

Future Ready Report

Queensland Sole, Micro, Small and Medium Law Firm Capability to Meet Disruption: COVID–19, Technology and Intergenerational Change

Final Report
March 2023

An abstract graphic on the left side of the page, composed of various blue and dark blue shapes, including circles, rectangles, and stylized human figures, creating a modern, geometric background.

Authors

Professor Caroline Hart,
University of Southern Queensland

Dr Aaron Timoshanko,
Senior Lecturer,
University of Southern Queensland

Associate Professor
Francesca Bartlett,
The University of Queensland

Mr Angus Murray,
UniSQ Adjunct Lecturer, Co-Founder/Director,
The Legal Forecast and Member,
QLS Innovation Committee

Ms Andrea Perry-Petersen,
Consultant Reimagining Justice
Member, QLS Innovation Committee

ACKNOWLEDGEMENTS

The Future Ready Research has benefited enormously from the generous contributions of the Queensland legal profession. Legal practitioners from across Queensland have shared their insights and wisdom about their current experiences in practice and their views on the future of the profession. We thank all the respondents for their time and effort in completing what was an extensive survey. Due to the ethical requirements, all respondents must remain non-identifiable.

On behalf of The Future Ready Research Team we also want to acknowledge Queensland Law Society's Chief Executive Officer, Mr Rolf Moses, who commissioned this important research. Working collaboratively with the Queensland Law Society (QLS) and Queensland legal profession through this research has been a privilege.

We want to express our special thanks to Mr Matt Dunn, QLS General Manager, Advocacy, Guidance and Governance, who has provided support and guidance throughout the research. In particular, Mr Dunn has facilitated our liaison with various QLS Committees and QLS staff.

We thank the QLS Innovation Committee, especially their Chair, Ms Terri Mottershead, the QLS Future Leaders Committee, and Immediate Past President of that Committee, Mr Matt Hollings; and the QLS Litigation Rules Committee and Chair of that Committee, Mr Andrew Shute. The support from the QLS Committees was extensive and showcased the depth of commitment and expertise provided in services of the Queensland legal profession. The Committees were part of the consultation processes to help shape the Future Ready Survey. They were also involved in promoting the Future Ready Survey, via their own networks, and through the UniSQ *Future Ready Regional + Rural Legal Conference*, Toowoomba.

Thank you to Dr Jasmine Thomas (UniSQ), Mr Aidan Parsons, Mr David Colombo, Mr Matthew Russell, Mr Andrew Johnson (UniSQ), Ms Erin Byles, Dr Katie Murray (UniSQ), Ms Leanne Mathewson, Ms Jessica Goldie, Mr Jai Warner, Mr Peter Chappel, Mr Bill Munro, Ms Joanne van der Plaats and Mr Mark Fenlon, for support with the UniSQ Future Ready Regional and Rural Legal Conference. The list of contributions to this conference are noted at Appendix 4. Thank you also to Mr Mark Byrne.

Thank you to Ms Louise Corrigan for her expertise with the promotion of the Future Ready Survey, and Mr John Teerds, for his editorial guidance with *Proctor* publications. Thank you to QLS legal staff, Mr Shane Budden and Ms Grace van Baarle, for their insights on impacts of COVID-19 on the legal profession. Thank you to Mr Stafford Shepherd, UniSQ Adjunct Professor and Legal Practitioner/ Director QLS Ethics Centre. Thank you to QLS corporate communications officer, Ms Alisa Wortley, for guidance on design.

Thank you to Mr Mark Ebenestelli, Owner and Mr Andrew Groves, Senior Graphic Designer, dms CREATIVE, for expertise providing graphic design assistance.

Professor Caroline Hart
20 March 2023



FOREWORD FROM THE CHIEF EXECUTIVE OFFICER, QUEENSLAND LAW SOCIETY, MR ROLF MOSES

The Queensland legal profession has experienced enormous change in recent years, most of which has been without warning. No doubt, there will be more challenges impacting the profession and the way legal practitioners manage their practices into the future.

How then will Queensland law firms successfully navigate these challenges and become future proof?

With this question in mind, the Queensland Law Society commissioned the University of Southern Queensland in collaboration with the University of Queensland to investigate the approaches and practices already being employed by Queensland law firms successfully navigating change and challenges, as well as strategies that may be employed to best prepare for potential forms of future disruption. The scope of the Future Ready Research also covered what measures or supports could be provided to assist law firms to manage disruption.

The Future Ready Research included an in-depth survey covering impacts of technology, COVID-19 and intergenerational change. The response from the Queensland legal profession has been impressive, with close to 500 practitioners participating in the Future Ready Survey. It has been important for the legal profession to participate in the Future Ready Research, and this has been rewarding. The Queensland Law Society value and appreciate your engagement.

Hearing directly from you about **your** experiences, struggles, insights and concerns is the best way that we can work to shape the future of the legal profession together. 2020 is proof that the profession can respond to challenges under pressure. But think how much more effectively our responses will be if we have time to plan and resource to achieve future adaptation.

I thank, in particular, the research team lead by Professor Caroline Hart, along with Dr Aaron Timoshanko, Associate Professor Francesca Bartlett, Mr Angus Murray, and Ms Andrea Perry-Petersen, for their professionalism and dedication to this project.

Our hope is that the outcomes of the Future Ready Report contribute to the health, sustainability and performance of the legal practise in Queensland.

Overview of the report

Part 1

INTRODUCTION + EXECUTIVE SUMMARY (PAGES 7 – 13)

Part 1 provides the Executive Summary, findings and recommendations. The six questions framed by QLS are the foundation for this research and form the structure of the Executive Summary and larger report.

Part 2

THE METHODOLOGY OF THE RESEARCH (PAGES 14 – 17)

Part 2 explains the rigorous methodology of the research including the research design, the Future Ready Survey instrument (development and promotion), and response rates.

Part 3

DEMOGRAPHICS OF THE RESPONDENTS (PAGES 18 – 25)

Part 3 provides the demographics of the respondents including location, law firm size and type, age, gender and role in the law firm. The participant demographics are contextualised within available Queensland and national data.

Part 4

THE LANDSCAPE OF THE LEGAL PROFESSION (PAGES 26 – 39)

Part 4 provides an overview of the current practice landscape of the legal profession.

Part 4 provides a definition of ‘disruption’, as well as clarifying the technologies known as LawTech, the rise of NewLaw firms, emerging case law on technology, COVID–19 disruption and intergenerational change.

Importantly Part 4 provides the regulatory framework for the delivery of legal services in Queensland under the *Legal Profession Act 2007* (Qld), including evidence of the legal profession’s ability to adapt to competition through innovative alternate business structures.

Part 4 provides a context for understanding the data produced in the Future Ready Survey and the basis for the findings and recommendations detailed in Part 5.

Part 5

FINDINGS AND OUTCOMES ADDRESSING THE SIX QUESTIONS (PAGES 40 – 128)

Part 5 presents the substance of the Future Ready Report focusing on the Future Ready Survey data and findings to directly address the six research questions.

Part 5 provides the baseline on law firm capability, and barriers to practice. It also covers approaches and practices law firms are taking to build capability, as well as additional measures they can take to build capability.

Part 5 addresses key performance indicators.

Part 6

CONCLUSIONS, RECOMMENDATIONS AND THE FUTURE (pages 129 – 132)

Part 6 draws conclusions on law firm capability to meet disruption and provides a summary of recommendations. It also identifies key issues for the future.

Appendices

Appendix 1

Bibliography

Appendix 2

Comparative Analysis of Law Society Websites of Other Common Law Countries

Appendix 3

Consultation + Future Ready Survey Promotion Campaign

Appendix 4

UniSQ Future Ready Regional + Rural Legal Conference, 29 September 2022 Toowoomba

Appendix 5

List of Graphs

Appendix 6

Research Team

INTRODUCTION + EXECUTIVE SUMMARY

A. Introduction

The Future Ready Research, commissioned by the QLS in 2021, is unique in Australia, with its in-depth investigation into sole, micro, small and medium Queensland law firm capability to deal with disruption. The research was carried out during an unprecedented global pandemic that resulted in profound change for the profession with a legacy yet to be fully determined.

The Future Ready Survey involved the participation of 484 members of the profession (both employers and employees) generously responding to more than 80 questions covering impacts from COVID-19, technology and intergenerational change.

The UniSQ *Future Ready Regional + Rural Legal Conference* (29 September, Toowoomba Queensland) built on the momentum of the Survey, providing a platform for more than 25 speakers including managing partners, junior lawyers, members of various QLS Committees, as well as technology and business consultants, speaking from their positions of expertise to the subject matter and context of the Future Ready Research.

The depth and breadth of engagement from the Queensland legal profession should give Queensland Law Society confidence in their ability to use the findings and recommendations to ground the planning and direction of the profession.

B. Queensland Law Society Commissioned University Research

In February 2021, QLS commissioned the University of Southern Queensland to lead research into 'Queensland Law Firm Capability to Meet Disruption'.

Consideration of the research by the QLS was prior to COVID-19 and triggered by other sources of potential disruption, including uses of technology in the legal profession. The research was ultimately commissioned to investigate '*Disruption from COVID-19, Technology and Intergenerational Change in Sole, Micro, Small and Medium Law Firms*'.¹ The research was badged, by QLS's CEO, Mr Rolf Moses, in its promotion as '*Future Ready*'.

The research emphasizes the importance of law firms' capability to meet disruption, not just impacts of the COVID-19 pandemic. There have been and will be other external disruptors, for example, floods, fires, and rapid advances in technology. There will also continue to be internal disruptors to practice such as the impacts of intergenerational change, practitioner ill-health, and a failure to plan for growth and change within the practice.

The research provides a snapshot of law firm capability that has relevance for current and future disruptions. These insights, and the recommendations contained in this Report, will be relevant to these and other sources of disruption. The research will contribute to QLS achieving its strategic plan to assist solicitors to thrive and successfully adapt to disruption. The Future Ready Report also provides guidance on how the QLS can pursue its strategy, to enhance its engagement with and educational initiatives for its members and attract new membership.²

C. The scope of the research

The research has been led by the University of Southern Queensland in collaboration with The University of Queensland, and two members of the QLS Innovation Committee. The Future Ready Report provides information from this research including the results of a survey of Queensland practitioners. The detailed Future Ready Survey was made available to lawyers in sole, micro, small and

¹ For the purposes of the Research Project, sole firms are law firms with 1 principal practising certificate; micro firms have 2–5 practising certificates, small firms have 6–19 practising certificates and medium firms have 20–49 practising certificates.

² Queensland Law Society, 'Our Strategic Plan FY 21/22–FY 24/25', *Strategic plan and annual reports* (Web Page, 2023) <<https://www.qls.com.au/About-us/Governance/Strategic-plan-and-annual-reports>>.

medium law firms across Queensland. The Future Ready Survey was available from December 2021 until October 2022. There were 484 Future Ready Survey respondents.³ The response rate consisted of 207 fully complete responses and 277 partially complete responses. As predicted in the initial research proposal, the Future Ready Survey results represent an expected response rate of around 3 – 5% for research conducted with this community. This is a healthy result particularly where the Future Ready Survey instrument required a considerable time commitment.

This Future Ready Report includes analysis of the dataset of Future Ready Survey responses, considered in the light of the latest scholarship concerning legal practice, and other baseline data supplied by the QLS and from national demographic sources. By contextualising the original data produced by the research team, the Future Ready Report provides a picture of the current landscape of the legal profession and a basis to make recommendations for ways to support and encourage innovation and resilience in the profession.

Scope of the Future Ready Research Answering Six Questions as Requested by QLS

The scope of the research focused on answering the following six questions, as requested by QLS. These six questions are at the core of the research and form the basis of the structure of the Future Ready Report:

1. What is the **baseline** of Queensland law firm's capability to meet disruption?
2. What are the **barriers** to managing disruption for Queensland law firms?
3. What are the **approaches and practices** already being employed by Queensland law firms successfully navigating disruption?
4. What are the **approaches and practices** Queensland law firms can employ to best navigate the challenges of disruption?
5. What **key performance indicators** can QLS use to measure law firm capability in managing disruption?
6. What **measure or supports** could be provided by QLS to assist law firms to manage disruption?

Each of these questions are answered in Part 5 of the Final Report. There is some overlap in answering each question where the results identified relationships between the questions.

The target outcomes of this research are:

- Benchmarking current appetite and capability for innovation including the adoption of technology.
- Mapping areas of need for the providers of quality legal services across the Queensland (solo, micro, small and medium sized law firms) legal profession.
- Benchmarking law practice management knowledge, skills and practices.
- Providing data and recommendations to assist the Queensland legal profession to be better positioned to identify and adapt to changing professional circumstances and demands.

Part 6 provides recommendations relating to the answers to each of these six questions.

³ For comparison with similar research conducted by the Law Society of New South Wales, *The Future of Law and Innovation in the Profession* (Commission of Inquiry, Law Society of New South Wales, 2017) <<https://www.lawsociety.com.au/sites/default/files/2018-03/1272952.pdf>> ('FLIP Report') applied the following research approach: The commission of inquiry heard from more than 100 individuals on eight different topics in commission sessions, a further 10 individuals from various sectors of the profession, the Law Society's Regional Presidents; and the Law Society's Legal Technology Committee.

D. Summary of Findings

The Landscape of the Legal Profession

Unquestionably there are shifts in the landscape in which the Queensland legal profession practices. The Future Ready Report demystifies the misinformation and confusion that is currently serving to distract from the real business of identifying how the 'disruptions' can be leveraged by a legal profession that is 'match fit' and capable of adapting to take advantage of a new landscape.

Importantly this landscape (for the Australian legal profession) also includes the innovative alternate business structures of incorporated legal practice and multidisciplinary partnerships, both of which were established in a climate of concern about the Australian legal profession's capability to meet threats and opportunities resulting from the rise of global competitiveness. Other common law countries have looked with envy at Australia's approach to creating these innovative business structures.

The Queensland legal profession can benefit from the experiences of other law societies across the globe, for example, by collaboratively designing a 'Road Map' to navigate the future and so, adapt and deal with a dynamic landscape.

Perhaps the greatest lesson learned from COVID-19, is that every threat contains opportunity. It just depends on the mindset to perceive the opportunity, coupled with the capabilities to adapt and take competitive advantage of the threat.

Participation extended across Greater Brisbane, southeast and southwestern Queensland, rural and regional Queensland. The average age of respondents was older than the rest of the profession. The gender of respondents mirrored that of the Queensland profession. There was high representation of managing principals and principals. Early career lawyers represented only a small group of the respondents. Incorporated legal practices dominated as the preferred governance structure, which is consistent with the Legal Services Commission dataset.

Question 1: The Baseline

The baseline for respondents' general perceptions about legal practice was overall positive. Practices generally coped well during COVID-19; respondents were reasonably confident about future challenges; and most respondents were not considering a career change.

At around 85%, most law firms are using technology for word processing, practice management software and accessing free law databases. Most practices have antivirus software but not dedicated cybersecurity software. Respondents reported a mid-range use of PEXA (54.96%). Newer, less conventional technologies are less frequently used, for example document assembly and e-Discovery. Blockchain, chatbots and predictive analytics were rarely used. ChatGPT was not included in the choices of technology.

Question 2: Barriers

The internet was not a barrier to law firms. Respondents expressed greater concern about the quality of the support received from their internet service provider, rather than concerns about speed, reliability or cost of the internet.

The most significant barriers to practice are workload pressures, information overload, skills linked to pricing/estimating costs and tasks associated with operating a business.

Respondents stated that technology was an enabler to navigate not just COVID-19 but also other potential barriers to practice, including distance and floods. Technology and collegiately were identified as providing the greatest assistance to navigate the challenges of COVID-19.

Employers were more confident in dealing with external threats than internal ones, despite having greater control over internal threats. **There may be a hidden barrier to a law firm's capability to meet disruption** if principals fail to take responsibility for identifying threats or barriers on the horizon.

Question 3: Current Best Approaches and Practices Being Employed by Law Firms to Navigate Disruption

Most respondents practice in ILPs with the requirement of putting in place and maintaining appropriate management systems ('AMS'). The AMS are directly aligned with the approaches and practices law firms can employ to best navigate the challenges of disruption if they implement the AMS thoroughly and in combination with innovative technologies.

Law firms of all sizes are using practice management software. However, many are not actively using client facing functionality, including client portals and client relationship management ('CRM') functions. Sole practitioners use these functions the least. There was a high percentage of computer use for emails, document creation and administrative activities, such as scheduling appointments.

Partners and directors are chiefly responsible for developing a technology strategy, with administrative staff also highly represented. This may be due to current technologies focusing on the business needs of the firm (e.g. billing functionality), rather than more sophisticated technologies aimed at improving productivity. This suggests there is room to expand the strategic management of firms' technology strategy.

Question 4: Building Law Firm Capability

A key finding of the Future Ready Survey was that improved strategic and business planning can build capabilities to deal with internal threats in firms. The Future Ready Survey revealed gaps in employers' (principals') understanding of their role in this important activity. Many lawyers can foster a client-centric approach to their practice by making better use of the client-facing functionality they already have in their practice management software and through their firm's website. Respondents want to develop improved skills to better evaluate technologies in terms of selection, investment and use.

The use of technology is not always improving how Queensland lawyers spend their time. The Future Ready Survey results indicate that the increased use of technology within firms does not necessarily increase time spent providing either legal advice or engaging in strategic planning. Instead, a significant amount of time is still spent using technology for administrative tasks.

Respondents rated employed and trainee solicitors as only 'moderately competent' in their use of technology. This seems contrary (if we assume that junior lawyers are also younger lawyers) to the widely held perception that the younger demographic is highly competent across all forms of technology.

Drivers impacting intergenerational change include changing values of young professionals, an aging workforce and impacts of technology. Respondents under 35 are less likely to be a mentee or a mentor suggesting that younger lawyers are unsure or unconvinced about the value of mentorship, or that there is little opportunity to access this relationship in their professional life.

Potentially, there may be post COVID-19 impacts not being recognised, including burn out resulting in a reduction in willingness to commit to 'service' aspects including mentoring and networking.

There is an over-confidence in dealing with cybersecurity that is not necessarily supported by their use of dedicated cybersecurity software and other measures. Other law associations have identified increased cybersecurity threats as an issue post-COVID-19.

Question 5: Key Performance Indicators

Key performance indicators ('KPI's') were identified to enhance monitoring the success (or failure) of the actions of stakeholders involved in building law firm capability. The KPI's relate to business planning activities and easily achievable risk management initiatives.

Question 6: QLS Support

There is an opportunity for QLS to provide further ongoing education and advice on the use of technologies and practice management software to build capability among Queensland law firms. QLS is viewed as a trusted advisor, educator and source of reliable and independent information. Most respondents do not report having this level of connection with other professional bodies.

E. Summary of Recommendations

The following recommendations are made based on the findings from the Future Ready Research.

- QLS use select questions from the Future Ready Survey, especially those questions creating the baseline, as an **Annual Sole, Micro, Small, Medium ('SMSM') Law Firm Health Check** to gauge law firm capability within the Queensland legal profession. There is also a legacy from COVID-19 not yet fully identified, including possible impacts on mental health and cybersecurity that should be tracked.
- **QLS enhance and expand the QLS Continuing Legal Education Program to include:**
 - Practice Management Course Refresher (post 5 years principal practising certificate) to assist legal practitioners/directors in gaining greater insights into the benefits of the Appropriate Management Systems.
 - Training on risk management, including disasters such as floods.
 - Training on the evaluation and selection of technology.
 - Training on the use of more sophisticated technologies including e-discovery.
 - Training on the use of client-facing technologies to further build the client/solicitor relationship including client portals, client relationship management software and interactive websites.
 - Training on more sophisticated use of cybersecurity technologies.

Micro-credentialing opportunities for lawyers will provide recognition of their investment in building capability and expertise.

- **QLS to engage with professional and consultancy services expertise across topics including innovative use of technologies**, that will offer SMSM increased capability to deal with challenges. Greater awareness of these services, through the trusted source of QLS is likely to increase the uptake of this expertise. The approach is a 'trickle down' effect of services and expertise offered in-house for large law firms, adapted for SMSM law firms as consultancy services.
- **QLS to benchmark the QLS website across comparable websites for best practice.** QLS to include information and resources on building law firm capability to deal with impacts of technology, intergenerational change and other challenges on their website in a 'members only' section.
- **QLS to initiate and lead the collaborative development of a *Future Ready Road Map 2030*** to navigate the future for the Queensland legal profession.
- **QLS continue to consult with the QLS Future Leaders Committee** on all aspects of the Future Ready Report to encourage and enhance engagement with the important demographic of young lawyers.

F. The QLS Strategic Plan FY 21/22 – FY 24/25

The Future Ready Research identifies where and how the QLS can achieve its goal of being 'the authoritative voice of solicitors in Queensland and to help members succeed'. The Research contributes to the QLS strategy of working with solicitors in Queensland to adapt to disruption, support innovation and respond to internal and external adversities which face the community and the profession.⁴

G. The Research Team

The research team includes:

- University of Southern Queensland: Professor Caroline Hart and Dr Aaron Timoshanko
- The University of Queensland: Associate Professor Francesca Bartlett
- Consultants: Ms Andrea Perry–Petersen and Mr Angus Murray

The team has brought collective and individual expertise to the Future Ready Research Project ('Project'), including expertise in the study of lawyers and regional lawyering, legal technology and insights into contemporary professional practice.

Ms Andrea Perry–Petersen resigned from the research team in November 2022 following her appointment to a full-time permanent position with Griffith University. We acknowledge the considerable insights brought to the Project in its design and implementation and thank Andrea for her contributions.

⁴ Queensland Law Society (n 2).

H. Milestones of the research

Milestone	Completed
Contract fully signed	25 February 2021
Completion of literature review	April 2021
Draft of the Future Ready Survey instrument	June 2021
Future Ready Survey opened	10 December 2021
Future Ready Survey closed	01 October 2022
Delivery of preliminary report	December 2022
Delivery of final report	17 March 2023

I. Consultation with QLS throughout the Future Ready Research

Throughout the duration of the Future Ready Research, the research team met fortnightly to progress the stages of the research, including developing and promoting the Future Ready Survey, analysing the data, and preparing the reports. The research team also met regularly with Mr Matt Dunn to discuss all aspects of the Project and with Ms Louise Corrigan for guidance on promotion aspects.⁵ The research team provided two briefings to the Innovation Committee and one briefing to Mr Rolf Moses (CEO) QLS.

⁵ Research Team Workshops: 14 June 2021, 02 August 2021, 01 November 2021 and 17 February 2023. Briefing to Mr Rolf Moses and for assistance with promotion, occurred on 01 December 2021.

THE METHODOLOGY OF THE RESEARCH

2.1 Research design

The research design was carefully chosen and developed to encourage engagement with and by the profession to maximise quality and quantity of the data collected, as well as to provide an appropriate contextual understanding of the data collected.

The research design included access to contemporary practitioner demographic data and analysis of data held by the QLS which might provide insights into law firm practice today, as well as a review of the scholarly and professional literature in the field.

The research was carried out in accordance with the National Health and Medical Research Council Standards. Ethics approval was granted for the Project: Ethics Approval # H21REA121P1 (23 April 2021). The application was made through the University of Southern Queensland and The University of Queensland's Ethics Committees. The approval covered:

- Collection of non-identifiable data from Queensland legal practitioners through the Future Ready Survey instrument
- Interviews with QLS staff members who telephoned Queensland practitioners during COVID-19
- Access to QLS datasets
- Interviews with Queensland practitioners through interview protocols.

Participation in the research required informed consent. The academic research team was covered by ethics approval. All data collected in the Future Ready Survey was non-identifiable.

The Project was designed, developed and conducted in sequential stages to take advantage of consultation and feedback progressively gained. Throughout these stages, research team members communicated and consulted with the QLS.

This important research occurred at a time when converging events aligned to impact the legal profession and society. These events include the third wave of LawTech, in which legal analytics and technology-assisted review are increasingly being used in the delivery of legal services.⁶ Secondly, the global pandemic caused by COVID-19, during which Australia went into lockdown in March 2020. COVID-19 occurred prior to the release of the Future Ready Survey, which enabled it to be included.

In order to capture the diverse nature and impacts upon the modern Queensland lawyer, the research design incorporated access to the following sources of data:

- **The Future Ready Survey Instrument:** The Future Ready Survey adopted a phenomenological methodology for exploratory investigations to see the world through the respondent's eyes.⁷ For example, the data collected and presented in Part 5 of this report describes perceived barriers, impacts of external and internal threats, as well as respondent beliefs about capacity to meet such barriers and threats. The Future Ready Survey also asked respondents to recommend solutions which are presented in Parts 5 and 6 of the Report.
- **The QLS Call Dataset:** Staff of the QLS telephoned members during the beginning of COVID-19 to see how to support them. Notes were taken that formed a dataset. This dataset provided insights into disruption and capability of firms across the legal profession during this period. The QLS datasets contained non-identifiable information and was made available under the ethics approval although its use was limited because of the informal nature of its collection.

⁶ Julian Webb, 'Legal Technology: The Great Disruption?' in Richard L Abel et al (eds), *Lawyers in 21st Century Societies: Vol 2 – Comparisons and Theories* (Hart Publishing, 2022) 515, 515, 519–20, the author describes the first wave occurring from 1970 to 1990 focused on the automation of legal research and information retrieval. The second wave of digital transformation occurring from 1991 to 2012 enabled by increased use of personal computers, cheaper software, the internet and increased mobile devices, and the third wave commencing in 2012: at 516–17.

⁷ Lisa M Given, *The Sage Encyclopedia of Qualitative Research Methods* (Sage Publications, 2008) 761.

- **Legal Services Commission Datasets:** Practitioner demographic data from the Legal Services Commission, provided triangulation across the Queensland profession. This is reflected in Part 3 of the Report.
- **Interviews:** Interviews with practitioners were carried out to provide insights into experiences across the three topics of the Future Ready Research that included: technology, COVID–19 and intergenerational change. These were also used to raise the profile of the research and engage with the profession through publication in the practitioner journal, *Proctor*. Insights from these interviews are also presented throughout this Future Ready Report.
- **Literature Review:** The literature review included the analysis of academic scholarship, law society reports and professional and industry commentary about contemporary legal practice. The literature provided assistance in compiling the Future Ready Survey and also benchmarking the findings of the Future Ready Survey. The literature contextually grounds the findings and recommendations presented in Parts 5 and 6 of this Report.

2.2 Future Ready Survey instrument design

The Future Ready Survey instrument focused primarily on three areas:

1. Impacts of technology
2. Impacts of COVID–19
3. Impacts and experiences of intergenerational change.

The Future Ready Survey instrument was designed to collect the perspectives of practitioners about contemporary challenges, capabilities and future solutions. The Future Ready Survey was based on the literature review, university research, the QLS Call Dataset and in consultation with the profession, including members of the District Law Associations.

The survey instrument was selected on the basis that a large dataset could be collected from responses of participants from across Queensland. Reliability and validity of that data collection needed to be maximised for the integrity of the research, and to provide concrete recommendations. The Future Ready Survey included more than 80 questions across three topics in a format designed to obtain the most comprehensive feedback necessary to draw meaningful conclusions. Not all questions were presented to all respondents. For example, if respondents gave a negative response in specific questions no further follow up questions were offered (or different follow up questions were offered so that respondents could easily select from options presented).

Also, the Future Ready Survey was designed to take ‘employers’ and ‘employees’ down two different pathways to ensure the participant was responding to relevant questions to their law firm experiences and perspectives. The Future Ready Survey also provided opportunities for respondents to provide qualitative data if they chose.

The qualifying questions on page 1 of the Survey ensured that only lawyers with a Queensland practising certificate or principal practising certificate in a sole, micro, small or medium firm completed the Survey.

Testing of the Future Ready Survey instrument was carried out to measure experience and opinion across a range of practice issues. Trial completion of the survey showed that it took between 35 to 40 minutes to complete. While the length of the Survey presented challenges to collect complete responses, the results demonstrate the value of the depth of its coverage. Anticipating that a lengthy survey might lead to high attrition rates, measures were taken to improve the participant experience. For example, questions were presented so that respondents could easily select from options and progress through the Future Ready Survey. There were also opportunities for respondents to provide qualitative data if they so chose.

Consultation on the Content of the Future Ready Survey Instrument

The Future Ready Survey was developed through a process of extensive collaboration and consultation, including the following:

- Briefings and engagement with the District Law Associations across Queensland:
 - The research team contacted each District Law Association with a briefing on the research, seeking feedback.
 - The research team presented at two District Law Associations meetings on the Future Ready Research seeking feedback on the range of topics to be covered by the Future Ready Survey.
- Members of the research team met fortnightly with the QLS General Manager, Advocacy, Guidance and Governance, Mr Matt Dunn, on developing content for the Future Ready Survey instrument.
- The QLS Innovation Committee provided extensive feedback on the draft Future Ready Survey instrument, and this feedback was incorporated into the final version of the Future Ready Survey.
- Selected QLS Committees, including the Future Leaders Committee, were invited to provide feedback on the Future Ready Survey.

Feedback from this consultation process resulted in amendments to the Future Ready Survey to improve quality, reliability and validity. Based on feedback, Future Ready Survey questions relating to demographics were located at the end of the Survey. Questions relating to technology, COVID-19 and intergenerational change were prioritised at the beginning of the Future Ready Survey.

Future Ready Survey Promotion Campaign

The research team developed a Future Ready Survey Promotion Campaign ('Campaign') to maximise participation. The Campaign was badged 'Future Ready' – the inspiration of the QLS's CEO, Mr Rolf Moses.

The Campaign included strategies and approaches the research team developed to build trust and confidence with potential respondents.

The research team drew upon expertise within the team (Dr Aaron Timoshanko) in ensuring metrics were collected to identify the communication channels most successful in increasing Future Ready Survey participation. This was important for the research team because it enabled the Campaign to be directed to those elements achieving higher response rates.

The Future Ready Survey was extensively promoted to maximise the opportunity to acquire, as far as possible, a representative sample from legal practitioners across sole, micro, small and medium law firms. This was important to achieve validity and reliability of the data and better understand the members' demographics and their perceptions of practice.

The Campaign to promote the Future Ready Survey involved the following elements:

- QLS marketing and communication channels, including the QLS website featuring a video with QLS's CEO and UniSQ; articles published in *Proctor* online; inclusion in QLS Update emails; QLS social media; QLS Symposium 2022; QLS Gold Coast Legal Conference 2022; District Law Association Presidents' Dinner 2022; QLS Practice Management Course respondents; QLS committees; and the QLS's CEO personal letter to some regional principals.
- The development of a Future Ready website.
- Engaging with District Law Associations: letter to the Presidents; presentations at District Law Association Meetings.
- Accessing the professional networks of the research team.
- Leveraging UniSQ media communication networks across Queensland through radio and print media outlets.
- Digital promotion opportunities across LinkedIn and Google.
- Convening the *UniSQ Future Ready Regional + Rural Legal Conference*, Toowoomba, 29 September 2022 (Appendix 4).

Further information about the consultation and Campaign is available in Appendix 3. The purpose of the comprehensive Campaign was to maximise participation and the number of respondents. The outcome was to achieve as close as possible to a representative sample.

Metrics from all promotion avenues revealed that Survey participation was most successfully encouraged through QLS marketing and communication channels.

Response rate and limitations

There are 14,631 solicitors practising in Queensland (as of 2021 – 2022).⁸ The largest category of firms in Queensland are sole practices (1,288 firms), with the next highest being micro law firms with 2 – 5 practitioners (1,047 firms), small law firms with 6 – 19 practitioners (269 firms) and medium law firms with 20 – 49 practitioners (30 firms).⁹

The Future Ready Survey was aimed at lawyers working in sole, micro, small and medium sized law firms. As predicted in the initial research proposal, our Future Ready Survey results represent an expected response rate of around 3–5% for research conducted with this community.¹⁰

This Future Ready Report is based on the results from respondents whose 'last page' of the Future Ready Survey was page 2 or greater (which was the first substantive page of the survey). This excludes respondents who only engaged with the Survey at a very superficial level before abandoning it to avoid skewing the results. This so-called 'tidy' dataset has 261 respondents; 47 respondents completed at page 2, 7 respondents' last page was page 3, and 207 respondents completed the entire survey.

The research team acknowledges that the Future Ready Survey was lengthy and time consuming to complete. However, feedback received during the Future Ready Research and since has confirmed the Survey's ability to capture the breadth of practitioners' views on the issues being researched. The decision was made to pursue an in-depth survey that required a respondent's high-level of participant commitment, but pleasingly, has provided rich data to inform the Future Ready Report's analysis and recommendations provided here.

Nevertheless, it is noted that the Future Ready Report does not represent all the views of the Queensland legal profession. While there was a pleasing response from practitioners in urban as well as regional and remote locations (as set out further below), it is acknowledged that the Future Ready Survey does not represent the full diversity of the profession across the state. It is also acknowledged that the Future Ready Survey data might over-represent those practitioners who are engaged with the QLS or who are confident using technology, as this was an online survey. While considerable effort was made to reach practitioners across the regions and through non-digital means (such as postal invitations to participate described above), there are gaps in coverage. The Campaign was successful in obtaining a relatively high response rate, which, given the detailed nature of the Survey, made the outcomes of the research and its analysis robust and valuable.

⁸ Legal Services Commission, *Queensland Annual Report 2021 – 2022* (2022), 7.

⁹ These figures are based on the calculations from the Legal Services Commission, Queensland and converted to the size of law firms used in this report. This is consistent with the picture in the URBIS study of the Australian profession. URBIS, *2020 National Profile of Solicitors* (Final Report, Law Society of New South Wales, 1 July 2021) 28.

¹⁰ The research proposal estimated a response rate on the Online Survey of between 3 – 5% or 280 – 363 respondents.

DEMOGRAPHICS

National Profile

The 2020 National Profile of Solicitors reports that there were 83,643 practising solicitors in Australia, with 16% located in Queensland (the third largest concentration of practitioners behind NSW and Victoria).¹¹ Across the country there has been strong growth in the number of solicitors particularly in the corporate and government legal sectors, as well as private practice.¹²

Female solicitors outnumber male solicitors, at 53% nationally and continue to increase in number more quickly than their male counterparts.¹³ Female solicitors are also on average younger:

The age profile of solicitors varied by gender. Female solicitors had a younger age profile, being overrepresented in age brackets of 49 years and younger. In contrast, male solicitors had an older age profile being overrepresented in age brackets of 50 years and older.¹⁴

While female solicitors are younger on average, the profession is aging. The work of Angela Melville, Valerie Caines and Marcus Walker, argues that the mean average age has slightly increased over time, and there is a large proportion of solicitors aged over 50 years old.¹⁵ In 2020, 632 solicitors identified as First Nations, with 55% of that number, being female.¹⁶

Queensland Profile

As of 30 June 2022, there were 14,631 Practising Certificate holders.¹⁷ This represents a 4.27% increase in the number of solicitors since the previous year (2021–2022).¹⁸ There is also an increase in the number of law firms.¹⁹

In Queensland, 0.7% of solicitors identified as Aboriginal and/or Torres Strait Islander in 2020.²⁰

Fifty-two per cent of solicitors in Queensland are female.²¹

In 2020, Queensland had 20% of solicitors aged 29 or younger.²² Yet the Queensland Law Society reports that, of its membership,²³ the largest group are Y generation (born 1980 – 1994) at 45.6% and the Z generation (born 1995 – 2010) representing only 8%.²⁴

As at 30 June 2022, approximately 24.5% of the practising solicitors hold an unrestricted principal licence and 72% hold a restricted or unrestricted employee licence.²⁵

¹¹ URBIS (n 9) 6.

¹² Ibid 5.

¹³ Ibid 8.

¹⁴ Ibid 15.

¹⁵ Angela Melville, Valerie Caines and Marcus Walker, 'The Grey Zone: The Implications of the Ageing Legal Profession in Australia' (2021) 24(2) *Legal ethics* 141, 143; see also URBIS (n 9) 5.

¹⁶ URBIS (n 9) 11.

¹⁷ Legal Services Commission, *Queensland Annual Report 2021–2022* (2022) 8.

¹⁸ Ibid.

¹⁹ Ibid 7, which reports an increase of 1.85% from the previous year.

²⁰ URBIS (n 9) 11. This figure is taken from the national survey based on data from 2019. It therefore might not represent an accurate picture of the Queensland legal profession in 2023.

²¹ Legal Services Commission Queensland (n 17) 7.

²² URBIS (n 9) 13.

²³ Not all solicitors with a practising certificate are members of the QLS. These percentages are based on 11429 members of the QLS.

²⁴ Queensland Law Society, *Annual Report 2021–22* (Annual Report, 7 September 2022) 27.

²⁵ Legal Services Commission Queensland (n 17) 7.

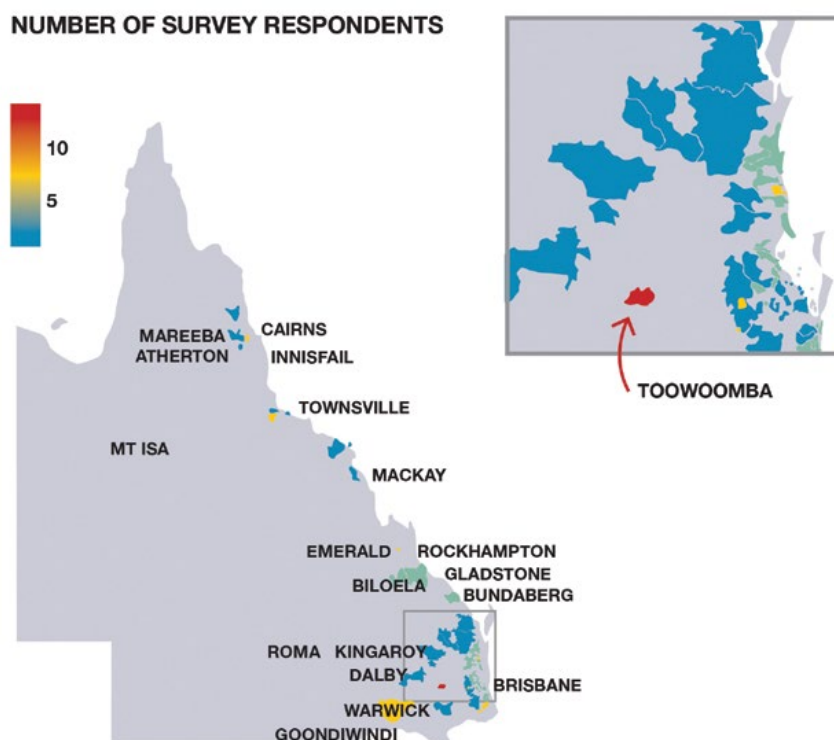
From 2019 – 2022, the Legal Services Commissioner, Queensland, reports that the relative percentage of sole and small to large law firms has remained steady. Currently, 49.7% of firms are sole practitioner firms, 28% are firms with 2 to 3 solicitors and 21% are firms with 4 to 24 solicitors.²⁶ As of June 2022, 65.16% of all law practices were Incorporated Legal Practices (ILPs), which represents an increasing trend over several years.²⁷ Queensland Law Society statistics reveal that 81% of their practice management course graduates are sole to small firm practitioners.²⁸

National data from 2020 reports that most solicitors work in major cities across the country, and Queensland has fifty-eight percent of practitioners located in the city, 28% in suburbs and 9% in country/rural Queensland.²⁹ Across the country there has been little growth in the size of the profession in country and rural areas.³⁰ There is the same percentage of junior lawyers in country and rural areas.³¹

Demographics of the research respondents

Geographic spread

The following map demonstrates Future Ready Survey respondents' broad geographical spread across southeast Queensland and the regions. The high number of respondents from the Toowoomba/Darling Downs region may reflect the connection UniSQ has with the local community and legal practitioners' engagement with the *UniSQ Future Ready Regional + Rural Legal Conference*, Toowoomba, 29 September 2022.



Map 1: Geographic spread of respondents

²⁶ Ibid 8.

²⁷ Ibid 7.

²⁸ Queensland Law Society, 'Annual Report 2021–22' (n 24) 44.

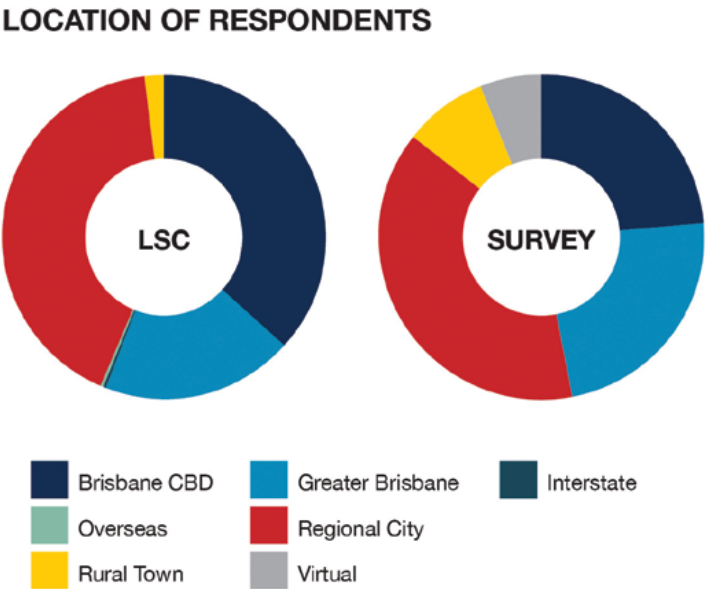
²⁹ URBIS (n 9) 34.

³⁰ Ibid 35.

³¹ Ibid 36.

Location of respondents

The graph below shows the location of respondents across Brisbane CBD, Greater Brisbane, regional and rural locations. Greater Brisbane included Ipswich and Brisbane suburbs. 'Regional city' was defined as having populations over 23,000 and included: Gold Coast, Townsville, Cairns, Rockhampton, Toowoomba, Gladstone, Mackay, Bundaberg, Warwick and Mount Isa. 'Rural towns' was defined as populations less than 23,000 and included: Mareeba, Innisfail, Dalby, Atherton, Biloela, Emerald, Goondiwindi, Kingaroy and Roma.

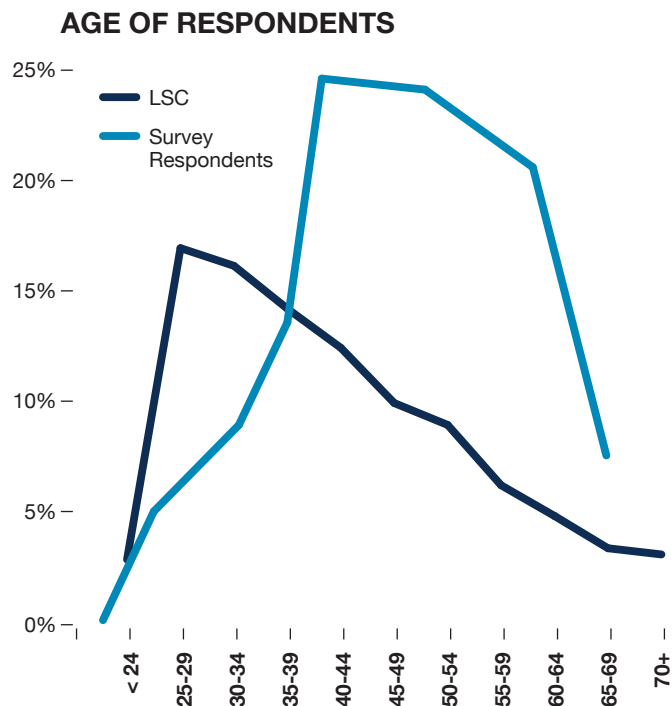


Graph 1

The graph on the left shows the location of all legal practitioners organised into the above categories. The graph on the right shows the location of the Future Ready Survey respondents, revealing that Greater Brisbane and rural locations in Queensland were over-represented in the Survey. The lower number of Future Ready Survey respondents from the Brisbane CBD is likely due to the high number of large law firms operating in this area, which were beyond the scope of this study.

Age of respondents

Respondents were asked to provide their age.



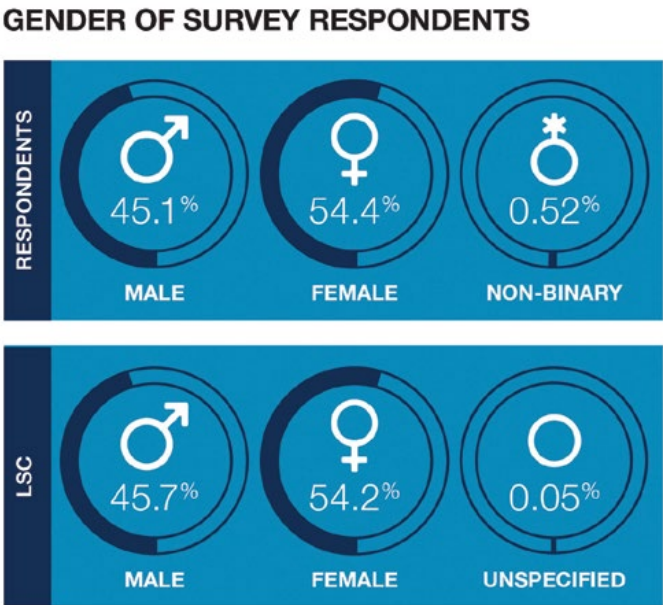
Graph 2

Graph 2 compares the age of respondents against the Legal Services Commission data revealing that the average age of the Future Ready Survey respondents was older than the profession generally. As such, it is acknowledged that the Future Ready Survey results represent the perceptions and attitudes of older lawyers more than the profession generally.

Gender of respondents

Similarly, Graph 3 compares the gender of respondents (above) against the Legal Services Commission data (below).

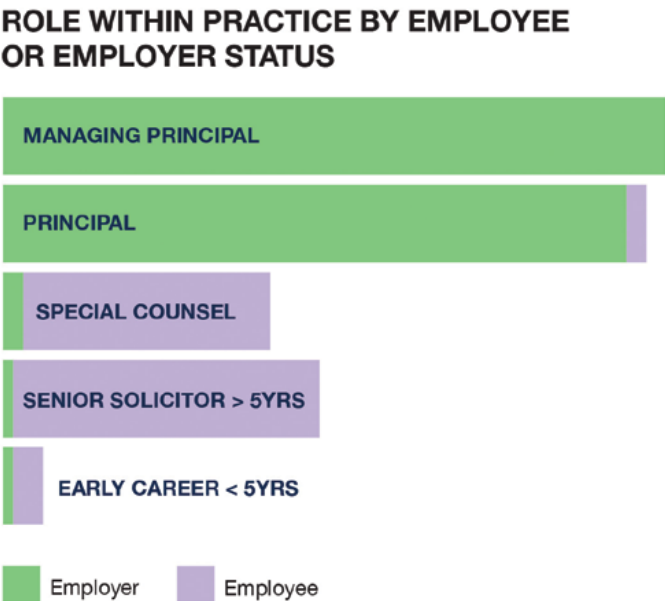
The gender of Future Ready Survey respondents closely mirrored that of the Queensland profession.



Graph 3

Role within the practice by employer and employee status

The Future Ready Survey respondents were generally managing principals and principals of their firms. Early career lawyers represent only a small group of respondents. As can be seen in Graph 4 and Graph 6, most respondents were employers, rather than employees, at their firm.

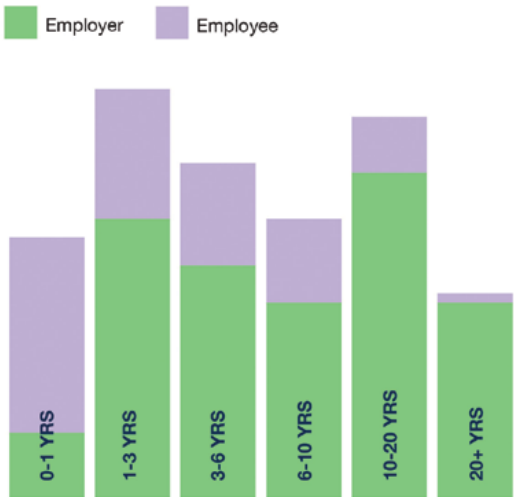


Graph 4

How long have you worked in your current firm, by employer and employee status?

There was a spread of respondents across length of service with their current firm.

HOW LONG HAVE YOU WORKED IN YOUR CURRENT FIRM, BY EMPLOYER AND EMPLOYEE STATUS



Graph 5

EMPLOYERS VS EMPLOYEES



Graph 6

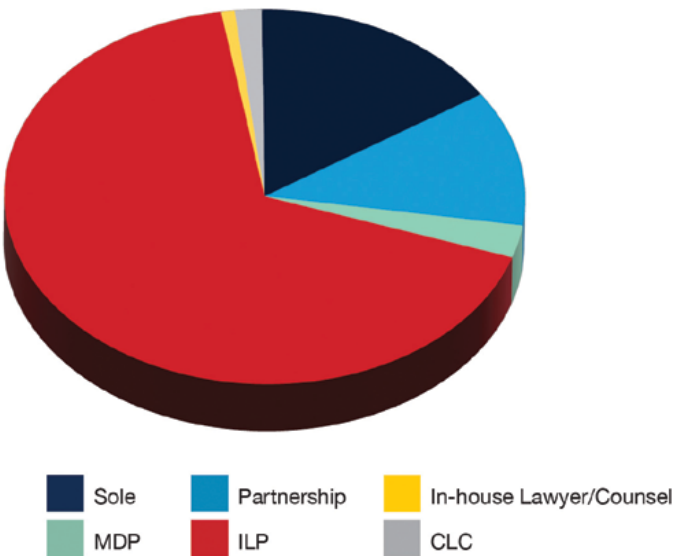
Graph 5 highlights the length of time many employers have been with their current firm. However, under the Future Ready Survey, it is not possible to determine if their status has changed from employee to employer during this time.

Firm Demographics

Structure of law practice

Respondents were asked a series of questions relating to their law firm practice.

STRUCTURE OF LAW PRACTICE



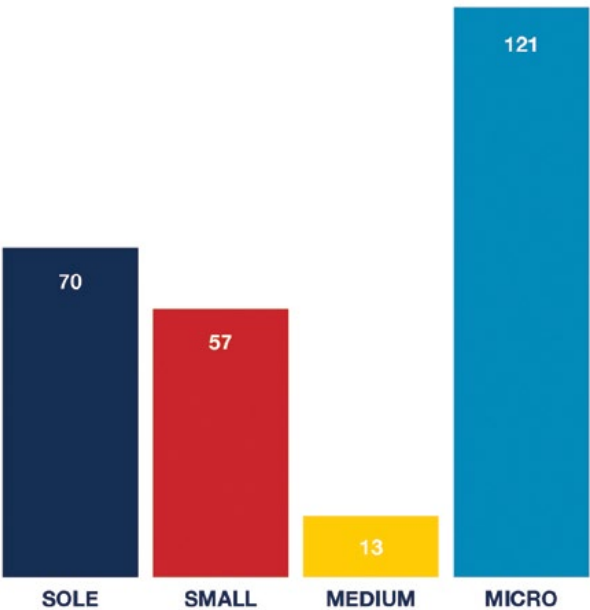
Graph 7

Incorporated Legal Practices dominate as the preferred governance structure of the respondents. As reported above, these results are consistent with the state trend reported by the Legal Services Commission, Queensland (not shown).

Size of law practices

Respondents were asked to identify the size of their firm. Sole firms were defined as firms with 1 principal practising certificate, micro firms have 2–5 practising certificates, small firms have 6–19 practising certificates, and medium firms have 20–49 practising certificates. 46% of respondents worked in firms with 2–5 practising certificates.

WHAT IS THE SIZE OF THE LEGAL PRACTICE YOU WORK IN?



Graph 8

Key Findings

- **Greater Brisbane and especially rural towns in Queensland were over-represented** in the Future Ready Survey, while CBD Brisbane was under-represented.
- **The average age of the Future Ready Survey respondents was older than the rest of the profession.** This has a bearing on data relating to intergenerational change, as the Future Ready Survey results may be skewed towards perceptions and attitudes of older lawyers. There was engagement with the Queensland Young Lawyers Association to gain further insights from young lawyers. This is discussed below.
- **Gender representation** among Future Ready Survey respondents reflected the Queensland profession.
- **The Future Ready Survey was completed by a high proportion of managing principals** and principals. Early career lawyers were under-represented in the Survey. The Future Ready Survey respondents were predominantly employers.
- **Incorporated legal practices dominate** as the preferred governance structure of respondents, which is consistent with the Queensland profession generally.

THE LANDSCAPE OF THE LEGAL PROFESSION

The landscape in which Queensland private law firms are owned and managed is dynamic. This part of the Future Ready Report provides an overview of the legal professional services' landscape, revealing shifts in its composition and practises of legal professionals specifically regarding technology and innovation, COVID-19 and intergenerational change. It also serves as a reminder that the Australian legal profession, including Queensland, has the advantage of alternate business structures – incorporated legal practice and multidisciplinary partnerships – that to date may not have been fully deployed to showcase their advantages in fortifying against, and preparing for, disruption.

There is considerable confusion being created about the state of the legal profession and the impact of technology on the profession.³² There is also confusion about the types and kinds of technologies being used as part of delivery of legal services (as distinct from 'legal information'). While this is not a new phenomenon,³³ the intensity of concern has continued to build since Richard Susskind posed the question 'The End of Lawyers?' some 15 years ago.³⁴ Today, there is also confusion about the kinds of technologies being used as part of the delivery of legal services and those competing for the legal market. This section describes the literature that traces these developments, that have been occurring for more than a decade.

Clarity about the current landscape on an international (macro) and local (micro) level assists us to suggest practical initiatives by which the Queensland profession can navigate successful, adaptive and resilient practice in the future.

What is disruption?

Disruption describes how large successful incumbent organisations in all industries have been replaced by much smaller startups in a market.³⁵ New market entrants typically succeed by first developing solutions for relatively small and unattractive markets that are of little or no interest to the successful incumbents.³⁶ The entrenched players are focused on the needs of their established clients and do not devote investment funds to the broader or more unattractive markets. The upstart entrant, by contrast, succeeds by improving their original solutions allowing them to meet the market in ways the original incumbents cannot replicate.³⁷ The disruption occurs by offering simple more affordable or more convenient products or services to people previously without the product or service.³⁸

The most cited example of disruption in another market, is the ridesharing company Uber which essentially replaced the highly regulated taxi industry. This company used technological innovation to provide a simple and efficient app to book a ride and offer cheaper services through a platform for independent, unregulated drivers to offer services. The inventors of the term 'disruption' contend that Uber is not a good example of 'disruption' as it offered a different approach in the marketplace aiming directly for dominance in the mainstream market rather than beginning with a 'low-end foothold'.³⁹ Whether there are 'disruptors' in this sense or simply future threats to the viability of legal practices, the legal profession around the world is facing a range of challenges. More optimistically, we can see disruption as offering opportunities to service those unable to access expensive legal services and to conduct legal practice in more innovative ways.

³² See, eg, Caroline Hill, 'Deloitte Insight: Over 100,000 Legal Roles to Be Automated', *Legal IT Insider* (Blog Post, 16 March 2016) <<https://legaltechnology.com/2016/03/16/deloitte-insight-over-100000-legal-roles-to-be-automated/>> stated that 'Over 100000 legal roles to be automated...' and that profound reforms across the legal profession will occur within the next 10 years.

³³ Lisa Webley et al, 'The Profession(s) Engagements with LawTech: Narratives and Archetypes of Future Law' (2019) 1(1) *Law, Technology and Humans* 6 briefly traces anxiety about technologies interrupting legal professionalism from early 1900s.

³⁴ Richard Susskind, *The End of Lawyers: Rethinking the Nature of Legal Services* (Oxford University Press, 2008).

³⁵ Michele R Pistone and Michael B Horn, *Disrupting Law School: How Disruptive Innovation Will Revolutionize the Legal World* (White Paper, Clayton Christensen Institute for Disruptive Innovation, 2016) <<https://www.christenseninstitute.org/publications/disrupting-law-school/>>.

³⁶ Ibid.

³⁷ Michael E Raynor, 'Disruption Theory as a Predictor of Innovation Success Failure' (2011) 39(4) *Strategy & Leadership* 27, 28; the theory of disruption innovation was articulated by Clayton M Christensen, *The Innovator's Dilemma: When New Technologies Cause Great Firms to Fail* (Harvard Business School Press, 1997).

³⁸ Pistone and Horn (n 35); see also Webley et al (n 33) for a discussion about disruption of legal services.

³⁹ Clayton M Christensen, Michael E Raynor and Rory McDonald, 'What Is Disruptive Innovation?' (1 December 2015) *Harvard Business Review* <<https://hbr.org/2015/12/what-is-disruptive-innovation>>.

A broader definition of 'disruption' would also include any external force, threat or opportunity that has an impact on competitive advantage and is outside of the control of a law firm principal. COVID-19, floods, fires, regulatory changes and economic downturns are examples.

Disruption in the legal marketplace

The Singapore Ministry of Law conducted a survey of its members in 2018 asking: '*What are the key global trends that would have the most impact on Singapore's legal industry from now until 2030?*' The top answer, at 83.3% of respondents, was '*the rise of tech giants*'.⁴⁰

The approach of the Ministry of Law is consistent with the scholarly research into how this disruption is occurring and how the profession may best respond. References to the Ministry of Law's Report are made throughout the Future Ready Report.

The words of law academic, Dan Hunter reflect the proactive approach needed to be taken by progressive law societies:

It is acknowledged that ...there is a profound splintering of legal service provision. But this in itself will not kill the legal profession. What will kill the profession is inaction.⁴¹

As more and more legal service providers solve legal problems from outside the legal profession, we will see a growing legal services market that is dominated by those who do not bring with them the shared understanding of what it means to operate within a learned and honourable profession, and who do not automatically respect or uphold the rule of law. These operators can exist outside the profession as they do now; or the profession can adapt and expand to include them and use its power to ensure the maintenance of values that we all as lawyers revere and which are necessary for the proper functioning of our society.⁴²

The academic literature has also traced the technological impact on the legal market, as Dan Hunter goes on to observe:

[T]here has been an unnoticed shift in legal practice, from a unitary legal profession to a heterogenous legal services market. The market entrants, including LegalTech [LawTech] providers are not found in the traditional conception of a legal 'profession', and they currently sit outside of the framework regulating delivery of legal services.⁴³

⁴⁰ Ministry of Law Singapore, *The Road to 2030: Legal Industry Technology & Innovation Roadmap Report* (Final Report, 2020) 5 <https://www.mlaw.gov.sg/files/news/press-releases/2020/10/Minlaw_Tech_and_innovation_Roadmap_Report.pdf>. This report followed a similar methodology as the QLS Future Ready Research and the demographic of legal practitioners is not unlike the Queensland legal profession. The Ministry of Law first carried out a survey on practitioners to determine a baseline in 2018 (pre-COVID-19) on law firms and lawyers' capability to deal with legal technology. The baseline traced in this report identified significant gaps in capability. As discussed further in this Report, the Ministry of Law recommended the creation of the Roadmap 2030 to chart a course to improve that capability.

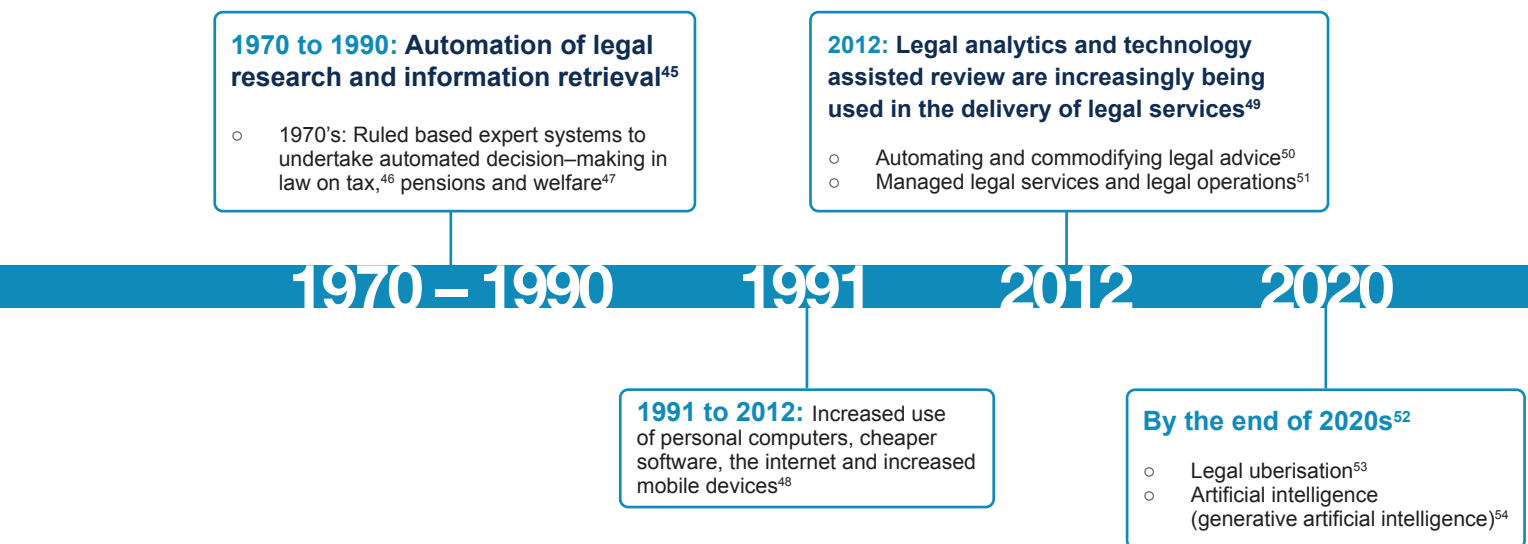
⁴¹ Dan Hunter, '*The Death of the Legal Profession and the Future of Law*' (2020) 43(4) *University of New South Wales Law Journal* 1199, 1225.

⁴² Ibid.

⁴³ Ibid 1222; see also Webb (n 6).

The timeline below succinctly describes this movement by LawTech into the delivery of legal services.

Timeline: Stages of Emergence of LawTech⁴⁴



⁴⁴ The timeline draws on the work of Webb (n 6); and, Hunter (n 41).

⁴⁵ Webb (n 6) 519–20.

⁴⁶ Hunter (n 41) 1202 citing L Thorne McCarty.

⁴⁷ Monika Zalnieriute, Lyria Bennett Moses and George Williams, 'The Rule of Law and Automation of Government Decision-Making' (2019) 82(3) *Modern Law Review* 425 cited in; Hunter (n 41).

⁴⁸ Webb (n 6) 519–20.

⁴⁹ Ibid.

⁵⁰ Hunter (n 41) 1202–1204.

⁵¹ Ibid 1206–1209.

⁵² Ibid 1209.

⁵³ See Margaret Thornton, 'Towards the Uberisation of Legal Practice' (2019) 1(2019) *Law, Technology and Humans* 46 for insights into the Uberisation of legal practice and impacts for the Uber legal practitioner.

⁵⁴ Algorithms and artificial intelligence are both being used as part of government decision making, impacting Administrative Law: see Dominique Hogan-Doran, 'Computer Says "No": Automation, Algorithms and Artificial Intelligence in Government Decision-Making' (2017) 13(3) *Judicial Review* 345.

What is LawTech? What activities in the delivery of legal services does it include?

LawTech

LawTech encompasses technologies involved in:

- Legal document automation and assembly
- Analytics of legal decision-making
- Predictive analytics of judicial decisions
- Advanced chatbots
- Smart legal contracts⁵⁵
- Legal knowledge management
- Legal research systems
- Legal applications in blockchain⁵⁶
- e-Disclosure/e-Discovery⁵⁷
- e-Briefing through to e-Litigation

Government is a growing user of automated decision-making.

Hunter contends that platform technologies are now having the biggest impact on the evolution of the legal profession.⁵⁸ Below is an example of how LawTech and technology platforms can offer services that might allow individuals or companies to self-help in relation to their legal needs and bypass the services of a lawyer.

Example: Legal Zoom + Rocket Lawyer – Incorporating a new business⁵⁹

In 2001: If a business wanted to incorporate, a client would retain corporate lawyers to advise on internal governance rules and shareholding, and complete the required forms to incorporate.

In 2011: Ten years after its founding, LegalZoom helped incorporate 20% of the limited liability corporations in California and reported \$156 million in revenue.

Now: Information about different forms of legal entities is available online. Small businesses do not need the help of a lawyer in the same way they did years ago to learn about their options in structuring their business. The business owner can learn about business structures on their own using free online materials. They can use the do-it-yourself (DIY) information provided by startups such as LegalZoom or Rocket Lawyer, to develop standard incorporation documents, all without ever hiring a lawyer.⁶⁰

⁵⁵ For an overview of smart contracts, see Jean Bacon et al, 'Blockchain Demystified: A Technical and Legal Introduction to Distributed and Centralised Ledgers' (2018) 25(1) *Richmond Journal of Law & Technology* 106.

⁵⁶ For an overview of blockchain, see *ibid*; see also Kevin Werbach, 'Trust, but Verify: Why the Blockchain Needs the Law' (2018) 33(2) *Berkeley Technology Law Journal* 487, in which the author, citing Marco Iansiti and Karim R Lakhani, 'The Truth About Blockchain', (2017) Harvard Business Review, makes the parallel between blockchain and the internet: 'Like the Internet, the blockchain is a foundational technology, whose impacts could reach into every corner of the world'.

⁵⁷ For judicial consideration of predictive coding in the discovery process in Australia, see *McConnell Dowell Constructors (Aust) Pty Ltd v Santam Ltd [No 1]* (2016) 51 VR 421; *McConnell Dowell Constructors (Aust) Pty Ltd v Santam Ltd [No 2]* [2017] VSC 640; noted in Hunter (n 41) 1217 nn 74; e-discovery has been part of the delivery of legal services for over a decade with the advantages recognised, see Maura R Grossman and Gordon V Cormack, 'Technology-Assisted Review in e-Discovery Can Be More Effective and More Efficient than Exhaustive Manual Review' (2011) 17(3) *Richmond journal of law & technology* 1; Richard Susskind, *Online Courts and the Future of Justice* (Oxford University Press, 2019).

⁵⁸ Hunter (n 41) 1201; this impact will cover all aspects of the legal profession including community legal centres, see Stebin Sam and Ashley Pearson, 'Community Legal Centres in the Digital Era: The Use of Digital Technologies in Queensland Community Legal Centres' (2019) 1(2019) *Law, Technology and Humans* 64.

One of the purposes of the Future Ready Research is to measure the use of technology by SMSM law firms and perceptions of these firms' preparedness for external technological disruptions. This research aims to provide a 'baseline' on the use of and attitudes towards technologies which can be used for future measurement and planning. The Future Ready Report also makes recommendations about how the legal profession, through its representative body (QLS), can act now to equip lawyers with the tools to compete in the current and future landscape.

Regulation of the Queensland Legal Profession

The primary legislation that governs 'engaging in legal practice' in Queensland is the *Legal Profession Act 2007* (Qld). This Act, as all comparable legislation governing lawyers across Australia, provides for a reservation of legal work to only those who are admitted and certified to be able to practise law.⁶¹ In Queensland, the Supreme Court and the legal profession regulate the admission and certification of lawyers.⁶² Thus, lawyers operate in a protected marketplace with no external competitors.⁶³ It is not that the *Legal Profession Act 2007* (Qld) grants a monopoly, rather the Act provides a structural barrier to entry into the market by a limitation on the conduct of potential market participants.⁶⁴

Law societies and legal professions around the world argue that there are dangers in non-lawyers providing legal services through LawTech. While there are those that argue strongly for a relaxation of the highly regulated legal market to allow for innovative tools to allow for better access to justice,⁶⁵ few see a role for LawTech without guidance or oversight of a lawyer.

Legal professions around the world have long argued that lawyers, with extensive training and knowledge of the law and its context, should be the exclusive providers of legal services.⁶⁶ This approach is embodied in legislation governing legal markets in most common law jurisdictions including Australia. LawTech platforms have been the subject of legal suits in the United States of America for engaging in legal practice when unauthorised and may face similar sanction in Queensland under its laws.⁶⁷ LawTech as disruptors to legal services, even where targeting citizens acting for themselves, face a tight regulatory environment.

⁵⁹ Pistone and Horn (n 35) 6.

⁶⁰ Ibid.

⁶¹ *Legal Profession Act 2007* (Qld) ss 23 and 24 prohibit engaging in legal practice when unauthorised. Section 22 provides that the main purposes relating to the determination and certification of those who can provide legal services are to: protect the public interest in the proper administration of justice by ensuring that legal work is carried out only by those who are properly qualified to do so, and to protect consumers by ensuring that persons carrying out legal work are entitled to do so.

⁶² See a discussion in Vivien Holmes and Francesca Bartlett, *Parker and Evans's Inside Lawyers' Ethics* (Cambridge University Press, 4th ed, 2022) ch 3 <<https://www.cambridge.org/core/product/identifier/9781009042581/type/book>>.

⁶³ There is however some diversity in approach to the lawyers' reserve around the country and many professions intersect with this market such as patent and trade marks attorneys: Francesca Bartlett and Robert Burrell, 'Understanding the "Safe Harbour": The Prohibition on Engaging in Legal Practice and Its Application to Patent and Trade Marks Attorneys in Australia' (2013) 24(2) *Australian Intellectual Property Journal* 74.

⁶⁴ Mark Byrne and Reid Mortensen, 'The Queensland Solicitors' Conveyancing Reservation: Past and Future Development: Part I' (2009) 28(2) *University of Queensland law journal* 251, 252 citing Stephen G Corones, *Competition Law in Australia* (Thomson Reuters Professional Australia, 4th ed., 2007).

⁶⁵ See, eg, the discussion in relation to the legal profession in the United States of America where there has been a lively debate about the lawyers' reserve for 30 years: Deborah L Rhode, 'Policing the Professional Monopoly: A Constitutional and Empirical Analysis of Unauthorized Practice Prohibitions' (1981) 34(1) *Stanford law review* 1; Benjamin H Barton and Deborah L Rhode, 'Access to Justice and Routine Legal Services: New Technologies Meet Bar Regulators' (2019) 70(4) *The Hastings law journal* 955.

⁶⁶ There is some distinction in the approach of England and Wales: Andrew Boon, *The Ethics and Conduct of Lawyers in England and Wales* (Hart Publishing, 3rd ed, 2014).

⁶⁷ See Shane Budden, 'Technology on Trial: Can Software Breach the Legal Profession Act?', *Proctor* (Blog Post, 19 July 2022) <<https://www.qlsproctor.com.au/2022/07/technology-on-trial/>>.

There is increasing recognition by the courts, though, that appropriate use of externally generated LawTech is efficient and effective for legal practice. For example, in a personal injury proceeding, *Cass v 1410088 Ontario Inc* [2018] ONSC 6959,⁶⁸ a dispute over the quantum of costs considered the question posed by the plaintiff: ‘why is there a legal research fee for case precedents which are available for free through CanLII or publicly accessible websites?’ ([6]). While not addressing this point exactly, Justice Whitten of the Canadian Superior Court of Justice Ontario, significantly reduced the costs and observed: ‘If artificial intelligence sources were employed, no doubt counsel’s preparation time would have been significantly reduced’. In another Canadian case of *Drummond v The Cadillac Fairview Corp. Ltd* [2019] ONCA 447, Justice Perell commented:

The reality is that computer–assisted legal research is a necessity for the contemporary practice of law and computer assisted legal research is here to stay with further advances in artificial intelligence to be anticipated and to be encouraged. Properly done, computer assisted legal research provides a more comprehensive and more accurate answer to a legal question in shorter time than the conventional research methodologies, which, however, also remain useful and valuable. Provided that the expenditure both in terms of lawyer time and computer time is reasonable and appropriate for the particular legal problem, I regard computer–assisted legal research as recoverable counsel fee item and also a recoverable disbursement ([10]).⁶⁹

There has also been recent judicial commentary about the legal and technical complexities associated with the development of advanced technology in Australia. Examples of government use of technology and the associated issues can be readily found in the recent RoboDebt Royal Commission; however, examples are also found in recent decisions in the superior courts. In *Pintarich v Deputy Commissioner of Taxation* [2018] FCAFC 79, Kerr J considered an automated document generation system used by the Australian Taxation Office and held that:

The hitherto expectation that a ‘decision’ will usually involve human mental processes of reaching a conclusion prior to an outcome being expressed by an overt act is being challenged by automated ‘intelligent’ decision making systems that rely on algorithms to process applications and make decisions.

What was once inconceivable, that a complex decision might be made without any requirement of human mental processes is, for better or worse, rapidly becoming unexceptional. Automated systems are already routinely relied upon by a number of Australian government departments for bulk decision making...

This trend is not restricted to government. Automated share trading is at the heart of international commerce. Machines make contracts with machines. The legal conception of what constitutes a decision cannot be static; it must comprehend that technology has altered how decisions are in fact made and that aspects of, or the entirety of, decision making, can occur independently of human mental input.⁷⁰

⁶⁸ See Nancy McCormack, ‘Legal Research and the Assessment of Costs in Canadian Courts’ (2018) 26(4) *Australian Law Librarian* 217.

⁶⁹ See Channarong Intahchomphoo et al, ‘References to Artificial Intelligence in Canada’s Court Cases’ (2020) 20(1) *Legal information management* 39; Lisa Stam and Hilary Page, ‘Costs and Legal Tech’, *SpringLaw* (Blog Post, 10 January 2019) <<https://springlaw.ca/2019/01/10/costs-and-legal-tech/>>; see also Christian Breukelman, ‘Evidence and Fairness in Summary Judgment: Drummond V. Cadillac Fairview’, Stieber Berlach (Blog Post, 23 October 2019) <<https://www.sblegal.ca/evidence-and-fairness-in-summary-judgment-drummond-v-cadillac-fairview/>>.

⁷⁰ *Pintarich v Deputy Commissioner of Taxation* [2018] FCAFC 79, [46] – [49] per Kerr J in dissent; see also *Thaler v Commissioner of Patents* [2021] FCA 879; but overturned on appeal in *Commissioner of Patents v Thaler* [2022] FCAFC 62.

Context of Sole, Micro, Small and Medium Law Firms

The context of legal practice for SMSM law firms lies in the dual roles of delivery of legal services within the regulatory requirements of legal profession legislation, coupled with the demands of running a business within the competition of the client marketplace.⁷¹ The skills, knowledge and mindset required of carrying out the dual roles are distinct and go beyond 'legal knowledge'.

Strategic management, for the SMSM law firm principal, is important because it is an investment in the future profitability and potential growth of the law firm. Principals who schedule non-billable time to carry out this activity benefit greatly.⁷²

'Time' and how it is spent, is perhaps the most valuable asset of any SMSM law firm principal.

What you do with your billable time determines your current income, but what you do with your non-billable time determines your future.⁷³

The Future Ready Research identifies if, and how respondents use technology to free up their time for strategic activities, such as developing and communicating their value proposition to the client, and reading to advance the business aspects of their firm.

Earlier research indicates that there is great diversity among sole, micro, small and medium law firm capability in Queensland to meet disruption.⁷⁴ Law firms exhibiting characteristics for successfully meeting disruption tend to embed those capabilities throughout their entire practice; they are not isolated and employed in only one aspect of the firm.⁷⁵ Further, the characteristics of law firm principals may be a significant determinant for success.⁷⁶ For example, law firm owners who have chosen to

proactively acquire the necessary capabilities that maximise innovative adaptation to challenges and opportunities are well positioned to lead sustainable and ethical law practices.⁷⁷

The advance of artificial intelligence

In Australia, the landscape is unclear regarding the impact of artificial intelligence as a disruptor for the legal profession. The more immediate disruption to the delivery of legal services is cited as being through the rise of platform technologies, legal process outsourcing and globalization.⁷⁸

However, artificial intelligence might be influential for legal practice in the use of these tools by practitioners as cited above in the Canadian case law. Legal research using free, searchable databases is an expected practice and probably simply part of competent legal practice. Platforms powered by machine learning (a form of artificial intelligence) are already commercially available in technology-assisted document review, which can analyse and classify contractual clauses faster and more accurately than humans.⁷⁹

'Generative artificial intelligence' describes algorithms including the publicly available chatbot by OpenAI, ChatGPT, that can be used to create new content, including audio, code, images, text, simulations and videos.⁸⁰ Recent developments in the field are already changing how the people are approaching content creation.⁸¹ Large law firms have been actively engaged in the production of technological innovation within their own practices for some time⁸² as is recently evidenced in the announcement of the integration of 'Harvey' – an artificial intelligence platform build using Open AI models – into the legal work of multinational law firm Allen & Overy.⁸³

⁷¹ Caroline Hart, *The Seven Elements of Successful Country Law Firms* (Federation Press, 2018).

⁷² Ibid 58.

⁷³ David H Maister, *Managing the Professional Service Firm* (Free Press, 1997) 46.

⁷⁴ Hart (n 71).

⁷⁵ Ibid.

⁷⁶ Ibid ch 6; Lauren Joy Jones and Ashley Pearson, 'The Use of Technology by Gold Coast Legal Practitioners' (2020) 2(1) *Law, Technology and Humans* 57; Caroline Hart, "'Better Justice?' or 'Shambolic Justice?': Governments' Use of Information Technology for Access to Law and Justice, and the Impact on Regional and Rural Legal Practitioners' (2017) 1 *International Journal of Rural Law and Policy* 1; Sam and Pearson (n 58).

⁷⁷ Hart (n 71); see also Anthony Davis and Vivien Holmes, 'Artificial Intelligence and the Importance of Judgement' (Conference Paper, , International Legal Ethics Conference, December 2018); Webley et al (n 33).

⁷⁸ Hunter (n 41) 1213–21.

⁷⁹ Ibid.

⁸⁰ McKinsey and Company, 'What Is ChatGPT, DALL-E, and Generative AI?' (Blog Post, 19 January 2023) <<https://www.mckinsey.com/featured-insights/mckinsey-explainers/what-is-generative-ai>> ('M').

⁸¹ Ibid.

⁸² Vicki Wayne, Martie-Louise Verreynne and Jane Knowler, 'Innovation in the Australian Legal Profession' (2018) 25(2) *International journal of the legal profession* 213.

⁸³ As reported by the England and Wales Law Society Gazette: Hearsay, 'Magic Circle Firm Rolls Out "Gamechanger" ChatGPT-Type Platform' (Blog Post, 7 March 2023) <<https://www.hearsay.org.au/magic-circle-firm-rolls-out-gamechanger-chatgpt-type-platform/>>.

Despite the apparent enthusiasm in some quarters, there are also a range of concerns about lawyers' use of artificial intelligence:

A growing body of literature singles out AI, especially machine learning (ML), as a critical target of regulation, including in the law context. Reasons for concern include its capacity for autonomous and unpredictable action, lack of reliability (or how to be certain that a program performs correctly, without bias or error, especially in the absence of certification) and its opacity (or lack of transparency). Further, regulation of automated systems is seen as especially vital where professionals, including lawyers, use AI to supplement or even replace elements of their work.⁸⁴

Thus, there is uncertainty about the impact of artificial intelligence disrupting the legal profession and its role in the delivery of legal services. However, there is a more important reason why lawyers must become involved, informed, and engaged with artificial intelligence – to ensure they are leading in the development of regulatory frameworks involving data-driven decision-making, rather than attempting to retrofit such a regime later, when it will be too late.⁸⁵

Innovative business structures in legal practice

In 2007, the *Legal Profession Act 2007* (Qld) was amended to provide for alternate business structures including incorporated legal practices ('ILP') and multi-disciplinary partnerships ('MDP'). These innovative structures are available to law firms to advance competitiveness in a changing legal market.⁸⁶ Other common law countries, including the United States of America have looked to Australia as a leader in implementing these structures.⁸⁷

The relevance of these alternate structures for law firm capability to meet disruption is two-fold. First, alternative business structures were a response to deal with 'disruption' caused by increased competition in the legal market. It resulted from the profession coming together in 1994 to contribute to a 'Blueprint for the Structure of the Legal Profession: A National Market for Legal Services'.⁸⁸ The execution of the Blueprint took over 10 years. This is relevant to the Future Ready Research because it demonstrates that the legal profession has historically worked collaboratively to address identified threats.

Second, the business structures include structural features to deal with competition and threats through specific planning when establishing the organisation. Specifically, it is a requirement of legal practitioner directors/partners of an ILP or MDP to implement 'appropriate management systems'⁸⁹ known as 'AMS' or 'the 10 criteria'. AMS, if properly undertaken, provide for a professional risk management structure, including ethical culture.⁹⁰ Practice management software can assist with meeting the requirements and standards associated with AMS.⁹¹

⁸⁴ Justine Rogersa and Felicity Bell, 'The Ethical AI Lawyer: What Is Required of Lawyers When They Use Automated Systems?' (2019) 1 *Law, Technology and Humans* 80, 81; see also Sheila Jasanoff, *The Ethics of Invention: Technology and the Human Future* (WW Norton & Company, 2016).

⁸⁵ Emre Bayamlioğlu and Ronald Leenes, 'The "rule of Law" Implications of Data-Driven Decision-Making: A Techno-Regulatory Perspective' (2018) 10(2) *Law, innovation and technology* 295. Refer also to the submission by Mr Angus Murray, Chair of the Policy Committee, Electronic Frontiers Australia for Australia's Ethics Framework for Artificial Intelligence, dated 31 May 2019 and to the Joint Submission to the Human Rights and Technology Project, October 2018 by Australian Privacy Foundation, Electronic Frontiers Australia and Queensland Council for Civil Liberties.

⁸⁶ John H Matheson and Peter D Favorite, 'Multidisciplinary Practice and the Future of the Legal Profession: Considering a Role for Independent Directors' (2001) 32(3 (Spring)) *Loyola University Chicago Law Journal* 577, 580 for a discussion on the benefits of MDP's.

⁸⁷ James W Jones et al, 'Reforming Lawyer Mobility—Protecting Turf or Serving Clients?' (2017) 30(1) *The Georgetown Journal of Legal Ethics* 125, 146–60.

⁸⁸ Ibid. The Blueprint was prepared by the Law Council of Australia in 1994.

⁸⁹ Appropriate Management Systems are also known as the 10 criteria and include: Competent work practices to avoid negligence; Effective, timely and courteous communication; Timely delivery, review and follow up of legal services to avoid delay; Acceptable processes for liens and file transfers; Shared understanding and appropriate documentation of retainer, covering costs disclosure, billing practices and termination of retainer; Timely identification and resolution of conflicts of interests; Records management; Compliance with regulatory authorities such as the Legal Services Commissioner, the Queensland Law Society, courts and costs assessors; Supervision of the practice and staff; and Avoiding failure to account for trust monies.

⁹⁰ Susan Fortney, 'The Role of Ethics Audits in Improving Management Systems and Practices: An Empirical Examination of Management-Based Regulation of Law Firms' (2014) 4(1) *St. Mary's Journal on Legal Malpractice and Ethics* 112.

⁹¹ Excerpts from Queensland Law Society, *Practice Management Course Handbook* (Draft, 2023) part of the QLS Academic Review of the QLS Practice Management Course, led by UniSQ Professor Caroline Hart. The team included Ms Peta Gray, Ms Kerrie Rosati, Mr Danny Clifford, Ms Amanda Kenafake, Mr Dan Beck, Mr Steve Tyndall and UniSQ Adjunct Professor, Mr Stafford Shepherd (Principal Ethics & Practice Counsel, QLS).

AMS align with the processes law firms should employ to navigate the challenges of disruption.⁹² For example, AMS help lawyers realise that the practice of law involves running a business, including carrying out a ‘strengths–weaknesses–opportunities–threats analysis’ (‘SWOT’).⁹³ The process encourages lawyers to proactively implement business management systems. Other processes achieve the result of creating a firm where the legal practitioner/director is replaceable, so contributing to the succession plan. Again, the caveat is that the AMS must be implemented properly.

While all principals must complete and pass a practice management course that includes business planning, the legislative requirement of AMS is that there is an ongoing expectation to keep and maintain systems that relate to risk management. This existing requirement elevates and entrenches a potentially higher standard relating to competitive, sustainable and ethical law firm practice.

As discussed above, many Queensland firms now employ these innovative business structures that can enhance law firm capability to deal with disruption.

The rise of NewLaw firms

Many ILPs are also structural vehicles for lawyers to implement deliberate changes in approach to legal practice. What has been dubbed ‘NewLaw’ firms are businesses that use the practice of searching for and using lowest cost labour, in other words – labour arbitrage – as the basis of their business model for the delivery of legal services.⁹⁴

There has been a rise of ‘NewLaw’ firms in Australia, for example, in Queensland, LawSquared, LOK, Flex, Nexus and Lexvoco. The highest concentration of these firms is in Sydney and Melbourne.⁹⁵

NewLaw firms often use ‘legal process outsourcing’ companies (‘LPOs’) to leverage low–cost labour in offshore or onshore centres, lawyer secondment firms that provide contract lawyers to corporate legal departments and law firms, and fixed fee legal service firms that use on–demand lawyers.

Example: Legal Process Outsourcing – Integreon

Integreon has been a major player in legal services for more than twelve years, shipping legal work such as litigation document review, contract management, and mergers and acquisitions due diligence review to low–cost countries like India, Bangladesh, the Philippines and South Africa.⁹⁶

Professor Margaret Thornton has documented the rise in ‘NewLaw’ firms and their use of technology to create a hub with consultants providing specialised services and secondments to businesses.⁹⁷ These models are proving remarkably nimble in identifying useful technologies, new legal markets and responding to client demand, including an expectation of ‘more for less’. It is important for the legal profession to provide oversight of ‘labour arbitrage’ as part of the regulated provision of any ‘legal service’.

⁹² Ibid.

⁹³ ‘SWOT’ analysis is determining the internal strengths and weaknesses of a firm, as well as keeping a radar on the external opportunities and threats that might impact the sustainability of the firm.

⁹⁴ Eric Chin et al, *State of Legal Innovation in the Australian Market* (Final Report, Alpha Creates Pty Ltd, 2019) 19; see also Jones and Pearson (n 76) 61 for insights in NewLaw firms as being technologically innovative.

⁹⁵ Chin et al (n 94) 11–12.

⁹⁶ Hunter (n 41) 1205.

⁹⁷ Margaret Thornton (n 53).

So far, there has not been any perceived risk increase in using services from these providers.⁹⁸ For example, at the Law Institute of Victoria's *Future Focus Forum* in December 2018, the representative from Australia's largest professional indemnity insurer shared that no claims have been brought against NewLaw firms yet.⁹⁹ Rather, as Margaret Thornton has traced, NewLaw is often premised on an ideological shift from the 'bricks and mortar' traditional law firm with high overheads demanding long hours in the office generating large billable hours from its lawyers.¹⁰⁰ These firms are premised on the importance of providing lawyers with flexibility of working conditions and cheaper client services.

Analysis of international law associations websites

An analysis of other law associations' websites was conducted to determine coverage of the topics under review by the Future Ready Survey,¹⁰¹ (details are in Appendix 2: Comparative Analysis of Law Society Websites of other Common Law Countries). This analysis is valuable for benchmarking activities of law associations across common law countries against the Future Ready Survey findings. The Future Ready Report references relevant findings throughout.

Summary of the Comparative Analysis of Law Society Websites of other Common Law Countries

- There is variation among the law societies in their identification of technology's impacts as a topic to educate members.
- Common topics of concern include wellness, ethics and the lingering impacts of COVID-19.
- Few law associations have authoritative, accessible information on technology. In some instances, their websites were last updated in 2019. A few law associations contained resources that appeared out-of-date, and with a tone of scepticism regarding the role of technology in legal practice.
- A number of law associations have partnered with universities and/or top-tier law firms.
- Websites that were well presented, accessible and current included: UK Law Society, the European Law Institute, the Law Society of Ontario, the Law Society of Singapore, and the Law Society of New South Wales.

COVID-19 Disruption

The COVID-19 pandemic emerged as a serious social, political and economic factor in early 2020 in Australia.¹⁰² Since then, there have been a reported 10.85 million COVID-19 infections and 16,200 deaths from the virus in Australia.¹⁰³ The Federal Government intervened to introduce travel restrictions and other initiatives, including *JobKeeper* and *JobSeeker* payments, to support businesses to keep people in employment. Levels of mental health decline were associated with periods of lockdown and work from home requirements. The Future Ready Survey respondents provide unique insights into their experience of this recent disruption. Generally, their responses indicate that they were well positioned to respond to its challenges and adapted to remote working.

⁹⁸ Chin et al (n 94) 11–12.

⁹⁹ Ibid.

¹⁰⁰ Margaret Thornton (n 53).

¹⁰¹ The comparative analysis of common law countries, law associations' websites was conducted on 10 February 2023.

¹⁰² Melbourne Institute: Applied Economic & Social Research, 'HILDA Survey', *University of Melbourne* (Web Page, 19 October 2022) <<https://melbourneinstitute.unimelb.edu.au/hilda>>.

¹⁰³ Michael Read, 'How the Pandemic Changed Australia in 2020 (in 9 Charts)', *Australian Financial Review* (4 December 2022) <<https://www.afr.com/politics/how-the-pandemic-changed-australia-in-2020-in-9-charts-20221201-p5c2tf>>.

The impacts of COVID-19 are discussed throughout the Future Ready Report indicating both positive and negative impacts. The landscape indicates that COVID-19 was experienced quite differently across the legal profession. For example, ‘...it was an accelerator in the innovative use of technologies by the Queensland legal profession’¹⁰⁴ including the courts. Yet literature about the legal profession across the world indicates that it was universally an inhibitor in social interactions, including mentoring and networking.¹⁰⁵ Again, the Future Ready Survey data replicates this result.

COVID-19 will likely be viewed as a catalyst for change within the legal profession to provide a greater commitment to remote working.¹⁰⁶ A short term downside of this change in working patterns is the diminished opportunity for junior lawyers to receive training and develop professional networks. A longer-term negative legacy may be upon the culture of law firms through a lack of personal connection and a failure to appropriately manage hybrid working conditions.

The Future Ready Survey data points towards a diversity of experiences as a result of COVID-19. As noted above, junior and senior lawyers appear to have been differently impacted and may continue to diverge in long term effects. It must be remembered that government decisions ordering lockdowns were made with very little lead time. Overwhelmingly, initial sentiment of the legal profession was that there was capability to deal with this unprecedented disruption with agility, revealing a profession capable of adaptation. The research suggests that practitioners are still optimistic that this is the case. However, the legacy of COVID-19 might provide further challenges that are touched upon in the Future Ready Report, and it is suggested that there be further research to track these impacts into the future.

Intergenerational Change

The commentary on intergenerational change within the profession indicates several drivers impacting law firms’ capability to deal with this particular aspect of practice. These drivers include the impacts of technology on law graduates entering the profession, changing values of young professionals (especially post-COVID-19 attitudes), and an aging legal profession.¹⁰⁷

Impacts of technology on the workforce

Industry reports on large law firms predict that a major impact of technology in the legal profession will include ‘technological unemployment’.¹⁰⁸ Deloitte, for example, has over many years been investigating organizational and human impact of technology on law firms.¹⁰⁹ The 2016 Deloitte *Insight Report* noted that profound reforms will occur over the next decade, estimating that nearly 40% of jobs in the legal sector will become automated in the long term. However, there will be new roles emerging such as legal process managers and legal technicians. Consistent across all reports, the earliest impact of technological advances will be among graduate lawyers.¹¹⁰

Not all commentators agree on the long terms impacts of technology on the professions.¹¹¹ In the face of potential impacts on the workforce, many commentators advance solutions to mitigate the impacts.¹¹²

¹⁰⁴ Interview was carried out in accordance with ethics approval H21REA121. The interview was also published in *Proctor* with Ms Mottershead’s permission.

¹⁰⁵ Ministry of Law Singapore (n 40) incorporates the results of a survey of the legal profession (2018); James W Jones and Milton C Regan, 2022 *Report on the State of the Legal Market: A Challenging Road to Recovery* (Final Report, Thomson Reuters Institute, 2022); Thomson Reuters, *Tech & the Law 2022* (2022) <<https://www.thomsonreuters.com.au/content/dam/ewp-m/documents/australia/en/pdf/other/tech-and-the-law-2022-report.pdf>>, the report includes a survey of 670 private practitioners; Thomson Reuters, 2021 *Australia: State of the Legal Market* (2021) <<https://insight.thomsonreuters.com.au/legal/resources/resource/2021-australia-state-of-the-legal-market-report>>.

¹⁰⁶ Hunter (n 41) 1201.

¹⁰⁷ Melville, Caines and Walker (n 15).

¹⁰⁸ Deloitte, *Developing Legal Talent: Stepping into the Future Law Firm* (Final Report, February 2016) <<https://www2.deloitte.com/content/dam/Deloitte/uk/Documents/audit/deloitte-uk-developing-legal-talent-2016.pdf>>.

¹⁰⁹ Neil White, ‘Future Trends for Legal Services’, *Deloitte* (Web Page, 10 September 2022) <<https://www.deloitte.com/global/en/services/legal/research/deloitte-future-trends-for-legal-services.html>>; Deloitte, *Future Trends for Legal Services: Global Research Study* (Final Report, June 2016) <<https://www2.deloitte.com/content/dam/Deloitte/uk/Documents/audit/deloitte-uk-developing-legal-talent-2016.pdf>>; Deloitte University Press, ‘Global Human Capital Trends 2016’, *Deloitte Insights* (Web Page, 2016) <<https://www2.deloitte.com/content/dam/Deloitte/global/Documents/HumanCapital/gx-dup-global-human-capital-trends-2016.pdf>>.

¹¹⁰ Thomson Reuters, *Stellar Performance: Skills and Progression Mid-Year Survey* (November 2021) 18 <<https://insight.thomsonreuters.com.au/legal/resources/resource/2021-australia-state-of-the-legal-market-report>>. This survey is referred to as the ‘Skills and Progression Survey 2021’. It was conducted in September 2021 of 1170 client-nominated standout lawyers from more than fifty countries across all sizes of law firms.

¹¹¹ The Law Society of England and Wales, *Horizon Scanning: Future Skills for Law* (Final Report, 2018) 5 <<https://www.lawsociety.org.uk/topics/research/future-skills-for-law>>.

¹¹² Ministry of Law Singapore (n 40); Jones and Regan (n 105); Thomson Reuters, ‘Tech & the Law 2022’ (n 105); Thomson Reuters, ‘2021 Australia: State of the Legal Market’ (n 105); Deloitte (n 108); Deloitte (n 109); Deloitte University Press (n 109).

Changing values between young lawyers and older lawyers

A report by Thomson Reuters reveals that:

Young professionals are placing more explicit emphasis on work/life balance, mental well-being, leisure and other activities outside work than was evident in previous generations.

A higher proportion of the professional workforce are mothers and as men now take more active roles in child rearing it means younger professionals as a group are juggling more domestic responsibilities alongside their paid jobs.... Collectively these factors mean that long working hours are a potential push factor for younger talent to leave law firms.¹¹³

Unsurprisingly, this Thomson Reuters Report found that lawyers aged 40– to 60–years were willing to work 10% more (in terms of hours) than the younger lawyers in their survey.¹¹⁴

Industry reports give important insights into intergenerational change and shifting attitudes over a period. For example,

... the fierce competition for talent that occurred during 2021 and on the turnover rate below from associates that appeared to be rising at an alarming pace. It remains at one of the higher levels we have seen in the past decade. It raises an interesting question about whether we've reached a point that calls for a fundamental re-examination of how we approach talent management in law firms of any significant size.¹¹⁵

Today if firms want to attract and retain young lawyers they must offer a different proposition – one that guarantees great training and a range of unique experiences that will prepare associates for their next professional role whether that's as a partner at the firm or some other position. Indeed, some firms have recognised the benefits of retaining good lawyers and have begun to offer alternatives to partner tracks for associates who don't want to follow that path or are unlikely to meet the criteria for partnership at their firms.¹¹⁶

United States of America ('US') research suggests that senior lawyers' mental health may have been more impacted by COVID–19, whereas junior lawyers' opportunity for skills development and networking may have suffered more. Within a firm, lawyers of different generations are possibly unaware of the differences in attitudes and expectations about work. An awareness (even empathy) across generations plays an important role in making positive progress towards firm continuity and intergenerational transference of knowledge and skills. The Future Ready Report provides some recommendations for future actions to raise awareness and build capability.

Industry reports also identify a post–COVID–19 legacy being experienced by junior lawyers. According to Georgetown Law Centre on Ethics and the Legal Profession research:

Emerging from the pandemic, the attitudes of associates towards life and work have clearly changed and the loyalty of associates to their law firms has waned. About 27% of associates said they would leave their current law firm for higher compensation. More importantly 60% of respondents said they would consider leaving their firm for a better work life balance.¹¹⁷

The Future Ready Research investigated the current career plans of the Queensland profession (as a part of the baseline), revealing a significantly more stable profession – for the moment. This is discussed in Part 5 below.

¹¹³ Thomson Reuters, 'Stellar Performance: Skills and Progression Mid-Year Survey' (n 110) 10 The 'Skills and Progression Survey 2021', was conducted in September 2021 involving more than 1170 client-nominated standout lawyers from more than fifty countries across all sizes of law firms.

¹¹⁴ Ibid 18.

¹¹⁵ Jones and Regan (n 105) 21–22.

¹¹⁶ Ibid.

¹¹⁷ Ibid 13.

Aging profession

From the literature review, the largest cohort of lawyers were the ‘baby boomer’ generation (born late 1940s–early 1960s). While the impact of COVID–19 and increasing numbers of young lawyers entering the profession has recently altered this balance, there remains an aging group of lawyers within the Queensland profession.¹¹⁸ This presents great opportunities and challenges. In the US, the first and second Joint Committee on Aging Lawyers established by the National Organisation of Bar Counsel and the Association of Professional Responsibility Lawyers (NOBC–APRL)¹¹⁹ noted:

there is a great number of lawyers with tremendous experience, insight and wisdom that can be shared with newer members of the bar. These same lawyers can devote themselves to valuable public service and improvement of the profession.¹²⁰

There are indications discussed in the Future Ready Report that senior lawyers might be failing to provide mentoring and share their wisdom with junior lawyers. Intergenerational change is a complicated phenomenon that requires further research about the specific impacts. The Future Ready Report recommends that data continue to be collected to provide training and support to ensure the longevity of the profession.

Other disrupting impacts on the legal profession

Commentary on the legal profession across the world indicates a range of macro factors that have an impact on local legal practice. While these factors were beyond the scope of the empirical research undertaken by the Future Ready Research into the attitudes and practices of the Queensland legal profession, they are worth noting for their ongoing significance.

National and international economic threats

Current economic troubles have their roots in the continuing effects of the global pandemic that stunted the world’s economy for almost a year, and where government intervention may have triggered some inflationary results.¹²²

The 2023 Thomson Reuters Report focusing on the US, stated that the greatest uncertainty facing firms is the inability:

... to know how long the current economic downturn will last, how deep it will be, and what the ultimate recovery will look like... The present downturn is driven largely by externalities outside the direct control of economic regulators, such as the war in Ukraine the lingering effects of COVID–19 pandemic and the challenges of global inflation.¹²¹

Globalisation

Globalisation continues to disrupt the legal profession by moving production away from high cost to low–cost centres.¹²³ There are already indications that Australia must remain vigilant about the entry of international lawyers and law firms. For example, the Law Society of England and Wales is signalling a push to enter the Australian legal services market without lawyers needing to qualify in Australia under the Free Trade Agreement between the two countries.¹²⁴ The following statement is currently posted on the Law Society’s website:

Tell us what market access barriers you’re facing in Australia. We want to hear about any challenges law firms have encountered providing legal services in Australia, so we can highlight your interests during the upcoming regulatory dialogue between the UK and Australia. ... This could be in relation to:

¹¹⁸ Melville, Caines and Walker (n 15) found that the proportion of solicitors 60 years and above has been increasing in Australia. Unsurprisingly, these older Australian lawyers are overwhelmingly male – 13% of male solicitors are over 65 as compared to only 2% of female solicitors.

¹¹⁹ James C Coyle et al, *NOBC–APRL–CoLAP Second Joint Committee on Aging Lawyers* (Final Report, 1 April 2014) <<https://aprl.net/2014-report-aprl-nobc-aba-committee-lawyer-assistance-programs-colap-joint-committee-aging-lawyers-issued/>>.

¹²⁰ Ibid 2.

¹²¹ Coyle et al (n 119); Steve Mark and Tahlia Gordon, ‘Compliance Auditing of Law Firms: A Technological Journey to Prevention’ (2009) 28(2) *University of Queensland law journal* 201, 204–209 for discussion about globalization and structural changes in the Australian legal services market.

¹²² Jones and Regan (n 105) 17.

¹²³ Hunter (n 41) 1201.

¹²⁴ The Law Society of England and Wales, ‘Horizon Scanning: Future Skills for Law’ (n 111) 6.

- the recognition of professional qualifications, regardless of the route to qualification and without the need for extra study
- mobility provisions for short-term secondments and intra-corporate transfers
- guidelines for admission (for prior experience or conditional admission)
- uniformity of regulation across different states/territories
- availability of business structures, including the UK LLP.¹²⁵

Legal education's capability to respond to dynamic change in the delivery of legal services

There is a changing skill set required of lawyers entering the legal profession. There has been a close relationship between law schools and law societies.¹²⁶ Among the desired skills of a lawyer is technological competence. Academics such as Dan Hunter have called on the academy to address this:

It is an unusual school indeed that offers an elective in legal technology or leadership, although this is becoming more common. However, we are yet to find a single law school which offers serious training in project management, financial accounting, human resources, marketing, and management, along with subjects in legal innovation, how to create a start-up...¹²⁷

Legal education's capability to meet changes in the legal profession have been the subject of increasing research and investigation.¹²⁸ As such, there are calls to adapt legal education to suit the disruptions facing the profession. The Future Ready Report does not engage further with this important debate given its scope and research questions.

Conclusion

Unquestionably, there are shifts occurring in practises and structures of Queensland's legal profession. These shifts occur within the regulatory framework of the *Legal Profession Act 2007* (Qld) that provides for the requirements by which legal services must be delivered. This Part of the Future Ready Report has identified immediate sources of disruption experienced in other jurisdictions. While SMSM firms are not as directly impacted by global forces in the same way as large law firms with offices across the world, SMSM law firms in Queensland are likely to be subject to similar impacts of developing technology, pandemic and intergenerational change.

¹²⁵ The Law Society of England and Wales, 'Home' (Web Page, 2023) <<https://www.lawsociety.org.uk>>.

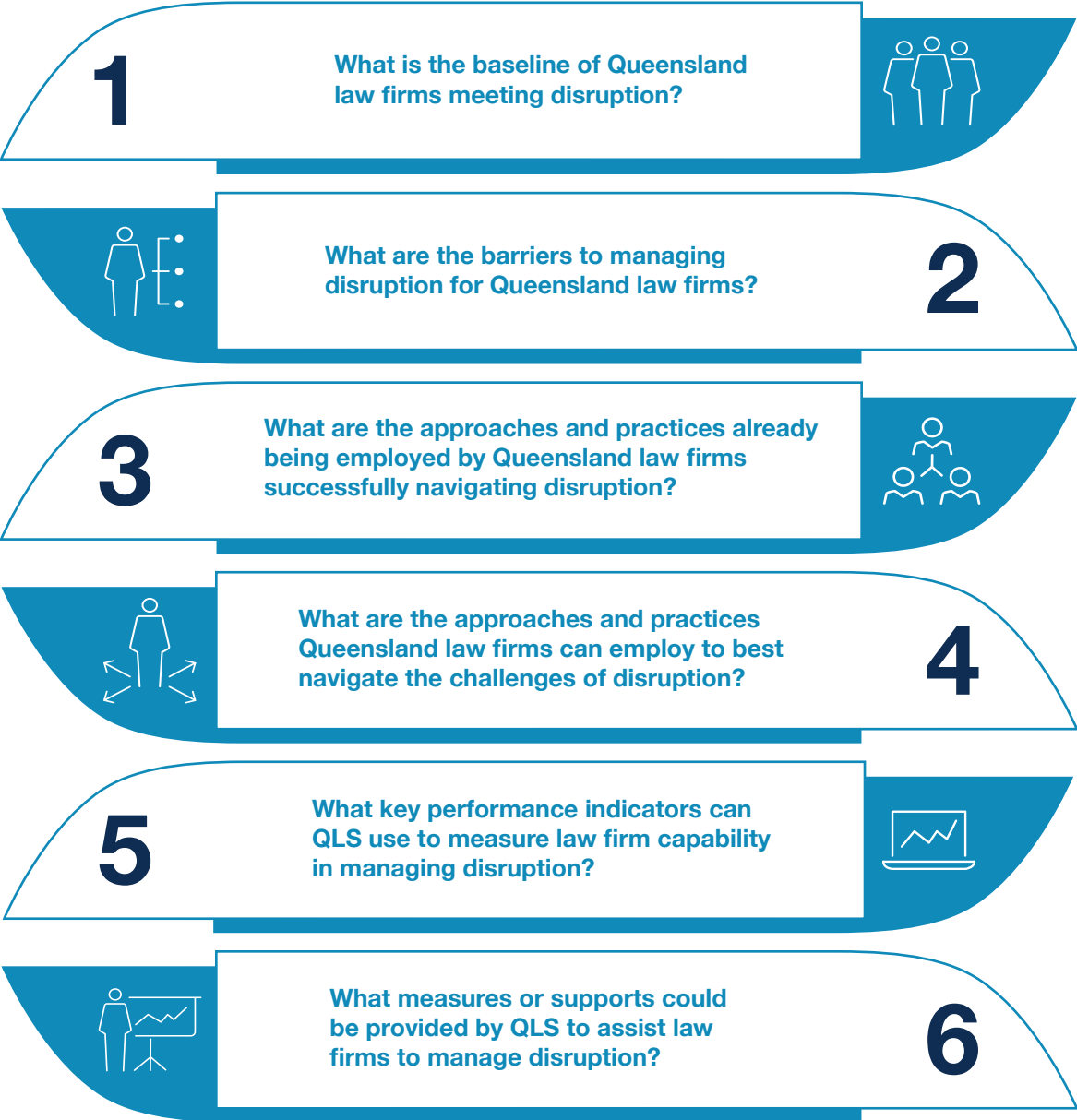
¹²⁶ It is conceded that there is a rich debate concerning legal education across the common law world that cannot be properly canvassed in this report. Other practical skills such as cultural competence are increasingly being expected on lawyers entering the workplace.

¹²⁷ Hunter (n 41) 1209.

¹²⁸ For example, see Aaron Timoshanko and Caroline L Hart, 'Teaching Technology Into the Law Curriculum' (2021) 13/14 *Journal of the Australasian Law Academics Association* 146; Caroline Hart and Aaron Timoshanko, 'Ready for a Reboot: Law Schools Need to Reboot and Upgrade the Law Curriculum Now to Better Meet the Impacts of Technology' (2022) 15 *Journal of Australasian Law Academics Association* 31; Kate Galloway et al, 'The Legal Academy's Engagements with LawTech: Technology Narratives and Archetypes as Drivers of Change' (2019) 1(1) *Law, Technology and Humans* 27.

Findings, analysis, and recommendations addressing the six questions of this research

The Six Key Questions



5.1 WHAT IS THE BASELINE OF QUEENSLAND LAW FIRMS MEETING DISRUPTION?

The Future Ready Survey provides a baseline of Queensland SMSM law firms' capability to meet disruption. The baseline is from the perspective of employers and employees and provides a snapshot of the profession. The range of Survey respondents provides an approximately representative sample of the profession, with the caveats described in Part 2 (Methodology).

The Future Ready Survey data collected a baseline (or snapshot) on the following topics:

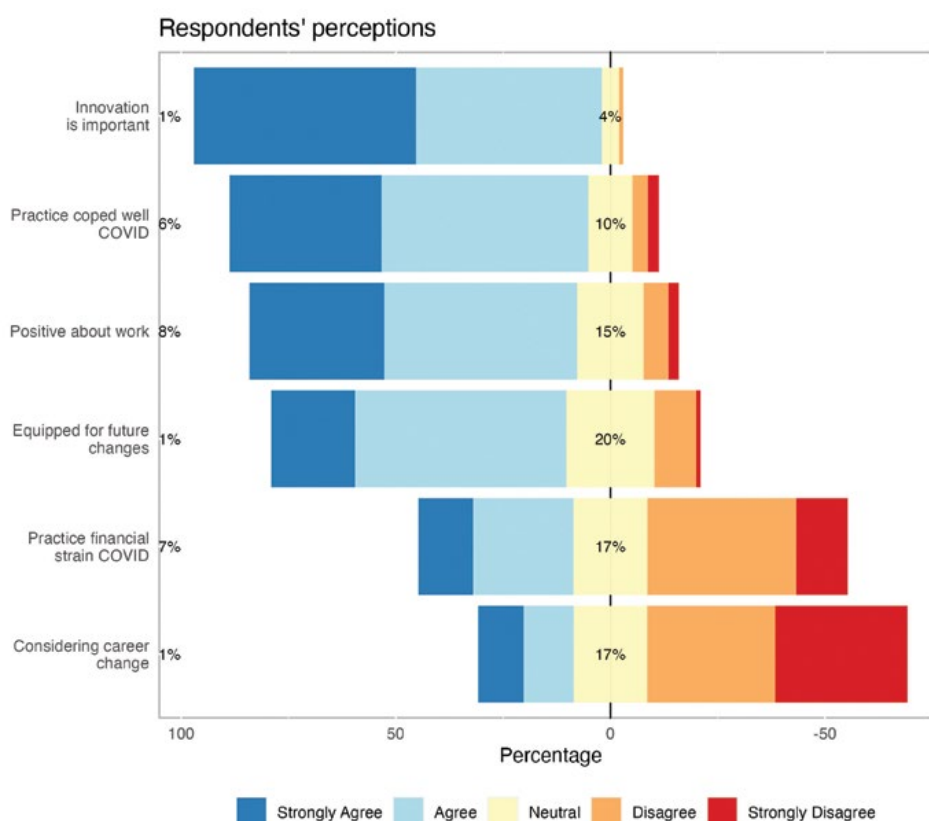
1. Baseline on current perceptions of legal practice.
2. Baseline on preparedness to deal with future changes.
3. Baseline on technology and innovation.
4. Future plans to change career.

5.1.1 Baseline on current perceptions of legal practice

The research investigated perceptions about legal practice, including how well firms have dealt with various impacts, including COVID-19 and technology.

The baseline on respondents' perceptions is that:

- Innovation is important.
- Most practices coped well with COVID-19.
- Respondents were reasonably confident about future challenges.
- Most respondents were not considering a career change.

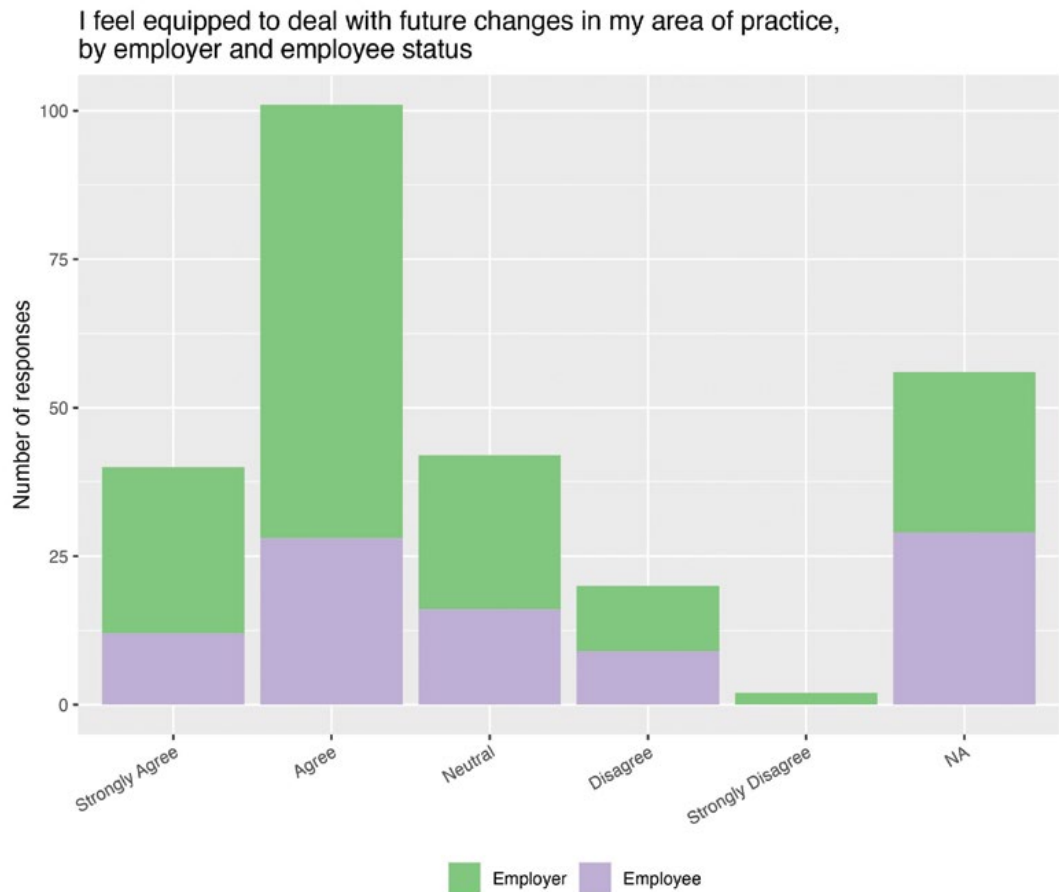


Graph 9

5.1.2 Baseline on preparedness to deal with future changes

Perceptions regarding preparedness to deal with future changes were investigated from the perspectives of employers and employees, by age and location of practice.

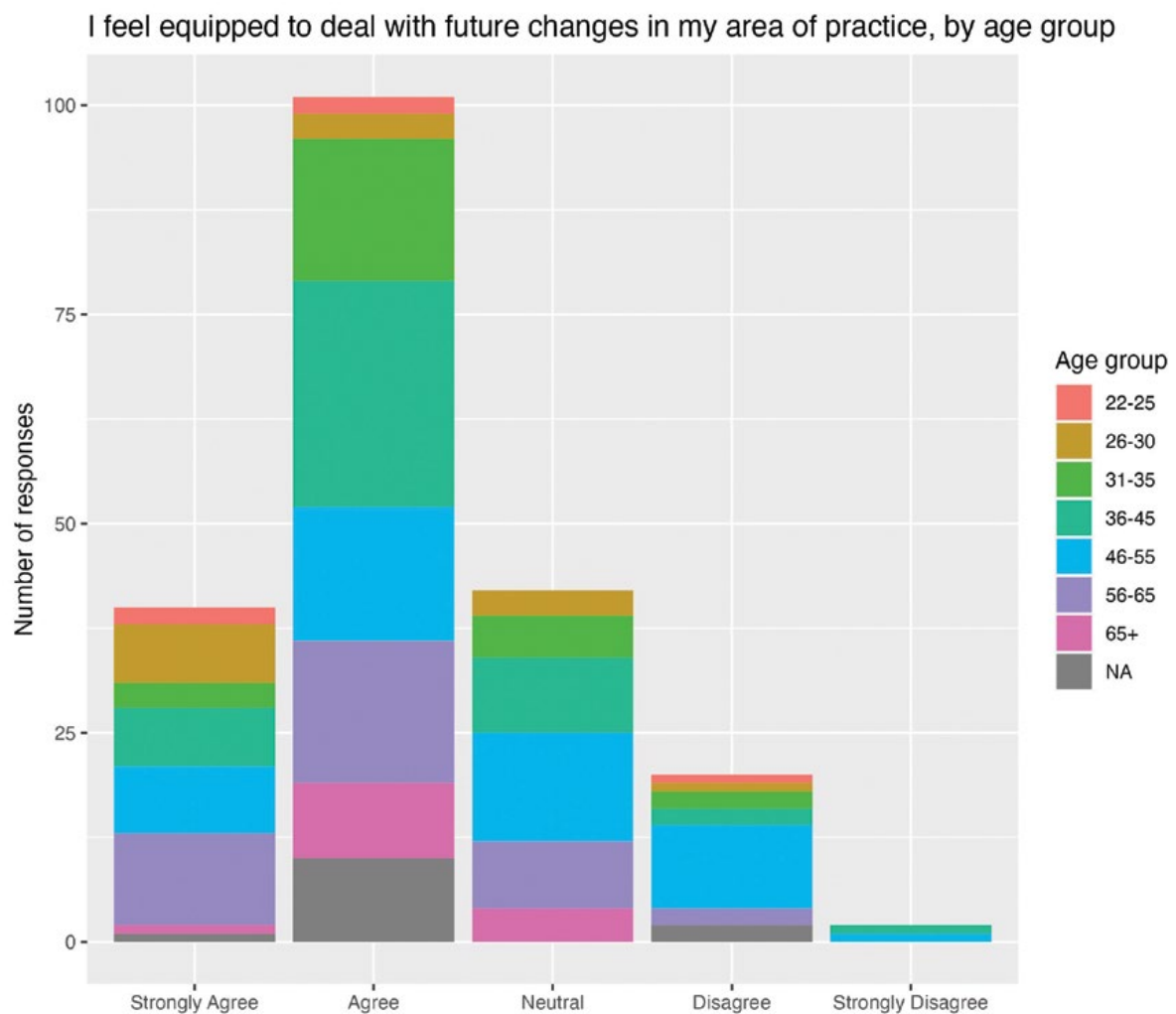
By employer and employee status



Graph 10

Employers, in particular, registered positively as being able to deal with future changes.

By age group

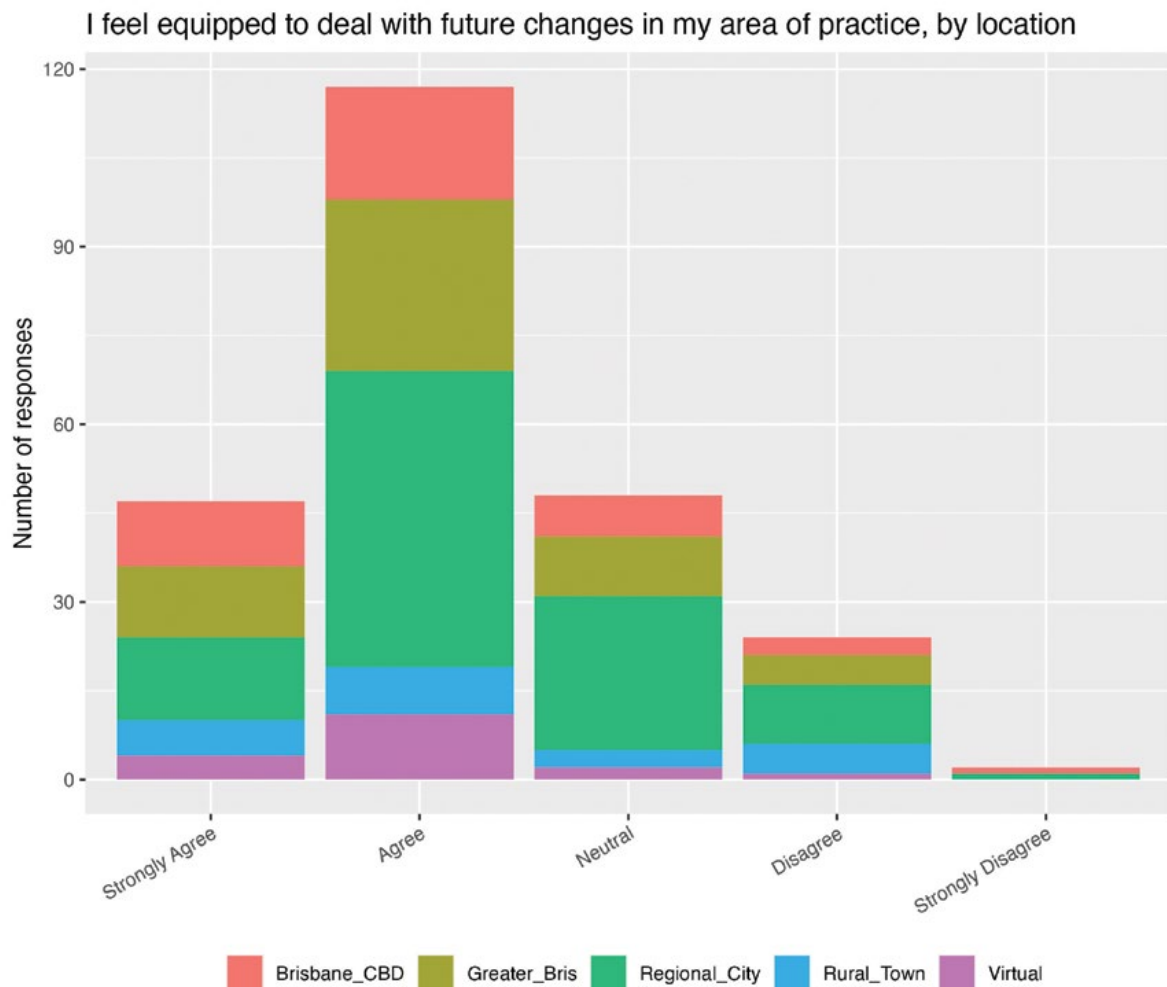


Graph 11

The current snapshot of 'feeling equipped to deal with future change' indicated variations amongst the age groups:

- 26 – 30-year-olds, a comparatively small percentage of the respondents, indicated strong agreement that they feel equipped.
- 31 – 35-year-olds, 56 – 65-year-olds and 65+ registered that they did feel equipped to deal with the future.
- In contrast with the above age groups, 46 – 55-year-olds, comprised the largest age group of not feeling equipped or were neutral about the statement. In other words, this age group was not as positive about dealing with change as either the younger or older age groups.

By Location



Graph 12

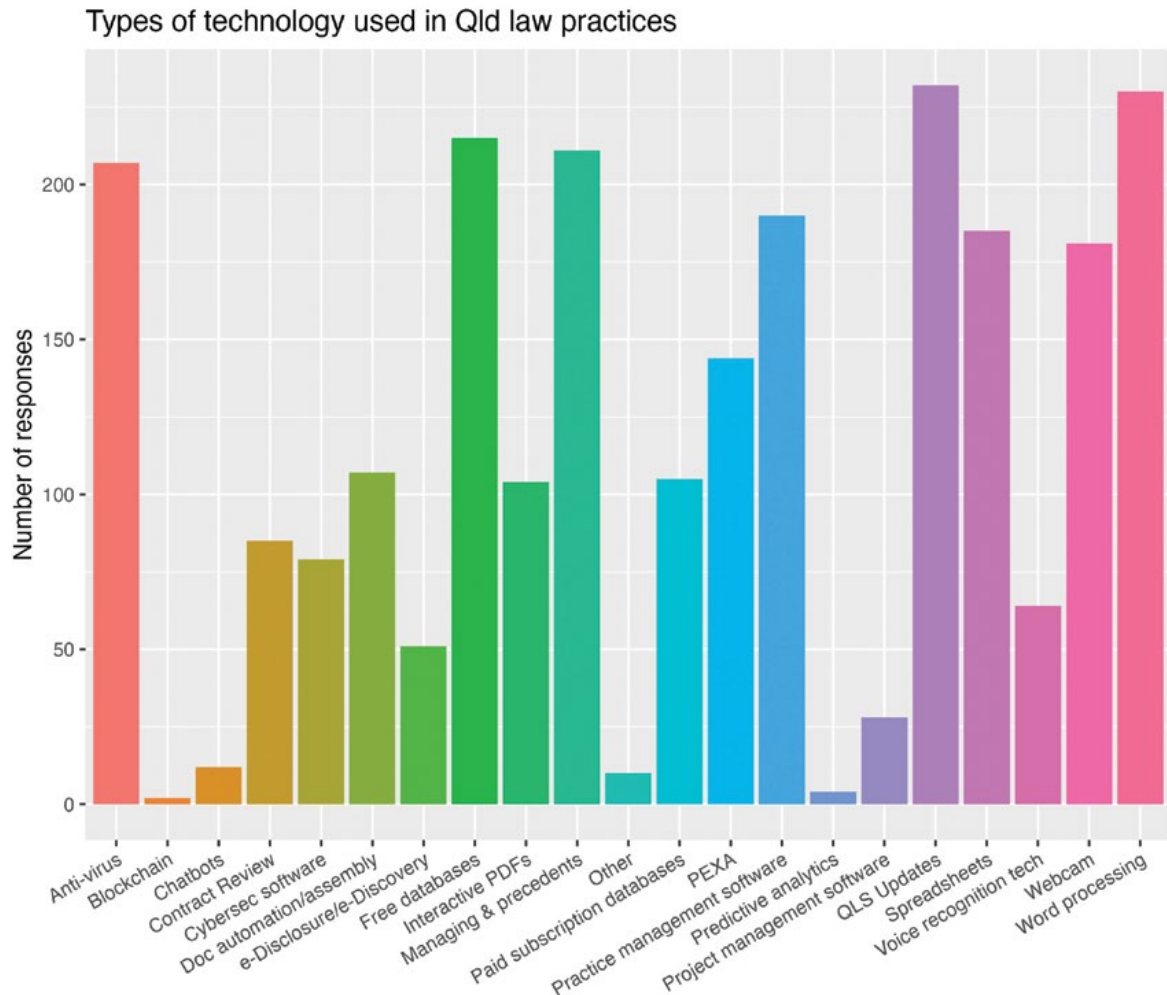
Acknowledging that regional respondents were over-represented in the Future Ready Survey, the data indicates that most Queensland law firms feel 'equipped to deal with future changes' irrespective of geography.

5.1.3 Baseline on technology and innovation

The Future Ready Survey provides a snapshot of perceptions about a comprehensive range of technologies within firms and (in a separate question) respondents' attitudes towards technology in legal practice.

Types of technology currently used in practice

The Future Ready Survey questioned respondents about the technologies used in their law firm.



Graph 13

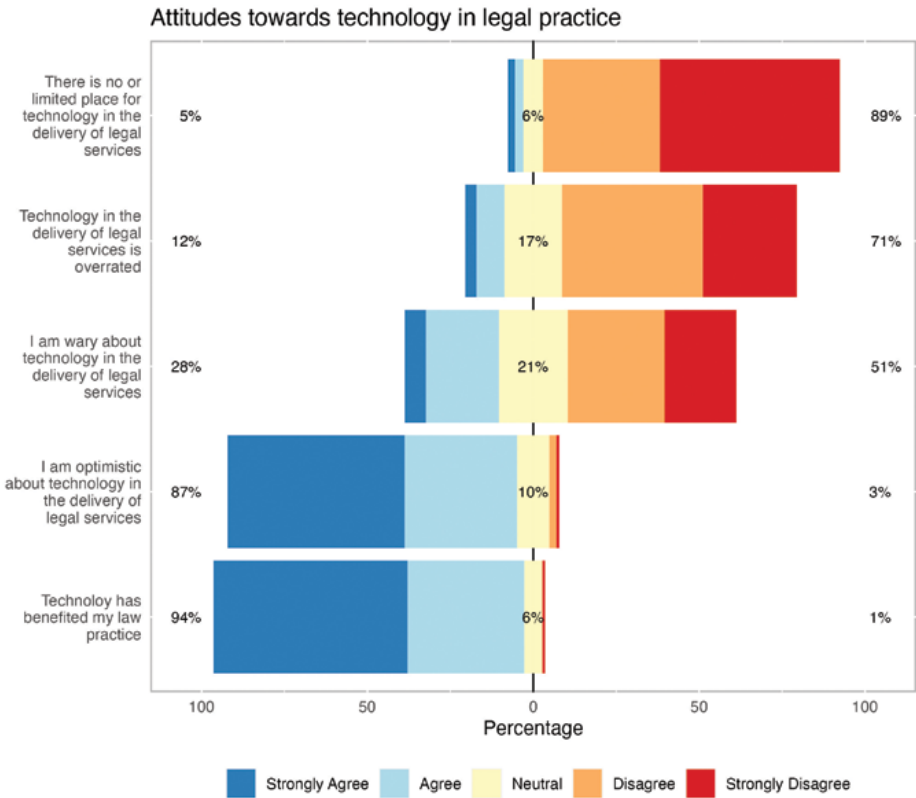
Around 85% of law firms use word processing software, practice management software and technology to access free law databases. Technology is used to access QLS Updates. Most practices use anti-virus software but not dedicated cybersecurity software. Just over half of respondent firms use PEXA (54.96%). Newer, less conventional technologies are less frequently used, such as, document assembly, e-Discovery tools, blockchain, chatbots and predictive analytics.

This data provides an important baseline of the technology deployed in respondents' firms. Industry reports indicated a similar breadth of use of technologies.¹²⁹

¹²⁹ Law Society of Singapore and Ministry of Law Singapore, *Legal Technology in Singapore: 2018 Survey of Legal Practitioners* (Singapore Academy of Law, 2018), in which 88% – 85% of senior lawyers recognizing the value of legal technology.

Current attitudes towards technology in legal practice

Respondents were asked a series of questions relating to their attitudes towards technology in legal practice, commencing with ‘technology has no place in the delivery of legal services’ right through to ‘optimism’ about the use of technology in legal services.



Graph 14

Respondents expressed an appreciation for the value and contribution technology can, and will, make in legal practice but there remains some ‘wariness’ as indicated in the graph above. This wariness was a theme also identified in the 2018 survey of Singaporean legal practitioners.¹³⁰ The Singaporean analysis revealed mixed views about legal technology, with 68% of respondents viewing legal tech as an opportunity and a threat at the same time. Nevertheless, 72% of Singaporean law firms indicated that they needed to increase the level of technology adoption.¹³¹ In this regard, the Future Ready Survey results are consistent with the findings from Singapore.

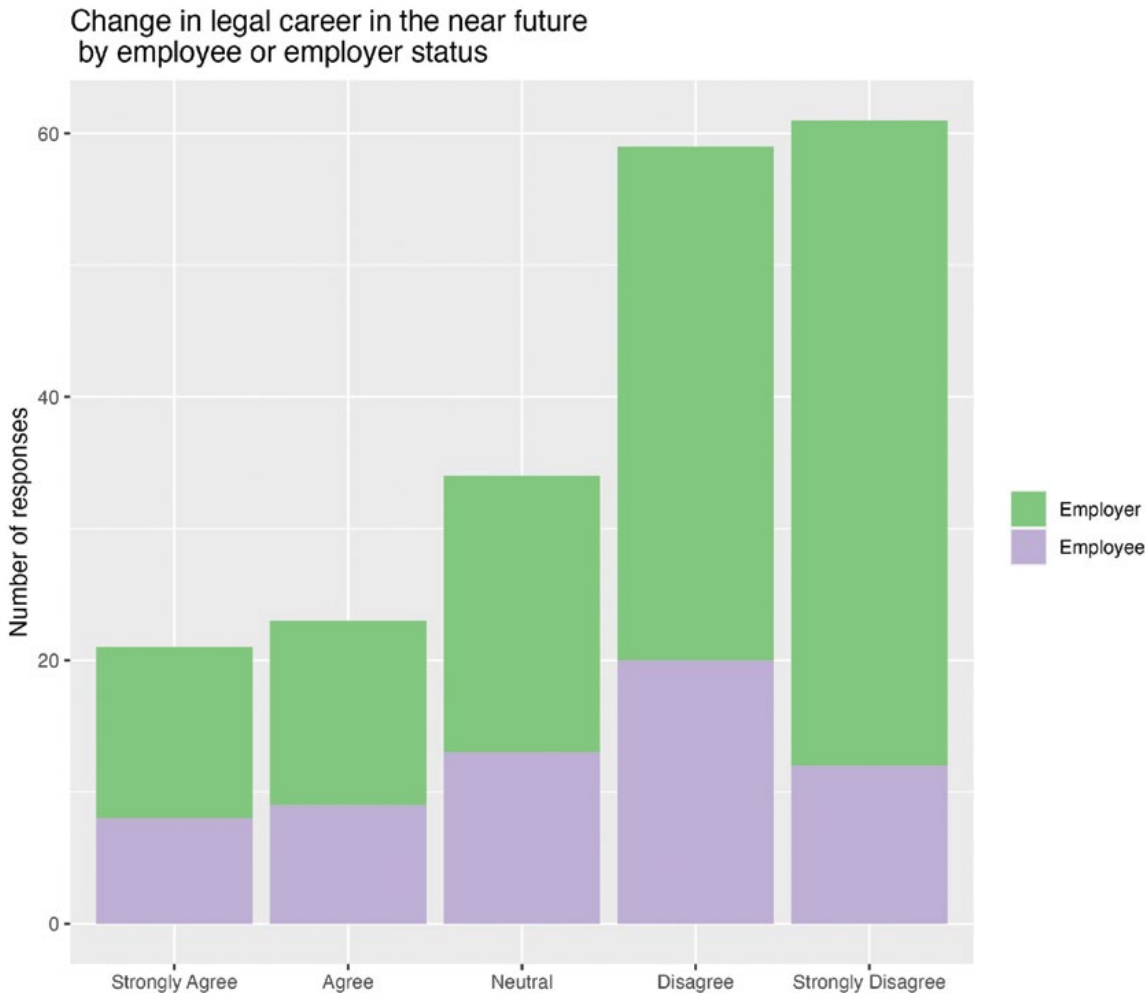
¹³⁰ Ibid.

¹³¹ Ibid.

5.1.4 Future plans to change career

The Future Ready Research took a snapshot of employers' and employees' plans (if any) to change careers. Respondents were asked if they were considering a possible change in their career in the near future. The responses were then segmented across employers and employees, location, and age.

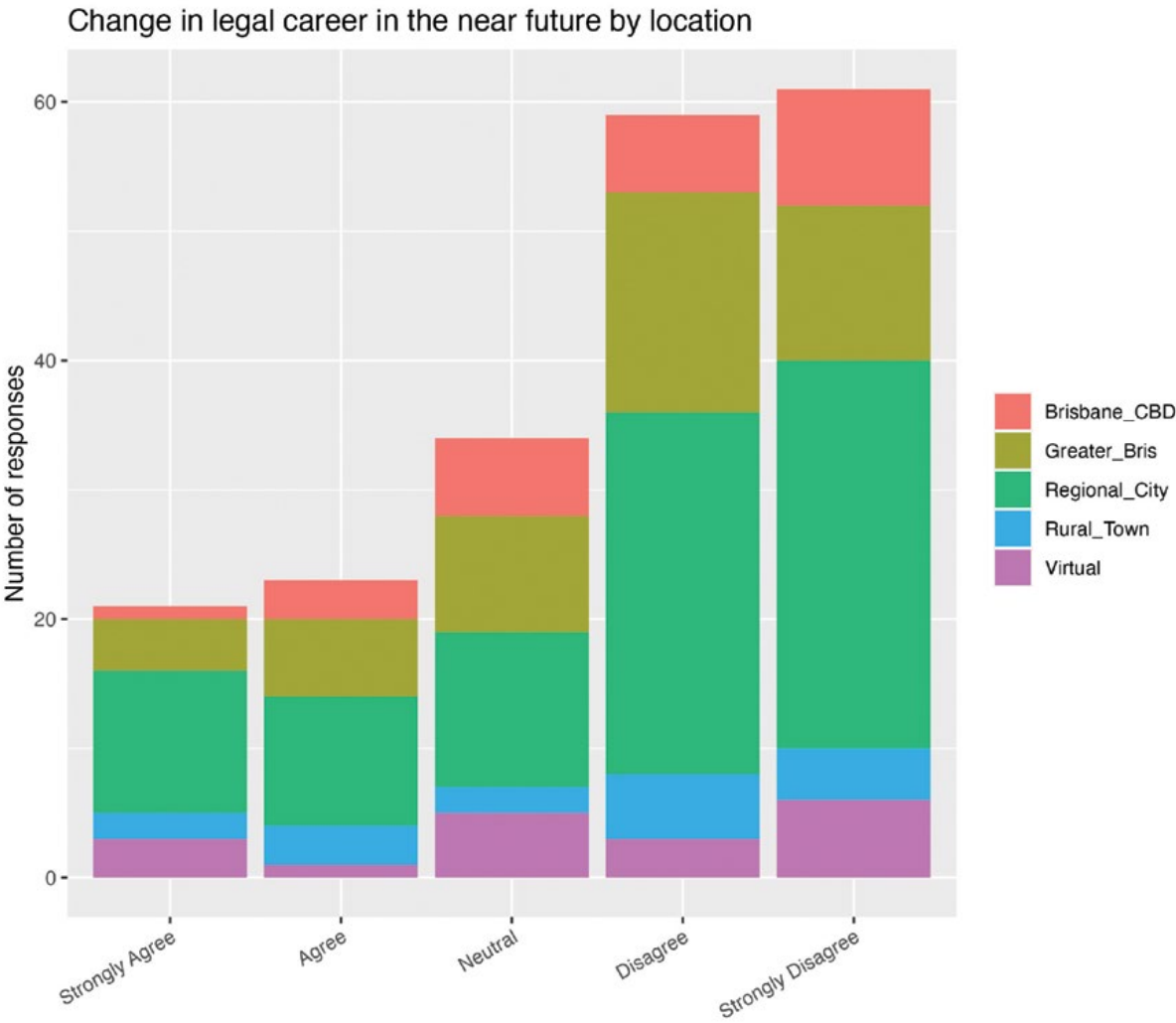
Employer and employee



Graph 15

The results indicate that most employers and employees do not plan to make a change in their legal career in the near future.

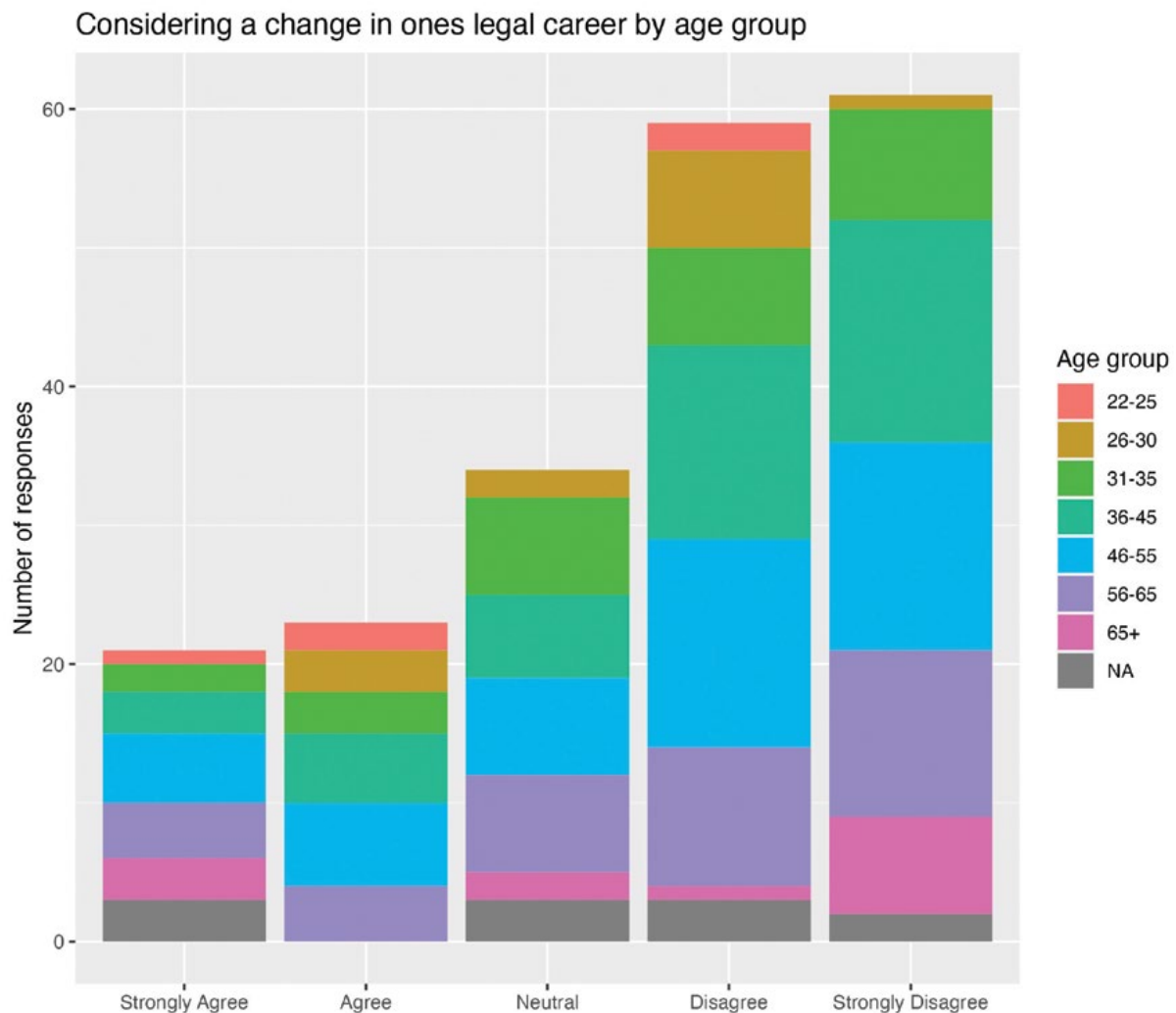
Location



Graph 16

The lack of plans to change career are reasonably consistent across locations within the Future Ready Survey. Respondents working in the Brisbane CBD appear less likely to consider a career change, whereas those working in Greater Brisbane were less emphatic.

Age



Graph 17

When correlated against age, respondents within the 46 – 55-year-old age group are most likely to consider a change in career. There was also some representation from the 22 – 25 to 26 – 30 year old age group for a change in career. In the 56 – 65 and 65+ age groups, there was also some indication of a possible career change, although this response may be linked to retirement. This same age group, 56 – 65+, were also represented in the 'strongly disagree' that they have plans for a career change. This appears to be a split response. Further, more focused research is needed here.

Impact of COVID-19 as a specific disruptor

The Future Ready Survey data indicates that COVID-19 was experienced differently across the profession. However, in general, most respondents expressed having navigated COVID-19 positively.

One example of law firm capability having increased during COVID-19 relates to the innovative use of technology to deliver legal services. The data also indicates some of the challenges experienced by the profession depended on age, stage of career, and employment status. This is discussed in answering Questions 3 and 4 later in the Future Ready Report.

Key Findings

Respondents' general perceptions about legal practice included that:

- Innovation is important.
- Around 85% of law firms are using technology for word processing, practice management software and accessing free law databases.
- Respondents indicated an appreciation for the value and contribution technology can, and will, make towards legal practice but there remains some 'wariness'.
- Law practices coped well with COVID–19.
- Employers were more positive about being able to deal with future changes than employees.
- Respondents across all locations were reasonably confident about future changes.
- Most respondents were not considering a career change.
- However, respondents within the 56 – 65 and 65+ age group also indicated the possibility of a career change, although this may be linked to retirement.

The remainder of the Future Ready Report provides an in–depth analysis of how COVID–19 and other disruptors are experienced and how firms can manage and adapt to changing conditions, as well as support that could be offered to the profession to build resilience.

Recommendation

It is recommended that QLS conduct an Annual SMSM Law Firm Health Check. This will provide valuable longitudinal data to increase the validity of the baseline provided in the Future Ready Report. It is also recommended that the impacts of COVID–19 remain an item for further monitoring as part of any future research.

5.2 WHAT ARE THE BARRIERS TO MANAGING DISRUPTIONS FOR QUEENSLAND LAW FIRMS?

The Future Ready Research investigated several barriers to managing disruptions that might be experienced by law firms. The research focused on the following possible barriers to practice:

1. Access to the internet
2. Perceived barriers to practice
3. Technology as a barrier
4. Cybersecurity as a barrier
5. Perceptions about COVID–19 as a barrier
6. Management of internal and external threats
7. Changes to the landscape in the past 5 years

5.2.1 Access to the internet

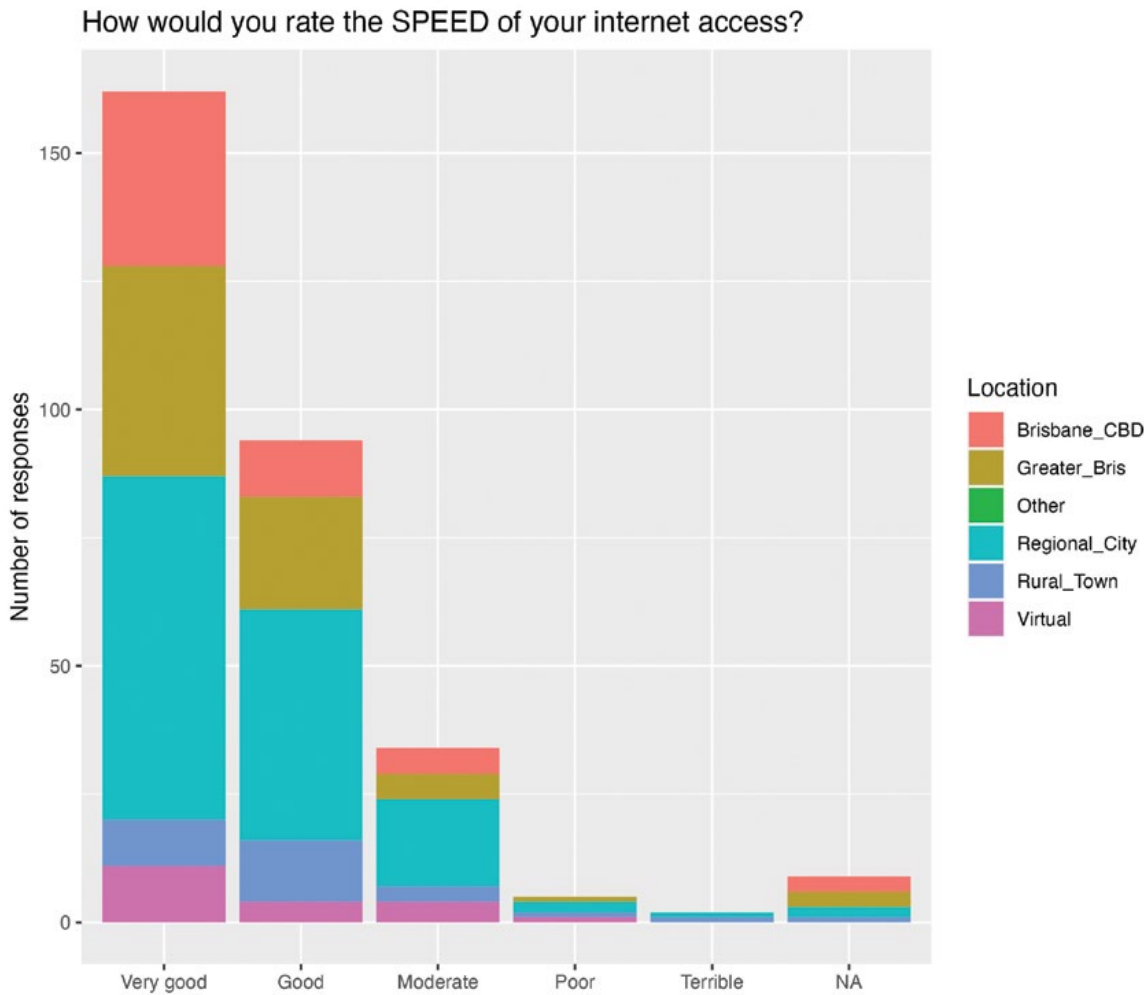
Access to the internet has previously been identified as a potential barrier to access to justice.¹³² Internet access is a threshold requirement that underpins the adoption of technologies by law firms. Therefore, the Future Ready Survey asked respondents about the speed, reliability and cost of their internet, as well as quality of support provided by their internet service provider, to determine if access to the internet might be a barrier.

Based on the Survey results, the characteristics of respondents' internet access were not a barrier to practice. Although there were a few reservations about some features, as identified below.

¹³² Commonwealth of Australia, *Access to Justice Arrangements (Vol 1)* (Inquiry Report No 72, Productivity Commission, 5 September 2014) <<https://www.pc.gov.au/inquiries/completed/access-justice/report>>; Christine Coumarelos et al, *Legal Australia–Wide Survey: Legal Need in Australia*, vol 8 (Law and Justice Foundation, 2012); see also Hart, “Better Justice?” or “Shambolic Justice?": Governments' Use of Information Technology for Access to Law and Justice, and the Impact on Regional and Rural Legal Practitioners' (n 76) for threshold issue of access to the internet for Queensland lawyers.

Speed of internet access

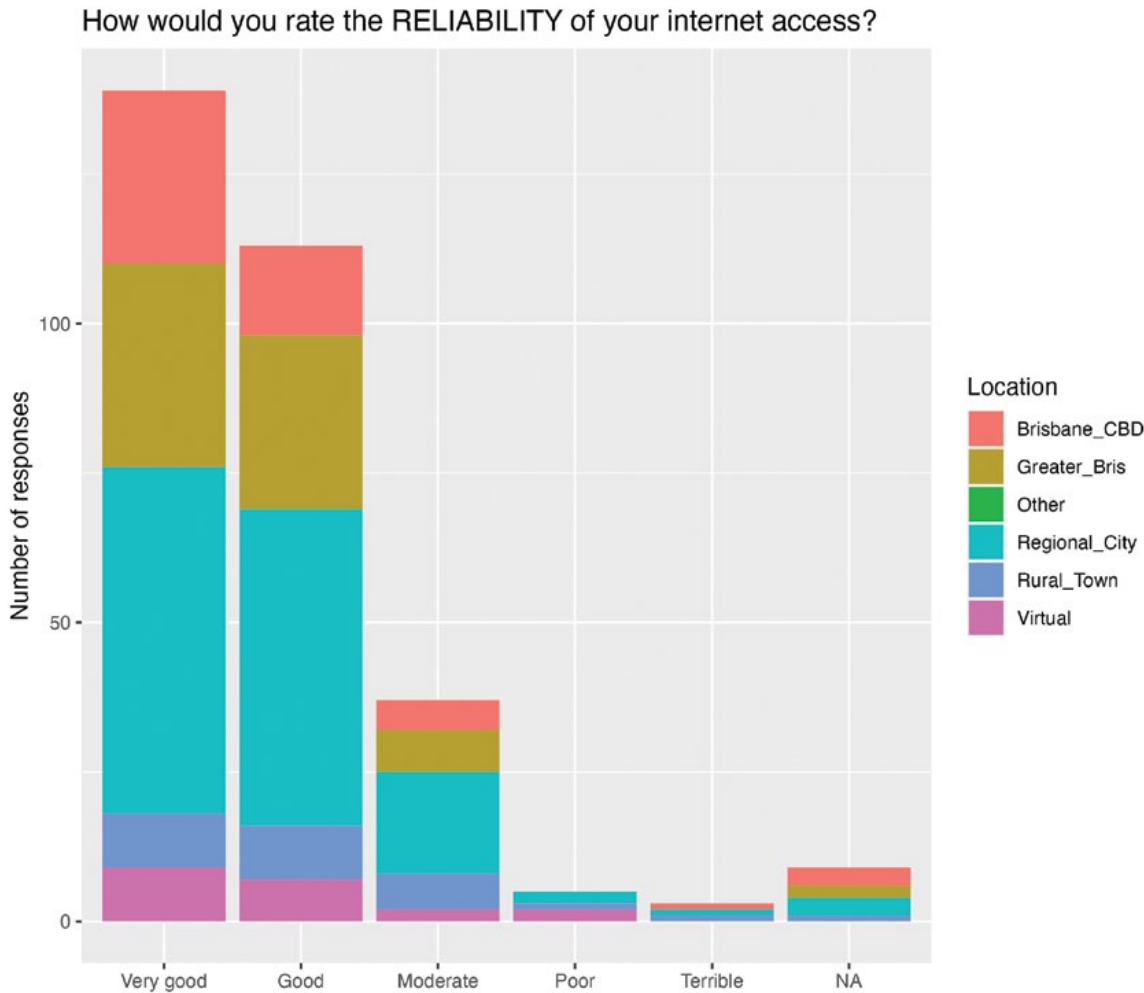
The Future Ready Survey data revealed that internet speed in most Queensland locations was rated as 'very good' or 'good'.



Graph 18

Reliability of internet access

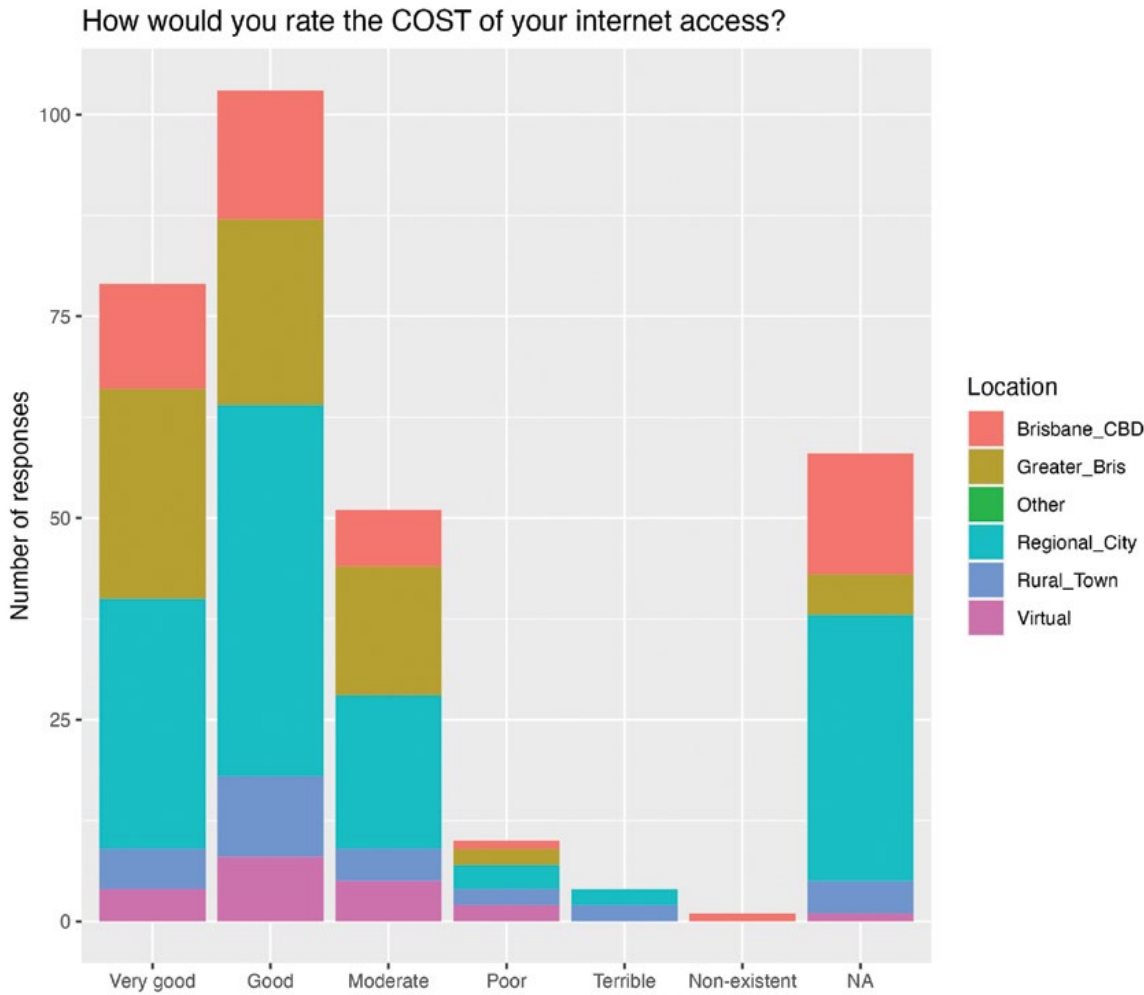
Similarly, the reliability of internet access was rated 'very good' or 'good' across most locations.



Graph 19

Cost of internet access

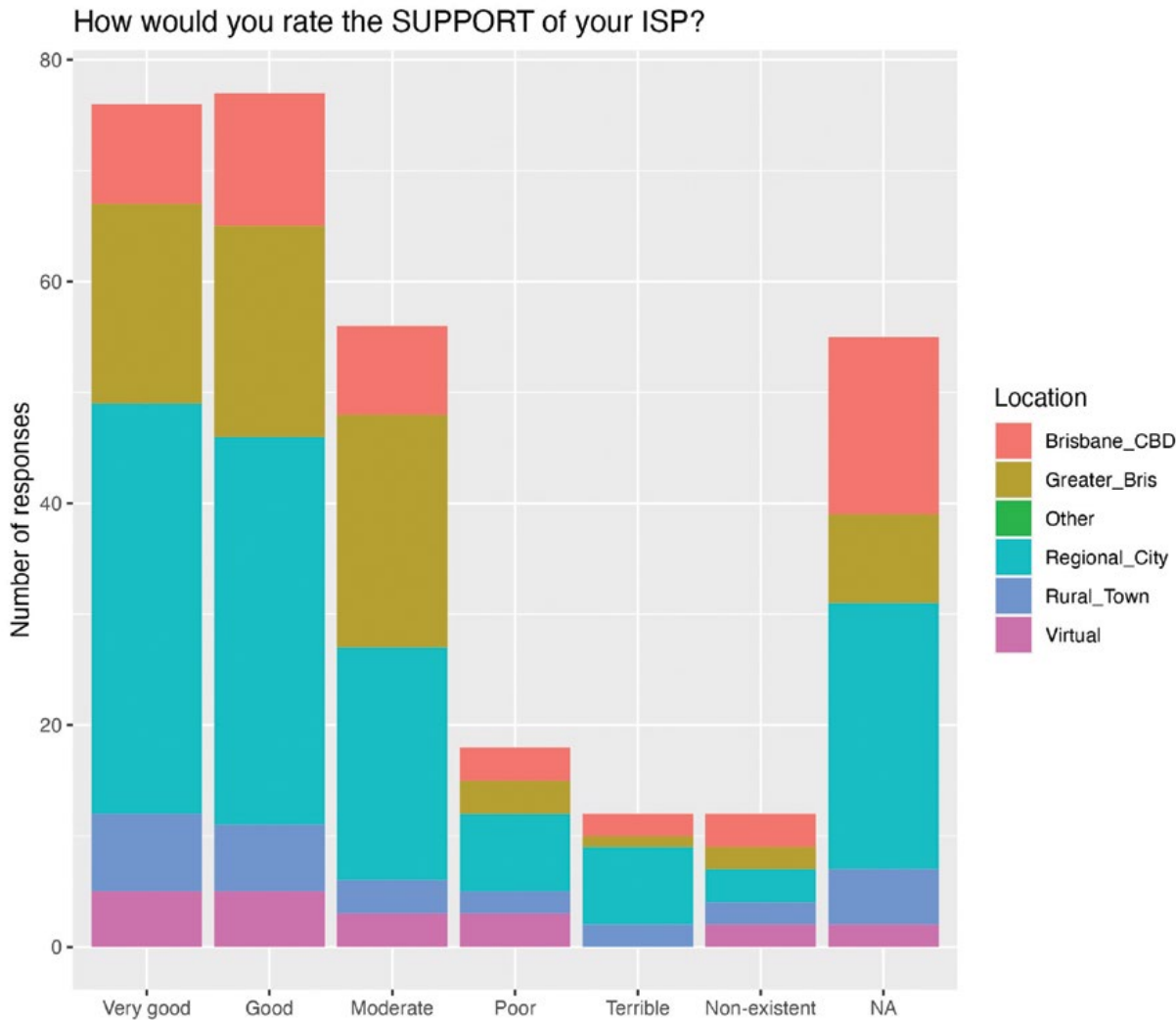
Respondents were slightly less positive about the cost of internet access, with most respondents indicating costs were 'good' rather than 'very good'.



Graph 20

Quality of support from your internet service provider

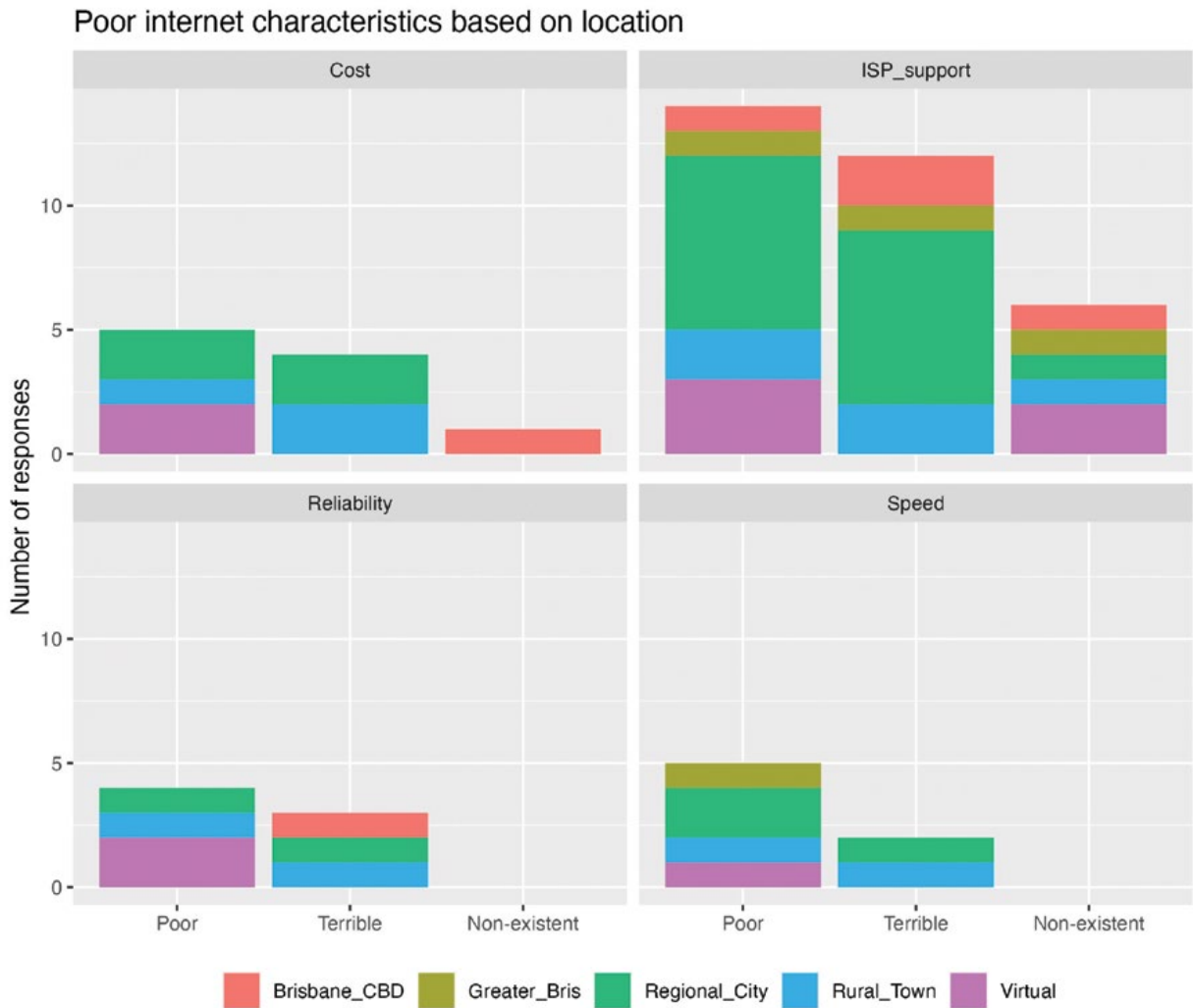
Respondents did express concerns about the quality of support received from their internet service provider rather than the speed or cost of the internet. No further questions were asked about support from ISPs. It may be that respondents need more general ICT help (e.g. to do with networks) that ISPs will not provide.



Graph 21

Negative experiences or characteristics of internet segmented by location

The above data was correlated against location to determine where the 'poor' and 'terrible' experiences relating to the internet were experienced.



Graph 22

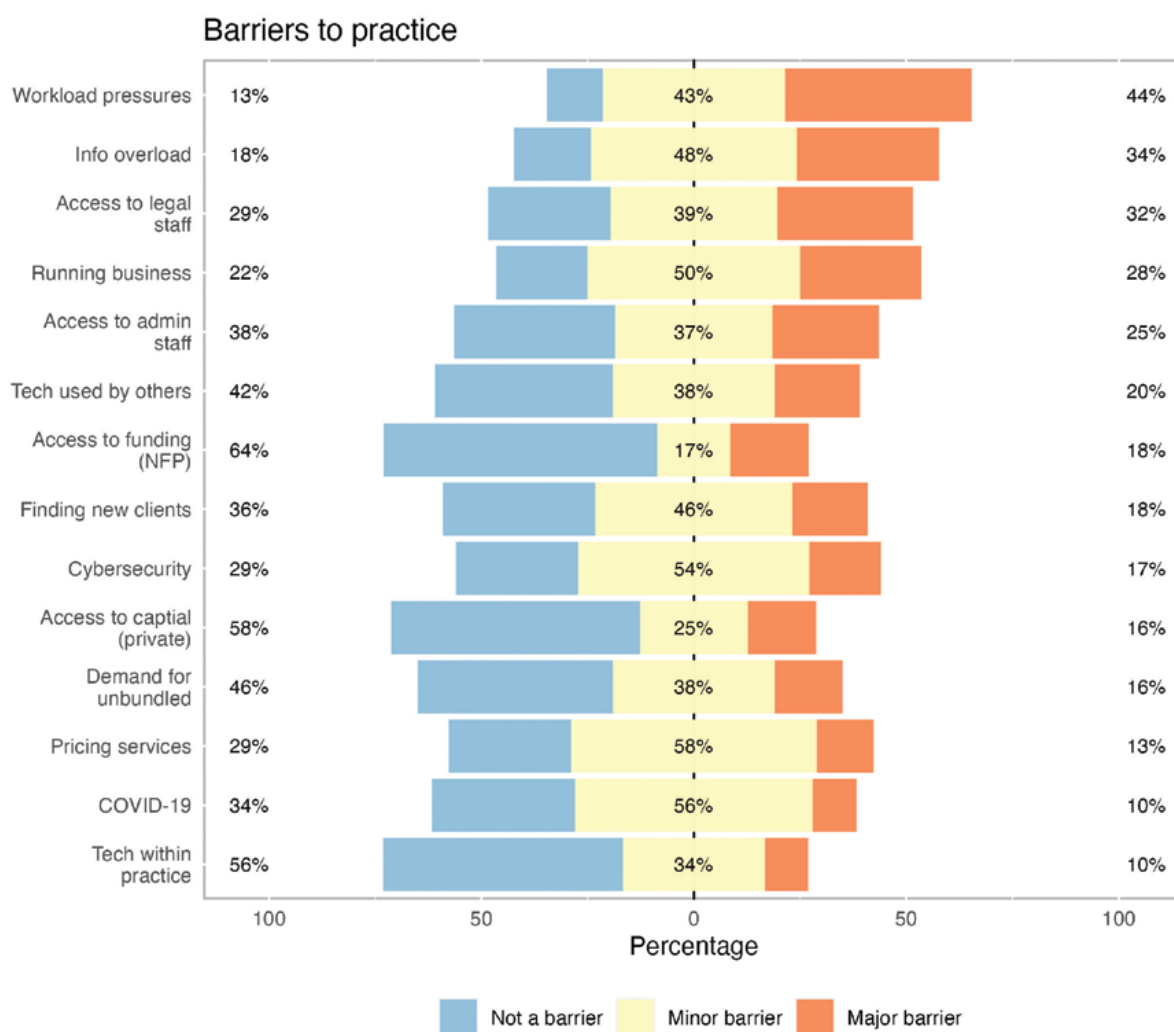
All locations registered highly for negative experiences with their ISP support, including Brisbane CBD.

There were also some negative experiences with speed, cost, and surprisingly, internet reliability within the Brisbane CBD. Regional and rural locations also registered some negative experiences regarding speed, reliability and cost. Overall however, most respondents indicated that their internet characteristics were not a barrier to practice. If any barrier existed, it concerned the support received from internet service providers.

5.2.2 Perceived barriers to practice

The Future Ready Survey was careful not to make assumptions about respondents' attitudes regarding what a 'barrier' might be, including technology.¹³³ The following set of questions was deliberately diverse to obtain data from the respondents about what they perceived as barriers to practice.¹³⁴

In total, 14 different barriers were offered to respondents to choose from, as described in the graph below.



Graph 23

Of the various barriers to practice, the 'major barriers' had nothing to do with technology within or outside the practice. Rather, the greatest barriers to practice were workload pressures, information overload, access to legal staff and tasks associated with operating a business.

The use of technology by 'others', including courts and other law firms, was only a minor barrier. Graph 23 (below) provides further insight into whether technology is perceived as a barrier.

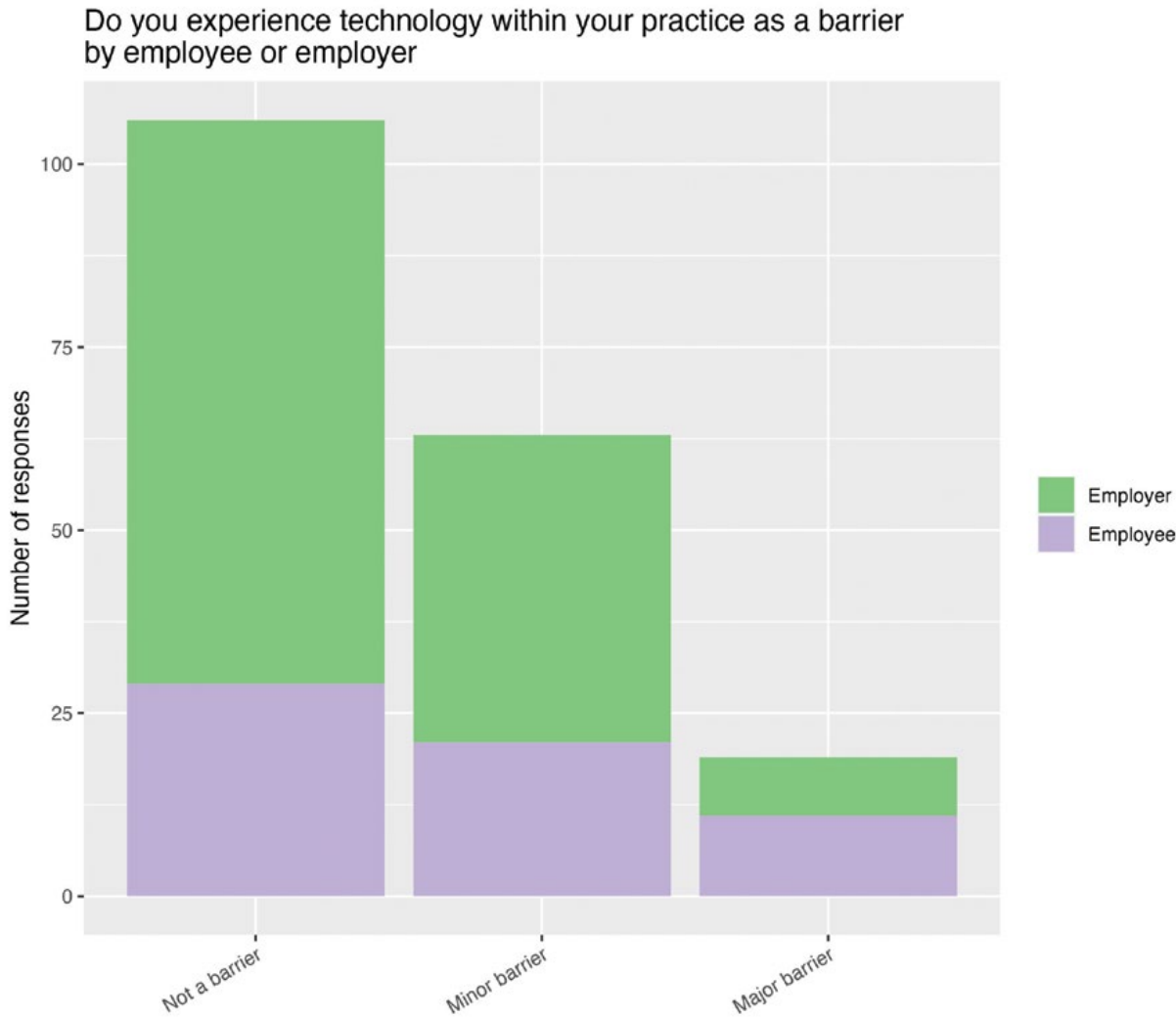
¹³³ Hart, "Better Justice?" or "Shambolic Justice?": Governments' Use of Information Technology for Access to Law and Justice, and the Impact on Regional and Rural Legal Practitioners' (n 76).

¹³⁴ Ibid.

As reported below, the switch to remote working during COVID–19 did not impact law firms’ performance. This is consistent with the industry research carried out post–COVID–19, as described in Part 4 of the Report.

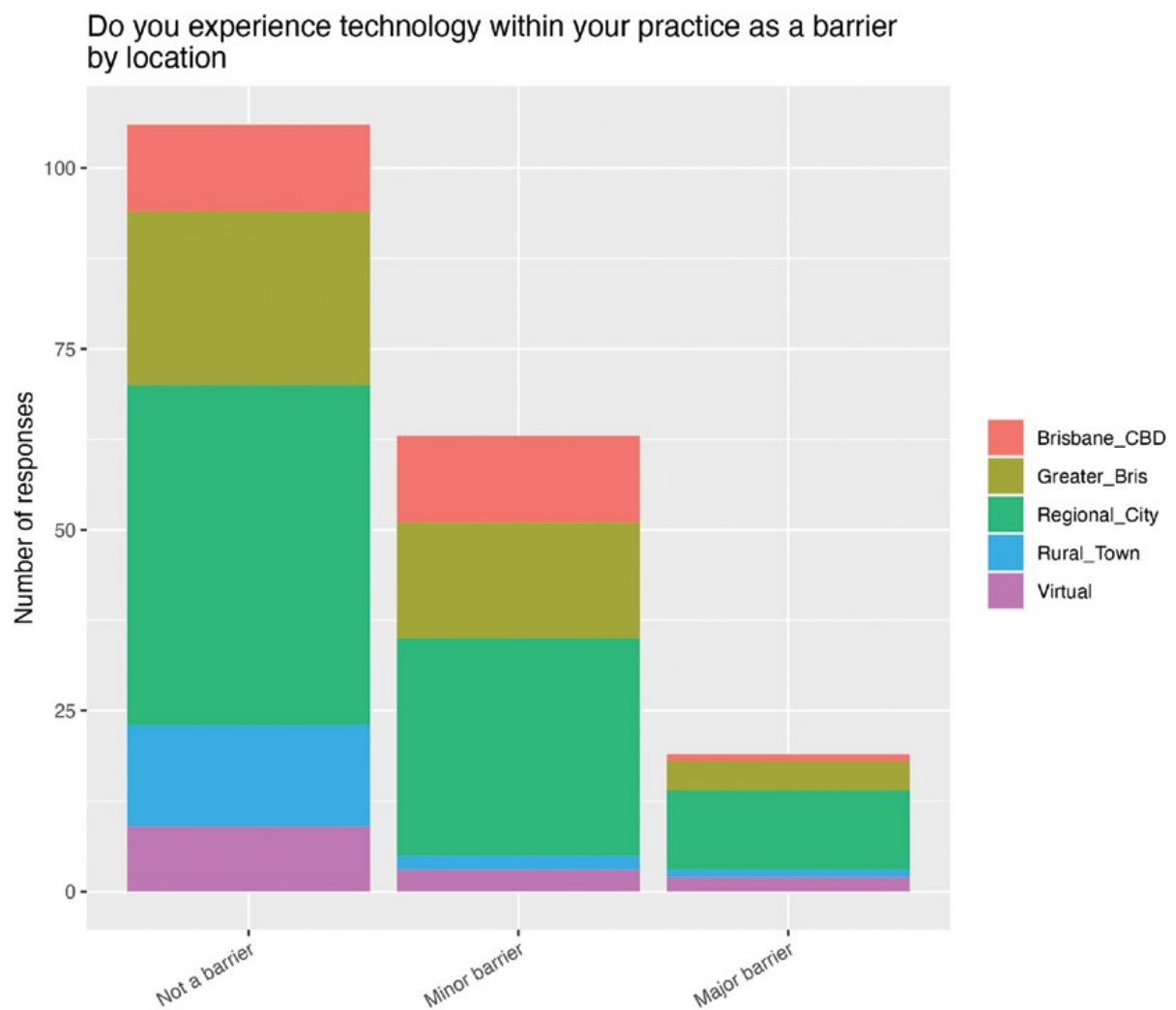
5.2.3 Technology as a barrier?

The Future Ready Survey asked respondents, ‘Does the use of technology within the law practice act as a barrier?’. The data was then correlated against ‘employer/employee’, location and age to investigate where technology might be a barrier across these demographics.



Graph 24

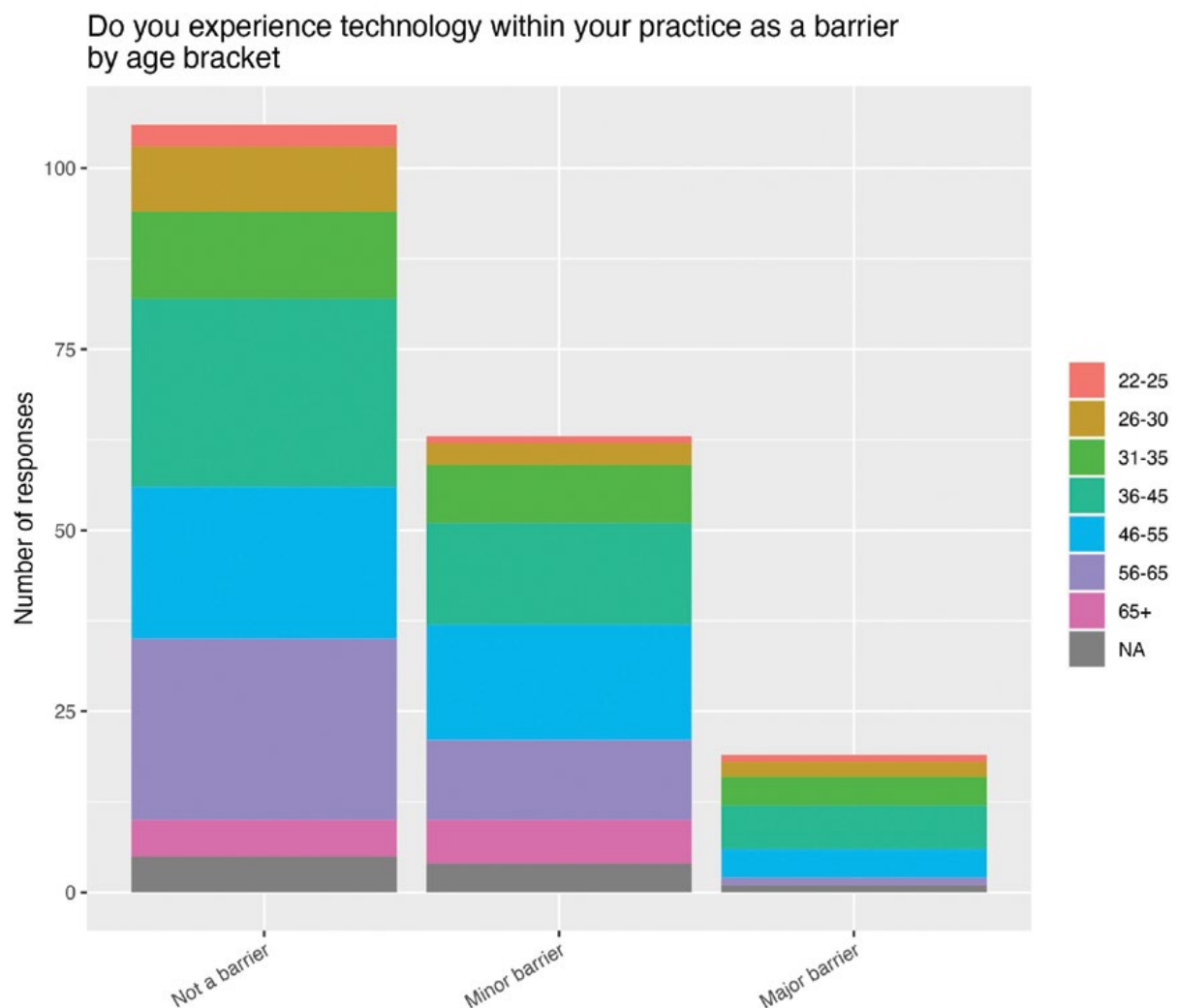
As evident in the above graph, technology was not reported as a barrier by either employers or employees. The data was correlated against location to give further insights into the experience of technology within the law practice.



Graph 25

The above graph reveals that the location of practice is not a significant variable in determining whether technology is a barrier. This is especially true in rural towns.

The data was also correlated against age to see whether technology was a barrier across generations. Results are displayed in the graph below.



Graph 26

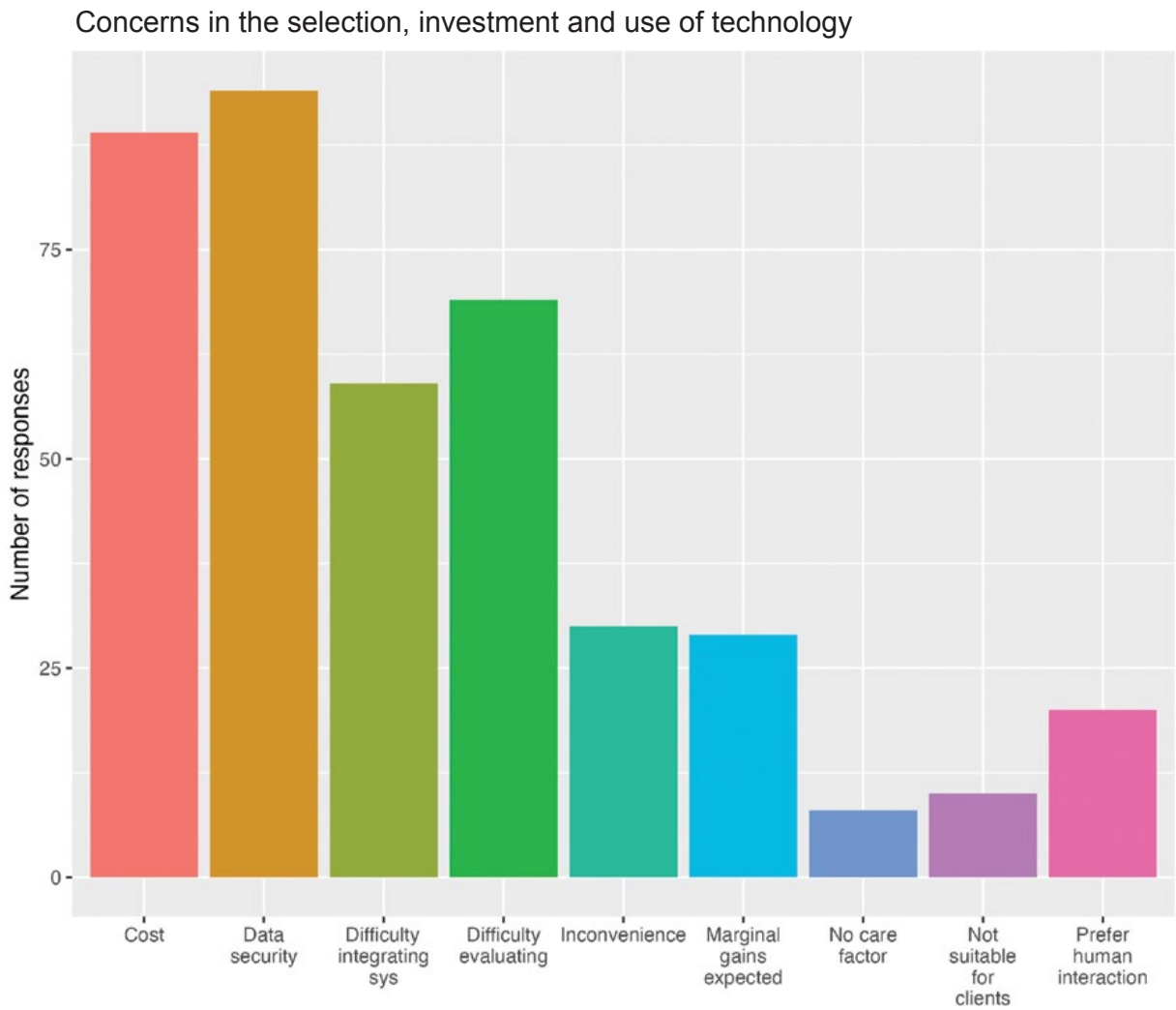
When the data was correlated against age, there were no 65+–year–olds who reported technology as a major barrier however, all age groups identified technology as a ‘minor’ barrier. A few respondents stating technology was a major barrier. This finding questions the stereotype that older lawyers are more likely to experience difficulties using technology in the workplace.

This topic would benefit from further research, including focus groups to determine why some in the younger demographics are experiencing technology as a major barrier. There is an emerging body of research questioning the younger generations aptitude for technology, including in the work environment,¹³⁵ or learning environment.¹³⁶ Further research specific to young lawyers would be valuable.

¹³⁵ Susskind (n 34) 85–87. The commentary relates to ‘the Net Generation’ who have grown up with the internet, social networking, texting and instant messaging. While there may be confidence with the use of technologies for social networking, this may not transfer into technology skills needed in the work environment.

¹³⁶ Jenna Gillett–Swan, ‘The Challenges of Online Learning: Supporting and Engaging the Isolated Learner’ (2017) 10(1) Journal of Learning Design 20; Lorelle J Burton et al, ‘Digital Literacy in Higher Education: The Rhetoric and the Reality’ in Marcus K Harnes, Henk Huijser and Patrick Alan Danaher (eds), *Myths in Education, Learning and Teaching: Policies, Practices and Principles* (Palgrave Macmillan UK, 2015) 151 <https://doi.org/10.1057/9781137476982_9>.

5.2.4 What are your concerns in the selection, investment and use of technology in your law practice?



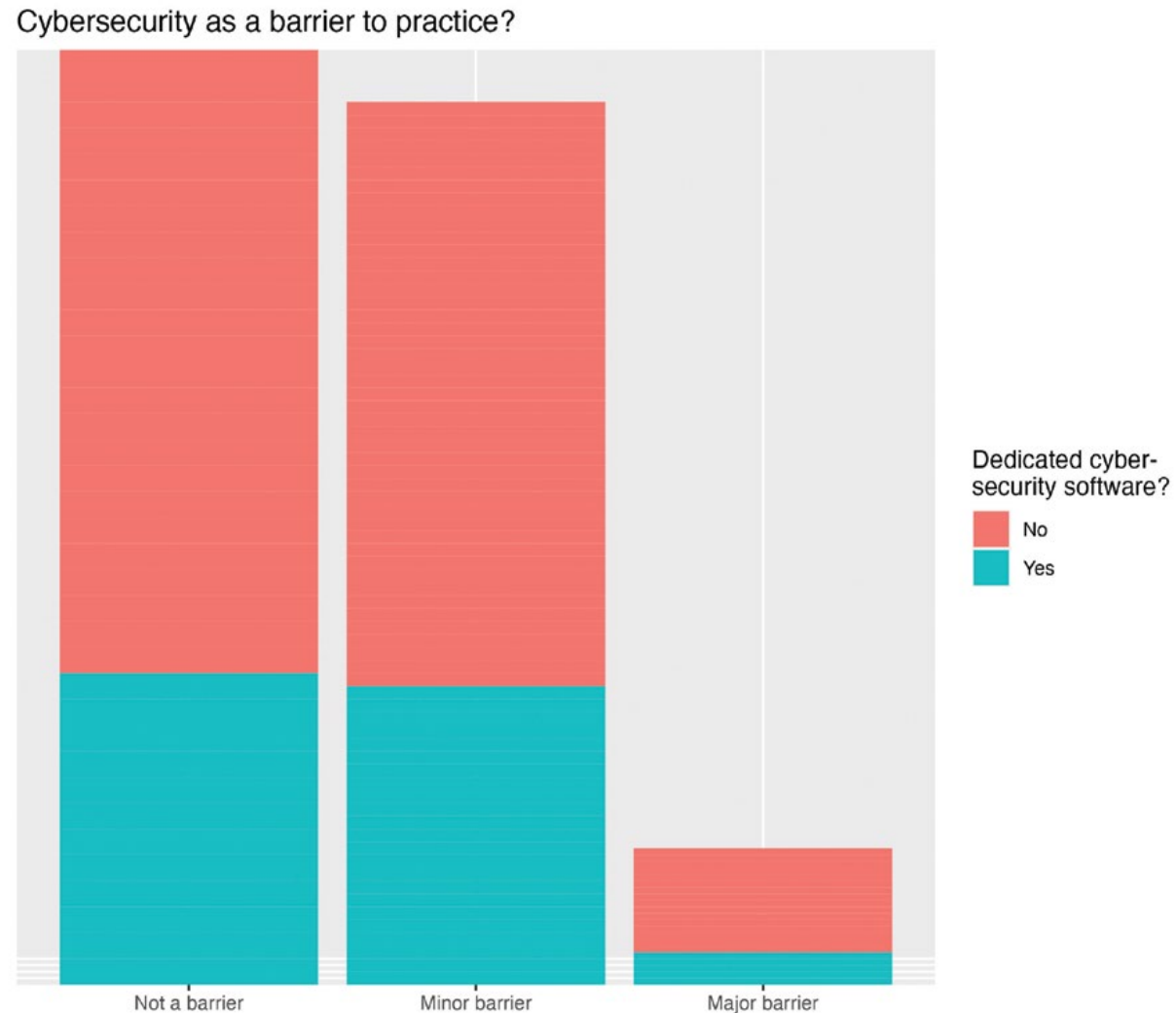
Graph 27

While technology within the firm was not considered a barrier, specific aspects relating to security of data, costs of technologies and inability to evaluate technologies were identified as potential barriers in deploying new technology in their firm.

5.2.5 Is Cybersecurity a Barrier?

Respondents were asked if cybersecurity was a barrier. Some respondents reported confusion over the phrasing of this question: ‘To what extent do you experience the following as barriers to your ability to practice? Option: Expertise in cybersecurity.’ In hindsight the question could have been phrased more clearly.

The data was correlated against whether the firm used dedicated cybersecurity software.

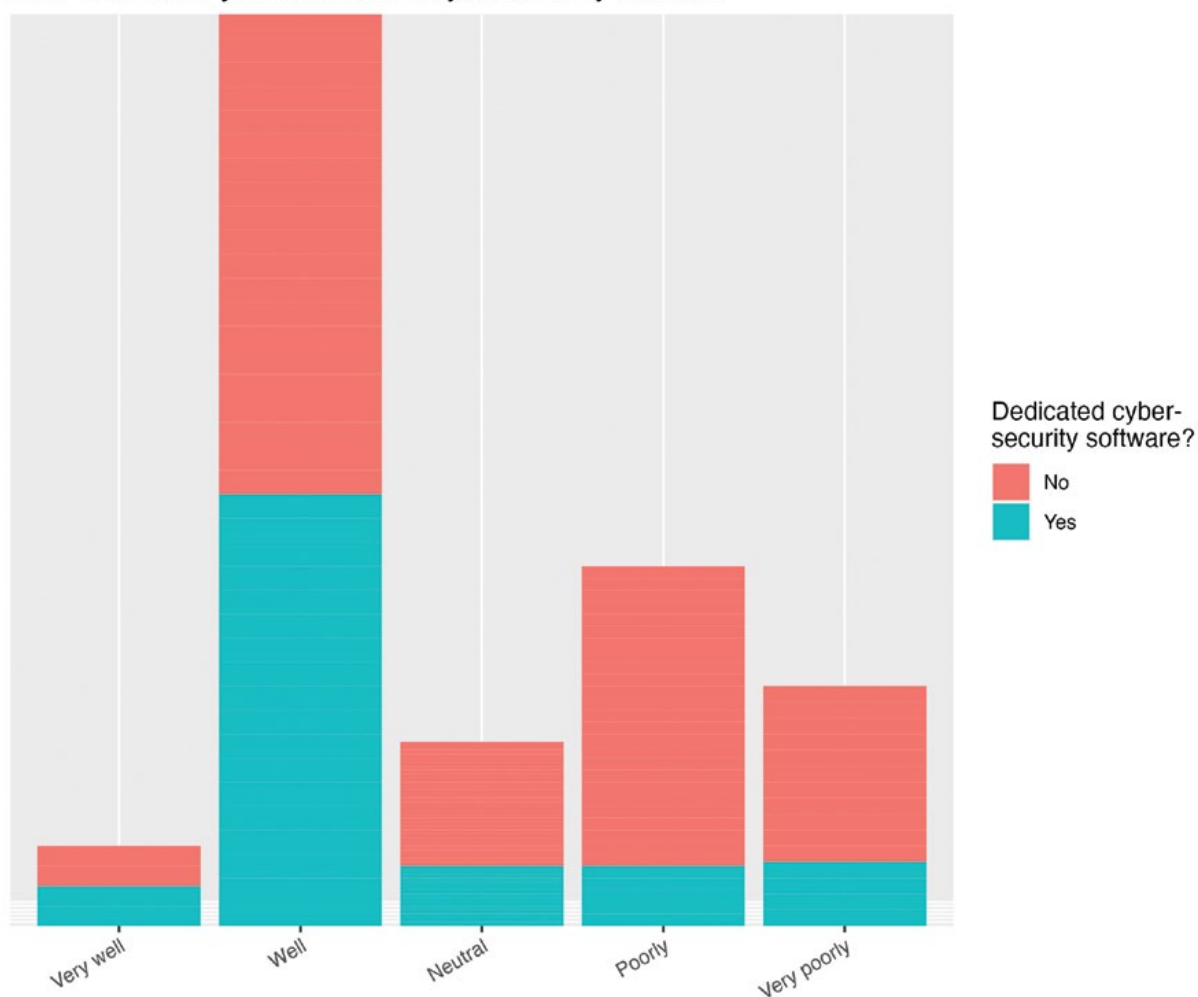


Graph 28

Taking the confusion over the question into account, respondents nevertheless indicated that cybersecurity was either not a barrier or a minor one.

Respondents were also asked how well they could deal with a cybersecurity breach, and these results were segmented into groups based on their use of dedicated cybersecurity software.

How well could you deal with a cybersecurity breach?



Graph 29

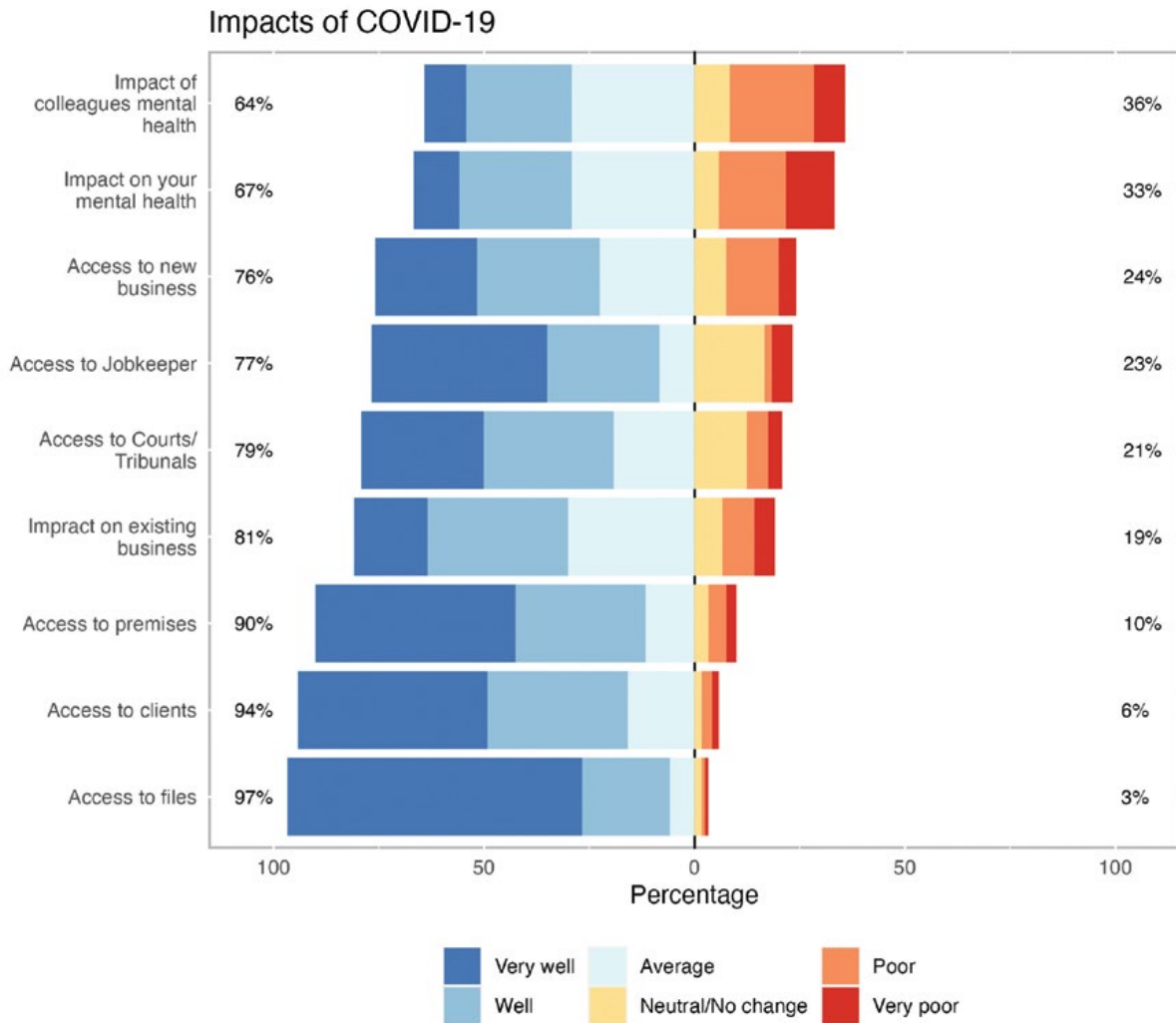
A significant proportion of respondents believed they could deal effectively with a cybersecurity breach, regardless of whether they used dedicated cybersecurity software. This begs the question, why are those respondents who are not using dedicated cybersecurity software so confident they could deal with being hacked? Further research would be required to answer this question.

It is suggested that a question relating to planning for appropriate firm cybersecurity measures be included in a QLS Annual Queensland SMSM Law Firm Health Check. The question might ask if any of the following are also used: anti-virus software; a firewall; anti-malware software and anti-phishing tools.¹³⁷

¹³⁷ Law Society of Singapore and Ministry of Law Singapore (n 129).

5.2.6 Is COVID-19 a Barrier?

The Future Ready Survey incorporated several questions relating to COVID-19. There was a high response rate for this part of the Survey, both in the quantitative and qualitative data. The Future Ready Survey asked nine questions about the impact of COVID-19, including impacts on mental health, new business, access to *JobKeeper* and access to courts. In the face of future disruptions, including disasters like floods or fires, the Future Ready Survey results regarding COVID-19 provide the legal profession with valuable insights about capabilities to deal with similar events.



Graph 30

Generally, most respondents were positive about their ability to deal with the challenges posed by COVID-19. Most aspects of normal practice continued unabated, except for access to new business.

Many respondents reported an impact on their own and their colleagues' mental health. Scholars and industry reports have observed that the blurred boundaries between our private and professional lives, often exacerbated by the 24/7 connection to technology, added additional pressure during COVID-19 lockdowns and pandemic restrictions.¹³⁸ Respondents' challenges to mental health and over-work may reflect these new challenges. COVID-19 has been recognised as having increased chronic stress, anxiety, depression and trauma. In response, many firms have established counselling and wellness programs to assist staff in returning to work and are planning social and recreational activities to rebuild firm culture.¹³⁹

¹³⁸ Margaret Thornton, 'Coronavirus and the Colonisation of Private Life' (2021) 1(1) *Legalities* 44. Refer also to the extensive industry reports covered in Part 4 The Landscape of the Legal Profession the Landscape, Future Ready Report.

¹³⁹ Jones and Regan (n 105) 19.

Impact of COVID–19 on young lawyers

Interview with Ms Helen Driscoll, President, Queensland Young Lawyers Association¹⁴⁰

'It was hairy and unknown. I was 18 months PAE when it all happened. There was job uncertainty, and firms were taking drastic steps. It was terrifying, with lots of casual staff disappearing. There was pressure to maintain workload with less resources and working from home and not a great ergonomic set-up and no mentors, and a pay cut.

There were no mentors. I was fearful. I had to maintain levels of productivity. I felt lucky to have kept my position. There was real pressure to keep performing at high levels. The work was COVID–proof. It didn't stop. We had to speed up conferences and settlements. We realised this was to support the rest of the firm. We were a young team. It felt weird and eerie.

It was a massive relief to get back into the office.

There was a breakdown from having senior levels present and accessible. I did feel a responsibility on me. The Team was junior. I didn't mind that. It all happened suddenly. There were young graduates, juniors and law clerks coming to me. I was confident in my job.

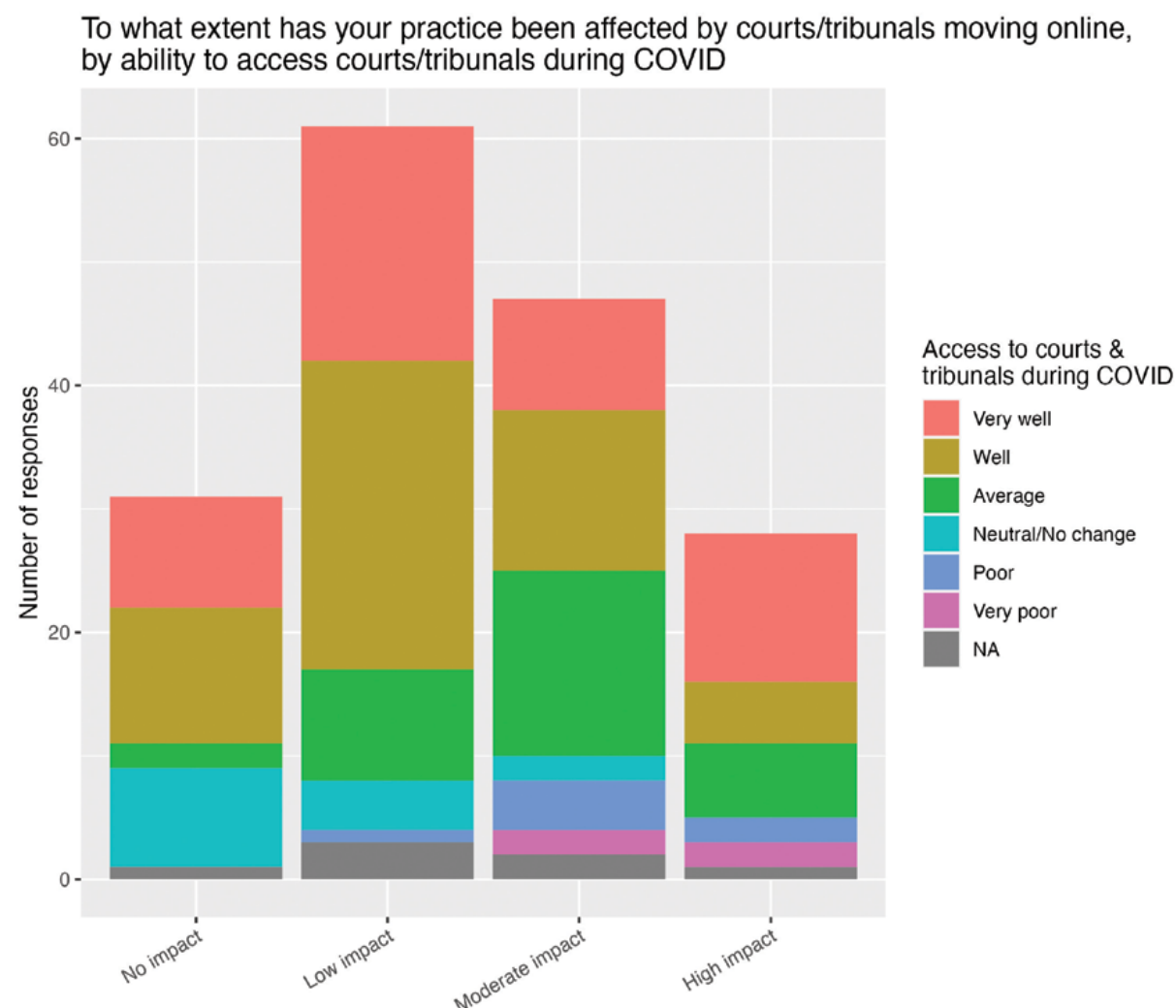
Not being able to have a chat, or the presence of senior lawyers had a massive impact. It was like going to school with all my peers, and no teachers.

Working from home, from the perspective of 'junior – senior', puts a barrier up. It's already hard enough to approach a senior lawyer, it's very intimidating. Now it's ok! But at the time it felt funny specially to have to phone them up. There was bonding with my peers at that stage. We are always involved in group chats from lawyers from many law firms. We are always messaging!

¹⁴⁰ Interview was carried out in accordance with ethics approval H21REA121. Date of interview was 13 May 2022.

Impact on firms with courts and tribunals going online during COVID-19

The Future Ready Survey invited respondents to comment on the impact to their practice when courts and tribunals moved online during COVID-19. This was correlated with respondents' evaluation of their access to court and tribunals during COVID-19.



Graph 31

Most respondents felt the courts and tribunals moving online caused a low to moderate impact on their practice. A large proportion of those who reported a 'low impact' (e.g. business as usual), unsurprisingly, reported their access to court and tribunals online as 'very well' or 'well'. Qualitatively, respondents indicated an increased and positive ability to access these institutions. Benefits included a 'reduction in travel time' and that it provided 'tremendous time-saving changes to processes'.

A few respondents reported poor or very poor access to courts and tribunals during COVID-19. The qualitative data provided additional insights into these experiences. For example, for some respondents, it was a barrier to access the courts depending on the jurisdiction and whether documents could be electronically filed. There were also 'barriers in the absence of uniform rules as to whether proceedings could be conducted online or in person.'

Overall, respondents indicated that COVID-19, in combination with access to technology, were an enabler and opportunity for continuity of delivery of legal services.

5.2.7 Perceptions about external threats and changes over the last five years

Respondents were asked two questions about external threats and changes. The first question related to perceptions about internal and external threats, and the second one related to perceived changes over the last five years concerning external factors. These questions were informed by the extensive literature relating to threats and barriers impacting the legal profession, noted in Part 4 (The Landscape of the Profession). These questions aimed to gauge respondents' awareness of the challenges and opportunities and how they might deal with them.

The results were surprising for several reasons, as described below.

5.2.8 Internal and external threats

Respondents were asked to rate how well they could deal with a range of internal and external threats to their law firm. The **external threats** related to cybersecurity, economic downturn, legislative change, and a new serious competitor. The **internal threats** related to losing various staff, including 'partner/director', legal staff and administrative staff.



Graph 32

The data revealed that respondents believed they could respond to the external threats better than the internal threats, even though internal threats are within their control.

In the qualitative data, no respondent identified a 'new serious competitor' as a technology platform. Instead, this was consistently interpreted as 'another law firm'. Set against the broader landscape of the legal profession, competition from a technology platform may be a latent or 'unseen' threat to SMSM law firms in Queensland.

Ability to deal with internal and external threats by employer and employee status

The same data on the ability to deal with internal and external threats was correlated against employer/employee status.



Graph 33

The data reveals that employers felt they could better deal with a new serious competitor and an economic downturn than an internal threat, such as losing a partner/director. The loss of a partner/director is within a firm's control through succession planning, staffing and continuity of practice. Despite a higher degree of control over the internal environment, confidence was lower than dealing with external threats over which a principal has significantly less control.

The data suggests there may be hidden 'barriers' to a law firm's capability to meet disruption within the mindset of principals. For example, if a principal does not see their role in the firm as responsible for addressing threats to the firm, such as loss of director/partner, then this is itself a barrier to building law firm capability.

Perceived changes in the last five years

Respondents were also asked about perceived changes within the legal profession in the last five years. The change areas included access to institutions, in-person contact with clients, an increased ratio of lawyers, more graduates, more practice areas in their locale, and an increased number of law firms.

The data were correlated to show employers' perceptions vis-à-vis employees and the location of practice.

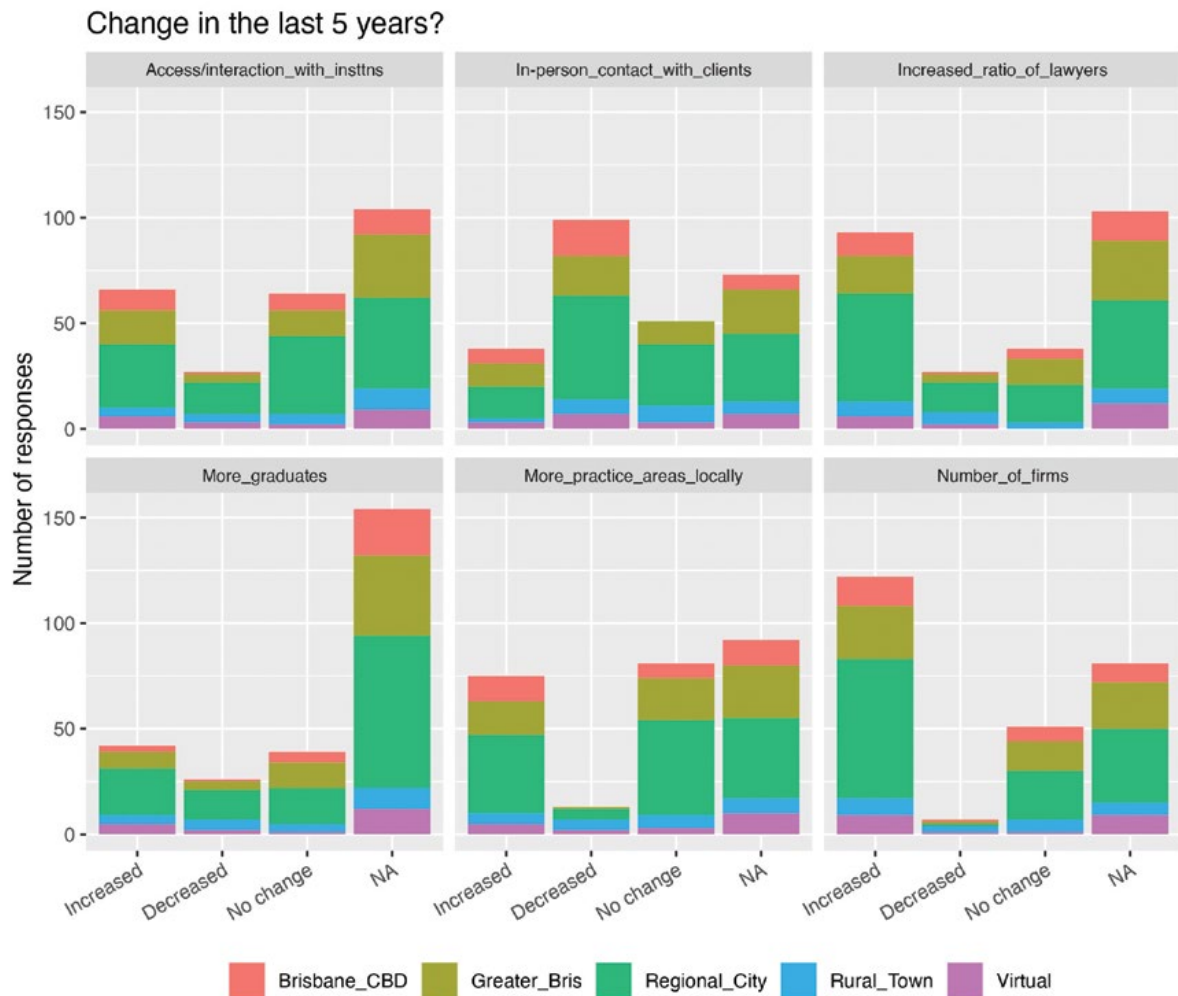
Perceptions of change over the last 5 years correlated against employer/employee



The respondents reported the **greatest change** in the past five years as being the proliferation of lawyers and more law firms. As set out below in Graph 36, this is an accurate perception. Despite the growing number of lawyers and firms, based on the qualitative data collected, it also indicated a perception that there still seemed to be plenty of legal work. Not surprisingly, given the timing of the Future Ready Survey, ie post-COVID-19, respondents also reported a change to the way legal practice was conducted such that in-person contact had decreased.

Perceptions of change over the last 5 years correlated against location

The data on perceived changes in the last five years was correlated against the location of respondents' law firms, revealing further insights.



Graph 35

Brisbane CBD and Greater Brisbane indicated a decrease in in-person contact with clients, a slight increase in the number of lawyers, a slight increase in practice areas serviced locally, and a slight increase in law firms.

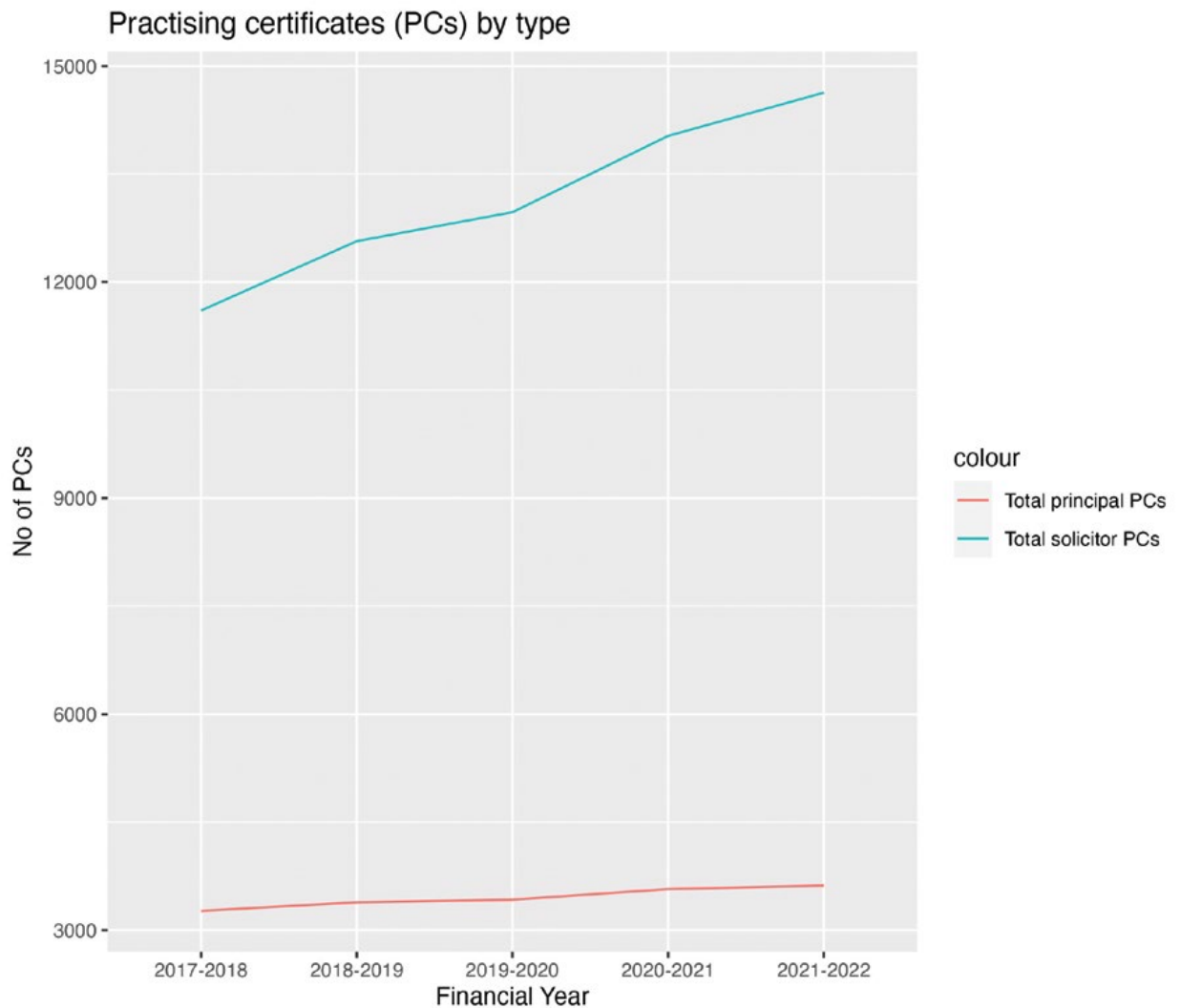
Regional locations indicated the largest decrease in face-to-face contact with clients, an increased ratio of lawyers, and a significant increase in the number of law firms operating in their area.

Rural locations indicated very little change across all topics over the last five years.

Fewer respondents answered the question about increasing graduates, with most not answering.

Triangulated data on actual change in the number of lawyers over the last 5 years

The data below from the Legal Services Commission, Queensland, confirms respondents' perception that there has been an increase in the number of employed lawyers in the last five years. Obviously, the total number of practising certificates will generally increase as more graduates are admitted than solicitors leaving the profession, but the trajectory of the 'total [number of] solicitor PCs' would explain why many respondents felt the number of lawyers has increased.



Graph 36

Key Findings

- **Internet speed, reliability and cost were not barriers to legal practice.** Some respondents did express concerns about the quality of support from their internet service provider.
- **The most significant barriers for lawyers were** workload pressures, information overload, access to legal staff and tasks associated with operating a business. Technology within or outside the practice was not a barrier.
- **Technology and COVID-19 appear to be enablers** for law firm's performance.
- **Although technology provided access to the courts online during COVID-19,** the lack of uniformity of processes and better implementation of technologies would have removed more barriers.
- **Some lawyers between 22 and 65-years-old** report technology as a major barrier in their professional life.
- **Most respondents believed that they could deal effectively with a cybersecurity breach** regardless of whether they use dedicated cybersecurity software.
- **Employers believed they could respond better to external rather** than internal threats. This is surprising as employers have a greater ability to control or manage internal threats.
- **Principals do not appear to view their role as being responsible for identifying future potential threats.** Failure to acknowledge this responsibility may be a hidden or latent barrier to improving a firm's capability to meet disruption lying within the mindset of a principal.

Recommendations

The following recommendations are made, based on the findings of the Future Ready Survey data:

- QLS to continue to raise awareness through QLS Updates and the QLS Website about lesser-known barriers to practice and provide resources to help SMSM firms to plan for and/or navigate these challenges.
- QLS, in collaboration with Queensland Law Deans and Practical Legal Training ('PLT') providers, conduct further research into the use of legal technologies and younger lawyers.
- Cybersecurity measures, including anti-virus software, firewalls, anti-malware software and anti-phishing tools be included as part of the QLS Annual SMSM Law Firm Health Check.
- QLS include further training as part of the Continuing Legal Education ('CLE') Program on the topics of cybersecurity, other risk management issues and time management (especially for employers).
- QLS enhance the CLE Program to include a Practice Management Course refresher on succession planning and risk management planning to cover disaster events such as floods.
- QLS continue to consult with the courts and governments on streamlining online access to the various courts to bring about greater uniformity of experience for legal practitioners.

5.3 WHAT ARE THE APPROACHES AND PRACTICES ALREADY BEING EMPLOYED BY QUEENSLAND LAW FIRMS SUCCESSFULLY NAVIGATING DISRUPTION?

The Future Ready Survey asked respondents about their current practice and where they felt they successfully managed disrupting events or impacts.

This question is addressed by examining the following topics:

1. Choice of incorporated legal practice governance structure requiring appropriate management systems
2. Innovative and effective uses of technology
3. Developing technology strategies
4. Collegiality and connectedness to the profession
5. Approaches and practices already being employed as shared at UniSQ *Future Ready Regional + Rural Legal Conference*, Toowoomba, 29 September 2022

5.3.1 Respondents are predominantly working in the innovative alternate business structure of an incorporated legal practice

Overwhelmingly, the data reveals (Graph 7: Structure of law practice) that the dominant governance structure in which respondents practice law is an incorporated legal practice ('ILP'). The Legal Services Commission, Queensland, data confirms ILPs as the governance structure of choice of SMSM practitioners in Queensland.¹⁴¹

As discussed in Future Read Report Part 4, 'The Landscape of the Legal Profession', ILPs and MDPs were developed to improve law firms' governance in an increasingly competitive market. The legislative regime specifically provides for strategic and systems-based practice management and ethical planning when establishing an ILP and MDP.¹⁴² This planning is ensured through legislative provisions requiring **appropriate management systems** ('AMS') to be established ('kept' and 'maintained') by the firm.¹⁴³ For the purposes of Question 3, it is not the structure as such that is relevant for navigating disruption, rather, it is the requirement of ensuring that **appropriate management systems** are put in place for ILPs or MDPs.

If properly implemented, AMS require risk management structures that can anticipate and protect against future disruption. In accordance with the legislation, the legal practitioner/director of an incorporated legal practice must ensure that AMS are implemented and complied with. Practice management software can assist with meeting the complex requirements and systems associated with AMS.¹⁴⁴

¹⁴¹ Legal Services Commission data is displayed at Graph 7.

¹⁴² *Legal Profession Act 2007* (Qld) ss 109–143.

¹⁴³ *Ibid* s 117 requires the implementation of Appropriate Management Systems. These are also known as the 10 criteria and include: competent work practices to avoid negligence; effective, timely and courteous communication; timely delivery, review and follow up of legal services to avoid delay; acceptable processes for liens and file transfers; shared understanding and appropriate documentation of retainer, covering costs disclosure, billing practices and termination of retainer; timely identification and resolution of conflicts of interests; records management; compliance with regulatory authorities such as the Legal Services Commissioner, the Queensland Law Society, courts and costs assessors; supervision of the practice and staff; and avoiding failure to account for trust monies.

¹⁴⁴ Hart (n 71) 49–50.

Appropriate management systems requires law firms to adopt approaches and practices that can also assist firms to navigate the challenges of disruption.¹⁴⁵ For example, a component of AMS is the development of a SWOT analysis and implementation of other business management systems, which encourages lawyers to think of the practice of law as a business with ethical standards.¹⁴⁶ Appropriate management systems also prepare firms for the potential loss of key staff, thereby contributing to a succession plan. Other benefits of implementing an AMS include increasing productivity (and boosting staff retention); improving client care; identifying and proactively dealing with threats; developing a robust succession plan; building law firm value; promoting an agile mindset; reducing stress and anxiety; and, reducing potential complaints and disciplinary actions.¹⁴⁷ Again, the caveat is that AMS must be implemented properly.

All principals must successfully complete a practice management course as a first step towards law firm ownership, where they are introduced to the statutory requirement to implement and maintain an AMS. This regulatory framework can be used to elevate and entrench a higher standard of law firm practice which increases the capability in relation to competition, sustainability and ethical performance, resulting in more firms being capable of meeting disruption.

Appropriate Management Systems + Innovative Technology =



Productivity + Staff Retention + Client Care



**Stress + Potential Complaints/
Disciplinary Action**

The combination maximises the capability of a Legal Practitioner Director/Partner to identify and deal with threats including disruption.

The 10 Criteria For 'Appropriate Management Systems' are:

1. Competent work practices to avoid negligence.
2. Effective, timely and courteous communication.
3. Timely delivery, review and follow up of legal services to avoid delay.
4. Acceptable processes for liens and file transfers.
5. Shared understanding and appropriate documentation of retainer, covering costs disclosure, billing practices and termination of retainer.
6. Timely identification and resolution of conflicts of interests.
7. Records management.
8. Compliance with regulatory authorities such as the Legal Services Commissioner, the Queensland Law Society, courts and costs assessors.
9. Supervision of the practice and staff.
10. Avoiding failure to account for trust monies.

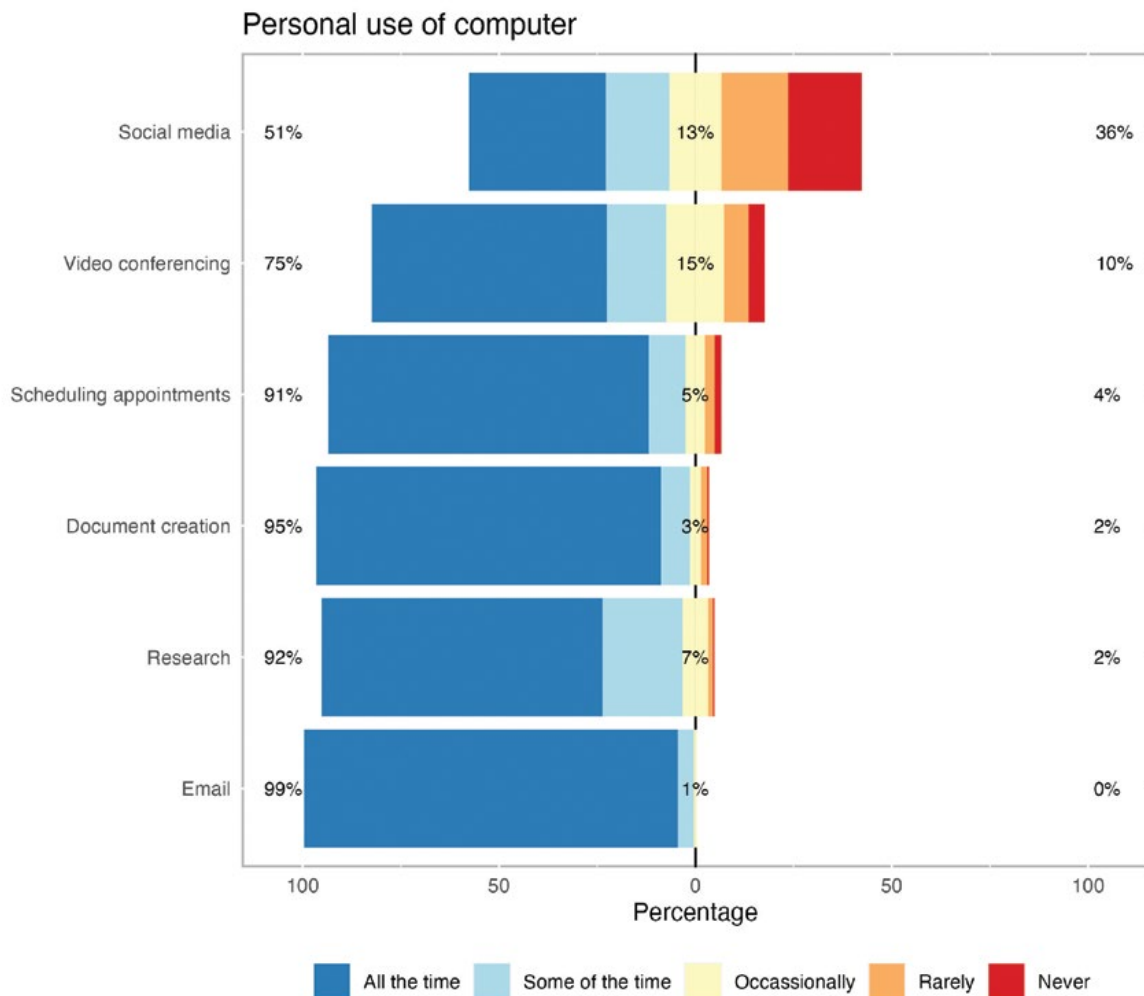
¹⁴⁵ Excerpts from Queensland Law Society, 'Practice Management Course Handbook' (n 91).

¹⁴⁶ 'SWOT' analysis is determining the internal strengths and weaknesses of a firm, as well as keeping a radar on the external opportunities and threats that might impact the sustainability of the firm.

¹⁴⁷ Excerpts from Queensland Law Society, Draft 'Practice Management Course Handbook' (n 91).

5.3.2 Innovative and effective uses of technology

Respondents were asked how they use their computer during work hours, including social media, video conferencing, scheduling appointments, document creation, research and email. These functionalities do not assume the firm has practice management software.



Graph 37

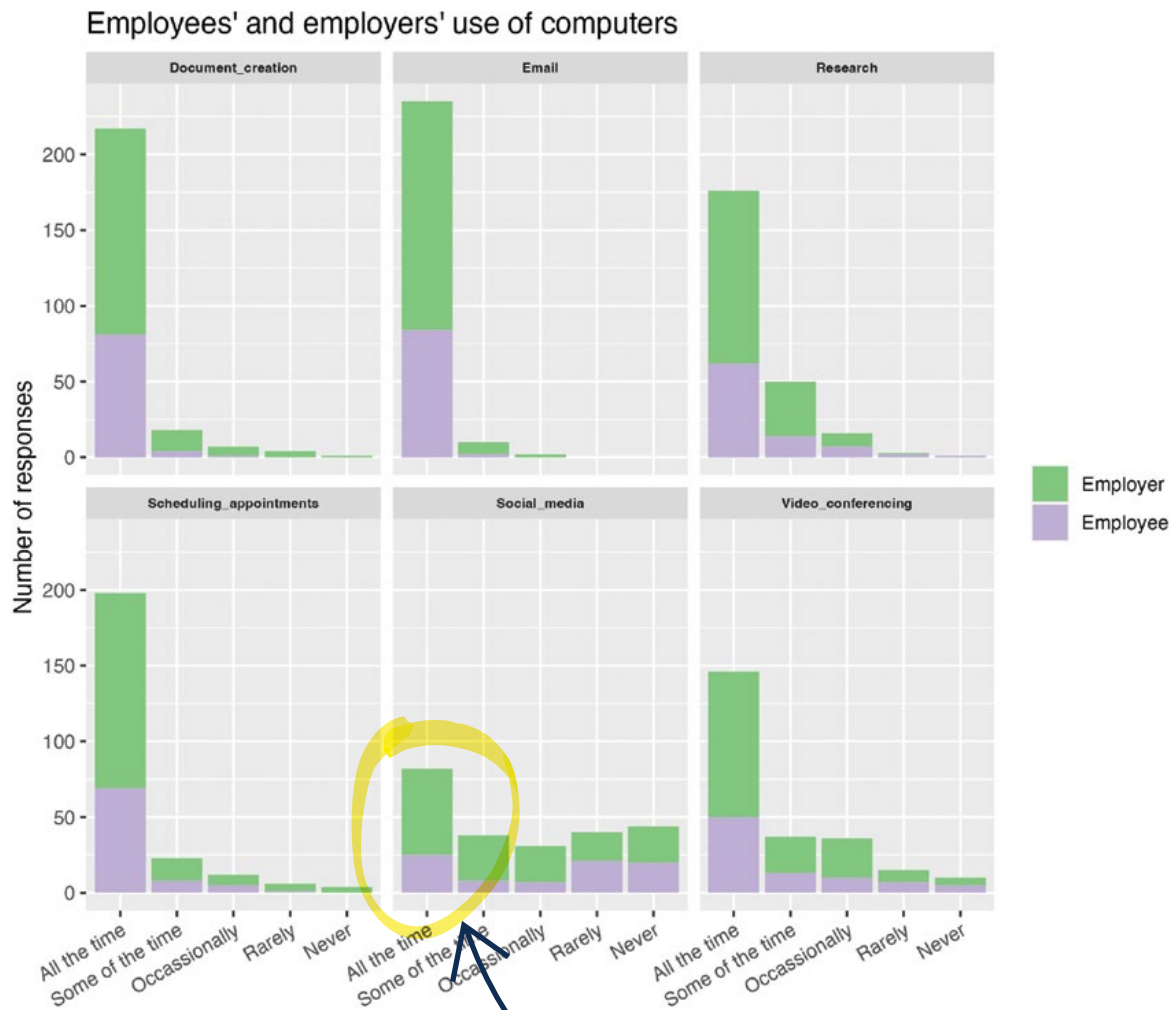
The findings above illustrate significant computer use for emails, document creation, and appointment scheduling. Graph 37 illustrates that respondents were divided into those who used their computers for social media and those who did not. This is examined in more detail below. Graph 40 to Graph 42 provide further insights into who is using social media in legal practices, and why.

A significant finding from the data presented in Graph 37 (above) is the high percentage of computer use for administrative activities such as scheduling appointments and emails.

The following section explores all computer uses against the variables of employment status and age.

Use of computer correlated by employer/employee status

The data on computer use was correlated by employer/employee status to gain further insights. Remembering that 64% of respondents were employers, the data still reflects a proportionately even spread across employers and employees for all computer use. Although, it appears that employees use their work computers less for social media than employers.



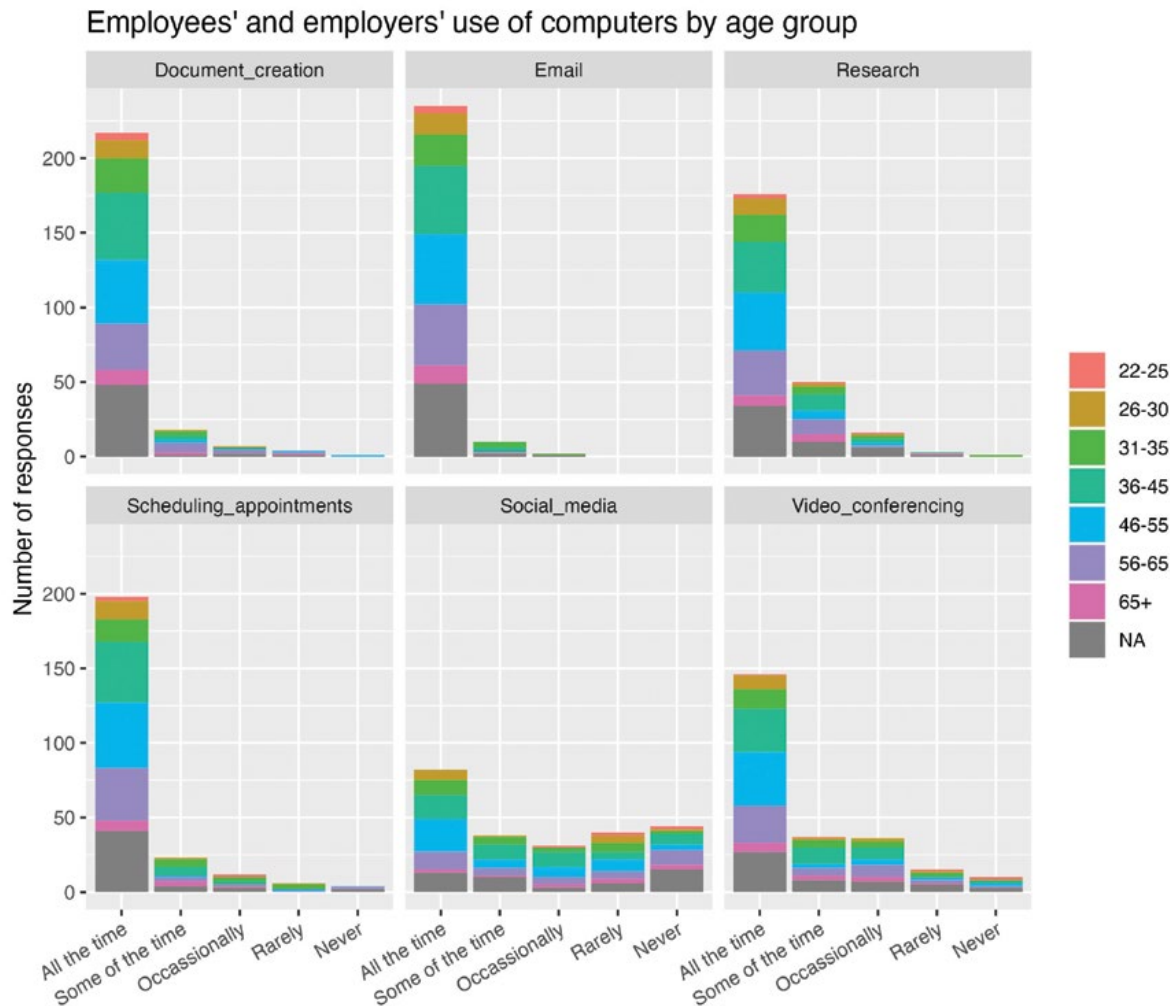
Employers use their work computers more for social media than employees. This is investigated below with interesting results.

Graph 38

Use of computer by age group

The data was also correlated against age group. Supporting the previous finding that employees are less likely to use their computer for social media, Graph 39 (below) shows that 22 – 25-year-olds were not using their computers for social media or video conferencing.

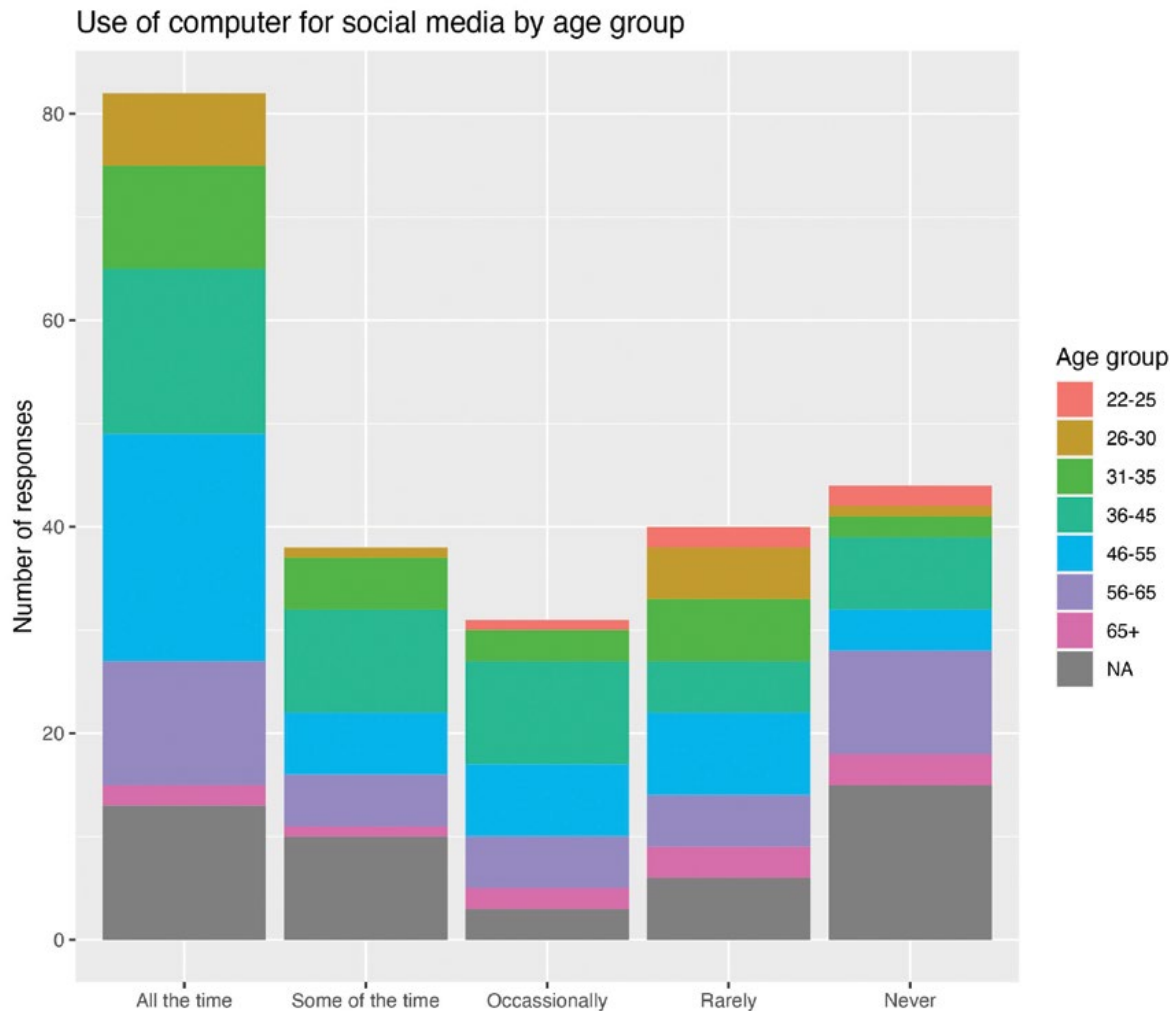
Almost all age groups indicate using their computers diversely, including the 65+ age group. Email, document creation, and scheduling appointments are functions engaged in by all age groups.



Graph 39

Social media use by age group

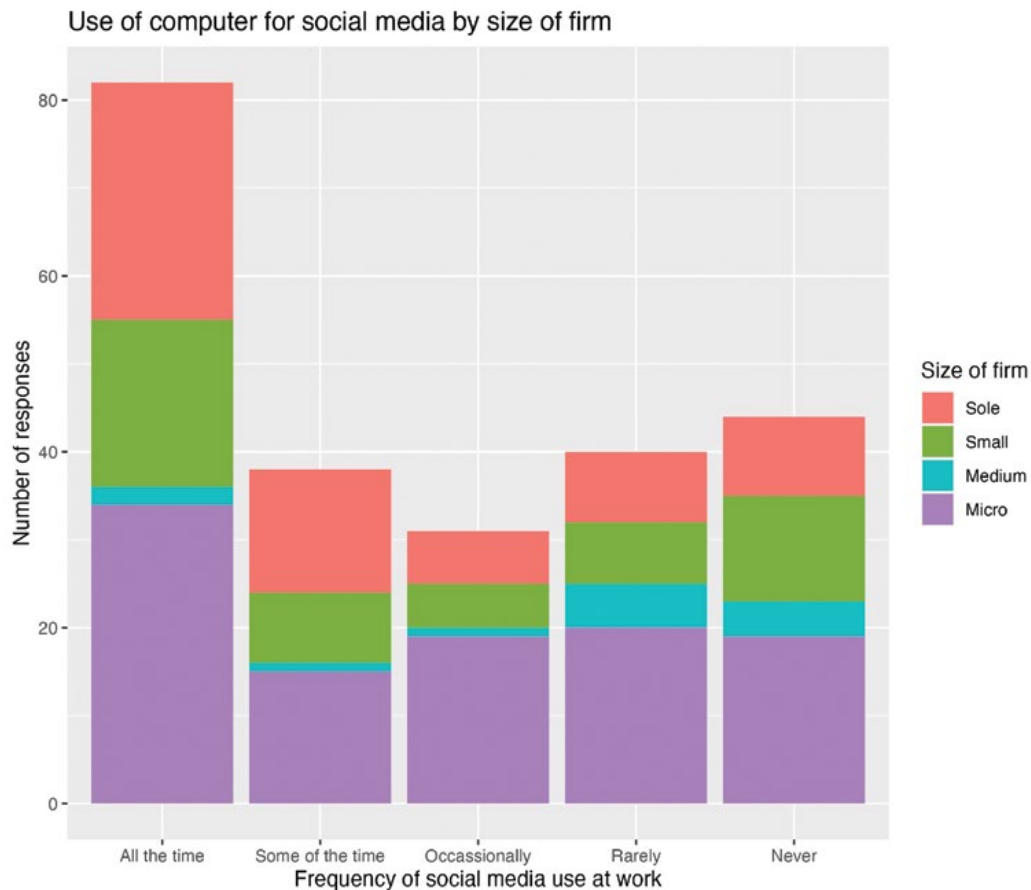
As noted before, the data revealed that lawyers of all ages are using their computer for social media except respondents in the 22 – 25–year age group. Graph 40 (below) provides a closer look at this data. However, it is acknowledged that the data sample was relatively small for the 22 – 25–year age group and this result might not be representative.



Graph 40

Social media use by size of firm

The data was also correlated with the size of the law firm.



Graph 41

Sole practitioners, micro (2–5 PCs) and small (6–19) law firms indicated they used social media the most. The results may suggest that sole practitioners and those in smaller firms feel isolated. High rates of social media use may also be associated with forming and maintaining a sense of community. It may suggest sole practitioners and those in micro law firms seek connection that is otherwise difficult to achieve. Social media may also be used for promotion of firm and attracting clients.

The Future Ready Research indicated that law firms have long adopted social media to promote their practices and attract clients, as well as providing a source of local connection or ‘community’,¹⁴⁸ as a Western Australian Law Society report noted:

Social media has changed the marketing of all firms in recent years. With lawyers using many of the current forms of social media it has taken the legal practice from a formal and distinct business to one that is publicly informative and accessible. Lawyers use social media as a method for generating business but also use the platforms for career development and networking, case investigation and education and awareness. There are obvious ethical and professional conduct considerations with the practitioner’s use of social media. For example, social media may not be adequately confidential. Networking with clients on social media can also be considered unprofessional.¹⁴⁹

¹⁴⁸ The importance of a ‘community of practice’ of lawyers between, rather than simply within, law firms has been documented as crucial in forming ethical and supportive work environments: Lynn M Mather, Craig A McEwen and Richard J Maiman, *Divorce Lawyers at Work: Varieties of Professionalism in Practice* (Oxford University Press, 2001).

¹⁴⁹ The Law Society of Western Australia, *The Future of the Legal Profession* (Final Report, 12 December 2017) 10 <<https://www.lawsocietywa.asn.au/wp-content/uploads/2015/10/2017DEC12-Law-Society-Future-of-the-Legal-Profession.pdf>>.

The QLS has provided recent guidance for practitioners about the use of social media indicating the prevalence and pitfalls of its use. The Guidance Statement provides:

It is imperative that all firms have a social media policy, detailing how the firm will use social media, who can post on behalf of the firm and the guidelines for staff use of social media (both professionally and privately). The policy should be expressly referenced in employment agreements with staff.¹⁵⁰

Further research is needed to ascertain whether firms are implementing robust policies and procedures to protect staff and clients, and to encourage appropriate use of the technology for promotion and professional connection.

Ms Rizwana McDonald, Founder of Foundd Legal **Excerpt from interview published in *Proctor*¹⁵¹**

Ms Rizwana McDonald is a sole practitioner, and Founder of the virtual law firm, Foundd Legal. Below Ms McDonald talks about the innovative use of technology within a virtual law firm.

‘Social media also plays a big role here with their referrals. There is absolutely no doubt it is powerful for business – and all because I focus on client care.’

‘I had previously run an e-commerce business, so I was used to technology and its effect on business. When I started the business doing legal work for others, I could not afford the physical premises, but I could afford to be online. My clients were all online. I thought, ‘Why not me?’ There was a very practical and positive aspect to my decision to go fully online.

I was not tied to one place. I could travel with the kids and interact with my clients through the website and Instagram. I didn’t want to do bookings online, so I linked up my calendar to Acuity and Zoom. This saved me needing a PA booking those appointments. That would have cost me and taken time – so this has been very efficient. It was a ‘no brainer’ for me.

We don’t have a phone number – and that is intentional. I wanted a process for clients to make contact so that we did not have random calls. Prospective clients can read the FAQ’s and fill in the form to identify the problem and the issue. I can charge the fees and still be profitable. With the fees, it is a combination of fixed and value based. My business model needs to be very streamlined for me to get a price on the value of my time, knowledge, experience and the services I am providing. That price on my time, knowledge and experience – it factors in profit.

From my client’s perspective – they cannot afford hefty fees. My clients are happy and appreciative of the services Foundd Legal provide. It is a fit for them because it is quick, efficient and affordable. The templates for service and products provide that streamlined process.

The way in which I have established Foundd, especially through the innovative use of technology, I have been able to pass on the cost benefits to my clients. It has also meant that I have more capacity to work with them, giving them a good client experience.

¹⁵⁰ Queensland Law Society, ‘No.24 Ethical considerations on the use of social media and law practice websites’, *Guidance Statements* (Web Page, 23 August 2021) <[https://www.qls.com.au/Guidance-Statements/No-24-Ethical-considerations-on-the-use-of-social->](https://www.qls.com.au/Guidance-Statements/No-24-Ethical-considerations-on-the-use-of-social-).

¹⁵¹ Interview was carried out on 05 July 2022, for an article published in *Proctor* in August 2022.

The long game is about educating the client, being kind and making them feel good. Clients who have this experience – guess what? They refer me to everyone they know, and they come back to me. Sure, I could charge high fees, but a client would leave and recommend me to no one.

When the client's experience is that they save dollars, and feel legally protected, then they will refer. I find that I'll frequently get 10 referrals from the one client. And of course, social media also plays a big role here with their referrals. There is absolutely no doubt it is powerful for business – and all because I focus on client care. I am building my reputation, and this is transported through social media. Sure, I use the technology for the initial client engagement and via the FAQs – but then it is all about building the human relationships.'

Functions used in practice management software by size of firm

Respondents were asked how much they use various functions in their practice management software ('PMS'). The data was correlated against size of the law firm.



Graph 42

The data revealed that law firms of all sizes are actively using practice management software. Although sole practitioners were only 26.8% of respondents, nevertheless, sole practitioners appear not to use the functionality of practice management software (or appear not to have such software) compared to other firms.

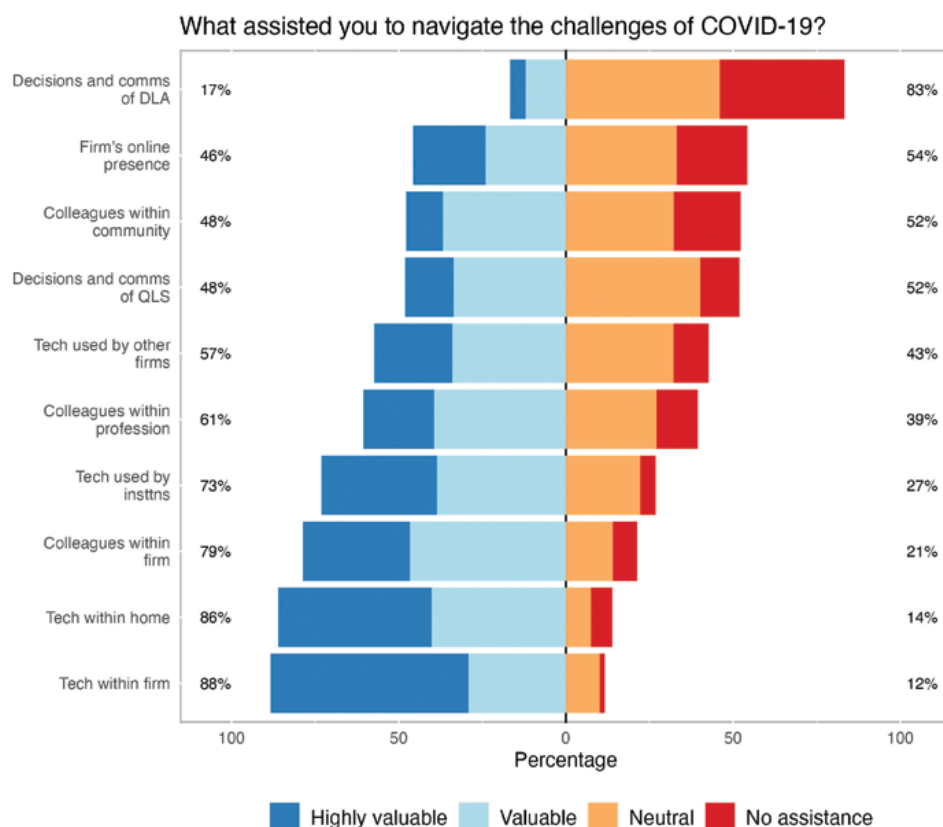
Where PMS is used, document management, time and billing, and document assembly were the most frequently used functions. In contrast, client-facing functionality, including client portal and client relationship management ('CRM') were less used across all law firms. This hesitation or reluctance to use client-facing functionalities in PMS is mirrored in research carried out within other jurisdictions, for example Singapore.¹⁵² However, this presents an opportunity to better use existing technology within firms to build stronger client relations.

Further research is required to understand why respondents do not want to use this functionality.

¹⁵² Law Society of Singapore and Ministry of Law Singapore (n 129), reported the use of legal technology to improve collaboration with clients is only used by 13% of practitioners.

Use of technology to assist practitioners to navigate the challenges of COVID–19

Overwhelmingly, respondents stated that technology used in their firms and within their own homes helped them to navigate the challenges of COVID–19. The same technology could be used to navigate other potential barriers to practice, including fires and floods.



Graph 43

Respondents also identified that the use of technology by institutions and other law firms helped them to navigate the challenges of COVID–19. In short, technologies utilised across the legal profession spectrum helped navigate the restrictions of the pandemic such as periodic lockdowns.

Law firms that already had a technology strategy in place pre–COVID–19 reported that this enabled them to navigate that disruption and other disruptions, including the later floods in 2022.

To the extent that COVID–19 changed aspects of legal practice, the experiences of the Future Ready Survey respondents are similar to the experiences of the legal profession in other countries. For example, in a large study conducted in the US found:¹⁵³

1. The pandemic has conclusively demonstrated that remote working can be done successfully. Hybrid working arrangements are here to stay.
2. The pandemic has shown that remote working does not necessarily result in lower productivity.
3. The pandemic has broadened the acceptance of the role of technology in the effective delivery of legal services.

¹⁵³ Jones and Regan (n 105) 23.

-
4. The pandemic has shown that firms can achieve more efficiency through some operational changes, including:
 - a. adapting to more efficient use of office and administrative space
 - b. rethinking changes in staffing and work patterns
 - c. reducing expectations for in-person meetings
 - d. cutting unnecessary business travel.

Impact of COVID-19 on innovative use of technologies

One of the impacts of COVID-19 was to increase the innovative use of technologies already in use. Law firm owners consistently commented on discovering new functionality in technologies they already had.

Terri Mottershead, Executive Director of the Centre for Legal Innovation at The College of Law, Chair of the Queensland Law Society's Innovation Committee, and recently appointed as a member of the Corporate Legal Operations Consortium ('CLOC') Global Education Advisory Council¹⁵⁴

'We just didn't realise the capability of what we had.'

'When the pandemic hit and we had to work remotely, collaboratively and do it quickly, it forced us not only to review our tech stack but also whether we were using it to its full capacity. I remember reading a headline at the time encouraging us all to love the tech you're with! We did and the big tech winners have been Office 365 and Zoom. But for many, it also created a time and space to think about our practices differently. Could we be more agile, purposeful, and client centric? Should we be analysing data to help us figure out how to do things differently? The pandemic became a catalyst for building back better!

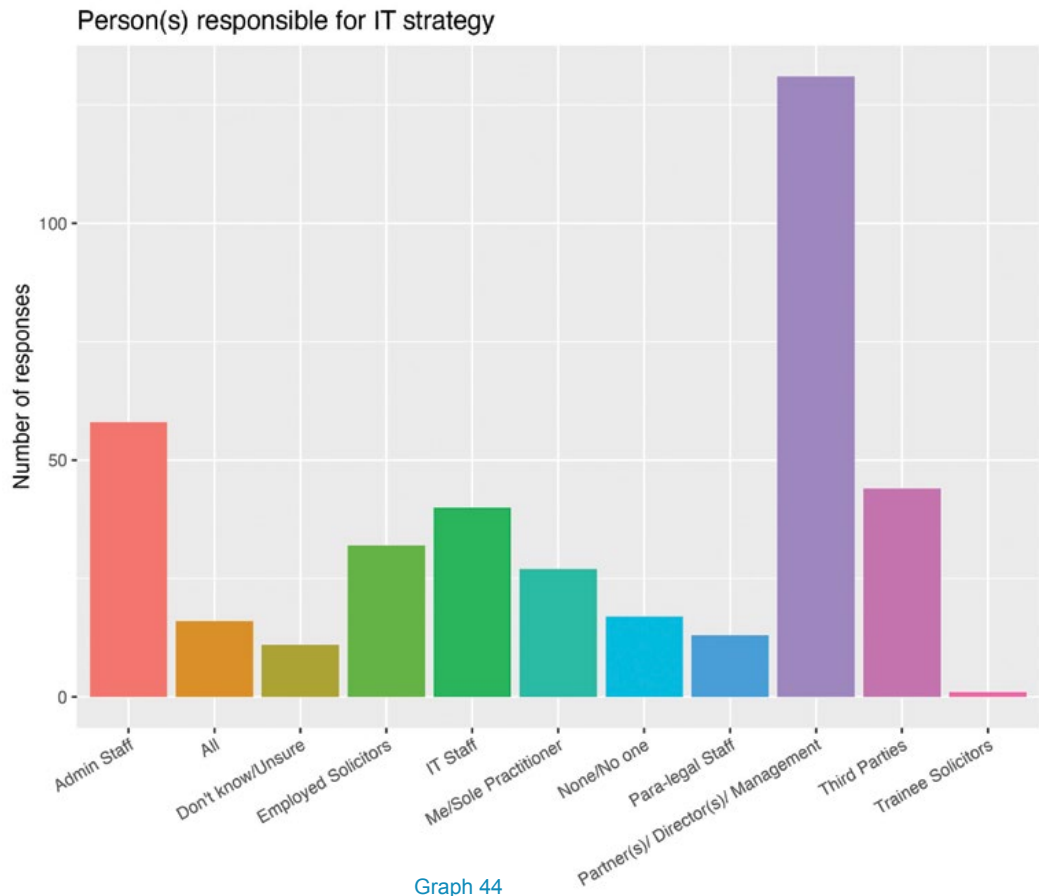
When we all had to leave our offices and move home, the main communication tools that many of us had were Office 365 and Zoom. And that was enough to do a lot. We just didn't realise the capability of what we had. We'd had Office 365 for years and many of us only used Outlook, Word and a few more PowerPoint and Excel. What about OneNote, OneDrive, Teams and all the apps for things like project/task management and analytics? COVID forced us to see what was right in front of us and learn how to use it quickly, especially Teams! We may not have become tech gurus, but we definitely jumped a long way ahead in the application and use of our tech.'

Throughout the Future Ready Report, respondents have shown a willingness to become more innovative, including through technology. However, respondents also report that they want more guidance and training on this topic. This is discussed further in Question 6: What measures or supports could be provided by QLS to assist law firms to manage disruption?

¹⁵⁴ Based on an interview 23 May 2022, published in *Proctor* with Ms Mottershead's permission.

5.3.3 Developing technology strategies

The literature was clear on the role of technology within the legal profession and the need to take a strategic approach to the use of technology.¹⁵⁵ The Future Ready Survey investigated whether there was a strategic approach to adoption of new technology and who within the law firm was responsible for this. The results are shown below in Graph 44.



Generally, respondents identified that partners, directors or management were responsible for the technology strategy. However, administrative staff were also highly represented. This may be due to the current application of technologies to the administrative needs of the business (i.e. billing functionality) rather than the use of more cutting-edge technologies.

The earlier discussion about the extent that practice management software functionality is used suggests there is room to improve law firm technology strategy. Elsewhere in the Future Ready Survey at Graph 27, respondents identified that the costs associated with new technologies in the firm, including time costs as well as financial costs, were a barrier.

Below are excerpts from an interview with a micro start-up firm, that identified the challenges and opportunities of investing strategically in technology.

¹⁵⁵ Hart (n 71) 57–81, 116–135 notes the extent of this literature and its relevance for Queensland law firms.

COVID–19 Start–Up Criminal Law Firm: McConnell and Saldumbide Criminal Lawyers¹⁵⁶

Chelsea Saldumbide and Joe McConnell, in the midst of COVID–19, set up their specialist criminal law firm – McConnell and Saldumbide Criminal Lawyers, leaving secure paid jobs. They made the decision with careful attention to prioritising the strategic use of technology through business planning.

‘My preference is to rely on paper for reading briefs of evidence,’ shared Chelsea. ‘I am able to make comments and highlight key points. Sure, you could do this on a laptop, but paper – in this context – suits me. And I prefer face–to–face meetings. But we have clients all over Darling Downs Southwest and South East Queensland – including as far west as Cunnamulla. We drive out there, but we have the capability to link to them with technology when that is simply not possible. This has certainly positioned us well in the recent flood situation. We use technology for client management and streamlining processes and accessibility. That has increased our capability to operate during the pandemic. We can progress the client matter – no problem. And the technology with the client through Zoom – provides access for them. Feedback from clients is that they feel they are getting full service. They are not getting left behind. No question – it has given them better access to justice.’

‘The software was a big investment,’ emphasises Joe. ‘But we can access the courts. It’s brought a good return on that investment. As a start–up it was a big percentage of our budget, but that is now reducing as the business is increasing. The technology we are using has put us in a good place. When we grow, we will then look at training and increased performance of the technology – how to implement it even more effectively and develop its full functionality. We will also improve the quality of technology that is client–facing for example, when we’re using tech–links for client interviews and videoconferencing.’

5.3.4 Collegiality and connectedness to the profession

Respondents to the Future Ready Survey identified the importance of collegiality during COVID–19. Graph 43 (earlier) identified that ‘colleagues within the law firm’, ‘colleagues within the profession’ and ‘colleagues within the community’, all contributed to assisting respondents navigate COVID–19.

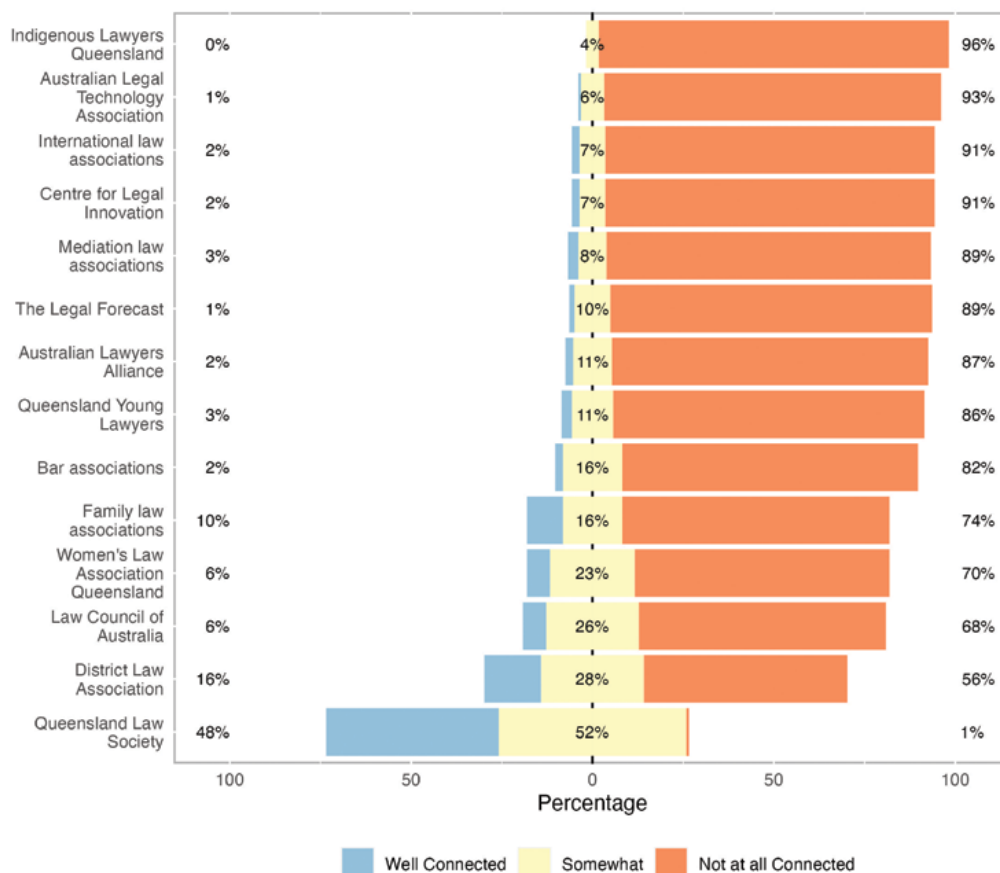
Collegiality extends into networks and strategic alliances that have been recognised by the legal profession as valuable for sustained legal practice.¹⁵⁷ These strategic alliances often begin through mentoring.¹⁵⁸ Mentoring is discussed in more detail later in the Future Ready Report.

¹⁵⁶ This interview was published as an article in *Proctor* in March 2022 with the permission of the principals.

¹⁵⁷ Hart (n 71) drawing on interviews with over 40 sole, micro, small and medium regional law firms; see also Caroline Hart, ‘Sustainable Regional Legal Practice: The Importance of Alliances and the Use of Innovative Information Technology by Legal Practices in Regional, Rural and Remote Queensland’ (2011) 16(1) *Deakin Law Review* 225.

¹⁵⁸ Hart (n 71) 100.

Respondents were also asked to report their levels of engagement and connectedness (if any) with various law organisations. Respondents could also nominate an alternative law association, if it was not listed as part of the options.



Graph 45

The highest engagement rate was with the Queensland Law Society, followed by the District Law Associations, Family Law Associations, Women's Law Association, Queensland, and Law Council of Australia.

While promotion efforts for the Future Ready Survey were diverse, the analytics for each campaign showed consistently high engagement through QLS channels. This may explain, in part, why engagement with the QLS is so high compared to other law organisations. Nevertheless, the data highlights the important role the QLS plays as a conduit for legal practice information for many respondents. The high levels of engagement with social media by sole practitioners, micro and small law firms is identified as being another source of information for legal practitioners. Guidelines on social media as a source of information have been noted as part of discussions at Graph 41.

Collegiality and connectedness to the profession were key topics raised at the *UniSQ Future Ready Regional + Rural Legal Conference*, held in Toowoomba, 29 September 2022. Both topics were raised during the 'Challenges and Opportunities in Legal Practice' session (see below), led by a panel of managing directors, including the President of the Downs and Southwestern District Law Association, Mr Bill Munro. The panel (discussed below at 5.3.5) identified the power of collegiality, especially through the District Law Associations. This collegiality and connectedness played a role in alleviating the professional isolation associated with being a practitioner, whether a sole practitioner or regional practitioner. That isolation was acknowledged as damaging not only to a practitioner's mental health but also their ability to remain current with legislation and practice innovations. 'Collegiality' said one panellist, 'buffers against that isolation'.

5.3.5 Approaches and practices already being employed: UniSQ Future Ready Regional + Rural Legal Conference, Toowoomba, 29 September 2022

Below is a summary of the approaches and practices already being employed by law firms to navigate disruption, threats and challenges, as identified by panelists at this conference.

The UniSQ Future Ready Regional + Rural Legal Conference held in Toowoomba (29 September 2022)

The *UniSQ Future Ready Regional + Rural Legal Conference* held in Toowoomba (29 September 2022) provided a platform for SMSM law firms.

Panel discussion: 'Innovative Regional + Rural Legal Practice: Challenges and Opportunities Faced by Practitioners'

Chair: Ms Leanne Matthewson (Co-managing Partner/Director, Murdoch Lawyers)

Panel members:

- Mr Andrew Doyle (Founder and Managing Partner, Doyle Wilson Solicitors Goondiwindi, Sydney, Brisbane)
- Ms Peta Gray (Co-founder and Principal Director, Enterprise Legal Toowoomba)
- Mr Adair Donaldson (Founder and Director, Donaldson Law, Toowoomba, Sydney)
- Mr Bill Munro (Founder, Director Munro Legal + President Downs and Southwestern District Law Association)

The conference was a platform to engage and consult with principals across a diverse range of law firms. Below is a summary of the talking points made by the Panel as part of the discussions.

Opportunities identified

- There are expanding opportunities in regional and rural locations, especially for business development. Technology now enables specialised practices to operate from anywhere. We are better positioned to deal with succession planning in the firm because 'location' is not such a barrier for legal staff where they can be located anywhere.
- The innovative use of technology, coupled with the willingness to adapt and utilise technology for the client base, has been a game changer rather than a handbrake. Lawyers need to take client engagement through technology to the next level. Technology is a great opportunity to be more client-facing in a way not possible before.
- There are now new opportunities for litigation post-COVID-19. For example, in the past, if a client lived in St George, they would have to go to Brisbane for a hearing. Now clients can feel comfortable engaging a local practitioner who can provide representation remotely. Indeed, local representation might provide better legal service as there is local knowledge of the subject matter, the client and their context. Technology also offers a better financial outcome because technology can bring real efficiencies which can lead to reduced costs that can be passed on to the client.
- Practitioners will always be at the mercy of the climate – where you 'dive' or 'thrive' with the community. However, post-COVID-19, the innovative use of technology provides the capability to deal with that disruption.
- Technology + COVID-19 improved access to justice. The pandemic pushed us to use the technology we already had. Regional panelists discussed how they could practice as effectively from George Street, as from Roma. 'We didn't realise what facilities we already had! And now we can exploit this.'

Challenges

- The biggest challenge is access to talent. This is an industry problem, especially around the 5–year PAE. Retention of legal staff is a problem, and there is a high attrition rate of junior lawyers.
- The Law Council of Australia has launched The Digital Tree Change Project that can be used to attract more practitioners to regional and rural locations.

Key Findings

- **Predominantly, respondents practice in ILPs with the requirement of establishing and maintaining appropriate management systems ('AMS').** AMS promote approaches and practices that law firms can employ to best navigate the challenges of disruption, such as the development of SWOT analysis and other business management systems. Once appropriate processes and systems are in place, it creates a firm where any practitioner is replaceable, thereby contributing to a succession plan.
- **Almost all age groups personally use a computer in their firm,** including those in the 65+ year group. Sole, micro and small firms registered high rates of social media use, which may be associated with forming and maintaining a sense of community or part of a business promotion strategy. It may also suggest that some practitioners in such firms may feel isolated.
- **Law firms of all sizes are using PMS.** However, client facing functionality in PMS, including client portal and CRM functions, are not commonly used. Sole practitioners use this functionality the least. Most of the computer use was for emails, document creation and scheduling appointments. While some of this computer use is necessary in delivering legal services, a percentage of this time is being spent on administrative activities that could be better automated or delegated. The combination of COVID–19 and technology, assisted respondents to navigate the challenges of lockdowns. These lessons are transferrable to other potential barriers to practice, including floods and fires.
- **Senior management (i.e. partners and/or directors) are chiefly responsible for developing a technology strategy,** however, administrative staff were also represented as parties to technology strategy. This may be due to current application of technologies being limited to the current needs of the business (e.g. billing functionality), with little or no consideration of more strategic uses of technology within the firm. This suggests there is room to improve firms' strategic planning regarding technology.
- **Technology and collegiately provided the greatest assistance** to respondents during COVID–19. Collegiality and connectedness to the profession can also alleviate the enormous professional isolation associated with being a practitioner that can adversely impact their mental health and professional effectiveness. Collegiality, it was stated, buffers against that isolation.
- **Most respondents reported high–level engagement with the Queensland Law Society** followed by the District Law Associations, Family Law Associations, Women's Law Association (Queensland) and the Law Council of Australia. Connection through a professional society can also build collegiality, diminish social isolation and provide a source of information and training.

5.4 WHAT ARE THE APPROACHES AND PRACTICES QUEENSLAND LAW FIRMS CAN EMPLOY TO BEST NAVIGATE THE CHALLENGES OF DISRUPTION?

This part of the Future Ready Report acknowledges the context in which SMSM law firms practice, particularly the context of sole practitioners with unique vulnerabilities and stress.¹⁵⁹ The approaches outlined in this part of the Future Ready Report relate to the broader outcome of managing risk. Risk management enhances a law firm's capability to manage disruption.¹⁶⁰

This part covers the following approaches and practices:

1. Engaging with the legal profession to increase awareness of what's on the horizon.
2. Building stronger capabilities within the law firm through effective business planning.
3. Developing skills and knowledge on the use of technology.
4. A client-centric approach to the use of technology.
5. Managing intergenerational change for innovative and strategic outcomes.
6. Insights from the impacts of COVID-19.

5.4.1 Engaging with the legal profession to increase awareness of what is on the horizon

The Landscape of the Future Ready Report (at Part 4) provided an overview of other research and commentary about where current and future threats to the legal profession arise.

The Future Ready Survey data indicated that the type and kind of 'serious competitors' to Queensland practitioners are not necessarily being accurately recognised as serious competitors. It is difficult to deal with or plan for a threat if it is hidden, or in plain sight but not yet characterised as a threat.

Law associations have the capacity and capability to provide the expertise required of scanning the environment for threats, and then communicate approaches and practices to deal with such threats to its membership. SMSM law firms do not necessarily have either the skillset or time to carry out that investigation.

A lawyer who remains connected and engaged with the profession, including law associations, is more likely to become informed (and prepared) about potential threats and disruptions on the horizon.

¹⁵⁹ Ibid 2–14.

¹⁶⁰ Ibid 57–81.

5.4.2 Building stronger capabilities within the law firm through more effective business planning

As previously discussed at 5.2.8 (and in relation to Graph 32), respondents do not feel confident in dealing with internal threats or challenges including the loss of a partner, or the loss of staff. This suggests that employer–respondents may not fully appreciate their role in building law firm capability.

The graph below shows that across various internal and external threats a common solution called for by respondents is more information about how to plan for and mitigate such threats.



Graph 46

Respondents consistently identified Lexon and QLS as sources of trusted support. Law firms can build their capability to deal with internal threats through strategic and business planning. Law firm owners have greater control over internal threats than external events. Furthermore, a proactive law firm owner who gains control over events within the practice will be in a stronger position to deal with external events.

The *UniSQ Future Ready Regional + Rural Conference*, Toowoomba, 29 September 2022, showcased a range of resources available to SMSM practitioners as part of discussion panels led by the legal profession and innovators in business and technology. One panel discussion on building capabilities for SMSM legal practitioners focussed on innovative and strategic business planning and the use of technologies specifically designed for SMSM legal practitioners. The approach is akin to a ‘trickle down’ effect of services and expertise currently offered in-house for large law firms, that could more broadly be made available to SMSM law firms as consultancy services.

UniSQ Future Ready Regional + Rural Conference, Toowoomba 29 September 2022
Panel discussion: ‘Investing in Regional + Rural Legal Practice: Accessing SMSM Business–Focused Resources to Build Innovation and Sustainability’

This Panel discussion drew on the expertise of business and technology consultants.

Ms Bronwyn Eynon–Lewis (Co–founder, Lacuna Professional Solutions)

Ms Eynon–Lewis is the co–founder of Lacuna Professional Solutions. Ms Eynon–Lewis addressed the needs of lawyers to seek specialist business development, marketing, administration, management and coaching support. Lacuna Professional Solutions focuses on providing lawyers with services to help them retain and build their expertise and client relationships.

Ms Sacha Kirk (Co–founder, Lawcadia)

Ms Kirk is the co–founder and Chief Marketing Officer of Lawcadia, a two–sided cloud–based platform that in–house legal teams and their law firms use for client collaboration, matter management, legal intake and triage and legal spend management.

Ms Jemima Harris (Co–founder, Invia Legal Operations)

Ms Harris is an experienced lawyer, Legal and Strategic Projects Director at Megaport (an ASX–listed global tech company) and Co–founder of Invia Legal Operations. She is also a member of the QLS Innovation Committee.

Ms Harris addressed the conference about legal operations, strategy, transformation, and continuous improvement in law firms, as well as process improvement, operating model review and transformation, developing legal team strategies and legal ops roadmaps as well as legal tech selection and implementation.

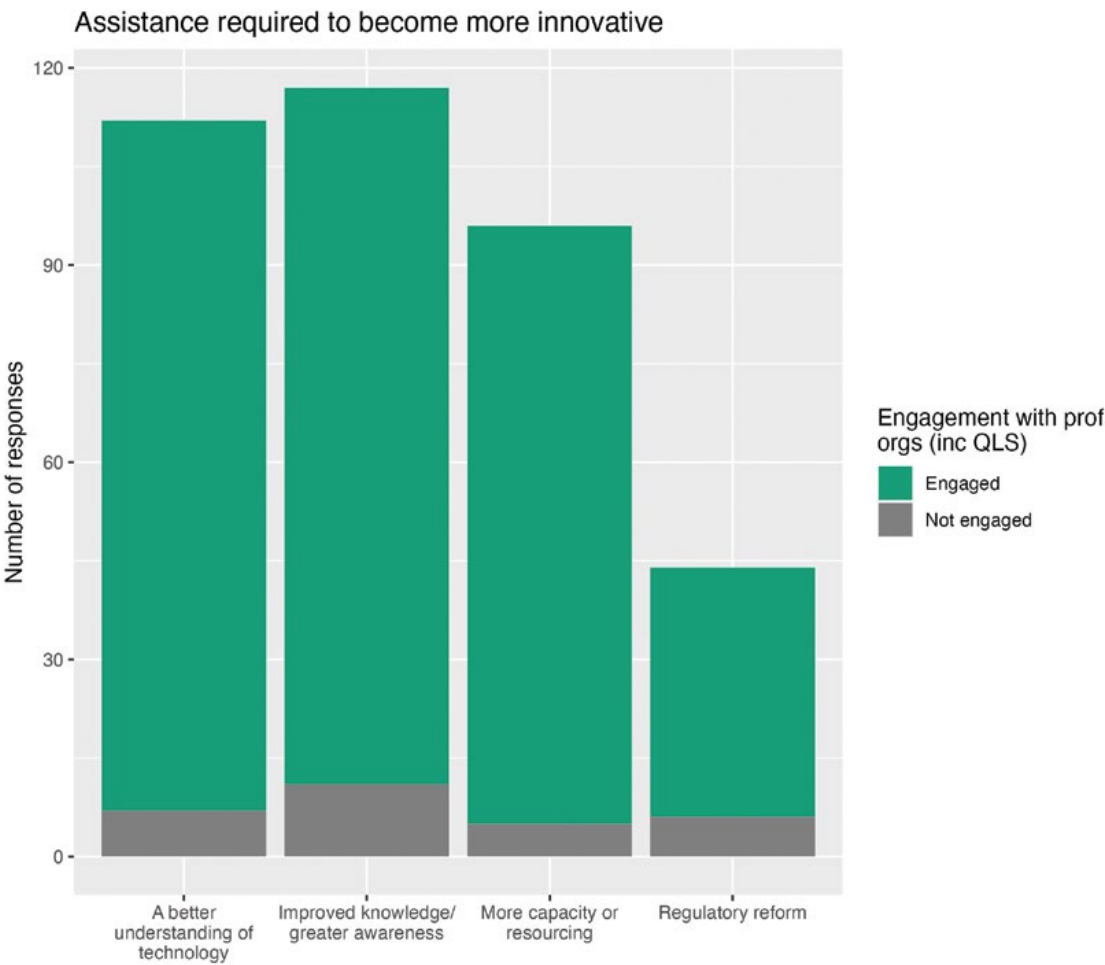
SMSM practitioners benefit from professional and consultancy services’ across topics including business planning and innovative use of technologies, available to them in the same way that they access accountancy expertise to build financial capability. Greater awareness of these services, through the trusted source of QLS is likely to increase the uptake of this expertise.

5.4.3 Developing skills and knowledge on innovative and informed uses of technology

The Future Ready Survey has revealed that law firms are open to adopting new technologies, but it takes time to investigate and plan their adoption.

Assistance to become more innovative

The Future Ready Survey asked respondents what assistance they required to become more innovative. The results were segmented based on whether the respondent was engaged with one or more of the law associations previously discussed, including the QLS.

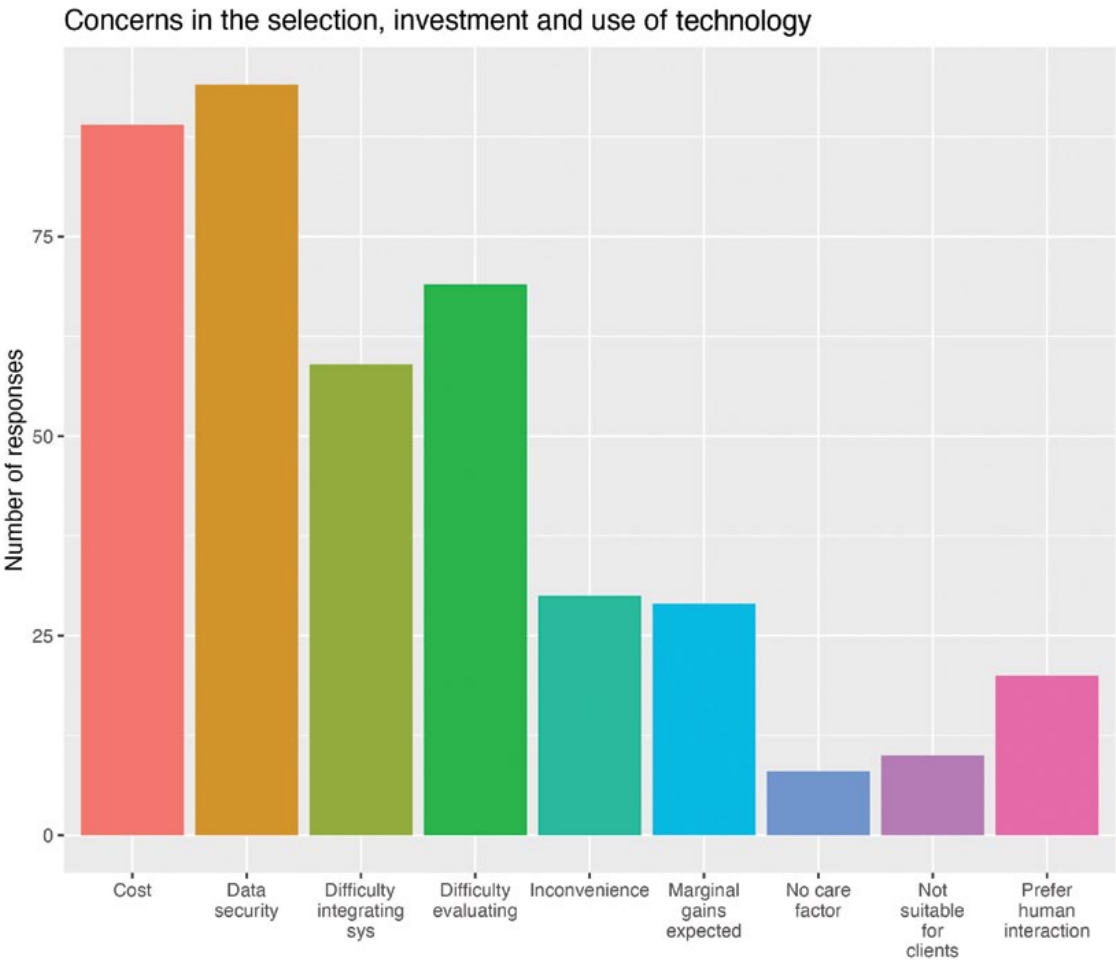


Graph 47

The data indicates that most respondents want ‘a better understanding of technology’ and/or an ‘improved knowledge/greater awareness’ regarding innovation. This response is consistent with the results from another question in the Future Ready Survey, which asked what respondents needed to improve their business planning. In both instances, more training, knowledge and time were nominated as preferred assistance to achieve the outcome.

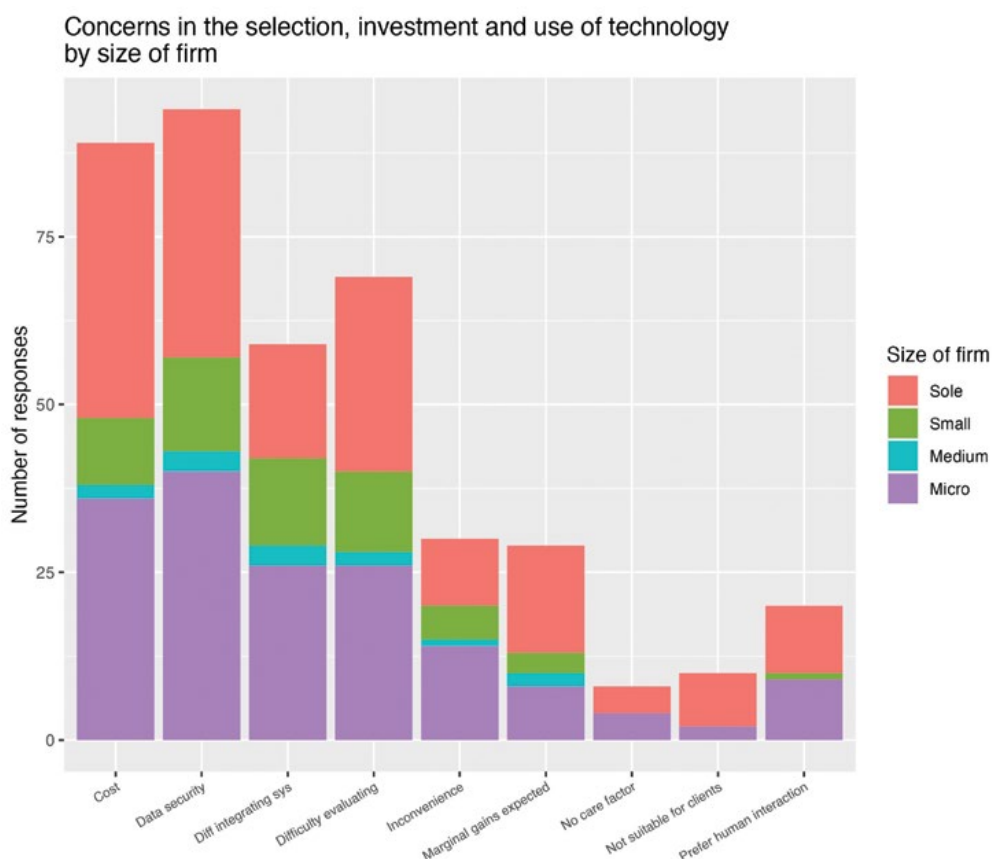
More innovative and informed use of technologies

Respondents reported that they want to develop improved skills to better evaluate technologies. While respondents have a range of concerns about the selection, investment and use of technology in the law practice, difficulty evaluating the technology was rated highly.



Graph 48

These concerns were segmented by size of the law firm. As noted in Graph 49 (below), sole practitioners appear disproportionately concerned about costs, data security, and how to evaluate the technology.



Graph 49

The Future Ready Survey found that these concerns may be a barrier to respondents engaging more with technology.

Questions about the uptake of free software

It is worth noting that respondents registered highly for the use of non-subscription databases, almost double that of subscription databases, as noted earlier in Graph 13: Types of technology used in Queensland Law Firms. Across the Future Ready Report, respondents have reported high costs, difficulty evaluating, integration issues, trust of a technology provider, and failure to access all functionality as barriers to greater use of technology.

ChatGPT

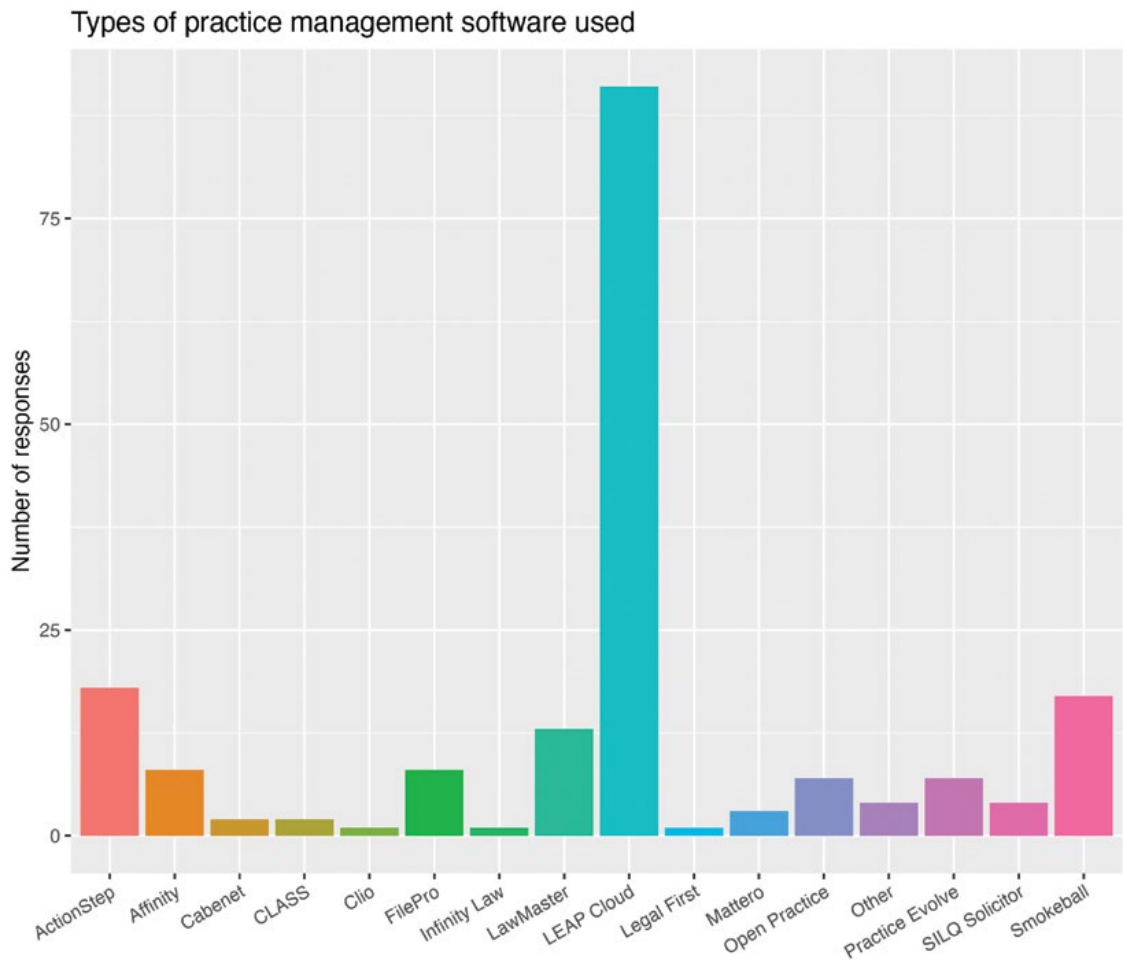
ChatGPT was not part of the Future Ready Survey that opened in December 2021. However, ChatGPT has rapidly gained a global profile and is reportedly being used by lawyers. ChatGPT is highly accessible on the grounds that it is free (at least for the moment), is easy to use due to its natural language interface and does not need to be integrated with other software. It has been described by lawyers: *'As though you are sitting, talking in the room with someone giving notes on what you want to be written'*.

These characteristics of ChatGPT are in stark contrast with some respondents' reflections regarding legal practice management software, which is described as expensive, not easily integrated with other software and requires extensive training to access the functionality.

ChatGPT is also a good example of the speed at which technology can be a disruptor. ChatGPT, and similar technologies, are still in their infancy. However, its ability to improve, coupled with the other features noted above, may encourage SMSM law firms to explore its functionality and possible use in the delivery of legal services. Not enough is, as yet, known about it.

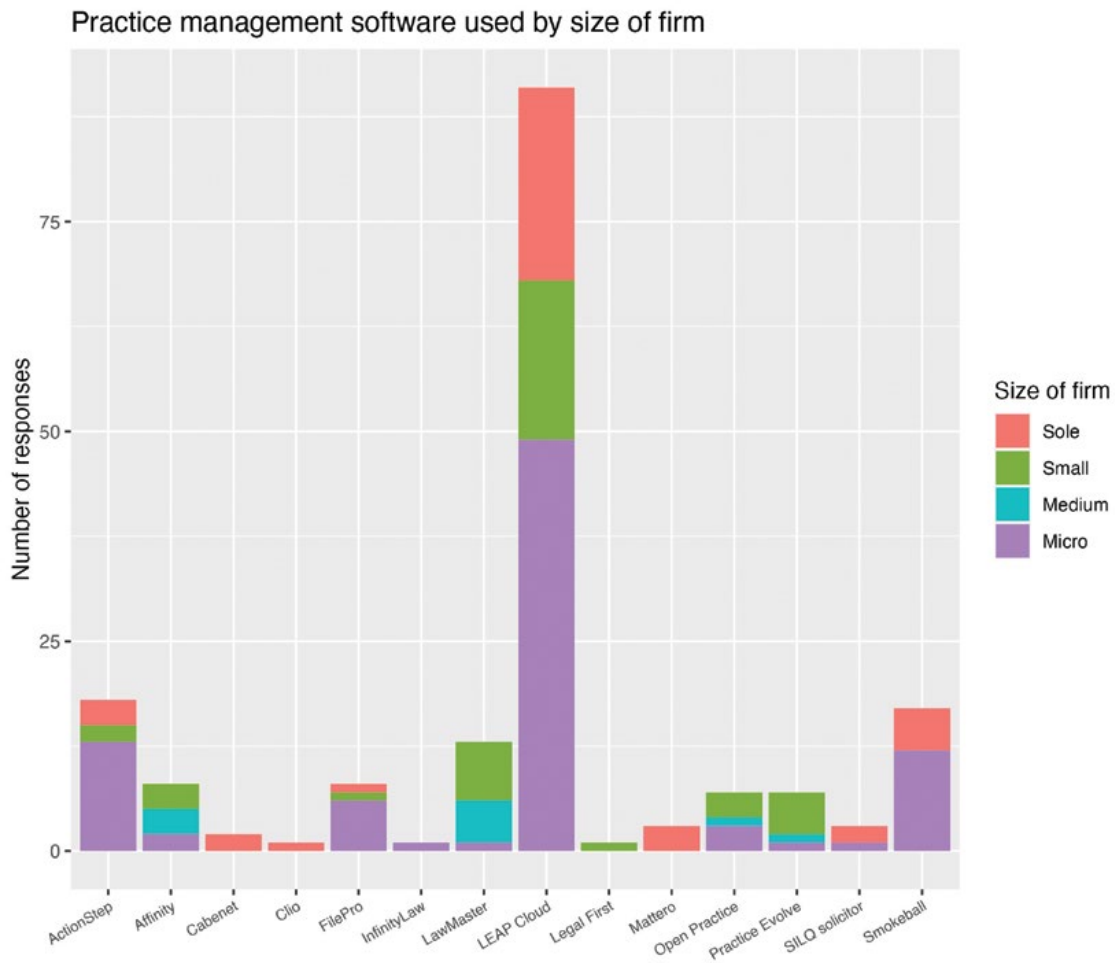
Practice management software

Graphs 50 and 51 (below) indicate that respondents overwhelmingly used LEAP Cloud. Interestingly, respondents from medium law firms did not appear to use LEAP Cloud. The Future Ready Survey did not provide data to explain this choice.



Graph 50

Practitioners need to develop knowledge and skills on evaluating practice management software in relation to what their law firm needs in terms of functionality and what they can afford.



Graph 51

Expanding the understanding of more specific use of technology for more sophisticated purposes, including e-litigation

The Future Ready Survey data reveals that only a small percentage of respondents (2%) use e-discovery or e-disclosure platforms.

The *UniSQ Future Ready Regional + Rural Conference* Toowoomba, 29 September 2022, included a dedicated panel discussion focussed on technology aimed at building knowledge and skills on using technologies for e-litigation (including e-briefs and e-discovery). This panel discussion raised the profile of more sophisticated technologies available to SMSM law firms. It also highlighted the expertise across the Queensland Law Society committees, including the Litigation Rules Committee and the Future Leaders Committee, members of whom presented on the panel.

The *Future Ready Regional + Rural Conference* also brought the legal profession together by discussing innovative approaches and technologies used by large law firms and raising the potential for use and accessibility within SMSM law firms. It is recommended that the QLS sponsor further initiatives to connect sectors of the profession to share knowledge around more innovative uses of technology.

UniSQ Future Ready Regional + Rural Conference, Toowoomba, 29 September 2022

Panel discussion: 'Accessing the Courts via Technologies (e-trials, e-discovery)'

Chair: Mr Andrew Shute (Partner, Carter Newell and Head of Litigation & Dispute Resolution; Chair, QLS Litigation Rules Committee + QLS Innovation Committee member)

Panel:

- Ms Jessica Goldie (Barrister, Queens Arms Chambers and Member Bar Association Qld, Regional Issues Committee)
- Mr Matt Hollings (Sky Discovery and 2022 President, QLS Future Leaders Committee)
- Ms Chelsea Saldumbide (Co-Founder and Director, McConnell + Saldumbide, Criminal Lawyers)
- Ms Kym Cavanagh (Director, Hede Byrne Hall)

Talking points on opportunities gained by using innovative technologies to access the courts:

- COVID-19 impacted the uptake of technology and general changes to practice.
- Innovative uses of technology have removed barriers, especially for regional solicitors and the Bar, to provide equitable access to the courts.
- Solicitors can now engage with the Bar through e-briefs. These are being used by SMSM law firms to interact with clients as part of litigation.
- Data plays a huge role in disputes, and it can be time-consuming to sift through that data. There are strategies available to get on top of documentary evidence. E-discovery is on the rise.

Talking points on barriers faced by using technologies:

- There are some barriers to navigating these electronic tools including lack of user knowledge and poor internet speed and drop out of internet reception.
- Appearing remotely can impact on the solemnity of the court.

As found in a 2018 survey of legal practitioners in Singapore,¹⁶¹ legal practitioners must be proactive and deliberative in the adoption and use of technology to build capability and ensure that such technologies do not erode important aspects of professional responsibility such as client care and the proper administration of justice.

Summary of findings on legal technology use in Singapore (2018)¹⁶²

1. Legal technology solutions must be more affordable for small and medium law firms. Law firm reluctance to adopt legal technology may flow from a belief that products are too expensive and not always well suited to local legal practice.
2. Legal technology is advancing internationally, and law firms must keep pace. While disruption has become commonplace in many sectors, the legal sector is about a decade behind. This is changing, and international trends indicate that transformation in the legal sector is on the horizon. While this report does not predict the exact form of these disruptions, it notes the importance of practitioners being aware of external impacts and taking proactive steps to adapt.
3. It is crucial for local law firms to ensure lawyers are exposed to changes happening in the sector and are given opportunities to upgrade their skills and capabilities. Without training, many lawyers face the prospect of skills degradation as technology becomes increasingly part of everyday legal practice.

5.4.4 Taking a client-centric approach to innovative use of technology

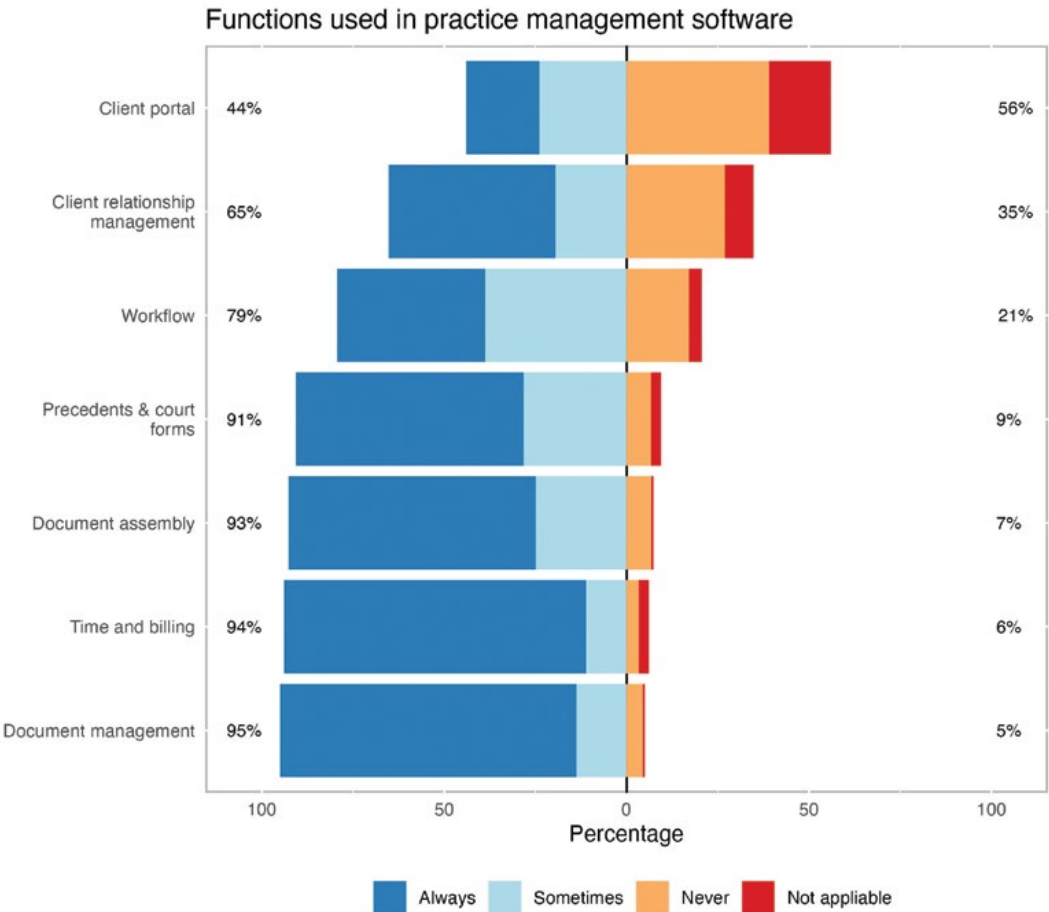
The Future Ready Survey asked several questions about the use of technology that was client centric within law firms. The first question related to practice management software and the second to a law firm's own website.

¹⁶¹ Law Society of Singapore and Ministry of Law Singapore (n 129).

¹⁶² Ibid.

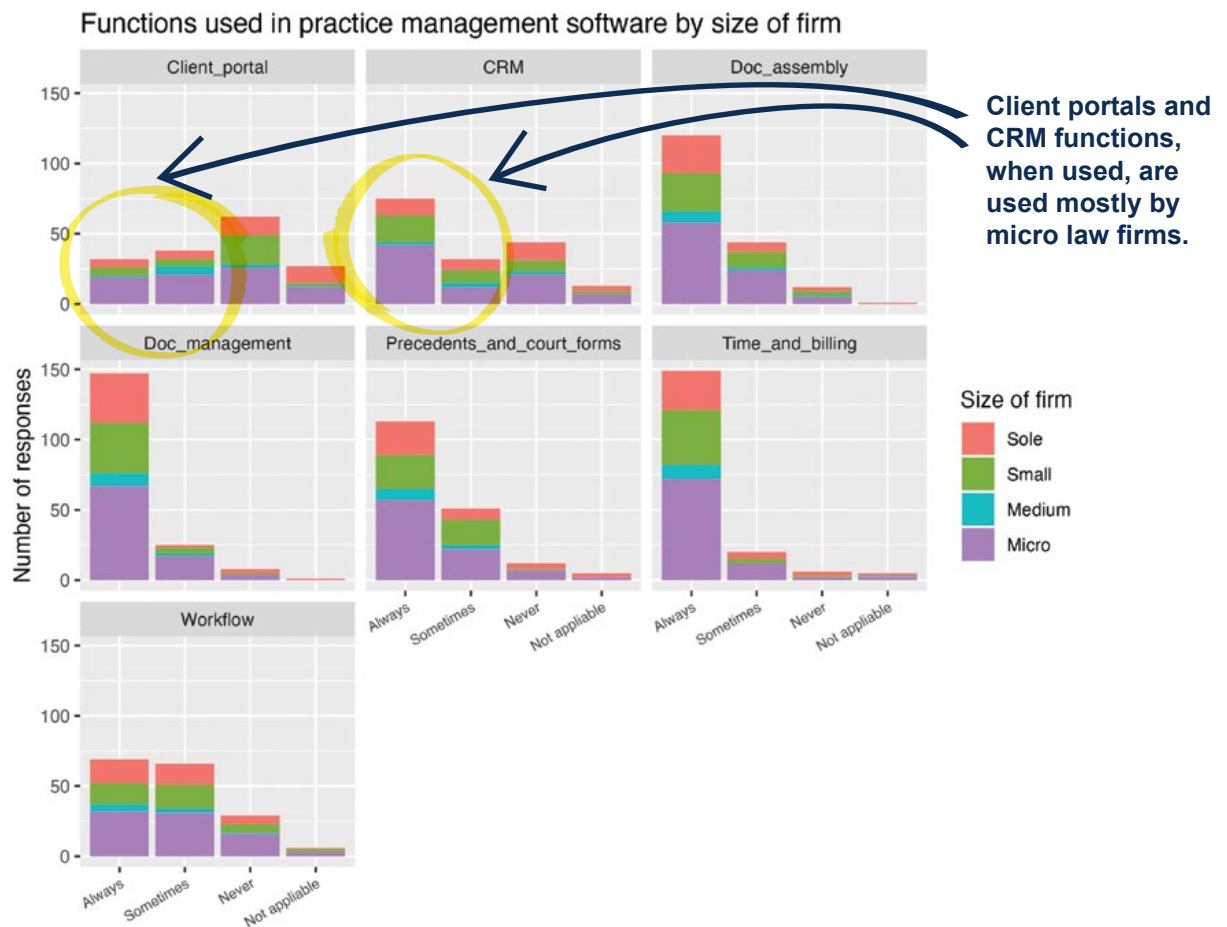
Functions used in practice management software

The Future Ready Survey data reveals that client portal functionality in practice management software is the least used. Only 44% of respondents 'sometimes' or 'always' use the client portal functionality in their PMS. This is second only to client relationship management functionality, which was reported as either 'not applicable' or 'never used' by 35% of respondents.



Graph 52

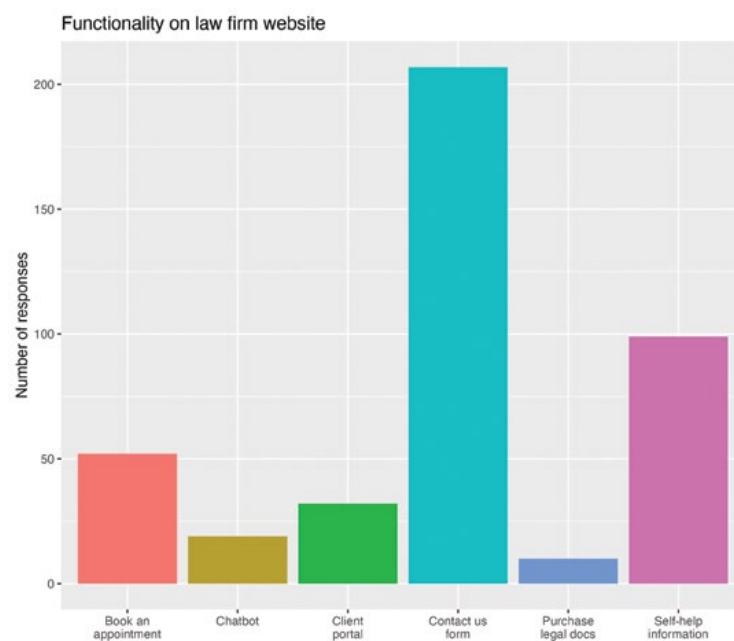
The data reveals in Graph 53 below, that client portals and client relationship management functions, when they are used, are mostly used by micro law firms. However, this is approximately proportionate with the distribution of firm sizes in the Future Ready Survey, with 46.36% of respondents working at a micro law firm (2–5 PCs).



Graph 53

Functions used in the law practice website

The Future Ready Survey data also revealed that respondents are not making full use of the client-centric functionality on their law practice websites.



Graph 54

Industry reports identify that ‘the key to maintaining satisfied clients lies in the ability to demonstrate that work is being delivered as efficiently as possible’.¹⁶³ It appears that software already available to firms could be better used to communicate with clients.

The Future Ready Survey data is not unique on this topic. In similar research conducted by Thomas Reuters, only 25% of respondents valued ‘more client transparency’, compared to 81% seeking more efficient processes.¹⁶⁴

Terri Mottershead, Executive Director of the Centre for Legal Innovation at the College of Law, Chair of the Queensland Law Society’s Innovation Committee, and member of the Corporate Legal Operations Consortium (CLOC) Global Education Advisory Council¹⁶⁵

‘Client centricity’

‘Clients are not making legal service/product comparisons just between law firms. They are making them between the whole legal industry and all the other industries they work in or with. We are all using our phones to buy just about everything and track when it will be delivered to our door. Our clients expect the same access, transparency, and convenience for legal services/products. Today, we need to be all about client centricity and building our legal businesses around THEIR needs and expectations, not OUR needs and expectations. That’s what other industries do and often better than us. There is a lot we can learn from other industries and if we do, it will mean we need not reinvent the wheel.’

‘Why can’t our clients have a teleconference, the document emailed to them, e-sign it and e-file it...not just during a pandemic, but forever? If our clients can access a health professional via teleconference, then wait moments for the prescription to be emailed directly to the pharmacy, and later delivered to their door... forever...why is the legal industry so different?’

‘There are endlessly exciting opportunities to leverage technology to do more with less, to use data to make better decisions in our legal businesses and to minimise risk for our clients. It’s incumbent on us to transform our legal practices so our time, skill and expertise can be focused on adding value through resolving complex problems for our clients.’

Lawyers have traditionally held client-care at the centre of ethical legal practice. Expert, ethical client care within the context of a fiduciary relationship, is a crucial part of the unique role lawyers bring to society. Lawyers need to ensure that they retain a client centric approach to the practice of law. Yet, the Future Ready Survey data indicates that across practice management software and law firm websites, client-facing or client interactive functions are not given a priority. Further research is needed to ascertain why law firms might underuse current capacity to communicate with clients through technology. This will provide a basis for assisting firm leaders to understand how they might use current capabilities more effectively.

¹⁶³ Thomson Reuters, ‘2021 Australia: State of the Legal Market’ (n 105) 15.

¹⁶⁴ Thomson Reuters, ‘Tech & the Law 2022’ (n 105) 3. The Thomson Reuters sample size was based on 670 private practice professionals.

¹⁶⁵ Interview was published in *Proctor* with Ms Mottershead’s permission.

5.4.5 Managing Intergenerational change

The Future Ready Research found several diverse factors to consider when accounting for intergenerational change in the Queensland profession. They include changing values of younger practitioners, an aging workforce and aptitudes and attitudes towards technology. A recent study considering the views of lawyers across 50 countries found:¹⁶⁶

Young professionals are placing more explicit emphasis on work–life balance, mental well–being, leisure and other activities outside work than was evident in previous generations. A higher proportion of the professional workforce are mothers and as men now take more active roles in child rearing it means younger professionals as a group are juggling more domestic responsibilities alongside their paid jobs.... Collectively these factors mean that long working hours are a potential push factor for younger talent to leave law firms.¹⁶⁷

The findings from international studies resonate with those from the Future Ready Research. Further factors on intergenerational change were also identified as part of the UniSQ Future Ready Regional and Rural Conference as described below.

The UniSQ Future Ready Regional + Rural Legal Conference held in Toowoomba (29 September 2022)

The UniSQ Future Ready Regional + Rural Legal Conference held in Toowoomba (29 September 2022) provided a platform for an exchange of wide-ranging intergenerational experiences. The Panel was comprised of representatives from a number of law associations. In this way the discussion was able to articulate points of view from across their membership.

Panel discussion: ‘Replenishing the Profession – Intergenerational Change’

Chair: Dr Jasmine Thomas (Past President USQ Law Society + UniSQ Associate Director (Academic Integrity))

Panel members:

- Ms Helen Driscoll (President, Queensland Young Lawyers)
- Ms Sheetal Deo (QLS Council Member)
- Mr Angus Murray (Co-founder, The Legal Forecast + Member, QLS Innovation Committee)
- Mr Ben Gouldson (Director, Co-founder CG Law + QLS 2022 Regional Practitioner of the Year)
- Ms Hannah Wordsworth (Executive Member, Women Lawyer’s Association, Queensland)

Key discussion points

- **What demographic trends and changes are you noticing in the profession?**
The profession is aging and there is a rising number of sole practitioners. The experiences within regional practice are also changing especially regarding retention to staff.
- **How do you build a culture to suit all generations?**
The key factors identified included the need for continual professional development and supervision for all lawyers. There is also a tension between offering flexible work for younger lawyers and being able to effectively manage feelings of isolation because of working from home. Younger lawyers also seek the opportunity to move between practice areas to gain essential experience prior to specialising.
- **How does knowledge get transferred from senior practitioners to new practitioners?**
Professional associations, clubs and organisations offer opportunities for knowledge transference. Networking and mentoring are important to facilitate this exchange. The knowledge exchange must include experiences (good and bad) and include opportunities to build greater empathy between the perspectives of both junior and senior lawyers.

¹⁶⁶ Thomson Reuters, ‘Stellar Performance: Skills and Progression Mid–Year Survey’ (n 110) 10. The ‘Skills and Progression Survey 2021’ was conducted in September 2021 involving more than 1170 client–nominated standout lawyers from more than 50 countries across all sizes of law firms.

¹⁶⁷ Ibid.

- **What additional skills do lawyers need to deal with intergenerational change?**
Junior lawyers can improve their 'soft skills' as well as learning how to put a workshop together on various aspects of practice. All lawyers can benefit from gaining additional skills across being innovative and understanding how technology can be more innovatively used as part of delivering legal services and engaging with clients. Lawyers who have already had a career in another sphere, need to have greater confidence in bringing that life experience and those skills into the practice of law.
- **What are some of the big issues you see impacting across the generations that we need to be talking about?**
We need to improve access to the law and legal services through adopting more innovative approaches. One of the biggest issues across lawyers is mental health. The 'gig' economy is a concern.
- **How do you recommend practitioners connect with the profession and what organisations are out there that you'd recommend joining?**
Mentoring is one of the best ways for practitioners to connect with each other and to have that lifelong commitment to learning that is so essential. We are members of a profession that involves resolving complex issues for our clients who are often caught up in a range of complex emotional circumstances – whether personal, financial, business or family. We don't always feel prepared for that side of practice. Being part of a law association provides both formal and informal connections that build the resilience necessary to navigate a long and successful career. Let's keep asking these questions and getting the input from everyone. Just as importantly, let's keep listening to each other.

Intergenerational change is an important aspect for continuity of a law firm, as well as risk management and transference of knowledge.¹⁶⁸ For decades, the legal profession has identified challenges in attracting, recruiting, retaining and progressing legal staff.¹⁶⁹ It seems that recruitment is now a global issue.¹⁷⁰

Assumptions about technology competency based on age

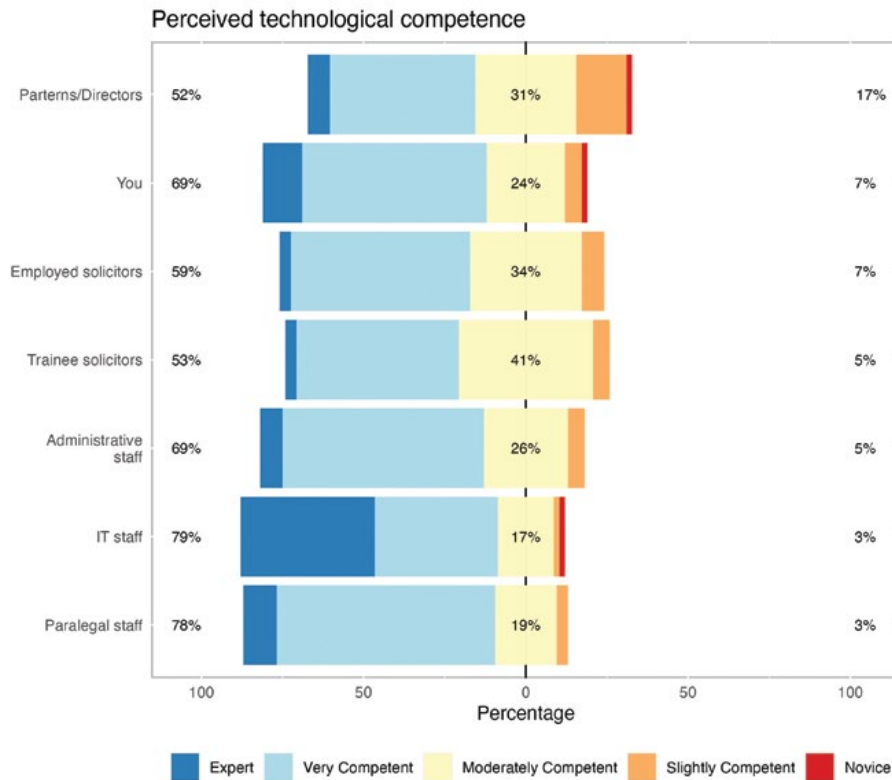
Respondents of the Future Ready Survey were asked to rate the technology competency of everyone in the law firm, from 'expert' to 'novice'. As reported in the graph below, respondents rated themselves highly. This may indicate that the Future Ready Survey results are skewed towards respondents who are more technologically literate.

It is also noteworthy that employed solicitors (< 5 yrs PAE) and trainee solicitors were generally rated 'moderately competent'. This is contrary (if we assume that junior lawyers are also younger lawyers) to the widely held perception that younger people are highly competent across all forms of technology. Paralegal and administrative staff were both rated above employed solicitors and trainee solicitors.

¹⁶⁸ Ibid.

¹⁶⁹ Law Council of Australia, 'Report into the Rural, Regional and Remote Areas Lawyers Survey' (2009) 38 (Table B23) <<http://www.lawcouncil.asn.au/lawcouncil/index.php/library/submissions/10-divisions/99-rural-regional-and-remote-areas-lawyers>> ('Report into the Rural, Regional and Remote Areas Lawyers Survey'); Recruitment and Retention Working Group, *Recruitment and Retention of Legal Practitioners in Rural, Regional and Remote Areas Strategy* (Discussion Paper, Law Council of Australia, September 2009); Trish Mundy, 'Recruiting and Retaining Lawyers: A Problem in Rural, Regional and Remote Communities' (2009) 34(1) *Alternative law journal* 32.

¹⁷⁰ Jones and Regan (n 105) 18.



Graph 55

One of the reasons employed solicitors and trainee solicitors are ranked as 'moderately competent' may be because legal education could better equip graduates for the reality of how the delivery of legal services are delivered today.¹⁷¹ In particular, this result might correlate with the nature of the technology used in respondents' law firms – being functional rather than innovative – as discussed above. Young lawyers might be adept in their use of other forms of technology that are not (or not yet) used in law firms.¹⁷²

Terri Mottershead, Executive Director of the Centre for Legal Innovation at the College of Law, Chair of the Queensland Law Society's Innovation Committee, and member of the Corporate Legal Operations Consortium (CLOC) Global Education Advisory Council¹⁷³

'The greatest opportunity for change is through intergenerational and multidisciplinary collaboration – people can be any age!'

'As we navigate change in our industry, we can all benefit from the enthusiasm, drive and passion of early career lawyers, as we can the steadying of the wheel from the more experienced practitioners.'

¹⁷¹ See Timoshanko and Hart (n 128); Hart and Timoshanko (n 128).

¹⁷² See Timoshanko and Hart (n 128); Hart and Timoshanko (n 128).

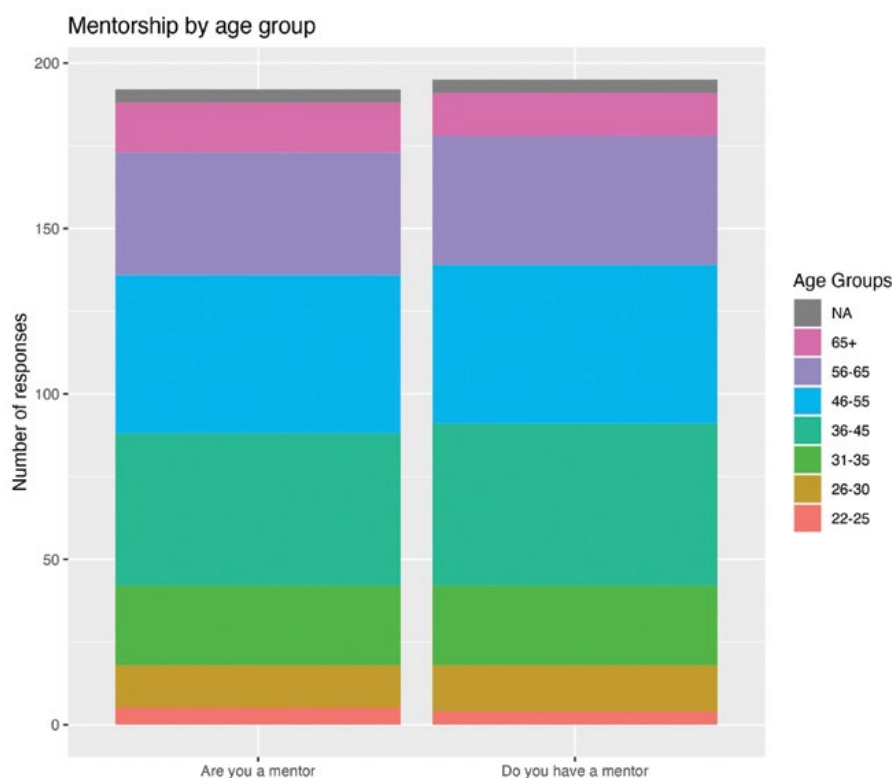
¹⁷³ Interview was published in *Proctor* and reproduced here with Ms Mottershead's permission.

If we think about it, what the Gen Zs are to the Millennials today, the Alphas will be to the Gen Zs tomorrow. There's always another generation nipping at the heels of the one before and before that. But it is also important to highlight that this new legal ecosystem is not just about the lawyers, it is about integrating the skills and experience of specialists other than lawyers to do things differently.'

'Mindset, diversity, inclusion and equity trumps everything when it comes to change. Transforming your legal practice and our legal industry is significantly about having a growth mindset – being open to learning new ways from everyone, getting great with trying and doing things differently, being comfortable with uncertainty, ambiguity, and being dedicated to continuous improvement. All that is only possible if we hear, see and act on what others, not the same as us, tell us, show us, and work collaboratively with us to achieve.'

The importance of developing mentorship relationships

One striking aspect of the Future Ready Survey data regarding intergenerational issues was whether the respondent either had, or were themselves, a mentor. Interestingly, respondents under 35 were less likely to be a mentee or mentor. This suggested that younger people are unconvinced about the value of mentorship or there is little opportunity to access this relationship in their professional life.



Graph 56

Mentoring is important because it plays a key role in transferring knowledge, for example through observation and instruction, and in developing professional networks. Mentoring also helps junior lawyers navigate the path from novice to expert, as well as enhancing mental health. Mentoring programs may also be used as a feature to attract young lawyers.¹⁷⁴

¹⁷⁴ Jones and Regan (n 105) citing Thomson Reuters, 'Stellar Performance: Skills and Progression Mid-Year Survey' (n 110) 19.

As discussed in Part 3 (Demographics), the Future Ready Survey did not attract significant numbers of younger respondents. Therefore, this result cannot be said to be a representative sample of the Queensland profession. However, the Future Ready Research included interviews with young lawyers to supplement this gap. For example, the President of the Queensland Young Lawyers Association, Ms Helen Driscoll. Ms Driscoll was interviewed and provided further insights into perspectives from lawyers under 30 including attitudes towards mentoring and transference of knowledge.

Interview with Ms Helen Driscoll, President, Queensland Young Lawyers ('QYL')¹⁷⁵

'When you hit 3, 4 years PAE you are already stressed about getting on top of your billable hours. Then at 5 years PAE it's all about 'business'... how to market the firm.'

'I would encourage networking at that 3-to-4-year point otherwise you will get left behind and forget the soft skills. You need those skills. They are important for how to present CPD's, how to approach the referral relationships and client relationship skills. But these soft skills are not taught.'

'Mentoring and networking'

'There are great senior lawyers available but junior lawyers won't ask. I'm not sure if it's a lack of confidence. When I was a student, I'd go to all the events and always saw the same people at all the events. I'd encourage my close friends to go. You have to push yourself to have the confidence to go. I have friends that are too nervous, who won't network.'

'With QYL we provide incentives to network, to have fun and to make the events valuable. It helps with facilitating and developing these skills.'

'It's very important to network. You meet people. You don't know what will happen. It is about building your reputation, getting yourself out there.'

¹⁷⁵ Interview was carried out on 13 May 2022.

Mental health impacts and responses

How well did your law practice deal with the following during COVID by age group

Number of responses

Access to clients

Access to Courts/ Tribunals

Access to files

Access to Jobkeeper

Access to new business

Access to premises

Impact of colleagues mental health

Impact on your mental health

Impact on existing business

22-25

26-30

31-35

36-45

46-55

56-65

65+

Very well

Well

Average

Neutral/No change

Poor

Very poor

Very well

Well

Average

Neutral/No change

Poor

Very poor

Very well

Well

Average

Neutral/No change

Poor

Very poor

Some respondents noted a slightly greater impact of COVID-19 on colleagues mental health, than on their own mental health.

Graph 57

It is recommended that further work be conducted by the QLS to ascertain the differing impacts of the pandemic on lawyers as we emerge from its direct impact. There are available resources offered by law associations around the world (Appendix 2: Comparative Analysis of Law Society Websites of Other Common Law Countries) promoting access to 'wellness' resources.¹⁷⁶

¹⁷⁶ See, eg, Law Institute Victoria, 'Health & Wellbeing', LIV (Web Page, 2023) <https://www.liv.asn.au/Web/Resource_Knowledge_Centre/Health_Wellbeing/Web/Content/Resource_Knowledge_Centre/Health-and-Wellbeing/Health-and-Wellbeing.aspx?hkey=0582e025-5fb1-4a83-adf3-be48c9bb30a1> has a dedicated Resource Knowledge Centre that includes access to 'wellness' resources; Federation of Law Societies of Canada, 'Resource Library' (Web Page, 2023) <<https://flsc.ca/resources/resource-library/>> has engaged in research linked to 'wellness'.

Lack of training opportunities for junior lawyers

Fatigue experienced by senior lawyers might result in a lack of enthusiasm to devote their time to service or training focused activities. Research conducted in the US found that:¹⁷⁷

One change emerging in the post-pandemic world is that most lawyers want to reduce their commitments to non-billable administrative activities that are not directly related to client relationships and business development. Lawyers surveyed indicated a strong desire to limit their involvement in such activities as marketing, training, diversity initiatives, lateral and graduate recruitment, and knowledge management among others. These latter activities, lawyers appear willing to delegate responsibilities to support professionals and to those partners who might specifically wish to be involved.

In short, this international research identifies that lawyers may be pulling back from non-essential activities. This will reduce opportunities for the transference of 'soft skills' and impact firm culture, mentoring and networking. Further, there may be no discussion about this impact of COVID-19, so allocation and access to resources may not be available. There is currently insufficient research into the impacts of COVID-19, particularly relating to those that may affect junior lawyers differently from senior lawyers.

The President of the Queensland Young Lawyers offered some insights about the impacts of COVID-19 from the perspective of junior lawyers.

Interview with Ms Helen Driscoll, President, Queensland Young Lawyers Association¹⁷⁸

'Impacts of COVID-19'

'After 2020, in-person attendance at events skyrocketed, especially at social events. Everyone seemed so keen to get out there. QYL has become very good at adapting at the last moment. We can switch to making an event hybrid. We are very active and keen to engage.'

'But there are some negatives. We've found that when there is an opportunity to go online, then some people will opt out to go online rather than engage, for example at committee meetings. People won't participate and turn off their camera. It means there's a loss of an opinion, and they won't contribute as much as if there were sitting around the table. And of course, there's the loss of interaction that happens before and after the meeting.'

'The benefits of technology are great. It's convenient and easy. We can access the courts remotely. Even for a small mention with a Sydney client, we would have to travel to Sydney. A phone link up would have been frowned upon. This has been a great development with the change in attitude. You can appear all over the country on a succession of matters. This is a plus for the clients and very cost effective. But this can also have a negative effect of taking away from a junior's ability to develop skills of being on your feet and getting experience of the court protocols.'

¹⁷⁷ Thomson Reuters, 'Stellar Performance: Skills and Progression Mid-Year Survey' (n 110) 9.

¹⁷⁸ Interview was carried out in accordance with ethics approval H21REA121. Date of interview was 13 May 2022.

Junior lawyers by this account want personal connection but also value the flexibility of online working that has been normalised by the pandemic. The downside for junior lawyers is that there may be a limited opportunity to build skills and networks that are crucial to flourish in a legal career.

The Future Ready Survey data revealed the low rate of participation in mentorships by respondents. This is a concerning picture of potential professional isolation.

It is suggested that senior lawyers consider what resources should be allocated to properly train and support junior staff. And junior lawyers should consider what working approaches might maximise opportunities to learn and build professional networks. A recommendation of this report is that QLS monitor the development of skills and networks within firms and provide training and opportunities.

Managing hybrid working

The Future Ready Survey did not directly address hybrid working arrangements. However, research in other common law countries has identified that one of the legacy effects of COVID–19 has been combining ‘work from home’ with some amount of in–office time. Moving from working exclusively in the office to working from home or a hybrid arrangement is a major shift. People working from home may feel left out. In–office workers may suspect their colleagues are not putting in a full day’s work and grow resentful. New employees may struggle to connect with colleagues they may never meet.¹⁷⁹

Employees and employers will have to learn how to build trust by meeting objectives and not seeing someone sitting in front of the screen. To deal effectively with these challenges, law firms must provide different and more effective mechanisms for supervision and oversight, training support, and the development of firm culture and camaraderie.¹⁸⁰ Law firm culture may be one of the casualties post–COVID–19, with its effect yet to be felt, especially among early career lawyers.

COVID–19 and increased risks of cybersecurity

The Future Ready Survey did not expressly investigate the possible impact of COVID–19 on cybersecurity. However, it did measure respondents’ confidence in dealing with cybersecurity, returning results suggesting an over–confidence in capability. As a reminder, the Future Ready Survey data (at Graph 13) revealed that most respondents did use anti–virus software, but only half of that number used dedicated cybersecurity software.

The UK Law Society of England and Wales has expressly identified cybersecurity threats as a post–COVID–19 issue:

The coronavirus (COVID–19) pandemic has changed the way that legal services are delivered. These changes have presented an opportunity for cyber–criminals and fraudsters. The Department for Business, Energy and Industrial Strategy has flagged scams related to the business support measures that are currently available from the government. We’re supporting solicitors and law firms to prevent fraud and scams and help their clients to stay cyber–safe, safely deliver legal services online, and run their organisations effectively by using legal technology.¹⁸¹

Queensland lawyers can mitigate this potential threat by installing cybersecurity software and anti–phishing tools and obtaining cybersecurity insurance. Liaising with Lexon on this may also provide some insurance benefits.

¹⁷⁹ Jones and Regan (n 105) 21–23.

¹⁸⁰ Ibid.

¹⁸¹ The Law Society of England and Wales, ‘Coronavirus’, *The Law Society* (Web Page, 2023) <<https://www.lawsociety.org.uk/topics/coronavirus/>>.

Findings

- **Greater engagement with the legal profession (including law associations) can work to increase SMSM law firms' awareness of what is on the horizon as a potential challenge.** The Future Ready Survey data indicated that the type and kind of 'serious competitors' being identified by respondents is not aligned with broader serious competitors. Law associations have the capacity and capability to scan the environment for threats, and then communicate such approaches to deal with threats to its membership.
- **SMSM practitioners benefit from access to consultancy services across topics including business planning and innovative use of technologies,** accessible to them in the same way that they access accountancy expertise. Greater awareness of these services, through a trusted source such as QLS, is likely to increase the uptake of this expertise. The approach is a 'trickle down' effect of services and expertise offered in-house for large law firms, made available to SMSM law firms as consultancy services.
- **Improved strategic and business planning and the appropriate use of technologies** can improve firms' ability to deal with internal threats. Lawyers need to retain a client centric approach to their practice. Respondents want to learn how to evaluate and implement appropriate technologies. Respondents can make better use of the client facing functionality in their practice management software and on their websites.
- **Time management benefits are not necessarily flowing from the use of technology.** The increased use of technology within law firms is not necessarily improving a lawyer's ability to provide legal advice or engage in more strategic activities.
- **Employed solicitors and trainee solicitors are being rated as only 'moderately competent' in their use of technology.** While it is unclear why senior lawyers hold this view, there is room for training within the law firm to increase lawyer capacity in the area. This view also contradicts the widely held perception that younger people are highly competent across all forms of technology (if one assumes that junior lawyers are also young).
- **Drivers impacting intergenerational change** include changing values of young professionals, an aging workforce and technology impacts.

Respondents under 35 are less likely to be a mentee or a mentor suggesting that younger people are less convinced about the benefits of mentorship or there is little opportunity to access mentors in their professional life. Further opportunities could be provided to mentor junior lawyers.

- **There may be post-COVID-19 impacts** potentially reducing lawyers' willingness to commit to 'service' aspects, including mentoring. This should be identified, if present in the firm, and strategies put in place to address this.
- **There is an overconfidence in dealing with cybersecurity** that is not due to the implementation of dedicated cybersecurity software. Other law associations are identifying increased cybersecurity threats as a post-COVID-19 issue. Training in identifying risks is appropriate.

Recommendations

Key recommendations on approaches and practices that can improve a law firm's capability to navigate disruption include:

- **Principals complete a practice management course refresher** periodically (eg every five years), focusing on the business planning, risk management and succession planning components.
- **Lawyers use technology more innovatively to better engage with their clients,** for example, through client portals available through their practice management software and client-focused functionality on law firm websites.
- **Law firm principals ensure skills training and networking opportunities** for junior lawyers within the firm.
- **Firms consider their approach to working conditions,** such as hybrid workspaces, and develop clear strategies that are communicated to staff to ensure appropriate firm cultures are developed and maintained.
- **Principals consider the increased risks of cybersecurity** as a result of COVID-19 and implement appropriate strategies.

5.5 WHAT KEY PERFORMANCE INDICATORS CAN QLS USE TO MEASURE LAW FIRM CAPABILITY IN MANAGING DISRUPTION?

Key Performance Indicators ('KPIs') will help monitor the success (or failure) of the recommendations to build law firms' capability to meet disruption. Reporting on the performance of the KPIs would also benefit the QLS, the Legal Services Commission, Queensland, and Lexon Insurance Queensland. This is because KPIs are effective at identifying where resources are best allocated to achieve successful outcomes,¹⁸² including outcomes articulated in the QLS's Strategic Plan.

The scope of the Future Ready Report is to identify possible KPIs. Out of scope are procedures for collecting KPI data, analysing and interpreting that data, selecting the most useful reporting format, and disseminating the findings and conclusions to stakeholders.¹⁸³ However, articulating KPIs will provide a platform to clarify the strategic direction of Queensland SMSM law firms.¹⁸⁴ QLS's communication strategy on the Future Ready Report and further engagement with stakeholders will likely trigger recommendations for additional KPIs.

The KPIs identified below relate to clear and simple activities and metrics that flow from the findings across the six questions that ground the Future Ready Research. The six questions are identified below as Q1 to Q6. The KPIs link to the stakeholders noted above, including Queensland Law Society, Lexon, Legal Services Commission, Queensland, and SMSM principals.

Measuring Law Firm Capability to Meet Disruption

Stakeholder	KPI	Strategic Outcome
QLS	Are QLS annual memberships increasing among lawyers in SMSM firms?	Engagement with the QLS provides access to vital information and insights on the changing landscape of the legal profession. (Q1 + Q4)
QLS	Are more SMSM lawyers attending CPD events and conferences? Is access to QLS Update Email increasing?	Respondents want more guidance, information and training to better deal with disruption. (Q3, Q4 + Q6)
Legal Services Commission, Queensland	Are SMSM law firm liquidations decreasing?	Lawyers' capability to meet disruption, including overcoming threats and barriers, will enhance law firm sustainability and continuity
SMSM law firm owner	Do all SMSM law firms have a current power of attorney?	A barrier to continuity of law firm practice is the capability to deal with the loss of a partner/director. Q2, Q3, Q4 + Q6

¹⁸² Sequoia Star et al, 'Performance Measurement and Performance Indicators: A Literature Review and a Proposed Model for Practical Adoption' (2016) 15(2) *Human Resource Development Review* 151, 154.

¹⁸³ Ibid 162.

¹⁸⁴ Ibid 168.

Stakeholder	KPI	Strategic Outcome
SMSM law firm owner (with guidance from QLS)	Do all SMSM law firms have a current and active business plan?	Law firm capability to deal with threats (internal and external) is increased when managers are planning for the future. Q3 + Q4
SMSM law firm owner (with guidance from QLS)	Do all SMSM law firms have a current and active succession plan?	Law firm capability to deal with the sudden loss of a partner/director is increased when a plan is in place. Q3 + Q4
SMSM law firm owner (with guidance from QLS)	Do all SMSM law firms have a current and active technology and innovation strategy?	Law firm capability to deal with threats and opportunities associated with innovation and technology is increased when effort is made to remain knowledgeable on current and emerging technologies and innovations in the delivery of legal services. Q1, Q3, Q4 + Q6
SMSM law firm owner (with guidance from Lexon)	Do all SMSM law firms have: <ul style="list-style-type: none"> • dedicated cyber–security software • Firewalls • Anti–phishing tools • Anti–malware software 	Law firm capability is undermined by cyber–security attacks. The post–COVID–19 impact of increased working from home have contributed to potential data security and cybersecurity risks. Q1, Q3, Q4, Q6.
SMSM law firm owner (with guidance from Lexon + QLS)	Do all SMSM law firms have a current and active risk management plan that includes disaster management?	Law firm capability to deal with a range of threats, including floods and bush fires, when staff are aware of their role and responsibility in case of an emergency. Preparations should include scenario planning on how to deal with immediate threats to continuity of practice. Q1, Q3, Q4 + Q6
SMSM law firm owner (with guidance from QLS)	The rate of SMSM firms using client–centric functions in existing PMS or their website?	Law firms will have greater capability to deal with disruption if clients are ‘happy’ and business is thriving. Client–centric functionality improves client satisfaction. (Q3, Q4 + Q6)

Recommendation

- **QLS consider implementing procedures for collecting KPI data**, analysing and interpreting select data, and disseminating the findings and conclusions to stakeholders.

5.6 WHAT MEASURES OR SUPPORTS COULD BE PROVIDED BY QLS TO ASSIST LAW FIRMS TO MANAGE DISRUPTION?

The Future Ready Survey provides clear evidence that the Queensland legal profession looks to the Queensland Law Society for guidance, information, training and continuing legal education to help manage disruption. The Future Ready Survey questions were based on the literature review, including principles of ethical and sustainable legal practice for SMSM law firms. The data collected from the Future Ready Survey reveals that for most practitioners the preferred source of advice for managing disruption is QLS, and to a lesser degree, Lexon and information technology providers.

Based on this finding, the supports that the QLS can provide to assist law firms build their capability to manage disruption are:

1. Targeted training, continuing legal education and conferences
2. Updated QLS website, benchmarked against best practice
3. A strategic plan to navigate disruption – The QLS Future Ready Roadmap 2030
4. Grants to SMSM law firms

5.6.1 Targeted training, continuing legal education and conferences

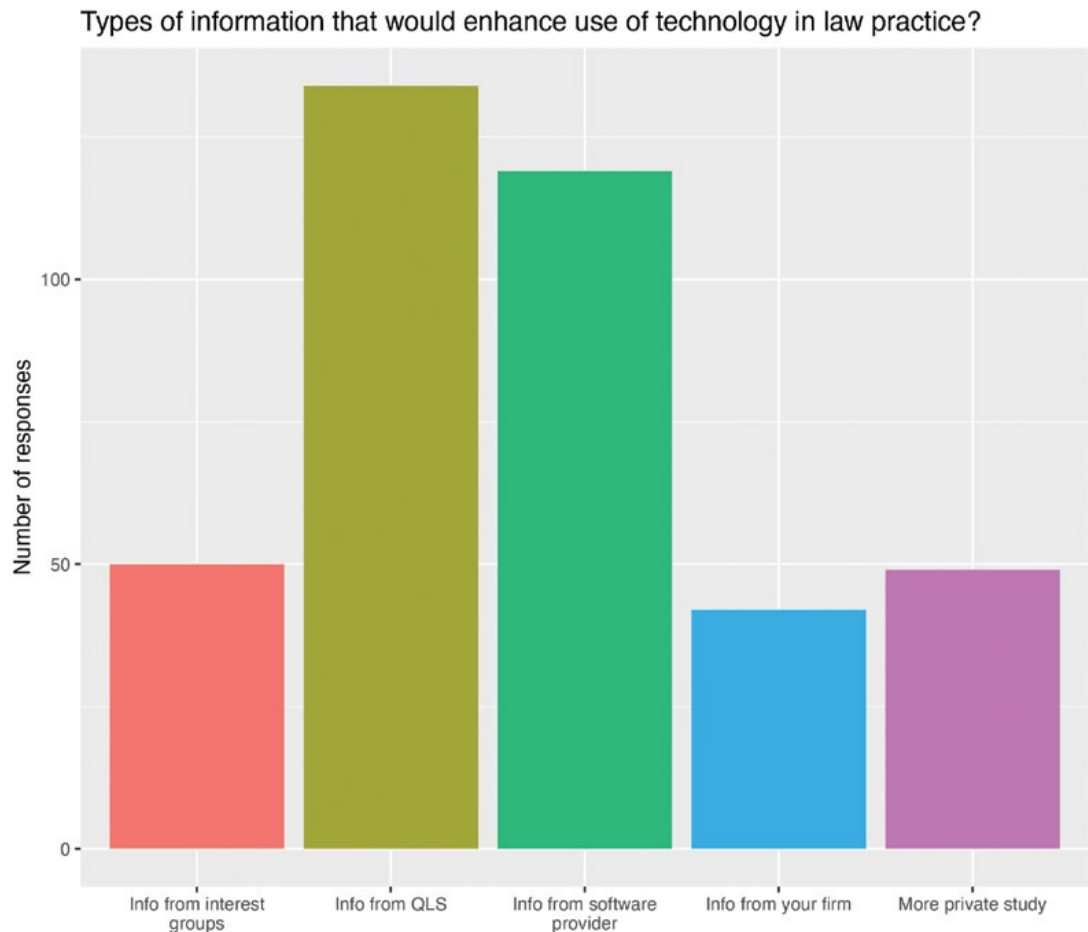
Overwhelmingly the data revealed that respondents want training, continuing legal education and advice on managing disruption. Respondents indicated that they sought this information predominantly from QLS, also from Lexon and technology providers.

Both employer and employee respondents signalled that they wanted improved knowledge and a better understanding about innovation.

The data from the Future Ready Survey supporting these measures are presented below.

Technology and innovation

The data indicated that concerns about the use of technology in practice could be alleviated through information from a trusted independent source, such as the QLS, or objective information from software providers.



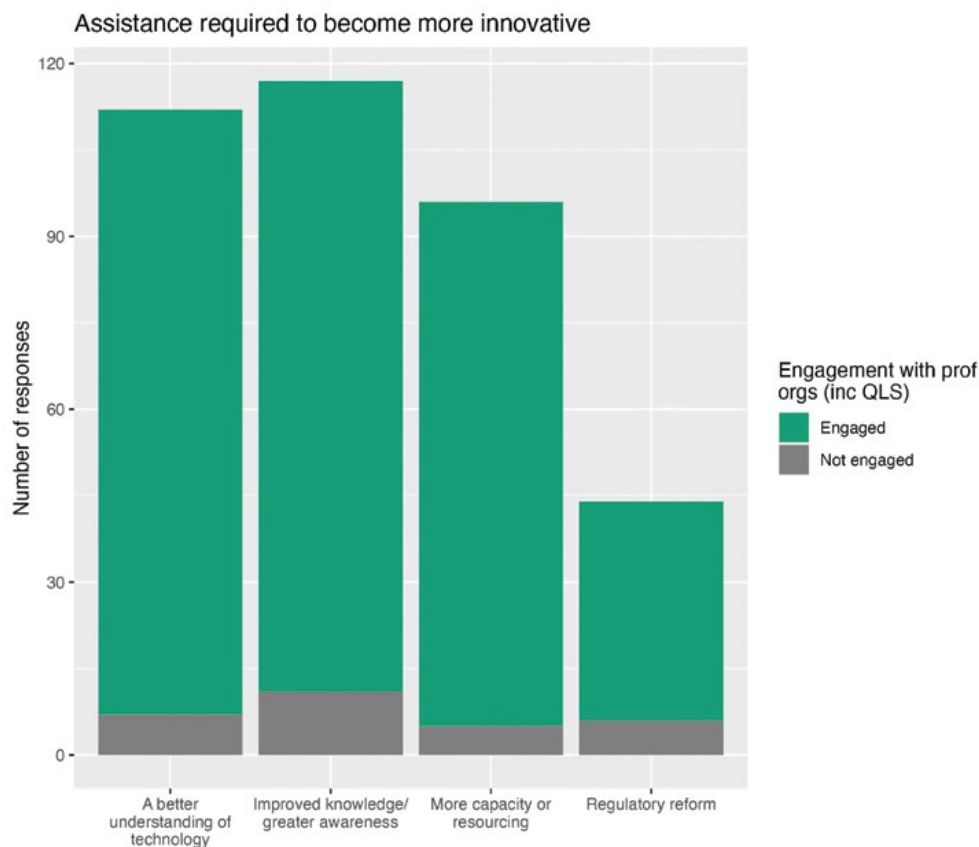
Graph 58

The qualitative data indicated that software vendors might not be objective enough to help evaluate or select technologies for practice management use. The qualitative data indicated ‘trust’ was a major factor in evaluating and selecting technologies.

Assistance required to become more innovative

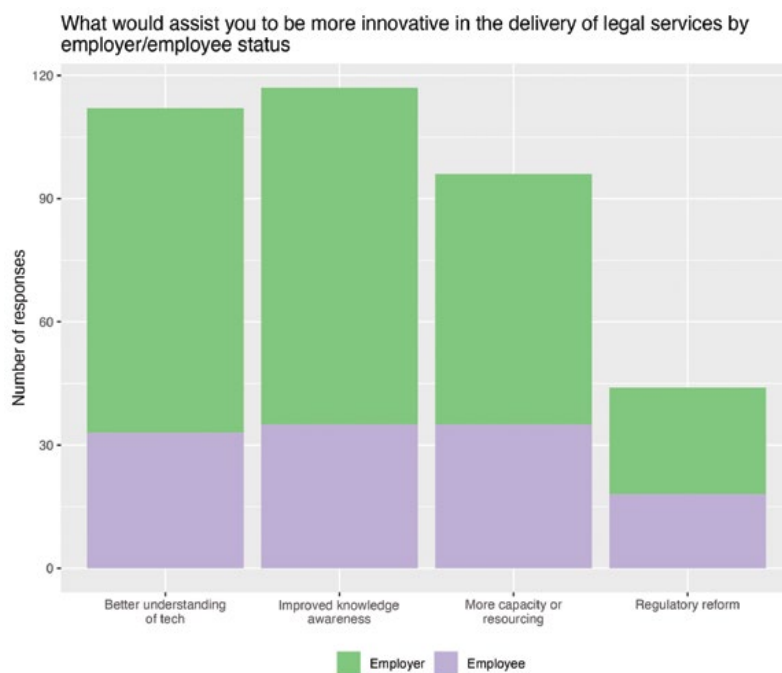
Graph 59 (below) specifies the types of assistance required to become more innovative. The graph is segmented by respondents who are well connected or somewhat connected with professional organisations. As previously discussed at 5.3.4 and Graph 45, most respondents’ engagement with professional organisations is exclusively through the QLS. This highlights the strong position of the QLS to provide educational support and promote innovation.¹⁸⁵

¹⁸⁵ We acknowledge the limitations of the survey in that respondents may be overrepresented with lawyers connected to the QLS.



Graph 59

Graph 60 (below) indicates that both employers and employees seek improved knowledge and a better understanding of technology to become more innovative. These options are preferred over regulatory reform.



Graph 60

Building capabilities from within

This part of the Future Ready Report looks at various options respondents considered would assist with building capability and confidence to deal with external and internal threats. Examples of options to provide assistance ranged from training, in-house direction, time for private investigation and mentors. Graphs 62 to 69 reveal what respondents want to assist with dealing with potential internal and external threats.

The threats included cybersecurity breach; rapid legislation change; economic downturn; and loss of various members of the law firm. The assistance requested varied depending on the type of threat.

Graph 61 (below) shows that respondents would like knowledge and training to better deal with external and internal threats.

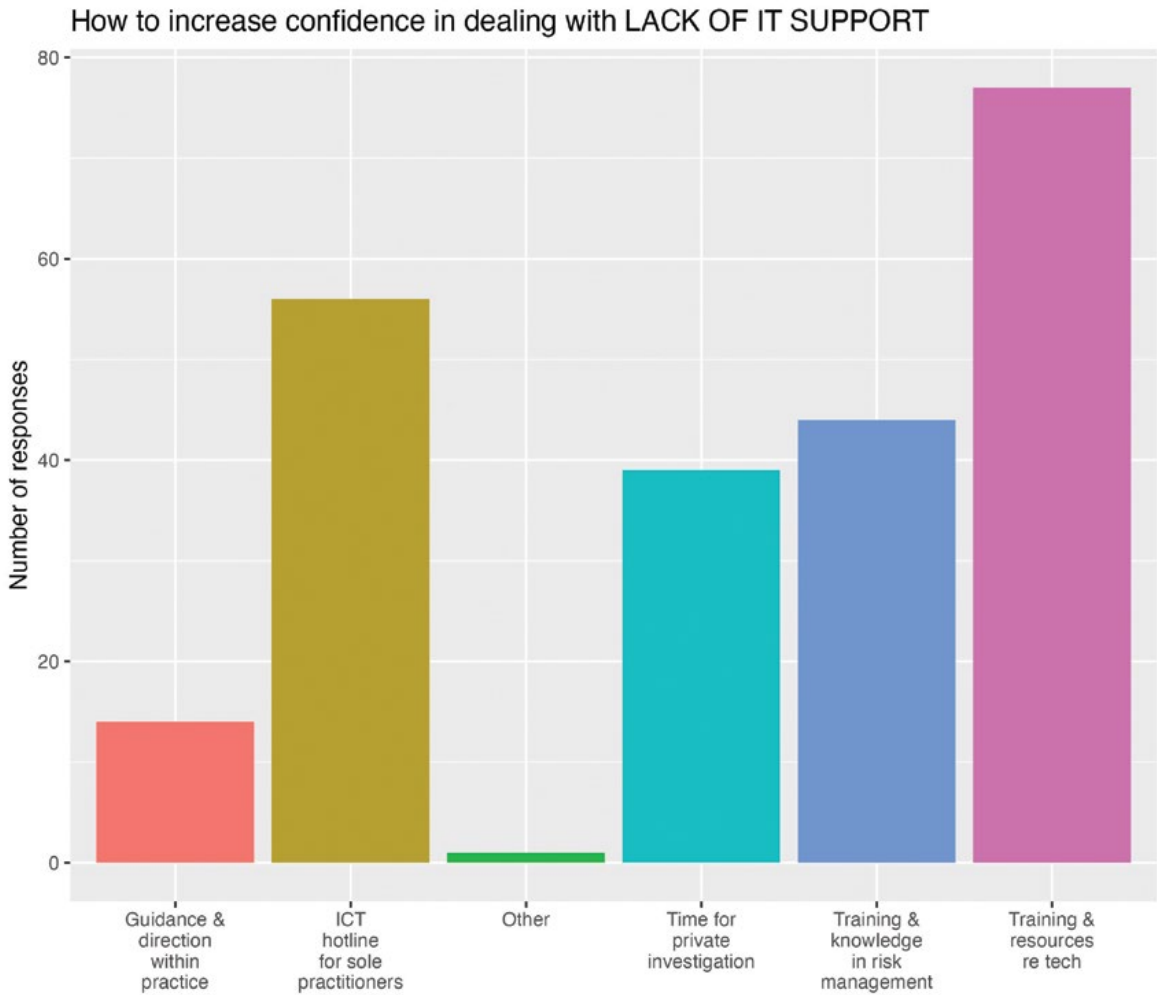


Graph 61

In the sections that follow, respondents identify solutions or strategies that would help them feel more confident in dealing with these specific forms of disruption. However, a consistent solution is greater knowledge and/or training on planning for these forms of disruption.

Increasing confidence in dealing with a loss of IT support

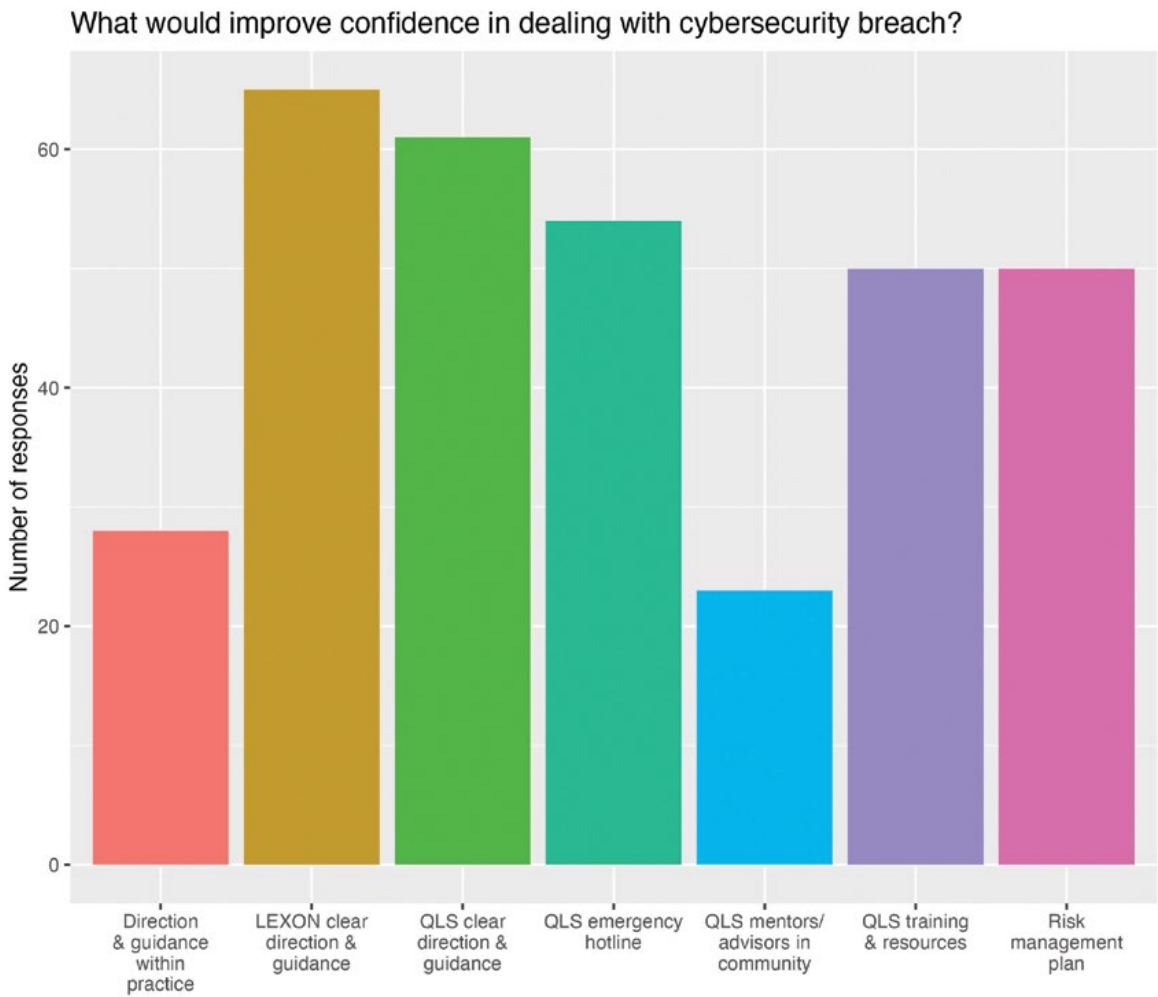
Training and resources in technology would help most respondents deal with a sudden loss of IT support within their law firm.



Graph 62

Increasing confidence in dealing with a cybersecurity breach

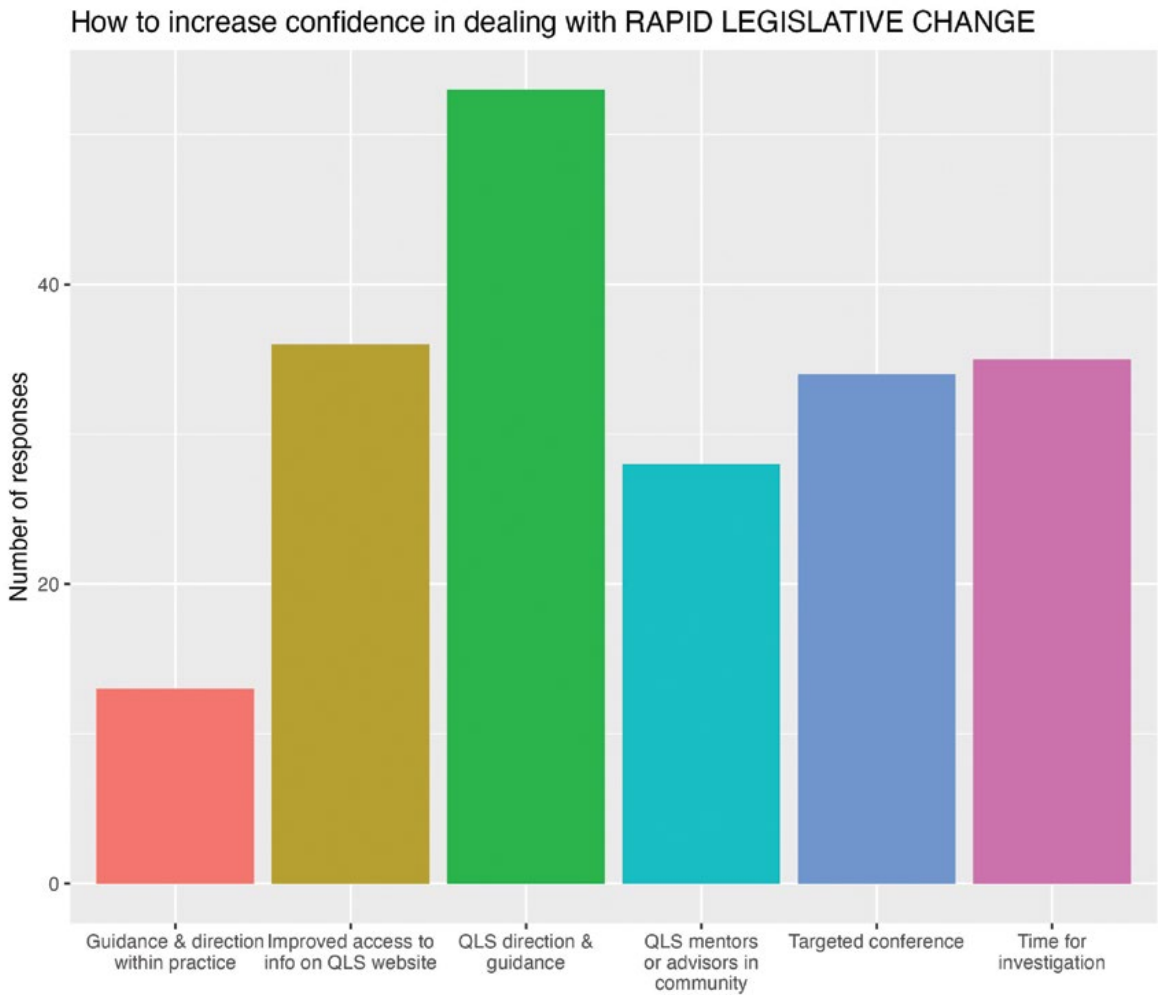
Confidence in dealing with a cybersecurity breach could be improved through accessing clear direction and guidance from Lexon and QLS, with respondents also indicating a need for an ‘emergency hotline’ operated by QLS. As previously discussed, respondents were more confident in dealing with external threats—however, the demand for training and continuing legal education remains.



Graph 63

Increasing confidence in dealing with rapid legislative change

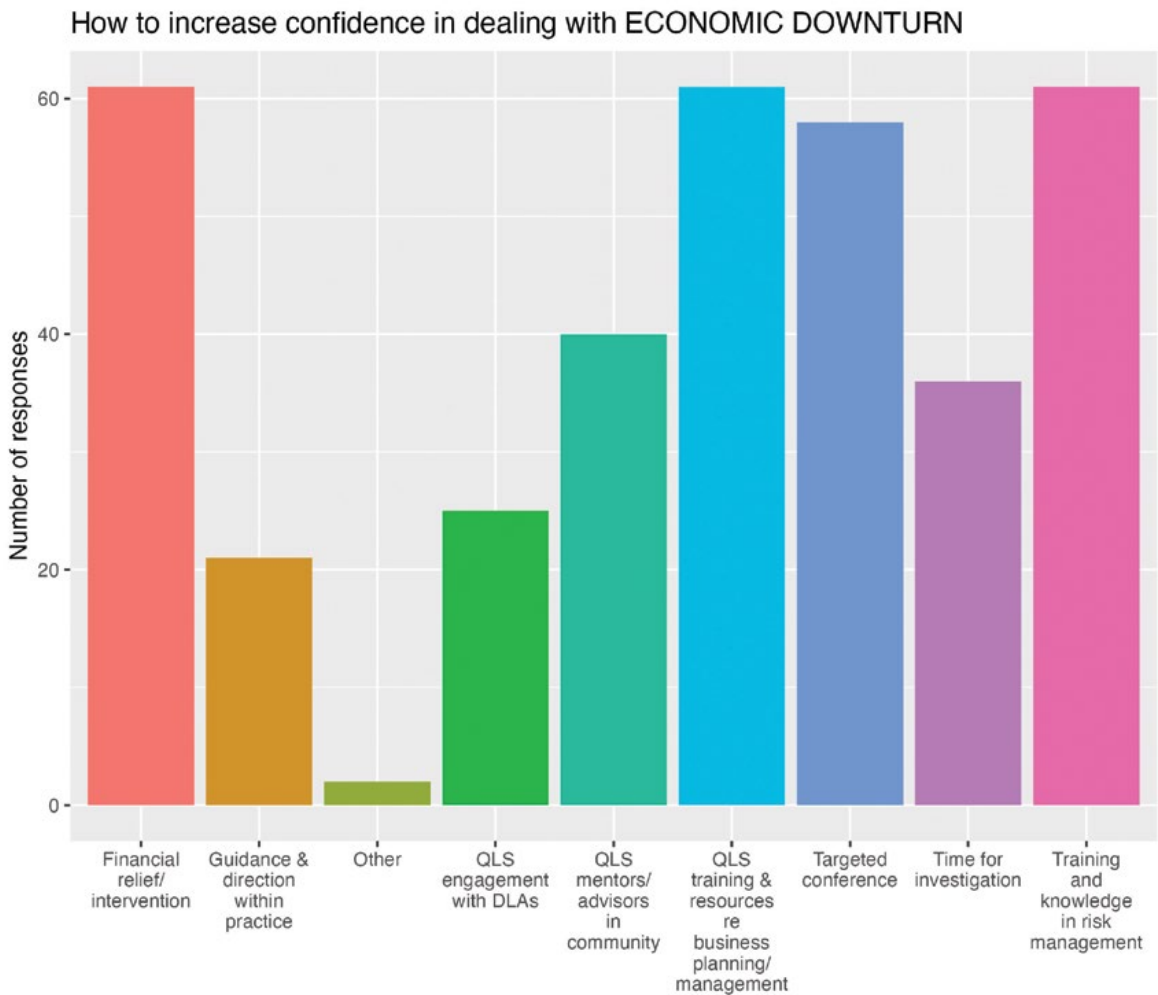
Respondents indicated a greater confidence in dealing with this possible ‘threat’ than others. This result is unsurprising as lawyers are legally and ethically required to act with competence in the best interests of the client and administration of justice. Being up to date with the law is a key technical aspect. Respondents would turn to QLS for direction and guidance to better deal with rapid legislative change. Ideally, this information would be accessible on the QLS website. Finally, some respondents felt they could benefit from a conference where rapid legislative change were to occur and/or QLS mentors or advisors in their local community.



Graph 64

Increasing confidence in dealing with an economic downturn

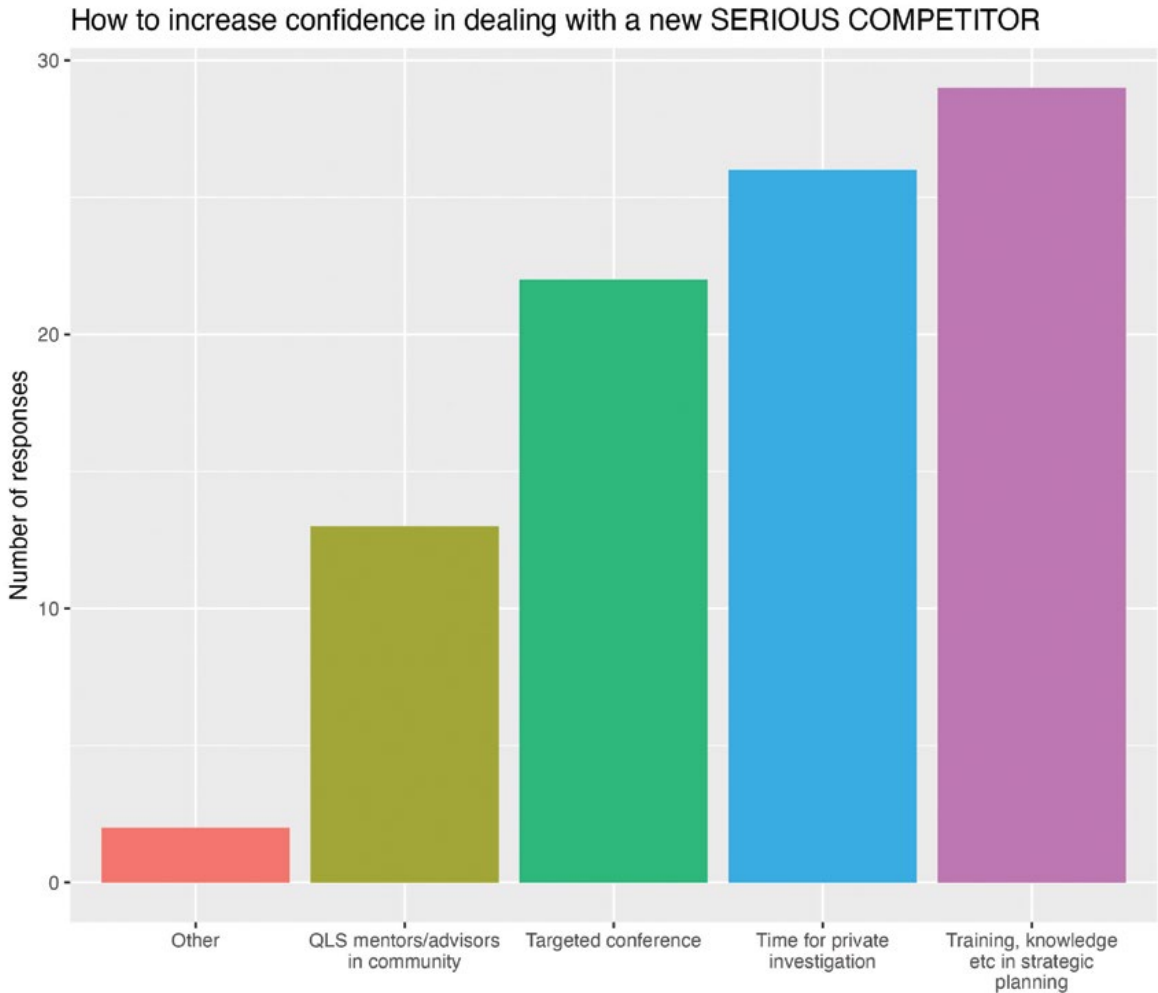
Similarly, respondents would turn to the QLS to help deal with an economic downturn. Specifically, respondents wanted QLS training in business planning/management. However, confidence in dealing with an economic downturn could be best supported through QLS financial intervention and/or relief.



Graph 65

Increasing confidence in dealing with a new serious competitor

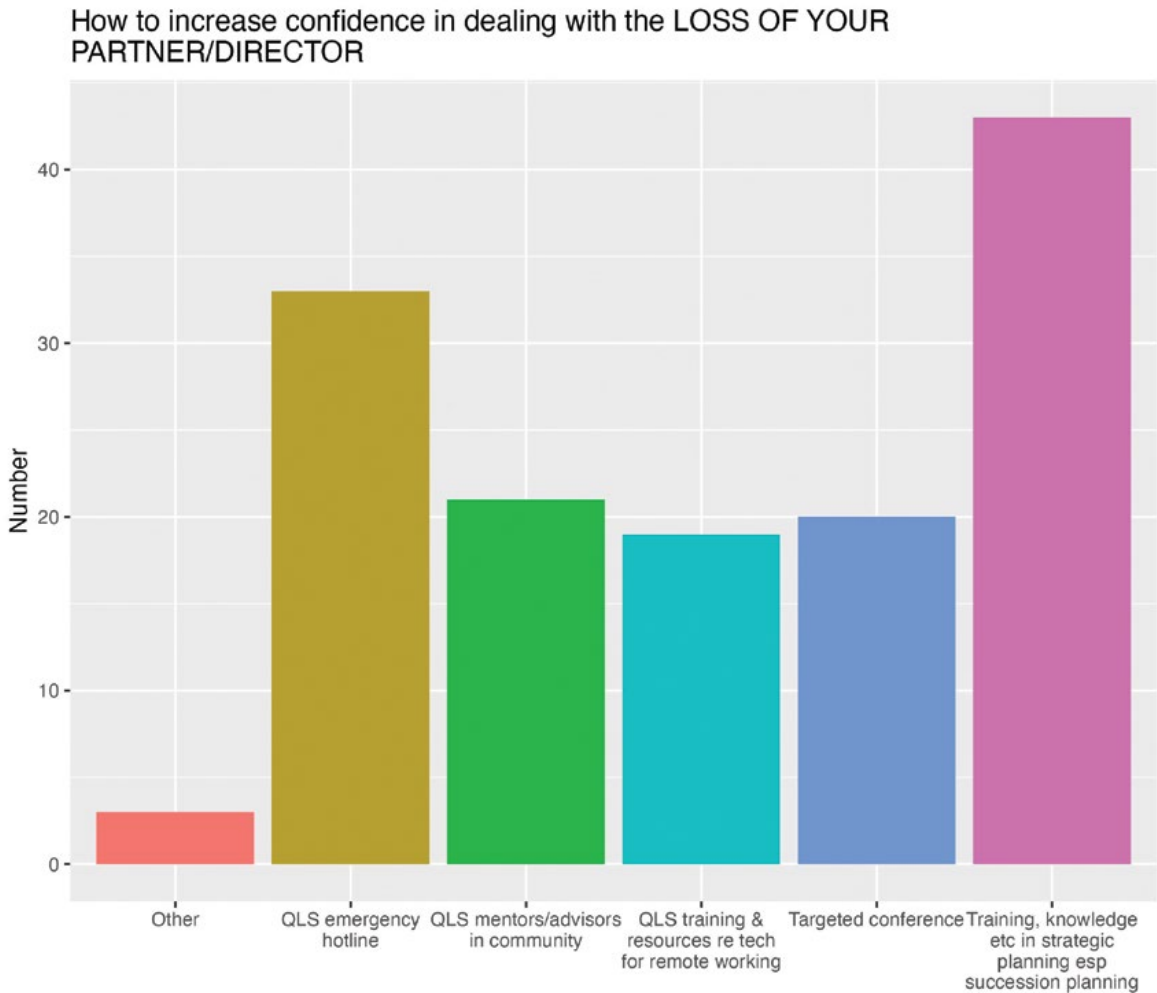
A new serious competitor might include technological advancements readily available or adopted by a competitor firm. In seeking to improve their confidence in addressing a new serious competitor in their local area many respondents wanted additional training or knowledge in strategic planning, which may occur through targeted conferences.



Graph 66

Increasing confidence in dealing with the loss of a partner/director

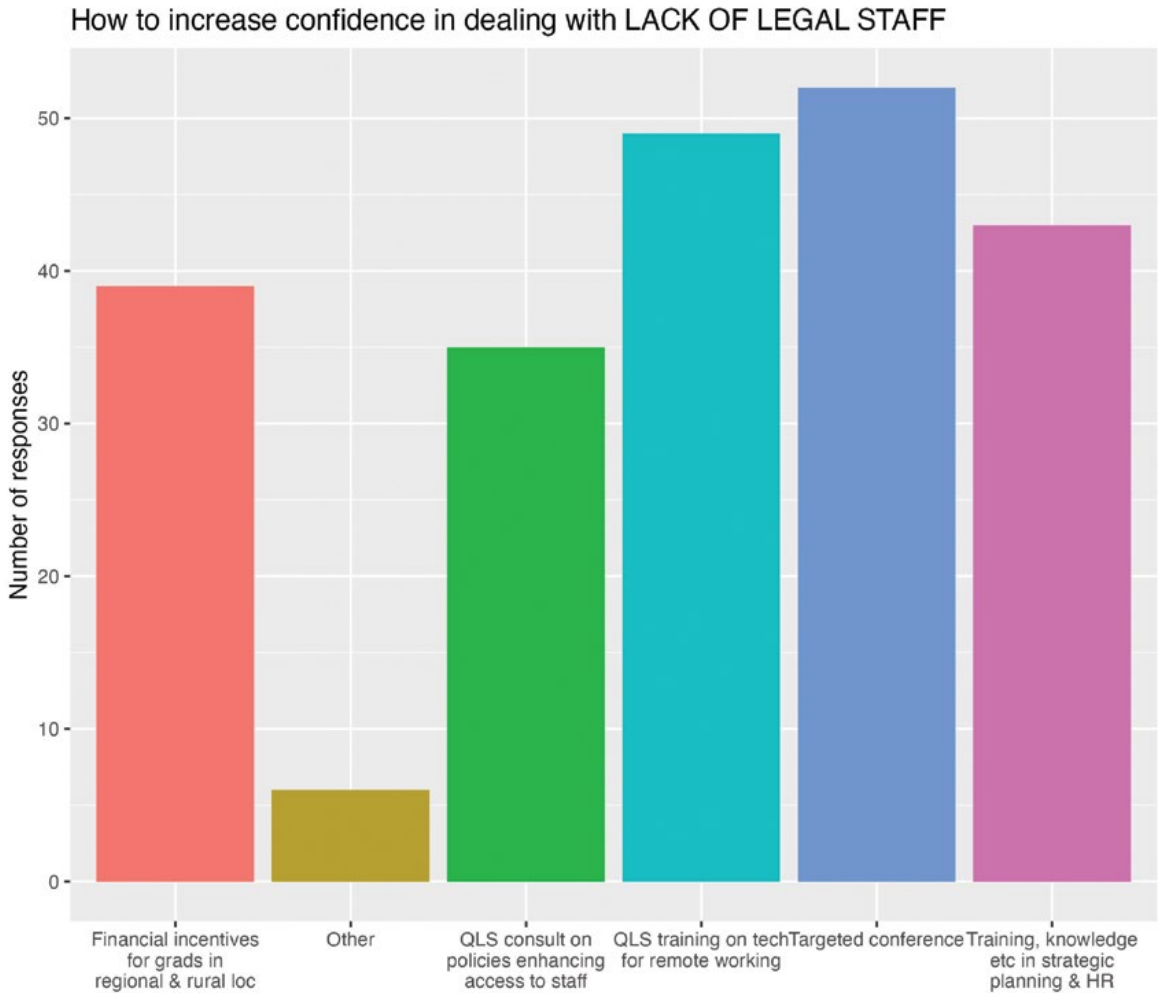
Respondents acknowledged the need for more training on strategic and succession planning to better handle the loss of a partner or director of their firm. However, many respondents also indicated that a QLS emergency hotline would help improve their confidence in handling such an event.



Graph 67

Increasing confidence in dealing with a lack of legal staff

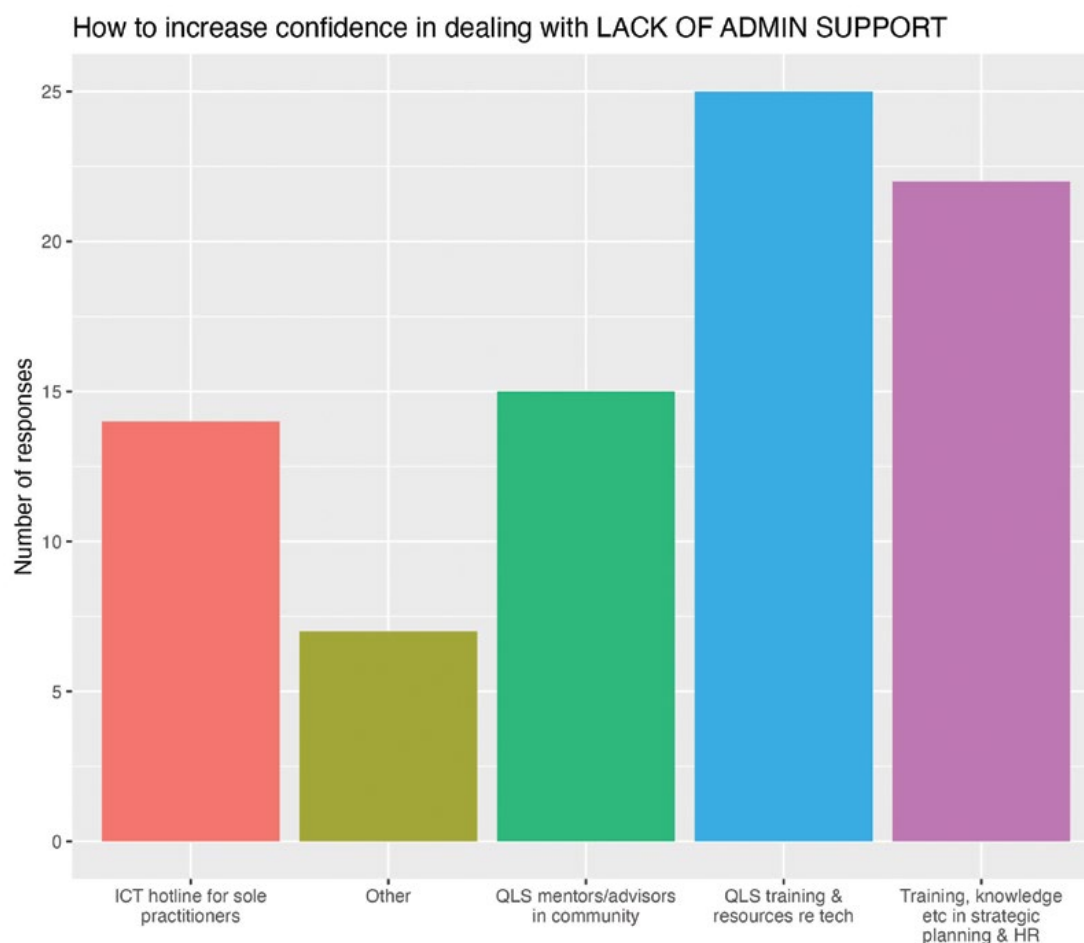
In seeking to improve their confidence in dealing with a lack of legal staff, respondents indicated that this concern would best be addressed with a conference on the topic. The second most common response was providing training on the use of technology to facilitate remote working, provided by the QLS. Financial incentives for regional graduates were considered a solution but interestingly was ranked fourth.



Graph 68

Increasing confidence in dealing with a withdrawal of administrative support

Most respondents wanted IT training and resources from the QLS to improve their confidence in dealing with a sudden withdrawal of administrative support. Such training would be especially valuable if it included discussing strategic planning and HR.



Graph 69

Continuing legal education should not be limited to ‘legal’ education. Instead, it can fill the gap between formal legal education and practical legal training, including skills and knowledge relating to project management and legal operations. In this regard, micro-credentialing presents as an opportunity for the QLS to provide recognition to participants in continuing to expand their knowledge and skills.

5.6.2 An updated QLS Website, benchmarked against best practice

A scan was carried out of the websites of other common law countries’ law associations, for benchmarking and best practices (see Appendix 2: Comparative Analysis of Law Society Websites of Other Common Law Countries). The scan revealed a significant variation amongst law societies on identifying disruptors to the legal profession, for example, whether ‘technology’ was considered an issue. Many websites focused on wellness and ethics, diversity and inclusion, and the legacy of COVID-19. Accessing information on ‘technology’ on several websites was surprisingly poor. Even where such information was available, many were out of date, anecdotal and tinged with scepticism about any impact on the legal profession. Only a few websites had dedicated resources that would confidently guide a lawyer.

The top three websites for best practice included: the Law Society of Singapore, the Law Society of Ontario and the Law Society of New South Wales. These websites provide clear information for members to navigate disruption. Notably, these top three websites partnered with experts (e.g. large law firms, universities, and other law societies) to provide value to their members.

It is recommended that the QLS consider the identified websites as best practice approaches.

5.6.3 QLS Future Ready Road Map 2030

The only law association that had a dedicated strategic plan to navigate disruption was the Ministry of Law Singapore. The Ministry of Law identified the need for a Roadmap 2030, and this was developed as a key outcome from their 2018 Survey of Legal Practitioners. That survey had identified gaps in the profession's capabilities and recognised the concerns. Respondents to the Future Ready Research have indicated in qualitative comments the need for a plan to deal with disruption.

The development of a '*Future Ready Road Map 2030*' by QLS can apply the mechanisms used by Singapore's Ministry of Law as a starting point. Such a road map would be a sector wide plan to promote innovation, technology adoption and development up to 2030. It would also identify technologies that will change the delivery of legal services and support the development and adoption of such technologies for the sustainability of legal practices in Queensland. The QLS Future Ready Road Map 2030 would also incorporate strategies for intergenerational change and the legacy of COVID-19.

The following summary is based on the Singapore Ministry of Law Singapore's approach.

Developing a QLS *Future Ready Road Map 2030*¹⁸⁶

- The QLS *Future Ready Road Map 2030* to be developed through consultation processes involving workshops facilitated by QLS bringing together participants and stakeholders from across the legal industry including the judiciary, academia, legal tech firms, business professionals, local law firms, national and foreign law firms, legal professional associations (e.g. the Law Council of Australia and others) and government (e.g. Attorney-General).¹⁸⁷
- The QLS *Future Ready Road Map 2030* to include:
 - All aspects relating to e-courts,¹⁸⁸ commencing with e-briefings, e-discovery through to e-litigation and systems integration including AI powered decision making, video use and online dispute resolution.¹⁸⁹
 - In-house legal technology solutions currently being employed by legal operations teams in large law firms. Legal operations can be adapted for SMSM law firms to assist with restructuring workflow, manage relationships with legal service providers and implement new technology.¹⁹⁰
 - Legal cybersecurity solutions (identified as one of the primary risks).¹⁹¹
 - Identify alternative legal service providers as being platforms that will continue to increase their market share.

¹⁸⁶ Ministry of Law Singapore (n 40) 5.

¹⁸⁷ Ibid.

¹⁸⁸ Ibid 18.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid 20.

¹⁹¹ Ibid 22. See also the *UniSQ Future Ready Regional + Rural Legal Conference* 29 September Toowoomba, Investing in Law Firms, panel experts.

- The need for technology ready lawyers. Professionals in the legal industry, whether legally trained or not (including paralegals), must be ready to adopt and implement legal tech in their daily backroom operations and front-end services to clients.¹⁹² Consultation and engagement with legal educators, paralegals and practice managers will inform the QLS *Future Ready Road Map* on skills and knowledge required.
- Mentoring and networking strategies to reinvigorate professional collegiality and law firm culture.
- Recruitment strategies that focus on attracting, recruiting, retaining and advancing junior lawyers into SMSM law firms.

The QLS *Future Ready Road Map 2030* will require an investment of time.¹⁹³ However, even beginning the process of defining the scope and engaging with the legal profession will be an important step.

QLS have the expertise of their committees, including the Innovation Committee for innovative technologies, the Future Leaders Committee with access to knowledge and experiences relating to intergenerational change, and the Litigation Rules Committee with expertise on technology platforms currently being deployed.

5.6.4 Grants to SMSM law firms

One measure that might be considered is access to funding to assist sole practitioners and micro law firms transition to greater use of legal technologies. There may be opportunities for funding support from a combination of sources including government or Lexon, as part of a risk management strategy to deal with disruption, especially in rural areas to ensure continuity of access to law and justice across Queensland. Funding might also be made available to support initiatives that would enhance connections between lawyers within the profession, particularly focused on junior lawyers and those in regional and rural areas.

Key Findings

- **Overwhelmingly respondents want access to training**, continuing legal education and advice on various topics, including innovative use of technology and improved business planning components. Respondents indicated that they sought this information, training and CLE predominantly from QLS, and to a lesser extent from Lexon and technology providers.
- **Respondents look to QLS as a trusted independent advisor**. The qualitative data indicated that software vendors might not be sufficiently objective to assist in evaluating or selecting technologies for practice management use.
- **Despite a promotion campaign targeting younger practitioners**, this demographic's response rates were significantly lower than other demographics. This has limited the recommendations the Future Ready Report can make in relation to this demographic. However, the QLS Future Leaders Committee has direct access to this demographic, members of whom have the necessary advocacy skills and connections across their constituency to articulate the immediate concerns and proposed remedies as they relate to capability to meet disruptions.

¹⁹² Ministry of Law Singapore (n 40) 23.

¹⁹³ Ibid 32.

-
- **Benchmarking against other law associations' websites** reveals a significant variation in their quality and effectiveness. The top three websites for best practice included the Law Society of Singapore, the Law Society of Ontario and the Law Society of New South Wales. These websites provide clear information for members to navigate disruption. Notably, these websites had partnered with experts (e.g. large law firms, universities, and other law societies) to provide value to their members. There was also a focus on wellness and ethics, diversity and inclusion, and the legacy of COVID-19.
 - **Continuing legal education should not be limited to 'legal' education.** There is a gap between formal legal education and practical legal training requiring skills and knowledge on improving law firm management and performance. Micro-credentialing presents an opportunity for the recognition (including by clients) of a lawyer's participation in continuing legal education to expand their knowledge and skills, as part of improving client care and remaining competitive.

Recommendations

The Future Ready Report recommends that:

- **QLS offer an enhanced CLE Program** on continuing legal education aligned with the topics covered in the Future Ready Report, including a Practice Management Course Refresher to be completed by principals, every five years and focusing on the business planning, succession planning and risk management components.
- **QLS offer additional CLE courses relating to the use of more sophisticated technologies**, including the use of e-discovery, and more innovative use of client-facing technologies available as part of practice management software and law firm websites.
- **QLS continue to provide a refreshed website** to include outcomes from the Future Ready Research.
- **QLS prepare a *Future Ready Road Map 2030***, in broad consultation and collaboration.
- **QLS continue to consult with the QLS Future Leaders Committee** on all aspects of the Future Ready Report to encourage and enhance engagement with the important demographic of young lawyers.

CONCLUSIONS, SUMMARY OF RECOMMENDATIONS, AND THE FUTURE

6.1 Conclusions

Unquestionably, there are shifts in the landscape in which the Queensland legal profession practices. The legislation regulating the legal profession and who may deliver legal services – the *Legal Profession Act 2007* (Qld) – has included innovations to better position the profession to address increased competition, greater uniformity and to provide for lawyer mobility. In other words, there is a history of the profession adapting to change within a context of ethics and consumer protection.

The Queensland Law Society is clearly seen as a trusted advisor for the profession, with a role in supporting and guiding the legal profession into the future through training, continuing legal education and assistance with building law firm capability across the wide-ranging skills required of SMSM law firms.

The Future Ready Survey triggered the participation of 484 members of the profession, generously responding to more than 80 questions on the key topics of impacts of COVID-19, technology and intergenerational change. The response especially from older practitioners and principals, signals the need to formulate a pathway and plan for the future collectively.

The significantly lower response rate from younger lawyers, despite targeted promotion, indicates the need for closer engagement with younger lawyers. The QLS Future Leaders Committee has direct access to this demographic, with the necessary advocacy skills and connections across their constituency to articulate the immediate concerns and proposed remedies.

The profession is amenable to change but (generally) lacks the time to plan and prepare for the future. The profession is looking to QLS, drawing on its access to expertise and resources through its committees, to support such planning activities.

The Future Ready Research also revealed that there are opportunities for SMSM law firms to strengthen the value proposition for clients through trusted client-facing use of technologies.

Time is the most precious asset a SMSM principal or employee possesses. The Future Ready Research has revealed that technology can either give time back to a lawyer if technology is used effectively, or it can steal time.

Overwhelmingly, the Future Ready Research has revealed a profession that is innovative and curious, adaptable and resilient, generous and committed. These are the attributes and qualities that will contribute to a law firm's capability to meet disruption.

6.2 Summary of Recommendations

A summary of recommendations made throughout the Future Ready Report include:

- QLS use select questions from the Future Ready Survey, especially those questions creating the baseline, as an **Annual SMSM Law Firm Health Check** to gauge law firm capability within the Queensland legal profession. There is also a legacy from COVID–19 not yet fully identified, including possible impacts on mental health and cybersecurity that should be tracked.
- **QLS enhance and expand the QLS Continuing Legal Education Program** to include:
 - Practice Management Course Refresher (post 5 years principal practising certificate) to assist legal practitioners/directors in gaining greater insights into the benefits of the Appropriate Management Systems.
 - Training on risk management, including disasters such as floods and fires.
 - Training on the evaluation and selection of technology.
 - Training on the use of more sophisticated technologies including e–discovery.
 - Training on the use of client–facing technologies to further build the client/solicitor relationship including client portals, client relationship management software and interactive websites.
 - Training on dedicated cybersecurity technologies.
- **QLS to engage with professional and consultancy services across topics including innovative use of technologies**, that will offer SMSM increased capability to deal with challenges. Greater awareness of these services, through the trusted source of QLS is likely to increase the uptake of this expertise. The approach is a ‘trickle down’ effect of services and expertise offered in–house for large law firms, made available to SMSM law firms as consultancy services.
- **QLS to benchmark the QLS website across comparable websites for best practice.** QLS to include information and resources on building law firm capability to deal with impacts of technology, intergenerational change and COVID–19 on their website in a ‘members only’ section.
- **QLS to initiate and lead the collaborative development of a Future Ready Road Map 2030** to navigate the future for the Queensland legal profession.
- **QLS continue to consult with the QLS Future Leaders Committee** on all aspects of the Future Ready Report to encourage and enhance engagement with the important demographic of young lawyers.

Micro–credentialing opportunities for lawyers will provide recognition of their investment in building capability and expertise – a valuable signal to clients regarding expertise.

6.3 Future: What's on the horizon

There are two topics on the horizon for the legal profession. First is the need for the profession to remain engaged, informed and vigilant about technologies used to deliver legal services and to ensure that ethics remain paramount in dealing with such technologies.

Second, is the need to replenish the legal profession by fostering a closer connection between the generations. The profession can only thrive and survive if there is an ethos of collegiality, mentoring and empathy.

6.3.1 A vigilant and informed profession

Duty of technology competence

A duty of competence covering technology is increasingly being canvassed by law associations¹⁹⁴ and academics.¹⁹⁵ Such a duty requires lawyers to keep up-to-date on changes in the law and its practice including risks and benefits associated with technologies used as part of the delivery of legal services.¹⁹⁶ The duty is more than protecting client information or cybersecurity.¹⁹⁷ As algorithms are increasingly being used in law, lawyers need to be aware of issues surrounding their use as part of their fiduciary duty to their clients.¹⁹⁸

Competent lawyers must understand the information that they rely on to advise a client to ensure it is the result of their own independent, educated judgement. So, although a lawyer may use a particular technology, the ultimate advice must still be independently that of the lawyer and be ethically compliant.¹⁹⁹

Open AI's ChatGPT

Open AI's ChatGPT, a publicly available generative AI chatbot, caused an immediate sensation with over 100 million users monthly after just two months from release.²⁰⁰ This powerful tool offers a warning to the legal profession where it could replace basic legal advising or drafting. However, it is only a matter of time before a product like ChatGPT comes to market with the ability to answer legal questions. This may cause some disruption to the legal services profession, and practitioners need to have a 'value proposition' ready. As the Future Ready Survey identified, practitioners might not even identify this as a risk and therefore fail to plan.

Large law firms have been actively engaged in the production of such technological innovation within their own practices for some time²⁰¹ as is recently evidenced in the announcement of the integration of 'Harvey' – an artificial intelligence platform build using Open AI models – into the legal work of multinational law firm Allen & Overy.²⁰² While this is an exercise beyond the financial capabilities of a smaller firm, there are many lessons learned about what technological advancements can do for legal service delivery. As discussed in the Future Ready Report, there is a need to support further conversation across the legal profession to provide information and capacity building.

¹⁹⁴ A duty of competence covering technology is increasingly being canvassed including at Federation of Law Societies of Canada, *Robots and Rule-Makers: New Frontiers for Legal Regulation* (Report from the Annual Conference, 2018) 4–5 stating 'that technological competence should be part of a lawyer's competence under their rules of professional conduct'.

¹⁹⁵ Renee Knake Jefferson, 'Lawyer Ethics for Innovation' (2021) 35(1) *Notre Dame Journal of Law, Ethics & Public Policy* 1.

¹⁹⁶ Jamie J Baker, 'Beyond the Information Age: The Duty of Technology Competence in the Algorithmic Society' (2018) 69(3) *South Carolina Law Review* 557, 558 and referring to the American Bar Association Model Rules of Professional Conduct.

¹⁹⁷ *Ibid* 560.

¹⁹⁸ *Ibid* 575.

¹⁹⁹ *Ibid*.

²⁰⁰ Krystal Hu, 'ChatGPT Sets Record for Fastest-Growing User Base – Analyst Note', Reuters (Web Page, 3 February 2023) <<https://www.reuters.com/technology/chatgpt-sets-record-fastest-growing-user-base-analyst-note-2023-02-01/>>; Nature, 'Quick Uptake of ChatGPT, and More — This Week's Best Science Graphics', *Nature* (Web Page, 28 February 2023) <<https://www.nature.com/articles/d41586-023-00603-2>>.

²⁰¹ Wayne, Verreynne and Knowler (n 82).

²⁰² Hearsay (n 83).

6.3.2 Replenishing the legal profession

There does not appear to be a lack of legal work available to practitioners – in fact, many of the Future Ready Survey respondents reported just the opposite. If SMSM firms do not have a succession plan and these firms close in their communities, this will increase the gap in unmet legal needs.

Many law graduates are unable to find employment as graduate lawyers. At the Senior Associate level and higher, firms compete for experienced practitioners. If SMSM firms could be incentivised to employ graduate lawyers this would help address the lack of lawyers with 5 years of PAE and provide more pathways and opportunities for succession planning. However, currently, SMSM firms are reluctant to employ law graduates as they are ‘poached’ by large law firms that can pay more lucrative salaries. In other words, the large law firms potentially reap the benefits of the investment made by SMSM law firms into junior lawyers.

Employing law graduates can also help reduce some of the capacity issues facing many practitioners, enabling them to engage in business planning and strategic activities.

Final comment

Technology and intergenerational change are connected in a range of ways as set out in the Future Ready Report. Indeed, it is also observed that the resolution of challenges presented by each are interconnected. As Terri Mottershead, Chair of the Queensland Law Society’s Innovation Committee, recently commented:

*As we navigate change in our industry, we can all benefit from the enthusiasm, drive and passion of early career lawyers, as we can the steadying of the wheel from the more experienced practitioners.*²⁰³

Building law firm capability and navigating disruption will be successfully achieved as a collective and collaborative journey with its ultimate goal of improving access to justice and promoting the rule of law.



²⁰³ Terri Mottershead, Executive Director of the Centre for Legal Innovation at The College of Law, Chair of the Queensland Law Society’s Innovation Committee, and recently appointed as a member of the Corporate Legal Operations Consortium (CLOC) globally Education Advisory Council, has a national and international profile for helping lawyers and allied professionals navigate change. The comment was made during an interview on 23 May 2022 as part of the Future Ready Research.

Appendix 1: Bibliography

Legislation

Legal Profession Act 2007 (Qld)

Case law

Australian cases

McConnell Dowell Constructors (Aust) Pty Ltd v Santam Ltd [No 1] (2016) 51 VR 421

McConnell Dowell Constructors (Aust) Pty Ltd v Santam Ltd [No 2] [2017] VSC 640

Pintarich v Deputy Commissioner of Taxation [2018] FCAFC, 79

Canadian cases

Cass v 1410088 Ontario Inc [2018] ONSC6959

Drummond v The Cadillac Fairview Corp. Ltd [2019] ONCA 447

Reports on the legal profession

Deloitte, 'Developing legal talent: Stepping into the future law firm', 2016

Deloitte, 'Future Trends for Legal Services', 2020

Deloitte, 'Global Human Capital Trends' 2016

Georgetown Law Centre on Ethics and the Legal Profession, *Thomson Reuters Institute*, 'Report on the State of the Legal Market: A Challenging Road to Recovery', James W Jones and Milton C Regan Junior (2022);

Georgetown Law Center on Ethics and the Legal Profession, '2022 Report on the State of the Legal Market: A challenging road to recovery', *Thomson Reuters Institute* (Thomson Reuters, 2022), available at < https://www.thomsonreuters.com/en-us/posts/wp-content/uploads/sites/20/2022/01/State-of-Legal-Market-Report_Final.pdf>

Law Society of New South Wales, 'The Future of Law and Innovation in the Profession' ('FLIP Report') Commission of Inquiry (2017)

Law Society of Ontario, 'Using Technology', available at <<https://lso.ca/lawyers/technology-resource-centre/practice-resources-and-supports/using-technology>>

Legal Services Commission, Queensland, 2021 – 2022 Annual Report available at < https://www.lsc.qld.gov.au/__data/assets/pdf_file/0003/747345/2021-22-annual-report-legal-services-commission.pdf>

Legal Technology, The Law Society of New South Wales, available at < <https://www.lawsociety.com.au/resources/practice-resources/my-practice-area/legal-technology>>

Melbourne Institute: Applied Economic and Social Research, *Household, Income and Labour Dynamics in Australia (HILDA)* survey, December 2022, [HILDA Survey \(unimelb.edu.au\)](https://unimelb.edu.au/hilda)

Ministry of Law, Singapore, 'The road to 2030: Legal Industry Technology and Innovation Roadmap Report', (2019) Singapore Legal Industry Data

NSW Law Society, 2020 National Profile of Solicitors: Final Report, 1 July 2021

Productivity Commission, 'Access to Justice Arrangements, Productivity Commission Inquiry' (Report No. 72, Vol 1, 05 September 2014)

Queensland Law Society, *Queensland Law Society Annual Report 2021 – 2022*

The Law Society, 'Horizon Scanning: Forward Thinking – Future Skills for Law', *The Law Society for England and Wales* (June 2018),

The Law Society, 'Horizon Scanning: Forward Thinking – Future Skills for Law', *The Law Society for England and Wales* (June 2018)

The Law Society, 'Introduction to LawTech: A practical guide to legal technology', The Law Society (2109), available at <<https://www.lawsociety.org.uk/campaigns/lawtech/guides/introduction-to-lawtech>>

The Law Society of WA, 'The Future of the Legal Profession', 12 December, 2017, *The Law Society of WA*, 10.

Thomson Reuters Institute, 'Report on the State of the Legal Market' (2023)

Thomson Reuters, 'Tech and the Law 2022: Exploring the attitudes, perceptions and priorities of Australia's in-house and private practice professionals towards legal technology', *Thomson Reuters*

Thomson Reuters Institute, 2021 Australia: State of the Legal Market, Thomson Reuters

Thomson Reuters, 'Stellar Performance: Skills and Progression Survey' 2021, *Thomson Reuters Institute*, November 2021

Thomson Reuters Institute, 2021 Australia: State of the Legal Market, *Thomson Reuters*;

Thomson Reuters, 'Tech & the Law 2022: Exploring the attitudes, perceptions and priorities of Australia's in-house and private practice professionals towards legal technology', *Thomson Reuters*, available at <<https://www.thomsonreuters.com.au/content/dam/ewp-m/documents/australia/en/pdf/other/tech-and-the-law-2022-report.pdf>>

Urbis Report 2019 *The National Profile of Solicitors*

UK Law Society website, at <<https://www.lawsociety.org.uk/topics/coronavirus/coronavirus-covid-19-cybersecurity-fraud-prevention-and-lawtech>>.

Submissions

Mr Angus Murray, Chair of the Policy Committee, Electronic Frontiers Australia for *Australia's Ethics Framework for Artificial Intelligence*, dated 31 May 2019

Joint Submission to the Human Rights and Technology Project, October 2018 by Australian Privacy Foundation, Electronic Frontiers Australia and Queensland Council for Civil Liberties.

Monographs

Ashley, Kevin D., *Artificial Intelligence and Legal Analytics: New Tools for Law Practice in the Digital Age* (Cambridge University Press, 2017)

Christensen, Clayton M, *The Innovator's Dilemma: When New Technologies Cause Great Firms to Fail* (Harvard Business School Press, Boston, MA, 1997)

Corrales, Marcelo et al, 'Digital Technologies, Legal Design and the Future of the Legal Profession' in Marcelo Corrales, Mark Fenwick and Helena Haapio (eds), *Legal Tech, Smart Contracts and Blockchain* (Springer, 2019)

Given, Lisa, *Qualitative Research Methods* (Sage, 2008)

Grossman, Maura R, and Gordon V. Cormack, 'Technology–assisted review in e–discovery can be more effective and more efficient than exhaustive manual review' (2010) 17(3) *Richmond Journal of Law and Technology*, 1

Hart, Caroline, *The Seven Elements of Successful Country Law Firms* (The Federation Press, Sydney, 2018)

Hart, Caroline, (Thesis) 'The prevalence and nature of sustainable regional, rural and remote legal practice', 2014

Holmes Vivien, and Francesca Bartlett, *Parker and Evans's Inside Lawyers' Ethics* (Cambridge University Press, 4th ed, 2022)

Jasanoff, Sheila, *The Ethics of Invention: Technology and the Human Future* (WW Norton & Co, 2016 London and New York)

Jones, James W., Anthony E. Davis, Simon Chester and Caroline Hart, 'Reforming lawyer mobility – protecting turf or serving clients?' (2017) 30(1) *The Georgetown Journal of Legal Ethics*, 125 – 193

Perry–Petersen, Andrea, *Reimagining Justice: A manifesto to transform access to civil legal services: Human centred design, multidisciplinary collaboration and digital innovation to increase access to justice (US, The Netherlands and UK)*, (The Winston Churchill Memorial Trust, Australia, 2018)

Susskind, Richard, *Online Courts and the Future of Justice* (Oxford University Press, UK, 2019)

Susskind, Richard, *The Future of Law: Facing the Challenges of Information Technology* (Clarendon Press, 1996)

Susskind, Richard, *The End of Lawyers? Rethinking the Nature of Legal Services* (Oxford University Press, 2008)

Susskind, Richard E., and Daniel Susskind, *The Future of the Professions: How Technology Will Transform the Work of Human Experts* (Oxford University Press, 2015)

Webb, Julian, 'Legal Technology: The Great Disruption?' in Richard L Abel et al (eds), *Lawyers in 21st Century Societies: Vol 2 – Comparisons and Theories* (Hart Publishing, 2022), 515

Journal articles

Abbas, Zaki, Andrew MacFarlane, Lyn Robinson, 'References to artificial intelligence in Canada's court cases, 20 (2020) *Legal Information Management*, 39 – 46

Bacon, Jean, Johan David Michels, Christopher Millard, Jatinder Singh, 'Blockchain demystified: A technical and legal introduction to distributed and centralised ledgers', (2018) (25) 1 *Richmond Journal of Law and Technology*, 1 – 106

Baker, Jamie J, 'Beyond the Information Age: The Duty of Technology Competence in the Algorithmic Society' (2018) 69(3) *South Carolina Law Review* 557

Bayamlioglu Emre and Ronald Leenes, 'The 'rule of law' implications of data-driven decision-making: a techno-regulatory perspective' (2018) 10(2) *Law, Innovation and Technology* 295 – 313

Breukelman, Christian, 'Evidence and Fairness in Summary Judgment: *Drummond V. Cadillac Fairview*', October 23, 2019, *Steiber Berlach*, available online at < <https://www.sblegal.ca/evidence-and-fairness-in-summary-judgment-drummond-v-cadillac-fairview/>>

Chin, Erin, Graeme Grovum and Matthew Grace, 'State of legal innovation in the Australian Market', *Alpha Creates* (2019), 11 – 12

Galloway, Kate, Julian Webb, Francesca Bartlett, John Flood and Lisa Webley, 'The Legal Academy's Engagement with Lawtech: Technology Narratives and Archetypes as Drivers of Change, 2019 1 (1) *Law, Technology and Humans*, 27 – 45

Graben, Sari, 'Law and Technology in Legal Education: A Systematic Approach at Ryerson' (2021) 58(1) *Osgoode Hall Law Journal* 139, 143

Hart, Caroline, 'Better Justice?' or 'Shambolic Justice?': Governments' use of information technology for access to law and justice, and the impact on regional and rural legal practitioners', (2017) 1 *International Journal of Rural Law and Policy*, 1 – 21

Hart, Caroline and Aaron Timoshanko, 'Ready for a reboot: Law schools need to reboot and upgrade the law curriculum now to better meet the impacts of technology' (2022) 15 *Journal of the Australasian Law Academics Association* 31 – 49

Hart, Caroline, 'Sustainable Regional Legal Practice: The importance of alliances and the use of innovative information technology by legal practices in regional, rural and remote Queensland' (2011) 16 (1) *Deakin Law Review*, 225 – 263Hogan-Doran, Dominique, 'Computer says 'no': automation, algorithms and artificial intelligence in Government decision-making', (2107) 13 *The Judicial Review*, 1 – 39

Hunter, Dan, 'The death of the legal profession and the future of law', (2020) 43(4) *University of New South Wales Law Journal*, 1199 – 1226

Iansiti, Marco, and Karim R Lakhani, 'The Truth About Blockchain', (2017) *Harvard Business Review*

Jones, Lauren Joy, and Ashley Pearson, 'The use of technology by Gold Coast Legal Practitioners' (2020) 2(1) *Law, Technology and Humans* 57 – 74

Knake Jefferson, Renee, 'Lawyer Ethics for Innovation' (2021) 35(1) *Notre Dame Journal of Law, Ethics & Public Policy* 1

Marks, Steve, and Thalia Gordon, 'Compliance auditing of law firms: A technological journey to prevention' (2009) 28 (2) *The University of Queensland Law Journal*, 201 – 223

Matheson, John H., and Peter D. Favorite, 'Multidisciplinary Practice and the Future of the Legal Profession: Considering a Role for Independent Directors' (2001) 32 *Loyola University of Chicago Law Journal*, 577 – 616

McCormack, Nancy, 'Legal Research and the Assessment of Costs in the Canadian Courts', (2018) 26 (4) *Australian Law Librarian*, 217 – 219

McGinnis, John O. and Russell G Pearce, 'The Great Disruption: How Machine Intelligence Will Transform the Role of Lawyers in the Delivery of Services' (2014) 82(6) *Fordham Law Review* 3041

Melville, Angela, Valerie Caines, 'The Grey Zone: The Perspectives of Aging Lawyers Towards Retirement' (2019)

Pistone, Michele R., and Michael B. Horn, 'Disrupting Law School: How disruptive innovation will revolutionize the legal world' (2016) *Clayton Christensen Institute for Disruptive Innovation*, available online at < <https://www.christenseninstitute.org/publications/disrupting-law-school/>>

Rayner, Michael E., 'Disruption Theory as a Predictor of Innovation Success/Failure', (2011) 39(4) *Strategy and Leadership*, 27 – 30

Rogers, Justine, and Felicity Bell, 'The Ethical AI Lawyer: What is required of lawyers when they use automated systems?' (2019) 1(1) *Law, Technology and Humans*, 80 – 99

Sam, Stebin, and Ashley Pearson, 'Community Legal Centres in the digital era: The use of digital technologies in Queensland Community Legal Centres', (2019) 1(1) *Law, Technology and Humans*, 64 – 79

Thornton, Margaret, 'Towards the Uberisation of legal practice', (2019) 1(1) *Law, Technology and Humans*, 46 – 63

Thornton, Margaret, 'Coronavirus and the Colonisation of Private Life', (2021) 1(1) *Legalities*, pp. 44–67.

Timoshanko, Aaron, and Caroline Hart, 'Teaching Technology into the Law Curriculum' (2021) 13/14 *Journal of the Australasian Law Academics Association* 146 – 160

Stam, Lisa and Hilary Page, 'Costs and Legal Tech', (2019) *Spring Law* (Lexology), January 10, 2019

Star, Sequoia, Darlene Russ–Eft, Marc T Braverman and Roger Levine, 'Performance Measurement and Performance Indicators: A literature review and a proposed model for practical adoption', (2016) 15(2) *Human Resource Development Review*, 151 – 181

Webley, Lisa, John Flood, Julian Webb, Francesca Bartlett, Kate Galloway and Kieran Tranter, 'The Profession(s)' Engagement with LawTech: Narratives and Archetypes of Future Law (2019) 1(1) *Law, Technology and Humans*, 6 – 26

Werbech, Kevin, 'Trust, but verify: Why the Blockchain needs the law' (2018) 33 *Berkeley Technology Law Journal*, 487 – 550

Zalnieriute, Monika, Lyria Bennett Moses and George Williams 'The Rule of Law and Automation of Government Decision–Making' (2019) 82(3) *Modern Law Review* 425

Technologies

Elexirr
GovPredict
LexPredict
Neota Logic
Oracle Policy Automation
Pre/Dicta
Premonition
Rainbird

Appendix 2: Comparative Analysis of Law Society Websites of Other Common Law Countries (as at 10 February 2023)

Law Society	Website	Priority topics
UK Law Society	https://www.lawsociety.org.uk	<p>The UK and Australia signed a new free trade agreement (FTA) on 16 December 2021.</p> <p>Inclusivity and diversity</p> <p>There was nothing on technology, intergenerational change or COVID-19. Following a search, the following came up:</p> <ul style="list-style-type: none"> • Blockchain: legal and regulatory guidance • Lawtech and ethics principles report • Report: COVID-19: cybersecurity, fraud prevention and lawtech – that COVID-19 had changed the way that legal services are delivered. <p>‘The coronavirus (COVID-19) pandemic has changed the way that legal services are delivered. These changes have presented an opportunity for cyber-criminals and fraudsters. The Department for Business, Energy and Industrial Strategy has flagged scams related to the business support measures that are currently available from the government. We’re supporting solicitors and law firms to prevent fraud and scams and help their clients to stay cyber-safe safely deliver legal services online run their organisations effectively by using legal technology’ [https://www.lawsociety.org.uk/topics/coronavirus/coronavirus-covid-19-cybersecurity-fraud-prevention-and-lawtech]</p>
European Law Institute	https://www.europeanlawinstitute.eu/membership/institutional-members/law-society-of-england-and-wales/	<p>The Law Society represents solicitors in England and Wales. From negotiating with and lobbying the profession’s regulators, government and others, to offering training and advice, we are here to help, protect and promote solicitors across England and Wales. Membership includes – courts, law firms, academics, EU organisations</p> <p>Topics: ‘Rule of Law and the Convergence of Legal Systems in the 21st Century’</p> <ul style="list-style-type: none"> • Admissibility of e-evidence in criminal proceedings in the EU ‘Law and Governance for the Digital Age’ • Access to digital assets • Guiding principles and model rules on algorithmic contracts • Guiding principles on implementing workers’ right to disconnect • Prospective projects: • Digitalisation of justice systems • Biometric techniques • Digital inheritance <p>ELI Principles for the COVID-19 Crisis</p>

Law Society	Website	Priority topics
Law Society of Ontario	https://lso.ca/home	<p>The law society regulates lawyers and paralegals. The Technology Resource Centre is very well presented. ‘Practice resources and supports’ ‘Training and tutorials’ ‘Continuing professional development’</p> <p>The Technology Resource Centre provides Ontario lawyers and paralegals with one-stop access to up-to-date resources, just-in-time practice supports, practical training and tutorials, and helpful continuing professional development programs. This collection of Law Society and curated third-party materials covers a wide range of topics, including selecting technology for your practice, how to use various technologies, security and data protection, cybersecurity, cloud computing, and working remotely. Whether you are looking to build, maintain, or enhance your technological competence, the supports you need are just a click away!</p>
The Canadian Bar Association	https://cba.org	<p>The website has a ‘COVID-19’ tab Search on ‘technology’ – brings up 37 articles. Top one is ‘legal ethics in a digital context’ (dated 23/06/21)</p> <p>‘Law Societies, not the CBA, govern Canada’s legal profession. They ensure lawyers meet professional standards and can help with issues regarding a specific lawyer’s conduct.’</p>
Federation of Law Societies of Canada	https://flsc.ca	<p>Major topics included:</p> <ul style="list-style-type: none"> • wellness of the profession (Research Report, ‘The Quebec Report’) University of Sherbrooke • Family law and criminal law <p>A search on technology produced nothing.</p>
The Law Society of Singapore	https://lawsociety.org.sg	<p>Search on technology produced a ranged of results:</p> <ul style="list-style-type: none"> • The evolution of legal ethics with the advent of legal technology, dated 2020. • ‘Professional Conduct Rules; legal AI tech tools; technology and impact.
The New Zealand Law Society	https://lawsociety.org.nz	<p>Search on technology: Items dated 2019 in their newsletter No dedicated resources</p>

Law Society	Website	Priority topics
The Law Society of New South Wales	https://www.lawsociety.com.au	Major topic: promoting the LS NSW as ‘your partner in CPD’
		Technology resources: ‘New innovation and technology hub (launched in 2017). ‘Two new strategic alliances between UNSW and Allens and the Law Society of NSW will aim to tackle some of the increasingly complex challenges presented by digital and other technological transformations and its impact on lawyers, law and the legal system.’
		The Allens Hub for Technology, Law & Innovation will sit within the UNSW Faculty of Law and work closely with staff from leading law firm Allens to explore the many disruptions facing the legal system now and into the future such as the reliance on data-driven decision-making, new kinds of biological, artificial, and legal ‘persons’, and threats to cybersecurity.
		The Law Society of NSW will collaborate with UNSW to generate a separate stream of research to consider and respond to the recent questions raised by the Law Society’s ground-breaking The Future of Law and Innovation in the Profession (FLIP) Report, surrounding the future of the legal industry in the digital age.
Legal Technology and Innovation Institute ‘Save on the Legal Technology & Innovation Certificate program and modules. Restricted access. Available only to members.		
Courtroom technology (from the LSJ online)		
Law Institute of Victoria	http://liv.asn.au	Hot topics: CPD opportunities No specific mention of technology
		Resource Knowledge Centre (wellness + ethics)
		Leaders in Practice: ‘Business resources for principals and partners of sole and small practices The LIV has partnered with leading business strategy experts SEIVA to deliver Leaders in Practice, a program that provides partners and principals of small and sole practices with the right tools, strategic advice and support to help you to develop, progress and lead a successful and thriving business.

Appendix 3: Consultation + Future Ready Survey Promotion Campaign

QUEENSLAND LAW SOCIETY

- QLS committees
- District Law Association Presidents' Dinner
- Gold Coast Law Conference
- QLS Symposium
- Practice Management Course participants + alumni
- Paper based promotion: personal letters from QLS CEO, Mr Rolf Moses
- The QLS website
- *Proctor* articles across sole, micro, small, medium and virtual law firms

DISTRICT LAW ASSOCIATIONS

- Presentation at Ipswich District Law Association and Presentation at Downs and Southwestern Queensland District Law Association
- Mail out to all Queensland District Law Association Presidents

LAW ASSOCIATIONS

- African Australian Law Association, Qld
- Asian Australian Lawyers Association
- Australian Lawyers Alliance
- Centre for Legal Innovation
- Commercial Law Association of Australia Ltd
- Community Legal Centres, Qld
- Digital Lawyers Association
- Family Law Practitioners Association of Queensland
- Indigenous Lawyers Association, Qld
- Lawyers for Climate Justice
- NewLaw, Lawyer Mums
- Pacifico Lawyers Association, Qld
- Pride in Law
- Queensland Association of Collaborative Practitioners
- Queensland Young Lawyers
- STEP The Society of Trust and Estate Practitioners
- The Legal Forecast
- Women's Law Association, Qld

DIGITAL PROMOTION

- Google
- Linked In Promotion
- Lawyers' Weekly
- Video Promo – Is Your Law Firm Future Ready? (<https://youtu.be/qW4QU01CcH8>)

ABC RADIO NETWORKS

- Far North Queensland ABC
- Southwestern Queensland ABC

REGIONAL PRINT MEDIA

- North Queensland: Townsville Bulletin, Cairns Post, Daily Mercury, Whitsunday Times
- Central Queensland: The Morning Bulletin; The Observer; Newsmail; Fraser Coast Chronicle; Central Qld News; Central and North Burnett Times
- Southeast Queensland: Gold Coast Bulletin; Sunshine Coast Daily; The Qld Times; Noosa News; The Gympie Times
- Southwestern Queensland: The Chronicle; Dalby Herald; Gatton Lockyer and Brisbane Valley Star; The Stanthorpe Border Post; South Burnett Times; The Western Star; Western Times; Warwick Daily News; Chinchilla News and Murilla Advertiser.

EDUCATIONAL INSTITUTIONS

- College of Law, Queensland and the Centre for Legal Innovation
- UniSQ *Future Ready Regional + Rural Legal Conference*

Appendix 4: UniSQ *Future Ready Regional + Rural Legal Conference*, 29 September 2022 Toowoomba

This conference was held on Thursday 29 September 2022 at the UniSQ Toowoomba Campus.

We thank QLS President, Kara Thomson and Principal Ethics and Practice Counsel and Adjunct UniSQ Professor Stafford Shepherd for their contributions to the UniSQ *Future Ready Regional + Rural Legal Conference*. We also thank QLS Council Member, Ms Sheetal Deo; Members QLS Innovation Committee, Mr Angus Murray, Ms Andrea Perry–Petersen and Ms Jemima Harris; Chair QLS Litigation Rules Committee, Mr Andrew Shute; and 2022 President QLS Future Leaders Committee, Mr Matthew Hollings.

The conference brought together a diverse network of the legal profession including:

- Regional and rural practitioners from across south–eastern and southwestern Queensland
- Brisbane practitioners
- Members of the QLS Innovation Committee
- Members of the QLS Future Leaders Committee
- Members of the Ipswich District Law Association
- Members of the Downs and Southwestern Queensland District Law Association
- Executive members of USQ Law Society
- Executive members of other law associations
- Members of the bar
- Law students
- Law academics

The Conference Program included the following sessions and speakers:

- Acknowledgement of Country: Uni SQ, Outstanding Alumna of the Year (Law and Justice) 2021, and Acting CEO, Aboriginal Family Legal Service Southern Queensland, Ms Kathleen Wincen
- Opening of the Conference: Vice Chancellor (Uni SQ) Professor Geraldine Mackenzie
- Opening Address: QLS President, Ms Kara Thomson
- Welcome from Toowoomba Regional Council: Toowoomba Regional Councillor, Cr Kerry Shine (Attorney General of Queensland from 2006 – 2009)
- Welcome from Queensland Attorney–General and Minister for Justice (Video Address): The Honourable Shannon Fentiman
- Keynote Address: Mr Alex Rosenrauch, Senior Manager PricewaterhouseCoopers NewLaw, Co–Founder and Co–Host, The Legal Ops Podcast

Session 1: Innovative regional + rural legal practice: Challenges and opportunities faced by practitioners

Panel Discussion: Chair: Ms Leanne Matthewson (Co-Managing Partner/Director, Murdoch Lawyers)

Panel members

- Mr Andrew Doyle (Founder, Doyle Wilson Solicitors Goondiwindi, Sydney, Brisbane)
- Ms Peta Gray (Co-Founder, Managing Director and Owner, Enterprise Legal Toowoomba)
- Mr Adair Donaldson (Founder, Donaldson Law, Toowoomba, Sydney)
- Mr Bill Munro (Founder, Munro Legal + President Downs & Southwestern Queensland District Law Association)

Session 2: Investing in regional + rural legal practice: Accessing business-focused resources to build innovation and sustainability

Panel Discussion: Chair: Dr Jasmine Thomas (UniSQ)

- Ms Bronwyn Eynon-Lewis (Lacuna Professional Solutions)
- Ms Sacha Kirk (Co-Founder, Lawcadia)
- Ms Jemima Harris (Co-Founder, Invia Legal Operations and Member QLS Innovation Committee)
- Ms Riz McDonald (Founder, Director, Foundd Law, Virtual Law Firm)

Short presentation on QLS commissioned research on *Sole, Micro, Small, Medium Law Firm Capability to Deal with Impacts of Technology, COVID-19 and Intergenerational Change* (UniSQ + UQ)

- Professor Caroline Hart (UniSQ)
- Ms Andrea Perry-Petersen, Member QLS Innovation Committee
- Mr Angus Murray, Member QLS Innovation Committee

Research team also includes Dr Aaron Timoshanko (UniSQ) + Associate Professor Francesca Bartlett (UQ)

Session 3: Replenishing the profession: Intergenerational change

Panel Discussion: Chair: Dr Jasmine Thomas (UniSQ Alumni, Past USQ Law Society President)

- Ms Helen Driscoll (President, Queensland Young Lawyers)
- Ms Sheetal Deo (QLS Council Member)
- Mr Angus Murray (UniSQ Adjunct Lecturer, Partner, Irish Bentley, Founder, The Legal Forecast & UniSQ Young Alumnus of the Year, 2021)
- Mr Ben Gouldson (Director CG Law, QLS 2022 Regional Practitioner of the Year, UniSQ Alumnus)
- Ms Hannah Wordsworth (Executive, Women Lawyer's Association, Qld)

Session 4: Accessing the courts via technologies (e-trials, e-discovery)

Panel Discussion: Chair: Mr Andrew Shute (Partner Carter Newell, Head of Litigation & Dispute Resolution; Chair QLS Litigation Rules Committee; and QLS Innovation Committee member)

- Ms Jessica Goldie (Barrister, Queens Arms Chambers + Bar Association Qld, Regional Issues Committee member)
- Mr Matt Hollings (Sky Discovery & 2022 President, QLS Future Leaders Committee)
- Ms Chelsea Saldumbide (Co-Founder, McConnell + Saldumbide, Criminal Lawyers)
- Ms Kym Cavanagh (Director, Hede Byrne Hall)

Murdoch Lawyers Networking Function (UniSQ Art Gallery)

Welcome address will be given by UniSQ Adjunct Professor Stafford Shepherd, Queensland Law Society, Principal Ethics and Practice Counsel

Appendix 5: List of Graphics

Map: Geographic spread of respondents

Graph 1: Location of respondents

Graph 2: Age of respondents

Graph 3: Gender of respondents

Graph 4: Role within the practice by employer and employee status

Graph 5: How long have you worked in your current firm, by employer and employee status?

Graph 6: Employer vs employee

Graph 7: Structure of law practice

Graph 8: What is the size of the legal practice you work in?

Graph 9: Respondents' perceptions about legal practice

Graph 10: I feel equipped to deal with future changes in my area of practice, by employer and employee status

Graph 11: I feel equipped to deal with future changes, by age group

Graph 12: I feel equipped to deal with future changes in my area of practice, by location

Graph 13: Types of technology used in Queensland law practices

Graph 14: Attitudes towards technology in legal practice

Graph 15: Change in legal career in the near future by employee or employer status

Graph 16: Change in legal career in the near future, by location

Graph 17: Considering a change in one's legal career by age group

Graph 18: How would you rate the SPEED of your internet access?

Graph 19: How would you rate the RELIABILITY of your internet access?

Graph 20: How would you rate the COST of your internet access?

Graph 21: How would you rate the SUPPORT of your ISP?

Graph 22: Poor internet characteristics based on location

Graph 23: Barriers to practice

Graph 24: Do you experience technology within your practice as a barrier by employee or employer

Graph 25: Do you experience technology within your practice as a barrier, by location

Graph 26: Do you experience technology within your practice as a barrier by age bracket.

Graph 27: Concerns in the selection, investment and use of technology

Graph 28: Cybersecurity as a barrier to practice?

Graph 29: How well could you deal with a cybersecurity breach?

Graph 30: Impacts of COVID-19

Graph 31: To what extent has your practice been affected by courts/tribunals moving online, by ability to access court/tribunals during COVID-19

Graph 32: Internal Threats + External Threats

Graph 33: Ability to deal with the following scenarios by employee or employee status

Graph 34: Change in the last 5 years?

Graph 35: Change in the last 5 years?

Graph 36: Practising certificates (PC's) by type

Graph 37: Personal use of computer

Graph 38: Employees' and employers' use of computers

Graph 39: Employee' and employers' use of computers by age group

Graph 40: Use of computer for social media by age group

Graph 41: Use of computer for social media by size of firm

Graph 42: High social media use by use of more advanced technologies in legal practice

Graph 43: Functions used in practice management software by size of firm

Graph 44: What assisted you to navigate the challenges of COVID–19?

Graph 45: Person(s) responsible for IT strategy

Graph 46: Levels of engagement with law organisations

Graph 47: Ability to deal with the following scenarios by desire for training and knowledge in planning

Graph 48: Assistance required to become more innovative

Graph 49: Concerns in the selection, investment and use of technology

Graph 50: Concerns in the selection, investment and use of technology by size of firm

Graph 51: Types of practice management software used

Graph 52: Practice management software used by size of firm

Graph 53: Functions used in practice management software by size of firm

Graph 54: Functionality on law firm website

Graph 55: Perceived technological competence

Graph 56: Mentorship by age group

Graph 57: How well did your law practice deal with the following scenarios during COVID–19 by age group

Graph 58: Types of information that would enhance use of technology in law practice

Graph 59: Assistance required to become more innovative

Graph 60: What would assist you to be more innovative in the delivery of legal services by employer/
employee status

Graph 61: How to increase confidence in dealing with LACK OF IT SUPPORT

Graph 62: What would improve confidence in dealing with CYBERSECURITY BREACH?

Graph 63: How to increase confidence in dealing with RAPID LEGISLATIVE CHANGE

Graph 64: How to increase confidence in dealing with ECONOMIC DOWNTURN

Graph 65: How to increase confidence in dealing with a new SERIOUS COMPETITOR

Graph 66: Ability to deal with the following scenarios by desire for training and knowledge in planning

Graph 67: How to increase confidence with the LOSS OF YOUR PARTNER/DIRECTOR

Graph 68: How to increase confidence in dealing with LACK OF LEGAL STAFF

Graph 69: How to increase confidence in dealing with LACK OF ADMINISTRATIVE SUPPORT

Appendix 6: Research Team

Professor Caroline Hart

Professor Caroline Hart is the Associate Head of School of Law and Justice (Engagement) at the University of Southern Queensland. Caroline is nationally and internationally known for her research, publications, and presentations on regional and rural law firms, and the use of technology by the legal profession and government. Caroline is the author of *The Seven Elements of Successful Country Law Firms*, The Federation Press, 2018. Caroline has been a regular invited guest to Clyde & Co's, *Annual General Counsel Compliance and Risk Forum* held in London and New York since 2014.

Prior to academia, Caroline worked for 15 years in government commencing at Crown Law in 1990 providing advice on policy development (including government use of smart card technology) and legislation reform. She was also seconded to a number of commissions of inquiry. Caroline is a member of the QLS Practice Management Course Committee.

Dr Aaron Timoshanko

Dr Aaron Timoshanko is a Senior Lecturer in the School of Law and Justice at the University of Southern Queensland. Aaron has previously held positions at the Queensland University of Technology, Griffith University and Flinders University. Aaron's main research foci lie in corporate law, accountability, and regulatory theory. Aaron's PhD thesis was conferred in 2018 by Monash University and was awarded the 2018 Mollie Holman Medal for the best thesis for the Faculty of Law. In 2020, Aaron was awarded the USQ School of Law and Justice Citation for Excellence in Teaching.

Associate Professor Francesca Bartlett

Associate Professor Francesca Bartlett's research considers legal ethics and women and the law. She has conducted empirical research around the practises, regulation and ethics of lawyers for many years. She has a strong publication track-record in the area as well as having successfully completed large externally funded projects. She has delivered results from funded projects including scholarly articles, chapters and books, as well as reports to industry and development of a website. Francesca has recently published a textbook (with co-author Vivien Holmes) entitled *Parker & Evans's Inside Legal Ethics* (Cambridge University Press). Francesca has taught professional ethics and contract law for over 15 years at The University of Queensland.

Francesca is the Vice President of the International Association of Legal Ethics and an invited blogger for US based online law website JOTWELL. Francesca is also a member of the QLS Ethics Committee.

Mr Angus Murray

Angus is a co-founder and director of the Legal Forecast which is a not-for-profit organisation that serves to facilitate an increased nexus between the study and practice of law with an overarching focus on technology that is underpinned by the importance of mental wellness. The Legal Forecast has run legal hackathons (such as Disrupting Law) across Australia and a recent winner of the Hackcess to Justice Hackthon run in partnership with the Department of Justice and Attorney General resulted in the implementation of MANDI, an innovative justice solution, into the Queensland Civil and Administrative Appeals Tribunal. Angus is also a Partner and Trade Marks Attorney at Irish Bentley Lawyers. He holds a Master of Laws from Stockholm University (High Distinction) and is an adjunct lecturer at the University of Southern Queensland (and co-developed and lectured *LAW3481 – Emerging Legal Technologies and Practice*). Angus is also a member of the QLS Innovation Committee, the QLS Privacy, Data, Technology and Intellectual Property Law Committee and a Vice President of the Queensland Council for Civil Liberties.

Ms Andrea Perry–Petersen

Andrea Perry–Petersen is a consultant and lawyer with a background in community law, human rights and community development. She has over a decade of experience as a clinical legal educator at community legal centre LawRight and designed the A2J & Innovation clinic, the first of its kind in Queensland. As a Churchill Fellow, she undertook research into how human-centred design, multidisciplinary collaboration and digital innovation may improve access to justice in the context of small practices, not-for-profit civil legal aid organisations and legal education. For the past 5 years, Andrea has produced 'Reimagining Justice', a podcast focused on social justice, law and innovation; and provided advice to law firms and universities regarding innovative business models and digital innovation. Andrea is a member of the QLS Innovation Committee, was an invited speaker at the Entrepreneurship, Productivity and Innovation Convention and in 2019 was the QLS Innovation in Law Award recipient.



