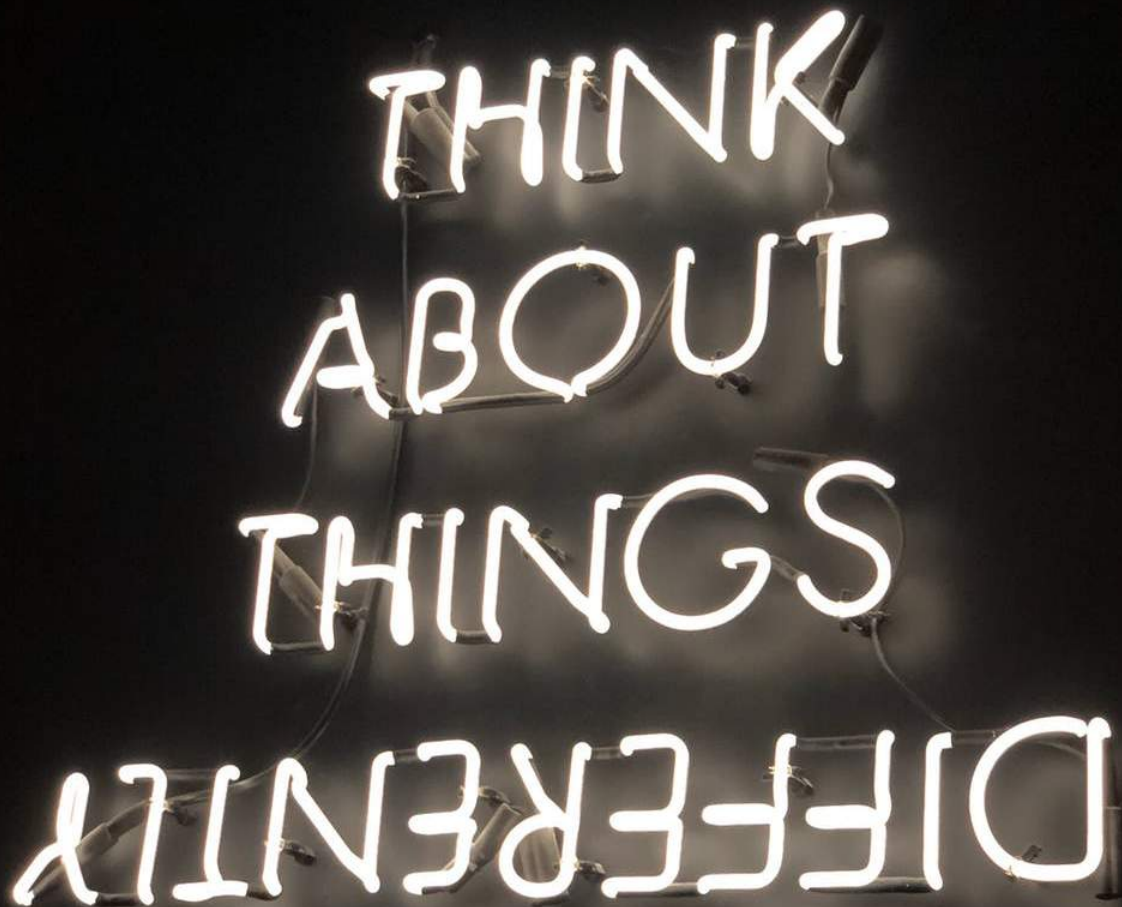


THE *FUTURE* LAWYER

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Future Lawyers on the Business of Law

Contributions from Students of Leiden University | Honours College of Law



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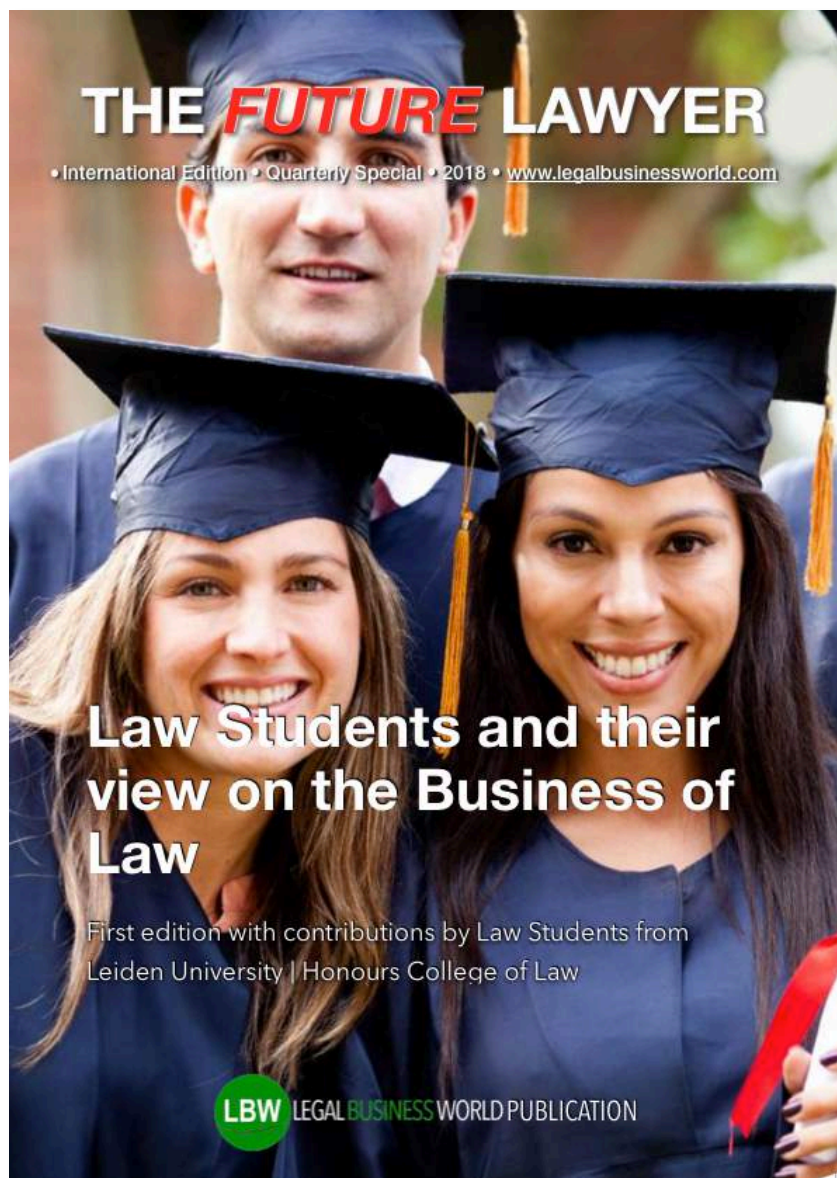
Honours Academy

The Paramount role of Law Schools

We are honored to publish the second edition of 'The Future Lawyer' with contributions from students enlisted at the Honours College of Law in Leiden (the Netherlands). A special thanks goes out to Lucas Noordhoorn, Lecturer at the Leiden Law School and the authors for sharing their insights and opinions on the development of law and the legal profession.

Enjoy reading this issue,

*Joek Peters
CEO / President
Legal Business World*



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Management/Publisher
LegalBusinessWorld Publications
Joek Peters | CEO | President
Allard Winterink COO | SVP

jpeters@legalbusinessworld.com
awinterink@legalbusinessworld.com

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Editorial

LegalBusinessWorld Publications
Editorial Dept.
MBL Media

Sales Representatives International

Alisha Hall
ahall.sales@legalbusinessworld.com
Michael Blakely (US/Canada)
mblakely@mblakelysalesandmktg.-com

Telesales: Fox Associates
800-440-0231 ext 116
Adinfo.lbw@foxrep.com
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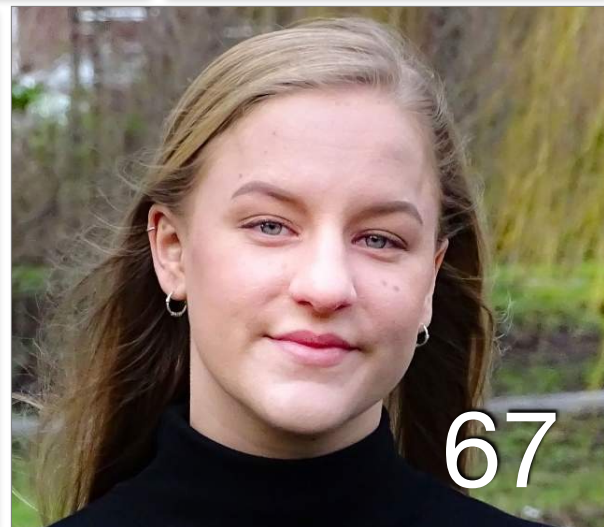
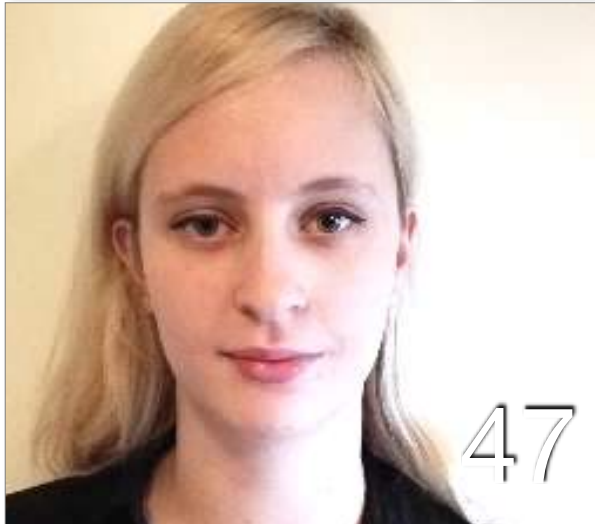
Design & Layout

LateNight studio's
info@legalbusinessworld.com





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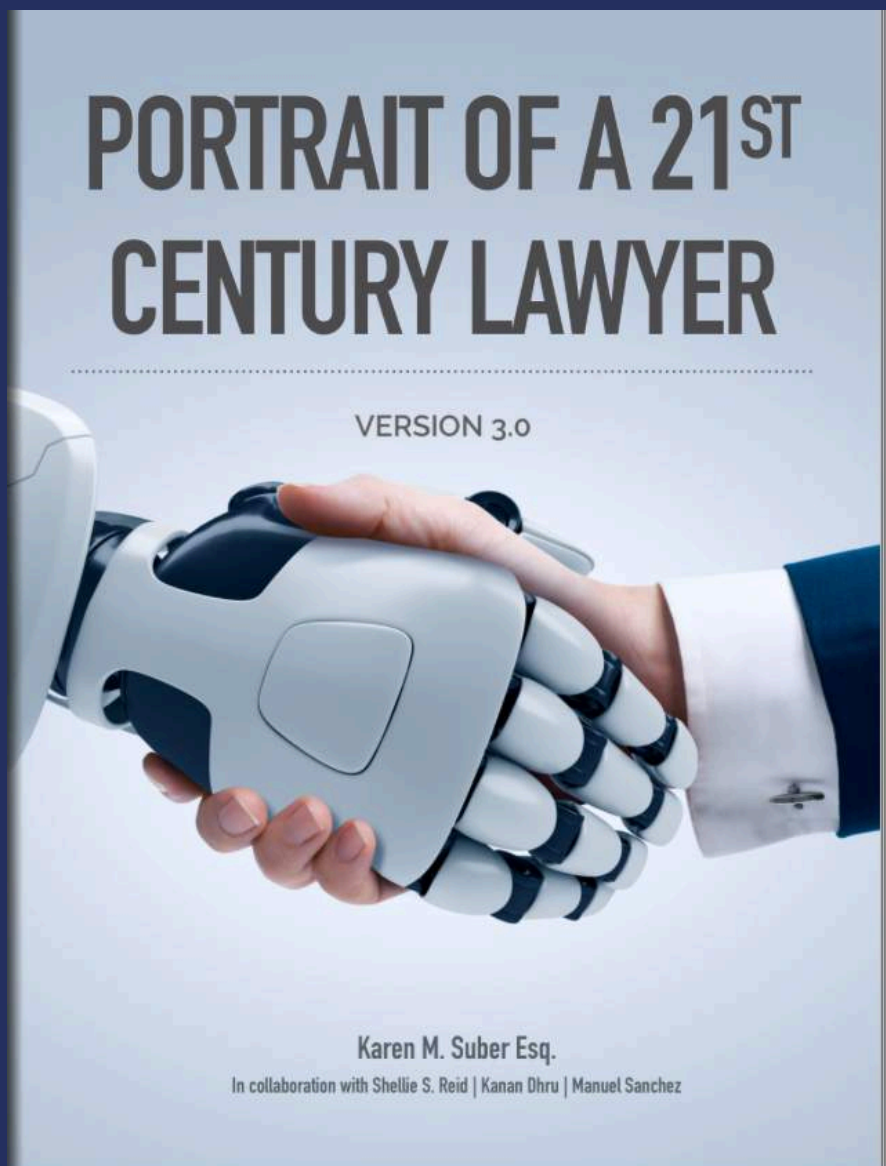


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Honours College Law of Leiden University

An Introduction

By Lucas Noordhoorn BA MSc, Lecturer Leiden Law School

After the great success of last year's volume of *The Future Lawyer*, it is my distinct honour to have our Honours College students of Leiden Law School, once more, featured in this magazine.

Last year's edition was a huge triumph, both in terms of reach, and in terms of impact. By the latter I am referring to the manner in which it was received at our Faculty, by the Faculty Board, as well as by our Dean Prof. dr. Joanne van der Leun.

Particularly our Dean is the one who opened up the dialogue about innovation; innovation of the legal profession, but also about our role as an academic institute. This leading to the question how we ought to respond and innovate ourselves.

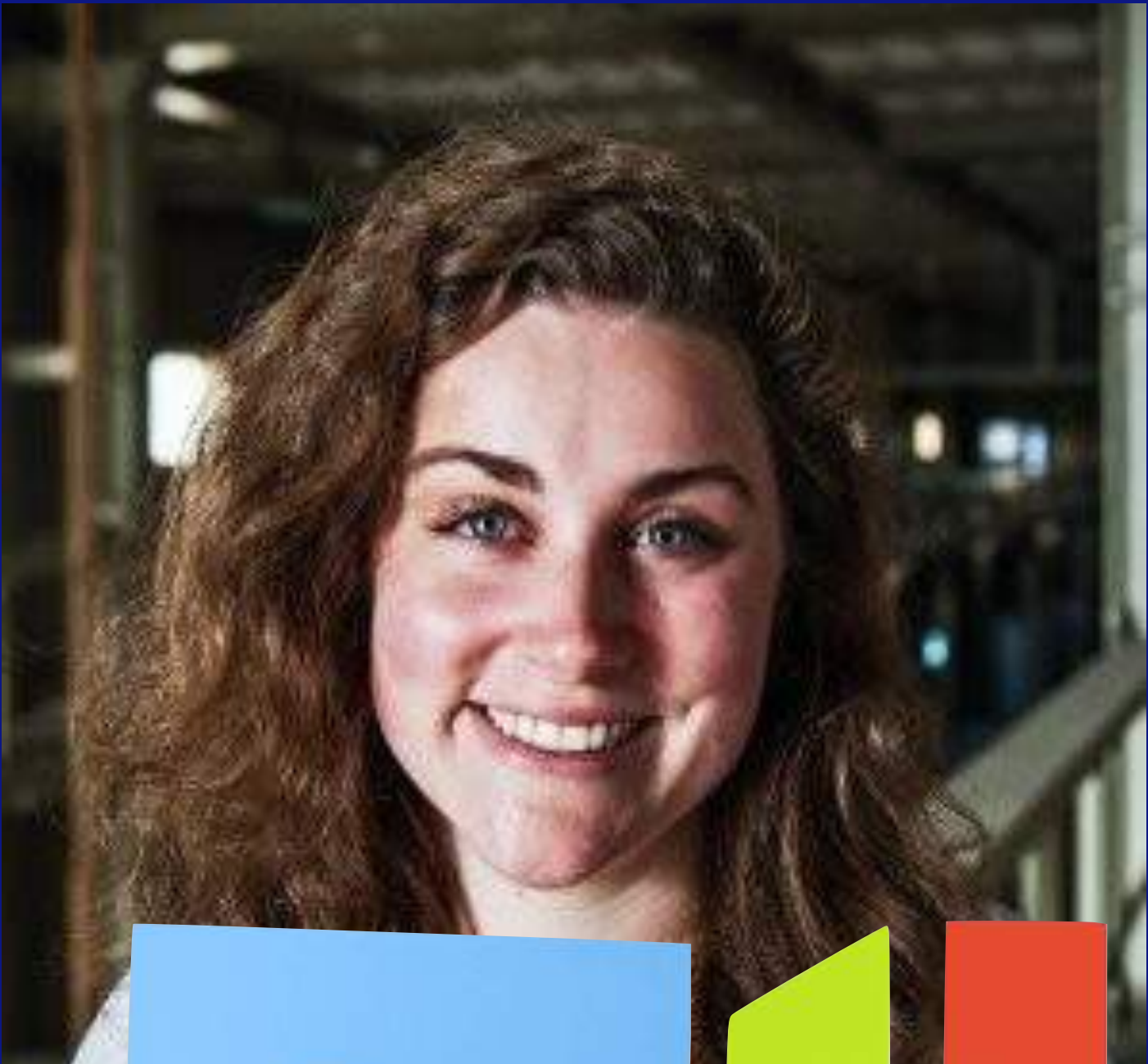
This year, students have chosen specific topics to address and share their ideas on the way it should, or should not, be innovated for progress.

It has been a delight working with this extraordinary group and I hope you will enjoy reading their articles as much as I have. Special thanks go out to Joek Peters, who has once more decided to give our students this amazing opportunity to share their views on the profession.

Thank you for reading.
Yours truly,
drs. Lucas Noordhoorn,
Lecturer Leiden Law School



Honours College Law | Leiden University The Netherlands



THE IMPORTANCE OF ETHICS IN A CHANGING LEGAL MARKET

Why ethical awareness must remain at the core of legal practice

By Quirine van der Bent

In the last decade the legal market has rapidly changed – and it will only be changing more. Because of the emergence of new types of legal services, a more demanding clientele, globalization, and the increasing use of technology and artificial intelligence, law firms all over the world are facing new challenges. Everything in the legal industry is shifting, from the way people work to the way law is created and enforced. In this changing, customer-oriented market, fueled by technological developments, ethical challenges arise – challenges which can easily be overlooked. In this article I will discuss some of these developments and challenges, and argue why ethics are an important part of law which should not be overlooked.

People are increasingly more aware of the options they have when seeking legal advice. Clients are seeking greater value for their money, pushing law firms to invest in ‘more for less’ technologies. Lawyers are expected to not only have extensive knowledge of the law, but also to be competent users of technology and have deep insight in the clients’ needs. While this ‘client-first’ approach



has many advantages, morals and integrity might be at risk when client-service is constantly prioritized. Clients usually won't be too concerned about ethical principles; that's simply not what they are paying for. It is the lawyer's task to be aware of this and find solutions that comply with professional ethics. Research has found that especially within in-house teams there is a general weakness of ethical infrastructure, with little attention being paid towards training, guidance, appraisal and discussion [1]. Law firms as well as in-house teams should always strive for a healthy balance between client-service and professional principles and ethical integrity.

While clients are expecting more, the legal market is also expanding. With new types of jobs and different kinds of legal service providers emerging, the legal supply chain doesn't just consist of lawyers anymore. When people have a legal problem, they will probably consult the internet first. Many internet-based businesses are providing legal services just like 'classic' law firms, but for a fraction of the price. Online legal providers however aren't always as transparent as 'real-life' law firms. How do customers know if they are getting reliable advice from licensed lawyers? Again, ethical values might be at stake when new, alternative businesses are coming into the market, providing legal services in different ways. It is important to ensure that alternative legal business structures provide the same services as established law firms, based on the principles and ethics that lawyers work with.

These developments are important factors in the transformation of the legal sector, but the most important development of the last couple of years is probably the rise of artificial intelligence. Algorithms, blockchain and smart con-

tracts are key words in these developments. Despite a certain fear of 'being replaced by robots', artificial intelligence systems are becoming more and more integrated in legal practice, while lowering costs, increasing consistency and providing new solutions to legal issues. However, considering the speed at which new systems are being developed, moral values might be forgotten. Ethicists worry about a lack of transparency, poor accountability, unfairness and bias in automated tools. [2] For example, Amazon's recruiting engine, which used algorithms to review job applicants' resumes with the aim of mechanizing the search for top talent, turned out to favour men, after which the company had to stop using it [3].

Another important issue in artificial intelligence is that of liability. In the classic example of the self-driven car, who is liable when the car crashes into a crowd of people? And the question that precedes it: How should the car be programmed? Does it protect the crowd or the passengers? Should this also depend on the number of passengers as opposed to the number of accidental bystanders? The choice is no longer directly being made by the passengers of the car. How artificial intelligence systems make decisions is based on the work of several people such as designers, developers, financiers and users; therefore liability and responsibility are also distributed.

Machine learning is still far from perfect and has many challenges to overcome. The results are usually only visible when the damage is already done, and there is serious lack of transparency. Decision-making systems are often deployed as background processes, unknown and unseen by those they impact. [4] In the case of the Amazon recruiting system, job applicants might never know it was being used.

This makes it very difficult to undertake action against unfairness in algorithms. In addition, this raises big questions about liability.

When important decisions are being made by machines, is there still room for ethics? Right now, the law is an ex-post mechanism: first, a fact occurs, after which law and rules are applied to these facts. By laying down rules in code, all possibilities are determined in advance. But should complex questions like these even be put in code?

There is no regulation for these kinds of questions yet. Lawmakers simply cannot keep up with human inventiveness, but the lawless space is rapidly growing. Lawyers understand where legal and ethical problems may arise: they should always use this knowledge when dealing with artificial intelligence. After all, artificial intelligence will become even more prevalent in the future. To use these systems responsibly, and to be able to perform their ethical duties competently, they need experience in how artificial intelligence works. Only then will they be able to give their clients valuable advice. And even when new laws are made, lawyers still need to be aware of ethical values. As Richard Susskind has said, one cannot look to the letter of the law, to tell what is ethical and what is not; one can only use the law to find out what is legal and what is not [5]. This does not only apply to lawyers, but to everyone who deals with artificial intelligence. Because of new types of jobs and more interdisciplinary work in the legal field, it cannot always be ensured that every person involved has had the same ethical education as a lawyer who went to law school has had. Technologists and other practitioners of artificial intelligence must become familiar with the study of ethics, and actively engage and work together with lawyers. In my opinion, this

is the only way in which ethical issues can be tackled immediately when they emerge, without humans eventually losing control.

Every innovation is a double edged sword: It can do a lot of good, but at least as much harm [6]. In the legal field, innovation brings many advantages, which are enjoyed by both legal professionals and their clients. However, it must not be at the expense of ethics. Ethics are a fundamental aspect of the law and legal practice and should remain so. Necessary regulation will probably be introduced in the coming years, but the law will always stay one step behind. In this ever changing, increasingly commercialized and digitized world, lawyers must be aware of the ethical questions that new developments entail. In this way, they can maintain their position in legal business, and increase the public's confidence in their profession. Ultimately, this will result in a more meaningful legal practice which benefits all parties involved.

Notes

1. The FLIP report 2017, via <https://www.lawsociety.com.au/sites/default/files/2018-03/1272952.pdf>.
2. <https://cpr.unu.edu/the-role-of-global-corporations-in-ai-ethics.html>.
3. <https://www.reuters.com/article/us-amazon-com-jobs-automation-insight/amazon-scraps-secret-ai-recruiting-tool-that-showed-bias-against-women-idUSKC-N1MKo8G>.
4. The FLIP report 2017, via <https://www.lawsociety.com.au/sites/default/files/2018-03/1272952.pdf>.
5. 'What's artificial about ethical AI in the legal industry? Everything.' Via abovethelaw.com.
6. <https://www.law21.ca/2016/09/the-ethics-of-innovation/>.



Embrace The Future or drown in the past

By Iskren Radoslavov

Legal practice is a rather interesting field of work. Looking at the history books, we will find its roots in the Ancient Greek's era. Even though the conflicts in the past were of a simpler kind than they are now, people needed a counselor to solve them. However, whereas the conflicts used to concern the pigs that were traded for lumber, nowadays the problems involve big merges and acquisitions. Times have certainly changed, and jurists need to ask themselves if the legal practice needs to change too. They also need to keep in mind that changes can cut in both ways. Changing the legal practice will bring advanced and bright things, however changes may carry the danger of neglecting the initial charm of the old traditions of legal practice.

Over 2,5 quintillion data are being generated each day and the pace is only accelerating [1]. This therefore means that everyone, including lawyers, need to deal with a much larger amount of data than hundreds of years ago. The humankind's knowledge and ability to process information has also evolved, yet not nearly enough to keep up with the rapid data growth. Thus, there is a need for change in all fields involving processing data, of which this piece focusses on the legal practice.

A considerable way to bring innovation to the legal practice is using artificial intelligence (AI). In case you are not up-to-date on AI, it includes teaching computers how to learn, reason, communicate, and make decisions. Once a computer is 'schooled' to do a task, human effort will be superfluous. In practice a computer gathers much information, analyzes the information, and eventually will be able to make a decision based on its understanding of it. This process is similar to the daily occupation at a law firm.

Regarding the pace of the data's growth, it is thus a good idea to implement this way of practicing law. Presently various software programs are already being used in multiple law firms which use AI, of which an example is ROSS Intelligence. This program uses AI to perform legal research, speeding up the completion of such tasks. Manual legal research in the future will be close to impossible. Even for one as Hercules who cleaned all Augeas's stables, it would not have been possible to get the job done. Therefore, investing in AI software now is the right choice for law firms.

Another important task of a lawyer is reviewing contracts and identifying the possible risks and issues for their clients. The software program Kira can do this work much faster and with fewer mistakes than a human [2]. Furthermore, there is the financial benefit that could drive law firms to invest in artificial intelligence. The number of billable hours that a lawyer would make to review a contract is bigger than the hours a computer would need to do the work. The final result is that investing in AI is more profitable than letting the lawyers do the work.

Many people are of the opinion that using AI will have a negative influence on the employment of workers. Partly they are right, in the sense that using a computer instead of a lawyer means less work for the lawyers. However, with the arrival of AI a lot of time will be saved, meaning the lawyer will have more time to participate in other activities, which he normally has no time for. Many lawyers will recognize tight schedules, resulting in little to no time for conferences with their clients. Unfortunately, a listening lawyer nowadays is rare, despite listening being one of the core tasks of an attorney. When the computer does

a part of their work the lawyers will have the time to listen to their clients and practice law as it should be practiced. This way legal practice will become a product of good quality and no, not only because AI will make less mistakes than a human. AI is an innovation that not only law firms, but everyone should embrace. Fear of the unknown is understandable, but this should not stop people from experimenting with AI. If you refuse to adapt to the innovations to come, you will face many difficulties in keeping up with your competitors.

Despite all benefits AI brings, we must not forget that every cloud has a silver lining. As stated before, legal practice finds its roots in the ancient past. The legal profession is all about listening to your client, doing literature research and orating to prove that your client is right. In this process a special connection derives between the client and the lawyer, a connection a computer most likely will never be able to establish. This is one of the beautiful sights of judiciary. Introducing too many novelties could thus influence the charm of the legal practice negatively. Once AI starts to grow, it will be difficult to stop its development. We can see a similar development in the following example: in 2008 no one believed it would be possible to use a phone without buttons, yet in 2019 there is almost no one without a smartphone. Allowing AI to grow too much, could therefore result in lawsuits filed by computers instead of humans, which would be a pity.

To conclude, we must not be afraid to implement AI in the legal practice. Taking distance from such an innovation will result in problems in the future. We do must keep in mind that we need to set boundaries to the changes, as dangers come into play. However, with the

growing data-supply even the ancient Greek heroes would not have been able to complete the work manually, so the helping hand of the future is very welcome.

Notes

1. B.Marr, 'How Much Data Do We Create Every Day? The Mind-Blowing Stats Everyone Should Read', Forbes, 2018.
2. L.Cumming, 'How AI is helping small and medium-sized law firms stay ahead of the curve', Bluejlegal, 2018.

FUN FACT

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With over \$1,8 Billion,
Wichai Thongtang
is the richest lawyer
in the world



LEGAL BUSINESS WORLD
PUBLICATIONS



Get the picture? Legal design is taking over

By Nikki Volmer

The legal work field is from origin based on words, paper and language, but that is going to change. More and more law firms are reaching into the possibility's of legal designs to strengthen their arguments and prove their statements. The interest in legal design is growing, which opens up the way into the legal business for designers. New relations and opportunities arise for both parties. But what exactly is legal design? And why does it get this much attention? In this article I will explain the use and value of legal design from the perspective of law firms and other parties in the legal proces. I will finish the article with my personal opinion and prospect for the future.

Using Legal design

Legal design is used as a tool to deliver complex information through visuals. It is an innovative approach which can be used in court to support the clients' point of view or outside court to explain the procedure and its steps to the client.

But how does it work? The visual has to be designed and will eventually be the result of a collaboration between a (legal) designer and a legal adviser. It is made using knowledge of designing and behavioral psychology with the purpose to create a functional, factual and accurate survey of the legal information. Therefore graphic instruments and images are essential to visualize your message. The end result will be a perfect combination between text and imagination.

The visuals can be used for many different purposes. For example in a contract design is the purpose of the visual to simplify tough documents and prevent misunderstandings by explaining the content through the visual. Another purpose can be retaining the harmony among a group by clarifying everybody's wishes and expectations, this is often called a stakeholders design. A third example is the strategy design, which is used in the communication with the client. Litigation is well known for its complexity and the clients are most likely to suffer from this. A strategy design is a way to explain the process and to clear up some insecurities. These three examples show that legal design can be used for various but each very important purposes.

The added value

The essence of the value of visuals can be described with just one single Chinese proverb: 'I hear and I forget; I see, and I remember', but how does that show in the legal profession? One of the many advantages of using legal designs is the fact that it quickens the process of composing legal agreements by changing them from a hard-to-read contract into an efficient useful document. It becomes easier to concentrate on the content and to see (hidden) connections. In just one look it will be clear for

each party which position they own in a specific matter. The parties can always rely on the visual whenever they are in doubt. This will prevent a dispute between them and saves expensive legal measurements.

The visuals are also very useful in court to explain relations, authorizations, structures or even the law. By not only telling, but also showing your point you have higher chances of convincing the judge and making your story stick. It can actually make the difference between being right and succeeding. Besides legal design is good for business because it improves the product lawyers deliver, which increases its value.

Future-proof

I think that legal design has a lot to offer for the future of law practice. I suspect that not everyone will be ready for the innovation, but with time they will see the value and accept the new way of litigation. Especially when the people with a more controversial opinion, see that using legal designs will reduce social damage. Litigation is expensive and can take up a huge amount of time. Civil procedures are often caused by miscommunication, these also are the cases which could be prevented easily. Legal design is the way to filter these cases out and make them disappear. The cases that remain are the cases that actually belong in the courtroom. In that way there is more time and attention for the really complex and difficult ones.

Another aspect of legal design which makes it, in my opinion very effective to implement, is the endless options it offers. There are no conditions, every firm is completely free in making the visual and they are very easy to adapt to the situation. This also makes it seductive to

just try it out and to give it a personal touch.

Looking at larger firms we can already see the development of legal design. Some firms set up a department with advisers and designers, an other option is educating the lawyers to create the visuals themselves. This can be very suitable for smaller firms. My expectation is that the interest in legal design will and should only grow, which causes education, departments and companies offering these services the opportunity to expand.

Summary

Legal design is an innovation that shakes up

law practice and adds value to firms. It is good to see that there is already an ongoing interest, which I expect to only grow further in the future. Changing the way judges look at a case and clients look at the procedure in a rather positive way. Big firms will take the upper hand in developing visuals, which will be followed by start-ups offering collaborations to create high-level designs. Increasing the value of legal services by making them more efficient on the one side and saving money on the other by preventing disputes between parties.

It is an innovation I actually see the future in and hope to work with some day.

FUN FACT

DID YOU KNOW

It's rare for lawyers to commit perjury for the simple reason that lawyers generally do not make statements under oath--that's what witnesses do. Instead, lawyers make arguments based on the testimony of witnesses, but they don't do so under oath. Therefore a lawyer cannot "knowingly" lie



LEGAL BUSINESS WORLD
PUBLICATIONS

Cybercrime

a new kind of warfare

By Lilian Verlinde



One of the distinguishing factors of the legal field is change. The legal profession is ruled by ever changing regulation and sources of disputes. The threat of cybercrime is one of the most recent and big developments in a world that is becoming more and more digital. New problems are surfacing, for example: phishing e-mails, security breaches in servers, theft of confidential data and attacks on devices connected to the internet. Cyberattacks are not only carried out by tech enthusiasts and thieves with financial motives, but by governments as well. Cyberspace is the 21st century's battlefield. In 2014, five years ago already, Sony Pictures was hacked and confidential information about the company, its employees and celebrities was leaked. Suspects are, among others, North Korea and the Russians. Cybercrime is already a pressing issue, and has been for years. It is not only a future concern.

In the physical wars we know, we are usually protected by our governments and the many international treaties about warfare. Cyberspace is a domain in which the rules are mainly made by private companies, which makes these compa-

nies our main protectors. They manage our access to the digital domain and control a lot of user data. Lawmakers are beginning to create legislation for the new problems that we have to face in our digital world, but the creation of laws takes time. How would legal professionals be able to help stop these newly arising issues from creating more problems? This could happen on three levels, on a legislation level, on a case law level or by preparedness of law professionals on all levels.

Digital Geneva Conventions?

In 1949, by adding two additional treaties to the already existing ones, the Geneva conventions were finalized. After the destruction caused by the world wars, governments came together to draw up rules for the treatment of wartime prisoners, the wounded and sick and civilians in and around war zones. The conventions targeted the humanitarian treatment of all victims of war, and mainly the ones that were no longer part of the fighting. Only years later, in the Cold War era, these conventions were already found to be of smaller use than imagined. The types of warfare were drastically changing, with more internal conflicts in countries and threats of chemical and biological weapons. In the current world, these changes are even more radical. In the future, wars may be fought with other weapons, and may not be won by the biggest army, but by the party with the biggest database. Different types of warfare require different types of rules. The Geneva Convention protects those harmed by guns, there should be rules to protect those whose confidential data has leaked because of a government hack. Civilians should not only be protected in times of armed conflicts, but also in times of peace. These rules, to protect civilians, do not exist yet. The creation of sophisticated

protocols for protection against cybercrime takes time because of politics and the complexity of the issue. Politicians have long lists of priorities and will usually only act fast on very pressing issues. Although cybercrime fits in this category, it is viewed by many as a problem of the future. There is a want and a need for new legislation, but this will probably take time to come into existence.

New digital courts?

Some progress is certainly being made on the fighting of cybercrime, even without a digital Geneva Convention. In several countries, including the United Kingdom, plans are being made to set up new courts specifically designed to deal with new and upcoming types of crime. For example, the new Court for Fraud and cybercrime, announced by the City of London Corporation, is planned to be finished by 2025. This court will employ judges with knowledge of new technologies in order to improve their understanding of complicated cases. The City of London also acknowledged the need for improvement of IT solutions in this new court. To be able to conduct cybercrime trials, new facilities will be needed. The proof for claims in the courtroom will mainly be digital and will need to be shared and protected in different ways. Plaintiffs will also, fittingly, have the possibility to enter their pleas online. A special court for cybercrime has many benefits. By having more specialized judges, a fair assessment of cases is ensured. Because of the absence of up to date laws for digital transactions and such, the development of case law could be of vital importance. A new court could help this development.

Temporary solutions

Both options discussed before are very time con-

suming. Creating new legislation or an entirely new court are very ambitious ideas, and though these they may be helpful in the long term, short term solutions are similarly important. For the lawyer of today it is important and very attainable to prepare for the future. Many more cases about cybercrime will pop up, so it is in the interest of lawyers to prepare for more technologically complicated issues. They are able to do this by working more closely with tech experts. Not every lawyer can also be a digital specialist, but legal professionals must have some sort of base knowledge about our new normal. Without this knowledge, it will be hard to argue for clients. Cases that take place primarily in cyberspace require different types of evidence and arguments. Tech professionals, imbedded in their field, have a greater chance of foreseeing issues that may arise in the future. Law professionals should use other's expertise to their advantage.

Conclusion

A new age, the age of cyberspace, is causing new kinds of disputes to arise. As always, the legal profession needs to react to this change. This is possible, as addressed before, in different ways. New legislation can be created, to protect civilians from possible damage of cyber crimes in times of peace. A second option is the creation of new courts to deal with these new types of crimes. As a third resort, law professionals can innovate themselves, by keeping up to date on changes in tech. If they can foresee new problems coming into existence, they will be able to protect their clients effectively.

In some way, civilians need to be protected from the new dangers of digital growth. The digital world brings many great advantages, but safety measures need to be in place in times of peace as well as in times of war.

FUN FACT

DID YOU KNOW

Forgotten 'crazy' Laws: A woman in a housecoat is forbidden to drive a car in California and in Mohave County, Arizona, if anyone is caught stealing soap, he must wash himself with it until the soap is gone



LEGAL BUSINESS WORLD
PUBLICATIONS

The Future of Conflict Resolution

Tackling the issues of today with the technology of tomorrow

By Luis van Heemstra



Two popular television shows in the Netherlands, “De Rijdende Rechter” and “Mr. Frank Visser doet Uitspraak” aired on the public and commercial broadcast channels, are set around a similar format where a judge goes to different places in order to settle disputes between real people, most frequently between neighbours. Whilst most of the disputes aired are of a very silly nature, as that makes good television, the disputes are real and the resolutions are accepted on the basis of a contract signed beforehand by parties agreeing to respect the resolution, similar to an arbitration case. In this article I will therefore set out how I believe these television shows highlight the shortcomings of the legal system when it comes to dispute resolution and which opportunities lie ahead in this field. The shortcomings relate to the failure of the legal system to cover the small conflicts, such as disputes between neighbours which even though they are often banal, can dominate the lives of people to a great extent: some neighbours shown in the television shows having gone as far as placing security cameras pointing at their neighbours or feeling threatened in their own house. The root of the conflict often lies in a

discussion over a tree, a hedge or a wall near the border of their land. These conflicts will rarely find their ways to a courtroom because of the high costs involved in going to court, including but not limited to the costs of a lawyer and the court fees, whilst there is also a lack of knowledge of the law and how the legal system works. Featuring in one of one of these television shows therefore is a cheap alternative to going to court, yet it is not an alternative for everyone since some people, understandably, do not want to appear on national television or have issues that are simply not interesting for making television out of them. There are many reasons why having accessible dispute resolution for these seemingly insignificant matters is necessary. First of all, it is in the interest of citizens and their wellbeing that conflicts are solved easily and fairly. From a bottom up perspective, solving problems on the lowest scale can influence the perception people have of the functioning of the government and of the rule of law. Increasing the awareness of the law also leads to more stability and trust in the functioning of the state. Distrust in the rule of law is also an important factor in leading voters to vote for extremist anti-establishment parties, and bringing the law to the people may counter this extremist trends.

The public legal system does not suffice in providing support for this kind of conflict resolution, particularly since the fees are high and the parties are often forced to be represented by an attorney. It makes sense to limit the access to the courts in order not to flood the legal system with trivial disputes of little legal value which still would cost a lot of time and resources to handle, yet there should be

an alternative for the low-profile cases which does not involve such hard requirements. Since within the system of public law, with all of its safeguards and high costs it is impossible to achieve an efficient low-cost dispute settlement system, the only real alternative is to set up a commercial or non-profit arbitration system like the format of the television shows, where parties agree to respect the ruling of the third party who is not necessarily a judge. There are, I believe, three conditions that need to be met for such a system to be successful making parties agree to alternative conflict resolution. First of all, the ruling party acting as the judge, must be impartial and trustworthy. Secondly, there should be a clear and transparent procedure where each party's rights are taken into consideration and thirdly it should be cheap. Law firms, as experts in the field of law, are I believe in an advantaged position to set this up, when combining the right technology and knowledge.

The hardest part in managing to convince law firms into entering this segment is the profitability of this endeavour. With the help of artificial intelligence, it should however be possible to create a system to accurately solve and analyse most cases, yet still some form of human input will always be needed. There is also very little profit to be found in the area of private conflict resolution, as it needs to be kept cheap in order to keep it accessible. Handling such cases, even if partly automated, and establishing the technology can be a significant burden that law firms might not wish to surpass. Therefore, and in order to stimulate law firms into this practice, I believe the government should consider offering support to this form of conflict resolution, both financially and data-

With the right technology and the knowledge of a law firm, it should be easy to achieve the first two conditions I mentioned above, trustworthiness and transparency, since law firms are relied to know about the law and the employees at the law firm should be able to explain the decision process together with the data generated by the artificial intelligence. Some form of oversight from a law firm will always be required, since I do not believe humans could ever fully trust an automated system to solve their disputes which often involve feelings machines cannot accurately understand. In the meantime, however, and whilst technology reaches the point where it can accurately solve legal issues by itself, it is worth noting that technology already offers possibili-

ties through which disputes can be settled, for instance by using incentivised jurors as judges through the internet.

In conclusion, there is a large range of disputes which are currently not resolved amongst ordinary citizens. Sometimes they resort to the help of television shows in order to get a binding settlement, but in most cases the conflicts persist due to a lack of an accessible conflict resolution mechanism. With the help of technology and artificial intelligence in particular, it should however be possible for law firms, who already have the knowledge regarding the functioning of the law in house, to provide a cheap and reliable mechanism to solve these conflicts.

FUN FACT

DID YOU KNOW

Forgotten 'crazy' Laws: A woman in Memphis, Tennessee, is not allowed to drive a car unless a man is in front of the car waving a red flag to warn people and other cars.



LEGAL BUSINESS WORLD
PUBLICATIONS

The importance of online innovation for a law firm

By Nynke Brons



The new generation lawyers are very active on social media and they like working innovatively, while old school lawyers are often not in to this. However, using more social media and more technology can bring many benefits.

Time saving

Using more technology on the website can, among other things, help with saving time. When clients get the possibility to schedule their own appointment on the website of the law firm, then both the secretary and the client save time. Besides that, also some routine work like drafting files can be facilitated by an automated system online when that system makes clear to the client which information and documents are necessary for the first appointment. By that, a lot of administrative work is saved and there is a file available immediately [1].

Chatbot

Nowadays clients often have to wait a long time before they can actually meet their lawyer. By installing a chatbot on the website of the law firm, this problem can be partly

solved. A chatbot is an automated conversation partner, which searches through all the legal information that is available. The chatbot makes the law firm available for questions 24/7, therefore clients spend less time waiting for an answer.

Lawyers often work with a high hourly wage, as a result of which the invoice for the client often runs very high. When a part of the lawyer's work is done by a bot, lawyers make fewer hours which results in less expensive legal services for the client [2].

Besides the benefits for the clients, a bot that can search through legal information also has a lot of benefits for the lawyers themselves. Because of the fact that the bot searches through all the available laws and jurisprudence to create an answer to a question, the lawyer therefore has so much information about the case that the chance of winning the case increases [3]. There actually already are some bots on the market that can predict with great certainty if the lawsuit is promising or not. The lawyer can use this information to advise his clients. It is certainly worth developing such a bot, because this algorithm can take over a lot of work from the lawyer and can also increase the chance of winning cases.

Social media

Since almost all clients of a law firm are active on social media, it is important that the lawyers are easy to find on online platforms. When lawyers are active on social media, they can be easier approached. The access to a lawyer is thus becoming more accessible, because they seem more approachable to the clients. Social media is therefore useful for recruiting new clients, but it can also be used to

maintain contact with existing clients.

Lawyers and law firms can also use social media, like LinkedIn or Facebook, to expand their business network. Law firms can use social media as an excellent channel to find and recruit new employees or interns. They can find potential new employees on LinkedIn, or they can post job advertisements online [4]. In addition, social media can also be used by law firms or lawyers as a tool to create more brand awareness [5]. When somebody needs a lawyer, they are most likely to start searching online. There are a lot of law firms, so if a particular law firm wants to increase the chance that a client will choose their firm, it has to distinct itself from other firms online.

Law firms can professionally identify themselves through social media. They can do that by, for example, sharing a news story or by sharing new insights on current laws or jurisprudence. This can create an active debate between (potential) clients and lawyers about that specific topic [6]. This is a great way to interact with clients.

Law firms can also use social media for pure marketing, for example by advertising on certain online platforms.

Workshops

To ensure that lawyers of the firm and the staff that manages the online accounts of the firm know how to represent themselves/ the firm online, the firm can offer certain workshops. For example, an workshop about how they have to use LinkedIn in a good way. With such workshops, in particular old school lawyers can be informed of the latest trends and developments online.

A workshop is also a good place to network, especially if organized with other law firms.

Conclusion

The use of more technology online and social media can significantly improve relations between law firms/ lawyers and their clients, for example because clients can be helped quicker with the use of chatbots and because clients get a better relationship with the lawyer they work with because of the contact they have online. Besides that, the use of social media also has a lot of benefits for the law firm and lawyers themselves. For instance, the chance of winning a lawsuit can be increased by using a bot. Social media can also create brand awareness and law firms/ lawyers can expand their network on social media.

Notes

1. Tessa Trommelen en Lisanne Vanhommerig, Innovatie in de advocatuur anno nu, 21-09-2018.
2. Jeroen de Man, Zin of onzin van een chatbot (of AI) voor advocaten en juristen, 01-09-2017.
3. Nathalie Gloudemans-Voogd, De kracht van chatbots, 05-04-2018.
4. Richard van der Blom, Social media en advocatuur: 'trial by media' of goed voor de zaak?, 19-02-2013
5. Nathalie de Graaf, Altijd zichtbaar op social media, 02-03-2018.
6. Philippe van Dijck, Social media in de Advocatuur: een geslaagde combinatie?, 11-07-2017.

FUN FACT

DID YOU KNOW

Forgotten Laws: In Switzerland, it's against the law to flush a toilet after 10 p.m. in an apartment building and in Milan, Italy, it is illegal for citizens to frown in public—unless they're at a funeral or visiting someone in the hospital.



LEGAL BUSINESS WORLD
PUBLICATIONS

Why law firms don't innovate

By Fiona Stewart

Virtually every ambitious law student wishes to be a partner at a powerful, international firm. I certainly do. Being a partner comes with great responsibility, moral obligation and lots of will-power. It's a future function we keep in the back of our heads while cramming for exams. Unfortunately, the partnership model in law firms is outdated. Partnership will possibly not be a position in the law firm of the future. This means we need to go back to the drawing board to figure out what the law firm of the future will look like.

The current business model of law firms In the field of law there has to be dealt with a lot of competition, this already starts in law school. We see thousands of other students with similar interests. This competition has led to a lot of supply on the market and considering the demand, some might even argue an overabundance. Partly because of this competition, the legal sector transformed from small, independent partnerships into professional service firms [1].

In the current law firms, it's possible to distinguish different kind of employees. Firstly, there is a difference between the so called 'fee earners' and the 'fee burners'. The supportive staff are the so-called fee burners, in contrary to the lawyers who are referred to as fee earners. Looking at the fee earners only, another distinguish can be made. Fee earners come in different types – interns, associates, lawyers and partners.

Most law firms work with a partnership model. This model means that a small group of partners provide the startup capital, hire associates and share in the profits [2]. In comparison to other businesses, law firms have an

odd way of making profits. Most active businesses bill their customers based on the costs made for the products, including a percentage of financial gain, while law firms generate profit for the firm by billing their clients a fixed hourly rate for their work.

As stated before, law firms price their work, bill their clients, pay their lawyers and supportive staff and, if the law firm is constituted as an LLP or LTD, rewards its shareholders. All of these actions are based on the amount of time and effort required to produce and deliver legal services [3]. This fact is the starting point into 'why law firms don't innovate'.

Virtually every innovation in law firms reduces the amount of time and effort that is required to produce and deliver legal services, take automation per example. By automating simple actions that are now executed by lawyers, like jurisprudence research or narrowing down the legal frame, these actions will barely cost lawyers any time. The computer takes over all the work. This might seem like an amazing innovation, considering it reduces the workload for lawyers, but the innovation also has a downside. By implementing this innovation, lawyers make less billable hours, which results in a lower revenue stream for the law firm, given the fact that the hours billed by a traditional law firm's lawyer represents the complete inventory of the firm.

Almost any worthwhile innovation in a law firm will destroy declarable hours made by lawyers and therefore reduce the margin of profit. Considering the fact that a big part of the personnel is supportive staff and does not contribute to the revenue stream of the firm, the billable hours made by lawyers are truly

Important for the inventory of the firm and cutting into them could have tremendous consequences.

What's wrong with this business model?

There is a specific reason into why law firms don't innovate, namely the fact that law firms insist on measuring value based on lawyers' time and effort. Law firms maintain a direct, causal connection between the time and effort lawyers put into delivering a service, the bill clients pay to receive that service and the money lawyers receive as compensation for their services [4]. There is however no economic reason why this should be the case.

Changing the law firm business model is possible by altering two fundamental ideas about the business model. Firstly, law firms need to stop charging clients based on lawyers' time and effort. As a substitute, clients can be charged on the basis of their lawyers successfully accomplishing a task. This way, clients won't feel ripped off, considering they only pay for the service they actually want to have delivered.

Secondly, lawyers should not be compensated on the basis of the time and effort they expended to deliver a service. This way of compensating lawyers is not stimulating enough. As a substitute, lawyers can be compensated for other ways of contributing value to the firm, including projects they have led, juniors they mentor and clients they land.

The Business Model Canvas

The current law firms exploiting a partnership structure can be laid next to the Business Model Canvas. While keeping the suggested innovations in the back of our minds, two

components of the Business Model Canvas are relevant, that is to say the value proposition and the revenue stream. The value proposition is the collection of products and services the law firm offers to meet the needs of its customer. According to Osterwalder (2004), the value proposition provides value through various elements such as newness, performance, customization, design, brand/status, price, cost reduction, risk reduction, accessibility and usability [5]. The value proposition of the law firm will change because of the suggested innovations. This is the case with innovating the law firm, because the clients will no longer be charged on the basis of lawyers' time and effort, but on the basis of successfully accomplishing a task.

Secondly, the revenue stream will change. The revenue stream shows the ways a company makes an income from each customer segment [6]. The largest revenue stream of current law firms is the income generated by billing clients a fixed hourly rate for their work. When law firms stop compensating lawyers on the basis of the time and effort they expended to deliver a service, the causal connection between the time and effort lawyers put into delivering a service, the bill clients pay to receive that service and the money lawyers receive as compensation for their services will be broken.

Putting the innovations into practice

If you want to successfully introduce innovations into your law firm, you first need to acknowledge that these innovations pose a threat to the way the law firm does business. The real challenge for every law firm is therefore to change the way the law firm does business. This means breaking the causal relationship between the amount of time and effort

expended to deliver a service, the price clients are charged for those services and the rewards provided to lawyers who helped deliver those services.

Putting these kinds of innovations into practice will obviously not be easy, but it will however be necessary to keep the law firms operative in the 21st century. The real question is therefore, if law firms are willing to make such a rational change in their way of doing business.

Notes

1. J. Furlong, Break the law firm business model, 19 december 2017, <https://www.law21.ca/2017/12/break-law-firm-business-model>.
2. J. Furlong, Break the law firm business model, 19 december 2017, <https://www.law21.ca/2017/12/break-law-firm-business-model>.
3. J. Furlong, Break the law firm business model, 19 december 2017, <https://www.law21.ca/2017/12/break-law-firm-business-model>.
4. J. Furlong, Break the law firm business model, 19 december 2017, <https://www.law21.ca/2017/12/break-law-firm-business-model>.
5. A. Osterwalder, The Business Model Canvas, 5 juli 2008, https://nonlinearthinking.typepad.com/nonlinear_thinking/2008/07/the-business-model-canvas.html.
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LAWTOMATIC

Training Talent

By Louis Honee



When university comes to an end, the learning process only begins. Students, however self-assured they may be, are not yet ready for the work they will have to do in law firms. The authors of the MacCrate Rapport were very clear on this: 'They can't draft a contract, they can't write, they've never seen a summons, the professors have never been inside a courtroom [1]. University teaches students the theoretical aspects of law, but fails to prepare them for the practical.

Universities do not have an incentive to educate students only for big companies to make their profits on them. They think companies should train their youngsters on vocational skills themselves. By this is meant not only the education to officially become a lawyer, but also all the skills the firm thinks their employees need to accurately represent their clients. The skills range from superb writing skills to conversational and speaking skills. This is the way it has always been. However, this system might not survive the way it is, as the value of lawyers in training decreases and teaching them becomes more expensive.

Interns might have always cost companies more than they make them. Their pay checks and more importantly, the time the more senior members of the firm have to spend on them, is costly. We already see extreme competition for internships or training programs. The issue is that in the future, interns will be worth less to companies. Imagine a sliding scale with on the one end Fee-earners and on the other side fee-burners and students will move significantly more to the fee-burner side. This will put pressure on the education of young jurists and might create a bottleneck in the process of becoming a lawyer. So, what is the cause of this shift?

The first reason why an intern's value will decrease, is that their work is less valuable. Developments in Artificial Intelligence will take the work traditionally attributed to interns out of their hands. Drafting contracts, doing simple administrative work etc., the work typically done by interns or apprentices can now mostly be done with AI. Even if not all the tasks can be performed by computers, at least it is done a lot faster and hence less people are needed. This means that either law firms are going to hire less people.

Some might think that AI can also give new opportunities. Work could become more interesting, with the boring tasks being outsourced to computers. This would mean that interns are taught the more valuable skills. Intern could now have meetings with clients or preparing for actual cases, instead of administrative jobs. That would teach students much more, right? The issue is that more senior employees will be doing the teaching. It is simply impossible to train more people at once. This

would for example mean bringing an entire class to a meeting. That is the reason why this is taught at a later stage of the education of young lawyers, because the only the most promising ones are left. Training these skills takes a lot of counseling by the people who would normally make the money in that company. It is unlikely that companies are willing to make this trade-off between educating more people for the long term and making money now.

The second reason why the apprentice's value will decrease, is that their work is being valued less by clients. Recent developments are already making it harder for firms to bill the hours of training and the work done by interns. Especially since the 2008 recession, companies are less accommodating with law firms putting interns on the pay list. This fits in a broader trend of companies wanting more transparency in what they are paying law firms to do. Jobs that used to have a certain prestige to it are losing that. Companies will scrutinize the invoices that are sent by law firms, because technology makes it possible to efficiently do that. This means that the time before a new employee starts being more valuable is stretched.

This all means that educating employees will become more expensive. That results in training people becoming to resemble an investment with the presumption that firms will earn back what they invested by having these people work for them once they finish training. Hiring the wrong person is a bigger liability for law firms. Employees leaving the firm or those that turn out to be the wrong person means that it loses more money. Either, that

firm hires less people, which means that lots of students do not get the training that would help them further their careers or employers are going to offer more restrictive employment contracts forcing trainees to pay for their own education when they decide to leave. Both outcomes would be harmful for firms and those wanting to work in them.

This becomes worse when companies are going to select the people who have had the chance to develop those skills before applying. The most privileged students are able to do this, because they have the means to do more extracurricular activities or pay for trainings. Hiring potential becomes significantly more unlikely, because companies want to go for the safe bet. People with lower income backgrounds are the ones likely to be disproportionately affected.

The underlying problem is that companies risk training people that are not going to work for them in the long term. The solution would be to minimize the risk. Next to that, there exists a prisoner's dilemma. One firm investing a lot in education is expensive, but the spoils might go to another firm if a lawyer decides to switch. This could be solved by having more firms work together to have a bigger pool of students. This would mean spreading the risk of a misfit and therefor solve part of the problem. By agreeing on what should be taught and what every party should contribute, the risk of free riding is overcome. We already see examples of law firms working together to train young people [2].

There could also be a role for the state here. After all, having well trained lawyers does de-

liver genuine benefits to that state. This means focussing more on vocational skills in universities. More interesting would be a joint effort to train new lawyers with money coming from the firms. Certain classes could focus more on the practical side of law, so students start with skills which they would other ways learn at their jobs. This would also allow companies to select people on the basis of skills which are valuable for them. These solutions are likely to play a more important role in the future.

In the end, everyone benefits from training new lawyers: the companies by getting top employees, the state by become more attractive for businesses and the students to fulfil their dreams of becoming a lawyer. It is not impossible to keep doing this, but there will be changes on how this is done. Firms should be flexible and open-minded enough to embrace other ways of teaching their future talent.

Notes

1. American Bar Association, Section of Legal Education and Admissions to the Bar (July 1992), Report of The Task Force on Law Schools and the Profession: Narrowing the Gap (the McCrate Report).
2. For example, the law firm school, which trains future lawyers that work at one of the 16 firms that are affiliated with this program.

Stick to tradition or dare to innovate?

By Ayman Kariman

Introduction

The legal profession is one of the oldest, well preserved professions of our society. It is known to be conservative, hence there is a high valued focus on traditionally practicing law. Tradition is beautiful, without tradition we would lose a lot of good aspects of the legal profession. However, we cannot ignore the fact that our society is rapidly evolving. Our society is subject to significant technological developments. Every day, great progress is being made by scientists on the development of artificial intelligence, blockchain, self-driving cars and much more. Though, technological progress is not the only changing factor of our society. There is also a big evolution of our business mentality, corporate structures of equality and transparency are becoming of higher value. The traditional practice of law has to change its course to secure a future and as a result has to address the needs of the future society. A 1960's Cadillac will still be beautiful in 80 years, but with all the upcoming self-driving cars, it will be not as efficient as it once used to be. This example also applies to law firms when they will not innovate. Innovation does not only consist of technological changes, innovations which ultimately fulfil the benefits of clients are of major importance, and will determine the success of the law firm. In this article I will discuss different aspects within law firms that are in need of (improved) innovation.

Social Media

The first problem which is addressed is the poor find-ability of lawyers and law firms. As a law student, my knowledge of most of the existing law firms is relatively high. The legal profession will be a big part of my future so it is understandable that I am aware of the dif-

ferent law firms in the Netherlands. However, people who are unfamiliar with law possibly have no idea which law firm will be best suitable to assist them with legal advice. There are thousands of law firms in the Netherlands. For people who are unfamiliar with the matter, finding a law firm which will sufficiently help them is like searching for a needle in a haystack. Social media has become an important part of our daily lives. We post updates, share opinions, and use it to search for information. Some of the bigger law firms are active on social media but their activity is mostly aimed at recruiting potential new hires. If law firms would also focus on attracting new clients both parties will potentially benefit. Almost every client is probably active on social media so it will become easier to find a proper law firm for legal advice. Law firms on the other hand will attract more new clients on social media.

Litigation is not the only solution

Litigation has always been one of the major activities of lawyers. However, litigation is not always the most efficient solution, as a client is often facing different legal issues. Law firms will probably start a lot of different legal procedures, which result in high costs for the client. These procedures do not necessarily guarantee a solution. When a lawyer loses the case in court, the client still has to pay a high fee for the effort a lawyer has put into litigation. There is a growing resistance from our society against these high litigation costs which do not always result in a satisfactory solution. People are even pleading for a 'no cure no pay' system, where the lawyer is only paid when he offers a solution for their legal problems. I think this is too drastic and unfair. It is possible that a lawyer puts in a lot of effort and

still loses the case. I believe that the lawyer should still be paid for the his/her effort, but less than when he wins a case. But why don't think outside the courtroom? Mediation and arbitration outside the courtroom are gaining popularity, and provide a good alternative in order to battle high litigation costs. Those options focus on finding a good solution for all involved parties. The fact that legal support more often takes place in form of mediation and arbitration is already innovative, but law firms should not stop there. I think it would be a great beneficial innovation if law firms will start hiring legal aid employees. These are employees who will help clients with their legal issues at a lower fee, without litigation in court. For example, these employees can assist clients with filling in legal forms, contacting third parties and advising them about their rights. Now we only have this form of legal aid within Legal Aid charity clinics (Like 'De Rechtswinkel'[1] in the Netherlands) for financially underprivileged people. Law students work here as volunteers. People who do not qualify as financially underprivileged, will be excluded from this form of legal aid. By adding legal aid employees to their staff who will work for lower fees than lawyers, everyone will be able to choose for this form of legal assistance. Clients will only be faced with litigation costs when it is absolutely necessary. All their other legal problems can be solved efficiently for a lower price. Currently, law firms particularly hire paralegals and lawyers. Paralegals are not lawyers, they mostly assist lawyers with a legal case, and carry out preparations before a lawyer goes to court.

My idea is that the legal aid employees will work as employees who will assist clients with their legal issues without the high costs of a

lawyer. Clients will be satisfied, which forms a great innovation within the law firm.

Flex Law

Now I would like to address the problem of sudden high workforce peaks within law firms. These peaks usually exist of document review and different kinds of research. This intensive work is mostly done by new associates and when they are finished, the more senior lawyers handle the juridical core of the case. However, most law firms are camping with a shortage of lawyers during these peaks, which leads to inefficiency. Inefficiency will lead to a relatively high fee for their clients. Some of the big law firms like The Brauw Blackstone, Nuttall and Allen & Overy have adopted the concept of so called flex-lawyers [2]. This group of lawyers is often branded as a 'Flex-pool'. It consists of specialized lawyers who are not linked to the firm and thus independent.

When a new work peak arrives which leads to a high workforce, the law firm turns to these flex lawyers, who will handle the work. They can even handle some assignments. These specialized lawyers are experts on certain areas, they provide help with cases on which the law firm does not have enough expertise. They work fast and it often results in a lower fee for the client. This concept leads to a reduction of the necessary amount of employees. The new associates will be able to handle more legal in-depth work, instead of being flooded with routine work. This solution is efficient because it reduces the costs for clients and the workforce within a law firm. Routine work will be done fast and properly. More law firms should adapt to this way of flexibility and efficiency, because the workforce and growing need for expertise are growing hard.

Artificial Intelligence

Then there is the immense popularity of artificial intelligence (“AI”). People are divided about the rise of AI, some fear that a lot of professions will disappear, others are excited to see what a machine with maximized human intelligence can accomplish within those professions. I think it is true that a serious amount of human work will be taken over by AI. That doesn’t mean people will be workless. An important aspect of AI which people tend to forget, is the fact that people themselves have created AI. We can decide what the machine or ‘robot’ will be able to accomplish. The legal profession is a profession in which personal contact with a client or third party is of major importance. Practicing law needs a level of empathy and verbal skills, and should not be taken over by machines. This does not mean we cannot use them for assistance. I think law firms will benefit greatly from using AI for routine work like drafting contracts, reviewing documents and case research. The basic concept of Artificial Intelligence is that maximized human intelligence is programmed into machines. This is done through the use of algorithms. These algorithms decide what the exact ability of the machine will be. Within the legal profession, these algorithms will make sure the software will be able to perform perfect document reviewing and legal researching. Within a few seconds, the machine will provide us with all the relevant information from documents we need. Humans have to go through a whole document and separate relevant information from irrelevant information.

This takes a lot of time, while the AI based software immediately provides us with the relevant information we need. This is efficient because it is very fast, it reduces the workforce on lawyers and it is more accurate because

the machine won’t make human mistakes.

Lawyers will be able to focus more on the legal client based activities like mediation, negotiation and litigation. This is a very beneficial outcome, which improves the efficiency of legal practice. It would be foolish of law firms to ignore this great innovative opportunity, because they will only benefit from it without damaging the legal profession. Clients will be more satisfied because the lawyers can immediately start working on a case, without AI the client had to wait for the lawyers to finish all the paperwork before really handling the legal issue.

Concluding remarks

With this article I have tried to provide the reader some areas within the legal practice om Which I see great and necessary innovation opportunities. The legal profession is beautiful, but innovation is key to stay on track in this rapidly changing society. Like I have addressed before, innovation does not only consist of technical changes. Great laps of innovation will be made by changing or improving some areas of the legal practice itself, like the find-ability of law firms, the alternatives for litigation, and working with flex-lawyers.

All these improvements and innovations will eventually contribute to one goal: client satisfaction. The legal profession would vanish without its clients. Hence I hope law firms will be excited to apply new innovative ideas to their profession with an open-mind, and I hope to contribute my efforts to that goal as a law student and as a future lawyer.

Notes

1. <https://www.leidserechtswinkel.nl/>
2. ‘De opkomst van de Uberadvocaat’, Advocatenblad 1 januari 2016, www.advocatenblad.nl



The partner structure: time of a change

By Laura van der Linde

Investing in legal tech is a hot topic in the judicial world, but why not have a look at changing other things such as the partner structure in law firms? The partner structure has been the main structure of law firms for ages. It concerns a pyramid structure with the partners on top getting a part of the profit that has been made. This model leads to several problems and that's why Jaap Bosman states in his book "Death of the law firm" that this business model is one of the major problems of law firms.

Joining an established law firm is a rat race without exaggeration. Only the best of the best can become a partner. So this results in an up or out model. The longer you stay the more you will earn. Having finally reached the ultimate position you can earn a lot because you will share in the profit of the firm. All this sounds attractive, but it has some drawbacks as well.

What are these so-called problems of the partner structure? I divided them into several problems. Finally I will end this article with my view on a solution that can solve these difficulties.

The first problem of this structure is that it obstructs innovation. Making decisions in the firm is very tough due to this pyramid model. Big law firms are usually run by managing partner(s) forming the board. These partners are responsible for the strategic management and evaluating the targets. Often these partners are only schooled in law and not in business strategy. Bosman stated in his book that lawyers are in general risk averse and that they prefer theory instead of action. However if you want to innovate you have to take risks and be open-minded.

Besides there is a constant fear of being laid off. This is one of the main reasons why there is a lack of trust among the partners. You constantly have to be the better achieving one. This results in not sharing all the information which is not useful for taking decisions.

Another problem of the partner structure is that it is hard to become one of them. Every law firm has just a fixed number of partners. Becoming a partner is not appealing for everyone, since you have to work very hard and give up a huge part of your spare time. Many lawyers do want to have a work/life balance is stated in a report from Allen & Overy about the future of legal talent. The majority of the interviewed lawyers said that they do not like the conventional career opportunities. 24% of the examined lawyers even said that they have thought about quitting the profession. Only 20% wanted to become a partner. So many do not find it interesting enough to make sacrifices and want to have a good work/life balance.

Moreover there has to be enough space in the top. When there are already three partners in

finance it becomes way more difficult to reach such a position. As a consequence these talented employees switch to another company. Employees with possibly new insights leave the law firm and thus the partner structure results in a waste of talent.

The solution? The head of the board not only has to consist of partners but has to attract non-lawyers as well. These people have other skills and knowledge that the traditional partners lack. Another argument for this structure is that non-partners are more independent because they do not work for a certain department.

Furthermore the board of a law firm does not discuss individual cases but has to make decisions about things such as innovation and efficiency processes. A lawyer is educated to become a lawyer instead of being a director. More profit can be made if the board is not filled with lawyers. Lawyers have to be focussed on their cases as well and these non-lawyers can manage the firm full time. This new model has already been implemented in several law firms.

It would also be better if the profit will be more invested in the firm itself instead of sharing it among the partners. It can be invested in innovation and educating interns just as normal companies do. Eventually this leads to more profit in the long term.

In short: the partner structure causes a couple of problems. The focus on reaching your own targets causes a lot of stress and a tunnel vision. Law firms have to innovate just as the world around does and this traditional model obviously does not work. Attracting people

specialised in business leads to more innovation and thus more profit. The rising profit can be invested in more innovation which leads to even more profit. Law firms have to take more risks which is not in accordance with their work. This is why the top of the pyramid has to be changed in order to be more effective and more competitive. So it is time for law firms to step out of their comfort zone and compose a board consisting of business people.

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FUN FACT

DID YOU KNOW

Destined to help people to solve legal issues, lawyers are also associated with money-grabbers who wish to pump as much cash as possible from their clients. However Bankers, Car Salesmen and Politicians are the least trusted professionals as they lie with a smile, try to sell you crap and protect their profession and income at all times



LEGAL BUSINESS WORLD
PUBLICATIONS

Innovation should be welcomed but not forced

By Willem van Hootegem

‘Innovation’ has been a buzzword for years. “We need to innovate to stay competitive”, or “our business model is outdated and unsustainable”. These corporate catchphrases have become somewhat of a classic go-to in the digital age’s ever-growing thirst for alternative approaches and competitive edges. However, when one thinks about cutting edge technology and revolutionary business models, the legal sector is not the first association to come to mind – by a long shot.

Changes in this perception are visible globally, and have been so for a while: articles, debates and even books have been outlining how the legal sector has in fact changed, and how this trend will likely continue in the decades to come. This short article will broadly outline some developments in the modernisation of the legal profession, if and how law schools are adapting to this change, and argue that too much change too quickly might not always garner positive results.

Firstly, the business model of law firms had until relatively recently remained unchanged for an immensely long time. But with the emergence of, among others, more internal dependence on in-house counsels, and an increased ability of clients to partly figure out legal problems themselves with the help of new technology, it has been argued that the standard business model for most law firms is being redesigned, even if only slightly. Many non-differentiated firms (contrary to the select few with famous brand names and pedigree who can act more freely) are adapting to this or are going to need to do so in the future. According to Mark Cohen, a customer-centered approach – not merely relying on new technology – is paramount to remain viable in the

future legal market. This entails identifying previously untapped consumer needs, such as new specific technological processes or different methods of billing.

Another (part of a) new model which is progressively popping up is what’s known as legal process outsourcing (LPO). By outsourcing specific tasks to extremely specialised companies, firms can cut down on costs while the outsourced work itself will be handled faster and more efficiently due to economies of scale. Whereas all the necessary work used to be done under one roof, nowadays this can quickly become a spread-out operation, eventually benefitting both the consumer and firm.

Lastly, as extensively discussed by professionals and other students alike, artificial intelligence has been undergoing massive improvements. These improvements are being felt everywhere, including the law firm. Increasingly, menial tasks no longer need to be performed by junior associates and paralegals, with expectations that this trend will expand further. Consequently, the lawyer of the future will need more than just the ‘traditional skills’ of the past, but acquire the ability to for example manage projects, be flexible and possess entrepreneurial spirit. These are issues law students of today should already be aware of and prepare for so as to be able to compete on the job market in their (early) careers.

It is indubitably clear change has been ongoing for years, and that the legal world is not as static as many may think. But are law schools – the breeding ground for future lawyers and legal professionals – adequately conforming, and should innovation be stimulated at all costs?

It is important to note that the law school's shortcomings, such as lack of practical experience, has been somewhat of a sore spot for a while; recently several articles and books, e.g. C. Stolker's 'Rethinking the Law School', suggested changes to the current educational landscape. Actual, widespread modernisation, however, has been relatively slow to follow. Even so, awareness is steadily growing. Universities are offering courses about the changing legal landscape (see this article and corresponding course as a prime example), reputable professors like Prof. Susskind write books about the lawyer of the future, and more generally, the students themselves often realise they need knowledge of not only legal theory, but practical (future) implementation thereof as well (more internships and a greater interest in legal innovation, for example). This is a positive development, without drastically altering the status quo.

All of the above clearly illustrates that change is already happening. But contrary to this sometimes hastened transformation, the legal sector and profession should in my opinion be wary of trying too much too quickly. A settled law firm with vast history cannot and will not change overnight, nor should it want to. The same applies to the law school, in the sense that its cardinal mission – providing students with a vast and broad basis not only in the law but in teaching them how to logically think and debate – has remained unchanged and should continue as such. 'Real world'-oriented teaching can be introduced, but should only carefully interfere with the established curriculum. Admittedly, this is not easy. Very often change that is objectively necessary is hampered because of such resistance (a type of confirmation bias). But being aware of the bal-

ance between unsubstantiated resistance to change on the one side, and a tunnel vision towards innovation no matter what on the other, is what will lead to shrewd, gradual and responsible improvements that leave everyone better off in the long term.

As noted by John Kotter in the nineties regarding why corporations often fail to implement change, "the most general lesson to be learned ... is that the change process goes through a series of phases that, in total, usually require a considerable length of time". I believe this to be true specifically in the legal sector and legal education as well. Things like lacking a clear vision or 'declaring victory' too soon can often have detrimental effects to the desired result. In other words, well-thought-out plans need to be made and implemented gradually, not guided by a current hype or 'what others are doing', but by an institution's specific needs in a given time period. Thankfully, the history and traditions of the legal world will likely act as a check on expedited remodeling of the legal sector and education.

Law students of today and of the following decade will without a doubt encounter a vastly different legal world than, say, twenty years ago. Artificial intelligence is making great strides in doing much of the grunt work, the traditional partner structure might see its dominance dissipate, and on top of that law firms' business models might be overhauled everywhere as a result of different or customised demands from clients.

The core of legal education as we know it, however, probably won't have changed as much. This is not necessarily a bad thing, but does require some tweaking to meet

expectations students and employers alike have of what a law graduate should be capable of. In twenty years' time the legal profession will be quite different, and the law school to a certain extent as well; both hopefully not as a result of an obsession with innovation just for the sake of it.

Notes

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FUN FACT

DID YOU KNOW

Contents of the Future Lawyer is read by almost 116.000 professionals from over 34 countries, and downloads are shared with over 42.000 students.



LEGAL BUSINESS WORLD
PUBLICATIONS



Into the 21st century

By Nathalie van der Jagt

One might walk into a law office and find that the work process of lawyers to the process centuries ago. Admittedly, lawyers these days have access to online sources and can communicate with clients via phone, email or text. But compared to the dramatic changes in other fields due to the fast development of technology, very little has actually changed. Here and there, a few sprouts of innovative thinking come up in the barren earth of the advocacy field and often get trampled by the preference of traditional thinking. The office is earning money now, so why spend money and invest, to fix something that does not seem to be broken?

But sooner or later, law offices must also give into the demands of the market. We live in a world that thrives on technology, information and sharing. We use technology to share information, creating a whole new culture of sharing information back and forth. And as a result, clients these days are looking for more input, more communication and more personalization and they are willing to pay for it. That is why I will address this problem in this article and offer a solution.

Soft skills

As previously stated, clients are looking for lawyers that will involve them in the process. To achieve this, lawyers should not just gain legal knowledge, analytical insight and moral thinking, but they should add soft skills to their collection of necessary skills [1]. Clients get increasingly interested in what exactly happens to the money they are spending, and because of the rise in educated clients due to the growth of knowledge economies, clients like to stay up to date on their cases and get explanations concerning their legal and personal issues [2]. In turn, they will get more involved in the process and give more input. This could lead to a more personalized solution, if exploited correctly, ensuring that clients will return in the future. A client willing to return will generate more income, and might even bring third parties to the firm. A simple business concept, but also a very important one. However, it will take years before this new social lawyer has taken over the market, mostly because it takes time and money to train current lawyers. And until universities start adding courses to encourage the development of soft skills to their curricula, this future is still far away. Therefore it is good to consider a solution a bit closer to home, that will still enable clients to have the input they would like, without requiring years of training on the side of lawyers; a program to safely share files, particularly designed for businesses of every size, that allows users to control special permissions (who can see and edit what) and which allows even the tech-savviest users to share files and documents. Examples of programs like this are: ShareFile [3], Dropbox-business [4] and Egnyte [5]. Particularly ShareFile has been well received in the market [6]. With one of these programs (or a similar

one) lawyers would be able to share files with clients and clients can see directly what their lawyers are working on, to give useful commentary or criticism, therefore saving a lot of valuable time when there is a misunderstanding. Furthermore, it eases tracking of time spent on a case and what this time is used for. That sounds rather scary of course, but it does not just save time, but also leads to more understanding on the side of the client and therefore a better discussion on what is necessary to satisfy the needs of the client.

Technology

That brings us to the second modern development that I would like to discuss; technology. A simple program can share files with clients, but what about paragraphs highlighted in jurisprudence, literature or parliamentary comments or notes written next to articles? A lot of lawyers will admit to preferring to read these sources on paper and therefore make handwritten comments and highlights. That makes complete sense, since the human brain responds better to paper than to digital texts [7]. And because a lawyer's tool is his or her brain, it is best to stay with this timeless method. However, it gets difficult when these notes have to be retrieved quickly, especially if a case runs for a long time and the notes have been taken a while back.

That is why I suggest digitalizing notes, to create a database of information that can be ordered and retrieved with the use of a search option. Fortunately, the technology to achieve this already exists. There are all kinds of methods out there to digitalize notes quickly. I will discuss one example; the Smart Writing Set [8]. This set consists of a couple of different methods that all link back to one database,

so that all information can be stored in the same database. The first method is a digital pen that digitalizes that which is written with it, whilst it is being written, and changes it into digital text. It works with a special notebook, so it is inconvenient for notes taken on the sides of printed texts. However, that is where the second tool comes in; Scannable. Scannable is an app that allows you to scan paper by simply moving a smartphone over the text. The app will transfer the text, including highlights and digitalized notes, to the database. And when using a digital source, there is the further option of saving this in the database with added notes, using Web-clipper for PC or Clippings or Kobonotes for e-readers. This way everything can be stored in the same place, creating a database specifically designed to retrieve notes and information quickly, and organize the data stored in it.

Combine the ideas of the Smart Writing Set and ShareFile and it gets easier than ever to share research and case information with clients, whilst keeping the information secured.

Information

There is one more advantage to this idea, and that is that already researched materials can be reused. When a law firm stores all the researched information in one database, it gets easier to share this information internally. Often a legal issue has been researched before by another lawyer, but because of the amount of cases coming through, not everyone will always know or remember. And even if they do, the original file is often still a paper file that needs to get looked up. Moreover, it is regularly unclear what specific parts of what sources have been used to find the solution. Therefore, it will save time when lawyers can search in the firm's database for similar cases or legal issues, and

reuse these. The time spent on solving the legal issue has been tracked and consequently the information can be re-sold. The firm does not just save money on time spent, but it is also enabled to re-sell information already in its possession.

Conclusion

It is going to take a long time to create lawyers that fit better in the modern market, therefore it is necessary to give thought to already existing techniques to bring the ancient profession to a more modern standard. And fortunately, creating a digital database of notes and using a program to share pieces of this information with clients, does not take that much extra effort. That is why I think that this solution could allow law firms to make the first steps into the 21st century.

Notes

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Protecting law firms' most valuable asset: thriving and creative lawyers

By Iris Vermeiden

When it comes to innovation challenges in legal firms, people tend to focus on technological advancements such as blockchain, artificial intelligence and other legal tech developments. Some other topics that are often discussed are the (im)possibility of changing the characteristic partner structure of the law firm and the outdated pay-per-hour billing system that law firms continue to use. However, as a third-year law student with a background in psychology, I could not help but notice that in this discourse on innovations in the law firm one essential topic is often overlooked. When thinking about innovation, little to no attention is paid to the most important asset of the law firm: the lawyers themselves and the creative capital they bring to the firm.

As basic legal services become more and more commoditised, law firms see the nature of their services change. Lawyers no longer just work for their clients, they now work with their clients towards the goals these clients have set for themselves. Law firms that want to stay on top of the game no longer just offer legal advice but expand their services to providing strategic business advice as well. This transformation from a traditional law firm to a bespoke company - that can better be described as a legal consultancy company than as a law firm - requires lawyers working for the firm to have a more extensive skill set than the traditional lawyer.

Modern lawyers are not only required to have excellent legal expertise, but are also expected to have an understanding of several other disciplines apart from their traditional field. Clients expect law firms to be able to help them to come up with creative solutions to tackle any problem they might have, even

though these problems might not strictly be of a legal nature.

Even though modern technology, such as digital databases, artificial intelligence and sophisticated search engines, has made it considerably easier for lawyers to process large amounts of information, coming up with tailor made creative solutions remains a human challenge. So far, legal tech has been of great assistance to lawyers, but it has not been able to replace the human processing that goes into creative problem solving and out of the box thinking. This means that the mental resources that the lawyers bring to the company are of invaluable importance to the modern law firm! In the future, commoditized basic legal work will probably be taken over by technology that everyone can easily access, meaning that the modern law firm will have to differentiate itself from other law firms by offering bespoke services and attracting the most creative and inventive lawyers to work for the firm.

Unfortunately, not all law firms seem to yet grasp how fundamentally important these human resources are. Being a successful lawyer is a job that is notorious for being stressful, requiring extreme dedication, and often working late into the night or during weekends. Additionally, the up-or-out strategy that many law firms work with puts even more pressure on their employees. It should come to no one's surprise that lawyers often suffer from severe stress and are at an increased risk of developing a variety of clinical problems, such as depression, increased anxiety, or substance abuse or addiction [1]. A simple Google search for 'lawyer burn-out' yielded 98.800.000 hits, many of which included personal stories of lawyers who used to function

under the pressure they had put themselves under. Sadly, many of these stories mention the same thing: before seeking professional help the lawyers in question had felt as if they were all alone in dealing with their problems. Almost all of them felt like they were the only ones who could not keep up with the fast-paced working environment of their law firm, and were left wondering why their colleagues were functioning just fine while they themselves could no longer take the pressure and stress of their everyday job.

Any modern law firm should take these personal stories seriously in order to remain successful. Keeping the lawyers working for your company happy and healthy should be the number one priority of any firm, before thinking about introducing fancy technological innovations or choosing a different business strategy. Paying attention to their employees' mental health and creating a safe work environment for their lawyers should be the number one innovation on any law firm's list. Guaranteeing that the lawyers you employ are thriving can ensure that your law firm stays ahead of the competition, because only lawyers who are in excellent shape can supply your clients with excellent and creative advice. People with a legal background can often be hesitant to dive too far into psychological research, but it is time to start using the insights that psychology gives us to our advantage. We are not afraid to use knowledge on psychology when it comes to persuasive techniques or marketing, so why be sceptical towards psychology when it comes to our everyday working environment?

Putting employee well-being high on the list of innovation priorities does not mean that the

whole office structure needs to be radically changed from chairs and desks to informal brainstorm rooms with hammocks and beanbags, that lawyers should start meditating for hours, or that lawyers should be sent on yoga retreats and ski trips on the firm's costs. Creativity, contrary to popular belief, requires hard work, dedication and interdisciplinary knowledge [2]. This means that lawyers will have to continue to work hard in order to come up with the best creative solutions for their clients. However, slight changes in the firm's working environment can already go a long way in helping the firm's lawyers thrive.

Lawyers should be encouraged to work smart, not just hard. Staying extra hours on top of the already long and busy working days should not be required and especially not be implicitly promoted through the firm's culture. A company culture in which young, talented lawyers cannot grow into higher positions, solely based on the fact that they have not stayed for enough evenings or weekends, is unhealthy. And not just that, it could also fend off potential new talent from wanting to start working at your firm in the first place. The new generation of lawyers is learning from the issues that were faced by the older generations, and is actively choosing for (mental) health and a better work-life balance. In order to attract these creative young potentials, law firms should be doing the same. This also means that company culture should increasingly focus on making lawyers feel valued for the hard work they are doing for the firm, and on creating a safe space for employees to reach out to their colleagues or to professional help when they are feeling overworked.

From all of this, it should be clear what any

law firm's number one priority should be, before diving into any other (maybe more exciting-sounding) innovations. In order to thrive, law firms must ensure that their lawyers – whose creative capital forms the firm's most valuable asset – are thriving too.

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Notes

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FUN FACT

DID YOU KNOW

That - Michelle Obama, Barak Obama, Mahatma Ghandi, Henri Matisse, Hillary Clinton, Nelson Mandela, Washington Irving, Fidel Castro, John Grisham, Andrea Bocelli, John Cleese, Gloria Allred all have a Degree in Law.

Are you the next Game Changer?



LEGAL BUSINESS WORLD
PUBLICATIONS

The assessment overhauled

"A new way to discover young talent"

By Roxanne Mulder



In this article, I will explain my vision on one of the most old-fashioned practices in law firms: the assessment. With the current need of innovation, it is important to take a look at possibilities to improve and modernize the place where it all starts.

Standing in the coffee corner or during the Friday drinks at a law firm you cannot escape from the words 'innovation' and 'future'. How controversial for a profession that remains committed to its old habits and customs. Take the assessments, for instance. It is nearly the same in every law firm and it is all about making IQ tests and roll play. For years and years firms used this method to select their candidates. Not a bad way to learn about your candidates, but is it really the best way to get to know your potential employees? With an IQ test, you do not get information about someone's true potential and capacity to think outside the box. Something that is really important if you want someone that has a bright sight on the future.

You see it every day if you step into a Law firm at the Zuidas. This is a business district in Ams-

In this article, I will explain my vision on one of the most old-fashioned practices in law firms: the assessment. With the current need of innovation, it is important to take a look at possibilities to improve and modernize the place where it all starts.

Standing in the coffee corner or during the Friday drinks at a law firm you cannot escape from the words 'innovation' and 'future'. How controversial for a profession that remains committed to its old habits and customs. Take the assessments, for instance. It is nearly the same in every law firm and it is all about making IQ tests and roll play. For years and years firms used this method to select their candidates. Not a bad way to learn about your candidates, but is it really the best way to get to know your potential employees? With an IQ test, you do not get information about someone's true potential and capacity to think outside the box. Something that is really important if you want someone that has a bright sight on the future.

You see it every day if you step into a Law firm at the Zuidas. This is a business district in Amsterdam, where most of the major firms of our country are established. I visited a lot of them and I noticed that it is always the same when it comes to assessments. You take an IQ test, sometimes you have to solve a case and if you are lucky you get to roll play. All well and good, but so old-fashioned if you ask me. Law firms are striving to use the newest kinds of technology in their firms, then why not using it at the assessments too?

The legal world is stuck between willing to innovate at the one hand, but having an outdat-

ed method to attract new employees on the other hand. If you want to innovate, you have to start at the beginning. Making a law firm that is future and 'Asian-proof' you have to start at the roots. In my opinion, law firms need to spend more time and energy in selecting the newcomers of the branch. The students straight from University are not contaminated yet by the day-to-day operations of a law firm. These people carry the potency to get the firm to a next level. As I said before, we have to start at the beginning. How do you get these super-students? In almost every legal firm it is necessary to take an assessment first. As a law firm, you only want people who fits best in your business. With the quick changes of our world nowadays and an uprising globalization you need people of solid stature. For measuring these capacities, you will need a lot more than the current assessment tests have to offer. These methods focus mainly on your IQ rate and are shallow in terms of character and creativity. I see an important task for the HR Management of the law firms to start using new methods and technologies to test their candidates on these qualities. I believe that this will make the difference and will result in a more efficient way to select new employees.

Recently, I came upon an article from LTP Business Psychologists. This is an online platform that is specialized in assessments and by means of the appropriate techniques they can find the perfect candidates for a job. How they manage this? Inter alia by the use of smartphones! The smartphones link performance data to assessment data. In this way, you get a very clear image of someone's capacities and the likelihood of their reactions in stressful situations. The candidates carry a smartphone

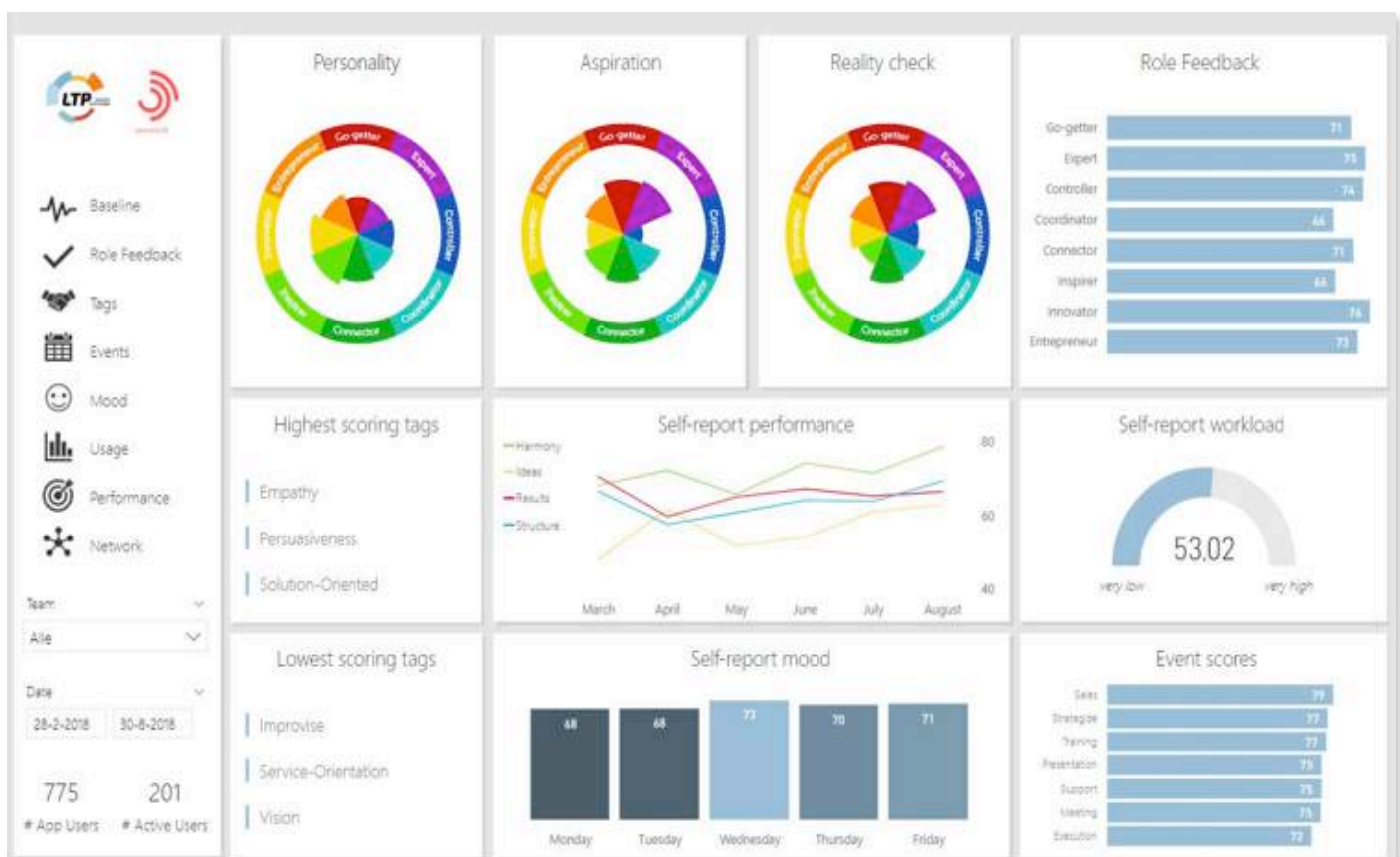
with them all day and they receive e-mails, phone calls and texts from 'clients' and 'employers'. The phone measures your reaction to these unexpected tasks. The used technology is Persona.fit and it gives a great insight how a candidate will handle a specific situation in the real world. Interesting, isn't it? I was directly fascinated by this new method. Not only do you test someone's capacity to solve a problem, you also can see their personal creative input and predict how they will react in the future. This is a valuable addition to the 'normal' assessment procedure. Later, you get feedback from the psychologists, so you can work on your weaknesses and grow. It is also possible to use the technologies for people that

are already on the workplace. The technique is built to search your strength and weak spots, which is helpful to make teams and to point out when a problem is coming up. The device will step in when a process is not going efficient enough and will change your working teams or give a warning.

This will reduce the unwanted outflow with 50%. As you can see, you can really distinguish yourself as a legal firm by using technology in the assessment.

What does this mean for the legal world? I think it is a big step to use technologies like this to assess people. You get to know so much

Source: LTP Dashboards Persona. An example of a candidate's profile.



about your candidates and there are less upcoming surprises when it comes to their behaviors. Using technology will tell us way more about someone than the current process. Characteristics as leadership, agility and keeping a cool head in stressful situations can be tested way better with a device like a smartphone. It is really efficient, the assessment process will cost less time and it gives a very interesting insight in the person itself. We have to accustom in this new environment where everything is agile and more demanding every day. With this new assessment method, we can pick the right ones out and manage that before and during their job, people get feedback so that they know on which points they should focus. In my opinion, technology and assessment go hand in hand. Not only the employers know what type of person they are dealing with, the future employees can also experience the real working pressure and find

out helpful information about themselves. To be prepared for the future, innovative organisations should use modern technologies to require new valuable students. It will help train these students into valuable new employees to secure the future for their organisation. And all this only by means of a little device that fits into your pocket!

I am very curious about this development and hope that, by the time that I have to take an assessment, more legal firms are using technology to select their candidates. I believe that changing the assessment process is a good start to innovate within an organization. Overhauling the assessment can introduce a degree of freshness in legal firms. Focused on the future and always searching for a way to innovate, I think law firms have to grab this chance to modernize the place where it all starts; the assessment. Are you ready?

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LEGAL BUSINESS WORLD
PUBLICATIONS



How to constitute a Dutch T-shaped lawyer

By Rosalie ten Wolde

By nature, humankind tends to associate the term 'innovation' with technological innovation. Outstanding new programs, 'Clouds' or helpful tools, which will make our lives much easier and more comfortable. Likewise in the legal world of the law firm, where they are inclined to search for technological improvements in order to innovate and profile ones legal practice. However, why not start this process of innovation at the heart of a law firm: the lawyer himself?

Nowadays, society exists of an immensely dynamic process, which is highly influenced by constant changes and improvements. Logically, this requires a different kind of lawyer than 30 years ago. Not only are modern lawyers supposed to adapt to and cope with the constantly changing environment in which they work, society is also asking for a different kind of lawyer. They want their lawyers to have more in-depth knowledge, combined with general knowledge and skills to be able to cope with the current, complex society we live in. Therefore the legal world debates whether or not there is a need for the so-called T-shaped lawyer. The T-shaped lawyer has great knowledge in his or hers own field of expertise (the vertical line in the T), but carries extra essential skills as well (the horizontal line in the T) [1]. In the light of innovation, the question arises whether one is still only looking for the law student to fulfill the profession of lawyer or whether the current climate requires more than just legal knowledge and skills.

Previously in 2013, a discussion arose concerning the 'future lawyer'. Five chairmen of the board from large law firms pleaded for an alteration in the vocational education in order

to become a lawyer [2]. Their plea is based on these so-called 'T-shaped lawyers' society claims to be needing nowadays. Different directors of both large and small law firms have expressed that they feel an evolution, which has indeed led to more complex legal issues and where resolving these issues requires much more than just legal knowledge [3]. Among others, the then managing partner, Martijn Snoep, from the reputable law firm 'De Brauw Blackstone Westbroek' pleaded for an extension in the legal profession. His conviction was that the main problem could be found in the legal requirement laid down in the Dutch 'Advocatenwet' [4]. It states that a prerequisite to be admitted to the vocational education in order to become a lawyer in the Netherlands, is a fully completed four year degree in Law. This way the vocational education is only accessible for law students.

In principle this requirement sounds logical for a legal profession. However, it does not seem to be compatible with the current need for 'T-shaped lawyers'. One can wonder whether there are possibilities to innovate the legal profession in a way that it will be compatible with all the present demands and requirements from law firms, as well as from society.

In order to find a valuable and compatible approach to innovate the legal profession, I would like to compare our Dutch vocational education system with the educational systems in the United States and the United Kingdom, which one has to complete in order to fulfill the profession of lawyer in these countries. These systems are substantially different from ours and can provide

us with interesting insights and perspectives.

In the United States there do not exist requirements as regards to the kind of bachelor one has to complete before attending 'Law School'. Any kind of Bachelor of Arts or a Bachelor of Sciences degree will give students direct access to Law School, which will take three years. Most students are, in addition to obtaining a bachelor's degree, required to take the Law School Admissions Test (LSAT's) [5]. This means the profession is not only accessible for students with knowledge of law, but to anyone who is interested in pursuing a career in the legal profession.

In the United Kingdom there are various alternative paths. Approximately 50-60% chooses the mainstream route. This consists of getting a Law degree, which takes three years, followed by a Legal Practice Course of a year. However, non-law graduates do have access to the profession of lawyer, by undertaking, after completing their first non-law degree, a one year conversion course, which is called a Graduate Diploma in Law [6].

The main resemblance between these two systems is the possibility for non-law students to access the legal profession. Not entirely coincidental is the fact that this is not a possibility in the Netherlands. As mentioned before, this is a phenomenon many law firms consider unreasonable and most of all impractical. The question that remains is whether or not the Netherlands should take these systems as an example. Could it propose a way to create the 'T-shaped lawyers' everyone is longing for? However, there is an important aspect that one is inclined to overlook. This is the crucial

difference between the legal education and profession in the United States, United Kingdom and the Netherlands. Most importantly, the fact that legal education and profession in the Netherlands is much more legally technical and academic than in the States or the UK. In these countries the legal profession is mostly based on case law and the more practical side of the law [7]. In this context, one can state that it would not be wise to base a new vocational education system merely on these systems. One has to take this legally technical character of our legal education and profession in the Netherlands into account in order to create the ultimate T-shaped lawyer.

Back in 2013, the previously mentioned Martijn Snoep, proposed to abolish the legal requirement as stated in the Dutch 'Advocatenwet' in order to make the profession of lawyer accessible for students from different educational backgrounds. Besides, he proposed to introduce an admission exam for the vocational education [8]. This proposition showed strong similarity with the United States. Nevertheless, it raises a lot of questions about introducing it in our legal climate in the Netherlands. Most importantly, would every bachelor actually be suitable as a basis for the vocational education system? Would this not lead to extremely expensive changes in this system in order to teach non-law students the necessary amount of legal knowledge they need to poses in our rather legally technical working environment? Or, could we consider the system they use in the United Kingdom in which potential lawyers do need to have a diploma, specialisation or master in law?

The solution I propose contains a system

which would allow students with non-law bachelors to pursue a career as lawyer, but it demands a certain level of legal education and knowledge. This can be achieved by introducing a mandatory pre-master in Law for non-legal bachelor students, followed by the regular legal master program, in order to pose as much legal knowledge as necessary to work in our legally technical climate without restraints.

The broadly orientated Dutch T-shaped lawyer the legal world is aiming for will be the result. The new T-shaped lawyers will bring the necessary innovation and will make it easier for law firms to stay a reflection of modern society's needs.

with them all day and they receive e-mails, phone calls and texts from 'clients' and 'employers'. The phone measures your reaction to these unexpected tasks. The used technology is Persona.fit and it gives a great insight how a candidate will handle a specific situation in the real world. Interesting, isn't it? I was directly fascinated by this new method. Not only do you test someone's capacity to solve a problem, you also can see their personal creative input and predict how they will react in the future. This is a valuable addition to the 'normal' assessment procedure. Later, you get feedback from the psychologists, so you can work on your weaknesses and grow. It is also possible to use the technologies for people that

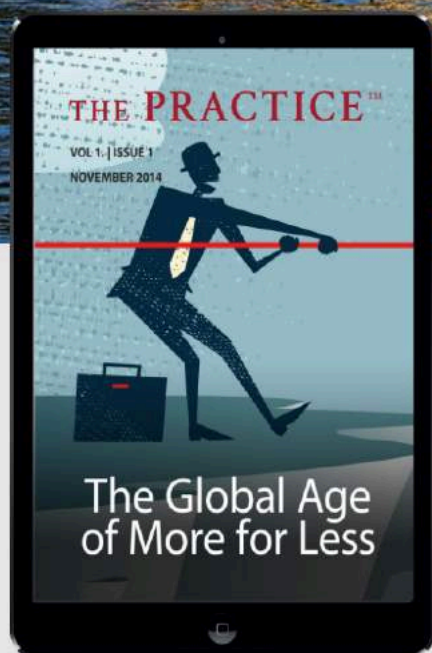
are already on the workplace. The technique is built to search your strength and weak spots, which is helpful to make teams and to point out when a problem is coming up. The device will step in when a process is not going efficient enough and will change your working teams or give a warning. This will reduce the unwanted outflow with 50%. As you can see, you can really distinguish yourself as a legal firm by using technology in the assessment.

Notes

1. Mark Maathuis, 'Lessen uit Amerika', Het Advocatenblad, 27 februari 2014.
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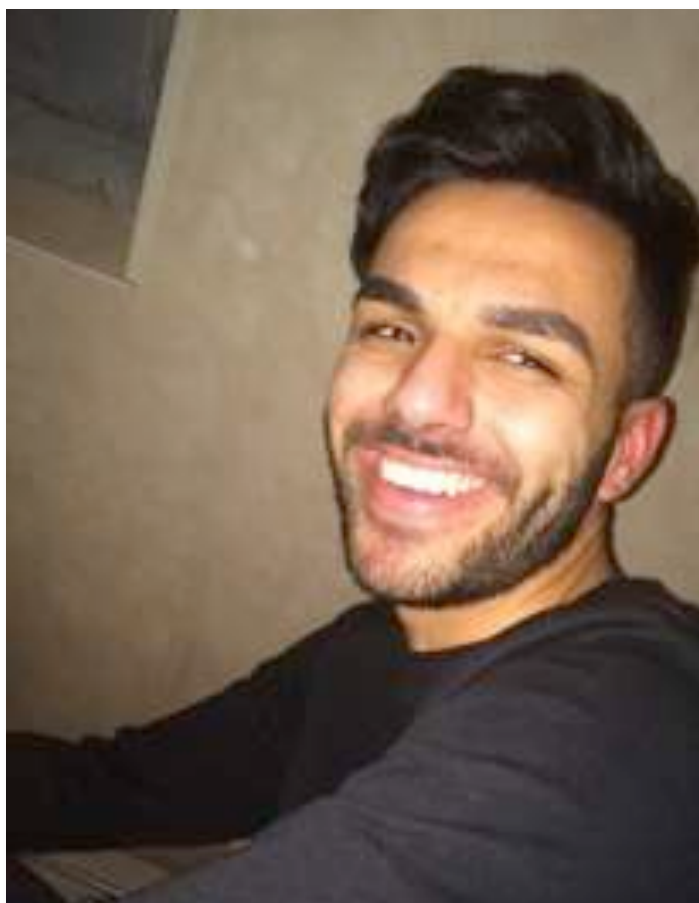
Legal visuals

A powerful tool for innovation or just a gimmick?

By Fahiem Malikzada

In this article I will explain the concept of legal visualization and the possibilities it creates for law firms to innovate. I will also discuss why legal visualization is a powerful tool to improve the communication between legal professional and client. In the end I hope to show the importance of legal visualization as a effective innovation tool for every law firm.

Mostly the law appears in legal texts or in legal situations which are mostly typed. The law characterized itself with textually. But with the advancement of technology and all kinds of possibilities for legal programming, the textually of the law will decline. Legal programming and legal visualization will be the new



future form of the law. However it is important to note that legal visualization is still in it's early birth and has no standard and comprehensive model of legal visualization. Furthermore it is the task of legal visualization in addition to the types of legal situations to take away the abstractness of the legal texts and make the law understandable for every client by visualization of the legal issue at hand.

A example can be given with online visualization of legislation in the context of open pursuit of open access to the law (a benefit for everyone in society). Not only will the understanding of the legislation increase, but also people who are punished for breaking the law

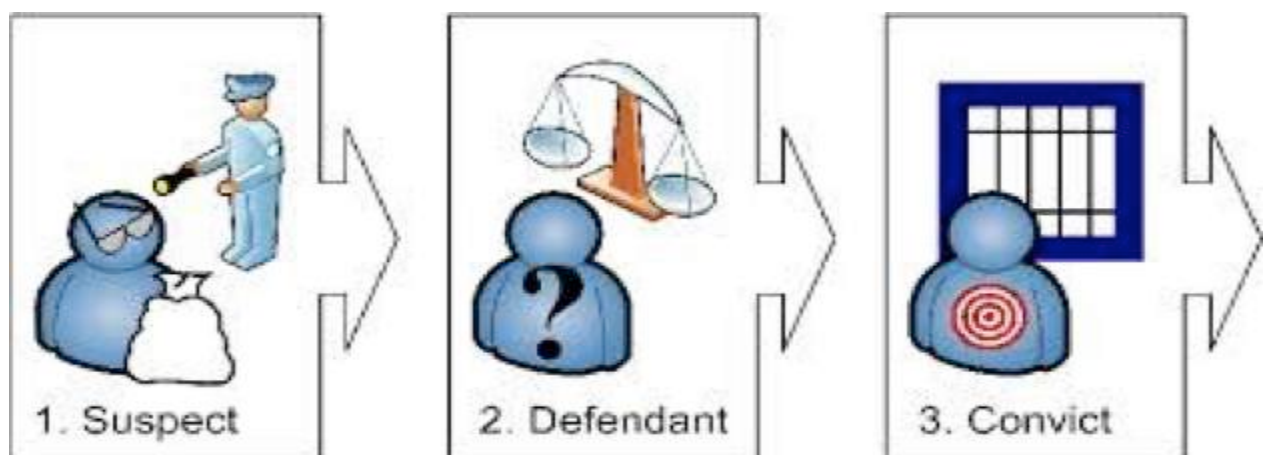
will better understand the decision and accept the outcome and the given penalty for breaking the law. Furthermore, visualization can map the legal process to make the whole trajectory understandable for everyone. For example a defendant that is confronted with a criminal charge (see figure below).

Benefits for a law firm

In the context of the legal law firm there are a lot of benefits for lawyers to get, by making effective use of legal visualization and legal programming. First of all, the legal visualization bridges the enormous gap between legal professionals and clients. Most of the time client don't know what their lawyers are talking about or what motives lay behind their decisions. Legal visualization can provide a powerful and effective tool for these lawyers to help clients understand the complex issues at hand. This wil in turn increase the comprehension of the client for the outcome of their case and help them to better understand the complexity of the legal issues at hand. Thus, legal visualization has a important communication benefit for law

firms. Secondly, legal visualization can provide a effective tool to making your case. Visualization of a problem can increase the perception of a judge and therefore is a useful tool to make a legal problem clear. Thirdly and most importantly, is that legal visualization is a step towards innovation for the firm and also a step ahead of competitors.

For a law firm to survive in the current economy, with competitors on every corner of the street, it is important to innovate and keep ahead of the competition by constantly trying to improve itself. By distinguishing itself of other law firms and offer something new for the client and also to show that the understanding of the client of their own legal issues, forms a important task that has to be dealt with. A satisfied client base will attract new clients and innovation can help make the current clients satisfied. Innovation is indeed the key to success, so keep innovating and show the outside world how flexibel the law firm can be, by adjusting to the needs of every client and face problems with innovation.



Source: www.mii.lt

Possible downsides of legal visualization

The legal sector is characterized as a conservative one. This means that innovation is to always greeted with open arms. Although there are a lot of big law firms that are innovating, the small law firms sometimes do have doubts adjusting and innovating. This is something, that I believe, will change over time due to the globalization, technological progress and a more complex judicial system. However it is important to mention the conservative attitude of the legal sector towards innovation and must be something do let go of. Furthermore, the associated costs with legal visualization (like hiring legal designers and programmers, equipment etc..) can be seen as a important downside for law firms. However, these costs have a high chance of paying themselves back and even making profit. Another downside to legal visualization can be seen in the complexity of simplification. Some legal issues are to difficult to put into a visualization and can't be transformed into a 'understandable problem' without leaving important information out of the picture. So it is important to consider that it is sometimes necessary to keep problems complex (to have the problem clear) and that a simplification for the client is possible, but with the warning that the visualization has left a lot of important information to make it more understandable for the client. Finally these downsides are or little significance compared to the benefits, but are important factors to consider while implementing legal visualization.

Recommendation to every law firm

It is important to constantly analyse society and keep track of the problems that exist in the legal sector. A law firm should always try to be the first to solve these problems. This sends a mes-

sage to the outside world that the law firm is flexible and able/ willing to take the lead in solving problems and try to innovate the current systems. As for legal visualization, it is necessary to start with a small team of legal designers (or programmers). It is recommended that these people do not have a legal background. Lawyers and these programmers can discuss matters together and make the perfect legal visualization. One that is legally correct (lawyers input) and one that looks professional and is under stable for every single person that hasn't studied law (legal designer/ programmer input). Finally, show the outside world that the firm cares about their client and the understanding of the client for the legal problem. This will create a satisfied client base and will be a solid foundation to expand with other clients who prefer a law firm that cares about their clients.

Remember: "Always keep innovating"

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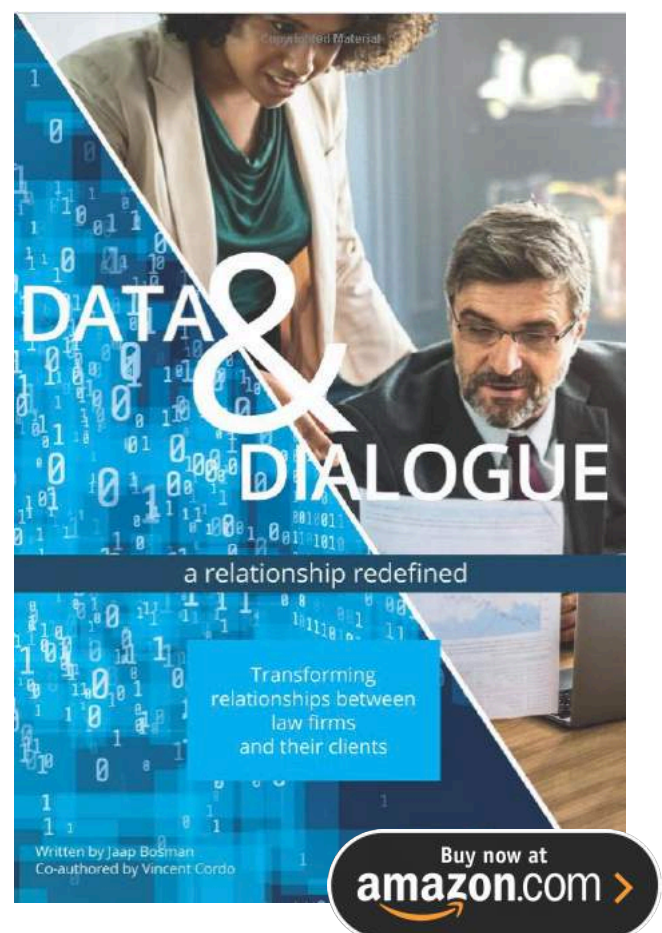
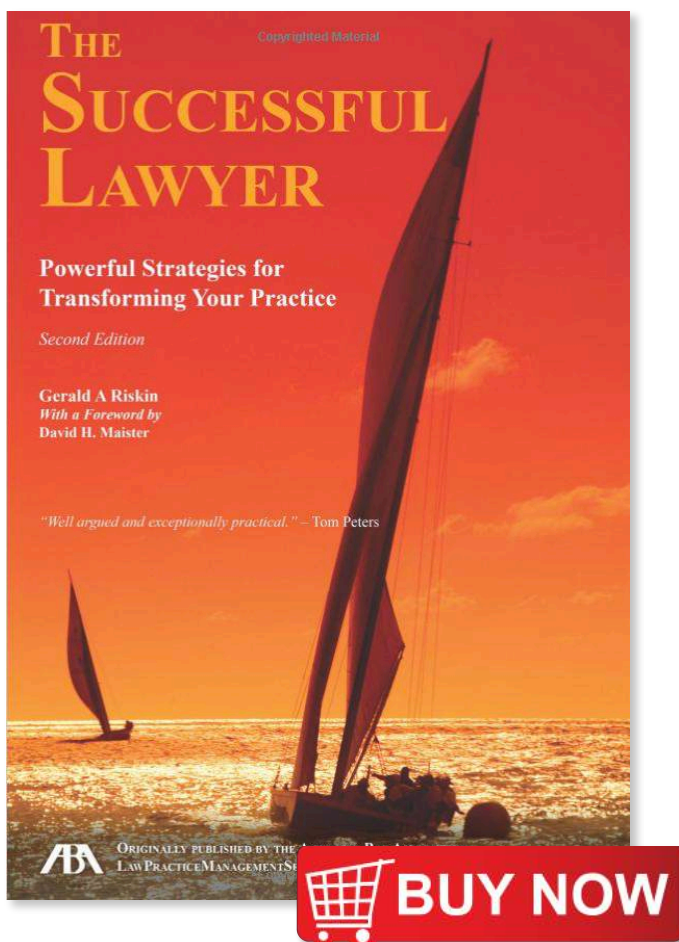
specialized jurisdiction and theme's that are relevant for clients have a promising future. By specializing on certain domains law firm can distinguish from other competitors and legal services can become better and faster, this is because of the increasing of other competitors outside of the legal sector, for example like college and undergraduate students (in the Netherlands Hbo's), accountants and notaries specialized in certain domains.

Conclusion

In the future, innovation might not be the main priority for lawyers and law firms. But with the rapid innovations in other sectors,

law firms will also have to keep up with the innovations to reassure their future. However, these innovations can be made without needing a big amount of technology and software.

By building up a good modern marketing system that keeps up with the trends of the time, services for potential and existing clients by making things clear by creating a comparison website and to specialize on certain legal expertise and theme's, law firms in the future will be innovative enough to keep up with the time without adding to much changes. Then lawyers can do what they do best; protecting the legal interests of clients.





Driverless cars: navigating the legal challenges

By Serena Steehouwer

Almost no one questions the fact that driverless, or autonomous, cars are the future. When you take a look around in the car industry, just about every manufacturer in existence is working on their version of the driverless car. Driverless cars are now becoming reality instead of something you only see in the movies. This technology could drastically improve safety, efficiency and mobility by taking the driver out of the loop. But all that glitters is not gold; in order to bring about all these positive prospects, many serious challenges need to be faced. Not only technically related, but also numerous non-technical aspects need to be considered on the path to-

wards a future of driverless cars; the legal challenges being among the most critical and significant.

Levels of autonomous driving

Before we can discuss the (legal) challenges arising from driverless driving, we need to learn more about what driverless driving actually means. There are five levels of autonomous driving defined by the Society of Automotive Engineers (SEA):

- Level 0: Automated system issues warnings, but no sustained vehicle control (i.e. blind spot detection).



- Level 1 (“hands on”): The automated system and driver share control of the vehicle (i.e. Adaptive Cruise Control, Parking and Lane Keeping Assistance).
- Level 2 (“hands off”): The automated system takes full control of the vehicle but the driver must be prepared to intervene immediately at any time if the automated system fails to respond properly (i.e. autopilot).
- Level 3: (“eyes off”): The driver can safely turn their attention away from the driving tasks.
- Level 4 (“mind off”): No driver attention is ever required for safety.
- Level 5 (“steering wheel optional”): No human intervention is required at all (i.e. robotic taxi).

Legal challenges

Level 0, 1 and 2 are already implemented in our modern society. The other levels are still waiting to be implemented, but that’s not because technology isn’t ready – the automotive industry appears to be up for the task. It’s the law that’s not prepared for it yet. The law can’t keep up with technology.

The legal basis for liability in car accidents will usually be negligence or contributory negligence. Car owners – or in civil law countries, drivers – are in the first instance liable for damages caused by their vehicles. If an accident is a result of a technical failure, owners may hold others accountable for the damage caused (e.g. manufacturers). The introduction of driverless cars will inevitably add another layer of complexity to attributing liability for car accidents. As cars become more self-reliant in the making of critical decisions, law standards need to be revised. The traditional approach to traffic

litigation assumes the cause of an accident to be a technical or human failure, or a combination of both, but considerations become more complex in the case of a driverless car. The driverless car will navigate itself through the traffic and will contribute to accidents, but this cannot be classified as a technical failure. This results in a troublesome situation wherein technology acts on behalf of a human being with life or death consequences. We still have a lot to iron out before the driverless car can operate worry-free on our roadways. For instance, what happens when a driverless car crashed into a pedestrian or another vehicle? Who is liable? The driver who never had control over the vehicle? The system developer who created the driving software? The manufacturer who sold the car? Or what about the car itself?! Should driverless cars be seen as a new legal entity?

Other challenges

Besides the question of liability, how can we handle insurance now that we can’t determine what constitutes as safe or risky driving because the act of driving is removed. Furthermore, should there be restrictions on what you can and can’t do in the car while it’s driving? Can you use your smartphone? Are you allowed to sleep? Are you allowed to consume alcohol?

On top of that, ethics and law often diverge; a good judgement could compel us to act illegally. Driverless cars can’t be ethical; they’re programmed to obey the law. If the car has to make a split second decision between saving the lives of three passengers or one person’s life on the pavement, how should it decide? A simple analysis would only look at the numbers. This means that it’s better that more people should live than only one person, but a more ethical

response would be to consider other factors too. There's a moral distinction between killing and letting die. And what if the car is going to crash, but it can choose between going right and crash into a young person or going left and crash into an old person, should it spare the life of the young one? Or should it scan the young person to find him or her to have a lethal illness and less life expectancy than the older person?

Also, how are we going to deal with privacy and customer data bearing in mind that just about every device we've created so far has been hacked? The driverless car will be a prime target for hackers because of the amount of data available. And what if hacking the system can make a car crash; will hacking be the new form of terrorism?

Conclusion

The automotive industry is at a point of opportunity and disruption. Driverless driving has great potential to improve safety, efficiency and mobility, but we still have a lot of questions and considerations to resolve before we can achieve an autonomous future. Technology will soon be ready, but the law is still nowhere near catching up. Researchers predict that there will be 21 million autonomous vehicles (level 5) by 2035. The law needs to evolve quickly, for until then, it is holding back technology. Nevertheless, the implementation of driverless cars will lead to far fewer traffic related deaths overall.

What frightens me the most about all of this is the fact that our generation of lawyers is the one that needs to give answers to the questions above, but in my opinion we're far from ready for that. The Law School is still determined to educate old-fashioned lawyers instead of pre-

paring us for the future. However, we have to change our way of thinking if we want to achieve good and modern laws and regulation concerning driverless cars – and other, new challenges.

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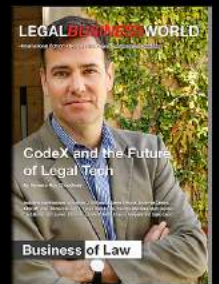
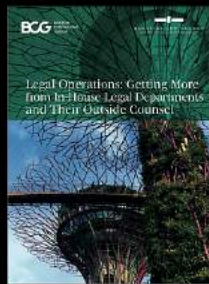
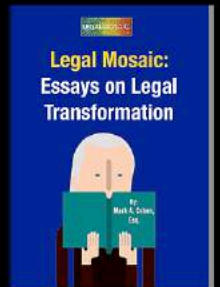


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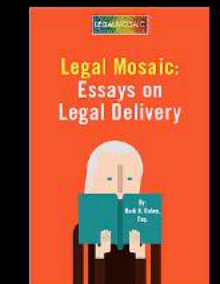
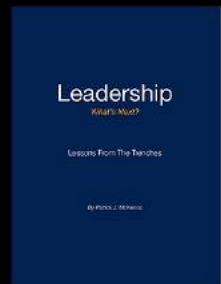
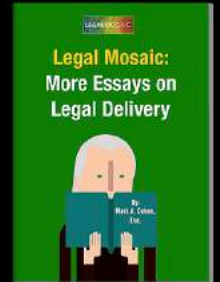
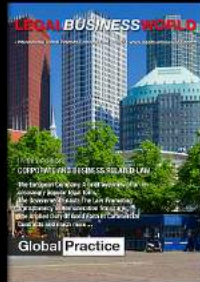
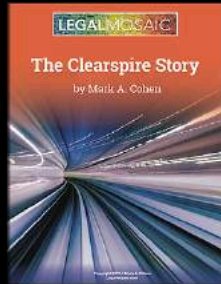
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