THE CAMBRIDGE HANDBOOK OF LAWYERING IN THE DIGITAL AGE

With increasing digitalization and the evolution of artificial intelligence, the legal profession is on the verge of being transformed by technology (legal tech). This handbook examines these developments and the changing legal landscape by providing perspectives from multiple interested parties, including practitioners, academics, and legal tech companies from different legal systems. Scrutinizing the real implications posed by legal tech, the book advocates for an unbiased, cautious approach for the engagement of technology in legal practice. It also carefully addresses the core question of how to balance fears of industry takeover by technology with the potential for using legal tech to expand services and create value for clients. Together, the chapters develop a framework for analyzing the costs and benefits of new technologies before they are implemented in legal practice. This interdisciplinary collection features contributions from lawyers, social scientists, institutional officials, technologists, and current developers of e-law platforms and services.

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The Cambridge Handbook of Lawyering in the Digital Age

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Preface

This book comprises the collected, revised, and expanded papers on the impact of the digital age (as captured by the term legal tech [LT]) on lawyering presented at a conference held in Amsterdam in October 2019. It should be noted that the editors equally contributed to this book project. The topics selected seek to present a range of perspectives on the rise of LT, from those who view it as highly disruptive and diminishing of the legal profession to those who argue that LT enhances the tasks of lawyers. As has long been the case, the effectiveness of legal practice, in terms of cost efficiency and competency, continues to be influenced by technology. This has already proven to be true, and currently we are witnessing the acceleration of legal technology. What the future holds for the practice of law can only be speculated upon. But, that speculation is worth theorizing about in order to plan for that future. This planning is needed in areas of legal education, investment in technological infrastructure, determining law firm staffing needs – both legal and nonlegal – and envisioning the mix of services that the lawyer of the future will provide. This book begins the process by providing a review of the core issues that lawyers and law firms will be forced to face.

Some of the issues discussed in the book include the following: How will digitalization and AI impact the practice of law? Will AI or machine learning replace or augment the work of lawyers? How has technology affected services provided to clients? How has technology altered policies and rules regarding the confidentiality of information? How will the use of new technologies affect legal ethics? Will LT expand or reduce cases of malpractice? What are the risks of overreliance on LT? How will AI aid arbitrators and mediators to perform their functions? Will smart dispute resolution platforms and robo-judges become alternatives to traditional arbitration and mediation? Will technology make public law more efficient? Can it make public law more just?

As editors of this book, we had the pleasure of working with a diverse group of academics, practitioners, and computer scientists from a dozen countries. We are in debt to all the contributors to this volume from whom we have learned and been enriched by regarding the evolving area of LT and its impact on lawyering.

We are also indebted to the sponsoring schools: IE University Madrid, King's College London, Lyon Catholic University (UCLy), Radboud University Nijmegen, and the University of Florida. Special thanks to the commissioning and editorial staff at Cambridge University Press, especially Matt Gallaway. Finally, we would like to thank the law firm of Allen & Overy for graciously hosting the Amsterdam conference.