

‘Tomorrow’s Lawyers’ a compelling read for today’s attorney

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If you are not yet familiar with the work of professor Richard Susskind, you soon will be.

The highly accomplished British consultant to the legal and accounting professions took the legal world by storm with his 2008 book, “The End of Lawyers?” In that widely read monograph, Susskind employs the compelling metaphor of the shift from individually tailored clothes to mass manufacture to suggest that law practice is undergoing similarly dramatic change. His title wonders aloud what percentage of the work being done by lawyers today may someday be performed by non-lawyers or accomplished via technology.

Now, in his newest book, “Tomorrow’s Lawyers,” Susskind presents a far more readable version that expands on his earlier themes. He presents with clarity and precision three forces he believes will powerfully transform the work of lawyers in just a few years.

First, clients, particularly large organizations, will place increasing pressure on legal-service providers to deliver more and better work at lower cost.

Second, those who regulate the legal profession will be impelled to liberalize rules that limit business ownership of law firms and that tightly police the unauthorized practice of law.

Third, and on this Susskind writes with particular expertise, technology will alter the way legal services are delivered so that the nature of many legal jobs will change dramatically.

Taken together, these points form a powerful case that the current downturn in employment for recent law graduates is part of a structural change in the profession and not simply another trough in a routine business cycle.

Susskind describes a seismic shift in which personalized legal advice-giving will give way to more standardized legal processes that are capable of being delivered at scale.

A firm that has advised on one hospital merger, for example, might develop an electronic template it could market to health care clients. Such “standardized” products might walk clients through routine points, leaving additional time for lawyers to focus on unusual aspects of a transaction. Susskind is convinced that such standardization cannot only reduce costs but also increase quality.

And the contrast between this book’s simple, concise, high-quality presentation and the more nuanced but also more plodding style of his earlier work is perhaps Susskind’s way of illustrating the point.

It would be a mistake, however, to read “Tomorrow’s Lawyers” as a lament over the crumbling of longstanding patterns and practices within the legal profession. Instead, as the book’s title suggests, Susskind’s principal aim is to outline the vast opportunity he sees for lawyers willing to embrace the changes ahead.

He shows how outsourcing and technology will render it too expensive to continue traditional methods for routine functions, such as document review. But he also shows how developing savvy, cost-effective ways to use non-lawyers and advanced technology will create hundreds of new jobs for lawyers ready to develop new skills.

He sees future lawyers serving as organizers of large amounts of computer-generated legal information; as designers of legal

technology systems; as interdisciplinary consultants interpreting legal information for cognate professions such as health care providers; as designers of legal processes aimed at low-cost, high-quality service delivery; as project managers decomposing large matters into smaller tasks and assigning components to the appropriate service providers; as practitioners of online dispute resolution; as management consultants for in-house legal teams; and as internal risk managers within large organizations.

Although that may sound like a brave new world for lawyers, my recent conversations with leaders of major firms suggest that Susskind's vision for tomorrow has already begun today.

Finally, it would be unfair not to acknowledge that Susskind is concerned with more than simply how lawyers of the future will earn a living. He is particularly excited with how lower-cost legal services will open doors for less fortunate clients, and how technological innovation such as virtual courtrooms and online dispute resolution will enhance access to justice.

It's hard to disagree with him on the value of reducing costs for those who cannot pay current legal bills. But missing from his story is the path through which the new world of lawyering will nurture our longstanding values of fairness, a level playing field, commitment to individual rights, and adherence to the rule of law.

An independent and powerful legal profession has played a key role in sustaining our democracy, and it's difficult reading Susskind not to wonder how our values will fare in the years ahead. Perhaps that will be the next topic in Susskind's impressive line of books on our profession.

In the meantime, Susskind's analysis and predictions are compelling, and everyone making or planning a career in law would be wise to read and consider this concise, well-reasoned road map for our future.

Those of us within America's law schools have a further obligation to incorporate his suggestions into curricular reform and within opportunities for workplace learning so that today's students will indeed become the best of tomorrow's lawyers.

"Tomorrow's Lawyers: An Introduction to Your Future"

By Richard Susskind

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