

The thing about ...

Christina Blacklaws

Photo: Patrick Dransfield

Patrick Dransfield speaks to the President of the Law Society of England and Wales about the evolution of the profession and the UK's role as a centre for legal excellence.

How do you see the future of the law as a profession evolving?

I will start by saying that all is not lost! There is a school of thought that contends that all legal jobs will be lost to artificial intelligence (AI) and robots in the near future. I don't hold to that, although I do firmly believe that we as a profession must embrace and own new technical advances brought about by algorithms and machine learning. We can and should own this space so that we can provide a better and more added value service to our clients and hence become more indispensable as trusted advisers. But I do concur that this will not come about without a great deal of effort. It requires all law businesses to be radical in their assessment of how they structure their approach to solving problems and also to scrutinise the tools they are currently using to consider carefully how current modes of delivery will equate with likely future requirements. After all, software is actually just another tool for us as lawyers to use. It may be a transformative tool, but a tool nonetheless.



How is technology changing the face of law?

Technology is radically changing the way we operate, but it is also having some quite disruptive and challenging effects on the justice system as a whole. When we are talking about the use of algorithms and machine learning, we are usually thinking about efficiencies – making our processing more accurate and quicker. However, there are other areas where disruptive technologies are having a potentially damaging impact. For example, in relation to prediction there are a number of very powerful predictive products out there that are concerning.

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Part of the work we are doing through the Law Technology Policy Commission is evaluating the use of big data in the justice system, especially those that claim to be able to predict the outcome of cases. Quite specifically, data searches that look at which judge will find for which party using which cases through which advocate and what use of semantics are actually likely to work. Some of these products are very sophisticated and potentially may change the way that litigation operates and may even result in the seizing up of case development, especially in Common Law jurisdictions such as our own, where the development of law is through precedents that are in sync with societal change.

If you imagine that we get to a point where more of the outlier cases do not proceed because there is only a 50:50 chance of success, then this will have a material and adverse impact in the development of common law itself. In addition, when a machine comes to a decision, the key question is how did it come to this decision? Neural network-related results suffer from the risk of unintended biases and unbiasing AI is emerging as one of the key challenges for society as a whole – the law is certainly not immune.

What initiatives are you undertaking as president to make the Law Society relevant to everyone in the legal community, from the larger City law firms to single practitioners?

Due to the election process to become president of the Law Society I had two years to prepare and hence we have concentrated our efforts on three themes: technology and innovation; diversity and equality; and qualitative research.

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The universal relevance of diversity and inclusion is a particular problem in England and Wales, where for example we struggle to find more than 15 percent women owners of legal businesses.

We at the Law Society have taken a systematic approach to the issue, starting with our commission of our survey in November 2017 to better understand key issues that affect women working in the law. Supported by the International Bar Association (IBA) Women Lawyer’s Division and LexisNexis and with almost 8,000 respondents worldwide, we believe that it is the largest international survey conducted on the topic. One of the most significant outcomes of the research is the power of unconscious bias. In terms of qualitative research, we have conducted more than 200 roundtables, including 15 internationally, to gather the lived experiences of women lawyers and developed a toolkit to support the implementation of action-oriented and tangible solutions to addressing the barriers to women in leadership. At the tail-end of 2018 we also commenced the men’s roundtable series with male business leaders who can act as “male champions for change” in their firms and organisations. I don’t want to emphasise too much the point that diversity in companies does lead to profitability – it does – but I firmly believe that championing diversity and equality in the workplace and society in general is worth doing simply because it is the right thing to do.



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What about socioeconomic diversity, in terms of encouraging the major law firms to be more accessible to candidates from less affluent backgrounds?

That is incredibly important and something we need to focus on because we are not making the changes quickly enough. One of the things we are doing at the Law Society is being part of a community called Law Smart, which puts together all of the regulators and representative bodies, including us and the City of London, NGOs, relevant charities and also the commercial providers that operate in the social mobility area, as well as legal groupings such as Prime (comprising 70 large law firms). The idea here is to pool our efforts on social mobility.

What is the Law Society's focus regarding in-house lawyers and their professional role, training and discipline?

Over one-quarter of our members are currently in-house lawyers and this is our largest (and growing) cohort outside of private practice lawyers. In this group are lawyers from the largest financial institutions as well as single practitioner in-house lawyers, and we continue to have a significant engagement with in-house counsel, including engaging with Thomson Reuters to formalise our efforts a little, including the idea of developing a charter. In-house lawyers have a great deal of power, not least through their role as purchasers of legal services and therefore can be the drivers of positive change. We hope that our in-house lawyers will see the Law Society as a means for good.

What are your plans regarding the promotion of English law outside of the UK?

The promotion of English law overseas is an incredibly important aspect of the work of the Law Society – every day and every week, the Law Society is active outside of the UK, talking to interested parties about our jurisdiction and discussing why it might be a good idea to bring cases to the UK. The independence of our judiciary, the depth and breadth of understanding and knowledge of our legal practitioners, and the flexibility and depth we have with our common law – none of which has been impacted by Brexit!

We have been very keen to promote the common law, including a campaign in 2017 called Global

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Legal Centre where we videoed a range of international GCs who talked quite passionately about why they use English law as the governing law in their contracts and what they see as the benefits.

What issues do you see surrounding mental health and lawyers? Do you think it is a subject that has been rather swept under the carpet?

I think things are changing on this issue dramatically and quickly and for the positive. A few years ago, most lawyers and people working in legal businesses in the UK would not have been comfortable even speaking to their HR departments about it. Today we have a lot of evidence to suggest that the majority of people in our profession are affected or have been affected by low-level mental health problems such as stress and depression, and that is something that is becoming normalised to the extent that it is okay to talk about these things, and law firms and legal businesses are really responding to that. I think it is vital because so many people are affected and the law firms are to be applauded for their open and constructive response. I am not saying that we have got it finalised and that nothing more needs to be done, but I think that the direction of travel is very encouraging.

What is your hinterland?

I am married and have four chronologically adult children in their 20s, so that takes up quite a lot of my spare time. My passions are for art and the theatre – on the occasional spare evening you will find me scrambling around trying to get a ticket for the latest theatre production or at the Tate taking in one of their many blockbuster exhibitions.