

The Future of the Legal Profession



THE **ESSENTIAL** MEMBERSHIP
FOR THE LEGAL PROFESSION

Prepared by the Law Society of Western Australia

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The Future of the Legal Profession

1. Introduction

In almost any article or publication relating to the future of the legal profession, one thing is clear: there are many aspects of the profession that have already been transformed in some way, but there is a significant wave of change still to come. The legal profession will potentially change more drastically over the next two decades than it has over the last two centuries.¹ It is not likely this will happen overnight, however; it will come in the form of numerous, significant changes that will result in a drastically different profession.²

Many authors have expressed the need for legal practitioners, law schools and legal organisations to accommodate and work with these changes to maintain the strength of the legal profession.

2. General Issues

There are a number of issues that will force the legal profession to change the way legal services have traditionally been offered. From an influx of graduates and an increasing unemployment rate, to changes in the technological aspects of practice, the legal profession will need to adapt and change with the times. Otherwise, “lawyers who are unwilling to change their working practices and extend their range of services will ... struggle to survive.”³

2.1. Law Schools, Law Graduates and their Employment Rates

According to statistics provided by Graduate Careers Australia in December 2015, approximately a quarter (25.9%) of law graduates seeking a full-time job had been unable to secure one.⁴ That number has been increasing steadily for several years, up from 9% in 2008.⁵ It is also important to consider that not all these law graduates may have secured traditional jobs in law firms. Although graduates in many other disciplines have faced similar challenges in obtaining employment, there are issues specific to law graduates.

A picture is painted of a legal profession flooded with an oversupply of law graduates. In 2015, it was reported that 14,600 graduates are entering the legal profession which is made up of only 66,000 solicitors.⁶

There are now over 40 law schools in Australia⁷ and a much higher number of law graduates.

The phenomenon of graduates facing the prospect of unemployment is a product of socio-economic changes within the community including an increased demand for law degrees stimulated by higher standards of living, greater educational opportunities, population growth, structural changes within the legal profession and perceptions of law as a desirable career choice.

Some statistics also show the legal profession as an industry in decline. Between July 2008 and July 2013, some of the largest law firms – Mallesons, Freehills, Allens and Clayton Utz – showed a 16% reduction in partners and a 24% reduction in non-partner lawyers.⁸

Increased competition for placements among law graduates has shifted the power balance further

towards firms and, in some cases, has led to firms engaging in predatory practices with law graduates, including unfair contracts. It has also led to an increasing number of new firms being established by lawyers with limited experience.

In some instances, anecdotal reports have suggested that a number of these firms have had inadequate procedures and standards in place, particularly with respect to retainers, costs and trust accounts (areas which account for around 25% of complaints made against firms⁹).

Adapting to Change

Not every student who completes a law degree aspires to practise law. An oversupply of law graduates does not mean that the majority will not find employment or be successful. In fact, it is still clear that a law degree provides excellent groundwork for a number of careers¹⁰ and many law graduates do find highly skilled employment.¹¹

However, a significant portion of law graduates still wish to enter the legal profession. Individually, law graduates can make attempts to market themselves as ‘desirable’.

Law graduates need to learn to embrace developing technology and to be open to how technology may change in the future. With technological developments influencing so many of the changes in the legal profession, it will be beneficial for law graduates to have this at the forefront of their minds. On the other hand, the current generation of students and young lawyers are already the most technologically adept group within the broader legal profession. Having grown up with technology, it will be important to ensure that they retain the ability to communicate with others without relying on electronic devices.

Law graduates should also ensure their sole focus is not on specialising in law alone. In the changing legal profession, law graduates with additional skills such as management and financial expertise may be more highly sought after due to their capacity to understand and address a broader range of issues.¹²

Education providers are also directly responsible for the training of law graduates. It is necessary for law schools to attempt to forecast future requirements and predict what challenges law students might face up to six years into the future. If a law student begins their degree in 2017, they may not be in practice until 2023.¹³ Law schools need to take responsibility for ensuring that the education they provide will prepare students for the work environment they may enter several years into the future. That includes equipping students with the necessary skills needed to survive in a new legal profession changed by global shifts and technological developments.

There may also be benefits in education providers moving beyond simply teaching law to recognising the increasing importance in educating lawyers about non-legal matters such as corporate finance; or even learning another language.¹⁴

Education providers should consider that law graduates may need to be informed about what employment opportunities may actually be available to them and assisted in keeping expectations realistic.¹⁵

Finally, it may be worth considering whether completion of a one year period of restricted practice and undertaking a practice management course are likely to provide sufficient experience and training for a lawyer to then set up their own firm. It is unsurprising that practitioners who commence sole practice with limited experience attract complaints in disproportionate numbers.

2.2. Business Structure and Convergence of Services

Despite a decrease in the employment levels within law firms, there are still many ways in which the legal profession can grow.

Law firms used to hold the monopoly in providing legal services,¹⁶ with legislation in each State having prohibited multi-disciplinary partnerships (“**MDPs**”). However, today many clients are seeking integrated service offerings¹⁷ and this has generated some change.

In 1994, the Australian Competition and Consumer Commission (known as the Australian Trade Practices Commission at the time) submitted that all jurisdictions should repeal rules that prevented lawyers from incorporating their practices, which would allow MDPs to form.¹⁸ In 2001, only New South Wales had taken steps to amend their legislation to allow the development of MDPs and the sharing of profits of legal practice between lawyers and non-lawyers.¹⁹

These amendments were eventually made across the board, and the legislation in various Australian jurisdictions now facilitates the operation of MDPs across the country.²⁰ Because of this, other industries such as accounting and investment are crossing over into the legal arena and offering multidisciplinary services.²¹ Major accounting firms are increasing the size of their legal teams to manage this demand for integrated services, with several having become providers of these integrated, one-stop services.²²

There is also an increasing trend of businesses handling more legal work in-house. *Lawyers Weekly* (July 2017) asked the profession, ‘in the next 12 months, which of the following economic/market disruptors will have the biggest impact on the legal industry?’. Nearly 40% of respondents answered that it would be corporate counsel taking more work in-house. That is because corporate counsel are becoming more specialist in their roles and are able to act as business advisors, rather than just as the legal sign-off at the end of a deal as they may have been in the past. Consequently, being simply a black letter law firm may no longer be competitive with in-house counsel, who are expert in the company’s commercial drivers, goals, strategy and risk.

Adapting to Change

Many law firms were once reluctant to move away from the traditional partnership model.²³ Lawyers have, however, also traditionally organised their business structures as sole proprietorships or by working in association with other firms.²⁴

Two newer structures permitted under the *Legal*

Profession Act 2008 (WA) are incorporated legal practices (“**ILPs**”) and MDPs.

An ILP is a corporation that engages in legal practice, whether or not it also provides services that are not legal services.²⁵ A MDP is a partnership between one or more Australian legal practitioners and one or more other persons who are not Australian legal practitioners, where the business of the partnership includes the provision of legal services as well as other services.²⁶

In Western Australia, the establishment of an ILP must follow all requirements set out in Part 7, Division 2 of the *Legal Profession Act 2008* (WA). This includes giving the Legal Practice Board (“**Board**”) written notice if the ILP intends to start engaging in legal practice,²⁷ providing written notice to the Board if the ILP ceases to engage in legal practice,²⁸ and ensuring that the ILP has at least one legal practitioner director.²⁹

Similarly, MDPs are provided for in Part 7, Division 3 of the *Legal Profession Act 2008* (WA). There similar requirements for MDPs as there are for ILPs under the Act; including notifying the Board of the intention to start practice in a MDP.³⁰

There are advantages and disadvantages for all types of possible structures for a law firm.

Advantages of an ILP include “asset protection, greater flexibility for raising and retaining capital, greater flexibility for remunerating employees, possible tax advantages, opportunity to introduce more effective management and decision-making arrangements.”³¹ However, there may be transition costs if there is a transfer from existing practice: there is a greater compliance burden in terms of legislation that applies to the company and the requirement to implement an appropriate management system; there may be higher payroll costs; and there may also be a loss of status for those partners who do not become directors.³² A particular risk with ILPs is that of illegal ‘phoenixing’ (where a new company is created to continue the business of a company that has been deliberately liquidated to avoid paying its debts, including taxes, creditors and employee entitlements).

An obvious benefit of an MDP is its convenience for clients and the fact that it may be marketed as a ‘one stop shop’ with the ability to cross-sell or benefit from combined client bases.³³ However, the model has potential for giving rise to an ethical minefield for lawyers working within MDPs.

Just over 17 years ago, in September 2000, the Law Council of Australia (“**Law Council**”) published an issues paper on MDPs highlighting the potential ethical issues that may arise such as the concept of “imputed knowledge”, the use (and sometimes failure) of information barriers and conflicting duties to disclose.³⁴

To the above may be added the heightened risk for conflicts and potential conflicts, along with:

- possible difficulties for non-lawyer partners and employees understanding the professional and ethical obligations binding on lawyers;
- pressure from non-lawyer partners to run the MDP on a ‘more commercial’ basis, which may conflict with the professional and ethical obligations of lawyers within the MDP; and

- possible ‘confusion’ as to whether legal professional privilege applies where legal services are ‘mixed’ with non-legal services.³⁵

The potential for risks such as those identified above may be exacerbated in MDPs that are not either effectively controlled by lawyers or infused with a corporate culture requiring compliance with the long-standing and rigorous rules and ethical principles that set the standards for appropriate professional conduct by members of the legal profession.

There are several factors that need to be considered when deciding on the structure of a law firm. With the increasing popularity of MDPs and other convergence of services, it is important to consider the ethical issues these structures may raise and to ensure that any structure adopted complies with legislative requirements in the relevant jurisdiction.

2.3. Globalisation and Liberalisation of Markets

An excellent definition of globalisation is the “increased political, economic, social and technological integration between different nations and cultures.”³⁶ Globalisation has been greatly encouraged by technology, with specific influences of technology such as the Internet and international media.³⁷

In the 1980s, Australian law firms became national due to the need to service large clients, such as banks and corporates, operating on a national level.³⁸ In the 21st century, globalisation is once again shifting the legal landscape.

Global business and trade means there is a demand for a different type of legal service than what has been provided in the past. It is not uncommon for clients to have offshore interests, and Australia has developed trade relationships with some of the major international players.³⁹ Several law firms have legal teams in various countries around the world working together. In 2007-2008, Australia’s total legal services exports increased by close to 24% to \$343 million.⁴⁰

Globalisation, international trade and the increased use of technology has created a liberalisation of markets⁴¹ and an increased exportation of legal services.⁴² Having said that, the legal market naturally remains subject to regulatory frameworks to maintain high professional standards and protect clients.⁴³

In November 2010, a past president of the Law Council expressed the view that Australia potentially “has one of the most liberalised legal services markets in the world for the practice of foreign and international law and transparent guidelines for admission to local practice by foreign qualified lawyers.”⁴⁴ Whilst the liberalisation of markets has reduced barriers to the practice of law, it has also improved the competition for domestic legal services and driven the desire for Australia’s international activities to see a reduction in barriers as well.⁴⁵

Liberalisation of the legal services market began in 1992 when the *Mutual Recognition Act 1992* (Cth) was passed by the Commonwealth Government, abolishing barriers to interstate trade and commerce in many industries, including legal services.⁴⁶ Following this, the Law Council developed a *Blueprint for the Structure of the Legal Profession: A National Marketplace for Legal Services* in 1994 and this marked the beginning of the

free national market for legal services.⁴⁷

With the development of mutual recognition of practising certificates and indemnity insurance schemes in 1997 and the National Legal Profession Model Laws Project 2001-2007 (“**the Model Laws Project**”), the liberalisation of the legal services market continued.⁴⁸

The Model Laws Project saw the introduction of a ‘Model Legal Profession Bill’ in each State and Territory except for South Australia – these Bills contained similar, sometimes identical, provisions for regulation of the legal profession.⁴⁹

Australia has benefited greatly from the removal of interstate barriers, and the resulting ‘single national market for legal services’.⁵⁰ This has increased the competitiveness of Australia’s domestic market and allowed for Australia’s participation in the international legal services market.⁵¹

A national regulatory framework for lawyers – the Legal Profession Uniform Law – has been developed. The Uniform Law covers matters such as criteria for admission to the profession, practising certificate types and conditions, the maintenance and auditing of trust accounts, continuing professional development requirements, complaints handling processes, billing and fee disclosure arrangements and professional discipline issues while at the same time maintaining the independence of designated local authorities.

The Legal Profession Uniform Law was enacted in Victoria and adopted by New South Wales in early 2014, and came into force in those jurisdictions on 1 July 2015. An inter-jurisdictional Legal Services Council was established to oversee and promote a uniform approach to regulating the legal profession and the delivery of legal services across New South Wales and Victoria, together with a Commissioner for Uniform Legal Services Regulation. Day-to-day regulation remains the responsibility of the existing New South Wales and Victorian regulatory bodies (as designated local authorities).

In 2014, the Law Society of Western Australia (“**Law Society**”) recommended to the Attorney General of Western Australia that the Uniform Law should be adopted as a law of Western Australia subject to certain conditions; and, following the election of a new State Government in 2017, the Society has actively engaged with both State Government and other stakeholders in an effort to achieve an outcome consistent with the Society’s position⁵².

Adapting to Change

Around Australia, legislation, such as the *Legal Profession Act 2008* (WA) sections 153 and 154, allows for an Australian-registered foreign lawyer to practice “foreign law” in Australia. Provisions such as these were designed to encourage and enable the internationalisation of legal services.⁵³

Importantly, however, foreign lawyers are unable to appear in any Australian court.⁵⁴

For Australian lawyers, there are a few things to consider when deciding how to stay relevant in light of globalisation and the liberalisation of markets. Knowledge of international trade law will provide an obvious advantage.⁵⁵ Further, with

the internationalisation of business also comes the opportunity for lawyers to develop a niche by familiarising themselves with the laws of a particular foreign country or region.⁵⁶

With a growing need for legal services in the area of mergers and acquisitions, knowledge of national and international laws relating to joint ventures, financing, capital transfers and competition will likewise be valuable.⁵⁷ Similarly, lawyers interested in human rights law and practice might consider carving themselves a niche in a specialised international practice of human rights law.⁵⁸

Smaller firms too may consider taking steps to adapt to changes to the profession resulting from globalisation and liberalisation of markets. They include:

1. reviewing their structure;
2. specialising or developing a niche;
3. enhancing technology; and
4. branding – as the market becomes more competitive, the strongest brands will be those that are likely to be most successful. For example, a group of small firms operating under one brand will have more power than a single, small firm alone.⁵⁹

2.4. Demographic Influences

It is important to consider human factors and population changes which may cause shifts in the legal profession. For example, over the past two decades there has been a significant increase in the number of women graduating from law schools and entering the legal profession.⁶⁰

The age of retirement is also increasing with longer life expectancy and improved health care.⁶¹ It is estimated that by 2030, 25% of the developed world's population will be over 65 years old.⁶² With people remaining in the workforce longer, globalisation, and changes in technology in many industries, older employees need to ensure that they are not 'left behind'.⁶³

Adapting to Change

An ageing population means two things for the legal profession. Firstly, there may be an increase in the need for expertise in elder law, with pensions, financial management and estate planning becoming prominent issues.⁶⁴

Secondly, it will be important for the ageing population employed in the legal profession to maintain their training and skills to manage in an industry affected by globalisation and technology.⁶⁵ In many industries, it is important to acknowledge that roles in which people are currently employed are shifting and more traditional jobs will be disappearing.⁶⁶

Additionally, the current law firm model, based on individual financial performance, pyramid teams, and high fee budgets supported by expensive infrastructures, offers faint hope of real advancement to partner level other than for a minute percentage of employed lawyers. Making structural changes within firms to address this issue may assist in attracting and retaining graduate lawyers.

Despite the wave of discussions regarding feminism and gender equality in the mainstream media in recent years, there is still an inequality in the legal profession. In Western Australia in 2016, 51.7% of practising solicitors were male, and 48.3% were female.⁶⁷ This represents a 45.9% increase in the number of female solicitors since 2011.⁶⁸ However, the *Australian Financial Review's* July 2017 Law Partnership Survey shows the proportion of female partners in law firms nationally is only at 25.2% (up a mere 4% since 2014).⁶⁹ The situation for female barristers demonstrates even more inequality than private practice. The Law Council's 2009 Court Appearance Survey demonstrated that 84% of the Western Australian Bar population were male, and only 16% were female.⁷⁰

Subsequent to the publication of the results of its survey, the Law Council issued a Model Equal Opportunity Briefing Policy for Female Barristers and Advocates.

In September 2014, the Women Lawyers of Western Australia launched the *20th Anniversary Review of the 1994 Chief Justice's Gender Bias Taskforce Report*. Following a review of the report, in August 2016, the Law Society adopted a *Final Directions Paper*, which sets out a series of practical proposals aimed at eliminating gender bias in the legal profession. The Law Society's Advancement of Women in the Legal Profession Working Group is currently taking steps to implement the recommendations in the *Final Directions Paper*.

The Law Society has also worked closely with the Law Council on a national action plan in response to its *National Attrition and Retention Survey* of the profession and has endorsed and adopted the Law Council's Diversity and Equality Charter.

As the legal profession continues to focus on gender inequality and steps are taken to address this, workplace arrangements need to be reconsidered. This includes ensuring family-friendly practices, flexible working arrangements, equal opportunity and merit-based advancement.⁷¹ This will be discussed later in the paper.

2.5. Outsourcing

Legal process outsourcing ("LPO") has become an increasingly popular feature of legal professional practice in recent years.⁷² The nature of outsourced services includes legal research, document review, paralegal work, due diligence and drafting of pleadings.⁷³ Clients will likely increasingly demand that appropriate tasks are outsourced in order to save costs and increase efficiency.

In October 2011, Mallesons Stephen Jacques announced that they would be making use of 200 trained lawyers in India after a LPO contract was signed.⁷⁴ Some legal practitioners hold concerns about the confidentiality and quality issues with LPO and that it may be a threat to young lawyers in Australia.⁷⁵

Adapting to Change

There are ways to limit the effect that LPO has on the recruitment and retention of young lawyers. Law firms need to be smart about the types of work currently being delegated to the young lawyers in their firms – providing them with more detailed, interesting work

rather than potentially ‘mind-numbing’ discovery.⁷⁶ The more mundane, simple tasks can still be outsourced successfully in appropriate cases.

Law firms should also keep in mind the issue of whether those to whom the work is outsourced are obligated to observe the same professional standards as apply to legal practitioners in Australia, and whether the quality of work will be matched accordingly.⁷⁷

2.6. Working Environment

In a change not specific to the legal profession, a new, non-hierarchical leadership style has become popular.⁷⁸ Authors Patrick Lencioni and Jim Collins speak about the ineffectiveness of ‘command and control’ corporate leadership and the subsequent “rise of corporate values such as collaboration, team building, problem solving, cooperation, humility and transparency.”⁷⁹

Law firms have also started adopting a client-centric focus,⁸⁰ by which the emphasis is on a more egalitarian relationship between lawyer and client.⁸¹ In addition, lawyers have attempted to shift the focus from legal rights, duties and obligations to parties’ interests, needs and desires.⁸²

Culturally, there is an expectation on workplaces in all industries to be more understanding of family and other obligations with which employees might be dealing. Many modern awards and enterprise agreements have begun to allow for a wider range of flexible working arrangements.

Adapting to Change

With ever-increasing emphasis placed on the importance of a healthy work-life balance, law firms need to encourage partners and employees to find the right balance between professional and personal commitments.⁸³

Law firms not only need to develop family-friendly policies but also to consider a wider range of commitments to ensure that employees may enjoy a healthy work-life balance.⁸⁴ Change whereby flexibility becomes part of a law firm’s culture requires the partners and leaders to promote the value of flexibility.⁸⁵ Leaders must also be seen as the role models for changes within the law firm.⁸⁶

To assist lawyers to maintain mental health and wellbeing, the Law Society provides its members with complimentary access to LawCare WA. The member assistance programme offers support with personal and work-related issues that may impact members’ job performance, health, mental and emotional wellbeing. This programme offers independent and confidential professional counselling to support wellbeing in the workplace and in the member’s personal life.

Although there is talk of a shift away from hierarchical models, leaders are still required. However, it is the manner in which leaders carry out their role that is important. Firm leaders taking a personal interest in each of the firm’s employees is highly valued.⁸⁷ Such an approach moves the law firm away from a hierarchical structure to a team-based model, which in turn improves communication and interaction, develops trust and mutual respect between employees and allows room for learning and development.⁸⁸

As the legal profession moves forward, it is up to partners and other firm leaders to challenge employees who still hold the view that long hours are normal and that employees who use flexibility in their work hours somehow lack competence or commitment to the employer.⁸⁹

2.7. Billing Practices

Time-based billing is a method of charging dating back to 1919.⁹⁰ It carries significant risks for clients⁹¹ and perpetuates a number of unfair stereotypes about lawyers. While practices have moved to fixed price billing and fixed price models, timesheets and traditional billing practices still hold strong in many law firms.

Apart from creating uncertainties for clients, time-based billing also places a considerable amount of pressure on lawyers. Many law firms set billable targets for their lawyers, which is thought to contribute to longer working days. For example, where an annual target of 1,800 hours for a lawyer has been set, the lawyer may actually be required to work about 2,400 hours once breaks, discussions with other lawyers, non-billable work etc are factored in.⁹²

Time-based billing has the potential to disrupt work-life balance, de-prioritise pro bono work, strain the lawyer/client relationship and place negative pressure on the lawyer.⁹³ It also enhances the risk of mental health concerns, substance abuse and other negative habits that are more common in the legal profession than in many other professions.⁹⁴ Even compared with other industries where employees work long hours, lawyers are seemingly more dissatisfied which can lead to more destructive lifestyle choices.⁹⁵

This has been recognised by the Law Society in its *Report on Psychological Distress and Depression in the Legal Profession (March 2011)*.

In connection with the rendering of legal services, the terms ‘unbundling’ or ‘unbundled’ are used to denote discrete events of legal work, as distinct from the performance of an entire retainer from beginning to end.⁹⁶ ‘Unbundling’ literally means breaking down an entire matter into its constituent parts, so that each part of the total ‘bundle’ becomes a matter in its own right.⁹⁷ There are a variety of reasons why clients may require unbundled services, including that the client cannot afford full representation, the practitioner is considered an expert in a particular area, or the client may want a second opinion.⁹⁸ Providing unbundled services is a way of increasing access to justice for the community.

There are of course risks with unbundling, and any practitioner offering unbundled services must ensure that the client is fully informed about the constraints of a limited retainer. The Law Society’s Unbundling Guidelines provide a useful reference to assist practitioners to consider and address the inherent risks involved, as does an article by Paul D Evans and Julian Sher, published in the November 2017 edition of *Brief* entitled *Getting Unbundling Right*.⁹⁹

Adapting to Change

Although issues with traditional time-based billing are

recognised by both lawyers and clients, change in this area has been slow.¹⁰⁰ Suggested alternatives to the traditional billable hour ultimately all boil down to different forms of fixed-fee billing.

Firms may have a settled base fee and then create an incentive structure based on ideal or possible outcomes.¹⁰¹ For example, if the law firm succeeds in achieving a particular outcome, the client will pay the base amount plus the pre-agreed further amount.¹⁰²

Another method is to create flat fees. Flat fees create certainty for the client and provide predictable profit margins for the firm.¹⁰³ However, it is recognised that these fees are better suited to routine, volume work.¹⁰⁴

Staged fees are another form of billing. Law firms may divide the proposed work into identifiable and potential stages, with fees set for each phase.¹⁰⁵ The fee agreement may also provide for re-negotiation at important points in the process.

Blended rates is yet another form of billing. Although making use of time-based billing, a blended rate is a fixed rate which has previously been agreed upon as opposed to a series of different rates which are charged depending on who actually performed the work.¹⁰⁶ The encouragement of delegation by partners to more junior legal practitioners is but one advantage of the blended rate model.¹⁰⁷

Adopting a billing model which is not dependent on the billable hour requires time, leadership and collaboration both with consultants and those who have made the switch already.¹⁰⁸

2.8. Community Needs

Legal assistance funding currently only covers approximately 8 per cent of the community.¹⁰⁹ Although some of the most vulnerable and disadvantaged members of our community receive a grant of legal aid, many people who are living below the poverty line and cannot afford a lawyer will still be denied legal aid.¹¹⁰ However, it is not just a way of means testing that is restricting legal aid;¹¹¹ legal aid is only available for legal issues that arise in certain areas, such as family law and criminal law.¹¹²

The inadequacy of legal assistance funding is not only a Commonwealth problem – individual States are affected too. Legal Aid WA can no longer represent people in the Magistrates Court because of cuts to legal assistance funding.¹¹³

There is also a gap between the legal services offered by lawyers and the prices clients can or are willing to pay. Consequently, large numbers of individuals and small to medium enterprises do not use legal services. The Law and Justice Foundation of New South Wales' Legal Australia-Wide Survey on Legal Need in Australia found only 51 per cent of respondents would seek legal advice for a legal problem.¹¹⁴

It is clear that Australia has an access to justice crisis – but it is also a significant market gap and an opportunity for innovation for traditional law firms. To date, proposed solutions to the access to justice crisis have been focused on how to provide clients with more resources to access legal services, e.g. alternative fee arrangements such as contingency fees (including

no win, no fee), increased legal aid funding, and legal expense insurance.¹¹⁵

However, law firms are now also providing solutions to the supply side, i.e. providing more legal services at a price that clients can afford. The access to justice gap can be filled through a combination of business models and technology. Firms need to start with the objective of providing legal services at a cost which clients are able to afford, and then explore how technology and other processes may achieve this.¹¹⁶

3. Technological Changes

Technology is one of the greatest issues facing the legal profession, with many articles and publications focusing on how changes in technology will impact the legal profession.

New technologies available include cloud computing; electronic document management systems; artificial intelligence; virtual law firms; online dispute resolution; electronic courts and electronic filing of court documents; use of social media and blockchain – just to name a few.

Literature suggests that the difference between those who will thrive in the future legal profession and those who will struggle will largely revolve around who adapts best to technological changes. Many within the profession appreciate the opportunities which will arise from the evolution and use of technology in the legal profession; however, some practitioners are still hesitant about how the use of technology will fit within traditional models.¹¹⁷

3.1. Cloud Computing

'Cloud computing' usually refers "to the delivery of hosted services over the Internet."¹¹⁸ Essentially, anyone with an internet connection can access their data stored in the cloud. Cloud computing has many advantages: there is on-demand access to data storage services, with the additional reduced costs that would otherwise be put towards hardware and software systems that law firms would use to maintain their own data and documents.¹¹⁹ The use of cloud computing means that law firms may pay for the services they use, rather than holding responsibility for maintaining their own resources.¹²⁰ The full potential of cloud computing is yet to be established, but it offers many benefits such as accessibility to documents anywhere and anytime (including in court).¹²¹

Cloud computing is not, however, without its challenges. Protection of client confidential information may be put at risk; there may be issues with data breaches or network upgrades and instability which result in the practitioner being unable to access their data and thereby unable to provide legal services to their client.

The Law Society has published Ethical and Practice Guidelines which deal specifically with cloud computing and considerations that should be borne in mind by practitioners using it. The Guidelines note that professional conduct issues may arise with cloud computing for two reasons. Firstly, because use of a particular cloud computing service may mean that a

practitioner cannot comply with a requirement under the Rules, or will have difficulty doing so. Secondly, because of the risks associated with using cloud computing services.

The relevant Rules are:

- rule 6(1)(c) – which requires competent and diligent delivery of legal services;
- rule 9 – which prohibits disclosure of confidential client information unless authorised or otherwise permitted to do; and
- rule 28 – which requires return of client documents at the end of an engagement, upon request and where there is no lien over the documents.¹²²

It is suggested that lawyers should always obtain informed client consent before using cloud computing services, and that due diligence be undertaken to ensure those services meet all required standards of competency and security.¹²³

3.2. Electronic Document and Records Management Systems

These days, many law firms have taken up the use of electronic document and records management systems (“EDRMS”).¹²⁴ EDRMS are defined as “an automated software application designed to assist you with the creation, management, use, storage and disposal of information and records.”¹²⁵ However, there are some issues to take into consideration when contemplating the use of EDRMS.

Previously, it was a legal obligation that lawyers must keep hard copies of documents for seven years.¹²⁶ However, the *Evidence Act 1995* (Cth) at section 51 abolished the common law rule that only tendering the original document could prove the contents of a document.¹²⁷ This means that in most circumstances, the original document is no longer required and copies of documents are considered to be as admissible as the original document.¹²⁸

Major law firm King & Wood Mallesons considered the use of EDRMS and noted several challenges that electronic documents pose, including that:

- hard and soft-copy versions are not always identical. Electronic copies can contain hidden information, including metadata, which may come to light when forensically examined;
- hard-copy documents need only be viewed and read by the naked eye, whereas soft copy documents inevitably require appropriate hardware, software and a level of expertise to be accessed and ‘translated’ into comprehensible form;
- soft-copy documents are vulnerable to tampering and forgery in an entirely different manner to hard-copy documents; and
- soft-copy documents are, generally speaking, both easier to copy and disseminate, and more difficult to destroy.¹²⁹

In order to manage these challenges, it is important for law firms to ensure proper practices are put in place that relate to the generation, archiving and storing of documents so that it is possible to prove that they were not tampered with.¹³⁰ It is also vital that law firms still abide by regulations that provide for the minimum period of time that electronic and paper records should be retained.¹³¹

3.3. Artificial Intelligence

Artificial intelligence (“AI”) “involves large, sophisticated computers that can absorb seemingly infinite amounts of information and then search that information in context.”¹³² AI improves with use and age – the system learns and improves its understanding of the context every time it undertakes a task.¹³³ There are AI programs in use that are capable of undertaking some of the tasks currently performed by legal practitioners and law graduates. One example of these is Ross Intelligence, which is reported to have the capacity to respond to questions posed about specific laws or cases by gathering the evidence, reading through the laws and drawing inferences.

AI is already being used in law firms around the world. RAVN Applied Cognitive Engine (“RAVN”) is in use at Berwin Leighton Paisner (“BLP”) and it reads, interprets and extracts information from documents.¹³⁴ The Head of Legal Risk Consultancy at BLP reports that it delivers perfect results every time they use it, and the team morale and productivity has benefited from the implementation of RAVN.¹³⁵

Some argue that the use of AI in law firms could lead to the “structural collapse” of law firms¹³⁶ or is “threatening the very existence of the profession.”¹³⁷ However, many think that although AI is useful, there is no expectation that it will replace legal practitioners completely. Although AI technology may be used to find relevant information within a particular context, legal practitioners are still required to apply their own legal knowledge and skills to use the information provided through AI appropriately.¹³⁸ Various studies and research estimate that the amount of lawyer time that could be automated is roughly 13% to 23%.¹³⁹ Rather than take jobs from the legal profession, AI is likely to lead to the evolution of roles in applying the technology and discussing their use with clients.¹⁴⁰

The impact AI will have on the profession will depend on the amount of work that can be automated and the speed of change.¹⁴¹ If the amount of automatable work is in the lower estimates mentioned above, and the use of AI is introduced slowly, changes are likely to become part of an evolving profession.¹⁴² However, the higher the automatable percentage, and the faster innovations are brought in, the more difficult it will be for the profession to continue to move with the changes.¹⁴³

One of the main challenges presented by AI technology is identifying who is responsible for the consequences of its use or deployment. It is important for lawyers to know “how the artificial intelligence is working, when it’s suitable in the context, the risks that are associated with it and when to step in.”¹⁴⁴

The regulation of AI needs to be considered. A member of the American Bar Association’s Standing

Committee on Ethics and Professional Responsibility has stated that “[a] lawyer...is ethically required not to blindly accept the answer, and is trained to perhaps stop mistakes.”¹⁴⁵ With ethical obligations imposed on lawyers around the world, it is imperative that legal practitioners understand the technology they are using to ensure that they are complying with their ethical obligations, and that it is the lawyer’s independent judgment which is used to provide advice to the client.¹⁴⁶ This raises the question of the extent to which lawyers are required to understand the workings of the algorithms of the AI programs.¹⁴⁷ Although many questions are raised about the regulation of AI and other technology, the American Bar Association made clear in 2012 in its Model Rules of Professional Conduct that a lawyer’s duty of competence includes understanding changes in technology.¹⁴⁸ Currently, 25 States in the United States of America have adopted a rule to this effect, with some also mandating that continuing professional development include technology-specific learning.¹⁴⁹

However, it is not only lawyers who use AI technology capable of providing potential legal “solutions”. In this context, it has been argued that AI providers should not be permitted to “hold themselves out as providing legal services” without being under the adequate supervision and instruction of a lawyer.¹⁵⁰ There is also an issue when lay people use AI technology without the supervision of a lawyer and do not realise that they have been given incorrect “advice” through use of the technology.¹⁵¹ Many questions have been raised about who is responsible in such situations, how AI providers will be regulated and how to ensure that the technology is meeting the required quality standards.¹⁵²

It has been suggested that the legal profession ought to assess whether changes to the regulatory framework are required.¹⁵³ In its position paper “People unlawfully undertaking legal work: protecting the community”, the Law Society has recommended that certain amendments be made to the *Legal Profession Act 2008* (WA), including inserting a provision that would address the risk posed to the public of non-lawyers providing AI products to members of the public. That provision, adopting the language of the Legal Profession Uniform Law, is suggested to read as follows:

“An entity that is not a qualified entity may not in this jurisdiction give to another entity a product or thing that provides, or is capable of providing, legal services unless the second entity is a qualified entity”.

Critically, AI does not in any way change professional obligations which lawyers owe, meaning that its increased use is likely to influence both the way in which law graduates and junior lawyers are trained and also strategies adopted by senior lawyers in their supervision.¹⁵⁴

3.4. Virtual Law Firms

A virtual law firm is “a law practice providing professional legal services with the aid of a virtual environment and associated technology.”¹⁵⁵ Essentially, it is a law firm that exists online.¹⁵⁶ Virtual law firms have potential to provide a flexible and cost effective way of delivering legal services, and also allow clients to easily

access cost-effective legal services.¹⁵⁷

Because the costs of running a virtual law firm are reduced, the lower operating expenses are capable of being passed down to clients with lower client fees.¹⁵⁸ Because of the lower costs, there is potential for more clients to access legal services provided by lawyers working virtually who have the same training and education as lawyers working in ‘brick and mortar’ firms.¹⁵⁹ In an environment where effective access to justice can be difficult, any work that can be done to bridge the justice gap may be helpful.

It is important to note that virtual offices are held to the same ethical rules and obligations as conventional ones. Many of the issues that arise when running a virtual office are the same as if the practitioner had a home office - rules of professional conduct regarding communication with clients, confidentiality, and supervision of employees are implicated.¹⁶⁰ Further, face-to-face meetings with clients will always be required in instances where client capacity is in question, and for identification purposes.

3.5. Online Generation of Legal Documents

As technology is always evolving and expanding, it is extremely important but nevertheless difficult for the law to maintain pace with technological developments.

There are now websites that allow the general public access to many legal forms and documents, in all areas of law: wills and estates, property, partnership and joint ventures, employment, intellectual property, business and corporate, just to name a few.

Some websites provide simple templates that users can access and personalise themselves and other websites generate the document specifically for the user. Both types of websites usually require users to pay a fee (either a membership fee, or a one-off cost for the document that can range from \$9.99 to \$190+).

In situations where the website can generate the document specifically for the user, it may be as simple as the user selecting their geographical location and inputting details when prompted.

An example of such a website is <https://www.lawdepot.com/>. On this site, a few simple steps may be followed:

- select your country (which is found at the bottom of the page);
- select which form you would like to generate from a provided list of forms available in your jurisdiction (some countries, such as the United States, have a higher number of forms that can be generated);
- provide the details you are prompted for (for example, a contract for the purchase of a property in the United States asks for the State the property is in, the buyer’s details, the seller’s details, the property specifications, the financing details etc);
- a form is generated containing all the relevant details; and
- the user purchases and downloads the form.

Obviously, concerns may arise when non-lawyers are able to provide technology of this kind directly to the public, particularly in circumstances where nothing in the document-generating programs suggests that a lawyer has seen or approved of the final document.

If non-legal professionals access this technology to provide the service directly to the public, this creates a concern about consumer protection. Legal practitioners have reported experiences where their client has been told by non-legal professionals that there is “no need to worry” about any professional indemnity consequences, because the entity providing the legal agreements has insurance that the non-legal professional can rely on.

*Attorney General at the Relation of the Law Society of Western Australia v Quill Wills Ltd & Ors*¹⁶¹ is an early example of non-lawyers offering products capable of being characterised as involving the provision of “legal services” to members of the public. Although the case is now approaching its 30 year anniversary, and related to circumstances well before some of the advancements in technology identified earlier, it was held at the time that the defendant had gone beyond “merely giving abstract information as to legal rules and was assisting in the production of a will appropriate to the individual circumstances of the customer”.¹⁶²

With respect to insurance, new technologies that are capable of providing legal services may drive higher premiums for all lawyers insured through Law Mutual and others, and non-legally qualified providers may discover that their actions are not covered by their own professional indemnity insurance (if any) as they are not covered for engaging in legal work.

All this could lead to a lack of protection for the public. That said, services allowing users to access templates for legal forms has potential to create significant social value. It is conceivable that high quality templates could be prepared and made available to users through the involvement of legal practitioners or law firms in a convenient and cost effective manner.

3.6. Online Dispute Resolution

Online dispute resolution systems, such as Modria, “use algorithms, legal expert systems and AI to guide disputants through the various stages of disputes i.e. diagnosis of the problem, negotiation, mediation and arbitration.”¹⁶³

The systems identify areas of dispute and help the disputants to reach an agreement.¹⁶⁴ Where agreement cannot be reached, the matter may be referred to a legal expert to resolve the dispute.¹⁶⁵ Even at this stage, the legal expert may be assisted by the system with suggestions of potential outcomes based on the context and solution of previous similar disputes.¹⁶⁶

Colin Rule is the founder and chairman of Modria. Rule highlighted two key reasons for the legal profession to move to partially virtual platforms – “the need for a resolution process free of jurisdictional limits” and to assist in the “unmanageable volume” of matters before the court.¹⁶⁷

The Law Council has also established an online dispute resolution platform, which allows for separate rooms that parties and lawyers can access with a password.¹⁶⁸

Online dispute resolution has the potential to allow disadvantaged groups easier access to justice, possibly slightly reducing the justice gap.¹⁶⁹

There are two issues to keep in mind when online dispute resolution technology is being used: it is important for the technology to be user-friendly, impartial and affordable if it is going to be able to achieve a greater access to justice, and the characteristics of a court (i.e. procedural fairness) need to be maintained.¹⁷⁰

3.7. Electronic Courts

Electronic Courtrooms, or eCourtrooms, are already being used in Australia. By way of example, the Federal Court of Australia uses eCourtrooms to assist with some matters such as:

- *ex parte* applications for substituted service in bankruptcy proceedings;
- applications for examination summonses; and
- giving of directions and other orders in general federal law matters.¹⁷¹

An eCourtroom is the equivalent of appearing in an ordinary courtroom.¹⁷² This means:

- the eCourtroom must only be used for issues requiring consideration and determination by the Court of a Judge;
- the eCourtroom is not to be used for communications solely between the parties or their representatives, particularly where the communications are confidential or otherwise sensitive;
- the language and modes of address used in the eCourtroom must be the same as that used if the matter were being dealt with an ordinary courtroom;
- undertakings given on the eCourtroom by a party or their representative to the Court or a Judge or other parties are binding as if the undertaking were given in a normal courtroom;
- the rules of contempt apply to proceedings conducted using the eCourtroom; and
- a copy of the discussion thread for each topic dealt with on the eCourtroom will, unless the Court of a Judge orders otherwise, be publicly available as read-only text on the Court’s web site.¹⁷³

There are numerous advantages in the digitisation of court processes. Speed, convenience, and dramatically enhanced search capability are just a few, while others include easier access and management of court documents,¹⁷⁴ and time-saving for legal practitioners in the production and sharing of documents¹⁷⁵.

The Supreme Court of Western Australia has had the capability to conduct eCourtrooms for many years, and legal practitioners are encouraged to consider using the technology available.

3.8. Use of Social Media

Social media has changed the marketing of law 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.¹⁷⁶ 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.¹⁷⁷

However there are obvious ethical and professional conduct considerations with a practitioner's use of social media. The Law Society's Ethical & Practice Guidelines note that client communications on social media may not be adequately confidential. Networking with clients on social media can also be considered unprofessional. Further, a practitioner should never under any circumstances send any message or make any contact using social media purporting to be another person for the purposes of gathering evidence or information.

Not only can social media be used for general topics, there have been instances where social media use has been authorised for legal purposes by the Court. For example, Justice J Forrest of the Supreme Court of Victoria ordered Maurice Blackburn to use their existing Facebook and Twitter accounts to notify potential claimants for the Kinglake Kilmore-East bushfire class action of the requirements to register for the class action.¹⁷⁸

Courts have also permitted Facebook and other social media platforms as a method for substituted service of documents on people who have been avoiding service or cannot be located.¹⁷⁹ There are conditions that must be satisfied for substituted service under various pieces of legislation in each state around Australia.

3.9. Blockchain

Blockchain is emerging as the main peer-to-peer distributive ledger technology. Blockchain technology can be a difficult concept, but one definition is:

"A blockchain is a type of distributed ledger, comprised of unchangeable, digitally recorded data in packages called *blocks*. These digitally recorded "blocks" of data is stored in a linear *chain*. Each block in the chain contains data... [and] is cryptographically hashed. The blocks of hashed data draw upon the previous block (which came before it) in the chain, ensuring all data in the overall "blockchain" has not been tampered with and remains unchanged."¹⁸⁰

Many legal practitioners believe blockchain will open up new fields of work.¹⁸¹ Legal skills will be required to transform contracts into computer code, laws will need to be changed and appropriate regulation will need to be established.¹⁸² Coding is now included in the education of future lawyers at some law schools, including Swinburne Law School.¹⁸³

It is important for lawyers to understand blockchains as some clients will use similar technology in their own businesses – lawyers need to ensure they have an understanding of the current technology in order

to be able to provide relevant advice to their clients about existing regulations.¹⁸⁴ Blockchain also holds benefits for the clients in reducing transaction costs and increasing the speed of the process.¹⁸⁵

There are numerous online resources, blockchain presentations, professional networking events and forums and online communities available providing opportunities for lawyers to develop skills in this area.¹⁸⁶

4. General Technological Issues

In addition to the matters discussed earlier, there are further matters relating to the use of modern technology of particular relevance to the legal profession. They include jurisdiction issues, cybercrime and liability issues, and data retention challenges.

4.1. Jurisdiction Issues

It is important to consider the risks that may be faced with the intensification of globalisation.

In what some consider a landmark case, the High Court of Australia in *Dow Jones v Gutnick*¹⁸⁷ acknowledged that "globalisation of international communications has given rise to a potential liability on the publisher in every jurisdiction in which a website is viewed or an email published".¹⁸⁸ In response, Justice Kirby stated that:

"To wait for legislatures or multilateral international agreements to provide solutions to the legal problems presented by the internet would abandon those problems to 'agonizingly slow' processes of lawmaking. Accordingly, courts throughout the world are urged to address the immediate need to piece together gradually a coherent transnational law appropriate to the 'digital millennium'. The alternative, in practice, could be an institutional failure to provide effective laws in harmony, as the Internet itself is, with contemporary civil society - national and international."¹⁸⁹

4.2. Cybercrime and Liability Issues

Risks such as the threat of cybercrime are ones which lawyers will increasingly need to manage and be educated about.¹⁹⁰

The Law Council released a number of resources in 2016 that are available online and may aid in management of cyber threats.¹⁹¹

Risks and challenges brought by new technologies include:

- data security in the face of viruses, hackers, data and identity theft, and electronic fraud;
- intellectual property issues;
- maintaining the confidentiality of client information, especially when using cloud computing;
- whether persons providing outsourcing services are bound by the same professional standards as Australian legal practitioners;
- providing an adequate level of supervision for automated or outsourced work; and

- creating unintended client-practitioner relationships through social media.¹⁹²

In *Donoghue v Stevenson*¹⁹³ Lord Macmillan stated that:

“the concept of legal responsibility may develop in adaptation to altering social conditions and standards. The criterion of judgment must adjust and adapt itself to the changed circumstances of life. The categories of negligence are never closed.”¹⁹⁴

The law must continue to adapt to the technological changes – there may be particular challenges for areas such as negligence in addressing these changes.¹⁹⁵

It is of course important that lawyers maintain their fundamental duties to the court and to their clients, and carefully consider any changes in the context of those duties. However, those duties also require lawyers to defend the principles of the rule of law and justice, and this can mean adapting and finding new ways to help clients access justice.¹⁹⁶

Indeed, American lawyers in many states are under an express ethical duty of technological competence. The American Bar Association Model Rules of Professional Conduct provide that “to maintain the requisite knowledge and skill [for competent representation], a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all [CLE] requirements to which the lawyer is subject.”

In effect, lawyers will need to manage their own risk and liability concerns and legislation will need to be introduced to deal with the technological changes faced by the legal profession.

4.3. Data Retention Issues

The question of confidentiality has already been touched upon briefly in the context of cloud computing and EDRMS above. However, the question also arises in a variety of other relevant contexts involving the activities of legal practitioners. Data retention is one of them.

The following are among the many challenges relating to data retention with which legal practitioners need to grapple:

- identification: USB-stick technology, for example, has the capacity to hold large amounts of data and although it is easy to discard, it is not always easy to adequately destroy the data it holds;
- storage and retrieval: storage of data needs to be safe and secure, but easily accessible; and
- admissibility: proper electronic records need to be maintained to ensure that data is not deemed inadmissible in court proceedings.¹⁹⁷

Adapting to Change

Some technology may be classified as sustaining or automating. A work process that is optimised through automation means the work is performed faster though the process itself is not necessarily changed.¹⁹⁸ While the process may not have changed, legal practitioners can benefit from the improved, faster process.¹⁹⁹

Innovative technology, on the other hand, has the capacity to change the legal landscape effectively, in terms of practice, regulation and education.²⁰⁰ Innovative technology changes can open up new jobs to deal with and use the technology in the appropriate manner.²⁰¹ Currently, the legal profession is experiencing technological changes that flow across the range from automation to innovation.²⁰²

It goes without saying that it is vital that regulation keeps pace with technological changes and developments as closely as possible.

5. Conclusion

It remains to be seen precisely how the legal profession will look in the years that lie ahead. However, whatever the future may bring, neither lawyers nor the legal profession can afford to be complacent. The success of a future profession will depend on an openness to change, and on a willingness to embrace the challenges and opportunities afforded by new and emerging technologies and methods of working. Above all, it will depend on the profession’s capacity to adapt.

At the same time, it is vital that legal practitioners always continue to maintain the high professional and ethical standards that apply to them and, in particular, the duties which they owe not only to their clients but also in generally advancing the administration of justice.

As the Society of American Law Teachers has said, “many books and articles in the last few years describe a ‘profession in crisis’ with no shortage of demons to blame...”²⁰³ However, a positive future in the legal profession requires everyone to come together and examine who the legal profession are and what they do.²⁰⁴

Recognising the significance of the challenges facing the profession in the future, the Law Council established a Future of the Law Committee in late 2015.²⁰⁵

Some of the constituent bodies of the Law Council have since conducted their own studies in connection with the future of the profession, and have made findings and recommendations.

According to a report published by the Law Institute of Victoria, key ways in which lawyers can adapt to change include:

1. specialising in their legal services;
2. collaborating with other professionals;
3. starting and ending with the client by delivering the services that the client needs;
4. providing access to justice;
5. considering billing practices;
6. using technology to work virtually, remotely or in a different environment;
7. looking for job opportunities that use their legal and non-legal skills;
8. using failure as a mechanism to improve their practice; and
9. using technology.²⁰⁶

In its 2017 report, ‘The future of law and innovation in the profession’ (“**FLIP report**”), the Law Society of New South Wales noted the following as the key changes affecting the legal profession:

- consumers of legal services seeking value and increased competition;
- proliferation of new ways of working;
- in-house corporate lawyers driving change, seeking client-focused service, using latest technology, re-engineering work processes and monitoring costs;
- changing cultures, consumer pressure and lower prices driving increased use of legal technology;
- the likelihood of areas of work and new roles emerging with technology;
- regulatory and ethical issues that the use of artificial intelligence raises, requiring investigation and guidance for solicitors;
- an urgent need for funding for legal assistance and a role for technology and innovation to aid access to justice;
- law graduates of the future needing a range of new skills and knowledge; and
- connectivity and globalisation raising new and great opportunities and threats for lawyers.²⁰⁷

6. Ongoing initiatives

The Law Society of Western Australia will continue to:

- work with the Futures Reference Group, Law Council of Australia and its Future of the Law Committee to provide the profession with tools required to navigate its way through predicted changes;
- keep members abreast of changes within the profession;
- support the legal profession in managing ethical issues through education and guidance, particularly with respect to autonomous technologies and issues around confidentiality;
- provide guidance on the diversification of legal practices;
- advocate for adequate legal aid funding and community legal centre funding;
- promote diversity within the profession and provide tools for maintaining mental health and wellbeing;
- raise awareness within the community of the risks of instructing unqualified persons to undertake legal work and the advantages of instructing legal practitioners;
- keep lawyers connected with the legal profession; and
- advocate for regulatory reform.

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The Law Society of Western Australia

Level 4, 160 St Georges Terrace, Perth WA 6000

Postal address: PO Box Z5345, Perth WA 6831 or DX 173 Perth

Phone: (08) 9324 8600 | **Fax:** (08) 9324 8699

Email: info@lawsocietywa.asn.au | **Website:** lawsocietywa.asn.au

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