

Forward Looking Legal Profession: Reality or Oxymoron?

by [Jayne Reardon](#)



“The future may be unknowable, but it’s not unthinkable.” That line from the introduction to Bruce MacEwen’s book *Tomorrowland: Scenarios for law firms beyond the horizon* really stuck with me. As lawyers, we should think about what is coming around the corner. We should ask ourselves: What can we do to prepare for the inevitable?

It is apparent that more and more members of the legal profession are taking this thinking about the future to heart. Something must change. But what and by how much?

A first step toward change is identifying the problem. The problem—or problems—with the current model of training lawyers and delivering legal services have been the subject of a panoply of bar-generated reports over the past several years.

Bar Association Reports on the Future of the Profession Gain Momentum

Over ten years ago, the Ohio State Bar Association and the [New Hampshire Supreme Court](#) were among the first to research and make recommendations on the changing landscape that threatens the profession. The Ohio report identified globalization and increased competition among non-traditional providers as threats to traditional law firm delivery of legal services.

In contrast, the report from New Hampshire looked within the existing models and highlighted areas ripe for reform like the inefficient and sometimes ineffective civil and criminal legal systems, the dissatisfaction of lawyers in their professional lives, and the mounting burdensome debt from law school.

From 2007 to 2014, only two more state bar associations released reports on the state of the profession and its future: [New York](#) in 2011 and [Massachusetts](#) in 2012.

Massachusetts called for a medical school like residency program in order to teach more practical skills early on in a lawyer’s career and New York studied the impact of technology, stating that “technology will continue to impact the way lawyers are educated and practice, and will impact the traditional skills associated with lawyering and how lawyers interact with their clients.”

In 2015, the future law conversation picked up. The [Minnesota State Bar Association](#) issued a task force reports that addressed the future of legal education, technological developments, and challenges to the practice of law. The Futures Commission of the [Utah State Bar](#) and the [Vermont Joint Commission on the Future of Legal Services](#) issued reports with recurring themes: increasing access to justice, increasing attorney training, adopting new technology, and modernizing regulations.

Echoing the themes from the prior year, in 2016, the state bar associations from [Florida](#), [Illinois](#), [Indiana](#), [Michigan](#), [Missouri](#), and [Virginia](#) and the [Texas Supreme Court](#) joined the call to action



and issued reports on the future of legal services. Notably, the number of reports last year eclipsed the previous ten years combined.

The Illinois State Bar Association Report contains a well-documented description of what it calls “The Big Picture” affecting the profession, including: the economic challenges plaguing lawyers, the lack of training for law students in the skills needed to succeed in the current climate, the reluctance of the population to use traditional legal services, and the technological changes redefining the way people work and enabling new actors to reshape the legal marketplace.

The Report also notes that opportunities lay within the challenges. Recommendations include capturing the latent legal market by promoting lawyers’ services online and otherwise and continuing to support adaptation of innovation by lawyers.

Just recently, the Ohio State Bar Association issued a [Futures Commission Report](#) that is out for comment by the entire Ohio State Bar Association membership. Like many of the other bar association reports, this report proposes building an online legal portal for consumers. It also proposes long term solutions for new lawyers, new models of CLE, and that a commission be established to explore new service delivery options and regulatory reform that would encourage competition, innovation, and increased access to justice while also protecting the public.

Going Forward

As state bar associations’ activity with respect to thinking about the future increased, in 2016, the American Bar Association’s Commission on the Future of Legal Services (Commission) released its own [Report on the Future of Legal Services in the United States](#).

The Commission concluded that “[t]he legal profession, as the steward of the justice system, has reached an inflection point. Without significant change, the profession cannot ensure that justice serves everyone and that the rule of law is preserved.”

Recently, the [ABA Bar Leader](#) caught up with some bar associations keeping the momentum going “after the future report.” The co-chair of the Missouri Task Force, Bill Bay reported that one recommendation from the report is already in place and several others are in the process of implementation. He has exerted leadership in reminding members of the Missouri bar that “this is not another report to go up on the shelf.”

Janet Welch, Executive Director of the Michigan Bar Association, reports that one of the key to ensuring continued relevance of the task force report is integration into the bar’s overall strategic plan. “The strategic plan calls for an annual review and assessment of progress, and whether or not the goals need to be adjusted,” she says.

And Nate Alder, former Utah State Bar President and co-chair of the futures commission has a simple piece of advice for keeping the task force report on track: create a checklist. Alder said that the bar executive committee keeps a checklist of all the recommendations that were made in the report to gauge progress. He also advocates for continuity, explaining that the Utah Bar Association’s past, current and future president “are all on board” with the concepts contained in the futures report.

In order to provide a thinking environment about the future of our evolving profession, the Commission on Professionalism hosted its second annual conference, [The Future Is Now: Legal Services 2.017](#), this past May. Over 400 participants heard nine industry leaders give TED-like talks about innovations in the legal space. Interest in our future law conference rose considerably between 2016 and 2017, mirroring an increased interest in “future law” topics generally.



With this momentous recognition taking place across the country, it's time to not only think, but to start doing.



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As a prior trial lawyer, Jayne leads lawyers to embrace the transformative possibilities of future law practice. As a prior disciplinary counsel, Jayne is passionate about promoting the core values of the legal profession. She is a graduate of the University of Michigan Law School and the University of Notre Dame. Jayne lives in Park Ridge, Illinois with her husband and those of her four children who are not otherwise living in college towns and beyond.