

FROM THE CHAIR

INTRODUCTION

THE FLIP REPORT 2017

It is no understatement to say that the legal profession in New South Wales and, for that matter, across Australia is undergoing change at a pace never experienced and in ways most lawyers would have found hard to predict at the beginning of the 21st century.

There is no shortage of commentators on the future of lawyers and on what seems like a tidal wave of innovation and change washing through the legal profession. Lawyers together with regulators, professional bodies and universities are all rising to meet the demands and challenges that come with such rapid transformation.

It was against this backdrop that The Law Society of New South Wales established the Future Committee in 2016 and, in turn, the Future of Law and Innovation in the Profession (flip) Commission of Inquiry to better understand the changes taking place in and around the legal profession and to provide the profession with recommendations that will enable lawyers to better accommodate new concepts and ideas, and adapt to changes that are taking place and will inevitably continue to do so. To the extent possible, the report also looks over the horizon in an effort to gauge what might lie ahead.

This report essentially draws on the testimony of 103 witnesses who gave evidence at the Inquiry, and on a number of separate interviews and written submissions. The report also has the benefit of receiving input from the members of the Future Committee who were specifically asked to join the Committee because of their experience and expertise. Most are lawyers. Some work inhouse with corporations or government while others are in private practice or in the legal assistance sector. The Committee also includes a legal academic, a senior court official and a technology expert.

The flip Inquiry and therefore the findings and recommendations in this report focussed on clients' needs and expectations, technology, the new ways the profession is working, legal education, the community's needs including courts and funding, diversity, managing change, globalisation and regulation. These specific areas were seen as being affected the most by change and innovation or where the greatest impact on the practice of law was being felt.

In the time available it was not possible to inquire into other areas such as criminal law practice and governments as drivers of change. That is a task for the future.

An evaluation of the evidence given to the Inquiry and also a considerable amount of the available literature has produced 12 key findings and 19 recommendations that are set out in the report.

Without wishing to detract from the importance of the other specific findings, it is worth noting that the Inquiry found (perhaps not unsurprisingly) that:

- clients seeking greater value for legal services and increased competition amongst lawyers are fuelling change, as is the increasing use of technology
- change has also brought with it new ethical and regulatory issues
- there is an increased awareness that future law graduates need to be equipped with new skills to meet the current and future demands of the profession and
- the wellbeing and mental health of our lawyers needs to be safeguarded by appropriately supporting them through the process of change.

Predicting what lies ahead for the legal profession is problematic. Suffice it to say that change and innovation will continue but at what pace and with what impact only time will tell. The Committee envisages that the Society will have a key part to play in being well informed of and being a thought leader on change and innovation. It is with this role in mind that one of the key recommendations in the report is the establishment by the Society of a centre for legal innovation projects. It is envisaged that the centre's remit will be to undertake projects that include facilitating innovation in legal technology, providing guidance for the profession on the legal technology market, ethics, regulation, continuing professional development, and fostering partnerships to facilitate legal assistance for those most in need.

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Other recommendations that come out of the findings include supporting lawyers through the dissemination of information on topics such as new ways of working, the use of technology to improve work practices, wellbeing and the ethical and regulatory issues that come with change.

The work of the Committee, the flip Inquiry and the preparation of this report have involved many people and I would like to acknowledge them and their contributions.

The members of the Future Committee are Pauline Wright (Deputy Chair and 2017 Law Society President), Lana Nadj, Claire Bibby, Darryl Browne, Chris D'Aeth, Justin Dowd, Elizabeth Espinosa, Jane Glowrey, Katie Hocking, Roshan Kumaragamage, Michael Legg, David Porter, Edward Santow, Ben Stack, Jodie Thurgood, Michael Tidball, Juliana Warner and Elias Yamine. They each brought to this project a set of skills, knowledge and expertise and I thank them most sincerely for investing the time in attending committee meetings and flip hearings, and for their constructive comments and recommendations in the preparation of this report.

I especially want to acknowledge the outstanding contribution Lana Nadj has made to this project. Her energy, enthusiasm, organisational skills and dedication have been critical to the success of this project and have kept the Future Committee and flip Inquiry squarely focussed at all times. This report is testimony to her ability, intellect and tireless work.

An examination of the future of the legal services in New South Wales began as a kernel of an idea floated in 2015 with Michael Tidball, Chief Executive Officer of the Law Society. His recognition of the importance of a project such as this and the support he gave to it throughout reflects his great vision for the Society and understanding of the legal profession.

The flip Inquiry witnesses came from diverse backgrounds but all had a connection with the legal profession. I want thank each of them for taking the time to give evidence and in doing so make valuable contributions to the work of flip and to this report. I also wish to thank those who provided written submissions or who were separately interviewed.

I also want to thank the 2016 Law Society Councillors for believing in this project and agreeing to the establishment of the Future Committee and the flip Inquiry.

Last but by no means least I want to acknowledge the people who worked behind the scenes during the course of this project. They are Max Soo, Law Society IT Applications Support Analyst, who made sure that audio and remote connections worked smoothly; Richard King of King Creatives who filmed and edited quickly and expertly; Alan Parnell, UTS final year law student and flip Project Assistant; Lisa Whyte, Communications and Marketing Coordinator; Liane Pentecost and Michelle Westlund who supported the project in its early stages; Digital Marketing Strategist, Alexandre Lacoste, who created and maintained the website; Andrew Raubinger who designed the flip logo and overall branding, and Alys Martin, the inspired graphic designer responsible for this report.

The purpose of this report is to shed light on the changes that are taking place within our profession, how it is adapting to those changes, and to make recommendations on the way forward. The implementation of those recommendations represents the start of the next chapter on the future of law and innovation in our profession.

GARY ULMAN
Chair, Future Committee