

The Legal Career (R)Evolution and Mentoring Through Technology

Abstract: Technology is transforming the way legal work is being delivered. It is influencing what law firms, clients and legal departments are expecting of their employees and what employees are expecting of their employers. It is reshaping legal education and careers; lawyers are becoming legal knowledge engineers, information professionals and knowledge managers are working closer than ever with IT teams. In this article, Ann Hemming and James Wilkinson will be considering lawyers’ training and BIALl members’ role in the landscape being reshaped by legal technology.

Keywords: technology; training; lawyers; information professionals

PART I: TECHNOLOGY’S INFLUENCE ON LAWYERS’ TRAINING BY JAMES WILKINSON

In June 2018’s BIALl conference we asked the audience how many job roles they had had during their working lives. Whilst the survey might have been brief and the attendees had been working for varied lengths of time, the results, shown below, confirmed that the concept of a ‘job for life’ is extinct and that ‘portfolio careers’ are commonplace.

This very much accords with other, more rigorous, research on the subject, which have suggested that:

- on average, people change employer every 4.2 years¹;
- in the first ten years of someone’s working life, they are likely to experience four changes of employer²;
- 56% of Britons are planning to change career in next five years³; and

- people should be preparing for five careers in their lifetime⁴.

The portfolio career means that the traditional view of career progression, in law as much as any other industry, has changed and continues to change. The law firm pyramid is still present but it is narrower and there are new and exciting ways to move within and influence it. The introduction of new business models and the possibility (and often expectation) of more flexible ways of working means that the number of opportunities for lawyers within the legal universe but outside of a traditional law firm structure are growing, examples of such opportunities being:

- consultancy or tech accelerator branches a firm (e.g. Kemp Little Consulting or Allen & Overy’s Fuse);
- practicing in a firm with much flatter structure (e.g. Axiom);

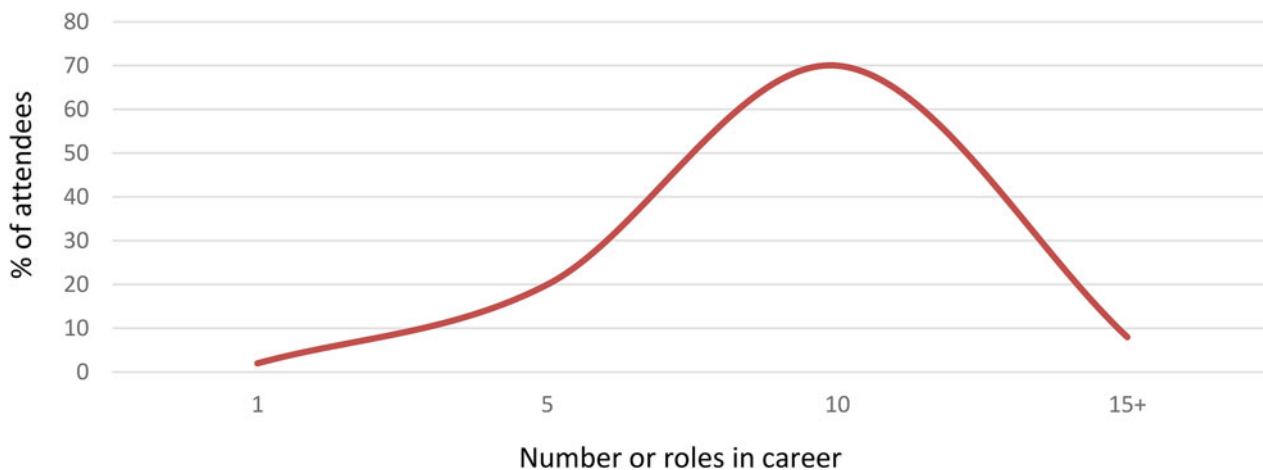


Figure 1. Number of roles in a career.

- working in a legal tech businesses (e.g. LexisNexis); or
- hybrids between tech and law (e.g. Wavelength and Riverview).

In short, whilst the journey of earning one's stripes, moving through the ranks and aiming towards partnership still exists, it is just one of many choices now available to lawyers.

TRAINING

Law firms have always invested in their lawyers' training for the same reasons as any other business has – it helps maintain market position, can give a competitive edge and is an important recruitment and retention tool - but the changing shape of the legal universe, the opportunities now available and the frequency at which people change jobs gives rise to two questions:

- 1) Should law schools (who are often being paid by sponsoring firms) be equipping their students with the skills that could enable them to potentially move around within this wider universe?
- 2) Is it worth law firms investing in developing their lawyers' skillsets if, as we have seen from the statistics above, they are so likely to move somewhere else in the near future?

Of course the answer to both is "yes". More than ever before, with 2020's SQE approaching, law schools need to differentiate by supplementing excellent core legal training with all of the softer skills that firms are keen to have instilled in their lawyers before they arrive on day one of their training contract. And firms can only attract and retain the best lawyers if they provide the tools to allow those lawyers to spend as much of their time as possible on high-satisfaction work.



Figure 2. Moving up in a career.

This is best put by Richard Branson in his famous quote of "train people well enough so they can leave, treat them well enough so they don't want to"⁵ However we would suggest a small amendment.

What we mean is to train them to appreciate technology, make sure they understand the possibilities and then to think about how technology can be used to help solve problems (or as David Beech, CEO at Knights Plc puts it: use technology as a way to "trade up to a better class of problem"). We certainly would not suggest that lawyers are trained to be developers as that will rarely be a good use of your or their time. This advice makes even more sense when one considers the likely career choices that would face a lawyer in private practice. Taking each choice in turn:

I. Continue practicing law with their current firm

Training your lawyers as if they were going to work for a legal technology business means that they can be providing the best possible service to clients.

If you were building the foundations to a new house, you would have undertaken a little homework before hiring a contractor. You would have researched the methods of building foundations, the tools used and the likely cost. If you had been expecting (quite reasonably) foundations dug by a team of three in a week with a digger for around £30,000, you would probably not engage a contractor who suggests that he would use a crew of 12, all armed with spades, to dig for four weeks at a cost of £65,000.

The consumers of legal services shouldn't be expected to behave any differently – they should demand efficiency and value for money and often a "good enough" job is sufficient; not every piece of work requires an artisan.

If firms fail to equip their lawyers to understand which technology tools are available and when and how to use them then they are setting themselves up to be the equivalent of the contractor with his spade and will eventually find themselves losing out to firms that do value the correct application of technology on a par with the delivery of sound legal advice. In fact, we are at the

"Train people well enough so they can ~~leave~~, treat them well enough so they don't want to"

Richard Branson

go and join a legal tech business

Figure 3. Adapted quotation from Richard Branson.

point now, that if a lawyer isn't aware of such tools or cannot use their existing technology properly then they are going to find it increasingly difficult to claim that they are acting in their or their client's best interests.

2. Stay in practice but move to another firm

A lawyer leaving for a competitor is always going to be a risk but providing excellent training is one of the best ways of ensuring that the green grass on the other side doesn't look too lush. Also, as has been said many times, the only thing worse than training staff and them leaving is not training them and them staying.

3. Move into an alternative role within the firm

More and more firms are recruiting innovation managers or those with the titles identified in Richard Susskind's *The End of Lawyers?: Rethinking the nature of legal services* (2008) such as:

- Legal Knowledge Engineer
- Legal Technologist
- Legal Process Analyst
- Legal Project Manager
- Legal Risk Manager

If a firm's training had been good enough to equip existing staff with the skills to move into such a role then they can be sure to have recruited someone who already fits with the firm's culture and structure and knows their business, meaning they can be more effective, faster.

4. Leave the legal universe altogether

Other than the small comfort of knowing that the training provided is not being taken advantage of by a competitor, one can take solace from the fact that, since the employee is not moving to a competitor, they could be an advocate for the firm in the future. And of course, the quality of the training provided is likely to contribute to the strength of that advocacy.

5. Move to a legal technology business

Other than an internal move, this should be seen as the most advantageous move for your firm (and exactly why we suggest training your lawyers up to make such a career change). Not only does such a move allow the lawyer to be an advocate for the firm if they had a good experience and great training but they also have the potential to become a strong technology partner, allowing the firm early access to the technology and influence on development roadmaps. Finally if the lawyer decides to come back to practice (which many lawyers do – old

habits die hard!) then you might be able to secure an employee who has gathered an enhanced skillset from their time in industry.

PART 2: TECHNOLOGY'S INFLUENCE ON BIALL MEMBERS BY ANN HEMMING

We know that we are experiencing unprecedented change in the legal profession. What does that mean for BIALL members? I believe legal information professionals have a unique role in supporting and driving change and innovation. These new careers within the profession give opportunities for everyone, including BIALL members. As a former law librarian, myself I'd like to now take a step back and consider how technology has influenced my career.

(Just for the sake of this article, I'd like to make it clear that, I know BIALL members may have a range of job titles, so I am using the term 'legal information professional' as a catch-all to describe what we do rather than who we are).

My career illustrates a significant number of changes and without doubt the key factor that has influenced those changes has been the impact of technology on the business of law. I started out as a law librarian around 30 years ago, when online systems were in their infancy. At that time online research was very much the remit for the information professional. It was a specialist role and we were the 'intermediary' between the lawyer and the machine. I have been lucky enough to work with a number of organisations that had an innovative approach to the use of technology and this really did make a huge difference in the opportunities for advancement.

From librarianship and my growing interest in technology I transitioned into managing websites for the government (the newly formed National Assembly for Wales). After a brief sojourn there, I then moved back to law and developed a role as head of learning and KM, introducing portals, e-learning and a number of other solutions. After many years with law firms, I moved into product development with LexisNexis. Then, I worked as an IT consultant and later as an independent legal IT consultant. I consider myself incredibly lucky to have worked with so many law firms, academic institutions and suppliers. It has been fascinating to see the legal industry from so many perspectives.

4 years ago I found my way back to LexisNexis, where I work closely on product development and user adoption. I think it's indicative of the way the industry is changing, that my role has changed almost annually as new products have come on stream.

In summary, it's not only lawyers' careers that are changing, for information professionals as well, there are a growing number of opportunities to shape your career and get involved in the way technology is transforming the business of law. Technology offers us so many

opportunities to help shape the way we work. On a macro level we now support an increasingly mobile, 24/7 global workforce. We are supporting users with huge expectations that technology and information will be at their fingertips. On top of that, the pace of change, and the complexity and volume of information that needs to be assimilated, grows exponentially. All at a time when the pressure from clients and management is to work smarter and more efficiently (doing more with less). Whether working in an academic environment or in practice, it's worth taking some time to think about the impact this will have on the information professional's career and the new opportunities coming our way.

NEW CAREERS

Love him or hate him, Richard Susskind has been predicting the emergence of new roles for lawyers for almost as long as I have been working, including those mentioned earlier by James.

In my experience, these roles are now becoming mainstream, essential in a firm of any size. They may have slightly different titles but they all illustrate the need for a mix of legal and technical skills as part of any service delivery model.

Susskind has written two additional books, updating his ideas on how the legal landscape is changing, whether you agree with him or not, I'd certainly recommend reading them, it helps to understand the landscape and the challenges that senior management are facing.

In essence, what many are predicting (and a number of us are already seeing) is that there are technical solutions that streamline the routine work currently performed in any legal transaction. This automation will involve breaking down tasks (and documents) into their component parts so that they can be processed and standardised wherever possible. Online systems are already being built to handle court business, discovery, and contracting. In summary, technology offers an incredible opportunity to develop and deliver services in new ways, and clients are increasingly expecting their lawyers to offer such solutions.

Moving on from Susskind's list, more recently I have seen a number of other roles within law firms, some you may recognise from your own organization:

- Head of Client Technologies
- Director of Innovation
- Head of Knowledge Technologies
- Director
- Head of Projects roles
- Innovation Hub Director

What is significant about this list? It is quite plain that specialist roles are being introduced at a senior level. Organisations are taking their technology investment seriously, recognising the need to change and investing in

their people accordingly. The other very noticeable change is the rise in job titles with 'innovation' actively called out. While I'm not suggesting that the only way to innovate is to use technology, it is inevitable that tech will frequently be a catalyst for innovation. Many legal organisations are now proactively driving new ways of working and investing time, resources and talent to make sure that they leverage technology to deliver new services.

MENTORING THROUGH TECHNOLOGY

As James has said, the modern workforce is expecting increasing flexibility; working away from a traditional office, they are mobile, working in virtual teams and via a range of different technologies and in multi-disciplinary teams. We are now seeing a new range of solutions that support this workforce.

Just as we have seen in the medical profession, within the law, support systems are being developed that can help guide the decision-making processes. New tools analyse vast amounts of data to provide deep insights into the likely outcome of cases. Decision logic tools that guide lawyers to, not only the correct documents but also to the likely outcomes, are becoming common. This is a trend that I believe will continue and offers all of us working within the industry, new ways to support our workforce.

Before I go on to discuss what effect this will have on legal information roles, I'd like to share an example from my own organisation of the way we are blending legal and technical roles to provide hybrid teams.

I work with a great team of knowledge engineers, data scientists and technicians. One of my colleagues, Helen Owden joined Lexis around two years as a knowledge engineer and is a good example of a legally qualified professional who has decided to follow a different career path. Helen studied law and computer science and then became a medical research analyst. The lure of the law was too strong of course, so Helen joined Lexis so that she could develop her unique blend of skills as part of our document automation team. She works closely with lawyers and data scientists as part of a global team. I asked Helen what the attraction was for this hybrid role.

This is what she said

"My days are never the same. You get to work with different areas of the law and on all sorts of problems. I love putting both my technical and my legal knowledge to good use, and I work with some really fascinating people. I also get to talk to a lot of law firm customers and help them deliver change projects. It's good to work with teams of innovators within law firms as well as in Lexis as it helps make what I do feel practical and it does influence the approach I take to design."

WHAT DOES THIS MEAN FOR BIALL?

Some of the most innovative, technologically savvy colleagues I have ever worked with have been information professionals. I think BIALL has an amazing role to play in helping to shape and support their members in this time of change. I am just going to point out a few areas where I feel the legal information profession can play a pivotal role.

Any legal professional needs to be able to manage their work in an increasingly complex world. I think that making sure everyone can deal with the following will be vital:

- Ability to identify 'Fake News';
- Managing the impact of constant, immediate communications;
- Understanding and reacting to compliance requirements;
- Implementing systems that can mentor and support decision-making;
- Providing insights into technology developments.

Supporting these new careers offers some fantastic opportunities for legal information professionals. The skills you all have in understanding emerging technologies will help you to add increasing value to your organisations. Traditional information skills, such as the ability to curate and organise content are more relevant than ever in an age of automation. From my experience information professionals are all highly skilled in the following areas:

- Curating for the truth;
- Delivering the right information at the right time;
- Presenting with clarity;
- Unbundling complexity;
- Understanding the impact of automation;
- Supporting user adoption.

As firms deliver new services, these skills can be pivotal in ensuring that solutions are delivered effectively and efficiently. In terms of areas where skills will certainly be of value, this is by no means an exclusive list but here are some areas where there will be new opportunities to get involved:

- Integrating online mentors;
- Training AI systems;
- Automating and creating workflows;
- Delivering integrated systems.

I'd also encourage all BIALL members to look at some of the excellent legal IT networks that promote best practice. ILTA (<https://www.iltanet.org/>) for example is an incredible organisation, with thousands of members globally. Their educational program is excellent. Another organisation that is helping to educate lawyers on technology best practice

is the Legal Technology Core Competencies Coalition (LTC4) <http://www.ltc4.org/>. For those of you working within law firms, you may well find that your organisation already has membership. I can recommend taking a look at some of the content and events that these, and similar organisations, offer. There is so much mutual benefit from joining up with these networks.

A CHALLENGE TO BIALL MEMBERS

Given the amazing range of talent, information professionals have, and the fact that these skills are more important than ever in our rapidly changing workplace, I had a quick look at what the BIALL website had to say about your key skills.

My initial feeling is that you are selling yourselves short. This is what I found on the website:

- An information professional has a vital role within the organisation and must be able to combine many skills;
- An excellent grasp of current affairs;
- A working knowledge of IT and how to exploit it;
- An interest in the law;
- Good communication and people skills;
- Management skills (such as project management, budgeting and staff management) are a key to their career progression.

While I don't disagree with any of the sentiments expressed, I do feel that the information professionals I have met have far more than a 'working knowledge' of IT. They also have more than just an interest in the law. Given the way that the practice of law is changing, and the role of an information professional is evolving, I'd suggest that a better reflection would be as follows.

- *An Information Professional has a vital role within the organisation and must be able to combine many skills;*
- *They need to have a passionate interest in the rule of law;*
- *They need to be able to interpret and curate news accurately;*
- *They will have extensive knowledge of technologies that transform the way legal services are delivered;*
- *They are excellent communicators and champion best practice in their organisations;*
- *They support innovation, through the application of their knowledge, project management, budgeting and people management skills.*

In short, I think that now more than ever, the legal industry needs the skills of BIALL members and that there are incredible opportunities to shape, not only your own career, but also support a fascinating and evolving legal profession.

Footnotes

- ¹ Bureau of Labour Statistics, September 2016, <https://www.bls.gov/news.release/tenure.nr0.htm> accessed 16.11.2018 (note whilst this is a US report it is a reasonable guide given that equivalent UK statistics are not available).
- ² Guy Berger and Gloria Yang, “Millennials Job-Hop More Than Previous Generations, & They Aren’t Slowing Down”, LinkedIn, April 2016, <https://www.linkedin.com/pulse/millennials-job-hop-more-than-previous-generations-guy-berger-ph-d/> accessed 16.11.2018
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Biographies

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James Wilkinson is Head of Automation at LexisNexis. James is also a solicitor with a decade’s experience in corporate law. He is focused on freeing up lawyers’ time to work on the most exciting and highest value work.