Book Review

Beyond the broadsheets, however, there is very little sense that certain business sources are treated as a priority. It would be great if the news aggregators could prioritise those sources which have authoritative business or market commentary (such as the *Estates Gazette*), and especially those with market-sensitive information (such as the RNS announcements) and ensure these are added as soon as possible. Even publishing the time-frames for the supply of the newsfeeds agreed between the publishers and the aggregator would be a good start.

As aggregators, these services will not be able to meet all our demands for the timely delivery of information: law firms will all differ in what they define as key sources and not all newsfeeds will guarantee supplying their articles within a certain time-frame. Nonetheless, effort spent in identifying the services' key sources and trying to guarantee that market sensitive information is added to the system speedily and within an agreed time-frame would be very worthwhile.

Reuters or Nexis?

Law firms looking to renew their news database contracts in the coming months certainly have more of a realistic choice than was the case 12 months ago. Nexis can still claim better coverage in terms of a wider range of sources, a greater archive and some key business titles currently missing from Reuters. It also has the great advantage of having been the main news source for many law firms over a number of years, so there are still compelling reasons to keep this subscription. In the current market, however, competition can only be a good thing for hard-pressed library budgets and Reuters with Newsroom is a very impressive and welcome alternative.

Dunstan Speight
Library Manager
Berwin Leighton Paisner LLP

Book Review

SUSSKIND Richard. *The end of lawyers? Rethinking the nature of legal services.* Oxford: Oxford University Press, 2008. ISBN 978-0-19-954172-0

The main title of this book is an attention-grabber, and the subsidiary title is not entirely accurate. In the context of political, social and economic factors, including those that are driven by communications and information technology (ICT), a balanced study of changes in and between the roles of legislature, executive and judiciary in the UK in the early 21st century, would be welcome. There is a book yet to be written concerning the impact of IT on the common law system in the UK, its constitution, on the administration of justice, and its impact on both lawyers and the public at large. Unfortunately, this book is not it.

Law and the administration of justice differ in all three main jurisdictions of the UK, as does the presence – and the significant, long-standing *absence* – of trained, professional lawyers within those jurisdictions. Before considering the "end of lawyers", one needs to identify within any jurisdiction both who they are and what they do.

The arena of "legal services" from which Richard Susskind draws most of his examples of the use of ICT is that of the few score or so UK law firms servicing the top few thousand businesses with headquarters or major branches in the City of London, with some references to their US equivalents. These firms' client base predominantly comprises financial services institutions and suppliers to these. For the past couple of decades these businesses have poured shed-loads of money into ICT in order to improve both their prime products (and their candyfloss spin-offs), their internal business systems, and any category of supplier to them has had to do the same or go under. So, the lawyers in question, who may or may not cease to function, are essentially those in City firms servicing fearsomely competitive City businesses.

In this book the author continues his discussion in earlier publications of what he sees as "a market pull towards *commoditisation* and … pervasive development and uptake of *information technology*" (page 1). The book contains a useful summary of developments since he published *The Future of Law*. A high proportion of the 300+ footnote references are to systems on both sides of the Atlantic that have been successfully implemented. Others refer to committees and reports, in many of which he has been a participant, recommending further similar implementations. He identifies trends that he considers demonstrate an evolution in ICT systems used in legal contexts, and there are a couple of flowcharts with arrows pointing to the future. One senses an assumption

that adopting ICT must result in the best of all possible (legal) worlds.

It is not clear what market this book is aimed at. City lawyers? Surely by now the lawyers who have used ICT to best effect, with or without taking Susskind's earlier advice, won't need to read this book, and those who have not won't want to? ICT managers who are in a position to contribute to major law firms' or in-house law departments' business strategy? These people need more than the collection of anecdotes and predictions that this book comprises. To make their case for spending money they need lots of hard data, of which there are next to none here. Making that case is all the harder in view of current economic events. Several major financial businesses had already ceased to exist before the date of the Introduction to this book (August 2008), and the slide towards recession commenced before precipitous market collapse that followed Lehman Brothers' going down the pan on 17th September 2008. It's likely that many suppliers of services to these big players, including law firms, will go out of business shortly. The shed-loads of financial services clients' money are no longer available.

A high proportion of Susskind's references that are not to systems or websites, are to himself. Karl Popper gets a mention, along with a couple of gurus of the IT world, as does Lawrence Lessig, but not the work of Paul Strassman and his colleagues. Strassman identified contexts in which the use of ICT results in no improvement in effectiveness or efficiency, or either. The back pages of *Private Eye* over the past decade have itemised a graveyard of failed ICT implementations, mostly in the public sector, including court and probation service systems. Characteristics of these systems have been gigantism, failures in management of development and implementation (if that stage is actually reached) and, inevitably, astronomical cost overruns. The terrible truths set out in *Parkinson's Law*[1] and Brooks' *The Mythical Man-Month*[2] might just as well not have been written, for all the notice that has been taken of them by the ICT industry and its clients.

To add philosophical flavour, there is one reference to HLA Hart, but the weight of this is somewhat diminished by the inclusion of another, to *Men are from Mars, Women are from Venus*[3].

In the relative cultural isolation of the major law firms, Susskind's cheery optimism concerning ICT is not particularly dangerous: if their clients survive, City lawyers will continue to implement systems that their clients expect and which give them competitive advantage; if the clients diminish or disappear, so will the lawyers. The roles of such commercial lawyers, or of their substitutes envisaged by Susskind, may alter, or they may disappear. Does the rest of society care? Probably not a lot.

Susskind's book in the main deals with life on Planet Mammon: life on Planet Rumpole (or even Planet Pooter) doesn't figure much. He seems to think that lacunae in legal services for people who cannot afford a lawyer will be filled by lots of *pro bono* work. Well now, I wonder who will be able to afford to do that?

Gillian Bull
Solicitor (Planet Mammon)
JP (Planet Rumpole)

Footnotes

[1] C. Northcote Parkinson, first published in the UK 1958 by John Murray.
[2] F. Brooks, Addison-Wesley, 1975.
[3] John Gray, Thorsons, 1992.