



THE  
FUTURE  
IS NOW  
LEGAL SERVICES  
2.019

CONFERENCE REPORT

# ABOUT THE CONFERENCE

The Illinois Supreme Court Commission on Professionalism launched *The Future Is Now: Legal Services* in 2016 to encourage equity, effectiveness and efficiency in our legal and judicial systems.

The annual conference showcases **10 industry thought leaders** speaking on future-focused topics such as professionalism, technology and regulatory reform. *The Future Is Now* aims to inform Illinois attorneys on industry innovations that can be translated back to their practice. By equipping lawyers with the information they need to act, *The Future Is Now* has the potential to improve the delivery of legal services in Illinois.

## The Future Is Now 2.019

On May 16, 2019, the Commission hosted *The Future Is Now: Legal Services 2.019* at Venue SIX10 in Chicago. The theme was “**The Rule of Law Amid Change.**”

*The Future Is Now* brought lawyers, law students and other legal professionals together to discuss best practices in embracing and promoting the Rule of Law amid rapid innovation in the industry.

Illinois attorneys were eligible to receive up to **5 hours of professional responsibility CLE credit** for attending *The Future Is Now*. In the two months following the conference, the Commission awarded **820 hours of professional responsibility CLE credit** to Illinois lawyers.



**5** HOURS  
CLE credit

**820**  
HOURS  
awarded

# THE RULE OF LAW AMID CHANGE

The delivery of legal services is evolving rapidly. Technology is providing new ways to communicate, collaborate and organize our work. However, implementation is uncovering ethical challenges.

Traditional legal service models fail to meet the needs of a significant portion of our society. In addition, technologists and others without JDs increasingly operate in a space that was previously the exclusive province of lawyers.

There's clearly a new normal in our profession. To adapt and thrive, we need to think like true innovators. Many agree that the efficient delivery of legal services is a win-win for everyone – attorneys and clients alike. However, how we get there while upholding the core values of the profession is still being debated. This was the focus of *The Future Is Now: Legal Services 2019*.

## DEFINING THE PATH

*The Future Is Now* presented 10 “big ideas” from legal industry thought leaders on how the legal profession can embrace and employ industry innovation. Topics of discussion included:

- Evolving alternative legal landscapes
- Access to justice innovation
- Legal technology
- Future-focused regulatory reform
- Civility in the legal profession

During the five townhall discussions, attendees were able to interact with conference speakers and ask questions via the conference app. Commission Executive Director Jayne Reardon and Professionalism Counsel Mark Palmer moderated the townhall discussions.

# AUDIENCE DEMOGRAPHICS

**221**  
FUTURES  
CONFERENCE  
**attendees**

**44**  
ILLINOIS  
— CITIES —  
**represented**

**5**  
**STATES**  
represented\*

\*IL, WI, IN, VA, MN



## OPENING REMARKS

Illinois Supreme Court Justice Mary Jane Theis opened *The Future Is Now* with a call for the legal profession to reflect on the value that lawyers and the judicial system provide the public. Although it's important for the profession to embrace technology and creative solutions to improve the delivery of legal and judicial services, it must also remain true to its backbone: the rule of law and the justice system.

The true value of the pillars of the legal profession cannot be replicated by technology, Justice Theis emphasized. These qualities include integrity, ethics, transparency and the enforcement of rights, among others.

# CONFERENCE SPEAKERS



## **Robin Steinberg**

*CEO, The Bail Project*

The Human Cost of Cash Bail

In the past 20 years, increases in pretrial detention have accounted for the majority of jail growth in the United States. The human cost is vast and intergenerational.

Pretrial detention exposes people to increased risk of physical and sexual violence, and it jeopardizes employment, housing, education and even child custody. Held in jail while legally presumed innocent, people are 30% more likely to plead guilty simply to go home.

On any given night, nearly half a million people in the United States face these daunting prospects for one reason: they can't afford cash bail.

Robin Steinberg urged the legal industry to adopt a more humane, equitable and effective pretrial alternative. While providing access to bail funding for those without sufficient resources may help in the short-term, she advocated for civil discourse around real systemic reform to stop the two-tiered judicial system.



## **Blake D. Morant**

*Dean and Robert Kramer Research Professor of Law, The George Washington University Law School*

The Essentiality of Civility

The First Amendment right to speak freely has become a moniker for unabashed expressive behavior without acceptance of the responsibility to exercise that right respectfully. At its core, this notion of uninhibited, anti-politically correct speech has dimmed the hope of productive dialogue. Persuasion dissipates when incivility dominates.

Civility constitutes a foundational element of professionalism, which is a vital attribute for success in the 21st century, Blake Morant said. However, while civility is crucial, it does have limits. Civility doesn't require engagement with individuals who utter speech that, at its core, has no connection with respect or mutuality.

Morant urged educators and civic leaders to advocate for civil discourse as a fundamental element of constructive engagement, thereby maximizing the communication of ideas and the broadening of minds. Moreover, Morant said that both the legal profession and society are better served when individuals engage in civil discourse.



### **Rich Lee**

*General Counsel, Civis Analytics*

Data Security: You Can Do More Than You Think

Attorneys are counselors and problem solvers at times when there's a lot on the line — money, reputation and even freedom. Attorneys are trusted with highly sensitive data, Rich Lee said. If the data are lost, leaked or even held for ransom, it could cause irreparable damage and even violate lawyers' ethical rules. And trustworthiness and reputation are everything in law.

With so much on the line, Lee said that data security should be a consideration for all attorneys and their staff. However, implementing a data security strategy often seems so daunting that many lawyers don't know where to start.

Luckily, data security is attainable for every lawyer at every firm by first focusing on a lawyer's personal responsibility for security. Lee outlined basic steps for securing data, like making passwords more complicated, utilizing multi-factor authentication, updating software and being on alert for phishing scams. Finally, he urged attendees to use full-disk encryption and device tracking and wiping, not to mention backing up data offsite.



### **Gyi Tsakalakis**

*Founder and President, AttorneySync*

Plus ça change, plus c'est la même chose

The internet is an amazing thing. At no other time in history have we had access to so much information and so many people. People are increasingly turning to the internet to answer questions, solve problems and review goods, services and yes, lawyers. The question is who and what will they find.

Gyi Tsakalakis reminded attendees that there are unique considerations when marketing a law practice. While the hallmark of business development in the legal profession remains relationships, technology has improved such that it's now an essential part of new business sourcing and client development.

Lawyers who deploy technology to communicate value and solidify relationships will win, Tsakalakis said. He recommended that attendees leverage social media networks, automation systems and online tools to accelerate professional relationships and demonstrate their legal knowledge, skill and experience to audiences online.





### **April Faith-Slaker**

*Associate Director of Research Innovations, Harvard Law School's Access to Justice Lab*

Lost in Translation: From Research to Practice

Big data, technology and unprecedented connectivity are providing the legal profession with new avenues for the delivery of services. While many assume these tools are making justice more accessible, it hasn't played out that way, April

Faith-Slaker explained.

Each year, tens of millions of legal problems arise in low- and moderate-income households. Yet most of these problems don't make it to a lawyer or court. What role might empirical research play in identifying routes to transformative change around a shared agenda for inclusion, justice and a healthy legal profession?

Faith-Slaker urged improved collaboration between legal researchers and the profession. New technology alone will not address access to justice inequities, she said. To enact systemic change, the legal profession must acknowledge that academic legal research and lawyering should work together. Only then can important research findings be quickly translated into meaningful changes in the practice of law.



### **MJ Cartwright**

*CEO, Court Innovations*

Positive Impact = Online Dispute Resolution with the Judiciary

Almost 40% of people who resolve legal cases through online dispute resolution (ODR) wouldn't have been able to get to the courthouse, said MJ Cartwright. For many, scheduling, transportation and other impediments to access stand in their way.

In response, convenient and accessible dispute resolution alternatives are cropping up on the internet. To date, tens of thousands of ODR cases have been resolved online, Cartwright said. And strong outcomes and positive experiences with the judiciary have been reported.

Cartwright said that based on initial outcomes data from Court Innovations and Michigan courts, 39% of individuals who used ODR said they wouldn't have otherwise resolved cases. In addition, 80% said ODR was a time savings and 92% reported fines and fees were paid within 300 days.

Cartwright positioned ODR as a potential solution to help address the backlog of court cases and enhance judicial efficiency and efficacy. ODR technology positively affects judicial economy, she said, and is correlated to increased access to justice and decreased cost of resolution.



### **Carolyn Elefant**

*Founder and Owner, Law Offices of Carolyn Elefant*

**Killing Solo Softly: How Ethics Regulations Threaten Solo and Small Law Firms**

Today, many solo and small firm lawyers struggle financially in the face of competition from do-it-yourself websites and attorney-matching platforms. But according to Carolyn Elefant, it's hardly a fair fight. Onerous ethical rules that are unnecessary to safeguard clients in a digital age place solo and small firm lawyers at a disadvantage when competing against non-lawyer sites. In fact, these ethics rules threaten the very survival of solo and small law firms.

The solution? Instead of resorting to protectionist tactics, Elefant said the legal profession must break the surly bonds of ethics regulation that constrain solo and small firm lawyers. Elefant proposed that many regulations, including the prohibition against lawyers sharing fees with other professionals and the requirement of establishing IOLTA trust accounts, should be amended or eliminated. In addition, she said that law firms need to elevate more women into leadership roles, as the industry must reflect the communities it serves.

The key takeaway? Regulatory protections uniformly applied can help even the playing field and address the unfair advantages that legal professionals who aren't lawyers enjoy.



### **David L. Douglass**

*Managing Partner, Sheppard Mullin Richter & Hampton, LLP*

**The Ethical Obligation to Promote Diversity**

Our history compels the conclusion that lawyers have an ethical obligation to promote equality and diversity in the legal profession and in society. The profession has tried the moral route (it's the right thing to do) and the business route (it's good for business), David Douglass explained. However, considering the lack of progress, perhaps the legal community should consider a new approach.

Douglass proposed amending the Model Rules of Professional Conduct to endorse and adopt an ethical obligation to diversity. Model Rule 8.5, he said, would lay out lawyers' "professional duty to undertake affirmative steps to remedy de facto and de jure discrimination, eliminate bias and promote equality, diversity and inclusion in the legal profession."

This includes aspiring to devote time each year to such efforts, including "adopting measures to promote the identification, hiring and advancement of diverse lawyers and legal professionals; attending CLE and non-CLE programs concerning issues of discrimination, explicit and implicit bias, and diversity; and active participation in and financial support of organizations and associations dedicated to remedying bias and promoting equality, diversity and inclusion in the profession."





### **Lucy Endel Bassli**

*Deputy General Counsel of Legal Operations, Contracting and Corporate G&A,  
Snowflake Computing*  
The Modern Legal Ecosystem

The practice of law is being tested by increased constraints on resources, shifting workforce composition and increased global complexity.

Innovative technology is reshaping the legal landscape, and law is beginning to move from a practice to an operation. To truly innovate their practice areas, Lucy Endel Bassli said, lawyers must become more business savvy. What's even better? Attorneys must relinquish control of the aspects of their job that don't require a law license and collaborate with the experts around them, like data scientists, financial analysts and project managers.

Bringing external experts in will enable attorneys to optimize their legal practice and provide a more full-service product, Bassli said. All in all, it will allow them to focus more on why their clients hired them: the practice of law.



### **Daniel B. Rodriguez**

*Harold Washington Professor, Northwestern University Pritzker School of Law*  
"Newlaw" and the New Lawyering

The legal industry has always been unsettled. The dynamic character of technological innovation (illustrated by Moore's Law) makes our legal system less steady but also more supple, Dan Rodriguez said.

The profession is now in a period that Rodriguez calls "newlaw," defined by qualitative and quantitative measures of accelerating legal change. Familiar strategies and techniques used to meet client and societal demands are being reinvented. What are the disruptors? What are the chaos creators? What are the sustainable (real) changes?

To address the urgent need for innovation, Rodriguez urged the legal profession to evaluate its internal assumptions (e.g., risk-averse, zero sum games, backward-looking industry) and its innovative disruptors (e.g., computing power, big data, technology). Only then can the profession understand the new expectations for lawyers and adequately address the skill sets lacking in law school and beyond.





## PARTICIPANT FEEDBACK

**165+**  
attendees  
completed  
the survey



Following *The Future Is Now*, the Commission emailed participants a “call to action” encouraging them to act on the topics discussed at the conference. The actions included exploring legal tech, fostering civil engagement, researching new tools to streamline processes and educating their communities about law and the legal system, among others.



To continue to improve our educational programming, the Commission’s email also included a post-event evaluation form. **Over 165 conference attendees** completed the form in the two months following the event. The information in the next two sections reflects the survey responses.





## OPINIONS ON THE FUTURE OF LEGAL SERVICES

The evaluation included several optional response questions. The following answers are most representative of the themes expressed by attendees. These questions were also asked in previous years.

### **If you could change one thing about how you deliver legal services, what would it be?**

1. Incorporate legal technology to automate and provide analytics on new client business development, client relationship management processes and internal workflows.
2. Implement technology to increase efficiency and collaboration with other legal professionals.

### **What is the primary obstacle (if any) preventing you from making the change you identified?**

1. Personal inertia, limited time and resources.
2. Bureaucracy and structural/organizational constraints. As one respondent stated, “process is a necessary evil. My hope over the next year is to simplify the process to the extent possible and to do more outreach and training to clients so that they understand the process and move things through to actual legal review more quickly.”

### **What are the most important issues facing the legal profession today?**

1. Addressing the access to justice gap by providing more affordable, high-quality representation and information/advice to those who need it.
2. Restoring public faith in the legal profession through addressing incivility and disrespectfulness in the workplace.



# TRENDS FROM THE CONFERENCE: 2016-2019

Participant feedback has evolved over the last four years. We say that somewhat cautiously, as feedback tends to be reflective of the speaker talks. In our inaugural year, conference feedback centered on the lack of time and resources available. In 2019, in addition to comments on a lack of access to resources and time constraints, we also received feedback suggesting our profession should leverage available technology and collaborate with professionals outside of the legal industry.

Conference attendees identified **data analytics, artificial intelligence and other innovative technologies** as having the ability to reshape the way the profession delivers legal services. Many attendees suggested that the use of these technologies will help the profession address the access to justice gap.

The conference feedback also focused on the **importance of civility and respect**. Attendees identified these two traits, as well as the profession's continued commitment to diversity and inclusion, as essential to preserving faith in the legal profession.





## MEDIA COVERAGE

The conference was featured in several legal publications, including the Chicago Daily Law Bulletin, Illinois Courts Connect, Chicago Lawyer, Illinois Lawyer Now, LexBlog and the Illinois Legal Aid Online blog. In addition, the CBA @theBar blog published interviews with Robin Steinberg, April Faith-Slaker, MJ Cartwright and David Douglass.

To ensure the reach of *The Future Is Now* extended beyond those in the room, the Commission posted key takeaways and relevant conference discussions live on social media. All conference mentions were tracked by monitoring **#TheFutureIsNow** hashtag on *Instagram*, *Facebook*, *Twitter* and *LinkedIn*.

USER ACTIONS  
BEFORE  
**1113**  
1115 in 2018

USER ACTIONS  
DURING  
**1755**  
1362 in 2018

**#TheFutureIsNow** was a top trending hashtag in Chicago on the day of the conference. The data above summarizes user actions across all platforms before and during *The Future Is Now*. As you'll see, there was significantly more engagement on the day of the conference in 2019 compared to 2018. The Commission saw the most *The Future Is Now*-focused engagement on *Twitter*, followed by *LinkedIn*, *Instagram* and then *Facebook*.