



***The Future Legal Profession:
Innovation through Technology and Diversity***

**Address given at the QUT Law Society
Meet the Profession Evening
14 March 2018**

**The Hon Justice A Philippides
Court of Appeal**

I am delighted to address you this evening at the invitation of the QUT Law Society through Jake Stacey, its President, and Ebony Lee Corbyn, its Director of Education. I start by acknowledging and paying my respects to the traditional owners of the land on which we meet and to elders past and present. And I also acknowledge the emerging generation of young indigenous leaders amongst the student cohort present tonight.

This evening provides an opportunity for QUT students to mingle with members of the legal profession and for the legal profession to get to better know members of a generation that will play a central role in a legal profession that is undergoing its most transformative period.

The students present tonight are part of the first generation that can truly be said to have a genuine ease and familiarity with digital technology and innovation. You are especially adaptive and able to engage in, and explore, fundamentally novel concepts. For you, the term “disruptive” does not have the negative connotations that it has had for previous generations. It is in this context that it can genuinely be said that the emerging generation of law students are uniquely placed to play a crucial role in the development of what the legal profession will look like. You have genuinely different insights and mindsets from your predecessors. And so this evening provides an important opportunity for engagement not only for QUT law students but also for the members of the legal profession present.



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The digital era, technological developments, the role of the internet, and artificial intelligence will transform the legal environment in ways we can barely grasp. That transformation is also being experienced across other professions and industries. Some of those industries, such as banking and finance, have already well and truly embarked on that transformation. The forces of change facing the legal profession mean that the way the legal profession operates will not only have to be more efficient in the provision of legal services but that it will have to embark upon a rethinking of what it means to be a lawyer. And, inevitably, this cohort of law students will be a part of the transformation in conceptualising how the law will operate as a means of maintaining societal harmony and even the very notion of what justice means.

It is very difficult to predict where the technological advances will take the legal profession. There is no doubt that technology will deliver efficiencies and that AI will play a role in providing predictive indicators and even some role in decision making. This area has been the subject of a great deal of literature, notably by Richard Susskind. He has explored the issues I have mentioned in three significant works:

- Tomorrow's Lawyer: An Introduction to Your Future;
- Transforming the Law: Essays on Technology, Justice and the Legal Marketplace; and
- The Future of the Professions: How Technology will Transform the Work of Human Experts.

There was a time when the ordinary person had only the most rudimentary information available to them about the legal concepts and principles upon which our law is based, if that. The traditional role of the lawyer in providing such information is being overtaken. It would be unwise to be in denial about that development. The internet has revolutionised the ordinary person's access to information about the law and about legal principles and concepts. Just as in the medical field, ordinary people are able to access a high degree of specialised information, which is presented in an easily understandable fashion. There are issues about the accuracy of all of this information. But that misses the point that there is now a new medium for providing information that is accurate.



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It is essential that the many advantages which the information revolution can deliver, and many opportunities available for lawyers in that field, are not overlooked. Most law firms have used technology's advance to inform clients in specialised fields of the latest developments in their particular specialisation, whether it be in construction, banking or intellectual property. Significantly, there are also opportunities for more efficient delivery of information to those who require basic information on every day disputes, and who need information on their rights. The digital era provides tremendous opportunities to assist in the delivery of greater access to justice for the disadvantaged and for community legal centres. This was recently discussed in an article entitled "Robots as Public Defenders".

To take a stance of denial on the important consequences for the law of the technological and digital era would be dangerous. Lawyers should be very much engaged with these developments. The systems that are set up should be ones with which lawyers are intimately involved. They will create new jobs in the legal profession. The resolution of disputes will necessarily require innovation. As Susskind points out, everyday disputes are already being resolved online involving big IT based companies such as eBay. Where we draw the line in the involvement of artificial intelligence will involve returning to the fundamental concepts of what justice is and what role law plays in our communities.

Artificial intelligence might be able to provide a role in decision making based on a formulaic decisional structure. It may be able to provide a high degree of predictive accuracy. But it also has limitations which must be understood. Where there is an element of discretion to be exercised, innately human concepts such as empathy, compassion and the balancing of private and public interests are engaged. I, for one, find it impossible to envisage a world where such matters would not be determined by judges assisted by lawyers. Similarly, the incremental development of our common law is one that is uniquely a human affair. Providing predictive algorithms is not a substitute for the reasoning that allows for the law to remain nuanced and relevant to society. AI will not deliver a *Mabo* or a *Cable* decision.



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There is another aspect to the new generation of lawyers that are emerging. In addition to an aptitude for technology and innovation, a striking aspect of this generation of law students is its diversity. It is entirely true to say that there has never been a generation that has comprised such diversity and that has embraced its diversity so positively and valued it so strongly. And so this generation of students has a strong expectation of a legal profession as one that is premised on values of equality and the recognition of diversity as itself a valuable resource, and as one which demonstrates its adherence to such values through greater transparency in appointments and promotions. When I speak of diversity, I refer to more than gender. Gender is a part of the diversity equation, which also includes diversity in terms of race, cultural and linguistic background, age and sexuality, and the many other aspects of what make us different and our society rich.

Diversity adds to the collective knowledge, it provides a voice for a different viewpoint, a different perspective. Diversity allows different approaches to be explained and received views to be challenged and justified. In this way, diversity is a trigger not only for increased efficiency and productivity but also for innovation. There has been a keen awareness for some time that diversity is as much a “disruptor” as technology and that it, therefore, is as much a driver of innovation. In corporate Australia, where much research has been directed at quantifying such matters, diversity has long been championed.

Law firms that promote inclusiveness and make that commitment visible in the career paths to partnership, provide workplaces that are particularly valued. Law students compete with each other for the best placements, but law firms also compete with each other for the best law students. And all students are interested in the nature of the workplace environment that they will be joining. A diverse workforce is a strong marker of a workplace where merit wins out.

Tonight provides an opportunity to network and connect in a convivial manner with a broad group of lawyers. When I entered the legal profession, law students simply did



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not gather on occasions such as this to meet members of the profession. I think that was a great pity. Opportunities such as this evening are invaluable. Take advantage of this wonderful opportunity to talk to and connect with members of the profession, to discuss areas of practice that may interest you and to better understand what being a legal practitioner entails.

I congratulate the QUT Law Society on organising tonight's event, those involved in the publication of the QUT Law Society's annual careers guide "Springboard 2018" and its editors, Charlotte Mann and Zane Jhetham. The guide shares information about a range of possible clerkship and career paths, in law firms, as well as the corporate field, public sector and also a comprehensive list of not-for-profit organisations. This sharing of information does indeed provide a "springboard" for all.

I wish you the best with your careers.