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LegalCURRENTS

NYSBA on the expanding role of lawyers

The New York State Bar Association is concerned about the future of the legal profession. So concerned that it commissioned a report on this very issue that was released earlier this month during the NYSBA's annual meeting in Manhattan.

The 109-page report (which can be accessed through the state bar association's website, www.nysba.org) was drafted by a special subcommittee appointed by the NYSBA's president. The subcommittee concluded that lawyers are facing increasing global competition in a depressed economy, leading to job burnout and a growing sense of frustration for many lawyers across the state.

In other words, "the profession has changed in its demands of lawyers and how they provide their services. And it will continue to change, as adaptation feeds back against economic and social shifts already taking place."

One of the more interesting predictions in the report was that due to the recent economic and social shifts, the concept of what it means to be a lawyer is in flux and will continue to change in the near future.

The subcommittee explained that the role of a lawyer will likely broaden from what it is today into other areas of responsibility, opening up career opportunities for lawyers with expertise in new processes and suggesting both a broader scope of services, and narrower specialization. ...

For example, there may be opportunities:

- To assist in systematizing legal processes, working on their own or with software developers to create more automated legal solutions.
- To create project plans, manage, or train lawyers to handle massive legal projects.
- To specialize in finding, managing, and applying information or work product culled from the Internet or from law firm knowledge bases.
- To structure virtual teams of firms that provide highly competitive services or who can create viable offshore substantive service providers.

There will continue to be opportunities for lawyers working for legal publishers or other types of substantive service companies to create packaged research, forms and other solutions to be used by other

lawyers. And there will be more opportunities for lawyers who want the flexibility of contract or freelance work and *pro bono* opportunities to create processes and systems to serve a larger base of clients than can be served, one at a time, in the traditional manner.

The NYSBA's recognition of this emerging trend, and its acknowledgement that the idea of what constitutes a "lawyer" is expanding, is good news and offers hope to laid off attorneys, unemployed recent graduates and lawyers who have left the legal field in pursuit of greener pastures. A law degree continues to have value even if you're not practicing law and it turns out that the experience gained over the course of a legal career is not wasted time after all.

Of course, just as with traditional lawyering, non-traditional legal practice is not without its ethical pitfalls. Many worthy online commentators have expressed concern with this very issue, suggesting that lawyers offering non-traditional legal services to other lawyers should avoid "snake oil salesman" tactics.

This issue was addressed in the report, with the subcommittee recommending that "the bar association identify businesses and best practices for lawyers advancing the concepts above, and that the Law Practice Management Committee consider whether a new committee or additional resources should be established for the purpose of addressing emerging issues in non-traditional legal practice."

In other words, a lawyer is still a lawyer, if by any other name. Regardless of how lawyers use their law degrees, they continue to have an obligation to act ethically and uphold the high standards of our profession.

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