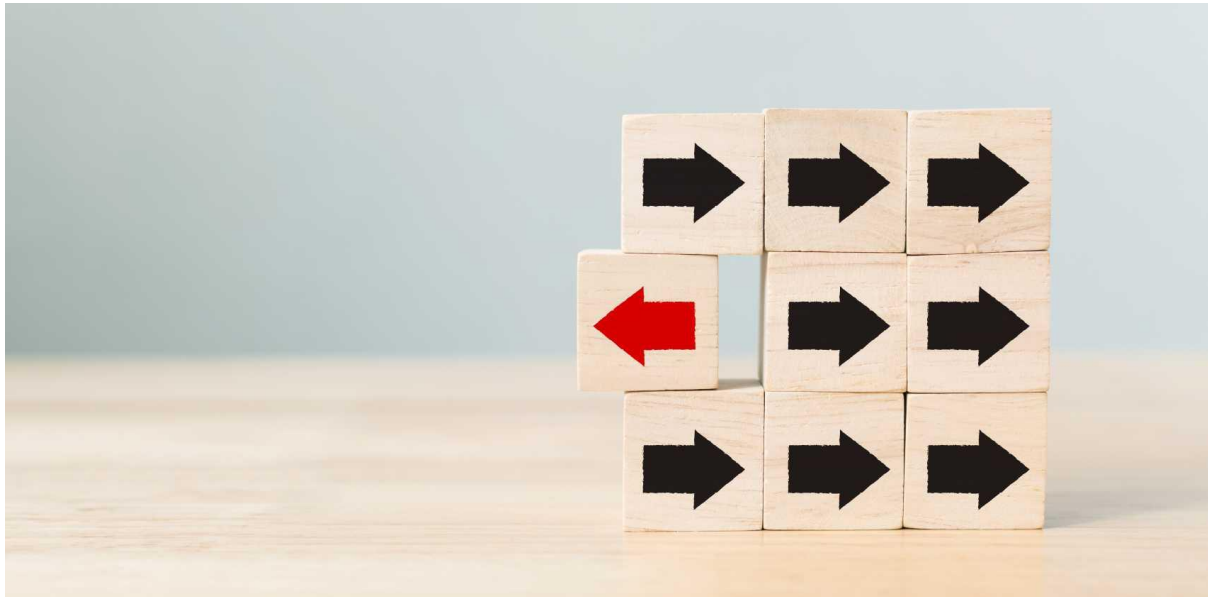


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Headline: What Should the Post-lockdown Legal Industry Look Like?

What Should the Post-lockdown Legal Industry Look Like?



Many think of COVID-19 as a crisis cast upon us. That, however, creates a false impression of a lack of control. Our response is in fact the combined result of many very-human decisions. With great power, however, comes great responsibility. With the legal industry seeing dramatic change in a matter of weeks, it shows that change – when sorely needed – can come with determination and willpower.

Below, we cover seven areas – from digitalisation, legal education to allied professionals – where change is sorely needed, and where we should next direct our energies towards.

Much ink has been spilt about how COVID-19 has changed and disrupted the legal industry. A search on Google turns up numerous articles on how COVID-19 has done overnight what no law or policy could: forced lawyers to adopt a fully-digital mode of doing business,¹ changing court practices² (to the extent that even being called to the Bar is now a digital occasion)³, and forced law schools to turn to AI invigilators to deter cheating in stay-home exams. Perhaps the clearest sign of the times is to hear practicing lawyers confide that for once, they get to spend more than seven hours of their day at home.

Reading these news articles, however, tends to convey a sense of disempowerment. It conveys that an foreign and invisible force has swept into the industry and forced us to change. The human element of being able to control the situation has been taken out of our hands.

This is a mis-framing of the issue. While there is no running away from the fact that COVID-19 has been a truly disruptive force, what has caused our law firms to turn into virtual law practices and practically transformed the courts into online dispute resolution platforms, is at its heart the human factor.⁴ It has been the decisiveness to change, the rational and steady investment in technology over the decades and stubbornness to keep providing access to justice, that have made all the difference between what we see today and the legal industry keeling over in defeat.

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In fact, it shows that changes in a time-honoured profession are, when most needed, possible and feasible – as long as we have the decisiveness, gumption and willpower to undertake them. Framing the issue in this way, then, places the control and power over the situation back in the hands of us lawyers.

But as we all know, with great power comes great responsibility.

Now that decisive change is shown to be possible, we should take the opportunity to re-look at what other areas have been wanting change in the industry, and be willing to take up those changes for our present and future good. It is for this reason why this missive is titled what the post-lockdown legal industry *should* look like, rather than what it *would*.

First, it is time for the profession to seriously look at the issue of allied legal professionals,⁵ and to give them the professional training and recognition they deserve. Just as it has been done in the field of medicine, there is ample room in the industry for lawyers to share the limelight alongside allied professionals, including legal technologists, legal knowledge engineers, project managers, legal management consultants, legal designers, as well as more common roles such as trade mark and patent agents, legal executives, and paralegals. Professionals like legal technologists, for instance, have proven their value during the present COVID-19 crisis, by advising lawyers and firms on how to transit into a digital-only mode of business. In this regard, professional training and recognition could for instance come in the form of legislated standards, such as the Allied Health Professions Act 2011,⁶ which sets out the certification requirements needed to be registered as an allied health professional.

Second, take this crisis as an opportunity to shift to a truly digital model of business.⁷ The world is not going to be same now that the Pandora's box of digital transformation has been opened. It would be a mistake to revert to the former physical ways of operating, when clients have seen what can be done digitally, quickly, and at a fraction of what has been done before.

Third, it is time for the legal industry to recognise the importance of proper cyber security.⁸ Little more needs to be explained for this, save to note that going digital without the right cyber defences is like moving into a new home without installing a lock on the front door.

Fourth, as countries around the region begin to ease crippling lockdowns, law firms would do well not to rush to squeeze employees to the bone in order to regain lost ground. Time will be needed for people to re-adjust to a new normal, and for firms to find a new equilibrium. Putting employees under immediate pressure to revert to the old pace of business would force them past their breaking point. On this subject, it is time for the profession to change its historically less-than-positive working culture.⁹ As a start, firms can put in long-term plans to ensure that legal professionals are physically and mentally well-prepared for a digital age, such as supporting extensive or even permanent remote working arrangements, enabling work-life balance routines, and improving team-building cultures in firms. The winners in the new reality will be law firms and departments that can treat their people as the cornerstone in everything they do, rather than just as resource units to be expended.

The virus has not spared any country in Asia, but the changes wrought by it are the result of many very human decisions.

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Fifth, the pandemic has seen an explosion in COVID-19 related initiatives, such as articles on the legal impact of the pandemic, resource hubs, webinars and the like. While there is no question that these initiatives are animated by good intentions, the fact that there are so many of these initiatives out there should spark the realisation that **quality, rather than quantity**,¹⁰ should be the real focus. People are more likely to pay attention to the one good resource that they can keep coming back to, rather than a buffet of uncoordinated and incidental initiatives.

Sixth, many firms have also embarked on upskilling efforts during this time,¹¹ reflecting the conventional wisdom not to “waste a good crisis”. While this is encouraging, with lockdowns around the world starting to ease, however, there could be an urge to rush back to the old normal (where lawyers are so overworked with little time or energy to improve themselves). Tied to the point above about placing people at the centre of all they do, is that **firms should continue steady investments in up-skilling their lawyers**. The skills they learn today for an hour will be returned in kind far more than if the hour been spent on another submission or email.

Seventh, it is time to relook legal education.¹² For nearly two decades, people have said that law schools are churning out 20th century lawyers for the 21st century. Now that education has gone online, there is no better chance to re-design our curriculum and ways of thinking about how law and legal practice should be taught to our law students. Rather than focusing on rote memorisation and the application of legal concepts, sensitise students to business, corporate and policy realities, so that they see the world from more than just the legal angle. Encourage them to adopt a curious mindset towards learning about technology and other longer-term disruptive forces. Orientate them towards a good foundation in actual industry practices, rather than just in academic thought. That way, our law graduates will be better prepared for the future. We do them a great disservice otherwise.

COVID-19 may have been nature-wrought (or may not have been, depending on what you read and believe). But the implications from it are very clearly due to the compound effects of multiple – and very human – decisions. This shows that fundamental change in the legal industry for the better is not just fathomable, but very doable.

In the time of COVID-19, let us do what no pandemic itself can do – to build a better legal industry for generations to come.