

Output from discussion group on: Legal issues at work

Topic Overview

“As we make the choices that will define this world, we will need new examples, new principles, and new practices. We will need to know how to imagine new possibilities...”

-Thomas W. Malone
The Future of Work, p 37.

- The shifting demands of the marketplace for legal services, combined with the shortcomings of the current legal practice, has produced a disconnect in the law.
 1. Historically, the law lags ten years behind technological advancements.
 2. The law thinks in terms of precedence and the past.
 3. Today’s rapid convergence of science with technology compels the law to be forward-thinking.
 4. In an increasingly mobile environment comprised of non-geographic interfaces, activities can fall within the laws and regulations of a multitude of jurisdictions.
 5. The “practice of law” is undefined.
 6. “We the People” have begun to unbundle or segment traditional legal services.
 7. The practice of law continues to be conducted as if we are still living in the industrial age.
 8. “Businesses are using 19th century theories to make 21st century change.”

Jeffrey Goldstein, Professor (1995)
Adelphi University, NY
 9. There are almost no limits to the quantities of information which can be transmitted around the world almost instantaneously at negligible cost.
 10. There needs to be a shift of paradigm in legal service and in legal process to help re-engineer how the law is delivered and justice administered.

Topic Overview

Richard Susskind, *The Future of Law: Facing the Challenges of Information Technology* (1996), Page 286, Figure 8.1

The Shift in the Legal Paradigm

Legal Services	Today	Tomorrow
	<ul style="list-style-type: none">• advisory & consultative• one-to-one• reactive• time-based billing• restrictive• defensive• legal focus	<ul style="list-style-type: none">• information• one-to-many• proactive• commodity pricing• empowering• pragmatic• business focus
Legal Process	Today	Tomorrow
	<ul style="list-style-type: none">• legal problem-solving• dispute resolution• publication of law• a dedicated legal profession• print-based	<ul style="list-style-type: none">• legal risk management• dispute pre-emption• promulgation of law• legal specialists & information engineers• IT-based legal systems

What is the research/business issue or problem?

Questions

1. How does a company reconcile its culture, corporate practices, policies, standards, and procedures with the laws, customs, and expectations of the countries with which it conducts business?
2. How can a company gain a competitive edge while building optimization in a terrain of disruptive new capabilities, unpredictable environments, geopolitical instabilities, and global uncertainties?
3. What challenges confront the law and traditional legal systems as new dynamics of organizational and business models develop to meet global competitiveness?

What is the research/business issue or problem?

More Questions

4. What are the implications and effects of Industrial Age regulation and an American system still based on geography in a corporate era or borderless knowledge, information, negotiations, and transactions?
5. How will ownership and control of outsourced data and processes be monitored, regulated, safe guarded, and recognized within mobilized global networks of remote transnational workers?
6. How can the law become an adaptive agile system and the practitioner a legal information engineer in order to co-evolve with business, science, and technology and bridge the challenges of today with the future permeable workplaces of tomorrow in the rapidly changing landscape of the 21st century global economy?

What is the research/business issue or problem?

Additional Issues

- How can it be determined if the legal system is “productive” at a high level?
- Are more laws/regulation better for business?
- How can the legal system be more proactive instead of reactive?
- How can the legal system add value; i.e., the auto industry?
- How can legal services be delivered globally?
- What will be the effect of advances in IT?

What can we do to address the issue/problem?

- Preventative legal assistance – bring in legal services before problem or conflict – proactively.
- Reduce Costs and add value – by offering bundled and unbundled legal services in addition to implementing IT to perform and standardize certain functions.
- Gaming the law – use research in game theory to better understand the law and its implications – already being used in litigation.
- Minimal coupling interfaces – Systematic interpretations of law, risk, conflict - “Rules are analogous to interfaces”
- Agent-based systems to perform legal processes and quickly identify laws that may increase business risk and reduce productivity.
- Do nothing: Law firms will be forced to increase value and reduce costs with improvements in technology and communications or die.

What activities can we carry forward after the symposium?

- Designate an interdisciplinary research group outside the legal arena to review current legal processes and services.
- Review IT trends that could simplify legal processes, reduce costs, and proactively manage a company's legal policies.

Other

Other

Other