

**LAW DAY SPEECH FOR HARTFORD
SUPERIOR COURT
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By Frederic Ury**

There is a scene in *To Kill a Mockingbird* after the jury has delivered the verdict of guilty where a clearly dejected Atticus Finch is packing his brief case.

Atticus's daughter Jean Louise recalls the scene in the book:

“Someone was punching me, but I was reluctant to take my eyes from the people below us, and from the image of Atticus's lonely walk down the aisle.”

Jean Louise recalls Reverend Sykes saying:

Miss Jean Louise, stand up. Your father's
passin."

Atticus Finch was the model of the sole
practitioner in small town America. He was in many
ways the typical attorney of the time, practicing his
profession on a daily basis, representing people in
need as best as he possibly could for whatever they
could pay.

It was more of a calling than a business.

Atticus did not have the benefit of computers,
word processing, case management systems, cell
phones, or internet research....but what he did have
was the respect of the community.

Usually the lawyer in that era was one of, if not the most educated person in town. He knew how to find the law, argue it, and interpret it. No one walked into his office with copies of relevant statutes, cases, verdicts, and articles off of the internet.

They did not have to look him up on Google, review his web site, or check out his AVVO rating. He was in many cases the only attorney in town.

But as they say....that was the way things were.

Ray Kurzweil, a well known futurist has said that “in the near future the pace of technological change will be so rapid, its impact so deep that human life will be irreversibly transformed.”

I think we are in the midst of that transformation.

We get our news on the internet via our computers, and cell phones, we watch high definition TV, which will shortly be yesterdays news as 3D television takes over. The nook, the kindle, the ipad, ipod, iphone, smart phones, Facebook, and Twitter have changed the way we communicate, socialize, and live and the amount of privacy we are willing to give up. The word Windows almost sounds antiquated.

What is different now, from just a few years ago, is that technological changes that we will see 12 months from now will make most of what I say today seem obsolete.

Change occurred so much slower in the past. It took almost a century to go from the telegraph, to the telephone, to television, to FM radio, copy machines, dictating equipment, IBM Selectric typewriters, to the internet and computer age. Today we talk in months and weeks.

What we really are witnessing is change in the delivery of information and services.

A perfect example is mail. We have gone from the pony express to, daily mail delivery, to Fed Ex to email, to twitter and texting. But we are still talking about mail just faster.

It is all about delivery in music, news, literature and in our case legal services.

So what must we deal with now to determine our future?

There are three trends that are changing the profession forever.

They are:

Globalization, Technology, and Demographics.

Globalization brings to mind the outsourcing of legal services to thousands of attorneys in India, and other common law countries. The internet has connected them not only to us but to our clients who are looking to reduce legal costs.

Outsourcing is not just a large firm phenomenon. Smaller firms are using these services to deal with large amounts of documents to reduce costs.

But globalization is not a one way street.

Lawyers Services from the US are in demand around the world. The United States exported over 6.7 Billion of legal services and imported less than 2 billion last year.

The fact that we are a net exporter of legal services has not gone unnoticed by law societies around the world.

Last May I participated in a program on Globalization at the Chief Justices Conference in Chicago. The presenters were ethics professors, lawyers from Europe and England, the incoming President of the ABA, Carolyn Lamm, the head of the Law Society from England and Wales, Steve

Marks, head of lawyer discipline from Australia, and lawyers from some of the largest firms in the world.

At that conference the head of the Law society from England and Wales said quite clearly that England wanted to be the center of legal universe. He felt that they were making changes to their legal profession that would enable them to attract the largest law firms in the world make their headquarters in England. Clearly he felt that England, Wales, the EU and Australia were designing their future versus reacting to change.

The changes that are being implemented around the world are really quite striking:

1. The UK has adopted the Legal Services Act which allows multi disciplinary practices and passive non-lawyer investment.
2. They have adopted Legal disciplinary practices which allow up to 25% of non lawyer employees to own part of the law firm.
3. In Australia the law firm of Slater & Gordon is one of two publicly traded law firms.
4. These new forms of ownership change how partners can finance law firms. Partners can finance their law firms with other people's money versus their own capital or a loan from a bank.

5. Australia is also trying to reduce the number of grievances against lawyers by adopting a law firm form of discipline as opposed to an individual attorney form of discipline. They have implemented a system whereby law firms appoint an ethics partner. That person is responsible for compliance with the rules of professional responsibility. The firm is required to file a 10 point ethics review every year.

Carolyn Lamm, who is now President of the ABA and is a partner at the Global firm of White and Case, decided after listening to the statements made at the Conference to set up a Commission to study

the Model Code of Professional Responsibility in view of globalization and the changes in technology.

The commission is called the ABA Ethics Commission 20/20 and it began its work in the fall of 2009 and is slated to finish in 2012.

I am serving on this 13 member commission which is made up of judges, lawyers and professors.

We are looking at whether the model rules need to be revised to accommodate new technology such as cloud computing, virtual law firms, outsourcing, partnering with law firms that allow non lawyer ownership to name just a few of the topics we are considering.

Carolyn also designated that the topic for law day be Law in the 21st Century: Enduring Traditions and Emerging Challenges so we can discuss these topics around the country.

As important a subject as globalization is, there is not a force of change that I can think of that has affected the entire profession, from the solo practitioner to the largest law firm, to the judicial branch as much in the past 10 years as **technology**.

Technology has increased the pace of the practice and the expectation from our clients and colleagues for instant services and 24/7 access.

The 24/7 accessibility has impacted our work-life balance.

And the pace of the practice has surely affected the collegiality and civility among attorneys.

Firms of all sizes are being challenged by clients to consider alternative fee arrangements to take advantage of technology.

Technology has also opened the door for small firms to compete with large firms in any type or size litigation.

All law firms no matter what size have the same access to legal resources: The same size library, forms and computer systems.

The ability to communicate over the internet allows lawyers to live in one State or Country and practice in another State by virtual law firms.

Richard Granat, a pioneer in the virtual law firm field lives in Florida and practices family law via his web site in Maryland called mdfamilylawyer.com.

The number of Virtual law firms will only increase in the coming years. Nationwide virtual law firms that do not have brick and mortar buildings will be able to offer legal services without the overhead of a building infrastructure.

Regulating attorneys in a virtual law firm that only have a presence in the state on their web site will only be one of the many challenges facing bar and the courts.

Lawyers used to be the primary source for people, to find out what the law was. We had a monopoly on this information.

But now the internet has become the primary source for people to find solutions to their own problems, whether they be legal or medical. webmd.com is only one example.

But take a look at Google Scholar, which was launched on November 17, 2009, which allows people to search the law and download cases and statutes.

One only has to look at how the internet has changed the delivery, of music, newspapers, books, and products and services to see the wide reaching

effect it has and will continue to have on consumers and business.

The legal profession is not immune from this revolution.

Legalzoom.com was financed with 12 million dollars of venture capital and had 60 million dollars of revenue in 2009. That is 60 million dollars of revenue some of which would have gone to solo and small firm lawyers.

Although Legalzoom is the subject of a UPL law suit in Missouri and has been the subject of discussion of a CBA Task Force established to look at legal web sites I believe that we are not going to

stop or prevent web sites like Legalzoom.com from competing for a share of the legal market.

The commoditized practice of law, which includes incorporations, simple wills, leases, and contracts, is most at risk to technology. These transactions have been the bread and butter of solo and small law firms.

So, how do we deal with this new challenge to this part of the practice?

We are going to have to get used to the fact that we are value added providers. We must bring something to the table if clients are going to hire us. Some law firms are competing directly with the Legalzoom model by setting up web based portals to

allow consumers to go to their web site at any time of the day to complete commoditized transactions.

Completcase.com; cybersettle.com;
jdsupra.com; elawforum.com; willparties.com;
legalgrind.com are web sites worth looking at to see how they are going to transform the profession.

But these web sites are just the beginning.

The combination of **SEARCH** and
ARTIFICIAL INTELLIGENCE will change the profession in ways we cannot imagine.

Think of the ability to type into Google search the most complex of legal questions and get a series of answers to something which would have taken us hours and or days to research and analyze.

We are at the beginning of an informational revolution where, vast amounts of very complex information, is going to be available to everyone with access to the internet.

Along with the informational revolution, we are changing how we communicate and interact with each other.

The brave new world of social networking is just in its infancy. Chat rooms are still around but when was the last time you talked about them? MySpace which was the first social networking site, is really now a music networking site. Facebook is today's news. For it to stay relevant it will have to change and develop monthly. Twitter and Tweeting is here

for now. But in some garage some one is developing a new technology or idea to compete.

For now we know that we have jurors tweeting, and searching on the internet. They are looking at accident sites on Google maps, checking out lawyers, experts and witnesses on the internet and researching questions about cases they are sitting on.

We have lawyers criticizing judges and each other on Facebook, Twitter, and blogs. And our clients are posting pictures of themselves committing crimes or inappropriate acts on their Facebook pages all the while professing their innocence.

The challenge to the profession not to mention society from social networking is truly just at the

beginning. Our client's privacy or lack of privacy, will be the subject of numerous seminars, and conversations, and inevitably law suits where some Judges in this room are going to have to decide some very interesting and tough questions.

The thirst for access to information about lawyers and judges is also just beginning. We have AVVO.com, Google, Findlaw.com, martindalehubble.com all on-line to allow potential clients to make assessments about attorneys before they pick up the phone.

For judges there is therobingroom.com a rating site for Federal Judges. This site is worth taking a look at if you have not seen it before.

As a result of all of this information very few clients walk into the office without doing their homework.

But on the positive side won't this flow of information only result in better services from lawyers? We all know that one bad restaurant review is usually the end the restaurant. Unfortunately in our business we do not always control the outcome of trials or transactions but we can surely do a better job in communicating with our clients and keeping them informed.

**The last area I want to talk about is
Demographics.**

There is a terrific video called **“Did You Know”** on YouTube. This video is updated every few months and is worth looking at, especially with your children.

The video deals with demographics around the world. It is only 7 minutes long but worth every minute. One great statistic on the video is that the number of honor students in India equals the number of total students in the US.

So how are demographics going to impact the profession over the next 5-10 years?

55% of all lawyers today are baby boomers. We are an aging bar. And we baby boomers have caused chaos as we have gone through all the decades. From

increased schools, to the consumption of consumer goods we have left out imprint.

The oldest baby boomers are approaching retirement and of course the question after the economic meltdown is can we afford to retire?

An aging bar raises issues concerning lawyer competency, discipline and retirement planning.

What do judges do about an attorney who they know is struggling with competency as a result of age?

What do we as a bar do about it?

When the bar was smaller we knew each other and to a certain extent we watched out for each other.

How will we do that in a virtual world? A world where we communicate by email, and tweets and rarely see each other face to face?

So where do we go from here?

It is impossible to predict the future. If anyone is able to do that they would be better off playing the stock market. But what we can say with certainty is that globalization, technology and demographics are not going to stand still and wait for us to catch up.

As a profession we need to determine our own future. No matter what we think about changes to the profession around the world, the law society in England is right about one thing: They are trying to determine their own future versus reacting to change.

Will we see law firms in Walmart and Stop and Shop and more legal services on the internet? Will non lawyers try to take as much of the commoditized practice away from lawyers as they possibly can without violating UPL? Is UPL for the protection of the consumer or are we using UPL to preserve our own monopoly on the delivery of **legal services?** **These are hard questions that we must deal with now.**

But in spite of all the forces changing the profession that I have outlined above I believe that the legal profession will always be as relevant and as important as it has been for centuries.

Other professions and businesses as important and interesting as they may be, do not safeguard the rights of all of our citizens.

We are the protectors of the unpopular cause, the downtrodden, the accused and the persecuted. We represent the last hopes of someone sentenced to death.

We fight for and represent the poor, and the disabled. We are there to cry foul and then represent those who foul. No internet provider is burning building while everyone is running out, we are the ones, who rush in to make order out of chaos.

We are the ones who write the constitutions to make up the rule of law for those countries who know only the rule of violence. No internet provider is ever going to do that.

Just like the fireman who is running into the burning building while everyone is running out, we are the ones, who rush in to make order out of chaos.

We are the ones who write the constitutions to make up the rule of law for those countries who know only the rule of violence.

Who do the people who tell the lawyers jokes call when their children are arrested, when they get pulled over for drunk driving at midnight,

when they buy a house, when their spouse walks out the door, when the builder defaults on the contract, when they are injured, when they lose their job, when their house is being foreclosed, when someone dies, when they get a sued, or just when they need good personal advice? They call us.

Who will they turn to when they find out that the will, or the lease they bought on the internet does not do what it was supposed to do? They will call us.

And we will do what we always do. We will make order out of chaos, and we will try to fix the problem.

We are a proud profession with a tradition and history of achievement that cannot be matched by any other profession or business and we should never forget it.

We have been there, front and center at every important event in our country's history and we will be there for every important event in the future. We will be there shaping the future of this country, the world and our profession.

Some days I think we forget what our core values are because we are so wrapped up in getting work, trying cases, closing transactions, making payroll, answering the never ending stream of emails, and phone messages, not to

**mention, keeping up with all the new technology,
and complex laws that Congress and the
Legislature pass every year. And of course, we do
try to be attentive spouses and good parents.**

**Days like Law Day give us the opportunity to
stop, and take a few minutes, turn off the cell
phone, and to be proud of the fact that we are
lawyers and judges....the keepers of the rule of
law.**

**There will never be a virtual law firm, or web
site that will replace the lawyer who has given his
or her best effort during a trial.**

**Who at the end of the trial win or lose will
pack away his or her papers, books and lap top.**

**And only by the force and strength of his or
her presentation and demeanor and the respect
that he or she has earned in the community will
the words be said,**

**“Miss Jean Louise stand your father the
lawyer is passin”.**