

Back to the Future: Richard Susskind's Predictions – Circa 1998

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Present day commentators, as a rule, have nothing but wonderful things to say about Richard Susskind, whose most recent book is “Tomorrow’s Lawyers.”

We thought it would be fun to take a look backward at U.K. Professor Susskind’s earliest book, “The Future of Law” (1998 – revised in paperback from the 1995 edition). We do so fondly – his predictions were made a long time ago – and we ourselves have eaten so much liberally salted crow pie with respect to our own predictions that we have practically decimated the crow population of Virginia.

All crystal balls are murky – and honestly, Richard’s predictions hold up pretty well as a body of work. We were greatly amused to read the terminology of the era – many references to “The World Wide Web” and “the information highway.”

Certainly, he was right about commoditization of the law and lower prices that it would offer – witness the success of LegalZoom and many others, as well as the tendency to unbundle services. He was also correct that the law would no longer be the exclusive preserve of lawyers.

He foresaw the widespread use of e-mail by lawyers – and of video conferencing. He could hardly have foreseen texting at that point and social media was non-existent. We doubt that anyone foresaw some of the specific new technologies which have now infiltrated our daily lives.

He predicted that all sorts of services would come online, that we would buy movie tickets and use online travel agents and insurance brokers. He realized that virtual private networks, then nascent, would proliferate. He knew that technology would shrink to something the size of a deck of cards.

He also knew that usability would be key and that technology would need to respond to the preferences of the user.

Richard perceived that video would be very attractive and that we would jump around on the Internet, perhaps not exploring in a linear fashion as we once did with books.

When he wrote, only 1/3 of U.K. households had computers – a quaint footnote in history. He predicted the rise of virtual worlds, though perhaps they have not been adopted quite so much as he thought.

Richard wouldn't be human if he hadn't stumbled once or twice – he saw the widespread convergence of televisions and computers within 3-5 years in the U.K. Even today, that hasn't happened as fast as was once thought. We have embraced “small” - and are happy to have our mobile devices rather than rely on a giant screen. It also occurs to us that some folks would prefer to keep their Internet activities private from the people they share space with – sometimes for sordid reasons but sometimes for reasons of understandable personal privacy.

While we don't yet have active contact lenses filled with computer output, we do indeed have Google Glass – not so far away from Richard's vision.

He knew the law would come to the Internet and fashion ways of practicing that differed from offering customized advice in person at an hourly rate. He recognized that the law would both automate and innovate, as indeed it has.

Way before his time, he foresaw the use of technology to have legal conferences, arbitrations and court hearings. He knew that legal information kept in dusty books on dusty shelves would be instantly available via the Internet for all to use.

We loved his prediction of “know-how” systems in law – his early term for knowledge management. He saw how important these could be for law firms and other legal entities.

He prophesied the use of virtual legal teams – and part of what he described is really the forerunner of virtual law firms. The automation of legal services he saw with clarity. Though the term “big data” wasn't coined when he wrote, he noted some of the possible uses, including the prediction of outcomes, probable sentences, etc.

His “bulletin boards” turned into wikis, but he had the right basic idea. He talked about online learning, describing what would come to be known as webinars. His crystal ball accurately predicted the rise in electronic case management, electronic transcription and online litigation support.

He foresaw greater access to the law for the public (certainly true) and a more efficient high tech justice system which would therefore be less costly (he might find some debate there).

He accurately saw that courts would develop their own software systems, which would not interoperate with other court systems. That mess certainly still exists today. He advised strategic planning – and we suspect that he would agree that we haven’t had much of that on either side of the pond.

He knew that lawyers would resist change, but pointed out that “the genie is out of the bottle” and predicted that lawyers, however stubborn, would not be able to avoid the impact of the technology juggernaut.

He recognized the need for “bespoke” customized advice, but also that the need is limited and that there was and is a latent need for non-customized legal services. Frankly, we think he read the tea leaves well. And we agree with the fundamental conclusion he reached almost two decades ago: “The future of law is digital.”

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