

THE DAILY RECORD

WESTERN NEW YORK'S SOURCE FOR LAW, REAL ESTATE, FINANCE AND GENERAL INTELLIGENCE SINCE 1908

The end of the profession as we know it?

"It is from clients that we can glean probable trends in the legal market. It is client demand for new working practices and new efficiencies that will ultimately incline law firms to adopt new technologies. A few innovative and entrepreneurial firms will lead the way with some emerging systems. But most will wait to be nudged or dragged by their clients into 21st century legal practice."

— RICHARD SUSSKIND, "THE END OF LAWYERS? RETHINKING THE NATURE OF LEGAL SERVICES" (OUP 2008)

Many lawyers may be unwilling to face the music, but the legal profession is undergoing a dramatic transformation even as you read this.

I've believed that fact to be true for some time, and was thrilled to hear Richard Susskind's brilliant keynote speech at the ABA's TechShow on April 2 in Chicago.

Susskind is a technology guru who specializes in legal technology and has spent much of his career studying technology trends, predicting how they will affect the legal profession.

He's written a number of books examining those issues, including "The Future of Law" (OUP, 1996), "Transforming the Law" (OUP, 2000) and, most recently, "The End of Lawyers? Rethinking the Nature of Legal Services" (OUP 2008).

His recent keynote speech focused on his latest book and, for me, was the highlight of the TechShow. His main points resonated with me and it was wonderful to hear him speak of, and give credence to, many of the very issues I've been mulling over in the past year. Even better: He gets it — he really gets it!

The main point of Susskind's speech was his premise that the legal field is undergoing a fundamental change that will affect the vast majority of legal practice areas. He specifically noted that litigation practices will be least affected by technological changes due to the very nature of the practice, since litigation matters, including criminal defense, are very fact specific. Further, litigating attorneys must necessarily appear in court and it is unlikely that requirement will change any time soon.

According to Susskind, the major drivers of the changes are the technological advances now occurring at an unprecedented

and exponential rate. Susskind explained that the world has changed in ways we couldn't have envisioned just 10 years ago. He further opined that the legal field is not immune from the changes, despite repeated attempts of practitioners to stick their collective heads deeply into the sands of time.

As Susskind aptly noted, lawyers relish the idea of looking backward, not forward. Lawyers cling to precedent — "the way it's always been done" — even as the rickety old lifeboat that always kept them afloat is falling apart, and is being replaced by better, more advanced flotation devices.

The legal field is changing — not, will change. Technology's momentum cannot be stopped, nor can the end result of the momentum be predicted accurately.

Many naysayers doubt that prophecy, and demand explicit predictions regarding the ways in which the practice of law will change. Unfortunately, there is no way to predict exactly where technology will take us, nor is there any reason to do so. The more intelligent among us will make it a point to stay on top of technological advances, and will be at the forefront of changes as they occur.

Those who make change work for their law practices will profit and survive. Those who ignore it, quite simply will not, and will fade away, not unlike the dinosaurs that were unable to adapt to rapid change.

If you choose to adapt, then I highly recommend you buy Susskind's latest book, "The End of Lawyers? Rethinking the Nature of Legal Services." You'll find a blueprint for the future of the legal field that will help you to navigate the technological revolution that already is underway.

The choice is yours to make: Will your law practice sink or swim in the turbulent river of technological change?

Will you adapt, or will you go the way of the dinosaurs?

Nicole Black is of counsel to Fiandach & Fiandach and co-authors Criminal Law in New York, a West-Thomson treatise. She also publishes a popular New York law blog, Sui Generis, nylawblog.typepad.com and a blog devoted to legal humor, Legal Antics, nylablog.typepad.com/legalantics.



By **NICOLE BLACK**

Daily Record
Columnist