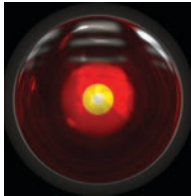




BY HEATHER SUTTIE

Marketing the Future State

Lawyers fear competition from AI, but leveraging this technology can be a game-changer



“I AM PUTTING myself to the fullest possible use, which is all I think that any conscious entity can ever hope to do.” So said HAL

9000, the primary antagonist in *2001: A Space Odyssey*, a 1968 movie based on a science fiction story by the same name.

HAL – Heuristically programmed AI-Algorithmic computer – is the artificial intelligence that controls the systems of a fictional spacecraft and interacts with the astronauts. HAL is capable of speech, language processing, interpreting and reproducing emotional behaviours, automated reasoning and playing chess. When HAL begins to malfunction, the decision to shut him down results in a showdown between man and machine.

Years ago, technology such as HAL could have been considered a threat. Today, interactions between humans and artificial intelligence (AI) aren't quite so dramatic.

The challenge is how to market AI, some of which is available now or coming shortly, whether or not law firms welcome these advances. With the right programming, AI can plough through reams of “stuff” faster than a live body or bunch of bodies. It doesn't take vacations, eat, sleep or talk, and is able to pump out relatively accurate results in short order. Granted, AI doesn't use human values or traits such as feelings to evaluate results, but neither are the outcomes prejudiced.

> PLAYERS AND PAWNS

Watson and Ross are names that have been bandied about as legal mechanics of the future. Both are descendants of Deep Blue, a chess-playing computer developed by IBM that, in 1996 and under normal tourna-

ment conditions, defeated reigning world chess champion Garry Kasparov.

Watson represents the next generation. Developed in 2004, Watson is a question-answering system built by IBM to understand details of a query and provide a precise response using applications such as natural language, information retrieval and automated reasoning.

Now we come to Ross, a legal research computer program created by students at the University of Toronto in 2014. Given access to Watson, and chucking it full of Ontario corporate law material, including decisions and statutes, Ross can be asked a legal question and kick out an answer along with case citations, other relevant material and a percentage indicating the likelihood that the answer is correct. The advantage of Ross is that it is supported by a business plan to make legal research faster, easier and less expensive.

> FUTURE STATE

Clients will welcome this future state; law firms, not so much. My concern is that, while innovation, including artificial intelligence, will march forward regardless, those firms that can't or won't find a way to adopt or adapt may not last long.

“Law firms need to use technology better than they do now,” says Gordon Vala-Webb, consultant with Building Smarter Organizations and former National Director, Innovation and Information at McMillan LLP.

As for marketing artificial intelligence as a resource to clients, he suggests, “Sell what the technology can do.” Vala-Webb understands that while dramatic changes are happening in the legal world, technological evolution within firms can be realized in a compounded manner by taking small steps consistently year after year.

Even though AI is unlikely to replace lawyers tomorrow, it has potential to alter how they work today. Some firms report that over 50 per cent of their associates missed billable targets for 2014, with the only repercussion being that bonuses were not paid. Furthermore, as of 2015, Gowing Lafleur Henderson LLP won't pay bonuses to associates based on billable hours.

> MARKET ADVANTAGE

It's said that when a door closes, a window opens. The window in this case is that those who are technologically savvy will have a clear advantage.

Entry-level legal work, such as document review and research, is already the domain of machines. Young lawyers of today and future generations that will never know a time before artificial intelligence are born into a favourable position. Rather than being viewed as any kind of threat, this circumstantial characteristic should be encouraged and nurtured as an asset. As Vala-Webb counsels, “Apply technology to your work for the change that is coming.”

Change is coming; in many cases it's been here for some time. In terms of using data and technology, a differentiator between successful firms and those that stagger or fail will be the continuous investment in and leveraging of artificial intelligence.

The legal market will benefit from firms that leverage artificial intelligence as a client service or develop it as a parallel or stand-alone business. Savvy firms will also use advanced technology as an incentive to attract living, breathing humans with the smarts to pass a Bar exam and personality traits to make fruitful connections with people on a personal level. ☺

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