



Law Council
OF AUSTRALIA

Opening Address: Legal Futures Summit

**Speech delivered by Law Council President, Morry Bailes, at the
Legal Futures summit in Sydney**

13 September 2018

Good morning to everyone, and welcome to the Law Council of Australia's Legal Futures summit.

It is a privilege to be here as president of the law council to open the summit.

This morning I would like to make a few scene setting remarks.

I first want to acknowledge the traditional owners of the land we are meeting on – the Gadigal people of the Eora Nation – and to pay my respects to Elders past, present and future.

And to acknowledge all distinguished guests attending the summit today.

This summit is an opportunity for all of us to come together to consider the future of the legal profession, to examine our own views, ideals and lived experiences, some as legal practitioners, and some in other occupations, and to imagine the future we may envisage for ourselves, the future role we ought to, and will play, in our society.

It will be challenging, but also rewarding to focus our attention for a moment on the higher ideals that drive us, what our profession means to us, and to our communities.

It will also hopefully be galvanising to reflect on what it is that the legal profession represents, and how fundamental a strong, cohesive, driven and committed legal profession is to the proper functioning of our broader society.

The main message I have is that we are here today for a reason –there is much change going on around us that will reshape the future of access by consumers to legal services, the way the legal profession organises itself to meet those needs, and as a consequence, the future approach to regulation and ethics.

We need to make sense of the changes and identify the priority questions that need to be addressed.

So, I ask that we bring all our collective knowledge and all our understanding and expertise to the table today and pitch in together to come up with answers today.

The law council with the assistance of a summit steering committee, has produced a background paper to help guide our discussions today.

The background paper collates a range of specific issues and challenges to stimulate thinking and discussion about changes and trends that are currently shaping the future legal services landscape.

Three key areas of consideration have been identified:

- Consumers of legal services of the future and what they might expect
- Characteristics of the legal profession and
- Regulation and ethics

Each of these is critical to our discussions.

Ultimately, we want to have an actionable vision for the legal services landscape of the future – one that meets the needs of consumers, supports the administration of justice, enhances legal practice and a career in the law, and maintains strong ethical and professional standards.

We also want a regulatory system that continues to provide an assurance of quality and protections for consumers, while also fostering innovation and change.

How do we respond to the changes that we know are occurring, that we are already working with, in the most strategic, deliberate and effective way?

How do we meet the needs of a diverse client base, in their changing capacity to use technology to access the law, the kinds of legal and other services they require, the way they are seeking legal advice and knowledge?

How do we accommodate their needs with our changing approaches to practising law, the nature and structure of our law practices, the changing mix of services provided by law practices and the changing characteristics and expectations of future lawyers?

And how do we ensure that the way we go about regulation, fosters innovation in legal tools and services while continuing to assure quality for consumers, supporting the administration of justice and maintaining time-honoured professional principles and ethics?

These are some of the key areas that we are exploring today.

The talk today is all about the future – but I believe also, that to be able to properly imagine that future, we should look to and reflect upon the history of our profession - the role we have been required to play in society since the earliest days of legal practice, and why that history is perhaps even more relevant today, in the face of the changes that are taking place.

The law council of Australia's own history is part of this.

The law council was formed in 1933 when the importance of a united voice was recognised by our predecessors, to be able to respond collectively to legal issues of national importance – and that is more important today than ever.

The seismic shifts that are occurring around us, that we are witnessing in our homes, our communities, and across the world – impact on every facet of life – including impacting on the functioning of our democracy, and other liberal democracies around the world.

There are challenges to previously held assumptions about rights and justice that we could not have previously imagined.

But we, as a profession, have a very particular role to play in responding to these changes – quite simply because of who we are, because we, in our professional capacity, represent one of the foundational pillars of a properly functioning democracy.

The legal profession must be at the forefront of critiquing the changes taking place – responding to them, navigating through them.

But we must do it in ways that do not compromise our moral and professional obligation to uphold and defend the rule of law and represent the rights of every citizen. Historically – that is what lawyers have always been required to do.

There are many instances in history where it has only been the commitment and moral fortitude of lawyers, people with the knowledge, and the belief in justice – that has stood as the bastion against miscarriages of justice, the voice for right in the face of power.

And for me this goes to the heart of what drives our discussions today.

We need to be on the front foot of the changes that are occurring – technological, ideological, changing consumer needs and expectations, changing regulatory frameworks - determining strategically how we should best respond, without compromising the fundamental duties we have as professionals.

Technological developments are a challenge and are having an impact on many professions. But we have to be very clear about how we manage that.

While more people, more clients, might be inclined to access online services, or do their own preliminary research about a legal matter confronting them – there are many others who simply don't have the access to technology, or the capacity or means to engage in this way.

So, we can't simply get on the technology bandwagon, as it were – and consign swathes of our practice to algorithms and software programs – and thereby de-skill ourselves and upcoming and future lawyers.

We have to fight for the maintenance of justice – take up the technology where it may be useful, but maintain our professional practice and skill set in very specific and deliberate ways.

As government funding has been in decline, it may seem necessary to 'outsource' some of our professional services to technology – as a cost-saving measure, as a mark of innovation.

There are reasons to proceed with caution.

As the law council's justice project has revealed – there are thousands and thousands, indeed millions of Australians – who currently are not being afforded access to justice in this country.

Poor, marginalised groups of citizens, indigenous Australians, family violence victims, people with disability, the elderly, people living and working in rural, regional and remote Australia – the very backbone of our nation and economy – people who need access to legal advice, who need lawyers and more of them, who cannot be serviced by entirely technology, because they don't know how, they don't have access to technology, and may rely on service by legal practitioners.

They require us to be the united voice, to insist on better funding, to speak for them, to ensure young lawyers are being attracted, trained and retained in greater numbers – in all our universities, city and regional, to ensure the critical mass of legal expertise and skill is not watered down, diminished or diluted.

That original purpose of the lawyer as a knowledge keeper, and a defender of the rights of others – remains the touchstone for our future plans.

We have a legacy of skills, knowledge and expertise that we must preserve, and build upon.

We need to be sophisticated, adaptable, alert to change – but always mindful of our fundamental professional responsibility to uphold the rule of law regardless of the circumstances, and despite changing circumstances.

As outlined in the background paper, this includes being alert to the changing regulatory frameworks being impacted by advances in technology and we need to think deeply about how we preserve the 'quality guarantee' for consumers – and maintain our professional ethical standards in the context of harnessing technological innovations.

So, I hope this provides context for today's summit – I encourage everyone to engage, to be generous, and to share your views and your expertise today, as you have all been invited for a reason. I thank you in advance for your participation and I look forward to the concrete outcomes we produce.

Thank you.

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