

Human v Cloud

2017 LEXISNEXIS® ROADSHOW REPORT

Our findings showed trends towards human-robot collaboration spurring us into a new era defined by cognitive tech. The tech-collaborative lawyer is steering work-life integration, new client coordinates to co-navigate, and growing alternate career paths.



The legal sector is experiencing a technology-driven shake up of traditional roles, disruption of service delivery, and a shift in the dynamic of legal professionals' ways of working. This is creating both opportunities and challenges which need to be identified and acted upon, so that the sector and the people that work within it can prosper.

Based on the **2017 Australian Legal Professional Survey** ('Survey') of 508 legal practitioners, LexisNexis hosted panel discussions with industry thought leaders across Australia to incorporate the views of law firms of varying sizes, corporate legal departments, and academia on the changing legal profession.

Human v Cloud: 2017 LexisNexis Roadshow Report ('Report') examines how legal professionals are faring in a landscape dominated by technological disruption and what impact this has had on ways of working. Constant connectedness may be adding to mental health concerns of a potentially ailing profession. As people struggle to find harmony in an era of tech buzz, where distinction of work hours are blurring and clients are demanding certain efficiencies that only technology can deliver, a new augmented relationship between human and machine is forming. This Report looks at how this new symbiotic relationship between people and machines is emerging as people find balance in a changing landscape with work-life integration and stronger need for purpose and passion.





Introduction

by Simon Wilkins

Technology is growing at an exponential rate, leaping forward in every facet of modern life. Shifting the way we live, the way we communicate, the way we work. The boundaries between work and personal lives are being redrawn. The legal profession is being impacted as technology is changing the practice and business of law, shifting the very definition of what it is to be a lawyer.



In order to gauge the impact of this disruption on the legal landscape, LexisNexis conducted a survey of over 500 legal professionals and also convened panel discussions with industry leaders in six capital cities. This Report draws upon the findings of this research in order to shed light on how the sector is adapting.

Our research and data from the panel discussions have shown that technology plays an integral part in addressing the issues that lawyers face in the workplace. In short, technology aids the removal of the 'boring' sides of a job to allow more unique and personalised value to the client, as well as focussing on personal passions in a legal career.

Our **2017 Australian Legal Profession Survey** found a desire within the industry for new ways of working that are enabled by technology. It suggests that 29% of participants felt that working remotely would promote greater work-life integration, 22% observed that a compressed working week would also be beneficial, and 20% stated that delegating repetitive and administrative tasks would contribute to a more balanced work-life mixture. Almost half of the respondents indicated that the best staffing retention strategies for legal businesses are to offer a healthy work-life balance and flexible working arrangements. Improvement in these areas has the potential to positively impact wellbeing within the profession.

These areas can all be addressed and improved through effective use of technology. Remote work is enabled through the many pieces of business communication software that are now common. Compressed hours can be tracked through better time management tools. Menial and repetitive tasks can be delegated to the Artificial Intelligence tools that are now becoming prevalent—allowing lawyers to use their time more effectively.

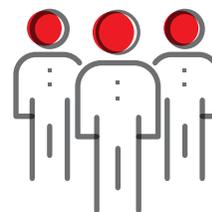
In a field which is heavily based on experience, not utilising technology to maintain good worker mental health can be detrimental not only to staff but also to the business. Embracing human-tech collaboration can assist in achieving work-life integration, delivering clients more value and allowing people to focus on their passion for the law and justice. LexisNexis is delighted to present this Report, and shed light on how the legal sector — both individuals and organisations — are adapting to this technological revolution. Thank you to all survey participants, event attendees, and to our panellists for sharing their insights.

Figure 1:



29%

felt working remotely would promote greater work-life integration



20%

stated delegating repetitive + administrative tasks would contribute to a more balanced work-life mixture

[Taken from **2017 Australian Legal Profession Survey**]

“I think that we're in a time right now that is probably the most exciting time to be a lawyer for about the past 200 years.”

Terri Mottershead

Director, Centre for Legal Innovation, College of Law

Work-life integration > balance

"I'm not an advocate of the phrase work-life balance. I really despise it. For myself, I'm a mum of a daughter and run a business and do what everyone in this room does every day. So, I use the word integration, and for me, being comfortable with myself and being able to do the things I enjoy, my work, my life, being a parent and being a friend, it all merges all the time."

Clarissa Rayward,
Director, Brisbane Family Law Centre

With technology enabling lawyers to be constantly connected, the boundaries between what time and space is allocated for work is shifting. Defining parameters for what time is to be committed to one's professional and personal life has become increasingly difficult. This shift has brought forth a new perspective— rather than seeing work and life as two opposed weights on a scale that need to 'balance', there is now a 'work-life integration'—one balanced whole uniquely created to suit an individual's scope and need.

This new model of work-life integration focusses on meeting the demands of the profession, the demands of the individual, the growing demand for availability with fluid working hours, and remote working. This model is gaining prominence through people's desire to create meaningful engagements between the interconnected roles, relationships and responsibilities that make up their lives.

“I enjoy being able to do different tasks, not have to be at an office between 8:30AM and whatever ungodly hour people stay back to. I think being able to complete the work and do tasks that are assigned to you, you don't have to be in a physical location to do that anymore and technology's really enabling that.”

Anne-Marie Cade,
Founder, Divorce Right

The **2017 Australian Legal Profession Survey** found a growing inclination towards mobility driven by mobile device ownership, and a trend towards the daily commute becoming an extension of the office. A quarter of our respondents said that the time in their daily commute is used to conduct work related activities such as reading emails and managing calendars.

“I think it's a case of integrating what you love with what you do. There are situations or times where you'll probably get an email at eight o'clock at night that you really need to respond to. Lives are dynamic and ever changing and sometimes you can't compartmentalise, it just depends on the situation.”

Adrian Agius,
Founder, Law Data Science

Figure 2:



[Taken from **2017 Australian Legal Profession Survey**]

While technology can be applauded for being the underpinning mechanism enabling work-life integration, it also means that traditional working hours are no longer confined to 9am -5pm. Increasingly, work hours are set around the interplay between an individual's needs versus a company's needs.

For instance, a lawyer who also has parenting responsibilities can contribute and utilise their time more effectively out of standard working hours rather than during normal office hours. The central premise of work-life integration is that it's not about the amount of time spent on a task at a particular location, but rather the value derived from a person's effective use of their time.

“The reality is that with technology you can still be working once you have left the office. So it is very much up to the individual to take responsibility for clocking off, supported by a management culture that doesn't expect you to be on call 24 hours a day.”

Jane Bates,
Senior Corporate Counsel, Optus

However, the connectivity afforded by technology also means that it may be challenging to disconnect virtually. Those new to the field who desire to impress can fall into the vicious cycle of staying connected at all times without knowing when to disconnect. While disconnecting is an individual choice, a majority of lawyers were in agreement that a cultural change allowing flexible working, not checking emails after a certain time and 'switching off' needed to be influenced and supported on a management level.



Work-life invasion and its impact on mental health

“If you're not looking after yourself, you can't look after anyone else – that includes your family, your friends, your clients. We're in a high-performance industry where our brains need to be doing everything. So, if you're not feeding your brain properly, if you're not treating your brain like it's some high-performance motor vehicle, you can't be great at your job.”

Clarissa Rayward,
Director, Brisbane Family Law Centre

When talking about work-life integration, fluidity between the boundaries might blur but should not become completely indistinguishable. Integration is not invasion. Whilst the benefits of technology may allow greater flexibility in work, it frequently comes at the cost of uninterrupted down-time.

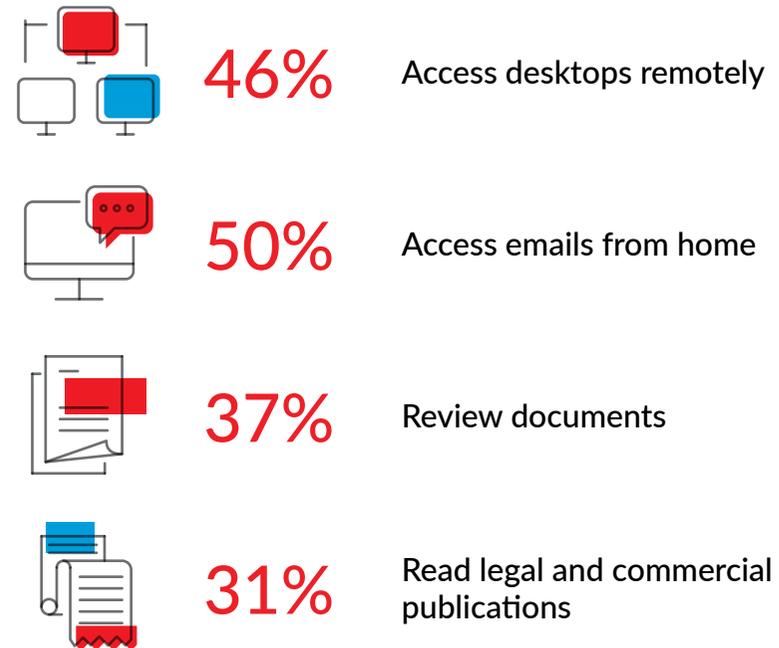
“There is no doubt that email, connectivity and the pressure that comes from constant information input is one of the biggest drivers of stress and of the mental health issues that we're seeing in our profession. My message on this is that we are in control of that in our lives and we need to set up our own boundaries around how we manage it.”

Clarissa Rayward,

Director, Brisbane Family Law Centre

Figure 3:

Out of office activities in a 'home office' included a series of work-related activity, although only 38% of participants had a work issued device, meaning personal devices are being used to:



[Taken from 2017 Australian Legal Profession Survey]

A culture of constant connectedness can drive a spike in client satisfaction and job performance, but prolonged connectedness without knowing when to ‘disconnect’ can also have a range of effects on wellbeing. These can range from feeling the need to be checking in and keeping on top of the workload, to being in a state of hypervigilance, or an impact on sleep. These can affect productivity, job satisfaction and employee optimism as seen in Figure 4.

Some countries such as Germany have moved to mandate employees’ right to disconnect outside of working hours. Yet there appears to be little appetite for a similar approach in Australia, with most legal practitioners saying instead that boundaries and culture need to be shaped to support this, rather than legislation and governance

In many ways the industry must self-regulate when it comes to enabling work-life integration. Education on how to effectively manage an integrated life without letting work encroach too heavily upon other aspects of life is needed. A failure to do this could lead to detrimental effects on the wellbeing of the people in the profession.

The legal sector is increasingly recognising the role mental health plays in a legal career. A strong majority (90%) of Survey respondents supported formalising wellbeing education through inclusion in Continuing Professional Development (CPD) programs. Whilst this high number shows that mental health does need to be considered further, mandating mental health education was questioned.

As Adrian Cartland, Principal of Cartland Law and Founder of AILIRA, puts it: “Do I need an encouraging employer? Yes. Would I want to mandate it? No.” In other words, mental health awareness through CPD is a viable avenue, but to implement the necessary change, there needs to be subsequent cultural and management changes implemented across the wider business to support wellbeing, rather than forcing people to “tick that box”.

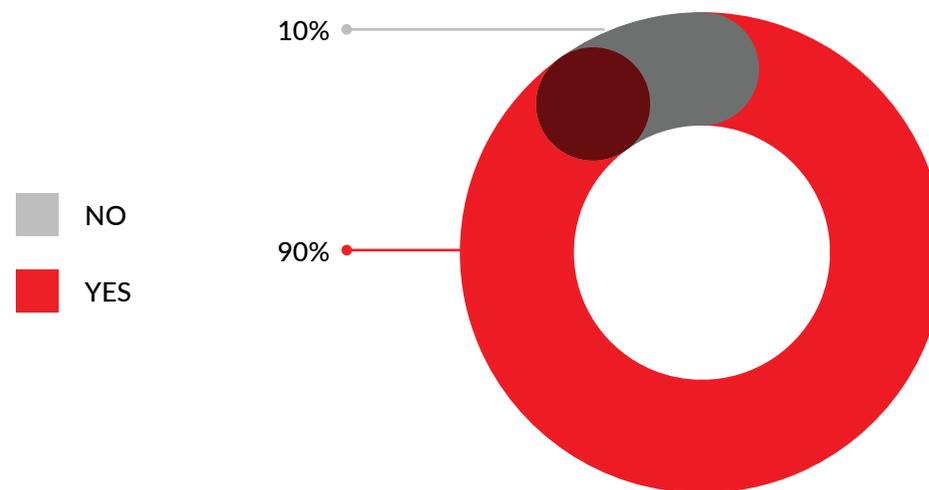
A common strategy to encourage mental health wellbeing is a shift to being “outcome focussed”, which would mean moving away from the billable hour model, to focus on quality and value for client over quantity.

Figure 4: How does a culture of constant connectedness (i.e. 24/7 availability) impact the following factors?

Factors	Mean	
Client Satisfaction	0.64	Improves
Job Performance (e.g. Productivity)	-0.27	Neutral
Job Satisfaction	-1.09	Worsens
Employee Health	-1.34	Worsens
Employee attitude (e.g. optimism)	-1.10	Worsens

[Taken from 2017 Australian Legal Profession Survey]

Figure 5: Should mental health education and awareness become part of CPD?



[Taken from 2017 Australian Legal Profession Survey]

Redefining a successful legal career

“There’s a growing recognition that awareness of, and alignment with, personal values is a major contributor to good mental health and having a fulfilling career.”

Dr Richard Chambers,
Clinical Psychologist & Mindfulness Consultant



Externally, law has traditionally been perceived as a vocation of those who desire wealth and status. And most would argue that remuneration and financial reward is a key reason many enter the profession. However, once in the career the dollar figure is not one of the top indicators of success, as shown in Figure 6.

“The thing I found most satisfying about my legal career was not the law part. It was the involvement within community, being a part of things, having that sense of agency of knowing what was going on and helping make things happen. People seeking your advice, being invited onto boards and community involvement. It was that side-effect of being a lawyer which I always found the most enjoyable aspect.”

Scott Chamberlain,

Legal entrepreneur and Senior Lecturer,
Australia National University

Figure 6: Which of the following is the best indicator for a successful legal career?



Taken from **2017 Australian Legal Profession Survey**

The Survey also showed changing attitudes where career progression and income is a secondary concern after healthy work culture, fulfilment and work satisfaction. This marks a shift in thinking across the profession – where once lawyers built privilege and status through gruelling hours and sheer volume of work, they are now focussed more on flexibility and building a purpose-driven career and focussing on personal satisfaction.

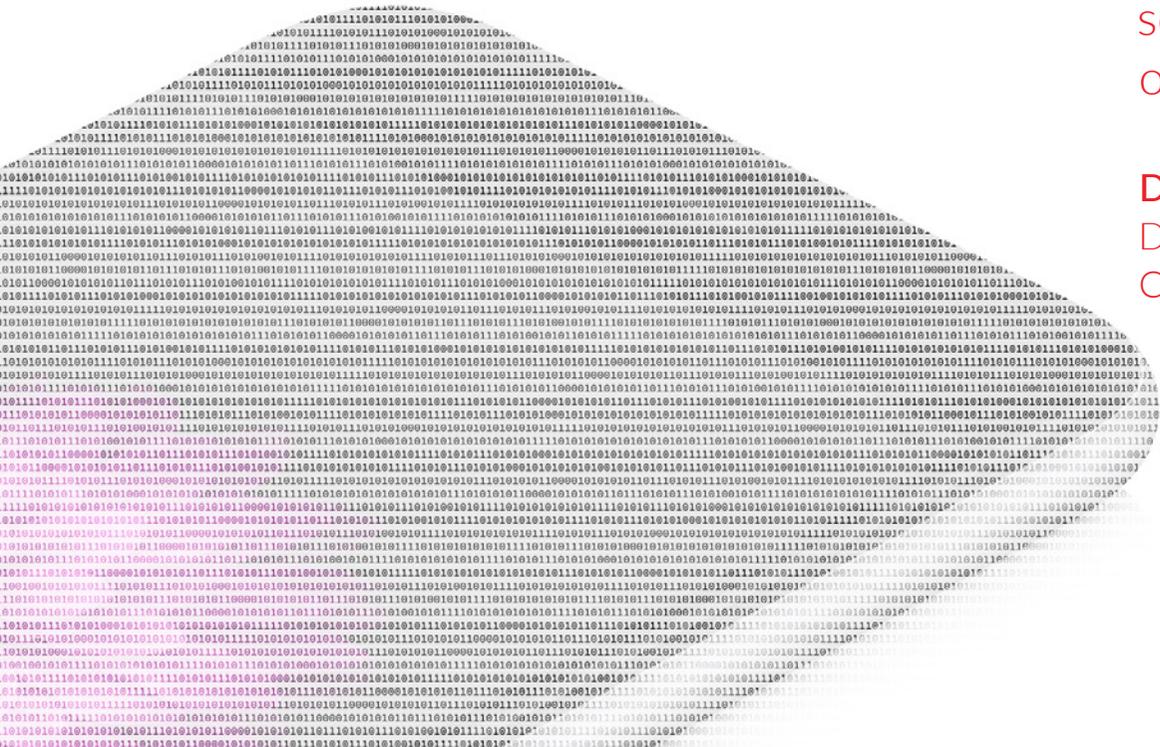
“There are studies that come up all the time saying money used to be the number one factor when people were looking at their jobs and their careers. It's really had a shift towards satisfaction and work/life balance.”

Emily McCarthy,
Head of Talent and Principal, lexvoco

Furthermore, the desire to have purpose and meaning from a career, through either community participation or feeling as though you are giving back to society has also grown in prominence. This point was also illustrated by the panel event attendees, where ‘personal satisfaction’ was the top choice in five out of six cities as an indication of a successful career. Personal satisfaction ranges from being an appreciated member of the legal community to being able to act as guardians for people for a major cause or case and contributing to the legal profession by nurturing the next generation of junior practitioners.

“[The next generation] are born mobile. It's a mindset that—not just because of mobile technology, but because they know they can work anywhere in the world now... If they don't have work/life balance, they'll just move on. It's not moving on to another law firm or another practice. It'll be to a new career path, a new profession, something completely different. They'll form their own app and run away from law altogether.”

Dr Gary Hancock,
Director, Entrepreneurship, Commercialisation and Innovation Centre, The University of Adelaide

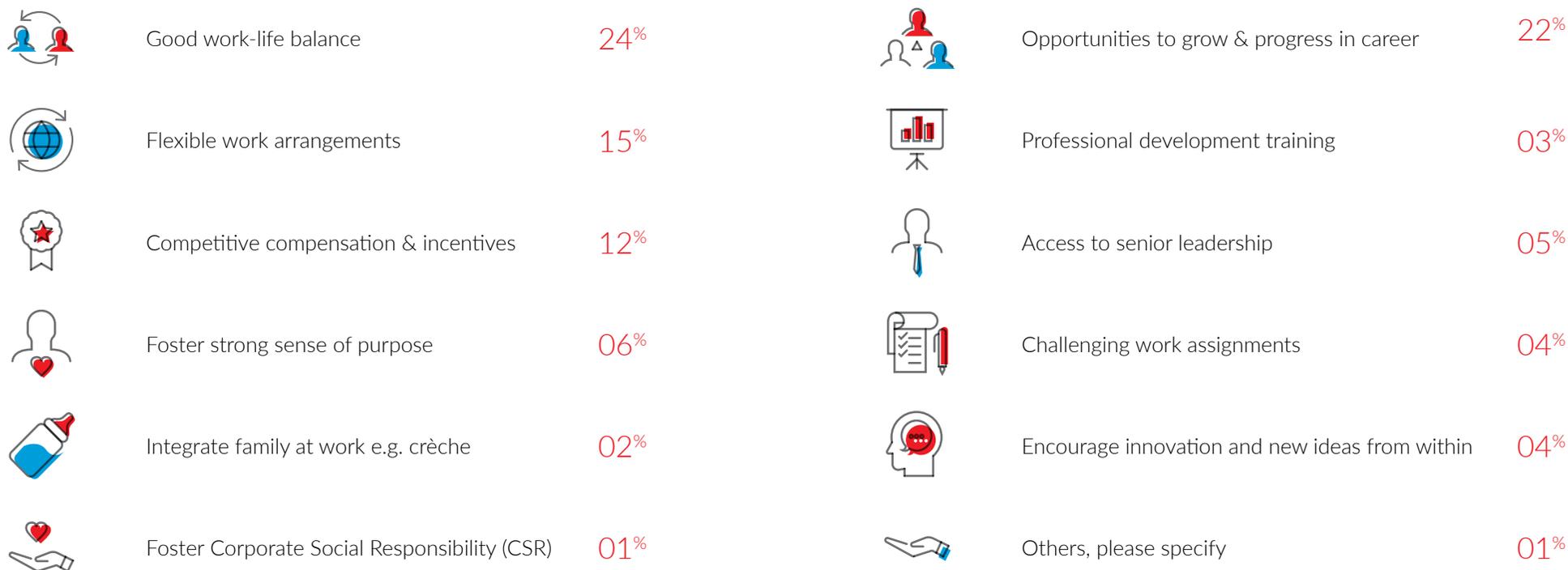


The *Deloitte Millennial Survey 2016: the Australian Cut* showed that as many as two thirds of Millennials (aged up to 32) plan on leaving their current organisation within two years, with finding a focus on purpose before profit a key retention trend. For the legal industry, which invests significantly in the development of graduates, this

is a significant issue. Our Survey (Figure 7) also presented how higher compensation or other financial incentives no longer serve as key factors to retain staff. Instead the focus is on providing flexible working arrangements and work-life integration, along with opportunities for staff to progress in their career.

Figure 7: In your opinion, which of the following retention strategies would be best suited for retaining young lawyers?

RETENTION STRATEGIES



Taken from *2017 Australian Legal Profession Survey*

Technological sea change in the legal profession

“Certainly the kind of lawyers that I want to work with are the ones who are interested in using technology to their advantage. So I think that if you're burying your head in the sand about this then that's fine but you're going to be left behind.”

Emily McCarthy,
Principal & Head of Talent, lexvoco

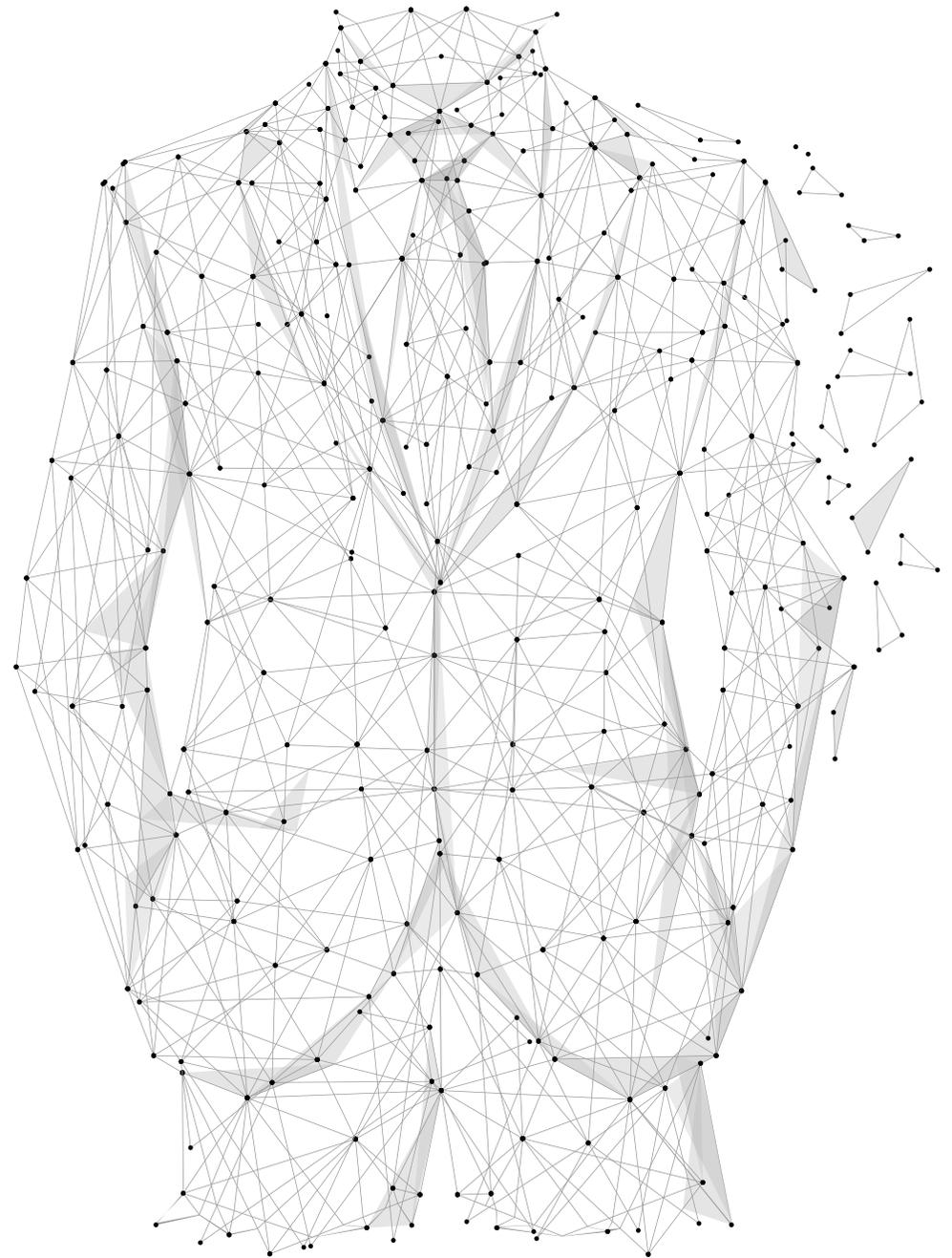
As well as being guided by personal values, younger lawyers are perceived to bring an energy and excitement for technology adoption and introduction to the profession. Whether categorisation of graduates as ‘techy’ is accurate, there is also a reverse concern that technology will largely replace tasks often completed by young lawyers, such as those that are repetitive and can be automated. This suggests a disruption of career pathways and traditional business models of a pyramid structure (usually the partnership pathway), as well as an upheaval of traditional models of legal education. The proposed new models have graduates engaging in more critical work from the outset in a rocket structure that has technology integrated alongside.

“There will always be a need for a trusted advisor. But that pyramid that used to exist—10 junior lawyers reporting to six associates, reporting to three senior associates, reporting to a partner—that's collapsing.”

Scott Chamberlain,

Legal entrepreneur and Senior Lecturer,
Australia National University

Technology is also shifting the power structures that have defined the industry for many years. New competition that is entering at a lower price point, or technology enabling clients to self-serve is driving the democratisation of legal service. This realignment of the value of legal services is being felt across all levels of the industry, with larger firms seeking to partner with NewLaw, or specialised legaltech companies looking to empower the client directly.



The advancement of Artificial Intelligence (AI) has also begun to shake up the traditional job roles in the industry. Mundane and repetitive tasks can be put in the hands of computers—background research, precedents and case studies can all be sifted by smart software—reducing research load on lawyers and legal assistants considerably.

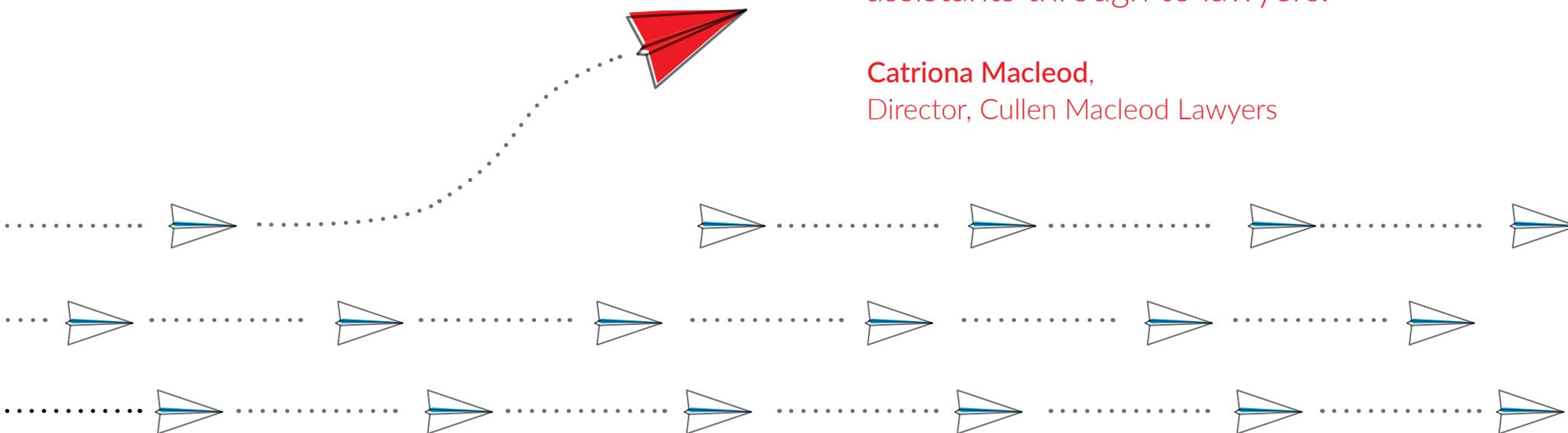
“... my students are being taught how to disrupt you. They are coming out of university thinking how can I disrupt a legal firm? How can I make a legal firm obsolete?”

Dr Gary Hancock, Director,
Entrepreneurship, Commercialisation and Innovation Centre,
The University of Adelaide

The increased role of technology in the industry (and the conversations that surround it) is driving a level of human uncertainty as the profession seeks to redefine those traditional roles. Understanding of AI and its role in the legal sector is further adding to varying degrees of excitement or—in some cases—trepidation. Artificial intelligence, or the first significant steps towards it, have already been made. Whilst fully cognisant technology has not yet been realised, intelligent software is currently being used in the legal sector under the analytics umbrella. For example, natural language processing and custom analytics that apply to a range of legal problems are already proving their worth across the industry.

“I don’t think the robots are taking over. I think the robots can do what I call the drone work. In my view, AI, artificial intelligence, IT, the robots can come in and help in ways that remove the boring, the repetitive, and that's from legal assistants through to lawyers.”

Catriona Macleod,
Director, Cullen Macleod Lawyers

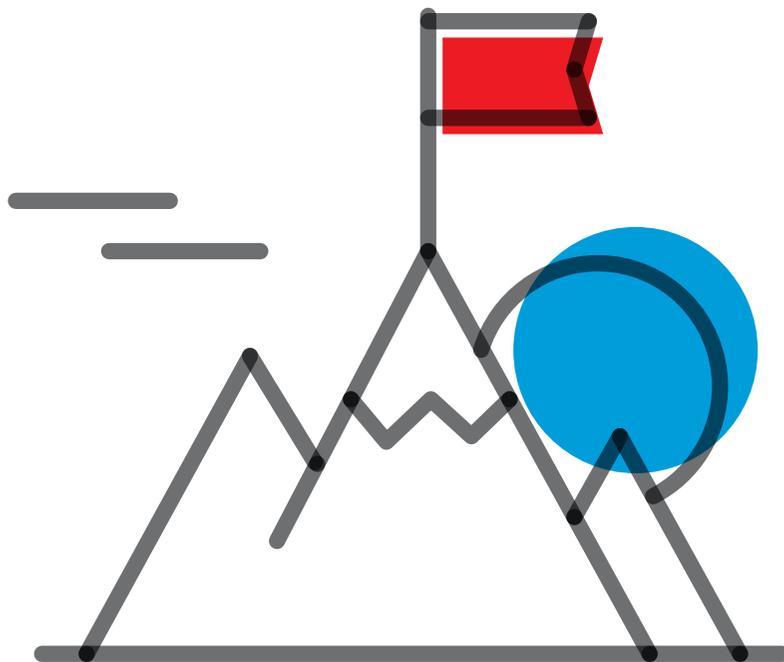


Conclusion: the emergence of the tech-collaborative lawyer

"Technology is always a synergy of human and machine, where humans and machines are symbiotic. We can't exist without technology... Technology is like Tony Stark's Iron Man suit. It takes you from being Tony Stark to being fantastically powerful."

Adrian Cartland,
Principal, Cartland Law





Whilst great speculation on the roles and disruption caused by AI continues, there seems to be agreement across the board that robots will not be able to replace the role of the lawyer **as the trusted advisor**. Law is a profession which at the bedrock is built on principle and integrity. The public looks to the law and the lawyers that practice it, to uphold this integrity. This is why lawyers are trusted by the community. When someone looks for legal information on their own, experience is not the only hurdle, trust on the sources of information must also be considered. Lawyers are seen as upholders of a greater standard of morality—in this they are the trusted advisors that people seek for genuine and earnest advice.

There's general consensus that as technology removes the repetitive work from traditional roles, lawyers will have greater time to direct towards the client and advisory-focused parts of their jobs. This shift towards a collaborative people-tech paradigm where technology becomes a partner provides lawyers with more opportunity to focus on the elements of legal work that deliver client value, such as problem solving, offering strategic counsel, and improving access to legal remedy.

"There is a huge untapped legal demand—you see this in access to justice issues. We can access that demand by being more efficient. Then we can focus on doing the parts of the work that we enjoy."

Adrian Cartland,
Principal, Cartland Law

The changes driven by this human-robot collaboration also shapes not only the tools through which lawyers gather, disseminate and assimilate information, but more importantly, how lawyers are working and living.

The tech-collaborative lawyer is creating a new reality of work-life integration. The stresses of what was a rigidly time-intensive profession can be alleviated by flexible working hours, and out-of-hours access to information—whilst still providing greater client value. The ability of lawyers to successfully integrate work and life is increasingly a marker of what it means to be a successful lawyer.

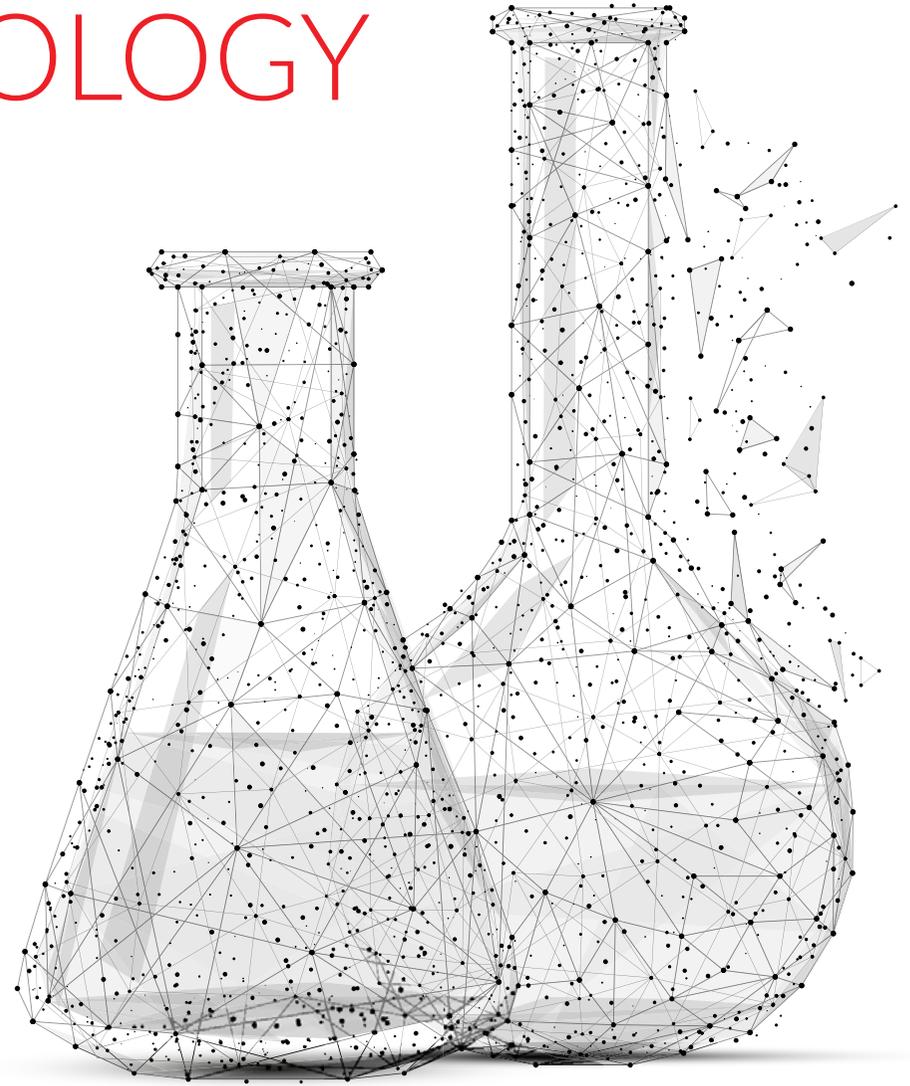
The 'always on culture', and expected availability of lawyers is a reality in the new technological era of law. Care must be taken to prevent work-life integration from becoming work-life invasion. Whilst lawyers being constantly available may increase client satisfaction, it decreases job satisfaction, leads to poorer performance and can be detrimental to employee mental wellbeing.

The legal industry is facing many challenges with the process of adapting to rapidly emerging technologies. Assimilating and utilising technologies such as Artificial Intelligence was once a futuristic vision, but is now becoming a reality. Riding the wave of technological progress in terms of working culture, and also the profession of law itself is vital to law's relevance in society.

“Change is not something that is new to us as human beings. Change happens all the time and we cope with it. So I don't think the legal profession is going to fall off a cliff. I think it's going to be a very different profession in 10 years' time, but it's a different profession now to what it was when I first started practising. So I don't think that we're all going to be out of jobs. I just think we'll be doing different jobs.”

Alisa Taylor,
Partner, Meyer Vandenberg Lawyers

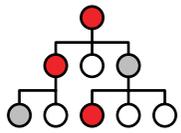
PROJECT METHODOLOGY



LexisNexis undertook a two-pronged approach to the research for this report.

STAGE 1: CUSTOMER SURVEY

In June 2017 LexisNexis surveyed 508 legal professionals across Australia. Key findings from this survey are presented in this report.



TYPE OF ORGANISATION

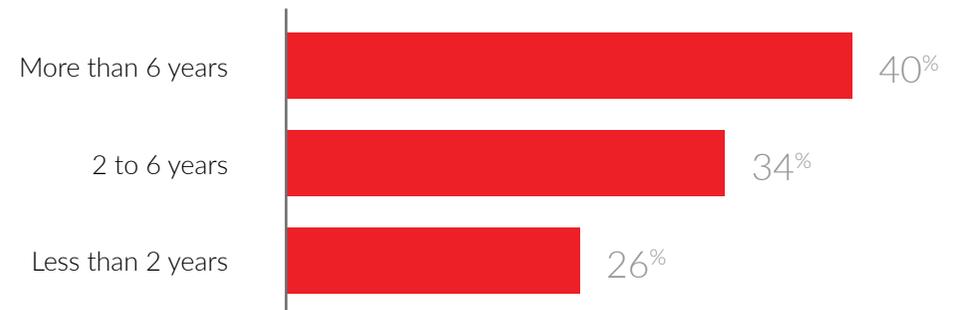
Partner firm / Incorporation	66%
Barrister, Independent or associated with Chamber / List	3%
Corporation / In-house legal department	7%
Government / Government agency	12%
Not for profit organisation / Association	6%
University or Law School	5%
Other	1%



SIZE OF ORGANISATION

Small law	47%
Mid law	20%
Large law	33%

YEARS OF LEGAL EXPERIENCE





STAGE 2: EVENT SERIES

2017 *Human v Cloud* – computing the people factor of legal services convened six panel discussions across Australia in August 2017, visiting Adelaide, Melbourne, Perth, Canberra, Brisbane and Sydney consecutively, with 250 attendees and 24 panellists, collectively. The panels brought together industry leaders from the legal sector, corporate, academia, and the justice system to discuss the driving force of the legal profession—people—as technology shakes up traditional roles, disrupts business models and propagates an always-on mindset, as well as opening new opportunities for business growth and access to the legal system that did not exist before. The panel events were held in front of a live audience; who engaged in live polling sessions. The results and comments are reflected throughout this Report.

EVENT PANELLISTS

BRISBANE, QLD



Jane Bates
Senior Corporate Counsel,
Optus



Vanessa Smith
Co-founder and Partner,
lawyerbank



Scott Chamberlain
Senior Lecturer and Legal Entrepreneur,
The Australian National University



Alisa Taylor
Partner,
Meyer Vandenberg Lawyers

SYDNEY, NSW



Marcus McCarthy
Principal,
Nexus Law Group



Leonie Chapman
Principal Lawyer and Director,
LAWyal Solicitors



Adrian Agius
Technolegal at Gilbert + Tobin,
and Legal Data Scientist at Law Data Science



Tobias O'Hehir
Senior Barrister's Clerk and Practice Manager,
Greenway Chambers

EVENT PANELLISTS

BRISBANE, QLD



Paul Catchlove
Chief Operating Officer,
Shimizu Kokusai Law Office



Prof. John Flood
Professor of Law and Society
and Inaugural Director of Law Futures Centre,
Griffith University



Terri Mottershead
Director, Centre for Legal Innovation,
College of Law



Clarissa Rayward
Director,
Brisbane Family Law Centre

ADELAIDE, SA



Claire O'Connor SC
Barrister,
Villeneuve Smith Chambers



Dr Gary Hancock
Director of the Entrepreneurship,
Commercialisation, and Innovation Centre,
The University of Adelaide



Julian Grenfell
Legal Counsel,
Adelaide Brighton Ltd



Adrian Cartland
Principal,
Cartland Law

EVENT PANELLISTS

MELBOURNE, VIC



Dr Richard Chambers
Clinical Psychologist
and Mindfulness Consultant



Emily McCarthy
Principal & Head of Talent,
Lexvoco



Kate Fazio
Manager of Digital Innovation Strategies,
Justice Connect



Anne-Marie Cade
Principal,
Daniel Lew Le Mercier Legal & Co
and DivorceRight

PERTH, WA



Aaron McDonald
Director,
Pragma Legal



Elsbeth Hensler
Barrister,
Francis Burt Chambers



Catriona Macleod
Director,
Cullen Macleod



Julie Harrison
Partner,
Deloitte Consulting