



The End of Lawyers?

Rethinking the Nature of Legal Services

Richard Susskind, OBE, published 2008, 256 pages

Who would dare to think such a thing?

A lawyer! In fact, one held in esteem by a cadre of legal thought leaders.

Richard Susskind, a Glaswegian (as in born in Glasgow, Scotland) is not your typical lawyer. From the very start of his career, he has embraced technology as being not only an enabler but also a driver of legal service delivery. Among a long list of compelling accomplishments, he is IT advisor to the Lord Chief Justice of England and Wales and Emeritus Professor of Law at Gresham College in London.

The End of Lawyers? is considered the sequel to his earlier book entitled *The Future of Law* (1996) in which he made a number of predictions (considered outlandish at the time) on how technology would impact the legal profession around the world. Many of those predictions have come true. And now, he challenges us to turn our profession upside down to meet a new set of demands from clients and the general public. According to Susskind, change is charging at us and it is laden with opportunities to be enjoyed or risks to be suffered.

He describes his purpose on page one: "My aim is to explore the extent to which the role of the traditional lawyer can be sustained in coming years in the face of challenging trends in the legal marketplace and new techniques for the delivery of legal services." His thesis is that our role will be shaped by two forces: commoditization and IT. Traditional lawyer functions will be eroded and replaced with different ones. In his words, the challenge is "for lawyers to ask hand on heart what elements of their current workload could be undertaken differently – more quickly, cheaply, efficiently or to a higher quality – using alternative methods of working."

He points to how IT and, in particular, expert systems, the personal computer and the web have had a profound impact on the ability to spread and share legal knowledge and expertise. He warns of even more profound changes based on the exponential growth of technology and its delivery of vast amounts of information and experience, social networking and online communities. Legal technologies that he labels as 'disruptive' to current legal practice will become characteristic of our legal service model: automated document assembly, relentless connectivity, an electronic legal marketplace, e-learning, online legal guidance, legal open-sourcing, closed legal communities, workflow and project management and embedded legal knowledge.

Susskind shares an array of research with us. He draws on experiences and examples from the legal profession and other walks of life – the business community, the health sector and the tech world – and includes insights about human behaviour, psychology, workflow management and networking.

Then there are Susskind's probing sub-questions and propositions that lead directly to the title's question. His responses, which largely rely on a combination of two strategies – efficiency and collaboration – are well-reasoned and supported with detailed facts and case studies. He addresses these questions from many perspectives: clients and their needs and demands (both in-house lawyers as well as individuals); types of legal services and the tasks involved (dispute resolution, transactions, personal services); and outputs likely to be most valued going forward (communication, knowledge sharing, legal risk management). He also speaks to new approaches such as legal triage and multi-sourcing

along with a more entrepreneurial third sector service provider distinct from the traditional law firm. Quite uniquely, Susskind devotes a significant amount of attention to the difficult issue of access to law and justice and goes well beyond the traditional discussion of access to the courts. To this issue he brings a fresh, practical and all-encompassing approach built on a 'client service chain' comprising three elements: recognition (the ability to identify that a problem does or will exist); selection (the ability to select from a complement of available legal guidance); and service (the ability to receive the right legal guidance).

In the end, Susskind answers his title's question with a "no, not quite yet". But his prognosis is that various client-driven forces mean lawyers will no longer be the dominant means of securing access to legal understanding and justice; our role as expert trusted advisor will belong to only a small number of lawyers. Lawyers will have new roles such as the legal knowledge engineer or the legal risk manager or a legal hybrid with multi-disciplinary expertise. If you are ready to look into Susskind's question, this book makes for fascinating reading. And if you are serious about embracing the changing environment, it is a primer for new ideas and bold action.

The practicePRO Lending Library has one copy of *The End of Lawyers?* To borrow it, go to www.practicepro.ca/library.

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