HOW TO EDUCATE LAWYERS IN THE DIGITAL INFORMATION AGE

Findings from the 2017 InfoTrack legal education & technology roundtable
Technological innovation has brought significant disruption to the legal sector, touching everything from jurisdictional proceedings to client expectations. With every area of the law continually adapting to the digital information age, it raises the very serious question whether the legal education system also needs to evolve to ensure the future success of our legal students.

For example, with the use of electronic systems on the rise within firms and in processes such as e-Conveyancing, should lawyers also be coders or at least understand technical language or is this best left to legal technology companies? Are we doing graduates a disservice by teaching them the traditional curriculum in a fast-advancing industry? Is it even possible to try and keep up with the rapidly changing industry?

InfoTrack hosted a roundtable of a senior legal academic, practicing lawyers and a human resource director in May this year to explore whether a traditional law degree is sufficient for tomorrow’s lawyers. Our discussion delved into what the most important requirements are for current and future graduates and whether firms and legal tech companies need to collaborate more closely with education providers to give graduates a better start in the modern legal workforce.

The idea for the roundtable emerged from an earlier InfoTrack report in March 2017 canvassing the views of eight leaders in the profession across a number of trending industry issues. An interesting point raised was that while there is a growing trend of educational and legal tech collaboration in Australia, before firms become involved, partners need to be convinced that the collaboration is sound and will deliver a return on investment. For more detailed information please read the 2017 legal predictions eBook (www.infotrack.com.au/2017-predictions).

The main take-outs from the roundtable are detailed in this eBook and we thank all of our participants for their time and valuable insights.

- John Ahern, CEO, InfoTrack
IS TECHNOLOGY DELIVERING ON ITS PROMISE OF DRIVING EFFICIENCIES IN FIRMS AND EDUCATION?

VERDICT

Technological efficiency is directly related to time & resource investment and support from leadership.

This question elicited a mixed response from participants but there was general agreement that the greater the interest and support from organisational leaders in the use of technology, the better the efficiencies delivered. Their combined experience supports a definite correlation between time and resource investment in technology and the cost efficiencies and productivity it delivers. Many mid to large size firms, and some educational providers, seem to be at a ‘crossroads’ currently, almost ready to make an investment, but requiring it to be very well thought out as investments can be significant.

INCREASED INVESTMENT IN TECHNOLOGY IS INEVITABLE

Many participants believe external factors will force them to invest more in technology to differentiate themselves in the marketplace. Technology will be a pivotal tool for firms, whether they’re looking to drive down client costs in response to client demand, interact with clients in a way that clients have become used to in their digital life or, as is the case for in-house legal teams, utilise data-driven metrics to report back to the business and justify their budgets and outcomes.

EFFICIENCY AND FLEXIBILITY WILL DRIVE UPTAKE

Where technology has certainly delivered for all parties, is in increased mobility, and the efficiencies that come with working, teaching and learning from any location particularly in servicing new offshore and multi-regional markets. Efficiencies have also been realised in the sharing of documents and textbooks easily and with high security over the cloud.

EDUCATION PROVIDERS ARE CHANGING TOO

A quicker pace of change and responsiveness can be seen within education providers and their move to integrating the use of technology into their learning program. For example, Western Sydney University was the first University in Australia to roll out iPads to all of its first year students but found that many were returned as the students preferred to use their own devices. Then the legal department quickly moved to digital textbooks that can be used on any device. In addition, the University teaches students from all over the world through state-of-the-art technology, and has created its own digital currency to be used on campus.

THE NEW GUARD WILL QUICKEN THE PACE OF CHANGE

Many participants agreed that the whole legal industry is coming to a transition period, that an investment in advanced technology will soon not be a question or a luxury, but essential and a generational hand over of the reins will help that shift. In addition, all recent surveys conducted by InfoTrack show that firms expect to increase their technology budget. “It’s a case of overcoming the fear, and a lot of that fear will be overcome naturally as the people who are resistant to change retire and the new guard comes through and says, “Yeah it’s time.”

BESPOKE SYSTEMS ARE BECOMING OUTDATED

A key issue identified for larger firms particularly, is how to realise continued efficiencies from older systems or when to know to replace them. As one participant noted “In the early 90’s we built very robust systems and invested a lot in them. Now we are stuck with a lot of legacy systems and the fear of rebuilding those and changing those keeps us tied into what we’ve used in the past. While our systems don’t necessarily meet the standard and functionality that you can get today, they do work well and we can trust them.”

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WHAT WILL THE NEW GUARD LOOK FOR IN GRADUATES?

VERDICT
Broad knowledge, passion and cultural fit will outweigh High Distinctions.

There was universal agreement that ‘top of the class’ graduates are not necessarily the ideal candidate for law firms of any size. While grades are acknowledged as an easy filter to cut down a large number of applicants, now some sort of broad knowledge and cultural fit can outweigh a list of High Distinctions.

DOUBLE DEGREES ARE NOT NECESSARY

Across the 40 Law Schools in Australia 85 per cent of undergraduates are combined degree students, studying double degrees with over fifteen varieties, the most popular being Law/Engineering followed by but in no particular order: communications, economics, human resources, languages and international studies. Ironically, Information Technology is not one of them.

However, even though the new guard is looking for broad knowledge this does not require a double degree, just an understanding of, and passion for, additional fields. As one participant explained: “You don’t need to be a technical expert in a very specific field. You just need to be technically minded.”

“It could come from any part of their life, it doesn’t need to necessarily be part of their degree. There are a number of caveats in terms of needing to have a specialty or having access to further education in the field but there are a lot of inexpensive ways to learn how to do that. Learning through a formal institution may not be the right way.”

PROBLEM SOLVING IS KEY

“The fundamental need is for someone who is strategic and a good problem solver. It’s not the content of the course that is important, although you need to know how the law works, it’s the legal reasoning that you develop. That is where you learn that capability and how to argue and state your case and/or defend it.”
HOW TECHNICAL DO INFORMATION AGE LAWYERS NEED TO BE?

VERDICT
Technical experience does not need to come from formal learning.

Of particular interest during the roundtable, was the question about what level of technological capability or understanding should be expected of graduates?

PASSION IS THE STARTING POINT
There was universal agreement that a double degree in law and information science or technology should not be a pre-requisite. That an interest in, and passion for, technology would be a good starting point for graduates in terms of technological capability.

Graduates who have a passion for technology can act as ‘tech translators’ bridging the gap between lawyers and educators. As one participant explained: “What we’re looking for is a person whose knowledge of technology doesn’t just come from what they’ve studied at university. We need them to be across everything that’s happening generally in technology so we can sit down and speak to people and understand what it is they’re doing, how it is that it works, and how we can translate their engineer speak into something that a judge will be able to understand one day. They need to understand what’s happening out in the field and keep on top of it.”

FOCUS ON THE DEGREE FIRST
While participants’ firms would like more students emerging from a background of law and data science - a strong global need - graduates primarily need to demonstrate that they can yoke themselves to an academic discipline and that they can perform well.

There was strong agreement that they need to be technically savvy, to be curious, interested in exploring technology and understanding core concepts. But rather than spending time on hackathons or building their experience in an extra curricular manner, it was suggested they concentrate on getting their degree and building that experience in their post-degree lives.

“It’s that ability to think like a scientist and think like a programmer that I think will be crucial because software is always going to change. You just need to have a good understanding of where the software fits in, what should the software be doing right now?”

CULTURE FIRST ON GRADUATE WISH LIST, NOT TECHNOLOGY
On the converse side, the number one priority for graduates themselves was identified as culture, not technology. Graduates who receive multiple offers are now choosing cultural fit as their top priority. For example, one participant commented “We get asked about culture first and only get asked about technology because it is seen in the market as a major part of our culture. People want to know they will be part of using our new technology, but they don’t ask about our core systems or what piece of technology they are going to be given”.

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IS THERE A SHIFT WITHIN EDUCATION TO BROADEN LEGAL TEACHING?

VERDICT
The current core law curriculum will remain the same.

While education providers are offering double degrees and electives that support the practice of 'new law', there is no move to widen the current core curriculum.

EDUCATING FOR EVERY NEED
Participants offered two main factors that drive this reasoning. Firstly, half of all law graduates don't intend to practice law and want to go straight into policy work, government or finance so you can't dedicate the curriculum to the practice of new law that might be useless for them in their careers.

The second factor is the issue of accreditation for law schools.

THE ACCREDITATION PROCESS
All syllabus inclusions need to be accredited and they take six months to a year to change, so it is hard to adapt the curriculum constantly to keep up with industry advancements.

As one participant explained: “Just take e-Conveyancing and how much it’s changed. A year ago it was paper contracts and a paper process and now the end-to-end process is entirely electronic. Even if you take that syllabus on now, by the time the candidates leave university the whole process will have changed again”.

The issue was compared to that of the engineering industry. “Engineering degrees have had the same problem for years. The technology you are trained on in a degree is out of date by the time you're in the market. Teaching them to think is what is most important. We're dealing with some very intelligent people who are doing law degrees - they are highly educated, they have a thirst for knowledge otherwise they wouldn't be doing law”.

THE GLOBAL PUSH FOR A TECHNICAL AND LEGAL BLEND
Many international legal educators including Harvard Law School have been actively pursuing STEM (science, technology, engineering, and mathematics), students in recent years as a direct result of the growth in the technology industry and the need to deal with legal questions arising from new technology and scientific innovations.

Harvard launched a program in 2013 to admit a number of Harvard College STEM juniors each year on the condition that they will spend at least two years in the workforce before returning to the Law School.

Many leading educators have created innovation labs and work across disciplines with scientific and technology schools.
WHO IS RESPONSIBLE FOR BROADENING THE SKILLS OF GRADUATES?

VERDICT
Every participant in the process has responsibility for skills provision at every level.

There was universal support for a partnership between education providers and the industry to develop graduates, particularly for better communication of expectations between the two. Exposing graduates and educational providers to the needs of the industry and helping provide graduates with access to practicing lawyers and paths into the industry was seen as key.

EDUCATIONAL PARTNERSHIPS
Indeed, educational providers are also creating multi-discipline partnerships within their own universities to provide Masters degrees to answer the industry need for law graduates. For example, courses see the Law, Computing and Business schools come together to develop courses around business analytics, big data, IP and coding.

IN-HOUSE TRAINING
The question was raised as to how firms feel investing time and effort in educating graduates on technological aspects such as software design principles with no guarantee of longevity of service. There was general agreement that technology training fits in line with the general training investment that is required to get graduates up to speed. Firms use a mix of internal and external capability depending on the requirements.

ONGOING LEARNING
Interestingly, there was discussion that the technology focus and responsibility should not rest solely on the shoulders of graduates and ‘digital natives’, but that partners and senior lawyers can take on key roles here. “We teach our lawyers and clients how to code. They connect with it very quickly, even with no technology background with over 20 years in practice, because it is based around design as opposed to hard-core coding.”

“People have an idea of who will be the best at designing technology products and services but more often, it’s our senior partners who having done one of these courses can see the opportunities, particularly for automation, as they have had the experience of working with clients, seeing what goes wrong, seeing where the friction points are, understanding the client’s need. They come closer to their user, which helps this understanding of how a product should be designed.”
CONCLUSION AND RECOMMENDATIONS

THERE IS, AND WILL BE FOR THE IMMEDIATE FUTURE, A GRADUATE TECHNOLOGY GAP

In many instances, where suitable candidates are not identified, organisations said they will not take on graduates that don’t fit their needs just to fill a role. It was agreed that the time it takes to evolve an accredited curriculum means that several years of graduates may emerge who have a gap, particularly around technology. It was felt that in this space it is up to the graduate or their employers to fill that gap.

DIVERSITY REMAINS KEY CONCERN

Additionally, diversity is a key concern and firms are very focused on how to support proper and effective diverse recruitment and inclusion strategies, despite blind testing and other strategies currently employed in the industry.

RECOMMENDATION: DEVELOPMENT OF OPEN-ENDED PROGRAMS IS NECESSARY

All agreed that developing open-ended programs within the core degree requirements that focus on current issues in technology is paramount. It was felt that education providers should be encouraged to work closely with the profession and employers of legal graduates to ensure tomorrow’s graduates have a keen understanding of all the skills they need to succeed in a digital age.

Individual re-adjustment within education, firms or organisations won’t have a seamless and mutually beneficial flow-through to the graduate. All parties must work together to fill the technology gap, both in the under-graduate and graduate lifecycles. We would encourage education providers, firms and legal technology providers to explore the different partnerships that can be created to make this happen.

SOFT-SKILLS SHOULD NOT BE A VICTIM TO TECHNOLOGY

Of concern to participants was that a focus on technological development should not come at a cost to soft-skills. “While we are very focused on legal and technical skills, equally important are relationship skills and the ability to build strong internal and external relationships. We continually ask ourselves the question, ‘Are we breeding the type of graduates who will walk in the door and actually be able to relate to people or are we breeding people that are very good at reading an iPad but not able to relate to clients or colleagues?’”

It was agreed that a key skill for graduates is to be able to understand and service the client. Ideally, any team would have a technical specialist, a behavioural genius, a great writer and analyst. Each graduate needs a different set of capabilities, so organisations also need to interview for soft skills.
KEY TAKEAWAYS

- ‘Top of the class’ graduates are not now the ideal candidate for law firms of any size. A broad knowledge, cultural fit and curiosity now outweighs a list of High Distinctions when hiring.
- While technical skills remain very important, soft skills are also required for client service.
- A double-degree should not be a pre-requisite for graduates. A demonstrated interest in technology or other sectors is a good enough starting point and does not need another formal qualification.
- Under-graduates should focus on their degree and build technological experience in their post-degree careers.
- Technology focus and responsibility should not just rest with recent graduates and digital natives, partners and senior lawyers respond very well to CPD courses as they can see the opportunities quickly from a client need.
- Better partnerships between education providers and industry is key – both exposing graduates to the needs of the industry and providing more access to practicing lawyers and paths into the industry.

ABOUT INFOTRACK

InfoTrack is an award-winning Australian technology company that is helping legal professionals move into the digital age. We create intuitive tools for both professionals and consumers that enable you to find, analyse, organise and communicate information more efficiently and effectively.

We build simple technology that makes your life easier.

If you have any comments or would like to be involved in a future round table, please get in touch.

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