



## Change in the Legal Profession: Is It Real?

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The word change is being used often these days in relation to the legal profession. Whether it refers to the "uberization" of legal services, technology advancements or the move toward non-lawyers providing these services, change is becoming the buzz word in our profession.

As a corporate attorney, I am required to be innovative in my thinking and quickly adapt to changes in technology, my business and how I deliver legal services to my client. So I hear the word "change" all of the time. But as I talk to attorneys across the U.S., mostly from solo and small general practices, many are not aware of the changes that are being contemplated by the legal industry and outside influencers. Of those who have heard some talk of change, many tell me that the changes either won't happen or won't impact their businesses so they don't need to worry about it.

My response: change will come, as it is already happening. From Limited Licensed Legal Technicians (non-lawyers) in the state of Washington providing legal assistance for divorce and family law matters to technology companies providing automated legal documents to Ohio now allowing non-active attorneys to engage in limited legal practice to provide pro bono services, change is here and it will have impacts. The question becomes, why do we need change? In 2014, there were [nearly 1.3 million licensed attorneys](#) in the U.S. – yet [experts estimate](#) that only 20 percent of the legal needs of low income and 40 percent of the legal needs of middle income people are being met.<sup>1</sup>

Only [24 percent of people with a civil justice problem used an attorney](#). The following reasons were given by those who did not use an attorney<sup>2</sup>:

- 70 percent said they didn't see a need for help or that it would make a difference.
- 17 percent didn't seek assistance because of the perceived cost.
- 9 percent said they didn't seek assistance because they didn't know who to ask.
- 4 percent said seeking assistance was too stressful.

The United States [tied for a ranking of 65](#) out of 102 with eight other countries for overall accessibility and affordability to civil justice in 2015. We tied with Botswana, Ecuador, Jamaica, Pakistan, South Africa, Tanzania, Turkey and Uzbekistan<sup>3</sup>.

These statistics show that there is a need that is not being met. Now legal leaders, state bar associations, consultants and outside influencers are trying to find ways to meet these needs. In 2014, the American Bar Association developed the Commission on the Future of Legal Services, which has held countless meetings and innovative brainstorming sessions, to look into and develop solutions for this issue, which encompasses not only low income/legal aid needs but also addresses the needs of more moderate-income Americans.



"It has been [widely estimated](#) for at least the last generation that all the programs and resources devoted to ensuring access to justice address only 20 percent of the civil legal needs of low-income people in the United States."<sup>4</sup>

The State Supreme Courts are also addressing the need for change. In August of 2015, Resolution 5 was adopted at the Conference of the Chief Justices of all states. The resolution sets a goal for every state to provide 100 percent of its citizens, regardless of income, access to legal services. Many states already have commissions and committees looking into the future of the delivery of legal services and some have even made changes to their rules, like Washington, or changes through technology and other innovative advancements.

Many attorneys read about these changes but still have an "it won't happen to me" mentality. But perhaps the biggest drivers of change come from outside the legal profession and they will affect all of us: consumer demand, technology and money.

Consumers, including us lawyers, have changed. We want services how we want them, when we want them. We want to "click" to find the answer immediately; we want to look at ratings and reviews before we buy services; and we want answers at our fingertips. Most law firms don't provide this.

"There is a serious disconnect between the way that lawyers communicate with their clients and the way that clients are communicating with everyone else," says legal industry influencer Stephanie Kimbro.

If you are still not convinced that change will impact your business, consider technology. Technology has driven a change in almost every other profession – so why not the legal profession? Jordan Furlong, a leading consultant and analyst of the legal profession states, "Most law firms are working not much differently in 2013 than they did in 1953, despite 60 years of advancements in every other industry in the areas of technology, division of labor, and business process."

Richard Susskind, an expert on the future of the legal profession, wrote in his book *Tomorrow's Lawyers*: "You can call me radical, but it seems to me that if we can see the day when the average desktop machine will have more processing power than all of humanity combined, then it might be time for lawyers to rethink some of their working practices. It is simply inconceivable that information technology will radically alter all corners of our economy and society and yet somehow legal work will be exempt from any change."

Technology advancements in other professions, consumer expectations and unmet demands have become attractive to businesses outside the legal industry as they see this opportunity as a very profitable one. Legal Transformation Institute estimates the legal market to be worth \$400 billion:

- \$274 billion in practicing lawyer market;
- \$7.2 billion in research,
- \$5.5 billion in e-discovery,
- \$5.17 billion in Government Rules and Compliance,
- \$ 5 billion in in-house legal,
- \$1.5 billion in legal temp staffing,
- \$1.1 billion in legal process outsourcing.

The Institute finds that the [rest of the worth](#), about \$100 billion, is untapped potential with consumers and small businesses that encounter legal events but do not use a lawyer.<sup>5</sup>

Non-lawyer businesses see an area of need that could have significant returns on investment and many have been very vocal about change and the future of legal services. Furlong believes that "lawyers are not seeing the change we are talking about. The biggest mental block we, as lawyers, have to overcome is that we are no longer the only path to an outcome that is satisfactory to clients in the legal sphere."

## So what should you do about these current and future changes?

**1. Stay educated** – keep informed of what is going on in the legal industry, in other states and in Iowa.

**2. Adopt new technology in your practice to make your firm more efficient and consumer friendly.** Learn what is out there and research whether it will work for your practice. "[As a solo, adopting new technology is easy. Change is relatively easy when you do not have to overhaul a massive, ponderous business organization.](#)"

**3. Distinguish your firm to consumers.** "Lawyers need to think about the real value they can give to their clients, like counsel, empathy and good advice and then talk about themselves differently to share that value," says Furlong.

Change in our profession is real and it will impact your practice. So why not use the change to your firm's advantage?



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### About the Author

Nicole Schippers is the Associate General Counsel and Legal Industry Advocate at ARAG, an international legal insurance provider. In this role, she advocates for closing the access to justice gap, encouraging dialogue and a proactive approach in the legal profession. Nicole received her Bachelor's degree in journalism and mass communication from Iowa State University and attended Drake University Law School in Des Moines where she received her Juris Doctorate degree.

Nicole serves on the Association of Corporate Counsel (ACC) Board of Directors, the Iowa State Bar Association (ISBA) Board of Governors, and the Board of Directors for: ISBA Public Service Project, the ACC Iowa Chapter, and the Polk County Bar Association. Nicole was recently appointed to the Iowa Access to Justice Commission, is immediate past chair of the ISBA Corporate Counsel Section and a Fellow of the American Bar Foundation and the ISBA Foundation. Nicole is a published novelist and author whose work has been featured in legal publications such as the ACC Docket and Law Practice Today.

<sup>1</sup> Lawyer Demographics, ABA 2014

<sup>2</sup> Accessing Justice in the Contemporary USA: Findings from the Community Needs and Services Study, Rebecca Sandefur, American Bar Foundation August 8, 2014.

<sup>3</sup> The World Justice Project Rule of Law Index, Mark David Agrast et. Al. 2015.

<sup>4</sup> Report of the Summit on the Use of Technology to Expand Access to Justice, Dec. 2013.

<sup>5</sup> Make that \$400 billion for US Legal Market Size." Legal Transformation Institute. February 24, 2014.



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