



THE
FUTURE
IS NOW
LEGAL SERVICES
2.018

2018 CONFERENCE REPORT





ABOUT THE CONFERENCE

To fulfill its mandate to encourage equity, effectiveness and efficiency in our legal and judicial systems, three years ago the Illinois Supreme Court Commission on Professionalism launched its first **The Future is Now** conference. The annual conference showcases forward-thinking speakers and topics focused on professionalism, technology, and the transforming legal profession in a format designed to foster learning, inspiration, and conversations that matter.

On **May 2, 2018**, the Commission held **The Future is Now: Legal Services 2.018** at **Venue Six10** in Chicago. We brought together lawyers, law students, and other legal professionals to discuss innovations in delivering legal services.

Speakers came from across the country and included lawyers, entrepreneurs, professors, and Chief Justice Lloyd A. Karmeier of the Illinois Supreme Court. Each presented on advancements readily available to the legal profession and how people in the profession can assist to shape the ongoing transformation.

The conference consisted of ten TED-like talks about changes occurring in the legal profession. After the completion of two talks, the two speakers sat down for a town hall discussion moderated by either the Commission's Executive Director, Jayne Reardon or Professionalism Counsel, Mark Palmer. There were **five town hall discussions**. During these discussions, conference attendees could text questions to the conference mobile app or pose questions from a microphone. As in prior years, the TED-like talk and town hall discussion format was preferred and enjoyed by participants.

Illinois attorneys could **earn up to 5 hours** of professional responsibility CLE credit. The Commission awarded **1,265 hours of professional responsibility CLE credit** to Illinois lawyers.

The conference was videotaped. TED-like talks were edited and posted on the Commission's website.



5 HOURS
CLE credit

1265
HOURS
awarded



AUDIENCE DEMOGRAPHICS

412
FUTURES
CONFERENCE
attendees

80
ILLINOIS
— CITIES —
represented

14
STATES
represented*

*IL, CA, FL, GA, IN, IA, MI, MN,
NC, OH, TX, VA, WA, WI

THE NEW NORMAL OF LEGAL SERVICES

How we deliver legal services is rapidly changing. Technology provides new ways of communicating, collaborating, and organizing our work, highlighting the shortcomings of the traditional model that still fails to meet the needs of a significant portion of society. Alternatives are available, fueled in large part by advancing technology. In addition, those without law degrees increasingly operate in the space that previously was the exclusive province of lawyers.

There's a new normal in our profession. To adapt and thrive, we need to think like true innovators. The more efficient delivery of legal services is a win-win for everyone – attorneys and clients alike. How we get there, together, was the topic of this critical industry conference.

DEFINING THE PATH

Experts presented a series of compelling talks about the future of the legal profession. Topics of discussion included:

- Employing and supervising data analytics tools in legal research
- Using automation to streamline law practice
- Leveraging technology to close the access to justice gap
- Tackling the legal profession's user interface problem, and
- Recruiting and retaining diverse talent.



OPENING REMARKS

Chief Justice Lloyd A. Karmeier opened The Future is Now Conference by welcoming all participants. He shared his excitement about how the conference would specifically address new ways to deliver legal services and better provide these services to the people of the state. Chief Justice Karmeier praised the attendance of judges, noting that educating the judiciary about the ways to provide court services is valuable to everyone and that the judicial branch also should evolve to better serve its users. As a positive example, Justice Karmeier pointed to a pilot program in the 22nd Judicial Circuit, called the Early Resolution Program, that assists self-represented parties seeking a divorce by aiming to shorten the time from filing to disposition.

Chief Justice Karmeier concluded his remarks with:

“The world has become complicated. But we also have more means, largely fueled by technology, to accomplish our work. I encourage you to stay engaged and have an enjoyable and productive day.”

CONFERENCE SPEAKERS



Nicole Black

Legal Technology Evangelist, MyCase
Practicing with the Machines

Will robots replace lawyers? According to Black, “Robots will not replace lawyers, but they will reduce the mundane aspects of practicing law.”

Passionate about the intersection of law and technology, Nicole Black reminded lawyers that they already use AI to automate their practice. Artificial Intelligence (AI) involves the creation of intelligent machines that work and act like humans. Programs like automated billing, to-do checklists, notifications, and document assembly all require AI.

Black advised legal practitioners to explore areas of AI that will handle the mundane and repetitive tasks many lawyers loathe. Legal research programs can help quickly find relevant information, contracts can be scanned to quickly identify issues, and data analytics software can analyze past conduct of parties and judges to predict an outcome of a case. Using this type of software frees up more attorney time for comprehensive analytical thought—the real reason many were attracted to the legal profession in the first place.

Black concluded her TED talk by encouraging conference attendees, **“Don’t fear the robot, automation is your friend!”**



Ed Walters

CEO, Fastcase
The Malpractice of Hunches: Data Analytics

Artificial intelligence technology is growing rapidly. Given the pace of these advancements, Ed Walters argued that we will soon have software that will tell us how to deliver legal services. For example, data can tell us the probability of a successful outcome to a case and the mean and median of a settlement offer based upon cases with similar facts. “These facts aren’t unknowable,” Walters said. “They are simply unknown.”

Walters posed the question, **“What ethical implications are there to use the data, and what implications do we face by not using the data?”** He spoke of the insurance implications. If the data tells us the case will not likely succeed, but our hunch says otherwise, what does our ethical code tell us to do? He cautioned, however, that algorithmic bias, or implicit bias in the software, can affect the outcome of the data and subsequent quality of representation.

As technology evolves, Walters argued that the legal profession has an obligation to advance the art of the practice of law. Ignoring the advancements and maintaining the status quo could have large ethical consequences.

Walters concluded, “In a world that changes, and changes fast, doing nothing could be the most ethically risky thing we could do.”



John Levi
Partner, Sidley Austin
 Equal Justice for All?

John Levi, Chair of the Legal Services Corporation (LSC), discussed the access to justice gap in the United States. The justice gap measures the unmet civil legal needs of low-income Americans. In 2017, 86% of low-income Americans received inadequate or no legal help.

In the United States, over 2 million people live at or beneath the federal poverty guidelines, qualifying for legal aid. However, legal aid is drastically underfunded. To illustrate the shortfall of money needed to fund legal aid organizations, Levi explained that funding for LSC is less than the amount of money Americans spend every year on Halloween costumes for their pets.

“The bottom line, far too many of our nation’s most vulnerable citizens are being left out of our civil justice system to fend for themselves or their families.”

LSC produces numerous programs to help close the justice gap, including a portal where low-income Americans may access effective legal assistance.

Levi concluded his discussion on LSC’s efforts by stating, “Future generations of Americans and citizens of this great state are counting on all of us. We have no choice but to succeed in this effort.”



Kristen Sondag
COO, Paladin
 The Changing Face of Legal Entrepreneurship

According to tech entrepreneur Kristen Sondag, one way to narrow the access to justice gap is to involve minorities as entrepreneurs. Sondag argued that those who are disproportionately represented in the access to justice gap have the ability and lived experience to close this gap.

To support her conclusion, Sondag unveiled her research findings about minority representation among legal tech companies. Of 478 founders representing 269 legal tech companies, only 14% were women. When considering race, only 2% were Black and 3% Latinx, whereas 73% were White. Of those companies specifically working on access to justice issues, 24% were black or Latinx, 12% were women, and 44% in total were considered diverse. However, an extremely small minority of legal tech companies were working on access to justice issues; in fact, Sondag found that only 4% were working on access to justice or immigration issues.

Sondag had three suggestions for action:

- Get into the communities for which you are developing technology solutions,**
- Co-develop with those who can benefit, and**
- Donate your time, advice and knowledge to assist in their efforts.**

Finally, she urged, “If technology isn’t your thing, do more pro-bono. If every person in this room took on one more pro-bono case this year, we could help 400 additional people in the state of Illinois.”



Daniel Linna Jr.

Professor of Law and Director of LegalRnD, the Center for Legal Services Innovation at Michigan State University College of Law
Measuring Innovation to Improve Legal Services Delivery

In order to spur innovation, Daniel Linna developed a cataloging system that identifies law firms and schools that are innovating and adopting technology.

After searching nearly 260 law firm websites, both national and international, he found the United Kingdom is innovating more than the U.S. in three categories: consulting, products, and services. According to the data, all areas of law were innovating, but e-discovery is experiencing the most significant gains.

To measure innovation, Linna identified innovation indicators by Google searching the following innovation terms located on firms' websites: Alternative Fees, Project Management, Process Improvement, Data Analytics, Artificial Intelligence, and Proactive Law. The results showed analytics, project management, and artificial intelligence as the leading innovation areas in the legal profession. He applied the same methodology to measuring innovation in law schools, and invited participants to contact him in the event their own firm's or school's innovation project is not listed.

Linna emphasized, **"I hope this information will be used to drive conversations surrounding the things we should be doing in our practice to help move our practice forward."**



Nicole Bradick

CEO, Theory and Principal
Law's Interface Problem

Nicole Bradick had one clear message to deliver to the conference attendees: interface is everything. She indicated that while software development and functionality can be complicated, ensuring that people who need the software use it, once it is established, is the most difficult part of the process.

A user interface is the part of the application that the user interacts with. It is all the parts that the user sees and the method by which they navigate through the application. Bradick showed examples of bad interfaces that frustrate users (and that entertained participants). In contrast, she cited three elements of a successful interface:

1. **Get the user through the funnel,**
2. **Build trust, and**
3. **Do not cause unnecessary frustration.**

The frustration is what Bradick believes must be addressed. She told the room, "We're doing a bad job. It doesn't matter what your value is if your features are this challenging."

Bradick noted that people expect to interact with the legal system the way they do in every other aspect of their lives: in large part through the internet. She told participants to consider what users encounter when they attempt to access a lawyer or legal organization. Minor interface changes can make the difference between people engaging with the legal system, and avoiding it.



Thomas Hamilton

VP Strategy and Operations, ROSS Intelligence

Artificial Intelligence: Reimagining the Future of Law

Thomas Hamilton emphasized that a significant amount of time and effort have been spent researching artificial intelligence. Some of the latest technologies being developed in the legal industry include machine learning, speech recognition, visual recognition, and natural language processing.

Hamilton defined the terms. Machine learning is the capacity for a software system to learn how to do things that it was not explicitly instructed to do. Speech recognition is the ability of an artificial intelligence system to hear verbal communication we give it and to perform specific actions based upon the commands. Visual recognition is the ability for a system to interpret visual signals in the world around it. And natural language processing provides the ability for us to communicate with the system and the system to return data as a human would.

From Hamilton's perspective, we are moving away from searching by entering keyed words and beginning to use the systems above to provide more fluid and practical applications for practicing the law.

He embraced the change, concluding, **"Artificial Intelligence will not create robot lawyers; it is here to empower us."**



Susan Nevelow Mart

Associate Professor and Law Library Director, University of Colorado Law School in Boulder

The Algorithm as a Human Artifact: Implications for The Duty of Competent Representation

Susan Nevelow Mart reminded participants that the ethical duty of competent representation includes, in most states, the duty to keep abreast of changes in the law, including the benefits and risks of relevant technology. A common technology lawyers need to understand is researching internet databases which, in turn, implicates algorithms.

She went on to explain how algorithms are created and that they necessarily contain determinations by the engineers coding the system about how terms are classified and prioritized. In typing words into a search box, lawyers likely are unaware that the work going on in the background is an algorithm. An algorithm, Mart explained, inherently includes someone's point of view about what is happening in a database.

Mart reported on a study she conducted using the same search terms in six different legal research databases to compare the result returned. The results varied widely. When comparing the two largest databases, Westlaw and Lexis Nexis, 72% of the cases were unique to each database with only a 28% overlap.

Mart emphasized that **lawyers need to be aware that algorithms were created by humans and made with their own matrix of assumptions, biases, and enhancements which can lead to unique results.**



Jane DiRenzo Pigott

Managing Director, R3 Group LLC

Future of Talent: Retaining Diverse Attorneys

Jane DiRenzo Pigott explained that law firms tend to define diversity broadly, so much so, that everyone in the organization contributes to the diverse workforce. In contrast, she said diversity is measured by clients in three ways: gender, race and ethnicity, and sexual orientation.

Pigott explained that there is a problem retaining diverse talent because it is risky to invest across difference. And lawyers are risk-averse.

Pigott focused on **three ways that individuals can make a difference in the diversity equation: mentoring, constructive feedback and social capital**. Mentoring gives the mentee access to the unspoken rules of the organization and a clearer view of how they are being perceived. Constructive feedback includes downward, sideways and up. Social capital refers to the trust relationships that allow someone to be given the benefit of the doubt. Research shows that in terms of promotion, who you know is more important than your substantive legal knowledge.

According to the 2017 NALP Report on Diversity, minorities accounted for 8.4% of partners in the nation's major firms. Women account for 22.7%. Further, 84% of the partners in law firms were male, 93% of the partners were white, and 99% of the partners in law firms were straight. We need to find a way to hold ourselves accountable for changed behavior.

Pigott said that if we don't change what we are doing, diversity will be on the agenda as a "future law" topic ten years from now.



Toussaint Romain

District Attorney Candidate, Macklenburg County

Serving Our Client and Healing the System

Toussaint Romain provided an animated summary as the last speaker of the day. He painted an analogy of the conundrum facing lawyers and the legal profession by talking about the great fire of Boston in 1872 that decimated the city and the subsequent rebuilding of the city with shovels full of dirt.

Toussaint Romain urged the participants not to just look for answers but to be the answer to the challenges facing the legal industry. He extolled those in the audience to lead. Rather than focusing on the noun "leader," act as the first four letters of the word: lead.

He asked the participants to reflect back on the personal statement they wrote for law school admission. Why did you want to become a lawyer? Charles Hamilton Houston said lawyers are meant to be social engineers fixing the community or otherwise they are just parasites living off society. He told the audience that lawyers have the tools to both serve our clients and heal the system.

He relayed a conversation, and constant life-lesson, between him and his grandmother. He would tell her that "I can't" and his grandmother would reply, **"How do you move mountains? One pebble at a time."**

Romain reflected on the challenges facing the legal profession by saying, "Mountains might seem really big, but you can move them – pebble by pebble."

PARTICIPANT FEEDBACK

250+
attendees
completed
the survey



As soon as the conference ended, the Commission emailed every participant a “call to action” that encouraged them to take small, but necessary, steps to implement the changes discussed at the conference.



The following day, the Commission emailed the participants a post-event evaluation form to complete. **Over 250 conference attendees completed the form.** The information in the next two sections reflects the responses collected from that survey.



SPEAKERS EVALUATION

The speakers' talks were rated as outstanding by participants. Participants were asked to rate the following statement for each speaker: **"This talk was engaging and informative."** The percentages below indicate those who chose either **"agree"** or **"strongly agree."**

93%

Nicole Black

96%

Ed Walters

88%

John Levi

89%

Kristen Sondag

95%

Ed Daniel
Linna Jr

98%

Nicole Bradick

96%

Thomas Hamilton

96%

Susan
Nevelow Mart

94%

Jane Drenzo
Pigott

98%

Toussaint
Romain





OPINIONS ON THE FUTURE OF LEGAL SERVICES

The evaluation included several optional free response questions. The following answers are most representative of the themes expressed by practitioners at the 2018 conference.

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

1. Extend the mandate of legal paraprofessionals to help the access to justice gap.
2. Revise court proceedings to better accommodate consumers. As one participant explained, “I think it would be interesting to establish a limited representation status for lawyers to represent clients for consumer law-focused hearings at the courthouse. For example, many people do not have attorneys for evictions, debt collections and other more minor things. If the hearings were all on the same day, a lawyer could have a practice catering to those individuals and make the proceedings smoother.”

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

1. Both investment dollars, and the same difficulty everyone has – the change-averse nature of our most influential members of the practice.
2. Time and resources to try creative alternatives.

What are the most important issues for task forces on the future of legal profession to consider?

1. Consider the role of ethics rules in helping or contributing to justice gap.
2. Ways to expand the availability of legal services to the unserved and underserved, starting with breaking through the barriers maintained by so many lawyers fearful of impact on their livelihoods.

TRENDS FROM THE CONFERENCE 2016-2018

Over the last three years, participant feedback has evolved. In our inaugural year, conference feedback focused on the lack of time and resources available. In 2018, while we did see comments regarding lack of access to resources, we also saw feedback indicating that **our profession must make the best use of the resources we already have**, including leveraging all of those involved in the legal profession and paraprofessionals.

Conference attendees also seem to increasingly call for a **new structure, new ideas, and creative methods** for delivering legal services and solving concerns from practitioners and clients alike.





MEDIA COVERAGE

The Conference was featured in several legal publications, including: the *Chicago Daily Law Bulletin*, the *Appellate Lawyers' Association newsletter*, the *LawSites blog*, *ABA for Law Students Before the Bar blog*, the *Illinois Courts Connect newsletter*, and the *CBA Record*.

To ensure The Future Is Now: Legal Services 2018 continues to inspire and challenge lawyers who may not be able to physically attend the conference, the Commission on Professionalism leveraged social media to promote and inform. All conference mentions were tracked by monitoring [#TheFutureIsNow](#) hashtag on *Instagram*, *Facebook*, *Twitter*, *LinkedIn*, and *Google+*.

[#TheFutureIsNow](#) was the top trending hashtag throughout the course of the day in Chicago. Below you will find a summary of the number of user actions over all the platforms *before*, *during*, and *after* the conference.

1115
BEFORE

1362
DAY OF

1276
AFTER

The day of the event saw many people monitoring the conference content via social media. In addition, because the Commission received inquiries about live streaming the event to more distant parts of the state, we will explore that avenue for the 2019 conference.