



The new reality for legal services:

Which kind of lawyer will you be?

*In the opening chapter to his book, **The End of Lawyers? Rethinking the Nature of Legal Services**, author Richard Susskind challenges lawyers around the globe to look at themselves, the work they do, and their future, differently. He suggests that two key forces – a market pull to commoditization and the proliferation and increased use of information technologies – make fundamental change in the delivery of legal services inevitable. The challenge for lawyers is to identify what aspects of their work can be delivered more cheaply and efficiently in other ways, and which of their “distinctive skills and talents” can never be supplanted by less costly legal service providers, systems or processes. In the final chapter, Susskind comes full circle, outlining the five types of lawyers that he predicts will be needed in the future.*

“The future for lawyers could be prosperous or disastrous ... lawyers who are unwilling to change their working practices and extend their range of services will, in the coming decade, struggle to survive. Meanwhile, those who embrace new technologies and novel ways of sourcing legal work are likely to trade successfully for many years yet.

“With clients cutting costs and finding alternative ways of sourcing work or sharing costs and collaborating regularly with one another, what does this mean for lawyers? ... I predict that there will be five types of lawyer in the future.

“The first will be the ‘expert trusted advisor’. This is the purveyor of bespoke legal service. ... market pressures will generally discourage lawyers from handling matters in a bespoke manner wherever this is possible. Instead standardized or computerized service will be preferred. However, on some occasions bespoke work will be unavoidable. For the foreseeable future, intelligent, creative lawyers will be needed in certain circumstances – to fashion new solutions for clients who have novel, complex or high value challenges (the expert element) and to communicate guidance in a highly personalized way (the trusted component) where this is wanted. The end of the expert trusted advisor is not therefore in sight. The danger facing many lawyers, however, is to assume that their client’s work always requires this expert or trusted treatment. Lawyers who handcraft while their competitors introduce new efficiencies (computerizing or outsourcing for example) will not be practising in ten years’ time, because bespoke is a luxury that clients will not generally be able to afford.

“My second category of lawyer for the future will be the ‘enhanced practitioner’. This is the individual whose legal skills and knowledge are required not to deliver a bespoke service but, enhanced by modern techniques ... This lawyer will be supporting the delivery of standardized, systematized, and (when in-house) packaged legal service. The crucial point here, though, is that the market will only tolerate this lawyer’s involvement where legal experience is genuinely needed. Otherwise other less costly sources of support will be favoured, such as paralegals, legal executives, and legal process outsourcing service providers. Today clients frequently pay lawyers to do work that intelligent and trained non-lawyers could undertake. This will stop in years to come and the need for lawyers who perform routine work will diminish accordingly.

“In contrast, there will be a much greater need for my third category of lawyer – the ‘legal knowledge engineer’. If I am right and legal service will increasingly be standardized and (in various ways) computerized, then people with great talent are going to be needed, in droves, to organize the large quantities of complex legal content and processes that will need to be analysed, distilled, and then embodied in standard working practices and computer systems. This new line of work will need highly skilled lawyers. The development of standardized documents or procedures and the organization and representation of legal knowledge in computer systems is, fundamentally, a job of legal research and analysis; and often this knowledge engineering will be more intellectually demanding than conventional work (working out a system that can solve many problems is generally more taxing than finding an answer to one problem). It is entirely misconceived to think, as many lawyers do, that work on standards and systems can be delegated to junior research or support lawyers. If a legal business

is going to trade on the strength of outstanding standards and systems, then it will need outstanding lawyers involved in their design and development. These legal knowledge engineers will also be needed to undertake another central task – the basic analysis and decomposition of legal work that I claim will be required if legal work is to be multi-sourced effectively and responsibly. Legal knowledge engineering, in the twenty-first century, will not be a fringe show at the edge of the legal market. It will be a central occupation for tomorrow’s lawyers.

“Fourth will be the ‘legal risk manager’. This category of lawyer is sorely needed and is long overdue. Senior in-house lawyers around the world insist that they are in the business of legal risk management – clients prefer avoiding legal problems rather than resolving them ... Hardly a lawyer or law firm on the planet has chosen to develop methods, tools, techniques or systems to help their clients review, identify, quantify, and control the legal risks they face. I expect this to change. Urgent demand from the market will lead lawyers (perhaps bolstered and emboldened by external funding) to offer a wide range of proactive legal services whose focus will be on anticipating and pre-empting legal problems. This will be quite different from legal work that concentrates on addressing specific deals or disputes. In some ways more like a form of strategy consulting, this legal work will be wider ranging and more generic, helping clients to prepare more responsibly for the future. Again, this is not a peripheral job for the legal fraternity. This could fundamentally change the way in which the law is practised and administered.

“My final category of future lawyer is the ‘legal hybrid’. My premise here is that successful lawyers of the future, wherever they sit on my evolutionary path, will be increasingly multi-disciplinary. Many already claim that they are deeply steeped in neighbouring disciplines, as project managers, strategy and management consultants, market experts, deal-brokers, and more. In truth, though, these forays into other fields are not strategically conceived, or formally planned, or supported by rigorous training. They are rather ad hoc and piecemeal initiatives. In contrast, legal hybrids of the future will be superbly schooled and genuinely expert in these related disciplines and will be able to extend the range of the services they provide in a way that adds value for their clients.

Taking these five categories together, it is clear that there will be work for lawyers to do in the future. What is much less obvious is whether today’s lawyers will be equipped to take on the jobs I envisage. While the expert trusted adviser and the enhanced practitioner look much like contemporary lawyers, I predict that their number will be greatly reduced. The range of work of the expert trusted adviser will be reduced by standardization and computerization, while the enhanced practitioner’s domain will be diminished by the emergence of alternative, lower cost individuals who can work responsibly with standards and systems. In some areas of law, lawyers will be less dominant, while in others (where there are, for example, online legal services or there is legal open-sourcing) they will no longer have a role.”

*An excerpt from **The End of Lawyers? Rethinking the Nature of Legal Services** (Chapter 8 – Conclusion – the Future of Lawyers pp 271-273) by Richard Susskind, Oxford University Press, 2008. Adapted with permission of the author.*