
HOW DOES THE FUTURE LOOK FOR THE PRACTICE OF LAW?

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A – Circumstances affecting the future practice of law

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1. A bigger, **more complex world**

a) **New realities;**

- **New information and communication technologies;**
- **Virtual spaces** alongside physical spaces;
- **Formerly inaccessible physical** spaces now accessible – earth, sea and air;
- **Science discovering or creating new realities, particularly in physics and genetics;**
- **New social models;**

b) **Pre-existing realities in a state of change;**

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2. An increasingly **globalised world**.

- a) **Increased flow of people and goods worldwide;**
- b) **Distance becoming less and less of a barrier;**
 - **Consequent improved transports and communication;**
 - **Loss of importance of physical proximity to establish relationships, mainly due to our new virtual world.**
- c) **Law firms more interactive and interdependent;**
- d) **Increased interpenetration of different legal systems.**

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3. A more **media-minded world**

- a) A powerful, globalised media;
- b) All players in the field of justice are subject to great public exposure;

- (i) **Advantages**

- Bigger and better information;
 - **Greater transparency**;
 - Greater public syndication of the performance of agents of justice;

- (ii) **Disadvantages**

- **Heavy pressure** on players;
 - Only information that 'sells' is widespread;
 - **Easily manipulated**;
 - **Excessive exposure** of individuals;

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4. A world with **new worries**, namely

a) **Social**

- Maintenance of the social state;
- Diversity.

b) **Environmental**

- Wise use of resources;
- Conservation of the planet.



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5. A world in which the **lawyer/client information gap is shrinking**
 - a) **Increased client information level;**
 - b) **Increased number of groups and growth in organisations. Increasing number of clients with organisational structures that include lawyers;**
 - c) **Increased legal knowledge** as legal information is increasingly available to the public.

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6. A world with an **increasingly complex legal reality**

a) **More areas of law;**

b) **Several interlinked systems** and areas of law;

- **Elements characteristic of one legal system imported into others;**
- **Legal regulations issued by supranational bodies increasingly superseding national legal systems.**

c) **Profusion of legal rules** and regulations;

d) **New regulatory bodies with wide-ranging regulatory powers.**

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7. A more competitive and competition-filled world of law

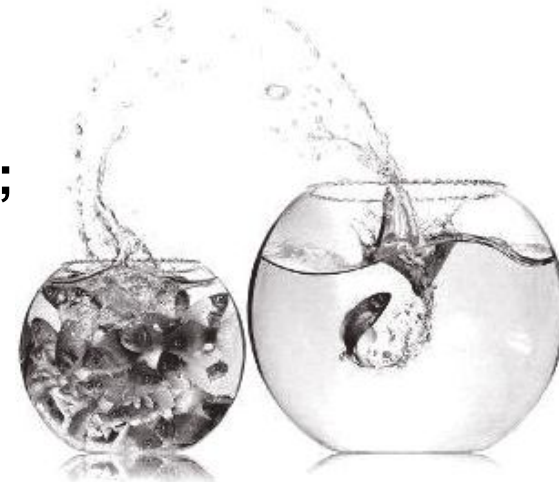
- a) **Increased number of lawyers** graduating from Portuguese universities;
- b) **Greater mobility of non-national lawyers**, particularly those from other EU countries and Brazil;
- c) Other **formal and informal bodies** providing more and more legal advice;
 - i. Via hiring lawyers for their organisations for in-house council;
 - ii. As an increasing amount of bodies provide legal advice among their services, including:
 - > Unions;
 - > Associations;
 - > **Audit firms**;
 - > Consultants;
 - > Financial companies.



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8. A more demanding world

- a) Demanding **greater and greater quality**;
- b) Demanding **total availability** from individuals;
- c) Demanding **on-the-spot answers**;
- d) Demanding **immediate answers**;
- e) Seeking **to limit the number of bodies hired** to provide advice on the same matter;
- f) Seeking the **greatest result at the least cost**.



B – Impact of these realities on the practice of law

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- a) Need to **expand the law market** to accommodate the growth and increase in competition;
- b) Need for **lawyers to specialise** *
- c) Need to create more or less **formal networks between lawyers from different practice areas** and lawyers licensed to practice in other jurisdictions;



B – Impact of these realities on the practice of law

- d) Need for lawyers, when advising their clients, **to work in teams** which include:
 - i. lawyers with **different specialisations**;**
 - ii. lawyers with **different life experiences** (including mixed teams).****

- f) Need to separate the various tasks in a process and allocate them to the person able to perform them most efficiently for the smallest cost – **outsourcing simpler tasks**.**

B – Impact of these realities on the practice of law

Requests for **lawyers' services** will be increasingly more diverse in terms of people and matters:

- a) **Individual clients** with matters of a personal nature;
- b) **Companies with in-house and business matters**;
- c) **Sovereign states and transnational company groups with cross border business** involving several jurisdictions.

To respond to the **varied range of requests** there needs to be **several types of structures** able to render legal advice services, each with its own business strategy fitted to the type of service in question and **aimed at a specific client segment**.

B – Impact of these realities on the practice of law

There will be a market for:

- a) sole practitioner lawyers, assuming his specialisation;
- b) **boutique law firms** specialising in specific areas of law (tax, labour, competition, intellectual property, etc);
- c) **universal vocation law firms**, covering the vast majority of areas of law;
- d) **multinational law firms** operating in several jurisdictions;
- e) **multidisciplinary firms**; firms rendering legal advice services along with services of another nature, particularly auditing, consulting or accounting.

B – Impact of these realities on the practice of law

Multidisciplinary law firms are controversial.

- a) **Multidisciplinary law firms are forbidden in Portugal** under article 77 of the Statute of the Bar Association and under article 6 of the Governing Law of Lawyers;
- b) They are **also forbidden** in France, Denmark, Finland, Sweden and the US;
- c) **They are authorised** in Spain, Germany, Italy, Belgium, England and Australia.

B – Impact of these realities on the practice of law

Arguments supporting multidisciplinary firms:

- a) The one-stop-shop nature **allows for a reduction of costs** in cases where the services require several sets of knowledge of different categories of professionals;
- b) The **clients must be the ones to decide** on a case-by-case basis if it is best to use a sole-practitioner lawyer, a law firm or a multidisciplinary firm.

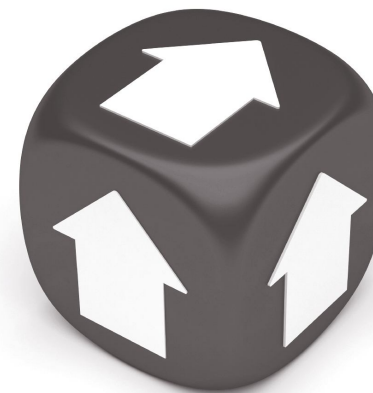


B – Impact of these realities on the practice of law

Arguments against multidisciplinary firms:

The one-stop-shop nature may call into question **lawyers' ethical and deontological** values such as:

- A Lawyer's independence;
- Non-performance in **conflict of interests**;
- The **duty to maintain professional secrecy**.



B – Impact of these realities on the practice of law

Changes are also foreseen in **company structure** in those companies rendering legal services:

- a) Law firms will need more resources to compete on an **more global scale**;
- b) Currently in Portugal, as in many countries, **law firm partners can only be practicing lawyers**. These firms can only have as net equity what their partners bring to the firm;

B – Impact of these realities on the practice of law

c) Many jurisdictions now allow part of law firms' capital to be held by non-lawyers.

- i. In Denmark non-lawyers can hold up to 10% of law firms' capital;**
- ii. In Spain non-lawyers can hold up to 25% of law firms' capital;**
- iii. In England and Australia capital is opened to non-lawyers and some capital can be traded on the stock market.**

C – Impact of these situations on the skills required of lawyers

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Lawyers will need:

a) Technical skills

i. in law

- **Solid legal training;**
- **Deeper understanding** of their specialist area (which not all will have);
- **Basic knowledge** of non-national legal systems in their specialist area and applicable international private relations law.

C – Impact of these situations on the skills required of lawyers

b) in technology

- **Mobile phones, laptops, PDAs and the next generation;**
- **IT software** (including “Citius” and online knowledge systems), word processing, data bases, e-mail, social networking systems (Linkedin and Facebook).

c) in foreign languages, particularly English.

C – Impact of these situations on the skills required of lawyers

Personal skills

- a) interpersonal relationships;
- b) **team work;**
- c) planning;
- d) management;
- e) marketing;
- f) **time management;**
- g) business development;
- h) **communication.**



Current theories of human resources management argue that **developing behavioural competencies and having solid specialised technical knowledge** is what sets some professionals apart.

C – Impact of these situations on the skills required of lawyers

The new realities will mean changes in lawyers' training.

- a) **A challenge for universities** to adapt their programmes;
- b) **A challenge for the Bar Association.**



C – Impact of these situations on the skills required of lawyers

Future role of the Bar Association

- a) Select and certify professionals able to practice law;**
- b) Guarantee lawyers' required complementary training;**
- c) Regulate the various ways through which it will be possible to practice law;**
- d) Strive to comply with the deontological rules and regulations inherent in the practice of law, including those pertaining to conflict of interest;**
- e) Perform its disciplinary role and sanction any unprofessional behaviour on the part of lawyers, aiming to ensure the quality of the services lawyers render.**

