



Presentation to:

SBM STATE BAR OF MICHIGAN

April 27, 2015

Why an Inquiry into the Future?

We live in rapidly changing times.... We must be willing to embrace and adapt to change. We must scrutinize our social contract – both with the public and internally – to ensure that we stay relevant.... Can we craft a new definition of the legal professional? We must engage our most innovative thinking to redefine professionalism and regain our focus on serving the public.

Governor General David Johnston
CBA Legal Conference, Halifax, N.S., August 2011

What Does Change Look Like?

ABAJOURNAL

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PARADIGM SHIFT

Who's eating law firms' lunch?

Posted Oct 1, 2013 4:30 AM CST

By Rachel Zahorsky and William D. Henderson

What Does Change Look Like?



The Canadian legal profession today: “*The Future of Legal Services in Canada: Trends and Issues*” (June 2013)



Globalisation, client desire for “more for less,” and competition in the form of new and unregulated legal businesses are eroding lawyers’ share of the market for legal services:

Innovation in the legal profession will not come from the legal world. It will come from the outside. That is already the case....It is people from outside law who have realized that 80% of what lawyers do is not protected, so they are moving into those areas. Those people are innovating.

Dominic Jaar
Information Management Specialist at KPMG
Founder of an e-discovery firm

Tremendous unmet needs for legal services remain, especially for low-income and middle income Canadians:

If access to justice is to have any oomph at all, we will have to come up with ways to share our knowledge at a much cheaper price while we retain the ability to provide what is sometimes called bespoke legal services as required.

Participant in CBA Legal Futures Initiative Consultation

Clients expect more choice and flexibility in legal services, billing, and delivery arrangements, and greater speed, convenience, and participation in the legal process through technology:

The legal industry has to a large extent been operating as in feudal times... if you were a cobbler, you went out and purchased the leather and made the shoe yourself. Then you had the Industrial Revolution: now the shoemaker sources out all the pieces and they find the lowest-cost way to do it. Applying that to what we are seeing in the legal profession now: We in law have missed the Industrial Revolution.

Matthew Peters
Partner, Technology Group, McCarthy Tétrault

There is often a gap between how lawyers and clients see the value-add of legal service:

(Reducing cost) is not the end game. It is about freeing up otherwise limited human, financial, and technological resources. By targeting waste, you can better leverage all your resources and better support your clients and their needs.... You will also enhance your reputation as a lawyer focused on adding value to your clients' business objectives.

David and Karen Dunn Skinner
Lean Practice Management Advisors

Our recommendations, issued August 2014:



CBA LEGAL
FUTURES
INITIATIVE

FUTURES: TRANSFORMING THE DELIVERY OF LEGAL SERVICES IN CANADA



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BARREAU CANADIEN

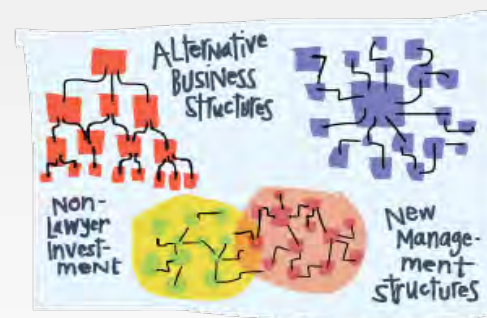
INFLUENCE. LEADERSHIP. PROTECTION



THE CANADIAN
BAR ASSOCIATION
L'ASSOCIATION DU
BARREAU CANADIEN

On how to bring innovation to the legal profession:

New Ways of Working Together



New Structures For Legal Services Entities

The regulation of lawyers in Canada in 2014 follows a model that has not changed for generations.

This model should be challenged in both the public interest and in the interest of the profession.

Employing a liberalized model would allow the profession to uphold the public policy rationale underlying regulation while facilitating new ways of serving clients.

New forms of legal businesses permitted elsewhere (ABS) are bringing non-lawyers into the ownership and management of legal practices, and stimulating investment in innovation:

Imagine the President/Chair/CEO (of) Swiss Chalet having to roast the chickens, plate the meals, and serve them! Yet, this is what lawyers do every working day.

Lawyers can benefit from the experience of professional business.

(The CBA Legal Futures Initiative) would be a success if it prompts lawyers to start asking themselves “why” about their service delivery model.

Participants in CBA Legal Futures Initiative Consultation

Multidisciplinary practices offer the possibility of providing clients with a greater range of services:

Our (interdisciplinary) work involves thinking about the clients' interests more broadly. We will work with other consultants such as financial service industry representatives and technical experts. I just think of it as normal now.

Laura Zizzo
Founding partner, Zizzo Allen

(Our multidisciplinary teams) help not only with our clients' legal health, but with the health of the community.

Marc-Antoine Cloutier
Founder, Juripop

On the regulatory and ethical changes required for tomorrow's lawyering:

New ways to
ENSURE
COMPLIANCE
with ETHICAL
& LEGAL
OBLIGATIONS



PROFESSIONAL
DUTIES &
RESPONSIBILITIES



that Differentiate
the LEGAL
PROFESSION

On the education and training of tomorrow's lawyers:

More CHOICE
in EDUCATION
of Lawyers



Flexibility
in what it
means to BE



Lifelong education will become the norm, with additional skills and practical training to prepare lawyers for the demands of the future:

The training, employment, and regulation of tomorrow's lawyer must encompass the reality that today's lawyers reinvent themselves many times in the course of their professional life.

Participant in CBA Legal Futures Initiative Consultation

A More Inclusive Future

Reform of the legal profession will not reach its full potential unless we change the very fibre of our profession, and become more inclusive to the communities within and around us:

The profession (has) the opportunity to lead and be cutting edge in presenting a more diverse composition to the Canadian public.

Submission by Women Lawyers' Forum to Legal Futures Initiative

To facilitate innovation, and understand and reflect on the profession's role in Canada, data on the legal profession should be collected:

There is little data generated in law... You don't have anything that would give you any indicator of what your case is going to cost, how long it would take to go through the system... You can do neat things once you have data, but we have no data... If you can't measure something, you can't optimize it.

James Williams
Law professor, Osgoode, and software engineer, Google

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www.cbafutures.org

