

Table of contents

Preface	7
Introduction	13
Part 1: Trends	23
Chapter 1: Change³	27
Chapter 2: The data boost	55
Chapter 3: The hybrid era	99
Part 2: Making it happen	137
Chapter 4: Procurement	141
Chapter 5: Collaborate to innovate	171
Chapter 6: Compliance, quality and risk	189

Part 3: Models of delivery	219
Chapter 7: New law models	223
Chapter 8: In-house lawyer	255
Part 4: People	283
Chapter 9: EQ ≥ IQ	287
Chapter 10: The aspiring and associate lawyer	317
Chapter 11: The advanced lawyer	359
Part 5: The future	381
Chapter 12: Horizon-gazing	385
Conclusion	427
About the authors	458
Index	461
About Globe Law and Business	xxx

Chapter 10:

The aspiring and associate lawyer

Surfers: they crop up in almost every type of advert – often when we least expect it – from luxury watches to top-of-the range cars (the irony being that these are things that most surfers can't actually afford). Including a surfer promises an exciting future ahead, provided 'you've got the guts to get out there and attack it'. They speak of freedom and peril; living life to the full; and ultimately triumphing over the odds.

Surfer Laird Hamilton, who knew a thing or two about perilous endeavours, having surfed some of the biggest waves on the planet, has appeared in a fair few ads himself. He told one magazine that the only thing which is "crazier than riding big waves is living in the city and working in an office".¹ (And he probably didn't mean it in a good way.)

Even so, in the fluid world of 'change³', the surfing metaphor is more apt than ever – even for us poor office workers.

Like surfers, we lawyers need to be experts at reading the waves of what's heading our way in the months and years to come. Surfers are famously methodical about the tides, winds, currents and swells of their ocean environment: they need an acute sense of where they are at all times.

More than ever, we need to understand the trends and patterns that ebb

and flow and underpin what we do too. We need to understand that, yes, like the best surfers we'll catch some waves – perhaps most of them; but, no, we won't be able to catch them all. As each wave crests and falls, we'll need to look ahead to the next one. We'll need to learn about the importance of timing and also when to sit some waves out. Sometimes, for a bit, there'll be no waves at all. And, of course, mistakes and wipe outs will happen to the best of us.

When the internet first arrived in law firms, most lawyers had to learn how to 'surf the net'. The person who reportedly popularised the use of this surfing-inspired term wanted to "evoke a sense of randomness, chaos, and even danger".² (No wonder it felt so exciting at the time.) Today, like we did a generation ago, we need to learn how to 'surf the tech': the roiling, unfurling waves of technology and innovation which are barrelling towards us, whether we like it or not.

We can either try to surf it as best we can – and embrace it, enjoy it and thrive on it – or we can resign ourselves to bobbing up and down in the cruel sea, at the mercy of waves crashing down on us, and find ourselves dazed and confused about what just hit us.

What does this mean for law firms?

- Firms, and the people within them, need to be ready: we not only have to prepare our businesses for this world (with the help of this book, of course), but we also have to ensure that our aspiring and associate lawyers (and non-lawyers) are ready to 'hit the waves' too. The future of our firms ultimately rests with all the people in them being able to cope with this uncertain, dynamic environment, week in and week out, and come back wanting more.
- Firms need to prove to the outside world that we're getting ready: we have a duty to show people that we get it; that we understand the world is no longer as linear as it used to be (see the 'seven ages of lawyering' in Chapter 11); and that we're doing something about it. We're changing from a stereotypically staid profession to one in which the future is embraced – a 'wigs to waves' strategy, if you will.
- Firms need to make this all as fulfilling as possible: aspiring and associate lawyers shouldn't be left shivering on the beach, worried about what lies ahead. The authors aren't convinced that working in an office is 'crazier' than surfing (although some stories from *RollOnFriday* might suggest otherwise)³, or that there won't be difficult days at work, but this doesn't mean that we can't make the jobs of the future as rewarding as possible and support our lawyers to bring this about. We owe our future talent this much at least.

And this takes us on to the final ingredient which law firms need to think about: passion.

The problem? People are passionate about almost *everything* nowadays. As a currency, it's become devalued. In a work context, it's not a characteristic that many of us have in any event – at least that we're happy to admit to in public (stiff upper lip and all that). Anthropologist Kate Fox has spent years studying workplaces in England.⁴ She says, for example, that typically staff take work seriously, but not too seriously; have a sense of duty, but are “grudging” with it; like a good moan, but do so with good humour and have a “stoical pride in ‘getting on with it’”.⁵ This is quite a charge sheet. But there's nothing within it which particularly screams ‘passion’.

And yet aspiring and associate lawyers are bombarded with calls on social media and elsewhere to “live their best life” and “follow their passions”. “Find a job that you love and you'll never work another day in your life”, say countless influencers on Instagram, perhaps accompanied with hashtags like #MondayMotivation or #DoWhatYouLove. At first sight, it's a tempting proposition. It feels quite motivating. (Who wouldn't want to do what they love?)

As this book shows, we've a lot to be positive and motivated about. And we need to convey this to aspiring and associate lawyers. But we also need to dial down this ‘passion’ rhetoric a bit: all jobs have their ups and downs; there are good days and bad days. The fact is that working hard and enduring a degree of hardship is baked into our profession as much as the satisfaction of a job well done – if anything, this makes this satisfaction taste that much sweeter.

Don't get the authors wrong: we still need ‘fire in our bellies’. Passion, drive, get-up-and-go – whatever we want to call it – is something which no robot can replicate or replace. It's the uniquely human ‘right stuff’ that law firms need to move forward in this time of ‘change3’.

If we choose the right path, the authors believe that the legal profession is going to offer aspiring and associate lawyers a greater variety of opportunities than today, many of which won't necessarily involve them being a ‘typical lawyer’. We think that being a future lawyer will be rewarding because of the challenges that we face, not despite them. Passion might well get us started; it could be the initial spark that brings about change; but EQ skills, such as patience, resilience, tenacity and compassion will be the traits that will take aspiring and associate lawyers to the next level of lawyering. And these EQ skills bear little resemblance to the superficial veneer – the high-fiving ‘passionfest’ – that many influencers sell with a forest of hashtags online.



In this chapter we look at some of the key aspects of being aspiring lawyers (which includes law students and trainees) and associate lawyers (junior qualified lawyers) and managing this talent in the unpredictable years ahead, including:

- working with non-lawyer colleagues;
- creating a profession for all;
- getting the talent in – and keeping it in!;
- making business happen;
- being enablers for change outside of the profession too (after all, we sit at the crossroads of many disciplines, sectors and industries); and
- having a culture of life-long learning.

We then look at two case studies and finish with some practical tips on aspiring and associate lawyers.

1. Reminding our people that the profession does have a future, albeit a different one from now

Despite the challenges set out in this book, it's clear that the future for lawyers is far from over. The reports of its death are greatly exaggerated: there's still 'life in the old legal dog yet'!

However, 'change³', the 'data boost' and more hybrid ways of offering legal services and working (including through automation) does mean that jobs of aspiring and associate lawyers won't be the same as they are now. New roles will appear too:

- The risk of automation for most legal jobs in the legal sector seems to be relatively low, although some jobs are at greater risk. One 2013 report noted that the sector could grow through becoming more agile, which would be "enough to offset some of the aggregate employment losses".⁶ The story on automation is certainly mixed:
 - Christina Blacklaws, chair of LawtechUK, said in July 2022 that the "hype" of robots taking over almost all lawyers' jobs has shifted to something "much more realistic".⁷ The Office for National Statistics has estimated that there's a 23% risk of "some or all"⁸ of the duties and tasks of a solicitor being automated, putting the occupation in the 'low risk' category (although it's worth bearing in mind that there's a fair difference between 'some' and 'all' in the ONS prediction above);
 - a report in 2013, however, put "paralegals and legal assistants" in the "high risk" category⁹ although continued cost pressures

mean that they'll remain an attractive proposition for many firms for the foreseeable future.¹⁰

- Career paths won't be as linear as in the past: a job for life is increasingly an anachronism for many.
- Some tasks within the profession, through technology and innovation, will be de-professionalised (ie, deskilled), unbundled and commoditised. Some tasks will be outsourced too through, for example, legal process outsourcing (LPO).

As the waves of technology and innovation roll in and continue to crash around us we need to help our aspiring and associate lawyers adapt to this changing profession. The authors have certainly noticed the following in recent years:

- Aspiring and associate lawyers expect and want to see technology and innovation in law firms. If a firm falls behind the tech curve, they start to ask themselves: "Why should I waste hours doing a dull, repetitive task, when tech could be doing it for me?" Lawyers want to spend time doing better work, not boring work. They also want to feel that the firm they're with is going places and has a future; they want to see tech being prioritised and invested in.
- Automation is happening now. From the authors' experience of developing contract review tools (see Chapter 5), aspiring and associate lawyers have much to contribute to the innovation process, bringing a valuable perspective on how they use tech in their daily lives and how that might influence the legal tools of tomorrow.
- Change is coming. It's unsettling and needs to be managed. As Kate Fox also notes, persuading office workers in England to change needs to take into account that they aren't always keen on it. She suggests that a typical rallying cry would be: "What do we want? GRADUAL CHANGE! When do we want it? IN DUE COURSE!".¹¹ But change is likely to come quicker than this at times. Good and constant communication is therefore vital.
- We're seeing more of a blurring of the lines between lawyers and 'techies'. For a while now, to get a more rounded perspective, many firms have had aspiring and associate lawyers doing six-month seats in IT-related functions or secondments in tech businesses. These firms want to have an input into how technology works and meets their needs and those of their clients. They're rolling up their sleeves and getting more involved.
- The extinction of a traditional job for life means that progressive firms think of lawyers as being 'lawyers+'. We are no longer pin-striped one-trick ponies. From summer placements to searching the market for senior associate talent, the message is "you might be joining a law firm, but you can be more than a lawyer if you want". In

practice, this could mean lawyers ‘moving sideways’ and doing less fee-earning, perhaps because a part of their job has changed. Or it might just be they simply fancy shaking things up a bit:

- an experienced associate spends half their time working on major internal IT projects, including developing new legaltech and giving the IT team the legal perspective on these projects;
- a paralegal reskills to become an expert in training AI systems, such as document-review tools;
- an associate spends a day a week working on legal design projects for an internal team, fixing the UX of legal documents using the latest design techniques; or
- an in-house barrister becomes a metaverse compliance officer and expert in the legal aspects of AR, MR or VR (augmented reality, mixed reality and virtual reality).
- Once associate lawyers have settled into their careers, the identity of being a fee-earning lawyer can feel like it’s the be all and end all. Innovative firms reiterate that while fee-earning work is important, non-fee-earning work is of value too.
- De-skilling aspects of legal work doesn’t have to mean de-humanising it. Unbundling, commoditising and outsourcing work can be done with respect and dignity too. These firms:
 - treat their lawyers with respect. In Singapore, a world leader in digital transformation, government agencies are already producing guidance on ‘redesigning work’. One key element is the need to prioritise “the dignity of their employees”¹² when, say, AI is adopted;
 - help those who are most affected. Sometimes the change will arrive without warning. Aspiring and associate lawyers need to know that firms will have their backs and, if needs be, will retrain them and try to offer them alternative stimulating work:
 - in another legal field; or
 - in another area altogether.
 - Lifelong learning is valued. Norton Rose Fulbright’s change and innovation programme, *NRT Transform*, for example, has seen its employees upskill and become process engineers, legal designers and legal technologists.¹³ Lawyers are learning new skills.

Of course, no career can be future-proofed entirely. But law firms can help aspiring and associate lawyers find their purpose and help them nurture it.

2. Welcoming the new entrants to the job market

This often falls under the radar, but there’s a lot of potential human talent coming our way. In a tight labour market, this is welcome news for many firms.

2.1 In the United Kingdom: a mini baby boom

By 2025, the number of 16- to 18-year-olds is expected to increase. According to the Association of Colleges, this means that an extra 90,000 more young people will be in education by 2024–2025.¹⁴

This type of opportunity doesn't come around often. The 2020s – the United Kingdom's "digital decade"¹⁵ in the words of the Master of the Rolls, Sir Geoffrey Vos, is the time to put this cohort to work. This group of students could well include the lawyers, data experts and other roles that firms desperately need. Instead of seeing this young talent end up in run-of-the-mill, low-paid jobs, we could offer them a great opportunity to help us to modernise our firms while also preparing them for the digital future.

Demand for talent in areas like technology continues to increase, but the birth rate is going down. This might be the last UK baby boom for a while. The time to act is now.

2.2 Overseas talent

The talent in our firms, both legal and non-legal, may also come from further afield:

- Through trade deals, such as the UK-New Zealand agreement. The agreement with New Zealand contains provisions in it to work towards liberalising both countries' professional services markets. Even before this happens, officials have estimated that tens of thousands of New Zealanders may emigrate in the next year or so. Many of these could well be lawyers, particularly in the coveted NQ-to-a-few-years-PQE market. Similar trade deals might have similar effects.
- Through the United Kingdom's new immigration system. The UK *Global Talent Visa* scheme allows those with, say, digital technology expertise to move to the United Kingdom for up to five years, without a sponsor or job offer. The *Tech Nation Visa Report 2021* noted that a third of applicants for this scheme are from India and just over 11% from Nigeria.

And having a newcomer's point of view could just give us the edge that our firms need. One venture capital investor noted that over half of the top tech companies in the United States were founded by people born outside of the United States or children of them.¹⁶ As tech entrepreneur Catherine Wines said in 2018: "To become a visionary, you have to take the perspective of an outsider in order to see the things that are taken for granted by insiders."¹⁷

This is an extract from the chapter 'The aspiring and associate lawyer' by Paul Caddy, David Jackson and Tony Randle in *Legal Practice in the Digital Age*, published by Globe Law and Business.