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By Seb Murray on May 13, 2021

The pandemic is accelerating the digitalization of the legal profession

Forget virtual reality collaborations and contract-writing robots: it's some of the simplest legal tools that are having the most transformative impact on lawyering. Flashy innovations have captured the attention of the legal profession, which has traditionally been considered fusty, but it's the more basic tools that truly are changing the way attorneys work.

Dennis Kennedy, interim director of the Center for Law, Technology and Innovation at Michigan State University's College of Law, sees a seismic shift coming for the legal profession that has been exacerbated by the pandemic lockdowns.

"Law firms were only able to stay in business and survive because of virtual tools," he says. "In simplest terms, the availability of cloud computing allowed lawyers to work from home without too much disruption. All the tools that allow people to work collaboratively, Microsoft 365, Teams, Slack, and the like, are having a big impact."

He sees a new generation of digitally-native lawyers entering the profession and modernizing antiquated legal processes, systems and practices that no longer work: "What got us here won't get us into the future," says Kennedy.

He co-authored a book on collaboration tools and technologies for lawyers, and says the pandemic has reminded everyone that the law is collaborative. "Every technology that helps people collaborate is likely to remain and evolve further," Kennedy says. "Clients will expect and demand that these tools continue to be used. In the US, there is an ethical duty of technology competence. It's imperative that lawyers keep abreast of relevant technologies."

LL.M. programs are adapting for a digital future

His institution is one of many that are preparing LL.M. students for the digital future of legal practice. MSU is offering classes in new legal business models and entrepreneurial skills, as well as new ways to create and deliver legal services, and classes focused on technology law. "We just did a webinar on virtual reality in the practice of law," says Kennedy. "We are also doing programming on new types of legal careers – legal operations, legal process improvement, and the like."

In addition, MSU plans to add courses on cybersecurity, data protection and new technologies for the next academic year. Kennedy insists that such classes are still a work in progress and at an early stage. “There are a growing number of experiments from which we can all learn,” he says, citing Georgetown Law’s Technology Law and Policy LL.M. program.

Michele DeStefano, professor of law at University of Miami School of Law, also sees the pandemic accelerating the digitalization of the legal profession. “Although it is horrific and unfortunate that the pandemic lasted so long, the sliver of bright-side is that it lasted long enough for lawyers to really learn how to use the new tools habitually, and thereby, enhance efficiency and effectiveness,” she says, adding that technology is enabling better access to the law and justice.

But learning how to work in a virtual world doesn’t equate to being a digital lawyer, she insists. “Perhaps the next gold standard is digitally-enabled lawyering,” says DeStefano, which means using technology to change how legal services are delivered. For example, law firms are using technology to create new legal business models like subscription services, flat fees, and virtual practices. Alongside this, there’s document automation and process improvement as well as virtual reality in litigation.

“Where I think a seismic shift is coming is in skillset, mindset and culture,” DeStefano says. “I believe we will see a seismic shift in the way lawyers provide services to their clients. It will be with a client-centric approach, like the focus of design thinkers.”

Miami prepares students to navigate new technologies through a range of course offerings, including engagement with entrepreneurs and experiential projects in the US and around the world. There are a wide range of course options related to digital lawyering including blockchain technology, cyber security, data regulation, and intellectual property.

The role of lawyers in a digital future

Although technology can relieve lawyers of standardized, repetitive tasks, DeStefano does not think it poses a threat to human creativity and job numbers. “We will need lawyers to help train the technology and to leverage the technology to make better predictions and decisions,” she says. “We will also need lawyers to help drive a culture of compliance and ethics and lead purpose-driven initiatives.”

She adds that technology can enhance creativity because it frees up time from the tedious, routine and repetitive tasks, so lawyers can focus on creative, visionary and strategic projects. “It will enable lawyers to perform their true role as counselors who are involved with their clients at the beginning, in the design and development of projects and initiatives, instead of at the end.”

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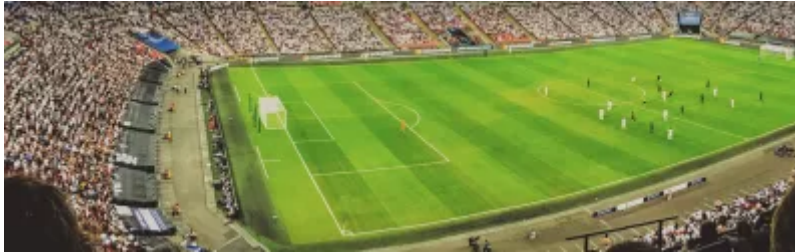
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