorsky, “The Future of Law: Old-Fashioned Client Relationships and Warnings for Solos” ABA Journal, March 29, 2012, available at: [http://www.abajournal.com/news/article/the\\_future\\_of\\_law\\_old-fashioned\\_client\\_relationships\\_and\\_warnings\\_for\\_solos](http://www.abajournal.com/news/article/the_future_of_law_old-fashioned_client_relationships_and_warnings_for_solos).

30 The website can be consulted at: [http://www.americanbar.org/groups/professional\\_responsibility/taskforceonthefuturelegaleducation.html](http://www.americanbar.org/groups/professional_responsibility/taskforceonthefuturelegaleducation.html).

**STATE BARS THAT HAVE NOT UNDERTAKEN RESEARCH ON  
THE FUTURE OF THE LEGAL PROFESSION  
(\* DENOTES CONFIRMATION BY STATE BAR)**

- |                              |                            |
|------------------------------|----------------------------|
| 1. Alabama                   | 20. Michigan <sup>31</sup> |
| 2. Alaska*                   | 21. Minnesota*             |
| 3. Arkansas*                 | 22. Mississippi*           |
| 4. California* <sup>32</sup> | 23. Missouri*              |
| 5. Colorado* <sup>33</sup>   | 24. Nebraska               |
| 6. Connecticut               | 25. New Jersey             |
| 7. Delaware*                 | 26. North Dakota           |
| 8. Florida                   | 27. Pennsylvania*          |
| 9. Georgia*                  | 28. Rhode Island           |
| 10. Hawaii*                  | 29. South Carolina         |
| 11. Idaho*                   | 30. South Dakota           |
| 12. Illinois <sup>34</sup>   | 31. Tennessee              |
| 13. Indiana                  | 32. Texas*                 |
| 14. Iowa                     | 33. Utah*                  |
| 15. Kansas                   | 34. Vermont                |
| 16. Kentucky*                | 35. Virginia*              |
| 17. Louisiana <sup>35</sup>  | 36. West Virginia*         |

31 The June 2012 Michigan State Bar Association Bar Leadership Forum included a session dedicated to the future of the legal profession. Entitled *The Future of the Legal Profession: Did You Know?*, the session discussed the changes the legal profession face in the reshaping of the legal service markets where clients expect and demand more and lawyers need a competitive edge and tools to communicate the special value of their services. More information is available at: [http://www.michbar.org/news/releases/archives12/BLF\\_reg.pdf](http://www.michbar.org/news/releases/archives12/BLF_reg.pdf).

32 In September 2010, the annual meeting of the California Bar Association featured Harvard law professor Henry Louis Gates Jr. and Richard Susskind who discussed the future of the legal profession. More information on their presentations was not available. See for general information on the event: <http://www.calbarjournal.com/August2010/TopHeadlines/TH6.aspx>.

33 In June 2011, the Denver Bar Association held an event on the future of the legal profession. See for more information: <http://cbaclegalconnection.com/2011/06/register-now-announcing-speakers-and-topics-for-thursdays-ignite-program/>.

34 The Illinois State Bar Association is holding a CLE in June 2012 entitled *The Legal Practice Landscape: Thriving in a Climate of Change*. See for more information: <http://www.isba.org/cle/2012/06/15/legalpracticelandscape>.

35 The Louisiana State Bar Association June 2012 annual meeting was themed "Focus on the Future". See for more information: <http://www.isba.org/annualmeeting/AnnualMeeting.asp>. The October/November 2012 issue of the *Louisiana Bar Journal* featured an article on the future of the legal profession entitled *Boomers in the Millennials' World: The Future of the Legal Profession*

18. Maine\*

37. Wyoming\*

19. Maryland\*<sup>36</sup>

This leaves 13 bars, among which seven responded and provided information on work undertaken on the future of the legal profession (Arizona, D.C., Montana, New Hampshire, North Carolina, Wisconsin, and New Mexico); for the remaining six state bars, information was found on their websites or through a Google search (Massachusetts, New York, Ohio, Oklahoma, Oregon, Washington).

The websites of the fifty bars were reviewed in April 2012 and January 2013 to verify whether they had undertaken research on the topic since the 2010 review. Updated information has been added, either in the text or in footnotes.

- Arizona

In 2000, the State Bar of Arizona formed a task force on the future of the profession in the context of multi-disciplinary practices. Its mandate was to study and propose rule changes to the Rules of Professional Conduct and the Arizona Supreme Court Rules to authorize lawyers to form business affiliations with non-lawyers. This matter was controversial among the Arizona legal community and, after debates and redrafting of the rules, the governing board of the state bar tabled the issue in 2002. It was never brought back to the table for discussion.<sup>37</sup>

- District of Columbia

A relevant initiative on topic by the D.C. bar relates to an article in the January 2008 issue of *Washington Lawyer* entitled *The Changing Legal Profession*.<sup>38</sup> The article evolves around large

---

at: <http://files.lsba.org/documents/publications/BarJournal/Journal-Feature1-Oct-Nov2012.pdf>.

36 The 2011 annual meeting of the Solo and Small Firm Practice Section included a session on the future of lawyers and the legal profession: in which speakers emphasized that solo and small firms would not be immune to the changes that are transforming the legal profession.

See for more information: [http://www.msba.org/events/annualmeeting/2011/program\\_full.asp](http://www.msba.org/events/annualmeeting/2011/program_full.asp).

37 Based on email correspondence with staff of the Arizona State Bar.

38 Available at: [http://www.dcbbar.org/for\\_lawyers/resources/publications/washington\\_lawyer/january\\_2008/changes.cfm](http://www.dcbbar.org/for_lawyers/resources/publications/washington_lawyer/january_2008/changes.cfm).

law firms and speaks to three main themes: first, the tremendous growth in the size of law firms, including the emergence of mega-firms, the globalization of practice, the greatly enhanced competition in the profession for legal business, and the specialization that now characterizes legal practise; second, the changing demographics of the profession, specifically the increased participation of women and minorities; and third, the impact of new technologies. On April 26, 2012, the D.C. bar marked its 40<sup>th</sup> anniversary with a luncheon that featured a discussion on the future of the legal profession.<sup>39</sup>

- Massachusetts

The Massachusetts Bar Association 2006 Annual Conference was themed “Shaping the Future of the Legal Profession.” Of relevance, the conference featured a program called “Re-imagining the Practice of Law” by Northeastern University School of Law professor David Hall.

- Montana

The Montana State Bar Association 2007 annual conference was themed “Lawyers in Transition”. Five presentations on topic were organized in the context of a CLE seminar. The two presentations — “Moving at the Speed of Change: A Profession in Transition” and “Surfing the Tsunami: Managing the Information Overload”— were moderated by legal futurist Stuart A. Forsyth, who worked with the ABA Futures Committee in 2001-2002. The three other presentations were “Scroll > Book > BlackBerry: Planning for Technology in the Law Office”, “Balancing Public Access with Privacy Rights: Your New Responsibilities”, and “Future Trends: What I’m Going to Do”, which were presented in conversation on the future of the legal profession with members of the Montana State Bar.

- New Hampshire

In September 2005, the New Hampshire Bar Association president convened a fall retreat to help the bar association envision a desired future for the legal profession and the justice system in New Hampshire.<sup>40</sup> The program included presentations by national experts and small and large group development of alternative scenarios and brainstorming. Participants were asked to chart their concerns about the profession as well as their preferred futures for 2015.

The following is a summary of the “preferred futures” that came out of the work of the conference:

1. A system has been created in which everyone who wants a lawyer gets one. The system is easily accessible by users.
  - a. New Hampshire will have created a “Civil Gideon” right in which everyone has the right to counsel under certain circumstances
  - b. Mandatory or at least widespread participation in the delivery of *pro bono* service.

39 Detailed information on this event does not appear to be available. See for general information: [http://www.dcb.org/for\\_lawyers/resources/publications/washington\\_lawyer/march\\_2012/happenings.cfm](http://www.dcb.org/for_lawyers/resources/publications/washington_lawyer/march_2012/happenings.cfm).

40 Information of the retreat is available at: <http://www.nhbar.org/publications/fall-retreat.asp>.



- c. Fully funded dispute-resolution services are offered by the court system to create options short of full trial to resolve problems.
2. The courts are adequately funded and at the cutting edge of technology. Specialized courts have been created.
3. Society is well educated about the value of using a lawyer to solve concerns and problems.
4. Society is well educated about the judicial system — how it works, what constitutional and legal limits exist, and the importance of the rule of law.
5. The bar association has adopted, and law firms have bought into, measures to evaluate and ultimately improve the quality of life of lawyers. Hourly billing has been eliminated.
6. The bar association offers much more assistance in law office/practice management areas, including assistance in technology, human resources, and practice management skills to any lawyer or law firm that needs it.
7. The bar association has created a successful culture of diversity (race, gender, culture, etc.) within the profession.
8. The profession has created or amended its rules — especially its rules of professional conduct — to allow people to obtain one-stop shopping through law firms in order to address their needs.

The New Hampshire Bar Association also held a CLE program on the future of the legal profession at its 2006 mid-year meeting, which featured legal futurist Charlie Robinson.

Lastly, the June 2000 issue of the New Hampshire Bar *Journal* was devoted to the future of the legal profession<sup>41</sup>. The future of the practise in New Hampshire, the future of the New Hampshire Bar Foundation, how to maximize efficiency in the delivery of legal services to the poor, how to prepare for the practise of law in the 21<sup>st</sup> century, and the impact of technology on the future practice of law were among the topics addressed in the issue.

- New Mexico

A committee was created in 2007 to study issues facing the profession. It was to address topics facing the legal profession and determine how the state bar might respond. While very little information is available on this committee, it appears that it generated a list of issues that the bar should address.<sup>42</sup> According to the committee, the most pressing issues are: (1) reciprocity: including MJP, breakdown of jurisdictional barriers, legal outsourcing to non-licensed lawyers; (2) judicial improvements: including expense of lawsuits/discovery, electronic filing, technology issues, and non-lawyer magistrates; (3) public perception, including image, respect, civility and lawyer

---

41 Available at: <http://www.nhbar.org/publications/archives/display-journal-archive.asp?id=33>.

42 The list is on file with author.

advertising; and (4) access to justice, including *pro se* litigants, Internet forms and resources and *pro bono* activity.

At the 2012 New Mexico annual meeting — bench and bar conference, Keynote Speakers Frederic S. Ury and Thomas W. Lyons addressed the topic of the future of the legal profession and argued that as there is a large surplus of lawyers, that baby boomers are not retiring, that costs of legal education are rising, and that it has become necessary to make structural changes in the practise of law. Unbundled legal services will become the wave of the future. It will also be to an attorney's advantage to develop a niche practice.<sup>43</sup>

- New York

In June 2010, the New York State Bar announced the formation of a task force on the future of the legal profession. According to the president of the bar, the creation of the task force stemmed from the general recognition among all spheres of the legal profession that a permanent and pervasive change in the way law is practised is long overdue and that bar associations should take the lead in shaping the future of the profession.<sup>44</sup> The task force was led by Linda Addison and Andrew Brown, both managing partners of New York law firms.

The task force's mandate was to address the following issues:

- Developments in the economics, structure, and billing practices of private law firms;
- Changes in the model for educating and training new lawyers;
- The pressures on lawyers seeking to find balance between their professional and personal lives; and
- The implications of technology on the practice of law.

The task force created four sub-committees to study these issues and the current trends that are driving changes within the legal profession, with the aim of enabling lawyers to better manage change as it unfolds. It released its report in April 2011.<sup>45</sup>

According to the task force, the economic downturn of 2008–09 produced considerable economic fallout for law firms and, as the economy recovers, it is apparent to many that the legal profession will not return to business as usual. To be successful in the post-recession era, law firms will need to engage in long-term restructuring to maintain sustainability and grow organically.

According to the task force, these “unprecedented changes” are producing a restructuring in the way legal services are delivered that will affect all law firms, regardless of size, geographic location, and substantive practise area — although it may impact different firms in different ways.

---

43 See for more information: <http://www.nmbar.org/Attorneys/lawpubs/BB/bb2012/BB080112.pdf>.

44 See president's message, Stephen P. Younger “Shaping Our Profession: A Blueprint for the Future” in NYSBA, July/August 2010.

45 The report is available at: [http://www.nysba.org/AM/Template.cfm?Section=Task\\_Force\\_on\\_the\\_Future\\_of\\_the\\_Legal\\_Profession\\_Home&Template=/CM/ContentDisplay.cfm&ContentID=48108](http://www.nysba.org/AM/Template.cfm?Section=Task_Force_on_the_Future_of_the_Legal_Profession_Home&Template=/CM/ContentDisplay.cfm&ContentID=48108).

Competition for legal work will be intense, not only within the legal profession, but also among law firms and nonlegal service providers, foreign law firms, *pro se* litigators and self-help providers, as well as companies that use innovative delivery systems. Law firms that do not understand and address these changes will have difficulty competing in the emerging marketplace. Law firms will need to think more strategically, manage more effectively, and strive to be more client-centered than they have been in the past. As clients are seeking more efficient services, predictable fees, and increased responsiveness to their needs, they will be willing to replace their lawyers if they are not satisfied with the services they receive.

With its 112 pages, the report contains a wealth of information. It is divided into four sections. The first section, “Law Firm Structure and Billing”, discusses fundamental issues involving critical changes in the practise of law. The second section, “Educating and Training New Lawyers”, addresses the extent to which these changes will require new approaches to the education and training of lawyers. The third section, “Work-Life Integration and the Practice of Law”, recognizes that these changes are not just economic and that individual lawyers attach great significance to finding balance in their personal and professional lives. The fourth section, “Technology and the Practice of Law”, examines technology as a common thread throughout the other sections of the report. The following is not an exhaustive summary of these fours sections, but present key points of the report.

## ○ 1-LAW FIRM STRUCTURE AND BILLING

The task force highlights the crucial need for both large and small firms to assess the services they provide, define the value proposition that they offer their clients, and communicate both of these to prospective and existing clients. According to the task force, legal competence alone — even legal excellence — no longer guarantees professional or economic success.

With regards to larger, full-service firms, the task forces highlights how they are likely under the greatest fee pressure from business clients. The hourly billing model has been strongly criticized by clients and commentators, leading to a shift away from hourly billing to alternative fee arrangements. While there are differing opinions among members of the task force as to how fundamental and pervasive the shift in billing practices will be, the task force believes, however, that alternative fee arrangements will continue to expand over the course of the next decade, as a model for compensating lawyers and providing value to clients. Large law firms have yet to maximize the potential of their substantial resources into the value that their clients are seeking. In

some cases, the solution for larger clients may be a partial outsourcing model in which the law firm provides services to clients that are integrated with client operations to dovetail with the client's other business functions. Moreover, a new value proposition by which clients pay for legal services based on performance objectives rather than billed time will continue to emerge to govern the delivery of legal services. Over time, the value of legal work will be measured increasingly by value as perceived by the client. Law firms will reengineer the delivery of legal services in a variety of ways, leading to new methods of charging for services and billing. Hourly billing will not disappear, but it will become increasingly marginalized as a standard billing model.

With respect to solo practitioners and small firms, the task force believes that those with specialized knowledge should consider developing business models that leverage on the work product of others and provide specialty services to a wide variety of businesses around the country or around the world, using their expertise and taking advantage of their low overhead price advantage. Given the greater availability of information, self-help efforts by individuals and small businesses are likely to become regular occurrences presenting solo practitioners and small firms with the opportunity to review their clients' work and provide advice. The task force notes that a number of challenging ethical issues may be raised as new business models are introduced in the profession.

The task force formulates six recommendations with respect to its first area of study, "Law Firm Structure and Billing":

- That the NYSBA offer CLE, print and electronic publications, as well as Web-based services, to teach members how to achieve the objectives of providing quality legal services in ways that maximize value to the consumers of legal services.
- That the NYSBA's Committee on Standards of Attorney Conduct explore changing models of law firm structure and compensation, make recommendations to the House of Delegates as needed to address professional responsibility issues that may emerge, and propose appropriate amendments, if needed, to the New York Rules of Professional Conduct and other regulatory standards.
- That a best practices manual and related CLE seminars concerning the economics of alternative fee arrangements and value billing be created to assist NYSBA members.
- That the NYSBA's Unauthorized Practice of Law Committee and its Law Practice Management Committee reaffirm the 2009 Report of the Special Committee on Solo and Small Firm Practice, particularly as it supports the allocation of greater resources to assist small firms and solo practitioners, who need to take advantage of low overhead and adaptability to leverage their skills for effective competition in the legal markets they serve.
- That the NYSBA investigate issues presented by the increased availability of print and online legal information to non-lawyers, and assist lawyers to make a strong business case for the continuing need to retain lawyers to solve legal problems.
- That the NYSBA conduct economic and other research to continue to keep lawyers informed about the ongoing changes identified by the task force and the changing landscape of the legal profession.

## ○ 2-EDUCATING AND TRAINING NEW LAWYERS

A large part of the report deals with the future of legal education. The task force notes how the current educational and structural model for preparing law students and forming new legal professionals is under fire on many fronts. According to the task force, law school teaching is being criticized by educational experts for its reliance on passive learning in the classroom, its focus on appellate cases and its failure to prepare law students for the real-life experience of representing clients and practising law. Critics also point to legal education's failure to focus on learning outcomes (evaluating what students can do as a result of instruction) and lawyer competencies (knowledge, skills, values, habits and traits that make for successful lawyers), as well as the absence of appropriate assessment and evaluative tools to measure such outcomes and competencies. In addition to pedagogical critiques, consumer advocates complain that new law students do not have a realistic understanding of what a career in the law truly entails, including a realistic perspective on work-life demands and the financial burdens and benefits which come with a legal education and career. The task force also addresses how post-law school professional development is also often deficient. Employer-created training programs remain rare and extremely costly, while state CLE transitional programs are often inadequate to bridge the gap between law school and practice. Although mentorship is often cited as a mechanism for providing corrective formation, modelling and support, it remains unclear whether voluntary or mandatory programs are more effective, how to certify such programs, and how to integrate them with previously existing CLE requirements.

After examining these issues, the task force formulated over 20 recommendations on the following topics:

- The development of national model competencies for lawyers;
- The need to review accreditation and admissions standards;
- The need to assess new skills-based, practice-based licensure requirements;
- The need to study and integrate mentorship, CLE and new lawyer training programs;
- The need to support appropriate and realistic entry into the profession; and
- The need to integrate assessment of legal education and professional development with model competencies.

## ○ 3- WORK-LIFE BALANCE INTEGRATION AND THE PRACTICE OF LAW

The number of lawyers seeking better integration of their work and personal lives has increased in recent years. Although work-life balance began as a women's issue, the task force notes that the increasing number of dual-earner families has made it an issue that impacts both men and women alike. Men are increasingly taking responsibility for the care of their children and elderly parents as well as for other family-related tasks and, in so doing, report dramatically increased work/life conflict. In addition, technology is giving clients and other lawyers increasing access to attorneys during off-hours, decreasing truly personal time and making it more difficult to leave the office behind. In this section of the report, the task force articulates the rationale for focusing on improved work-life balance. It examines benefits of work-life balance from three

perspectives: expense reduction, revenue enhancement, and risk minimization and then discusses the negative impact of ignoring the problem, citing empirical studies that describe the impact on health and wellness, initiatives that have been designed in response, as well as areas of interest requiring further research. The task force also presents a list of best practices and recommendations for employers, including the development of flexible work policies, using technology to support work-life integration, guidelines for preserving vacation time, sabbaticals and other innovative quality-of-life programs that merit consideration.

#### ○ 4-TECHNOLOGY AND THE PRACTICE OF LAW

In this section, the task force looks at the best ways to handle the technological changes that are coming to or already occurring in their practices. It highlights how several law firms fail to evaluate periodically and redesign their workflow to assure that their entire system operates efficiently and effectively. Law firms often focus only on portions of their system, adopting particular technologies to address specific problems, thereby potentially winning incremental improvements in one area while complicating other areas and burdening the overall system. The task force believes the primary challenge of technology in the coming years is to redesign the way lawyers and law firms work so that technology is fully integrated into their workflow in an efficient and effective manner.

The task force also provides insights into current trends and tools including cloud computing, mobile computing, virtual law firms, online advertising and social media, extranets, enterprise search and e-filing.

The task force formulates six recommendations with regards to technology:

- That law schools and firms increase educational and training opportunities for lawyers regarding practical ways to use technology to enhance their practices, to understand and use technology more effectively, and to develop practice management and project management skills.
- That firms consider adopting system-based approaches, beginning with an assessment of the functions the firm performs and the related flow of information and work among its personnel, to determine which tools are most useful and effective to meet their needs.
- That the NYSBA's Committee on Standards of Attorney Conduct study and make recommendations concerning the ethical and risk management considerations associated with new technologies such as social networking, third-party hosted solutions, and virtual law firms.
- That the NYSBA's Law Practice Management Committee create model policies concerning the use of mobile technology, including the establishment of guidelines for security issues associated with mobile technology, and clear communications to attorneys as to when they are, and are not, responsible for maintaining a connection with the workplace. The task force also recommends that NYSBA's Law Practice Management Committee develop model suggestions to assist firms in increasing their attorneys' productivity through the development of efficient tools and best practices for the efficient handling of the ever-increasing e-mail traffic they receive.
- That the NYSBA encourage legal employers to use technology to support a healthier work-life balance by facilitating flexible work arrangements.

- That the NYSBA consider whether and how the NYSBA can leverage its resources to assist smaller firms with technology-related issues.

The report and recommendations of the task force were adopted by the state bar's House of Delegates in April 2011.

It is worth noting that the American Bar Association adopted in August 2011 a resolution that urges law schools to more adequately prepare law students for the real-life experience of practising law and strengthen CLE training to better bridge the gap between law school and actual practise. The resolution is directly rooted in the New York State Bar's report on the future of the legal profession.<sup>46</sup>

## **NORTH CAROLINA**

The only relevant initiative undertaken by the North Carolina State Bar was an upcoming conference in September 2010 entitled: "Preparing Lawyers for Tomorrow's Profession: The Future is at Hand". No further details are available.

## **OHIO**

The Ohio State Bar Association completed in 2007 a study on the future of the legal profession to learn more about where the profession stands and what the likely challenges and needs will be in the years to come.<sup>47</sup> It retained a research consulting firm to conduct a comprehensive study on the topic. Surveys and interviews were conducted with bar associates, bar members, consumers of legal services, and business users of legal services.

The main themes that came out of the research were:

1. The cost of legal services is a major issue for the users of legal services (individuals and businesses).
2. Technology will play an increasing role in the delivery of legal services (for lawyers/law firms and users of legal services).

---

<sup>46</sup> The resolution is available at:

[http://bestpracticeslegaled.files.wordpress.com/2011/08/2011\\_hod\\_annual\\_meeting\\_10b.pdf](http://bestpracticeslegaled.files.wordpress.com/2011/08/2011_hod_annual_meeting_10b.pdf).

<sup>47</sup> An executive summary of the report is available at:

<https://www.ohiobar.org/Council%20of%20Delegates/pubs/future.doc>.

3. The bar association needs to assist members in preparing for changes in the profession.
4. The bar association needs to act as a bulwark against unwarranted attacks on the legal profession and the judiciary.
5. The bar association needs to proactively address the unauthorized practise of law in its role as the watchdog for the profession.

Some recommendations were also provided on the types of services that could be offered by the bar association to prepare its members to confront changes in the practise of law. It was suggested that the bar association should help attorneys be better informed and more efficient through mentoring and CLE programs, and that it should provide training on technology, develop a globalization kit and provide placement services for professional and support staff.

## **OKLAHOMA**

The Oklahoma Bar Association has not undertaken any activities on the future of the legal profession. However, two articles of relevance appeared in the *Oklahoma Bar Journal*.

“The Law Office of the Future”<sup>48</sup> discusses the mega-trends that will affect the legal profession in the future and “The Future of the Legal Profession: A Small Firm Point of View”<sup>49</sup> addresses how changes affecting the legal profession will affect small firms and solo practitioners. In this latter article the author opines that large and global law firms on one side, and solo practitioners and small firms on the other will continue to operate in parallel. Both will experience a growth in market through increased demand, as well as a slightly diminished supply of lawyers. The solo and small firm practitioners who will thrive will be those who continue to leverage their practice with technology and through personal and professional development. Solo and small firm practitioners will be viewed more as personal general counsel as the legal landscape becomes increasingly complex. They will need to develop a greater multidisciplinary background in order to compete with the larger firms.

## **OREGON**

Very little information was available on the Oregon State Bar. A futures conference was organized in 2008, which evolved around three main themes: (1) technology, (2) the practise of law, and (3) diversity and changing demographics. Information on the content of the presentations, speakers, recommendations are not available.

---

48 J. Calloway, “The Law Office of the Future” Oregon State Bar Law Practice Management, *Oklahoma Bar Journal*, (1999) available at: [http://www.okbar.org/obj/articles\\_99/fs103099.htm](http://www.okbar.org/obj/articles_99/fs103099.htm).

49 J. Crosthwait, “The Future of the Legal Profession: A Small Firm Point of View”, *Oklahoma Bar Journal*, (2008) available at: <http://www.okbar.org/obj/articles08/110808crosthwait.htm>



## WASHINGTON

The Washington State Bar Association appointed in August 2000 a group to study questions raised by the issues of multidisciplinary practice (MDP), multijurisdictional practice (MJP), and Internet practise of law, and to report to the Board of Governors with policy recommendations. After discussing the breadth of the mandate, it was agreed to defer the consideration of Internet practice issues. The report therefore only focused on MJP and MPD. There was a clear consensus among the study group to provide recommendations to change the rules of professional conduct to allow for certain defined situations involving an MJP. However, the study group was clearly divided on the issue of MDP, and was unable to reach consensus on any recommendation to the Board of Governors.

Another relevant initiative is a *Washington Bar News* May 2000 executive's report entitled *Future Trends in the Practice of Law*<sup>50</sup> which presents five primary forces that will likely shape the future of the legal profession. These forces are:

### FORCES THAT WILL SHAPE THE FUTURE OF THE LEGAL PROFESSION

1. In a buyers' market, the customer drives decisions, sets terms and strategies, and evaluates costs. This is a permanent shift that means reduced profitability.
2. The profession of law is now considered a mature market.
3. Liberalization of regulation will drive alternate forms of practice, like multidisciplinary practice and other innovative affiliations.
4. Globalization of practice will render many practice areas and transactions increasingly international.
5. Technology will accelerate all of the above trends.

In October 2012, the bar organized a live chat session hosted by WSBA executive director Paula Littlewood and University of Washington School of Law dean Kellye Testy entitled *Sensing a Seismic Shift – Is There a Crisis in the Legal Profession?* During this live chat, members were able to ask questions about the future of the legal profession. The questions ranged from the trends affecting the legal procession to the costs of legal education, opportunities for young lawyers and alternative forms of practice.<sup>51</sup>

At the end of January 2013, the same hosts were to hold a forum to discuss the future of the legal profession.<sup>52</sup>

---

50 Available at: <http://www.wsba.org/media/publications/barnews/archives/2000/may-00-future.htm>. The link to the report could not be found during the 2012 and 2013 reviews.

51 The transcript of the live chat is available at: [http://www.wsba.org/Events-Calendar/2012/October/~/\\_media/Files/News\\_Events/Livechats/future\\_profession\\_transcript.ashx](http://www.wsba.org/Events-Calendar/2012/October/~/_media/Files/News_Events/Livechats/future_profession_transcript.ashx).

52 Information on the event is available at: <http://www.wsba.org/Events-Calendar/2013/January/Town-Hall>.

## WISCONSIN

Although the executive director of the Wisconsin State Bar indicated in 2010 that no initiative on the future of the legal profession had been undertaken other than an abandoned study on MDP, the bar organized a series of conferences and roundtables entitled *Seize the Future* in 2000-2001 to focus the attention of members of the state bar on the changes affecting the legal profession.<sup>53</sup> It seems these conferences were inspired by the ABA 1997 and 1999 conferences with the same name.

The goal of these conferences was to seek consensus on the bar's response to the changes facing the legal profession and to form a coalition of lawyers, law firms and, other related entities to work with the state bar and the state supreme court to implement changes that would respond to the changing needs of the public while preserving the core values of the legal profession.

In May 2001, the board passed a "Seize the Future" resolution. The resolution outlines a specific process for additional study of multidisciplinary practise and multijurisdictional practise and addresses other issues affecting the future of the profession such as *pro bono* practice, member education, technology support, unbundling of legal services, and alternative billing methods.

In July 2011, the bar published a report entitled *The New Normal: The Challenges Facing the Legal Profession*<sup>54</sup> by the Board of Governor's Challenges to the Profession Committee. The report identifies the following top challenges: (1) Economic pressures on the practise of law: the increasing control of clients over the provision of legal services and their cost; (2) Technology and the practise of law: the increasing access of clients to free online legal services, but also the potential of technology to act as a leveller between large and small firms; (3) Regulation of the legal profession: the prospect of investing in large firms, publicly trading law firms, and partnerships with other professionals; and (4) New lawyer training and development: the duty of the bar to assist the increasing number of lawyers who graduate but find work only by offering legal services themselves, often without having acquired prior experience. The report recommends the bar's Strategic Planning Committee develop a strategy to address these challenges.

## C. INTERNATIONAL BAR ASSOCIATION

In 2007, the International Bar Association invited Bridge Consulting International to conduct a comprehensive research study concerning current and future trends in the global legal services sector.<sup>55</sup> The study explores how law firms can successfully implement the right mix of corporate and traditional partnership-style management practices to face the challenges of increased size and scale, commoditization, the changing talent market and the economic downturn. It included a series of one-on-one interviews with senior partners from 30 leading law firms based in the U.K., Europe, North America and South America, as well as a number of partners from large accounting,

---

53 More information is available at: [http://www.wisbar.org/AM/Template.cfm?Section=Research\\_and\\_Reports&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=41904](http://www.wisbar.org/AM/Template.cfm?Section=Research_and_Reports&TEMPLATE=/CM/ContentDisplay.cfm&CONTENTID=41904).

54 The report is available at: <http://www.reinhartlaw.com/Services/BusLaw/CorpGovern/Documents/art1111%20TE.pdf>.

55 Bridge International was contacted to enquire whether the study was available. At the time of writing this report, Bridge International had not provided an answer.

investment banking and consulting firms that had undergone the transition from partnership to a corporate structure. The initial findings of this study were presented at the IBA 2008 annual meeting in Buenos Aires as part of a broader panel discussion on the issue of corporate practices in law partnerships.

Two articles based on the study were featured in the October 2009 edition of the International Bar Association's law firm management newsletter: "Shaping the future of law firm management: Is the Adoption of a Corporate Management Approach the Future of Legal Services" and "A Time for Balance: Responding to Current Market Uncertainty". The first consists of an executive summary of Bridge's comprehensive study, and the second focuses on the importance of maintaining strategic balance during periods of economic downturn while asserting that successfully adapting to current market changes with an eye to future sustainability is the central leadership challenge facing law firm leaders today. The article also presents a strategic response matrix, drawn from a successful approach used by leadership teams of major corporations to navigate the last recession, as a framework for thinking about the way law firm strategy can be realized. These articles are only accessible to IBA members and are available at a cost.

#### **D. THE LAW SOCIETY OF ENGLAND AND WALES**

The Law Society of England and Wales was heavily involved the enactment of the *Legal Service Act* in 2007, which since mid-2011 has allowed non-lawyer investment in law firms. On the question of the future of the legal profession more broadly, Dr. Tara Chittenden from the Research Unit of the Law Society of England and Wales indicated that the Society is "undertaking various strands of a large research project designed to examine the challenges facing the legal profession in the future, covering areas such as: new business models, technology, outsourcing, economic developments, globalisation and so on". She further specified that "unfortunately there is nothing published or publicly available that I can share with you at this point". It will be interesting to follow the release of the research findings in due time.

Dr. Chittenden was contacted again in April 2012 to enquire about the status of the LSEW's research project undertaken in 2010. She responded that "unfortunately nothing was published from the previous work, as the horizon scanning report was restricted for internal use only to inform policy thinking. Decisions were made recently to update and expand previous efforts with a major PESTLE and futures project. That was due to kick off in April 2012, but was put on hold as directors re-conceptualized exactly what they want. It looks like a major

information/strategy audit may be headed our way soon. Hopefully something will be published from that – though it is not possible to guarantee – it will depend on how directors decide to proceed.” As of January 2013, no specific output had emerged from this project.

That said, in May 2012, the president of the Law Society of England and Wales participated in a conference on the future of the legal profession in Russia in which he discussed the recent developments in England and Wales and their implications for the future. He mentioned that the *Legal Services Act 2007*, in combination with a range of market forces, is likely to have a significant impact on the future shape of the profession and the legal market in England.

He argued that while he does not underestimate the significance of the changes that have been made under the *Legal Services Act* to the traditional structures and organization of the legal profession in England and Wales or the potential for market forces to do the same, he does not expect regulatory changes or the liberalization of ownership rules to transform the profession immediately. Rather, he thinks that the new modes of practice will increasingly challenge the norms under which lawyers practice. The effects of introducing external capital and management into legal practices will emerge over a number of years, as existing practices explore the new commercial freedoms in different ways and new entrants invest in establishing their reputation. According to him, the effects of these changes will chiefly be felt in the consumer market in England and Wales, but there will inevitably be knock-on effects for law firms serving corporate clients and for mixed practices. He pointed out that while some firms that advise businesses are reported to be among the initial group of alternative business structures applicants, it is unclear at this stage whether their plans are potentially transformative, rather than merely technical, in order to retain non-lawyer partners. He added that the number of independent practices may fall, but the best will compete successfully in the new environment. Overall, he believes that the public’s demand for legal services will be met by equally high standards and that it would be surprising if the legal sector did not continue to grow, as it has consistently in the past. If the sector becomes more efficient, it certainly will grow, as there is undoubtedly unmet demand for accessibly-priced legal services.

## **E. BAR COUNCIL OF ENGLAND AND WALES**

On June 10, 2010, the Bar Council of England and Wales (which regulates barristers) and the Bar Standards Board held a joint symposium to discuss the future of the bar. A panel of high-profile speakers came together to address related issues.<sup>56</sup>

In this context, Nicholas Green QC, chairman of the Bar Council of England and Wales, delivered an address surveying the future of the bar. His remarks are publicly available. Although his address is of specific concern to barristers and not to the future of the legal profession more generally, the following points are of interest:

- The bar must modernize its business structures, which currently operate predominantly from a chambers model in which everyone is self-employed. The Standards Board has begun a process

---

<sup>56</sup> The text of their remarks is available online at: <http://www.barcouncil.org.uk/news/FutureoftheBar/>. The author was unable to locate this report during her 2012 and 2013 reviews.

of removing restrictions and has already opened up the possibility of partnerships, including with solicitors.

- The bar must incorporate direct access as part of its business model, given that pressures are such it is no longer realistic to adhere rigidly to rules protecting a referral model. Direct access across the board is essential and inevitable: It is a natural adjunct to advocacy.
- The bar must become more outward-facing, including allowing certain classes of solicitors to be welcomed into the bar.
- A strong and specialized regulator is a key to the survival of the bar as a discrete profession. The Standards Board must match increasing opportunity and greater freedom of action on the part of the bar with commensurate regulation.
- The Inns of Court need to gear themselves up for a different future role, including an increasing need for training and mentoring in advocacy.

Two years later, the Chairman of the Bar Council, Michael Todd, QC reiterated similar concerns during the bar's annual conference saying that the bar "must fight to shape its own future or be lost forever." According to him, the bar must take control of its future "in this modern, dramatically and quickly changing, legal landscape" and fight several challenges that could represent threats for the public interest. Among the challenges he highlighted are price competitive tendering, one case one fee structure, regulation, quality assurance scheme for advocates, and alternative business structures.<sup>57</sup>

## F. AUSTRALIA

Several bar and law societies in Australia were contacted. The Law Society of Western Australia, the Law Society of New South Wales, the New South Wales Bar Association, the Queensland Bar Association, the Victorian Bar Association, and the Western Australian Bar Association all indicated that they had not undertaken research or initiatives on the future of the legal profession. Neither the Australian Bar Association nor the International Council of Advocates and Barristers responded to email enquiries. Their websites do not suggest that any work has been conducted on the future of the legal profession.<sup>58</sup>

The Law Council of Australia has been active in studying the future of the legal profession. In 1999, it established a task force to examine some of the issues likely to impact the legal profession in the first decade of the 21st century. The Law Council sought to produce a document that would survey the landscape across a range of subject areas and report to the profession. The resulting paper, *2010: A Discussion Paper - Some Issues Affecting the Legal Profession*<sup>59</sup> explores the

---

57 The chairman's speech is available at: [http://www.barcouncil.org.uk/media/177154/final\\_bar\\_conference\\_chairman\\_speech\\_2012.pdf](http://www.barcouncil.org.uk/media/177154/final_bar_conference_chairman_speech_2012.pdf).

58 The websites of these organisations were consulted during the 2013 review. They do not suggest that work on the topic of the future of the legal profession had been undertaken.

59 Available at: [http://www.lawcouncil.asn.au/library/publications.cfm?fms\\_folder\\_uid=FBD2A8C8-1C23-CACD-221F29AB957FF4D#2001](http://www.lawcouncil.asn.au/library/publications.cfm?fms_folder_uid=FBD2A8C8-1C23-CACD-221F29AB957FF4D#2001).

environment the legal profession will face in the next 10 years, the threats and opportunities this new environment will generate, and how best to prepare for the future. The report identifies five factors that would likely drive changes to the environment in which law is practised in the future:

#### **FACTORS THAT WILL DRIVE CHANGES IN THE PRACTICE OF LAW**

1. Advances in information technology.
2. The effects of globalization.
3. Changes in the competition and government regulation.
4. Changes in demographics and social attitudes.
5. Advances in science.

In turn, these factors may have the following effects on the law and the legal practise:

#### **HOW THE DRIVING FACTORS WILL IMPACT THE PRACTICE OF LAW**

1. The internationalization of legal practise at the top end of commercial transactions, with a small number of large multinational firms handling major commercial transactions world-wide.
2. The commoditization of law that is essentially transactional, and increased competition from non-legal providers.
3. Increased individual consumer awareness of legal rights, leading to better educated legal consumers with higher expectations. Increased awareness will also assist access to the latent legal market.
4. Deregulation of markets, leading to increased competition from overseas and from non-traditional providers of legal services.
5. Increased difficulty in access to courts for lower- and middle-class consumers as legal aid budgets shrink and direct court funding decreases and/or is linked to performance standards. A possible increase in user-pays approaches to access to courts and greater public expectations of *pro bono* services from the profession.
6. An ongoing tension between business and professional aspects of legal practice, with focus on adequacy of existing ethical rules.

The discussion paper devotes a chapter to what it believes will likely be one of the key issues facing the legal profession over the next 10 years: the ongoing tension between commercial and professional aspects of legal practise.

Among other issues examined by the discussion paper are legal education and how the funding crisis affecting Australian law schools will need to be addressed; the 21<sup>st</sup> century workplace and how it will differ from the style that predominated in the 20<sup>th</sup> century, largely due to changes to

the expectations and aspirations of legal practitioners themselves; and the future of regulation for the profession. On this last point, the discussion paper highlights that the future will move toward harmonization of regulatory system in Australia. This prediction was to the point since former prime minister Kevin Rudd announced in March 2010 reforms with a view to establish a clear and efficient national legal profession regulation system.<sup>60</sup>

The Law Council of Australia resolved not to make any recommendations for action arising from the discussion paper. Rather, it believed that the discussion paper was to be used “as a tool to generate debate within the profession and the community about the role of lawyers and the implications arising from some of the identified issues.”<sup>61</sup>

In February 2011, the president of the Law Council of Australia, Alexander Ward, delivered an address entitled *Rethinking the Legal Profession in the 21<sup>st</sup> Century — Future Models for Delivering Services*.<sup>62</sup> Recalling the five drivers that would shape the legal profession identified in the 2010 discussion paper - *Some Issues Affecting the Legal Profession*, Ward discussed future models for delivering legal services from an Australian and international perspective. The models he highlighted involve:

- The need to create consistent rules under which lawyers can work. A key aspect of the future for delivering legal services must involve more effective regulation of the profession.
- Multi-disciplinary partnerships and incorporated legal practices that will deliver more effective, streamlined services.
- The increasing listing of law firms on stock exchanges.
- The internalization of the legal services market. As the world continually evolves into a truly globalized marketplace, legal services will inevitably keep pace with the trend.
- The growing reliance on the Internet and self-help tools.

---

60 The Law Council of Australia’s August 2010 submission in response to the National Legal Profession Reform Consultation Package to the Council of Australian Governments National Legal Profession Reform Taskforce is available at:

[http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file\\_uuid=7DAF788F-D8BB-0987-4194-7D684053205C&siteName=lca](http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uuid=7DAF788F-D8BB-0987-4194-7D684053205C&siteName=lca).

61 Message from Anne Trimmer, president of the Law Council of Australia, “2010: A Discussion Paper - Some Issues Affecting the Legal Profession”, p. v, (2001).

62 The speech is available at: [http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file\\_uuid=BBA1A194-FBC6-3448-3400-F7395CB8516F&siteName=lca](http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uuid=BBA1A194-FBC6-3448-3400-F7395CB8516F&siteName=lca).

## G. NEW ZEALAND

Neither the New Zealand Bar Association nor the New Zealand Law Society has undertaken research on the future of the legal profession.

## H. OTHER BARS

- Quebec Bar: Lawyers in Private Practice: Looking ahead to 2021

Of all of the Canadian provincial bars and law societies, only Quebec appears to have devoted attention to the question of the future of the legal profession. In June 2011, the Quebec bar published a report entitled *Lawyers in Private Practice: Looking Ahead to 2021*.<sup>63</sup> It was the result of nearly four years of work by a committee consisting of 40 lawyers from all areas of private practice across the province and an economist who provided assistance throughout. Taking as its premise that two major vectors of change will influence private practice in the future — globalization and information technology — the report aims to set out relevant observations on the state of private legal practice and to encourage the bar and the legal profession to adopt a forward-looking approach to ensure the development and advancement of lawyers in private practice in the province. In particular, throughout its 119 pages, the report seeks to:

- Analyze socio-economic environments in the early 21st century;
- Examine legal practices in certain jurisdictions;
- Document the area of private practice within the legal services industry;
- Offer a diagnostic of the current state of private practice;
- Set out assumptions concerning future changes affecting lawyers as well as private practice markets and develop scenarios with a view to describing changes in this sector;
- Adopt the most likely scenario and map out an action plan aligned with the Quebec bar's strategic plan.

*Demographics.* The report predicts that in 2021, there will be 30,000 lawyers practicing in Quebec, a 25% increase over 10 years. By 2021, women will account for 56% of practising lawyers. It is also anticipated that the legal profession will be more diverse. While the proportion of lawyers who identify themselves as members of a minority is currently at 3%, this proportion should rise to 16% in 2021. Steps will need to be taken to ensure that services are more aligned with the realities and needs of the workforce.

*Billing practices.* The report notes that lawyers are reluctant to abandon hourly rates even though this model corresponds less and less to the realities of their economic environment. While hourly rates will still be used to calculate lawyers' fees, it will no longer be the primary means of determining revenue. Hourly rates should, according to the report, be reserved for more complicated cases that have a high degree of risk and that are handled by experienced lawyers

---

63 The report is available in French at: <https://www.barreau.qc.ca/pdf/publications/rapport-pratique-privee-2021.pdf>. An English summary is available at: <http://www.barreau.qc.ca/pdf/publications/synthese-pratique-privee-2021-en.pdf>.



able to justify high rates and this mode of billing. Project evaluation models (mandates) according to which the cost of the client services is estimated at the beginning of the mandate will become standard and be used in all areas of private practice over time. Even sole practitioners will have to adhere to this model, which more closely reflects the economic value of the legal services provided.

*Increased competition.* The report highlights how the market for legal services is becoming increasingly competitive. As a number of competitors offer alternative services aligned with client needs, the contracting-out of legal services is a reality that lawyers will have to face in their day-to-day operations. Those who thrive will be specialized lawyers who can identify their clients' unmet needs and provide value-added services. Technological advances will enable lawyers to practise in various areas based on the types of legal services offered and on the target clientele. The market will be based on commodity products or specialities.

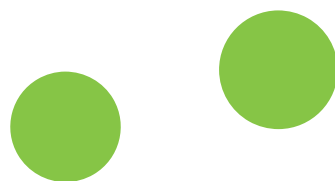
It will be crucial for lawyers to develop their clientele. This will represent a challenge for lawyers, as they are less experienced in the areas of business and market analysis. It will be important for lawyers to develop these skills and be able to determine the need for legal services in given economic sectors and to understand how these sectors operate.

While globalization creates links between the continents, there will still be room in the market in 2021 for lawyers who decide to practice in Quebec only or elsewhere in Canada. Those who choose to do so will, however, have to remain on the technological cutting edge and maintain contact with actors in other jurisdictions.

*Forward-looking scenarios.* In attempting to create forward-looking projections, the report develops a picture of what the legal profession will likely look like in 2021 in order to define the best way to reach this picture:

### CHANGES IN THE LEGAL PROFESSION IN 10 YEARS FROM 2011

Legal profession in 2011	Legal profession in 2021
1. An unloved profession	1. The profession will be held in higher esteem
2. Evolving professional structure	2. Lawyers' training will be more focused on the complexity of current and potential markets
3. Increasingly complex practices	3. Lawyers will be bilingual/ multilingual
4. Increasing presence of non-lawyer competitors	4. Gains will be maintained
5. Inadequate knowledge of traditional and/or emerging markets	5. New markets will be developed
6. Fees charged for services disconnected from reality	6. Lawyers will be positioned in the upper echelons of the professional work



<p>7. Major trends with uncertain outcomes for the future of the profession (IT/globalization)</p>	<p>7. A move will be made towards another model (more balanced profession /quality of life)</p> <p>8. Revenues will be based on the value added of services</p> <p>9. Specialties will be recognized</p> <p>10. Multi-disciplinary practices will flourish</p> <p>11. There will be a collective positive appreciation of the omnipresence and benefits of the law within society.</p>
--	--

The committee then developed three different scenarios regarding how the legal profession should react to the changes it is undergoing.

1. "Textile manufacturing": Lawyers do not embrace the technological changes required to develop the profession and are not interested in new opportunities offered by globalization.
2. "Compact discs": The future of the legal profession essentially lies in protecting the profession by taking a repressive approach based on monitoring for illegal practice and controlling access to the profession.
3. "Bombardier": In the wake of major social changes, innovation is essential. Lawyers must adapt if they wish to reap the many benefits of IT and communications. Globalization is an opportunity to be seized, not a threat.

The report recommended the adoption of the third scenario under which the Quebec bar is asked to take change into account at all levels of its work and to seek to enhance its understanding of the issues that are affecting lawyers.

The report was unanimously approved by the Quebec bar's general council in June 2011.

## INDIA

The All India Bar Association was contacted. No response was received. Its website does not indicate any work on the future of the legal profession.

## IRELAND

The Irish Minister for Justice launched a report entitled *The Blueprint Report* (June 2011) which reviews the state of the Irish legal profession and discusses a vision of the future for Irish law firms. While the report is not available online<sup>64</sup> it was released in the context of the Irish *Legal Services Regulation Bill* introduced in 2011. This bill “essentially proposed the same things that the British have done—separate and external regulator, separating representative and regulatory elements of professional legal bodies, reformed legal training, more open and unrestricted access to lawyers’ services either through firms or ABS, and external complaints procedures.”<sup>65</sup>

---

64 The author of the report was contacted to obtain a copy, but no response was received.

65 See: <http://www.johnflood.com/blog/2011/11/tesco-ireland-law/>.

It appears that as of January 2013 the Bill was still under the consideration of the Irish Parliament. It was expected to reach the committee stage this year.



# V

## OTHER ASSOCIATIONS

### A. THE ASSOCIATION OF CORPORATE COUNSEL

The Association of Corporate Counsel (ACC) is the world's largest organization serving the professional and business interests of attorneys who practise in the legal departments of corporations, associations and other private-sector organizations around the globe.

While specific research on the future of the legal profession was not found, the ACC Value Challenge Initiative represents in-house counsel's contribution to the debate surrounding the changing environment of legal practice. Given the reliance of in-house counsel on external counsel from law firms, the value challenges facing one affect the other.

The project aims at addressing what the ACC believes is a major problem: the fact that many traditional law firm business models and many of the approaches to lawyer training and cost management are not aligned with what corporate clients want and need, i.e. value-driven, high-quality legal services that deliver solutions at a reasonable cost and develop lawyers as counsellors (not just content-providers), advocates (not just process-doers) and professional partners.

The ACC Value Challenge Initiative is based on the concept that firms can greatly improve the value of what they do, reduce their costs to corporate clients and still maintain strong profitability. Throughout this initiative, the ACC's mandate is to help shift the discussion to a focus on value and to find solutions that work for all sides. Ultimately, the goal of this initiative is to come to a better alignment of interests between corporate clients and the outside firms.

The ACC has devoted a webpage to this initiative,<sup>66</sup> replete with considerable information, and practical tips and tools to help in-house counsel and law firm lawyers save time and money while increasing their value to corporate management. These resources go from guidelines on how law departments and law firms can get started to reconnecting value to the cost of legal service, to discussion topic lists relating to in-house and law firm legal service relationships, to toolkits on practical ways for law firms to add value to their services, to toolkits on how to use technology to strengthen partnering. The richness of these resources emanates from their practicality and user-friendliness. As general counsel will be called to play an increasingly important role in the future, the in-house perspective is one to pay attention to.

Another interesting tool that has been developed by in-house counsel for in-house counsel is the Value Index. It consists of a forum for ACC members to share assessments of the firms they engage with. This information can be shared between members through ACC eGroups.<sup>67</sup>

---

<sup>66</sup> More information on this initiative is available at: <http://www.acc.com/valuechallenge/>.

<sup>67</sup> More information is available at: <http://community.acc.com/acc/home/>.

## B. THE ASSOCIATION FOR LEGAL CAREER PROFESSIONALS

The Association for Legal Care Professionals convened a series of roundtable discussions entitled *The Future of Lawyer Hiring, Development & Advancement*.<sup>68</sup> Key discussion points emerging from these discussions include:

- Changes in the legal industry are being driven by clients;
- There will be an increasing movement towards competency-based promotion and advancement schemes;
- The economic slow-down will have a lasting impact on lawyer hiring and development, including a move away from lock-step lawyer advancement models;
- On-campus interviewing of second-year law students is problematic and different models should be considered;
- The economy and client needs may change traditional law firm leverage models;
- An apprenticeship model of lawyer training may be developed;
- Commitments to diversity will withstand the impacts of the recession;
- Increased competition will create new demands for lawyer training; and
- Where associate retention was once the impetus for lawyer professional development, the new impetus is client retention.

---

<sup>68</sup> More information on these roundtable discussions is available at: <http://www.nalp.org/futureoflawyerhiring>.

# V

## LAW SCHOOLS

### A. CANADA

A review of Canadian law faculties revealed little on the study of the legal profession. As might be expected, university study of law focused less on the profession, with only occasional law schools devoting themselves to legal clinics. Most research centres and institutes focused on human rights, international/comparative/transnational law, and law and technology. Many of Canada's smaller law schools did not have any research centres or institutes.

The University of Toronto Faculty of Law is the only academic unit with a research centre devoted to the legal profession. Run in partnership with the Law Foundation of Ontario,<sup>69</sup> the focus of the Centre for the Legal Profession, however, is on ethics and the practise of law, community service and the like. No current research focuses on the future of the legal profession.

That said, there seems to be increased interest from Canadian law schools to look at the issue of the future of the legal profession. In November 2012, the University of Saskatchewan organized a conference entitled *The Future of Law Conference*, which had panels covering the following topics:

1. Legal traditions and disappearing jurisdictional boundaries;
2. The future of legal education;
3. Future models of legal services and legal practise in Canada — Readers met the author of *Avoiding Extinction: Reimagining Services for the 21<sup>st</sup> Century*;
4. Newer generations of lawyers speaking out;
5. Innovations and future challenges in legal decisionmaking and dispute resolution;
6. Access to legal services and future challenges for the self-regulating legal profession;
7. Law firm mergers and ethical and practice issues with new models of legal practice;
8. Therapeutic jurisprudence and the future for law as agent of human healing;

---

<sup>69</sup> See [www.clp.utoronto.ca](http://www.clp.utoronto.ca).

## 9. Technology and the law.<sup>70</sup>

In September 2013, the University of Alberta planned to hold a conference entitled *The Future of Law School* which was to focus on the four following themes:

1. Foundations: theories of contemporary professional legal education;
2. Circumstances: law schools, regulators, and the market for legal services;
3. Challenges: reflecting changes in the practice of law;
4. Practices: innovation in the content and delivery of legal education<sup>71</sup>.

In 2012, the University of British Columbia offered a new course called *Access to Justice and the Future of the Legal Profession*. This course sparked some criticism on the grounds that one of its teachers is former B.C. Liberal attorney general Geoff Plant, who oversaw deep cuts in B.C. legal aid in the early 2000s. The CBABC Poverty Law Section sent a letter to the dean of the Law Faculty in August 2012 expressing concerns. It said: (1) the core instructors of the course do not represent diverse perspectives on access to justice; (2) the course appears to focus exclusively on innovation as the means to address access to justice issues, without concern for the lessons that may be learned from history; and (3) the proposed mode of evaluation for the course is inappropriate.<sup>72</sup>

## **B. U.S.**

Among the many U.S. law school research centres and institutes, five are worthy of note. These five refer to each other in their work and are seen to be the primary sources of scholarship and study on the legal profession and, as reviewed below, occasionally on the future of the legal profession.

### **1. INDIANA UNIVERSITY, CENTER ON THE GLOBAL LEGAL PROFESSION**

The Center on the Global Legal Profession studies how the practise of law is changing and where it is heading. It has two major projects of interest: the Law Firms Working Group and the FutureFirm initiative.

- Law Firms Working Group

The center and the ABA have teamed up to form the Law Firms Working Group<sup>73</sup> to advance knowledge and understanding of law firms, and private practice generally, through collaborative empirical research. The working group is exploring several projects of interest, among which are (1) the changing geography of global law firms and (2) globalization strategies of U.S. law firms. No publications of interest have yet emerged from these ongoing studies.

---

70 More information is available at: <http://law.usask.ca/alumni/centennial-2012/centennial-academic-conference.php>.

71 More information is available at: <http://lawschool.ualberta.ca/en/centenary/conference.aspx>.

72 The letter from the CBABC Poverty law Section is available at: [http://www.cba.org/bc/sections\\_pdfs/PDF/soju\\_letter\\_final\\_08\\_30\\_12.pdf](http://www.cba.org/bc/sections_pdfs/PDF/soju_letter_final_08_30_12.pdf).

73 More information is available at: <http://firms.law.indiana.edu/about/index.shtml>.



- FutureFirm initiative

The FutureFirm initiative seems to have so far only translated in the organization in 2009 of a conference entitled *FutureFirm 1.0*. The interactive role-playing conference sought to craft a new law firm business model able to survive and thrive 20 years into the future. The event included 10 teams of four players each, representing in-house lawyers/general counsel, law firm partners and managers, and associates/law students as well as a judging panel.<sup>74</sup>

The director of the centre, Professor William D. Henderson, published an article in the *ABA Journal* in July 2011 entitled *Law Job Stagnation May Have Started Before the Recession – And it May be a Sign of Lasting Changes*.<sup>75</sup> The article's premise is that the legal profession is undergoing a massive structural shift that will leave it dramatically transformed in the coming years. According to the authors, the changes we are witnessing reflect an urgent need for better and cheaper legal services that can keep pace with the demands of a rapidly globalizing world. Those who will successfully emerge from this shift will be the legal entrepreneurs" who are able to grapple with these three interconnected forces that make change inevitable:

- More sophisticated clients armed with more information and greater market power to rein in costs;
- A globalized economy that increases the complexity of legal work while exposing U.S. lawyers to greater competition;
- Powerful information technology that can automate or replace many of the traditional, billable functions performed by lawyers.

In addition, the centre hosts a blog on the development of legal services in China and India, but this aspect of the centre's activity is more of a survey of news items than a study.

## 2. HARVARD LAW SCHOOL, PROGRAM ON THE LEGAL PROFESSION

The mission of Harvard's Program on the Legal Profession is to increase understanding of the structures and norms of the legal profession in the United States and around the world through research, scholarship and teaching. To that end, the program conducts empirical research, develops new teaching materials and courses, and works to build bridges between the academy and the profession.

- Off-shoring of legal services

The program has an initiative examining the off-shoring of legal services. Through interviews with law students, venture capitalists, lawyers and corporate counsel in the U.S. and India, this initiative seeks to understand the types of legal work that are sent abroad, the areas of law that have the most off-shoring potential, the regulatory and political barriers to off-shoring, and the supply of expertise and talent in the off-shore marketplace. To date, no further information is provided and no publications are listed.

---

74 More information is available at: <http://firms.law.indiana.edu/events/futurefirm/>.

75 W. D. Henderson and R. M. Zahorsky, "Law Job Stagnation May Have Started before the Recession – And it May be a Sign of Lasting Changes", *ABA Journal*, July 1, 2011, available at: [http://www.abajournal.com/magazine/article/paradigm\\_shift](http://www.abajournal.com/magazine/article/paradigm_shift).

- Center on Lawyers and the Professional Services Industry

As part of its activities, the program hosts the Center on Lawyers and the Professional Services Industry. It was established in 2004 to help scholars and practicing lawyers better understand the transformation of legal practice from a profession traditionally made up of small independent firms to a multi-billion dollar global business. The center has three primary objectives: (1) conducting and sponsoring empirical research on the central questions facing the legal industry; (2) training the next generation of lawyers and leaders in thoughtful consideration of these questions; and (3) fostering closer ties between academic researchers and professionals in the field.

The centre published a report entitled *Overview of the Professional Services Industry and the Legal Profession*.<sup>76</sup> The report provides an overview of the professional services industry in the United States, with special reference to the legal profession. It notes that those who seek legal assistance uniformly complain about its cost, including the fact that over the last decade, corporate firms have increased their hourly rates by 6% to 8% percent annually, nearly double the rate of inflation. As a result, although most large corporate clients still purchase legal services on an hourly basis, these same companies exert greater control over outside counsel than in the past.

Many companies have instituted e-billing systems to monitor firm expenditures, and several have promulgated lengthy guidelines to constrain spending, including precluding the use of first-year associates. They also may impose staffing restrictions and pre-limit the time that a lawyer can spend on certain types of legal tasks. Roughly one-third of companies also are experimenting with alternative fee arrangements. Still other companies, most notably General Electric, have conducted online-auctions to find cost-effective firms. The report also notes that law firms increasingly view themselves as businesses, paying more attention to bottom line profitability, which in turn has led to a number of internal structural changes.

With respect to the potential rise in interdisciplinary firms, corporate scandals such as the collapse of Enron have highlighted the complexities and conflicts of interest that can arise when different types of professional services are delivered by a single firm. Finally, on the question of outsourcing work, the report notes that some firms use Indian companies to provide only paralegal-level research assistance, electronic document management, due diligence research, and document review, but that others are sending more important work to India, such as patent applications and other intellectual property and transactional work.

- The Globalization, Lawyers, and Emerging Economies Project

This project investigates the impact of globalization on the corporate legal sector in major emerging economies and the effect of changes in this sector on other parts of the legal order, including legal education and the provision of legal services to underrepresented groups. It attempts to analyze the transformation of corporate legal sectors in major emerging economies and to understand how these developments may in turn reshape legal practice in established markets such as North America and Europe. The project currently focuses on developments in India, China and Brazil.

---

<sup>76</sup> This report is available at: [www.law.harvard.edu/programs/plp/pdf/Industry\\_Report\\_2007.pdf](http://www.law.harvard.edu/programs/plp/pdf/Industry_Report_2007.pdf).

In April 2012, a conference entitled *The Global Legal Profession* was organized under this initiative. The topics covered included: the need for global information; the role of government in helping to build a global legal profession; and globalization of legal education: training global lawyers.<sup>77</sup>

In December 2012, a conference sponsored by Harvard Law School's Program on the Legal Profession and the Indian School of Business looked at the intersection between business and law in India's corporate sector, with an eye to demand, regulation and evolution of professional services in the coming decade. This event brought together leading scholars, policymakers and practitioners from around the world to examine how economic liberalization and other forces of globalization are reshaping the corporate legal profession in important emerging economies such as India, China, and Brazil — and how these changes are in turn reshaping legal education, the delivery of legal services, and the rule of law.<sup>78</sup>

- The Future of Legal Education Initiative (FutureEd)

This research project aims to examine various aspects of legal education reform through research and the development of scholarship and action plans on various aspects of legal education reform to lead to concrete reform proposals. FutureEd conferences have been organized in collaboration with New York and Harvard law schools to discuss ideas about legal education.<sup>79</sup>

### 3. STANFORD LAW SCHOOL, CENTER ON THE LEGAL PROFESSION

The Stanford Center on the Legal Profession, launched in January 2009, supports research, teaching, programs and public policy initiatives on crucial issues facing the bar. Building on its predecessor, the Keck Center on Legal Ethics and the Legal Profession, the centre focuses on issues of professional responsibility and the structure of legal practice. Central concerns include how to

---

77 More information on this conference and other past events is available at: [http://www.law.harvard.edu/programs/plp/pages/glee\\_events.php](http://www.law.harvard.edu/programs/plp/pages/glee_events.php). Presentations and publications under the project are available at:

[http://www.law.harvard.edu/programs/plp/pages/glee\\_publications.php](http://www.law.harvard.edu/programs/plp/pages/glee_publications.php).

78 More information on this conference is available at:

[http://www.law.harvard.edu/programs/plp/pages/future\\_of\\_corporate\\_business\\_in\\_india.php](http://www.law.harvard.edu/programs/plp/pages/future_of_corporate_business_in_india.php).

79 More information on these conferences is available at:

[http://www.law.harvard.edu/programs/plp/pages/future\\_ed\\_conference.php](http://www.law.harvard.edu/programs/plp/pages/future_ed_conference.php).

enhance access to justice, sustain ethical values, improve bar regulatory structures, and effectively respond to the changing dynamics of legal workplaces.

The centre has no publications to date of relevance to the future of the legal profession, but did host, in February 2010, a seminar entitled *The Legal Profession in a New Economy*.<sup>80</sup> No recording of this event is available.

In December 2010, Stanford Law School announced the launch of a comprehensive empirical study of the state of the legal profession with financial support from the Sidley Austin Foundation. The objective of the multi-year study was to “describe and understand the state of the profession, including trends and emerging developments. The study sought to develop policy recommendations to help law firms adapt their business models to better meet the needs of their clients and of a rapidly changing legal market.”<sup>81</sup> The study was conducted through the school’s Center on the Legal Profession over three to five years.

The centre held a discussion on May 2, 2012 entitled *Unbundling and the Future of Legal Service Delivery*, which focused on virtual law firms and the delivery of online legal services as well on trends in Web-based unbundled delivery.<sup>82</sup> In November 2012, the centre hosted a discussion with William Henderson, Professor of Law and Director of Indiana Law School’s Center on the Global Legal Profession, and Marc Galanter, Professor of Law and South Asian Studies at the University of Wisconsin. Henderson and Galanter discussed how the law firm model continues to evolve as a result of technological advances, the economic crisis, and client demands, and how the new model may affect career paths, work-life balance, and diversity.<sup>83</sup>

In April 2013, the centre was to organize a symposium entitled *The Future of Legal Education and the Legal Profession*. No more information is available on this event at the time of writing.<sup>84</sup>

#### 4. UNIVERSITY OF MIAMI SCHOOL OF LAW, CENTER FOR ETHICS AND PUBLIC SERVICE

Although the Miami Center for Ethics and Public Services was identified in the research plan as a potential source of information on the future of the legal profession, a review of the information posted on its webpage revealed nothing of relevance for the present report.

---

80 Information on this seminar is available at: <http://www.law.stanford.edu/calendar/details/3731/Necessity%20is%20the%20Mother%20of%20Innovation:%20The%20Legal%20Profession%20in%20a%20New%20Economy/>.

81 More information is available at: <http://www.law.stanford.edu/news/pr/134/Stanford%20Law%20School%20Launches%20Major%20Study%20of%20the%20Legal%20Profession%20with%20Research%20Support%20from%20the%20Sidley%20Austin%20Foundation/>.

82 More information on this event is available at: <http://www.law.stanford.edu/calendar/details/6881/Unbundling%20and%20the%20Future%20of%20Legal%20Service%20Delivery/>.

83 More information on this event is available at: <http://www.law.stanford.edu/event/2012/11/15/the-changing-law-firm-model-a-discussion-with-professor-william-henderson-and-professor-marc-galanter>.

84 This event is advertised at: <http://www.law.stanford.edu/event/2013/04/26/the-future-of-legal-education-and-the-legal-profession-symposium>.

## 5. GEORGETOWN CENTER FOR THE STUDY OF THE LEGAL PROFESSION

The Georgetown Center for the Study of the Legal Profession<sup>85</sup> is devoted to promoting interdisciplinary study of the legal profession and to providing members of the bar with broad perspectives on trends and developments in legal practice. The centre pursues these activities primarily by sponsoring conferences and workshops, research and publications, and speakers to foster exchanges among scholars, practitioners and students.

Among its sponsored discussions of special relevance to this report are the following topical symposia.

- Symposium on the status of the legal profession: *Facing the Challenges of the 21<sup>st</sup> Century*

This symposium was held in April 2011 and examined various topics, including the special challenges of technology, professionalism and ethics, legal education, training and mentoring, and the influence of the media on the image of the legal profession. Conference materials can be found on the symposium's website.<sup>86</sup>

- Conference entitled *Trends in the Delivery of Corporate Legal Services*

This conference, which took place in March 2011, was designed to provide concrete insights into how corporate legal departments and outside service providers can collaborate to provide valuable and cost-effective legal services. Featured presentations were on the following topics:

- How inside counsel select law firms and how their relationship evolves through distinct stages;
  - How clients and service providers are attempting to define and measure the value of legal services;
  - How service teams can draw on members' expertise to provide innovative results for clients; and
  - How clients, law firms, and other providers are attempting to organize work in a coordinated legal services supply chain.<sup>87</sup>
- Law Firm Evolution: Brave New World or Business as Usual?

This symposium took place in March 2010 and brought together scholars, practitioners, and legal professionals from around the world to discuss the future of the market for legal services, and the implications of change for the organization of law practice, legal career paths, law schools, and lawyers' sense of professional identity. Six panels were organized:

- Creative destruction and innovation;
- Emerging trends in legal services;
- Business models: strategy and governance;

---

85 Information on the centre is available at: <http://www.law.georgetown.edu/legalprofession/>.

86 More information on the symposium and conference documents are available at: <http://www.innsocourt.org/Content/Default.aspx?Id=5049>.

87 More information is available at: <http://apps.law.georgetown.edu/continuing-legal-education/showEventDetail.cfm?ID=250>.

- Rethinking legal education and training;
- Managing law firm labor force; and
- Capitalizing law firms.<sup>88</sup>
- The Future Is Here: Globalization and the Regulation of the Legal Profession

This May 2009 symposium was jointly organized by the Center and the ABA Center for Professional Responsibility and Standing Committee on Professional Discipline. It explored recent global legal practice developments such as the U.K. *Legal Services Act* and Australian developments relating to incorporated legal practices and publicly traded law firms with a view to understanding the forces behind these developments and how they affect U.S. clients and lawyers.<sup>89</sup>

- Developments in the U.K. and Australia: How Might They Affect the Regulation of Legal Practice in the United States?

In April 2009, Professor Schneyer of the University of Arizona discussed the implications of recent reforms in the U.K. and Australia for the regulation of lawyers in the U.S. These reforms include the authorization of outside investment in law firms, the establishment of a regulatory agency independent of the bar, and the creation of separate regulatory programs for large law firms.

- Symposium on empirical research on the legal profession: Insights from Theory and Practice

This March 2009 symposium brought together scholars, practicing lawyers, print and electronic journalists, consultants and communications experts from the U.S. and elsewhere to discuss how empirical research on lawyers and law practice could inform our understanding of issues facing the profession.

The symposium addressed several leading challenges for the legal profession, including: What do patterns of lateral mobility of lawyers in large law firms tell us about the structure, management and culture of the firms? Are law firms constrained by regulation in their global growth? What is the relationship among lawyers, the media and communications specialists in representing clients? How does the interaction of these groups shape law firm reputation and legitimacy?<sup>90</sup>

- Symposium on the future of the global law firm

This April 2008 symposium brought together scholars from a range of disciplines, legal practitioners, regulators, and consultants and experts on professional service firms to discuss a variety of forces that are likely to shape the global market for law firm services in the years to come. Issues such as the financial, organizational, and cultural dynamics of law firms; management strategies and business models in the global legal services market; law firm access to various sources of capital; and the impact of market forces on professional ethics, values, and identity were

---

88 More information is available at: <http://apps.law.georgetown.edu/continuing-legal-education/showEventDetail.cfm?ID=230>.

89 More information is available at: [http://www.americanbar.org/content/dam/aba/migrated/cpr/regulation/conf\\_materials.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/cpr/regulation/conf_materials.authcheckdam.pdf).

90 More information on this symposium can be found at: <http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/documents/upload/Empirical-Research-2009.pdf>

discussed and informed in particular by discussing the U.K. *Legal Services Act* and the emergence of the publicly traded law firm in Australia.<sup>91</sup>

- Insights into the legal profession

The centre also runs a speaker series entitled “Insights into the Legal Profession”. The series is intended to present different perspectives on where the legal profession presently is and where it may go in the future.

In March 2010, James Jones of Hildebrandt made a presentation entitled *Rethinking the Nature of Legal Services: Challenges for Lawyers in a Time of Revolutionary Change* and Bruce MacEwen, law firm consultant and founder of the on-line publication Adam Smith, Esq., presented one entitled *Economic & Strategic Perspectives on the Current Environment*.<sup>92</sup>

In April 2013, the centre was host to a symposium entitled *The Shrinking Pyramid: Implications For Law Practice and the Legal Profession* to look at the potential implications of the major shift in how legal work is organized and provided, and how careers in the law will be unfolding. The following panels were scheduled:

- Collaboration and innovation in the new normal;
- Re-engineering legal services;
- Emerging markets: Brazil, India, and China;
- Corporate clients and outside law firms: Procurement or partnership?;
- Sustainable law firm models: beyond the pyramid?<sup>93</sup>

---

91 More information on this symposium can be found at: <http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/documents/futureglobalfirm.cfm>.

92 More information is available at: <https://www.law.georgetown.edu/academics/centers-institutes/legal-profession/practice/lectures.cfm>.

93 More information on this symposium is available at: <http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/Shrinking-Pyramid.cfm>.

## 6. THE UNIVERSITY OF MARYLAND LEADERSHIP, ETHICS AND DEMOCRACY INITIATIVE

Created in 2008, this initiative focuses on law students and aims at ensuring that they realize their leadership potential, develop good ethical and moral judgment, and develop cross-cultural competence. Its main themes are:

- Lawyers as leaders;
- Ethics and professionalism;
- Community development and democracy building.

While the research undertaken under the auspices of this project does not directly touch on the future of the legal profession, one activity sponsored by the initiative is worth mentioning. In April 2010, a symposium entitled *The Profession and the Academy: Addressing Major Changes in Law Practice* was held. Participants discussed the wide-spread changes in law firms, large, medium and small, and the ways in which these changes are influencing behaviour, including ethical practices of lawyers, and how law schools might respond to these changes. Presenters came from the academic and practise fields.<sup>94</sup>

### C. OTHER

While the focus of the present report is on U.S. and Canadian university research centres, one non-North American centre bears mention. It is regularly referred to by the U.S. centres listed above.

- The Oxford University Saïd Business School Novak Druce Centre for Professional Service Firms

Based at Oxford University's Saïd Business School, the Novak Druce Centre for Professional Service Firms is a hub for academic research into the management of professional service firms. Its members work closely with top practitioners to explore the key challenges confronting the professional services sector.

The centre researches the internal and external dynamics of professional service firms. Although its primary focus is on the management of such firms and the issues faced by people working within them, it is also concerned with the governance of professional service firms more generally, addressing policy issues of concern to both clients and regulators.

Of relevance are two working papers, reviewed in the section on academic articles:

- Make-or-Buy Decisions in Legal Services: A Strategic Perspective, by Mari Sako
- General Counsel with Power?, by Mari Sako

Sako also made a presentation entitled *Innovation in Services: Possible Futures for International Law Firms in 2009* in London.

In February 2013, she was to convene a seminar entitled *Make-or-Buy Decisions in Corporate Functions: Evidence from Legal Departments of Fortune 500 Companies*.<sup>95</sup>

---

94 More information on the symposium is available at: <http://www.law.umaryland.edu/faculty/conferences/detail.html?conf=93>.

95 More information on the centre is available at: <http://www.sbs.ox.ac.uk/centres/professionalservices/Pages/NovakDruceSeminarSeries.aspx>.



# VI

## FIRMS AND LEGAL FUTURISTS

### A. CONSULTING FIRMS

#### 1. HILDEBRANDT

At the time this research was initially undertaken, Hildebrandt had a website that devoted a specific section to its LawVision initiative. In this section, the consulting firm explained its belief that the legal industry would soon face a revolutionary change caused by various market forces (globalization, increasing competition, competition for talent, technological innovation), all of which would require revisiting the traditional law firm model. Hildebrandt added that the recent recession accelerated the push for change but did not cause it.

According to Hildebrandt, the question at the centre of the debate on the future of the legal profession is whether the rethinking of the traditional law firm model will come to an end once the recession is over, or whether the profession is at the beginning of a period of fundamental changes. The changes reviewed by Hildebrandt affecting the traditional law firm business model included:

#### CHANGES AFFECTING THE TRADITIONAL LAW FIRM BUSINESS MODEL

1. Growing client frustration with the rapidly escalating cost of legal services.
2. Client expectations for more efficient delivery of legal services, including the willingness and ability to disaggregate work to achieve efficiencies.
3. Dramatically decreasing demand for legal services in certain practice areas.
4. Radical restructuring of the financial services sector in ways that impact traditional high-profit client relationships of many law firms.
5. The changing regulatory environment for many other industries.
6. The current oversupply of new lawyers that has resulted in many firms laying off professional staff, deferring start dates, and cutting back on summer programs and overall hiring efforts.

A key aspect of Hildebrandt's LawVision initiative consisted in a series of research projects (which are not publicly available) to evaluate the changing dynamics of the legal industry by systematically assessing the impact of emerging business models on law firms and legal departments. Hildebrandt was assembling teams of industry thought leaders to focus on broad areas of potential change, including firm economics, structure, talent, service delivery, pricing, technology and culture.

In 2010, Hildebrandt was acquired by Thomson Reuters and now operates as the Hildebrandt Institute, a division of Thomson Reuters.<sup>96</sup> The Hildebrandt Institute offers

<sup>96</sup> The Hildebrandt Institute's website is at: <http://hildebrandtblog.com/>.

“innovative programming, research and data that provide law firm leaders with business critical information, the latest trends, and cutting edge analysis of the most pressing issues and problems confronting the legal conference”. The institute also has a blog on which it shares legal business trends, news and upcoming events. Information or entries on the future of the legal profession were not found on the new website. Information on the Law Vision Initiative is no longer available.

## 2. ROBERT HALF LEGAL

In 2012, Robert Half Legal published a report entitled *Future law Office: Technology's Transformation of the Legal field* which examines how technological innovations have impacted and continue to impact the practice of law, the management of law firms and corporate legal departments, as well as the relationships between legal counsel and their clients. Among the key findings of the report are:

1. With smartphones, tablet computers, wireless networks and cloud computing, much legal work can be accomplished outside the walls of the traditional law firm. As a result, telecommuting is on the rise among associates, and the physical footprint of today's law firm is shrinking. Some offices are even going completely virtual.
2. Client demands for 24/7 access to information pertaining to their case and matters have prompted law firms to set up secure portals and collaborative spaces to facilitate communication and interaction. This has heightened awareness of a critical need for secure technology sharing environments.
3. Professional networking via social media sites is on the rise and gaining wider acceptance in the legal field. However, many lawyers and firms still have concerns about privacy and the inadvertent disclosure of client information when using social media.
4. Technology has levelled the playing field to a great extent, enabling solo practitioners and small firms to establish a large-firm-like presence online and serve clients in locations that fall outside their historical/traditional geographic reach.
5. Information technology (IT) departments and their specialists are key to many law firm operations. Because of the internal nature of technology in the practice of law, IT departments are helping to support key business objectives.
6. Technology has created new non-associate positions within law firms, such as IT forensic analysts, e-discovery specialists and social media strategists.
7. If a corporate legal department has access to the same high-tech systems and tools as law firms, the department may opt to keep the work in-house and outsource more complex matters, such as e-discovery.
8. E-discovery remains both a growth area and a challenge for law firms and their corporate clients. A rising number of corporations and law firms are partnering with third-party e-discovery services providers who handle document review and project management.<sup>97</sup>

97 The report is available at: <http://www.roberthalflegal.com/futurelawoffice>.

In 2012, this firm also produced another report entitled *Future Law Office: Technology Reshapes the Legal Support Profession*. This report provides an overview of technology trends affecting the work of legal support professionals and offers insights into the hiring environment as well as the skills needed for success in today's market.<sup>98</sup>

In 2011, Robert Half Legal published a report entitled *Future Law Office: Best Practices for a New Era in the Legal Profession*<sup>99</sup> which examines how law firms and corporate legal departments are responding to economic pressures and changes in client expectations resulting from a highly competitive business environment. Among the key findings of the report are:

1. Law firms are making strategic hires in the current business climate, focusing on senior- and partner-level lawyers with portfolios of clients.
2. To manage rising caseloads while still adhering to tighter budgets, law firms and corporate legal departments are using project teams as an alternative to or to augment the contributions of full-time staff.
3. In an effort to control legal spending, more corporate legal departments are setting up alternative fee arrangements with their outside law firms.
4. Law firms are staffing cases and matters more leanly, being careful not to create teams that are top-heavy (too many partners) or bottom-heavy (too many junior associates).
5. A thorough understanding of the client's business and the issues it faces, along with flexibility on fees, form the cornerstone of the new service model among law firms.
6. Paralegals are being asked to take on additional legal duties and administrative responsibilities as their roles become more complex and demanding.
7. Corporate legal departments are implementing legal recovery programs as part of a shift from being cost centres to profit centres for the company.
8. Legal departments are using a dynamic mix of in-house resources, project lawyers, third party service providers and outside counsel to manage e-discovery projects.

---

98 The report is available at: <http://www.roberthalflegal.com/futurelawofficelegalsupport>.

99 The report is available at: [http://s3.amazonaws.com/DBM/M3/2011/Downloads/RHL\\_FutureLawOffice\\_2011.pdf](http://s3.amazonaws.com/DBM/M3/2011/Downloads/RHL_FutureLawOffice_2011.pdf).

In 2010, Robert Half Legal produced a comprehensive report entitled *Future Law Office: Delivering Maximum Value in a Cost-Conscious Legal Era*.<sup>100</sup> The report explores what corporate legal departments and law firms serving business clients can do to adapt and thrive in a landscape of continuing change. As with other reports reviewed, Robert Half Legal explains that the recession accelerated changes already in motion.

Corporate legal departments are demanding more value for their spending, more predictability, better communication, transparency in billing, and improved efficiency. In response, law firms are finding that they must leave behind or modify some long-established traditions in order to remain competitive. As firms reach out for new business, they must more effectively demonstrate how they can bring value to a company. Importantly, law firms must mirror their clients in business outlook, including communicating with the client to ensure that the client remains satisfied with the work and its value. Some of the old ways under review are billable-hour models, lockstep pay, partner compensation, the path toward partner, the way law firms manage their relationships with clients, and staffing first-year associates. As emphasized in other reports, the role of in-house counsel seeking greater efficiencies, and trimming costs is also identified an important factor in the changing legal landscape.

### **3. LEGAL TRANSFORMATION STUDY – YOUR 2020 VISION OF THE FUTURE**

In early 2007, in response to recurring customer requests for strategic planning counsel, a group of industry practice leaders from law firms, corporate law departments and legal service supplier organizations were brought together to collectively envision the future of the legal profession. Determined to champion strategic planning for the legal industry, this group commissioned the global strategic and scenario planning experts at Decision Strategies International (DSI) to design a navigational plan to help all participants in the legal industry better understand, assess and prepare for their collective future.

The study was sponsored by Encore Discovery Solutions, Altman Weil Inc., Jomati Consultants LLP, Bridgeway, Deloitte Financial Advisory, Services LLP, DuPont Legal, Eversheds, Intellevate, Meritas and Solomon Page Group LLC.<sup>101</sup> DSI interviewed scores of industry experts, conducted extensive market research, and identified legal service trends and uncertainties. The identified trends included:

#### **TRENDS AFFECTING THE LEGAL SERVICE MARKET**

1. Unbundled, outsourced and bifurcated legal services.
2. Increased application of technology and Internet-based service delivery.
3. Expanded globalization of legal practice.
4. Heightened demand for legal work from economic and regulatory forces.
5. Standardized legal information.

<sup>100</sup> A podcast relating to the report is available at: <http://www.roberthalflegal.com/podcast>.

<sup>101</sup> More information on the study is available at: <http://www.legaltransformation.com/>.

6. Deepened interest in work/life balance issues.
7. Heightened demand for specialized experts.
8. Enhanced role of non-lawyer business managers in law firms and legal departments.
9. Increased authority of corporate management in legal purchasing decisions.

In turn, the concurrent uncertainties included:

#### CONCURRENT UNCERTAINTIES AFFECTING THE LEGAL SERVICE MARKET

1. What purchase and delivery models will develop for legal services?
2. What type of regulatory and compliance environment will exist?
3. What will the global economy look like?
4. Will the legal profession become deregulated?
5. Will the industry face a skill shortage?
6. How much will third parties focus on cost?
7. How much of a role will privacy and data security issues play in litigation?
8. Which litigation model will prevail globally?
9. Will non-governmental organizations shape and influence regulatory regimes?
10. How much will smart technologies that mimic lawyerly tasks penetrate the legal services market?

The executive summary of the study is available without charge online. The full study can be bought for \$299.

#### 4. DISCOVERREADY

In a 2010 report entitled *The Evolution of the Legal Profession*,<sup>102</sup> Discover Ready examines the views of a range of legal actors on the changing legal landscape, including law school deans and professors, in-house counsel, practitioners and other industry experts. The report reveals nothing not covered in more depth elsewhere, including the increasing role of in-house counsel in controlling and reducing costs and the increasing use of alternatives to hourly billing. Of note, the report suggests that law schools incorporate a management component to their LLB programmes to ready law students for the realities of the new management-style law firm.

In January 2011, DiscoverReady sponsored a keynote address by futurist Michael Rogers on *A Look at the Law: 2020: A Radical Perspective on How Technology Will Shape the Legal Industry 10 Years From Now. Will You Be Ready?* While a copy of the address was not available online, a Q&A conversation between Rogers and DiscoverReady's CEO was available on the company's website to

---

<sup>102</sup> The Report is available at: [http://discoverready.com/wp-content/uploads/DOLA34009\\_Evolution\\_v01.pdf](http://discoverready.com/wp-content/uploads/DOLA34009_Evolution_v01.pdf)

highlight “what’s in store for the audience and what they will learn from his keynote on the future of the legal profession”. According to Rogers, by the end of the decade, we will be surprised at how less important physical offices will have become, how intelligent software will perform a wide variety of legal activities, and how outsourcing of every intellectual activity will have been inevitable.<sup>103</sup>

## 5. JURES

- ABSolutely Fabulous

This report, published in June 2012, was produced by the legal research company Jures and explores the impact of U.K. *Legal Services Act 2007* on the legal services market, following *Brave New Worlds: New Thinking in Legal Services* (2012), *Big Bang: Opportunities and Threats in the New Legal Services Market* (2009), and *Shopping Around: What Consumers Want From the New Legal Services Market* (2010), all reviewed below. This report is based on a major survey of 100 commercial law firms and looks at whether there is an appetite for alternative business structures (ABS), which became possible under the 2007 Act. The report emphasises that it would be premature to dismiss a generally low-profile start to the new regime (only seven ABSs were licensed) as evidence of disinterest by the profession in the legislation liberalising agenda. Tina Williams, a partner at the firm that commissioned the study, is of the view that “the LSA is an enabler and is about new models for the provision of legal services not yet contemplated. It is very early days and we can expect a lot more innovation in the coming months and years.”<sup>104</sup>

- Brave New Worlds: New Thinking in Legal Services

This report, published in January 2012, examines different approaches to the provision of legal advice and the delivery of legal services by ‘the institutions’ (i.e. the prospective alternative business structures) as compared to the ‘existing players’ (i.e. traditional law firms), focusing on innovation in the delivery of legal services. The report highlights how clients want and expect better standards of service and increased options in terms of how those services are delivered and how they are paid for. It emphasizes how opening up the legal services market, while controversial, might mark a genuine opportunity for lawyers and their clients.<sup>105</sup>

- Shopping Around

In June 2010 Jures released a report entitled *Shopping Around - What Consumers Want from the New Legal Services Market*.

Jures commissioned research to identify what consumers might want from the new legal services market that will take shape with the *Legal Services Act* and whether the prospects of familiar downtown brands entering legal services was an attractive proposition. Jures then asked what consumers really thought about lawyers; how they wanted their legal advice; and how they wanted to pay for that advice.

---

<sup>103</sup> The “Q&A with Michael Rogers – A Look at the Law in 2020” is available at: <http://discoverready.com/blog/qa-with-michael-rogers-a-look-at-the-law-in-2020/>.

<sup>104</sup> The report’s executive summary is available at: [http://www.jures.co.uk/whitepapers/GOTq4YIs\\_ABS%20Report\\_A4.pdf](http://www.jures.co.uk/whitepapers/GOTq4YIs_ABS%20Report_A4.pdf).

<sup>105</sup> The report’s executive summary is available at: [http://www.jures.co.uk/whitepapers/g6YcD351\\_New%20thinking%20in%20legal%20services%202012%20-%20FINAL.pdf](http://www.jures.co.uk/whitepapers/g6YcD351_New%20thinking%20in%20legal%20services%202012%20-%20FINAL.pdf).

According to the publicly available executive summary of the report, the research indicates that there is an appetite among consumers for better ways to distinguish quality and make choices when it comes to legal services. The new regulatory framework in the U.K. will likely respond to this consumers desire and has the potential to dramatically change the relationship between lawyers and the public. Some of the specific questions that were asked of participants and associated results are available in the executive summary.<sup>106</sup>

- Big Bang Report

In 2009, Jures released *The Big Bang Report - Opportunities and Threats in the New Legal Services Market*. The report examines the impact of the U.K. *Legal Services Act* on all parts of the legal profession as well as its impact on non-lawyer businesses offering legal services. The research is based on more than 50 interviews with law firms, barristers' chambers, not-for-profit agencies providing legal advice, representative bodies, prospective new entrants into the legal services market plus regulators of legal services and government agencies and highlights the opportunities and threats the reform presents. The report also contains five in-depth cases studies profiling non-law businesses with ambitions under the *Legal Services Act*.<sup>107</sup>

It is worth noting that the same research firm produced a report in April 2010 entitled *Closing the Justice Gap – New Thinking on an Old Problem* in association with Young Legal Aid Lawyers. The report consists in a collection of essays, which aim at generating a debate about how best to improve access to justice in the U.K.<sup>108</sup>

## 6. BADENOCH & CLARK

Badenoch & Clark commissioned Legal Week Intelligence to survey its readership on the future of the law in the light of various issues impacting the profession, including the U.K. *Legal Services Act* 2007, the recession, legal process outsourcing, and changes in pay structures. Over 900 partners and associates took part in the 2010 survey from law firms across the U.K. ranging from magic circle firms to regional firms.<sup>109</sup>

---

106 The executive summary of the report is available at: [http://www.jures.co.uk/whitepapers/5Poe5DkN\\_jures-final-wholereportforsite.pdf](http://www.jures.co.uk/whitepapers/5Poe5DkN_jures-final-wholereportforsite.pdf).

107 The executive summary of the report is available at: [http://www.jures.co.uk/whitepapers/7hOq2Z42\\_jures\\_Big\\_Bang\\_Report.pdf](http://www.jures.co.uk/whitepapers/7hOq2Z42_jures_Big_Bang_Report.pdf)

108 The report is available at: [http://www.jures.co.uk/whitepapers/EqCGINP3\\_Closing%20the%20Justice%20Gap.pdf](http://www.jures.co.uk/whitepapers/EqCGINP3_Closing%20the%20Justice%20Gap.pdf).

109 The results of the survey are available at: <http://www.future-lawyers.co.uk/resources/>.

The survey shows that the debates on pay, alternative fee structures and globalisation are the single biggest issues on the minds of both partners and associates. Among the skills needed to excel in the legal market of the future, there were surprisingly low responses for IT literacy, managerial skills, or financial management, suggesting that lawyers do not fully appreciate the nature of the changes they will face.

In line with other reports, the following key changes on the horizon were identified:

### **KEY CHANGES THAT WILL LIKELY BEEN SEEN IN LAW FIRMS**

1. Alternative business structures
2. Lockstep versus merit-based pay
3. Alternative fee structures
4. Legal process outsourcing
5. Over-specialization of associates
6. An increase in the proportion of paralegal staff within practices
7. Globalization

Also of note, few lawyers expect the Law Society to assist them in meeting the challenges facing the future of the legal profession.

### **7. AML LEGAL INTELLIGENCE**

AML Legal Intelligence is a firm that produces surveys on a wide range of questions of interest to the legal profession. No survey explicitly relates to the future of the legal profession, although five surveys undertaken by this firm could be of interest: Law Department Legal Outsourcing Study, Changes in Law Firms Staffing Structure, Productivity in the Legal Profession: The Impact of Mobile Technology, Life after Leverage: New Models of Law Firms Staffing, and Law Firms and Alternative Fee Arrangements. Surveys are available at a cost.<sup>110</sup>

### **8. COBB CONSULTING**

Cobb Consulting is the small consulting firm of William Cobb, who chaired both of the ABA's *Seize the Future* conferences in 1997 and 1999. Cobb has written on the future of the legal profession primarily in the context of changes threatening law firms (with the underlying purpose of demonstrating how his firm services can be useful to address these changes). Of interest, his article "The End Times for a Law Firm"<sup>111</sup> identifies nine major areas in which law firms are failing to respond to the changing conditions in the legal profession. These are:

---

<sup>110</sup> Surveys can be ordered at: <http://www.amllegalintel.com/>

<sup>111</sup> Cobb Consulting's publications can be accessed at: <http://cobb-consulting.com/articles.php>.



## FACTORS THAT LAW FIRMS ARE FAILING TO ADDRESS

1. The internal culture is changing to an eat-what-you kill environment and away from a partnership.
2. Vision is becoming disengaged from a common base and the leadership of the founders.
3. Core values are unique to lawyers and client teams and not the firm.
4. The organization of the firm is set up around products provided by lawyers and not the needs of the market.
5. Staffing is unorganized and *ad hoc*. Training and assimilation of associates is spotty at best.
6. Practice groups and sections do not reflect the needs of the market but the needs of lawyers to make more money.
7. Client management is focused on the size of individual portfolios and not on the creation of a team to support and meet the needs of the client.
8. Lawyers in charge of projects are focused on hours put into the file to add value and not the perspective of what the client perceives as value added. Others on the team are assigned to piecemeal tasks. There is no overall project plan and communication of the tasks as they fit into the overall satisfaction of client needs. Hours are more important than efficiency.
9. The compensation system only rewards hours worked and billing credits owned.

In *Becoming a Change Insurgent in the Legal Profession*, Cobb seeks to generate ideas among legal professionals on how to push for change.

## THE 10 RULES OF THE CHANGE INSURGENT

1. Manage the blood supply: Every law firm needs new ideas, new perspectives, and new ways of thinking about its services and its clients;
2. Find, hire, and promote people who make you — and the organization — uncomfortable;
3. Undermine or subvert ‘relations’ people: Do not let people who are worried about how the decisions may affect others and sensitive people in the firm take control;
4. Conduct heat: The objective is to conduct enough heat and smoke to cause change and move people to a new tent without burning down the tent in which they live;
5. Turn the organization’s geeks and administrative staff into change allies;
6. Hold change resister’s hands: The change insurgents must show that they are concerned about the resisters while at the same time moving the change forward;
7. Use tough love: Sometimes the change agents must lay down the law;
8. New times demand new measures: Firms must move away from the old paradigm of measuring production in billable hours and collections from billing credits;
9. Just do it: The bureaucracy of legacy firms will do everything to slow down the process;
10. When you’ve got to go, you’ve got to go: Change insurgents are playing a high-risk and high reward game. If they succeed, the firm will prosper. If they fail, they need to move away.

### 9. ADAM SMITH, ESQ.

Adam Smith, Esq., is a consulting firm focusing on services to law firms and legal professionals globally. Among its services, Adam Smith, Esq. provides insights on emerging trends and implications of external factors, best practices and the impact of cultural considerations on law firms and law practice. While this consulting firm has not produced research or engaged on specific activities on the future of the legal profession, its website<sup>112</sup> often reports on events, articles, studies or books that relate to a certain extent to the future of the legal profession.

## B. LAW FIRMS

### 1. EVERSHEDES

Eversheds produced a report on the post-recession legal sector entitled *Law Firm of the 21st Century – the Client’s Revolution* (2010).<sup>113</sup> This reports is the result of research undertaken in which Evershed examines the legal landscape post-recession. While the methodology employed by Evershed is not clear, the report indicates that 130 general counsel and 80 law firm partners were surveyed.

---

<sup>112</sup> See [www.adamsmithesq.com](http://www.adamsmithesq.com).

<sup>113</sup> The report can be ordered from the firm.

Of note, when asked whether the recession would have a lasting impact on the profession, 78% of the respondents answered yes. The recession was not believed to be the key driver of change, but rather an accelerator of an extant change.

The report identifies four major factors driving change:

### FACTORS DRIVING CHANGE IN THE PRACTISE OF LAW

1. Globalization – the move to the East (notably China and India).
2. Increasing professionalism and status of general counsel.
3. Technology.
4. The U.K. *Legal Services Act*.

These factors will likely bring the following changes in the practice of law:

### EXPECTED CHANGES IN THE PRACTICE OF LAW

1. **Clients take centre stage:** The balance of power shifts to clients, with fee levels set for long-term overall decline or stasis and general counsel taking increased status and expanding their role in business;
2. **Delivery of legal services** is geared up to efficiency and value, with legal services becoming increasingly unbundled, the hourly rate becomes simply one billing tool among many to the benefit of value billing, and outsourcing increasing.
3. **Law firm market in flux,** with loyalty to the partnership model in decline as other models develop and less premium work means new optimal size for large international law firms.

## 2. ALLEN & OVERY

Over the last few years, Allen & Overy has hosted seminars in their London office targeted at regulators, commentators, opinion formers, and lawyers from around the world. The aim of this series of seminars is to contribute to the debate on the future of the legal profession and generate discussion on issues affecting law firms.

The most recent seminar in this series took place in September 2011 and was entitled *The Globalization Challenge – Balancing Risk and Opportunities*. In April 2010, a seminar entitled *Broadening Access to the Legal Profession - Rhetoric or Reality?* was held. Other relevant events on the future of the legal profession took place in 2009, including one called *Law Firm Workforce of the Future – Sacrificing Culture for Efficiency* and *Are There Better Ways to Regulate the Legal Profession*.

## C. LEGAL FUTURISTS

### 1. CHARLIE ROBINSON

Charlie Robinson is a Florida solo practitioner specializing in elder law. He has been involved in debates on the future of the legal profession, especially in the first half of the 2000s, during which he conducted workshops and lectured on the future of the legal profession. He has a simple website ([www.charlierobinsonfuturist.com](http://www.charlierobinsonfuturist.com)) on the future of the legal profession in which he includes his presentations and indicates that he consults for bar associations, law schools, and law firms. His presentations often offer a solo practitioner and small-firm perspective on the future of the legal profession.

Robinson was a member of ABA Law Practice Management Section Seize the Future Committee. He appears to have been less active in the last few years.

### 2. STUART A. FORSYTH

Stuart A. Forsyth is a consultant and legal futurist based in San Diego. He was consultant to the ABA Committee on Research About the Future of the Legal Profession in 2001-2002. His website ([www.thelegalfuturist.com](http://www.thelegalfuturist.com)) indicates that he is pursuing a masters' degree in studies of the future with a focus on the future of the legal profession. He offers consulting services on future planning and creating scenarios. A few presentations that he delivered in the early 2000s are available on his website.

### 3. RICHARD SUSSKIND

Although Susskind has published a great amount of work, his most relevant books for the purposes of this report are highlighted below.

- *The Future of Law* (Oxford University Press, 1996)

This is the first of Susskind's books on the topic of the future of the legal profession. In this study, Susskind demonstrates why and how IT will radically alter the practise of law and the administration of justice. According to Susskind, computers and telecommunications will provide the basis for the emergence of a different approach to legal service. He envisages a movement from advisory service to information service, to a legal information service which might fully meet the needs of individual citizens and businesses and yet differ markedly from the means by which legal guidance has traditionally been given. He claims that lawyers' failure to embrace the techniques and applications of IT will result in a substantial disservice to the community. In the longer term, ignoring IT may well mean commercial suicide for lawyers.

- *Transforming the Law* (Oxford University Press, 2000)

In this book, Susskind discusses the ways in which the Internet is transforming the delivery of legal services. He revisits *The Future of Law* by summarizing its central arguments, updating the main themes, clarifying the impact of his ideas on lawyers and responding to key objections by critics. He also looks beyond legal practice to the justice system more generally, concentrating on the impact of IT on judges, the courts and society.

- *The End of Lawyers?* (Oxford University Press, 2008)

In *The End of Lawyers?*, Susskind speaks to changes in the role of lawyers and the delivery of legal services principally as the result of two major forces: commoditization (the packaging of legal services in the market from various sources and at competitive prices) and the development of new information technologies (providing innovative lawyers and firms with increasing possibilities for alternative legal service delivery).

Susskind's prediction that clients will increasingly take control is echoed in almost every other study reviewed in this report, together with the result that the means by which and the price at which legal services are delivered will be shaped by the marketplace, and no longer by lawyers. Among the most important observations made by Susskind are the following.

#### *New legal services categories*

Susskind predicts that law firm business models will evolve to include the full range of services: bespoke (one-off, customized or tailored, such as litigation strategy); standardized (drawing upon precedents, process or previous work); systematized (reduced and applied to automated systems); packaged (systematized services exported to clients) and commoditized (packaged legal services readily available in the market, from a variety of sources and at competitive prices). His analysis suggests that legal services are being increasingly pulled to the latter categories, with less of a lawyer's work being focused on the bespoke and the standardized.

#### *Decomposition of legal tasks*

The decomposition of legal tasks into component parts will allow law firms to provide (and clients to demand) more efficient delivery of legal services. Among the examples given by Susskind, he suggests that clients will no longer agree to pay lawyers' fees for some aspects of drafting, researching, and problem-solving that could be undertaken by other, less expensive professionals.

Among the 12 sources of legal service, the most important include de-lawyering (giving a legal task to a non-lawyer, such as a paralegal), relocating (moving work to less expensive firm centres, out of major cities), off-shoring (moving work to other jurisdictions, such as India), outsourcing (giving work, such as document review and due diligence, to independent companies), subcontracting (giving work to other law firms), and computerizing (systematizing, packaging, and commoditizing legal work).

Susskind's main claim is that legal briefs will be liable to be decomposed into tasks, each of which may be discharged in a different way so as to maximize efficiency.

## *Lawyers of the future*

Susskind predicts that, in the future, lawyers will fall into five categories:

1. Expert trusted advisor: This is the practitioner of bespoke legal services, devoted to novel, complex or high-value challenges for which the skills of a lawyer are especially unique. Lawyers within this set will be a smaller group than is currently assumed.
  2. Enhanced practitioner: This lawyer will support the delivery of standardized, systematized, and packaged legal services. Less unique than the previous category of lawyer, this second category nevertheless offers legal services in a special way.
  3. Legal knowledge engineer: This lawyer will develop the standard document and procedures as well as the organization and representation of legal knowledge in computer systems.
  4. Legal risk manager: This emerging category of lawyer will anticipate and pre-empt legal problems for clients, playing a role akin to strategy consulting.
  5. Legal hybrid: This multidisciplinary lawyer will provide legal counsel as well as management consultancy, be a market expert and deal-broker.
- *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford University Press, 2013)

Susskind's latest book builds on his previous work and predicts fundamental and irreversible changes in the world of law. According to him, the future of legal service will be neither Grisham nor Rumpole. Instead, it will be a world of virtual courts, Internet-based global legal businesses, online document production, commoditized service, legal process outsourcing, and Web-based simulated practice. Legal markets will be liberalized, with new jobs for lawyers and new employers too. This book targets young and aspiring lawyers, and those who want to modernize the legal and justice systems. It introduces the new legal landscape and offers practical guidance for those who intend to build careers and businesses in law.

*Tomorrow's Lawyers* is divided into three parts. The first is an updated restatement of Susskind's views on the future of legal services, as laid out in his previous works. He identifies the key drivers of change, such as the economic downturn, and considers how these will impact on the legal marketplace. In the second part, Susskind sketches the new legal landscape, including the changing role of law firms and in-house lawyers and the coming of virtual hearings and online dispute resolution. The third part focuses on the prospects for aspiring lawyers, predicting what new jobs and new employers there will be, and equipping prospective lawyers with questions to put to their current and future employers.<sup>114</sup>

---

<sup>114</sup> This summary is based on Oxford University Press description of the book. More information is available at: <http://ukcatalogue.oup.com/product/9780199668069.do#.UQPKUUq50Sh>.

# VII

## ARTICLES

### A. ACADEMIC ARTICLES

#### 1. FUTURE OF THE LEGAL PROFESSION

- Three Generations of U.S. Lawyers: Generalists, Specialists, Project Managers<sup>115</sup>

Written by William D. Henderson, chair of the Indiana University Center on the Global Legal Profession, this article seeks to understand the gradual progression through three generations of lawyers, from the generalist to the specialist to the project manager who characterizes the current era. According to the author, this era is driven by the need for clients to obtain more and better legal work at a lower and more predictable cost. In order to keep pace with new client needs and demands, lawyers working for large corporate clients will increasingly layer their specialized legal knowledge with the skills of the project manager. To the extent that outside lawyers and law firms resist this gravitational pull — perhaps because they are too wedded to the success and prosperity of the specialist era — they will lose their seat at the economic table. As such, as the project manager era unfolds, old hierarchies in the U.S. legal profession will fall and new hierarchies will be created.

- The Future of the Legal Profession<sup>116</sup>

This article is based on a keynote address by Dean Robert Stein of the University of Minnesota Law School. Stein argues that the legal profession is about to go through major changes: a possible move toward national or even international licensure and regulation, the debate on multi-disciplinary practices will resurface and the pace of technological changes will continue to impact on the practice of law. It will be important for the legal profession to demonstrate that it can work faster, better, and more inexpensively, “otherwise economic forces will move the work elsewhere”.

---

115 W. D. Henderson, “Three Generations of U.S. Lawyers: Generalists, Specialists, Project Managers”, (2011) 70 *Maryland Law Review* 373.

116 R. A. Stein, “The Future of the Legal Profession”, (2006) 90 *Minnesota Law Review* 1.

- Federalizing Legal Ethics, Nationalizing Law Practice, and the Future of the American Legal Profession in a Global Age<sup>117</sup>

While not dealing with the future of the legal profession as such, this article addresses the topic of the future of legal regulation. It looks at the ongoing nationalization and globalization of law practice, exploring its causes and effects and argues that the current state-based approach to the regulation of the legal profession ill fits the new landscape of law practice, and studies several approaches to responding to the nationalization of law practice. The author rejects both the status quo and the nationalization of the regulatory approach to law practice, but proposes a third, intermediary approach: retaining the current-based admissions, licensing, and disciplinary apparatus, while adopting an open-border national jurisdiction for purposes of lawyers' authorized law practice.

## 2. "MAKE OR BUY"

- Supply Chains and Porous Boundaries: The Disaggregation of Legal Services<sup>118</sup>

This article took Rio Tinto's recent contract with CPA Global, a leading provider of legal process outsourcing, as its starting point. Through this contract, CPA Global will undertake millions of dollars' worth of work that law firm associates otherwise would have received. This move represents an initiative through which in-house counsel are attempting to manage legal costs by expanding competition for corporate legal work beyond law firms. The reliance of established firms in all industries on outside parties for nearly every stage of their supply chains is a growing phenomenon.

By drawing on scholarship on what has been called the make-or-buy decision, and research on the various ways that extend production beyond a firm's boundaries, the article examines the prospect that law firms will also move toward disaggregation of their services and the implications for the organization of legal services and legal careers if they do. According to the authors, to remain competitive, law firms will have to begin considering how they might engage in disaggregation processes by breaking work into discrete units and determining who is the most cost-efficient provider of each component. In some cases, that provider may be outside the firm, and the firm will engage in outsourcing.

Disaggregation will require greater attention to how work can be decomposed, with the goal of selecting the optimal mix of personnel and technology to provide services on various matters. This process may result in an increase in the types of positions available for permanent salaried lawyers in law firms that have specialized skills in discrete functions or areas of law. It also may increase the use of workers outside the boundaries of the firm. Much of the work that firms assign to both groups is likely to be relatively routine or at least limited in scope.

According to the authors, the number of associate positions available in law firms each year may

---

117 E. Wald, "Federalizing Legal Ethics, Nationalizing Law Practice, and the Future of the American Legal Profession in a Global Age" (2011) 48 *San Diego Law Review*, 489.

118 M. C. Regan and P. T. Hennan, "Supply Chains and Porous Boundaries: The Disaggregation of Legal Services" (2010) 78 *Fordham Law Review*, 2137.



decline from previous years as outside workers start taking on these tasks. At the same time, the responsibilities that this smaller group of associates will be called upon to assume may be more challenging. However, to the extent that complex legal work requires familiarity with more routine tasks, the question remains how associates will acquire such experience if clients will pay only for contract lawyers or legal process outsourcing to do routine work. The move toward disaggregation of legal services creates ambiguity about how legal career paths will be impacted and what skills will distinguish lawyers from other occupations. As non-lawyers will be performing an increasing number of activities in the legal services supply chain, the territory that lawyers can claim as their own will begin to shrink.

The authors believe that the trend towards disaggregation of legal services reflects the maturation of the legal services sector into a highly competitive industry driven more forcefully than ever by pressures for efficiency. The way law firms, clients, and organizations connected with this industry respond to this trend could shape not only the future of law firms, but of the legal profession itself.

- The Make-or-Buy Decision in Legal Services: A Strategic Perspective<sup>119</sup>

This article is a working paper by Professor Mari Sako of the Oxford University Saïd Business School. It examines how corporate legal departments and law firms make their decisions about *making* or *buying* their legal services. The author looks at the ways their decisions are governed by the usual criteria identified in economy and managerial theories of the firm.

While this paper may be too academic and grounded in management theory for the purposes of this report, it is interesting to note that the author highlights the fact that pressures for change in the legal services market and the legal profession predate the current economic downturn. The rise of partners with power in large law firms and in-house corporate counsel is a phenomenon beginning in the 1980s. In make-or-buy terms, this development has led to an interesting combination of management practices in legal services, not seen elsewhere. First, corporate clients have been bringing more work back in-house on both sides of the Atlantic. Second, corporate clients have adopted various methods to increase their bargaining power, via convergence (i.e. reducing the number of law firms) and the introduction of competitive bidding and alternative billing arrangements to contain their legal fees. Third, some corporate clients and law firms have externalized work via the use of contract lawyers and offshore legal process outsourcing providers.

### 3. THE ROLE OF GENERAL COUNSEL

- General Counsel with Power<sup>120</sup>

This article presents key findings from a study of legal services outsourcing and its impact on the legal profession, focusing on the ultimate demander of corporate legal services, namely in-house

---

119 M. Sako, "The Make-or-Buy Decision in Legal Services: A Strategic Perspective", paper presented for the Conference Law Firm Evolution: Brave New World of Business as Usual, Georgetown Center for the Study of the Legal Profession, Georgetown Law Center, March 21-23, 2001. The paper is available at: <http://www.sbs.ox.ac.uk/research/people/Documents/Mari%20Sako/Make%20or%20buy%20in%20legal%20services%20June%202010%20ND%20WP.pdf>.

120 M. Sako with afterword by R. Susskind, "General Counsel with Power?" Saïd Business School, University of Oxford, 2011, available at: <http://www.sbs.ox.ac.uk/newsandevents/releases/Pages/generalcounsel.aspx>.

lawyers. The aim of the report is to present a systematic analysis of what is happening in the in-house legal departments of major corporations and financial institutions. The study is based on interviews with 52 general counsel in the U.K. and the United States from May 2010 to January 2011. Interviews explored four key areas: (a) the changing size and shape of the in-house legal department, (b) the changing nature of relationships with law firms, (c) the extent to which legal work has become disaggregated or decomposed in specific areas of work, and (d) how multi-sourcing (including outsourcing and offshoring) decisions are made. A summary of key findings is available at page 2 of the report.

The article integrates an afterword by Richard Susskind who highlights that while some trends are quite clear from the study (e.g. general counsel want to secure more legal service at less cost), the report also shows that “general counsel is a grouping of lawyers that are too diverse in the nature of their work, in the size of their teams and broader organizations, in their industries and markets, and in their geographical presence, for it to be sound to claim that X% of GCs believe this or Y% prefer that”. The report also highlights two divisions: (1) between the conservatives who see the future as a mildly finessed version of the past and the radicals, who anticipate and are implementing major change in the way that legal services are delivered; (2) between general counsel who argue that external law firms are best motivated by urging them to compete with one another and those who believe that law firms will be individually and collectively more productive and efficient if encouraged to collaborate.

Susskind also points out that the study reveals that while some general counsel believe they should themselves drive innovation, a larger proportion think that law firms should be leading the way. According to Susskind, while many law firms seem hesitant about this, history shows that clients have rarely redefined the services they receive or the markets of which they are part, that being the job of the provider. As new players are entering the legal game, it might be that the agents of change will not be lawyers.

Susskind predicts that the mainstream legal market is likely to evolve in three phases. The first, from 2007 to 2013 or so, will be the period during which most law firms and general counsel will seek to maintain the status quo. During the second phase, from about 2013 to 2016, general counsel will dramatically re-engineer their legal functions and law firms will move from pricing differently to working differently. Both will embrace legal process outsourcing, off-shoring, de-lawyering, and agency lawyers. The third phase, from 2016 onwards, will involve great uptake of information technology across the profession, such as automated production of documents and intelligent e-discovery systems — these are applications that will be staggeringly less costly than even the lowest paid lawyers.

#### **4. LEGAL EDUCATION**

Several authors, have addressed the issue of legal education. While the articles below will not be reviewed in depth, it is important to keep in mind that the transformation of the legal profession necessarily entails a corresponding need to re-evaluate legal education and skills required to adapt to the new requirements of the legal profession.

- Legal Skills for a Transforming Profession<sup>121</sup>

This article focuses on the need to transform legal education to effectively prepare students for the practice of law in the 21<sup>st</sup> century. It first looks at the trends in modern society and the delivery of legal services, and new skills sets that will be required of lawyers to survive in a transforming profession. According to Munneke, important considerations will affect the future of legal education, particularly in the area of professional skills. Interdisciplinary teams will be increasingly required to solve complex problems. Mediation, arbitration and other forms of non-judicial dispute resolution will be utilized as alternatives to litigation. Lawyers will have to appreciate cultural diversity, display autonomy in decision-making, and show scepticism for paternalistic answers to questions and distrust for institutions including the law. Law schools must exercise leadership in the legal profession and be proactive in confronting the future.

- [www.lawshool.edu](http://www.lawshool.edu): Legal Education in the Digital Age<sup>122</sup>

This article provides a history of legal education and the introduction of technology into legal education. It examines the potential use of technology and its benefits to enhance traditional law school teaching methods, as well as the costs of using technology and institutional obstacles that could prevent the use of technology. It also attempts to predict the manner in which technology will be ultimately incorporated into law school teaching in the 21<sup>st</sup> century to transform legal education.

- The Legal Profession In 2010 — Issues For Legal Education<sup>123</sup>

In September 2001, the Law Council of Australia released an analysis of some of the issues the legal profession will likely face in the coming years (see summary above, III.F). This article, written by then president of the Law Council, discusses some of the implications of this analysis for legal education.

- The U.K. Centre for Legal Education

The U.K. Centre for Legal Education is involved in research on means to improve the current legal education system in the U.K.<sup>124</sup>

---

121 G. A. Munneke, "Legal Skills for a Transforming Profession" (2001) 22 *Pace Law Review* 105.

122 This article appears to have been written in 1999.

123 A. Trimmer, "The Legal Profession in 2010 – Issues for Legal Education" (2001) *University of Technology Sydney Law Review*, 2.

124 More information is available at: <http://www.ukcle.ac.uk/>.

## 5. OTHER

The content of the online issues of the *Journal of the Legal Profession* available from 1999 to 2007 was reviewed. No relevant article touching on the future of the legal profession was found. The same research was undertaken for *The International Journal of the Legal Profession* from 2000 to 2011. While no article dealt with the future of the legal profession, several articles addressed the question of the future of legal education. The theme for the March 2001 issue was globalization and legal education.

### B. OTHER ARTICLES

- Its Not your Parent's Profession Anymore – The changing course of legal careers<sup>125</sup>

This article was published in the 2010 summer edition of the George Washington Law School magazine. In this article, Thomas D. Morgan, professor at George Washington University Law School, explains how the transformation of lawyers' work reality has been the result of eight important trends over the past 40 years. The highlighted trends are similar to those identified in other reports:

#### TRENDS THAT HAVE TRANSFORMED THE PRACTICE OF LAW IN THE LAST 40 YEARS

1. The legal profession was once self-regulating: Lawyers tended to write rules that favoured them.
2. Growth in the number of lawyers has increased pressure of each of them.
3. The impact of globalization has transformed the reality of many lawyers' practices.
4. There has been a technology revolution.
5. Law firms have grown in size.
6. There has been a shift toward corporate law practice.
7. The power of in-house counsel is rising.
8. The declining significance of being licensed in a specific jurisdiction before providing legal services.

Morgan explains that lawyers are likely to find that fewer issues will be seen as distinctively legal in character and that in order to prosper, lawyers will need to ensure that they are the best "go-to person" in a combined law-and-substantive field, and that they market themselves accordingly. Blogging and using networking sites will increasingly be attractive to lawyers who want to make themselves known to potential clients. To the extent that someone else offers services of more

---

125 T. D Morgan, "Its Not your Parents' Profession Anymore – The changing course of legalcareers" (2010) GW Law School, Summer 2010, available at: [http://www.gwu.edu/~magazine/archive/2010\\_jaw\\_summer/feature2.html](http://www.gwu.edu/~magazine/archive/2010_jaw_summer/feature2.html). Similar issues were also addressed by this author in: "Educating Lawyers for the Future Legal Profession" (2006) 26 *Legal Education Digest* 11 available at: <http://www.austlii.edu.au/au/journals/LegEdDig/2006/26.html>.

value, clients will turn elsewhere. In any event, client needs typically have little or no relation to subjects now traditionally tested on bar examinations.

- Law firms: A less gilded future<sup>126</sup>

This article published by *The Economist* in May 2011 argues that the legal business has undergone not only recession but also structural changes that will stay even as the economy recovers. The first change relates to clients' determination to keep their bills down: clients are increasingly refusing to have routine work billed to first- and second-year associates (i.e. lawyers who are not partners) and alternative fee arrangements continue to grow in importance. Secondly, globalization and emerging markets are leading law firms in New York and London to extend their reach and outsourcing is growing. Thirdly, the growth of technology is transforming the way legal services are delivered and make it harder to sustain the traditional pyramid business model.

Firms that are likely to thrive in this new environment are the New York-based elite firms that cover a wide spectrum of legal work and have become internationalized. Tightly focused firms that concentrate on only a few fields are also likely to do well. Ultimately, lawyers must recognize that lawyering is becoming more of a business than a profession. Because the American market cannot grow as it used to, firms will have to find new strategies and make use of sophisticated branding to stand out.

---

<sup>126</sup> "Law firms: A less gilded future " (2011) *The Economist* available at:  
<http://www.economist.com/node/18651114>.





# VIII

## BOOKS

### 1. UNBOUND

The 2009 book *Unbound – How Entrepreneurship is Dramatically Transforming Legal Services Today*<sup>127</sup> is authored by David Galbenski, founder of Lumen Legal, a legal staffing and consulting company. He analyzes trends in the legal services industry and presents a series of interviews conducted between 2008 and 2009 with industry leaders, leading general counsel, and legal visionaries who address issues such as globalization, technology, staffing, compensation, performance, metrics, and recruiting. He highlights seven trends affecting the legal sector and presented below.

Of special relevance, Galbenski predicts that many of the large, global firms that are currently based in expensive centres and pay high salaries in exchange for an excessive amount of billable hours from their lawyers will fade away and leave the field to about 20 to 30 global firms which will be able to sustain that model. He believes that the legal service market will shift toward more project-oriented models and that firms will modify their current fixed-labour model by supplementing fewer numbers of permanent staff with more contract work to reduce costs and retain more flexibility to hire as needed. Several factors point in this direction: technology that allows employees to work remotely, an increasing number of women in law who are pushing for more flexible work arrangements, and a new generation of lawyers who are accustomed to job-hopping and who have different expectations regarding work-life balance.

---

127 D. Galbenski, *Unbound – How Entrepreneurship is Dramatically Transforming Legal Services Today* (published by author, 2009).

## SEVEN TRENDS AFFECTING THE LEGAL PROFESSION

- 1. There will be new ways to buy legal services:** The demand of business to provide services better, faster and cheaper is forcing the legal industry to behave less like a profession and more like a business.
- 2. There will be new ways to provide legal services:** Globalization is the force that will expand the ways in which legal services are provided to the consumer.
- 3. There will be new ways to organize legal services:** Tasks will become unbundled, both as a result of business pressures but also as a result of globalization.
- 4. Legal-services providers will feel more pressure to consolidate:** This consolidation trend will be the result of the new global scale of conducting business. Go global or go niche.
- 5. There will be new ways to know about legal services:** Consumers and clients know more about legal services than ever before. Information is more available, and the industry is more transparent. This is the self-help trend.
- 6. New categories and types of people will be called upon to perform legal services:** The demographic composition of the work-force and the attitudes of those working are changing. This is the people trend.
- 7. There will be new ways to educate legal professionals:** Legal education will have to respond to these changing dynamics as law schools prepare the next generation of legal professionals for the new ways legal services are organized and delivered.

### 2. BRIGHT IDEAS

*Bright Ideas – Insights from Legal Luminaries Worldwide*<sup>128</sup> is a compilation of essays from in-house counsel, outside counsel, legal marketers, and industry leaders on various issues relating to the globalization of business and its impact on the corporate service industry internationally. While some themes emerge from the book (the traditional business model for law firms is coming to an end, general counsel are emerging as business leaders and driving this change, corporate clients will look for new ideas and new business models for buying their legal services outside the legal profession), the series of short essays consist more of personal testimonials rather than a sustained evaluation and study on the future of the legal profession.

### 3. THE VANISHING AMERICAN LAWYER

The *Vanishing American Lawyer*<sup>129</sup> is a recent book by George Washington University Law professor Thomas D. Morgan, who discusses the legal profession and the need for both law students and lawyers to adapt to the needs and expectations of clients in the future. His book addresses the

---

128 E. Leigh Dance (Ed), *Bright Ideas – Insights from Legal Luminaries Worldwide*, (Minneapolis, Mill City Press, Inc., 2009.)

129 T. D. Morgan, *The Vanishing American Lawyer*, (Oxford, Oxford University Press, 2010). This book was not read. The summary is based on the editorial review on [www.amazon.com](http://www.amazon.com).



need for lawyers who understand institutions that create laws and how to access the work of those institutions. He argues that clients will increasingly need advisors who are more specialized than many lawyers are today and who have more expertise in non-legal issues. Law schools have a duty to recognize the world their students will face and prepare them to operate successfully within it.

#### 4. BOOKS BY RICHARD SUSSKIND

Richard Susskind's most relevant work is reviewed under Part VI, Section C "Legal Futurists" at page 76.

#### 5. AVOIDING EXTINCTION: REIMAGINING LEGAL SERVICES FOR THE 21ST CENTURY

Inspired by Susskind's *The End of Lawyers*, the 2012 book *Avoiding Extinction: Reimagining Legal Services for the 21<sup>st</sup> Century* is written by Toronto lawyer Mitchell Kowalski. It aims to demonstrate how typical big law firms fail to deliver real value to the client, resulting in dissatisfied clients and burned-out and stressed lawyers in the process. It explores the ways law firms can be redefined as service corporations, structured and managed in ways that deliver value to the client, profitability to the firm, and career satisfaction to the lawyers. The book also explains how law firms can apply the ideas it presents to their own situation.<sup>130</sup>

#### 6. THE FUTURE OF LEGAL SERVICES: EXPERT ANALYSIS

This 2011 edited collection *The Future of Legal Services: Expert Analysis*<sup>131</sup> features in-depth guidance, analysis of key trends, lessons learned, and practical advice provided by the leaders of the profession experts on law firm management. The topics covered include:

- The law firm of 2015;
- The changing needs of international clients;
- Best practice approaches to managing the level of change required to adapt in the challenging legal landscape;
- Emerging trends that are changing how lawyers and law firms work;
- How corporate procurement is influencing law firm selection;
- Combined forces affecting in-house counsel relationships;
- The challenge of sharing leadership;

---

130 M. Kowalski, *Avoiding Extinction: Reimagining Legal Services for the 21<sup>st</sup> Century*, (ABA Book Publishing, 2012). This book was not read. The summary is based on the editorial review available at: <http://apps.americanbar.org/abastore/index.cfm?pid=1620492&section=main&fm=Product.AddToCart>. An interview with the author is available at: <http://www.americanbar.org/newsletter/publications/youraba/201204article01.html>.

131 K. Clifton (ed.), *The Future of Legal Services: Expert Analysis*, (Ark Group, 2011). This book was not read. The summary is based on the editorial review available at: <http://www.womenlegalmagazine.com/xq/asp/sid.1B6970E9-C499-4784-9A74-87B825E422BE/pubid.15E48198-E334-41DC-BB98-29AD4034CB7F/qx/publication.htm>. The summary was not available during the 2013 review, but the book is available at: [http://www.managingpartner.com/sites/default/files/ARK1844%20-%20The%20Future%20of%20Legal%20Services\\_Part%20Report.pdf](http://www.managingpartner.com/sites/default/files/ARK1844%20-%20The%20Future%20of%20Legal%20Services_Part%20Report.pdf).

- The effect that international mergers are having on law firm culture;
- Legal project management;
- Maximizing online presence;
- Managing law firms in challenging times;
- Legal process outsourcing.

## **7. NO BUSINESS FOR OLD MEN – THE FUTURE OF THE LEGAL PROFESSION**

Written by lawyer Ray McLennan, this book was due for publication in April 2012, but it does not yet seem to be available. The book's premise appears to be that law firms should be managed like businesses. It appears to address the question of how law firms can embrace change, including through the use of technology.<sup>132</sup>

## **8. THE AMERICAN LEGAL PROFESSION IN CRISIS - RESISTANCE AND RESPONSES TO CHANGE**

This book, due for publication in February 2013, analyzes the efforts of the legal profession to protect and maintain the status quo even as the world around it changes. The author, James E. Moliterno, argues that with striking consistency, the profession has resisted change and sought to ban or discourage new models of legal representation created by such change. In response to every crisis, lawyers asked: How can we stay even more the same than we already are? The legal profession has been an unwilling entity to any transformation wrought by the overwhelming tide of change. Only when the shifts in society, culture, technology, economics, and globalization can no longer be denied has the legal profession made any proactive changes to preserve the status quo. Ultimately, Moliterno urges the profession to look outward and forward to find in society and culture the causes and connections with these periodic crises. Doing so will allow the profession to grow with the society, solve problems with, rather than against, the flow of society, and be more attuned to the very society the profession claims to serve.<sup>133</sup>

---

<sup>132</sup> Information on the book is available at: <http://www.no-business-for-old-men.com/book-synopsis.html>. Further information on this book was not available during the 2013 review.

<sup>133</sup> More information on this book is available at: <http://www.oup.com/us/catalog/general/subject/Law/?view=usa&ci=9780199917631>.

# IX

## CONFERENCES

### 1. CONFERENCES OF THE COLLEGE OF LAW PRACTICE MANAGEMENT

Since 2009, the College of Law Practice Management has organized futures conferences open to all law practice management professionals. The conferences take an in-depth look at the future of law practice management and feature leaders who present on or facilitate discussions on the future of the profession and the resulting challenges to law firm leadership and management. This section highlights four conferences, have taken place since 2009. They focus directly on the future of the legal profession. The next conference is scheduled for October 4-5, 2013 and will take place in Chicago. Further information should be posted on the conference's website in due time.<sup>134</sup>

- 2012 Futures Conference

Organised in collaboration with the Georgetown Law Center, this conference, which took place in October 2012, explored the following themes:

- New model law firms;
- The challenges of diversity in a new staffing environment;
- Legal academy research project;
- The consumer law revolution;
- Exploring the nuances of value;
- Future of managing partners;
- The new normal from the general counsel perspective;
- Legal services update.<sup>135</sup>
- Challenging the Law Practice Management Model

---

<sup>134</sup> <http://collegeoflpm.org/mark-your-calendars-2013-futures-conference/>.

<sup>135</sup> More information is available at: <http://collegeoflpm.org/futures-conference-2012-october-26-27-washington-dc/>.

The 2011 Futures Conference was held in Chicago and was entitled *Challenging the Law Practice Management Model*. Here are the titles of the presentations delivered:

- What is the Future of Price: Defining Value in Value Billing;
- Law Factories vs. “Bet the Farm” Firms;
- Disruptive Technologies – Innovative Thinking;
- Law Practice without Borders;
- Future View: Do you See What I See?;
- Innovation with Velocity.<sup>136</sup>
- 1, 2, 3, Reset: Getting Back to the New Business of Practising Law

This conference was held in 2010 at the American University Washington College of Law. Here are the titles of some of the themes covered of this conference:

- The Impact on the Legal Business of Capital Markets’ Growing Interdependence;
- Developing and Choosing Leaders for the New Generation and Beyond;
- A Sea-Change in London;
- The Law Firm with a Mission;
- Social Media: The Ultimate Business Development Tool or a Huge Waste of Time?
- Inside the New Law Firm;
- Hitting the Reset Button.<sup>137</sup>

The Canadian Bar Association was among the conference’s sponsors.

- 2009 Conference

At the 2009 Denver conference, an update on the *Legal Transformation Study* (see page 68) was provided. The following topics were presented:

- Evolution of the Law Firm;
- Career Mapping: New Paths for the Future;
- Marketing for a New World; and
- Tomorrow’s Legal Technology: Is There Anything it Won’t Do?

The Canadian Bar Association was among the sponsors of this conference. A comment on this conference can be found at the Slaw.ca blog.<sup>138</sup>

---

136 More information is available at: <http://collegeoflpm.org/meetings/meeting-materials/2011-meeting-materials/>.

137 More information is available at: <http://collegeoflpm.org/meetings/meeting-materials/2010-meeting-materials/>.

138 Available at: <http://www.slaw.ca/2009/09/25/live-blogging-from-the-2009-futures-conference/>.

## 2. CONFERENCES FOCUSING ON THE IMPACT OF THE U.K. LEGAL SERVICES ACT

- The Cutting Edge of Law

This conference dealt with the evolving legal service market in the U.K., especially in light of the new rules on alternative business structures. Industry leaders talked about how they see the market developing and their place within it. The impact of the Internet on the delivery of legal services was also explored and results from a study undertaken on the needs of consumers and businesses were revealed.<sup>139</sup>

Delegates also heard the results of important research on what both consumers and businesses want from their lawyers and see how the Internet is transforming the delivery of legal services.

- Future of Legal Services Forum

This conference took place in April 2011 in London, U.K. and discussed the changing legal landscape, especially in the context of the final stages of implementation of the *Legal Services Act*. Topics covered during the conference included:

- How city firms are perceived in light of the regulation;
- Lenders' and regulators' perspectives on alternative business structures;
- New market entrants;
- How law firms and chambers will look like in five years time.

Copies of presentations are available online, but are password protected.<sup>140</sup>

## 3. CONFERENCES FOCUSING ON LEGAL TECHNOLOGIES

- LawTech Futures The Future of Legal Technology

This annual conference seeks to bring together professionals from both the legal and commercial technology worlds to examine and explore the new range of systems, processes and platforms that will drive law firms and legal businesses into the next decade and beyond. The brochures of the April 2013 and March 2012 conferences are available on the conference's website.<sup>141</sup>

---

139 More information on this conference is available at: <http://www.legalfutures.co.uk/conference>.

140 Information on this conference is available at: <http://www.futureoflegalservices.com/>.

141 The brochure for the 2013 conference is available at: <http://lawtechfutures.com/Brochure/LawTech%20Futures%202013%20-%20Brochure.html>. The brochure for the 2012 conference is available at: <http://www.legaltechnologyhub.com/CloudBox/LawTech-Futures.pdf>.



# X

## BLOGS

Providing an inventory of blogs on the Internet that deal with the future of the legal profession is a difficult task. Blogs have mushroomed over the last few years and it is near impossible to identify all the blogs and all their entries that have touched on this topic. The following list provides a brief description of the most relevant blogs encountered during researching for this report. Other blogs on the topic likely exist and will continue to flourish in the future.

- Law21.ca – Dispatches from a legal profession on the brink: [www.law21.ca](http://www.law21.ca)

Jordan Furlong's blog focuses on changes through which the legal profession is going as well as issues relating to the use of technology in law and law practice management matters. In November 2012, Furlong published a series of articles on the evolution of the legal service markets.<sup>142</sup>

- Slaw.ca: [www.slaw.ca/category/practice-of-law/future-of-practice](http://www.slaw.ca/category/practice-of-law/future-of-practice)

This popular Canadian blog has a section on the future of law practice, which covers a wide range of topics.

- Law Technology Today: [www.lawtechnologytoday.org/](http://www.lawtechnologytoday.org/)

This ABA Legal Technology Resource Center Blog focuses on law office technology and a variety of other legal technology topics

- Dennis Kennedy's Blog: [denniskennedy.com/blog/](http://denniskennedy.com/blog/)

This blog focuses on new technologies and how they can be applied to the practice of law.

- Future Lawyer: [www.futurelawyer.com](http://www.futurelawyer.com)

---

142 More information is available at: <http://www.law21.ca/2012/11/the-evolution-of-the-legal-services-market-stage-1/>; <http://www.law21.ca/2012/11/the-evolution-of-the-legal-services-market-stage-2/>; <http://www.law21.ca/2012/11/the-evolution-of-the-legal-services-market-stage-3/>; <http://www.law21.ca/2012/11/the-evolution-of-the-legal-services-market-stage-4/>; <http://www.law21.ca/2012/11/the-evolution-of-the-legal-services-market-stage-5/>;

This is the blog of Richard M. Georges, a Florida solo practitioner. His blog focuses on new technologies and the way they are changing the practice of law.

- Prism Legal: [www.prismlegal.com](http://www.prismlegal.com)

Prism Legal is a blog run by a non-practising lawyer, Ron Friedmann. His blog deals with law practice management with a special focus on legal technology and outsourcing.

- Legal Process Outsourcing: <http://legallyours.blogspot.co.uk/>

This blog examines the changing face of the legal profession in the U.S. and the U.K. and provides insights into developments within the growing legal process outsourcing and offshoring industry.

- The Time Blawg: [www.thetimeblawg.com](http://www.thetimeblawg.com)

Created by British solicitor Brian Inkster, this blog expresses his views on the past, present, and future practice of law.

- VQ Legal Innovation Blog: [www.vqab.se/legal-innovation-blog.aspx](http://www.vqab.se/legal-innovation-blog.aspx)

The Legal Innovation Blog is run by Swedish VQ (Virtual Intelligence) business consulting firm and is dedicated to the latest issues involving knowledge management, business and technology developments.

- The Future of the Legal Profession: [www.no-business-for-old-men.com/book-synopsis.html](http://www.no-business-for-old-men.com/book-synopsis.html)

This U.K. blog is run by the author of the book *No Business for Old Men* and comments on topics touching the changing environment in which law firms operate.

- legalfutures: [www.legalfutures.co.uk/blog](http://www.legalfutures.co.uk/blog)

This blog addresses a variety of issues for private practice practitioners, notably in the light of the U.K. *Legal Services Act*.

- Thoughtful Legal Management: [www.thoughtfullaw.com](http://www.thoughtfullaw.com)

In this blog, David J. Bilinsky focuses on issues affecting law firms, including strategic business planning, change management and the application of technology to the practise of law.

Lexis Nexis Blawg – The Future of Law: <http://lexislegalintelligence.co.uk/intelligence/blawg/tag/future-of-law/>

This blog addresses issues affecting the legal profession, such as the U.K. *Legal Services Act*, challenges on the horizon, and technology and law.



# XI

## OTHER

### 1. TELESEMINAR

In 2010, Jordan Furlong participated in a teleseminar for the *Solo Practice University*. The 76 minute teleseminar can be heard online for free.<sup>143</sup> The topics covered are:

- Why the billable hour's not dead;
- Why process and systematization will change how legal work is done;
- Why access to justice no longer has to mean access to a lawyer. Will we see the demise of Unauthorized Practice of Law restrictions?
- How and why client collaboration will impact your practice;
- Are we finally ready for preventive lawyering, becoming full time holistic legal health professionals?
- How will the introduction of Brazil, Russia, India, Indonesia and China into the global legal marketplace effect you and your practice?
- Why solos and small firms are the long-term future of the practise of law;
- Why law schools won't change, but legal education will.

Another teleseminar was organised in 2011, featuring Jordan Furlong. The teleseminar is available in two parts<sup>144</sup> and addresses the four top trends in the legal market and looks at how they affect solo practitioners. Among the issues examined by Furlong are the following:

- Why clients remain in control and how you can turn that to your advantage;
- Where your competition now comes from – outside mainstream legal services and outside the profession altogether – and how you can address these emerging markets;
- The evolution of legal talent – who is in demand, who is not, and why;
- How the big-law/small-law dichotomy will become less accurate over time, as a much wider range of providers emerges – a full spectrum of legal talent and business models;
- How the legal profession's generational DNA continues to slowly change every day and the role of the Millennial.

---

<sup>143</sup> The teleseminar is available at: <http://solopracticeuniversity.com/2010/01/04/guest-lecturer-jordan-furlong/>.

<sup>144</sup> The teleseminar is available at: <http://solopracticeuniversity.com/2011/03/08/audio-future-of-the-legal-profession-part-1-jordan-furlong/> and <http://solopracticeuniversity.com/2011/03/22/audio-future-of-the-legal-profession-part-2-jordan-furlong/>.

## 2. CLE

On May 12, 2011, the ALI-ABA (American Law Institute and American Bar Association) cosponsored a CLE with the American Bar Foundation on *Changing with the Times or Getting Left Behind? A Debate on the Future of Lawyering*. The CLE, which is available online at a fee,<sup>145</sup> explored the following topics:

- Is it possible to develop new models of lawyer competence for the changing world of law practise?
- How are technological and demographic changes transforming the legal services marketplace?
- How are law firms beginning to change their approach to human resources?
- What is the impact of globalization on definitions of lawyer competence?
- What are the implications of these changes for legal education?

---

<sup>145</sup> The CLE is available at: [http://www.ali-aba.org/index.cfm?fuseaction=courses.course&course\\_code=RWSN01](http://www.ali-aba.org/index.cfm?fuseaction=courses.course&course_code=RWSN01).

# XII

## BIBLIOGRAPHY

### 1. BOOKS

American Bar Association Law Practice Management Section, *Seize the Future: Forecasting and Influencing the Future of the Legal Profession* (2000).

Clifton K., (ed.), *The Future of Legal Services: Expert Analysis*, (Ark Group, 2011).

Galbenski G., *Unbound – How Entrepreneurship is Dramatically Transforming Legal Services Today* (published by author, 2009).

Kowalski M., *Avoiding Extinction: Reimagining Legal Services for the 21st Century*, (ABA Book Publishing, 2012).

Leigh Dance E., (ed.), *Bright Ideas – Insights from Legal Luminaries Worldwide*, (Minneapolis, Mill City Press, Inc., 2009).

Moliterno J. E., *The American Legal Profession in Crisis - Resistance and Responses to Change* (Oxford University Press, 2013).

Morgan T. D., *The Vanishing American Lawyer*, (Oxford, Oxford University Press, 2010).

Susskind R., *Tomorrow's lawyers: An introduction to your future* (Oxford University Press, 2013).

Susskind R., *The End of Lawyers?* (Oxford University Press, 2008).

Susskind R., *Transforming the Law* (Oxford University Press, 2000).

Susskind R., *The Future of Law* (Oxford University Press, 1996).

### 2. ARTICLES

Alfisi K., "Bar Happenings" (March 2012) *Washington Lawyer*.  
Available at: [http://www.dcbar.org/for\\_lawyers/resources/publications/washington\\_lawyer/march\\_2012/happenings.cfm](http://www.dcbar.org/for_lawyers/resources/publications/washington_lawyer/march_2012/happenings.cfm).

*California Bar Journal* "Monterey will host the State Bar's 83rd Annual Meeting" (August 2010). Available at: <http://www.calbarjournal.com/August2010/TopHeadlines/TH6.aspx>.

Calloway J., "The Law Office of the Future" (1999) *Oklahoma Bar Journal*. Available at: [http://www.okbar.org/obj/articles\\_99/fs103099.htm](http://www.okbar.org/obj/articles_99/fs103099.htm).

Cassens Weiss D. and Podgers J., "Clean Sweep: House of Delegates Approves Ethics 20/20's Full Slate" (September 2012) *ABA Journal*. Available at: [http://www.abajournal.com/magazine/article/clean\\_sweep\\_house\\_of\\_delegates\\_approves\\_ethics\\_20\\_20s\\_full\\_slate/](http://www.abajournal.com/magazine/article/clean_sweep_house_of_delegates_approves_ethics_20_20s_full_slate/).

Chester S., "Live Blogging from the 2009 Futures Conference" (September 2009) *Slaw.ca*. Available at: <http://www.slaw.ca/2009/09/25/live-blogging-from-the-2009-futures-conference/>.

Cobb Consulting, *The End Times for a Law Firm*. Available at: [http://cobb-consulting.com/webyep-system/program/download.php?FILENAME=7-6-at-Link.pdf&ORG\\_FILENAME=WarningSigns.Art.pdf](http://cobb-consulting.com/webyep-system/program/download.php?FILENAME=7-6-at-Link.pdf&ORG_FILENAME=WarningSigns.Art.pdf).

Cobb W., "Another Look at the Future of the Legal Profession: Using the Tolls of Change" (2002) *Oregon State Bar Law Practice Management*, Volume 10, No. 3.

Crosby C., "ABA Techshow 2012: Jim Calloway on the Future of Law Practice" (April 2012) *Slaw.ca*. Available at: <http://www.slaw.ca/2012/04/02/aba-techshow-2012-jim-calloway-on-the-future-of-law-practice/>.

Crosthwait J., "The Future of the Legal Profession: A Small Firm Point of View", (2008) *Oklahoma Bar Journal*. Available at: <http://www.okbar.org/obj/articles08/110808crosthwait.htm>.

*The Economist*, "Law firms: A less gilded future" (2011). Available at: <http://www.economist.com/node/18651114>.

Flood J., "Tesco (Ireland) Law?" (November 2011). Available at: <http://www.johnflood.com/blog/2011/11/tesco-ireland-law/>.

Furlong, J., "Metamorphosis: Five Forces Transforming the Legal Services Marketplace", (January/February 2010) *Law Practice Magazine*. Available at: [http://www.americanbar.org/publications/law\\_practice\\_home/law\\_practice\\_archive/lpm\\_magazine\\_articles\\_v36\\_is1\\_pg44.html](http://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v36_is1_pg44.html).

Furlong J. and Ury F. S., "21<sup>st</sup> Century Legal Profession", (2012) *ABA Bar Institute Leadership*. Available at: [http://www.americanbar.org/content/dam/aba/events/bar\\_services/2012/03/2012\\_aba\\_bar\\_leadershipinstitute/fredjordan.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/events/bar_services/2012/03/2012_aba_bar_leadershipinstitute/fredjordan.authcheckdam.pdf)

Gerkman A., "Register Now: Announcing Speakers and Topics for Thursday's Ignite Program" (June 2011) CBA CLE Legal Connection. Available at: <http://cbaclelegalconnection.com/2011/06/register-now-announcing-speakers-and-topics-for-thursdays-ignite-program/>

Henderson W. D., "Three Generations of U.S. Lawyers: Generalists, Specialists, Project Managers", (2011) 70 *Maryland Law Review* 373.

Henderson W. D. and Zahorsky R. M., "Law Job Stagnation May Have Started Before the Recession –And it May be a Sign of Lasting Changes" (July 2011) *ABA Journal*.

Available at: [http://www.abajournal.com/magazine/article/paradigm\\_shift](http://www.abajournal.com/magazine/article/paradigm_shift).

Krash A., "The Changing Legal Profession" (June 2008) *Washington Lawyer*.

Available at: [http://www.dcbbar.org/for\\_lawyers/resources/publications/washington\\_lawyer/january\\_2008/changes.cfm](http://www.dcbbar.org/for_lawyers/resources/publications/washington_lawyer/january_2008/changes.cfm).

Morgan T. D., "Its Not your Parent's Profession Anymore – The Changing Course of Legal Careers" (2010) *GW Law School*.

Available at: [http://www.gwu.edu/~magazine/archive/2010\\_law\\_summer/feature2.html](http://www.gwu.edu/~magazine/archive/2010_law_summer/feature2.html).

Morgan T. D., "Educating Lawyers for the Future Legal Profession" (2006) *26 Legal Education Digest* 11.

Available at: <http://www.austlii.edu.au/au/journals/LegEdDig/2006/26.html>.

Munneke G. A., "Legal skills for a transforming profession" (2001) *22 Pace Law Review* 105, 107

Munneke G. A., "Seize the Future" (2000) *Law Practice Quarterly*, Volume 1, No.2.

*New Hampshire Bar Journal*, "Future of the Legal Profession" Vol. 41, No 2, (June 2000).

Available at: <http://www.nhbar.org/publications/archives/display-journal-archive.asp?id=33>.

Regan M. C. and Hennan P. T., "Supply Chains and Porous Boundaries: The Disaggregation of Legal Services" (2010) *78 Fordham Law Review*, 2137

Sako M., with afterword by Susskind R., "General Counsel with Power?" (2011)

Available at: <http://www.sbs.ox.ac.uk/newsandevents/releases/Pages/generalcounsel.aspx>.

Sako M., "The Make-or-Buy Decision in Legal Services: A Strategic Perspective" (2001).

Available at: <http://www.sbs.ox.ac.uk/research/people/Documents/Mari%20Sako/Make%20or%20buy%20in%20legal%20services%20June%202010%20ND%20WP.pdf>.

Schnabel M. A., "Boomers in the Millennials' World: The Future of the Legal Profession" (October/November 2012) *Louisiana Bar Journal*.

Available at: <http://files.lsba.org/documents/publications/BarJournal/Journal-Feature1-Oct-Nov2012.pdf>

State Bar of Mexico, "2012 State Bar Annual Meeting" Vol. 51 No 31 (August 2012) *Bar Bulletin*.

Available at: <http://www.nmbar.org/Attorneys/lawpubs/BB/bb2012/BB080112.pdf>.

Stein R. A., "The Future of the Legal Profession", (2006) *90 Minnesota Law Review* 1.

Tarlton M. A., "Figuring out your place in the race", (January/February 2010) *Law Practice Magazine*.

Available at: [http://www.americanbar.org/publications/law\\_practice\\_home/law\\_practice\\_archive/lpm\\_magazine\\_articles\\_v36\\_is1\\_pg32.html](http://www.americanbar.org/publications/law_practice_home/law_practice_archive/lpm_magazine_articles_v36_is1_pg32.html).

Trimmer A., "The Legal Profession in 2010 – Issues for Legal Education" (2001) *University of Technology Sydney Law Review*, 2

Trueheart H., "The Gravity of Market Forces: A Global Firm Leader's Take on the Trends That Will Reshape Law Firms", (January/February 2010) *Law Practice Management Magazine*.

Younger S. P., "Shaping Our Profession: A Blueprint for the Future" (July/August 2010) *New York State Bar Journal*.

Wagner J., "Q&A with Michael Rogers – A Look At The Law in 2020" (January 2011).  
Available at: <http://discoverready.com/blog/qa-with-michael-rogers-a-look-at-the-law-in-2020/>.

Wald E., "Federalizing Legal Ethics, Nationalizing Law Practice, and the Future of the American Legal Profession in a Global Age" (2011) 48 *San Diego Law Review*, 489.

Zahorsky R. M., "The Future of Law: Dark Clouds or Silver Linings?" (March 2012) *ABA Journal*.  
Available at: [http://www.abajournal.com/news/article/the\\_future\\_of\\_law\\_dark\\_clouds\\_or\\_silver\\_linings](http://www.abajournal.com/news/article/the_future_of_law_dark_clouds_or_silver_linings).

Zahorsky R. M., "The Future of Law: Old-Fashioned Client Relationships and Warnings for Solos" (March 2012) *ABA Journal*.  
Available at: [http://www.abajournal.com/news/article/the\\_future\\_of\\_law\\_old-fashioned\\_client\\_relationships\\_and\\_warnings\\_for\\_solos](http://www.abajournal.com/news/article/the_future_of_law_old-fashioned_client_relationships_and_warnings_for_solos).

### **3. REPORTS, PRESENTATIONS, STATEMENTS, RESOLUTIONS, PRESS RELEASES**

American Bar Association, "ABA Commission on Ethics 20/20 Will Not Propose Changes to ABA Policy Prohibiting Nonlawyer Ownership of Law Firms" (April 2012).  
Available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20120416\\_news\\_release\\_re\\_nonlawyer\\_ownership\\_law\\_firms.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120416_news_release_re_nonlawyer_ownership_law_firms.authcheckdam.pdf).

American Bar Association, Commission on Ethics 20/20, "Proposals to the ABA House of Delegates for its consideration at the February 2013 ABA mid-year" (2012).

American Bar Association, Commission on Ethics 20/20, "Items released for comments by Ethics 20/20 Commission" (2010 – 2012)

American Bar Association, Commission on Ethics 20/20, "Summary of Actions by the ABA Commission on Ethics 20/20" (December 2011).  
Available at: [http://jay.law.ou.edu/faculty/Jmaute/Lawyring\\_21st\\_Century/Spring%202012%20files/summary\\_of\\_actions\\_ABA\\_Ethics.pdf](http://jay.law.ou.edu/faculty/Jmaute/Lawyring_21st_Century/Spring%202012%20files/summary_of_actions_ABA_Ethics.pdf).

American Bar Association Committee on Research about the Future of the Legal Profession, "Interim Report on the Future of the Legal Profession, (2001).

American Bar Association Committee on Research about the Future of the Legal Profession, "Final Report on the Future of the Legal Profession", (2002).

American Bar Association House of Delegates, "Resolution 105A" (August 2012).  
Available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20120808\\_revised\\_resolution\\_105a\\_as\\_amended.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120808_revised_resolution_105a_as_amended.authcheckdam.pdf).

American Bar Association House of Delegates, "Resolution 105B" (August 2012).  
Available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/2012\\_hod\\_annual\\_meeting\\_105b\\_filed\\_may\\_2012.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/2012_hod_annual_meeting_105b_filed_may_2012.authcheckdam.pdf).

American Bar Association House of Delegates, "Resolution 105C" (August 2012).  
Available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/2012\\_hod\\_annual\\_meeting\\_105c.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/2012_hod_annual_meeting_105c.authcheckdam.pdf)

American Bar Association House of Delegates, "Amendments to ABA model Rules of Professional Conduct" (August 2012).  
Available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20120808\\_house\\_action\\_compilation\\_redline\\_105a-f.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20120808_house_action_compilation_redline_105a-f.authcheckdam.pdf).

American Bar Association House of Delegates, "Informational Report to the House of Delegates" (February 2012).  
Available at: [http://www.americanbar.org/content/dam/aba/administrative/ethics\\_2020/20111212\\_ethics\\_20\\_20\\_alf\\_white\\_paper\\_final\\_hod\\_informational\\_report.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/ethics_2020/20111212_ethics_20_20_alf_white_paper_final_hod_informational_report.authcheckdam.pdf)

Barreau du Québec, "Les avocats de pratique privée en 2021" (June 2011).  
Available at: <https://www.barreau.qc.ca/pdf/publications/rapport-pratique-privee-2021.pdf>.  
An English Executive Report is available at: <http://www.barreau.qc.ca/pdf/publications/synthese-pratique-privee-2021-en.pdf>.

Canadian Bar Association British Columbia Poverty Law Section, "Submission to the Dean of UBC Law Faculty" (August 2012).  
Available at: [http://www.cba.org/bc/sections\\_pdfs/PDF/soju\\_letter\\_final\\_08\\_30\\_12.pdf](http://www.cba.org/bc/sections_pdfs/PDF/soju_letter_final_08_30_12.pdf).

Encore Discovery Solutions, Altman Weil Inc., Jomati Consultants LLP and al. "Legal transformation – Your 2020 vision of the future" (2007).  
Available at: <http://www.legaltransformation.com/>.

Kaplan, A., "The Evolution of the Legal Profession" (2010).  
Available at: [http://discoverready.com/wp-content/uploads/DOLA34009\\_Evolution\\_v01.pdf](http://discoverready.com/wp-content/uploads/DOLA34009_Evolution_v01.pdf).

Law Council of Australia, "2010: A Discussion Paper - Some Issues Affecting the Legal Profession" (2010). Available at: [http://www.lawcouncil.asn.au/library/publications.cfm?fms\\_folder\\_uid=FBD2A8C8-1C23-CACD-221E-F29AB957FF4D#2001](http://www.lawcouncil.asn.au/library/publications.cfm?fms_folder_uid=FBD2A8C8-1C23-CACD-221E-F29AB957FF4D#2001).

Law Council of Australia, "National Legal Profession Reform Project" (2010). Available at: [http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file\\_uid=7DAF788F-D8BB-0987-4194-7D684053205C&siteName=lca](http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uid=7DAF788F-D8BB-0987-4194-7D684053205C&siteName=lca).

Law Practice Management Section, "Roundtable: Looking ahead to the future: What changes do you see coming in the next 20 years?" (2004). Available at: <http://apps.americanbar.org/lpm/lpt/articles/mgt12041.html#author>.

*Legal Week Intelligence*, "Survey on the Future of Law" (2010). Available at: <http://www.future-lawyers.co.uk/resources/>.

New York State Bar Association, *Report of the Task Force on the Future of the Legal Profession* (April 2011). Available at: [http://www.nysba.org/AM/Template.cfm?Section=Task\\_Force\\_on\\_the\\_Future\\_of\\_the\\_Legal\\_Profession\\_Home&Template=/CM/ContentDisplay.cfm&ContentID=48108](http://www.nysba.org/AM/Template.cfm?Section=Task_Force_on_the_Future_of_the_Legal_Profession_Home&Template=/CM/ContentDisplay.cfm&ContentID=48108)

New York State Bar Association, "Resolution 10B submitted to the ABA House of Delegates" (2011). Available at: [http://bestpracticeslegaled.files.wordpress.com/2011/08/2011\\_hod\\_annual\\_meeting\\_10b.pdf](http://bestpracticeslegaled.files.wordpress.com/2011/08/2011_hod_annual_meeting_10b.pdf).

Ohio State Bar Association, *Future of the Legal Profession Study Report* (2007). Available at: <https://www.ohiobar.org/Council%20of%20Delegates/pubs/future.doc>.

Robins J., "ABSolutely Fabulous? A study of Alternative Business Structures and Their role in a changing legal market" (June 2012). Executive summary available at: [http://www.jures.co.uk/whitepapers/GOTq4YIs\\_ABS%20Report\\_A4.pdf](http://www.jures.co.uk/whitepapers/GOTq4YIs_ABS%20Report_A4.pdf).

Robins J., "Brave New Worlds: New Thinking in Legal Services" (January 2012). Executive summary available at: [http://www.jures.co.uk/whitepapers/g6YcD351\\_New%20thinking%20in%20legal%20services%202012%20-%20FINAL.pdf](http://www.jures.co.uk/whitepapers/g6YcD351_New%20thinking%20in%20legal%20services%202012%20-%20FINAL.pdf).

Robins, J., "Shopping Around" (June 2010). Executive summary available at: [http://www.jures.co.uk/whitepapers/5Poe5DkN\\_jures-final-wholereportforsite.pdf](http://www.jures.co.uk/whitepapers/5Poe5DkN_jures-final-wholereportforsite.pdf).

Robins J., "Closing the Justice Gap – New thinking on an Old Problem" (April 2010). Available at: [http://www.jures.co.uk/whitepapers/EqCGINP3\\_Closing%20the%20Justice%20Gap.pdf](http://www.jures.co.uk/whitepapers/EqCGINP3_Closing%20the%20Justice%20Gap.pdf).

Robins J., "The Big Bang Report - Opportunities and threats in the new legal services market" (2009). Executive summary available at: [http://www.jures.co.uk/whitepapers/7hOq2Z42\\_jures\\_Big\\_Bang\\_Report.pdf](http://www.jures.co.uk/whitepapers/7hOq2Z42_jures_Big_Bang_Report.pdf).

Stanford Law School, "Stanford Law School Launches Major Study of the Legal Profession with Research Support from the Sidley Austin Foundation" (December 2010). Available at: <http://www.law.stanford.edu/node/249539>.

Todd M., "27<sup>th</sup> Annual Bar Conference Speech" (10 November 2012). Available at: [http://www.barcouncil.org.uk/media/177154/final\\_bar\\_conference\\_chairman\\_speech\\_2012.pdf](http://www.barcouncil.org.uk/media/177154/final_bar_conference_chairman_speech_2012.pdf).



Trimmer A., "Message from the Law Council of Australia President -2010: A Discussion Paper - Some Issues Affecting the Legal Profession" (2001).

Ward A., "Rethinking the Legal Profession in the 21<sup>st</sup> Century — Future Models for Delivering Legal Services. Speech given at the Commonwealth Law Conference, Hyderabad, India" (February 2011). Available at: [http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file\\_uid=BBA1A194-FBC6-3448-3400-F7395CB8516F&siteName=lca](http://www.lawcouncil.asn.au/shadomx/apps/fms/fmsdownload.cfm?file_uid=BBA1A194-FBC6-3448-3400-F7395CB8516F&siteName=lca).

Washington Bar News, "Future Trends in the Practice of Law" (May 2000).

Williams S. and Nersessian D., "Overview of the Professional Services Industry and the Legal Profession" (2007).

Available at: [http://www.law.harvard.edu/programs/plp/pdf/Industry\\_Report\\_2007.pdf](http://www.law.harvard.edu/programs/plp/pdf/Industry_Report_2007.pdf).

Wisconsin State Bar Association, "The New Normal: Challenges Facing the Legal Profession" (July 2011).

Available at: <http://www.reinhartlaw.com/Services/BusLaw/CorpGovern/Documents/art11111%20TE.pdf>.

#### **4. CONFERENCES, EVENTS, CLE**

ABA Bar Leadership Institute.

Available at: [http://www.americanbar.org/groups/bar\\_services/events/bli.html](http://www.americanbar.org/groups/bar_services/events/bli.html)

American Law Institute and American Bar Association "Changing with the Times or Getting Left Behind? A Debate on the Future of Lawyering - CLE" (May 2011).

Available at: [http://www.ali-aba.org/index.cfm?fuseaction=courses.course&course\\_code=RWSN01](http://www.ali-aba.org/index.cfm?fuseaction=courses.course&course_code=RWSN01).

Association for Legal Career Professionals, "The Future of Lawyer Hiring, Development & Advancement Roundtable Series".

Available at: <http://www.nalp.org/futureoflawyerhiring>.

College of Law Practice Management, "Fifth Annual Futures Conference" (October 2013).

Available at: <http://collegeoflpm.org/mark-your-calendars-2013-futures-conference/>.

College of Law Practice Management, "Futures Conference" (October 2012).

Available at: <http://collegeoflpm.org/futures-conference-2012-october-26-27-washington-dc/>.

College of Law Practice Management, "Futures Conference - Futures Conference:

Challenging the Law Practice Management Model" (October 2011).

Available at: <http://collegeoflpm.org/meetings/meeting-materials/2011-meeting-materials/>.

College of Law Practice Management, "2010 Futures Conference and Symposium" (October 2010).

Available at: <http://collegeoflpm.org/meetings/meeting-materials/2010-meeting-materials/>.

Furlong J, "The Future of the Legal Profession – Teleseminar" (2010).

Available at: <http://solopracticeuniversity.com/2010/01/04/guest-lecturer-jordan-furlong/>.

Georgetown Law School - The Center for the Study of the Legal Profession, "The Shrinking Pyramid: Implications for Law Practice and the Legal Profession" (April 2013). Available at: <http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/Shrinking-Pyramid.cfm>.

Georgetown Law School - The Center for the Study of the Legal Profession, "Symposium on the Status of the Legal Profession: Facing the Challenges of the 21st Century" (April 2011). Available at: <http://www.innsofcourt.org/Content/Default.aspx?Id=5049>.

Georgetown Law School - The Center for the Study of the Legal Profession, "Welcome to the Future: Trends in the Delivery of Corporate Legal Services" (March 2011). Available at: <http://apps.law.georgetown.edu/continuing-legal-education/showEventDetail.cfm?ID=250>.

Georgetown Law School - The Center for the Study of the Legal Profession, "Law Firm Evolution: Brave New World or Business as Usual?" (March 2010). Available at: <http://apps.law.georgetown.edu/continuing-legal-education/showEventDetail.cfm?ID=230>.

Georgetown Law School - The Center for the Study of the Legal Profession, "Insights into the Legal Profession" (March 2010). Available at: <https://www.law.georgetown.edu/academics/centers-institutes/legal-profession/practice/lectures.cfm>.

Georgetown Law School - The Center for the Study of the Legal Profession and the ABA Center for Professional Responsibility and Standing Committee on Professional Discipline "The Future Is Here: Globalization and the Regulation of the Legal Profession" (May 2009). Available at: [http://www.americanbar.org/content/dam/aba/migrated/cpr/regulation/conf\\_materials.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/migrated/cpr/regulation/conf_materials.authcheckdam.pdf).

Georgetown Law School - The Center for the Study of the Legal Profession Empirical, "Research on the Legal Profession: Insights from Theory and Practice" (March 2009). Available at: <http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/documents/upload/Empirical-Research-2009.pdf>.

Georgetown Law School - The Center for the Study of the Legal Profession Empirical, "Symposium on the Future of the Global Law Firm" (April 2008). Available at: <http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/documents/futureglobalfirm.cfm>.

Harvard Law School Program on the Legal Profession, "The Future of Corporate Business in India and the Role of the Legal Profession" (December 2012). Available at: [http://www.law.harvard.edu/programs/plp/pages/future\\_of\\_corporate\\_business\\_in\\_india.php](http://www.law.harvard.edu/programs/plp/pages/future_of_corporate_business_in_india.php).

Harvard Law School Program on the Legal Profession, "The Global Legal Profession" (April 2012). Available at: [http://www.law.harvard.edu/programs/plp/pages/glee\\_events.php](http://www.law.harvard.edu/programs/plp/pages/glee_events.php).

Harvard Law School Program on the Legal Profession, "Future Ed Conferences" (April 2010, October 2010 and April 2011).

Available at: [http://www.law.harvard.edu/programs/plp/pages/future\\_ed\\_conference.php](http://www.law.harvard.edu/programs/plp/pages/future_ed_conference.php).

Illinois State Bar Association, "The Legal Practice Landscape: Thriving in a Climate of Change" (June 15, 2012).

Available at: <http://www.isba.org/cle/2012/06/15/legalpracticelandscape>.

Indiana University School of Law, "FutureFirm 1.0" (April 2009).

Available at: <http://firms.law.indiana.edu/events/futurefirm/>.

Legal Futures, "Conference – The cutting edge of law" (November 2012).

Available at: <http://www.legalfutures.co.uk/conference>.

Legal Week, "The Future of Legal Services Forum 2011: Adapting to change, evolving to prosper" (April 2011).

Available at: <http://www.futureoflegalservices.com/>.

LexThink.1, "The Future of Law Practice – Videos of the ABA Techshow" (March 2012).

Available at: <http://www.pointonelaw.com/videos/>.

Louisiana State Bar Association, "72<sup>nd</sup> Annual Meeting" (June 2-7, 2013).

Available at: <http://www.lsba.org/annualmeeting/AnnualMeeting.asp>.

Maryland School of Law, "The Profession and the Academy: Addressing Major Changes in Law Practice" (April 2010).

Available at: <http://www.law.umaryland.edu/faculty/conferences/detail.html?conf=93>.

New Hampshire Bar Leadership Conference, "The Future of the Legal Profession" (Fall 2005).

Available at: <http://www.nhbar.org/publications/fall-retreat.asp>.

Robert Half Legal, "Future law Office: Technology's Transformation of the Legal" (2012).

Available at: <http://www.roberthalflegal.com/futurelawoffice>.

Robert Half Legal, "Future Law Office: Technology Reshapes the Legal Support Profession" (2012).

Available at: <http://www.roberthalflegal.com/futurelawofficelegalsupport>.

Robert Half Legal, "Future Law Office: Best Practices for a new era in the Legal Profession" (2011). Available at: [http://s3.amazonaws.com/DBM/M3/2011/Downloads/RHL\\_FutureLawOffice\\_2011.pdf](http://s3.amazonaws.com/DBM/M3/2011/Downloads/RHL_FutureLawOffice_2011.pdf).

State Bar of Michigan Bar leadership Forum – Programme (June 2012). Available at : [http://www.michbar.org/news/releases/archives12/BLF\\_reg.pdf](http://www.michbar.org/news/releases/archives12/BLF_reg.pdf)

Stanford Law School, Center on the Legal Profession, "The Future of Legal Education and the Legal Profession" (April 2013). Available at: <http://www.law.stanford.edu/event/2013/04/26/the-future-of-legal-education-and-the-legal-profession-symposium>.

Stanford Law School, Center on the Legal Profession, "The Changing Law Firm Model -- A Discussion with Professor William Henderson and Professor Marc Galanter" (November 2012). Available at: <http://www.law.stanford.edu/event/2012/11/15/the-changing-law-firm-model-a-discussion-with-professor-william-henderson-and-professor-marc-galanter>.

Stanford Law School, Center on the Legal Profession, "Unbundling and the Future of Legal Service" (May 2012). Available at: <http://www.law.stanford.edu/calendar>.

Stanford Law School, Center on the Legal Profession, "The Legal Profession in a New Economy" (February 2010). Available at: <http://www.law.stanford.edu/calendar>.

University of Alberta, "The Future of Law School" (September 2013). Available at: <http://lawschool.ualberta.ca/en/centenary/conference.aspx>.

University of Saskatchewan College of Law, "Future of Law Conference" (November 2012). Available at: <http://law.usask.ca/alumni/centennial-2012/centennial-academic-conference.php>.

Washington State Bar Forum, "Our Changing Legal Profession: Crisis or Opportunity?" (January 2013). Available at: <http://www.wsba.org/Events-Calendar/2013/January/Town-Hall>.

Washington State Bar Live Chat, "Sensing a Seismic Shift – Is There a Crisis in the Legal Profession - Transcript?" (October 2012). Available at: [http://www.wsba.org/Events-Calendar/2012/October/~/\\_media/Files/News\\_Events/Livechats/future\\_profession\\_transcript.ashx](http://www.wsba.org/Events-Calendar/2012/October/~/_media/Files/News_Events/Livechats/future_profession_transcript.ashx).

## **5. WEBSITES, BLOGS**

Adam Smith Esq., [www.adamsmithesq.com](http://www.adamsmithesq.com).

AML Legal Intelligence, Surveys, <http://www.almlegalintel.com/>.

Association of Corporate Counsel, Value Challenge Initiative, <http://www.acc.com/valuechallenge/>

Charlie Robinson, [www.charlierobinsonfuturist.com](http://www.charlierobinsonfuturist.com)

Dennis Kennedy's Blog, [denniskennedy.com/blog/](http://denniskennedy.com/blog/)

Future Lawyer, [www.futurelawyer.com](http://www.futurelawyer.com)

The Future of the Legal Profession, [www.no-business-for-old-men.com/book-synopsis.html](http://www.no-business-for-old-men.com/book-synopsis.html)

Georgetown Law School - The Center for the Study of the Legal Profession,  
<http://www.law.georgetown.edu/academics/centers-institutes/legal-profession/>.

Hildebrandt Institute, <http://hildebrandtblog.com/>

Indiana University School of Law, The Law Firms Working Group,  
<http://firms.law.indiana.edu/about/index.shtml>

Law21.ca – Dispatches from a legal profession on the brink, [www.law21.ca](http://www.law21.ca)

Law Tech Futures, <http://lawtechfutures.com/>

Law Technology Today, <http://www.lawtechnologytoday.org/>

Legalfutures, [www.legalfutures.co.uk/blog](http://www.legalfutures.co.uk/blog)

Legal Process Outsourcing, <http://legallyours.blogspot.co.uk/>

Legal Zoom Canada, [www.legalzoom.ca](http://www.legalzoom.ca)

Legal Zoom USA, [www.legalzoom.com](http://www.legalzoom.com)

Lexis Nexis Blawg – The Future of Law,  
<http://lexislegalintelligence.co.uk/intelligence/blawg/tag/future-of-law/>

Prism Legal, [www.prismlegal.com](http://www.prismlegal.com)

Robert Half Legal podcasts, <http://www.roberthalflegal.com/podcast>.

Slaw.ca, [www.slaw.ca/category/practice-of-law/future-of-practice](http://www.slaw.ca/category/practice-of-law/future-of-practice)

Stuart A Forsythe, [www.thelegalfuturist.com](http://www.thelegalfuturist.com).

Task Force on the Future of Legal Education,  
[http://www.americanbar.org/groups/professional\\_responsibility/taskforceonthefuturelegaleducation.html](http://www.americanbar.org/groups/professional_responsibility/taskforceonthefuturelegaleducation.html)

Thoughtful Legal Management, [www.thoughtfullaw.com](http://www.thoughtfullaw.com)

The Time Blawg, [www.thetimeblawg.com](http://www.thetimeblawg.com)

The U.K. Centre for Legal Education, <http://www.ukcle.ac.uk/>.

University of Oxford Novak Druce Centre for Professional Service Firm,  
<http://www.sbs.ox.ac.uk/centres/professionalservices/Pages/NovakDruceSeminarSeries.aspx>.

University of Toronto Centre for the Legal Profession, [www.clp.utoronto.ca](http://www.clp.utoronto.ca)

VQ Legal Innovation Blog, [www.vqab.se/legal-innovation-blog.aspx](http://www.vqab.se/legal-innovation-blog.aspx)

