

# The Future of Law: *Tomorrow's Lawyers* by Richard Susskind

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Most American lawyers became aware of British Professor Richard Susskind after he wrote *The End of Lawyers?* in 2008. The book generated a lot of controversy among lawyers with some proclaiming that he had indeed “seen” the future of law and others protesting that the practice of law would certainly **not** undergo the kind of radical changes that Susskind foretold.

Susskind is back generating controversy once again in his latest book, *Tomorrow's Lawyers*. We are unabashed fans of Susskind's prophesies, even those we may not wholly agree with, because he forces the legal profession out of its natural complacency.

He refers to that complacency in the very beginning of his book, quoting Alexander Graham Bell: “When one door closes, another door opens, but we often look so long and so regretfully upon the closed door that we do not see the ones that open for us.”

We know a large percentage of lawyers who believe that the economic downturn is at the root of all their troubles – they continue ardently to believe that when the economy rights itself, the practice of law will return to the world they knew before 2008.

Professor Susskind does not believe that, and neither do we. Susskind paints with a broad stroke, showing us the prevailing winds from 10,000 feet. In details, he may be wrong, but in general, we find his arguments compelling. He states that, in the next two decades, the practice of law is very likely to change more than it has in the last 200 years. Susskind is worried that we are not preparing our law students and young lawyers for this new world.

The greatest driver for change is unwelcome to lawyers, but Susskind calls it the “more for less” challenge of delivering more legal services at less cost. That is something that all clients, especially corporate clients, are asking for. The hard reality is that, to do so, law firms must become more efficient or their bottom line will suffer.

Susskind identifies the second driver for change as liberalization, meaning that non-lawyers will be permitted to deliver services that currently are provided only by lawyers. The U.K. is far ahead of us in pursuing this course, but we have seen glimmerings of the path to come. A host of “legal” services is now being provided online. LegalZoom may be the big kahuna, but it has lots of company and more each day.

To no one's surprise, the third great driver is technology. Not only is it "disruptive technology" but it refuses to sit companionably beside the traditional working world of lawyers. The fact that computers allow us to work so much faster, repurpose previous work and cause hundreds of other legal functions to speed up has driven legal costs down and increased the client clamor for value-based billing. There is a nice list of disruptive technologies provided in the book which will cause some lawyers to reach for the Advil because so many of these technologies did not exist when they graduated from law school and they have little or idea how to adapt to them. Online dispute resolution services? Litigators may wince, but they are upon us.

Susskind cautions that the Golden Age of Law may be over – that we will never return to our old ways of work. To survive, we must make efficiency and collaboration our watchwords. Law firms must strive to become more efficient (which has not previously seemed in their best monetary interest) and clients must band together to share the costs of some legal services. As an example, Susskind references banks. Much of their compliance work is administrative and non-competitive – if they "clubbed" together and had one law firm doing that sort of work, the savings could be substantial. Of course, the other law firms whose banking departments would be impacted would be most unhappy.

There is a great deal in this book about commoditization, which most lawyers now agree is here to stay. But by decomposing legal tasks, letting some be performed by non-lawyers and some by different levels of lawyers, some in-house and some outsourced, we may save clients money – and thereby retain old clients and attract new clients.

For law firms which have built their profitability around hordes of junior lawyers furiously billing, retooling their firms means plotting the obsolescence of what now provides their sizeable incomes. Many will rage against the inevitable, but they cannot stop the future from coming. To twist Susskind's words to the American side of the pond, "turkeys rarely step forward to vote for an early Thanksgiving."

Are our law school adequately training young lawyers? Susskind clearly believes that they are not. There has been some progress with legal clinics and classes in law practice management and technology, but the progress is scant compared to growth of the problems that law school graduates face. By in large, Susskind believes we are training young lawyers to become 20<sup>th</sup> century lawyers rather than 21<sup>st</sup> century lawyers.

For those who are young lawyers, we were particularly impressed by Susskind's suggestions of questions that they might ask in an interview to make sure they are entering a law firm that has a viable future. We were even more taken with Susskind's list of supplemental education possibilities that young lawyers could undertake to make themselves more valuable to a potential employer (law firms and other entities), from understanding legal technology,

mastering legal project management, performing systems analysis, etc. Sadly, a law degree alone will not suffice for most. Even at that, the high incomes once promised to young lawyers are no longer guaranteed. Only a few will reach the exorbitant incomes of the past.

Susskind hones in on the essence of his advice when he quotes the famous ice hockey player Wayne Gretzky, who counseled, "Skate where the puck's going, not where it's been." Indeed, if "tomorrow's lawyers" wish to succeed, they will have to project where the puck will be and make sure that they are there. There is no better guide to doing so than Professor Susskind's book.

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