

Ready for robot lawyers? How students can prepare for the future of law

Rachel Hall Monday 31 July 2017 The Guardian

There was a time when law firm trainees were essentially glorified administrators. They filled their days with photocopying, pagination and trawling through documents. Now, computers do those mundane tasks much faster and without complaint. As law firms increasingly resemble tech companies, it's up to law students to keep up with the pace of change – and to prove that trainees still have a role.

Understanding the impact of artificial intelligence and machine learning on legal services could set applicants apart when competing for legal training contracts, says Christina Blacklaws, director of innovation at Cripps LLP. Students will have to put some of the work in themselves, though. Blacklaws thinks law degrees have fallen behind when it comes to equipping graduates with the skills they need. "Some universities are grappling with these issues, but I think they're in the minority," she says. "Most universities continue to teach a traditional curriculum, which was fine up until a few years ago, but might not properly prepare young people."

This isn't a problem limited to law. Graduates in most subjects are likely to find themselves working more with computers, algorithms and automated systems than their predecessors, and, relative to their peers, budding lawyers need not panic yet. A recent study on the future of employment examined the risk of algorithms replacing different jobs over the next 20 years, and calculated that lawyers had only a 3.5% chance of losing out to robots. This compares with 94% for paralegals.

The reason is that algorithms are good at making decisions that are more or less binary – judges, for instance, have a 40% chance of replacement. According to Andrew Murray, a professor of technology law at the London School of Economics, lawyers must give advice which presents a number of views taking account of complex issues, and "that's more difficult to programme".

Some aspects of lawyers' jobs are more vulnerable to change than others. While algorithms are effective at processing data, they're weaker in areas requiring emotional intelligence and human judgment. Complex areas of statutory law, like tax, will benefit from technology's superior processing skills – but humans will probably always be better at negotiating deals, mediating disputes, or making ethical judgments.

If they won't replace lawyers entirely, however, algorithms will certainly shape legal work of the future. Day-to-day laws and rules will increasingly be enforced through algorithmic regulation, which uses an automated system to police everything from dangerous driving to market fraud. "This changes the role of the lawyer," Murray says. "An algorithmically-regulated self-driving car would theoretically be unable to speed or to breach dangerous driving laws. This means we will reduce towards zero criminal prosecutions for driving." Murray envisages the lawyers of the future as setting rather than enforcing the rules, working together with programmers to ensure the algorithms are properly written.

Technology is also likely to transform dispute resolution. The physical courtroom where all parties congregate will be replaced with virtual courts. Ebay's resolution centre, although not legally binding, already uses online platforms to resolve consumer protection disputes. Murray thinks that algorithms will replace judges in some cases, with documents written in machine-readable code, such as self-enforcing smart contracts. The lawyer will move from litigating the dispute to programming smart contracts from the outset.

Law students looking to take advantage of these changes might consider an internship with large tech companies such as Facebook or Google, Murray suggests: "It shows an awareness of a developing client base." They should also inform themselves about future clients in emerging areas such as virtual reality, robotics and artificial intelligence. Students might also look to media companies, where the shift online has spawned new legal dilemmas, determining for example which regulatory regime applies to new services as Netflix or Youtube. He suggests that students interested in these emerging areas should seek out law courses with modules on media, internet, cyberspace and data protection. Advertising is another area he recommends, since it's a critical online revenue stream.

But law students should remember that a degree is an academic, rather than vocational, programme. Murray advises against selecting modules solely on the basis that they might be useful down the line, and suggests students wait until they undertake vocational training in their Legal Practice Course (LPC). "The best route to getting a training contract is to have a really good academic background," he says. "Study things you're interested in – whether it's family or commercial law – because I believe that's how you'll perform best." [...]