Commission on Justice in Wales
Oral Evidence Session
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Present:	Commission members	Secretariat team
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Opening remarks Dr Anna Donovan

- By way of introduction, I am Vice Dean (Innovation) at the University College London (UCL) Faculty of Laws. I have a number of other roles at UCL that are pertinent to the Commission's work, which include: faculty director for LawWithoutWalls, an international programme exploring the intersection of law and technology; faculty lead for UCL's partnership with Barclays' Notting Hill Eagle Lab, which is a LawTech post-accelerator workspace launched in partnership with the Law Society; faculty lead for the UCL Legal Hackers student chapter; and convenor of the undergraduate Law, Innovation and Public Policy module, which is due to launch next year.
- In addition to the above, I am a member of the UK LawTech Delivery Panel and Chair of the Panel's education taskforce. The key objective of the education taskforce, which is comprised of experts from across the academic and practising arms of the profession, is to identify how we can prepare the lawyers of today and tomorrow for a rapidly transforming legal landscape and profession. In this context, education is defined broadly to include academic instruction, research activities and post-graduate training and development. Key themes that are emerging from the initial work of the taskforce include the identification of competency and skills gaps in legal education, facilitating collaborative working and supporting a learning environment (broadly defined) where innovation and thought leadership can thrive. It is clear that education is a critical component of the innovation ecosystem and educators have an important and rewarding role to play in helping to support students' enthusiasm and curiosity when exploring the possibilities that LawTech offers .

Opening remarks: Professor Andrew Murray

- For 20 years I have been working in the regulation of legal technology and currently my research focus is the role of Artificial Intelligence (AI) and how AI challenges and enables legal practice. The London School of Economics (LSE) does not have computer scientists working alongside lawyers. The common themes emerging from the Law Society LawTech Regulation Task Force are cultural issues. We find that there are competing demands for development and adoption of disruptive technology and concern from the legal profession that the disruption will be harmful to them. There are a lot of changes occurring right now, the area is unsettled on technological, market and legal education changes.

Question area: Re-design the curriculums of law school degrees in light of the rise of technology-driven legal practice

- AM: There is a lot to unpick in Chief Justice Menon's lecture. If we look at the macro issue first – what skills lawyers need? It is very clear that the practice of law will be disrupted in the next 10 to15 years through law tech such as textual or data analysis. Lawyers are going to need to be trained to interpret the technology – not necessarily to programme. They will need to contextualise the information to feed into business or advise clients. The Law Tech Regulation Task Force has realised that digital literacy sills are key. There are large numbers of students who still struggle to develop more advanced digital skills. The micro question is how they are taught. Chief Justice Menon has a bold strategy. Is a law

school about training someone to be a lawyer or to give someone academic training? Singapore is not unique but it is an unusual jurisdiction. The legal system is heavily government backed due to investment and support. England and Wales has an academic stage and then a professional stage. There is a split between academic training and professional training. This will be made clearer in Solicitors Qualifying Examination (SQE) SQE 1 and SQE 2. SQE 1 will not require a law degree. The message of Chief Justice Menon will be difficult to implement in England and Wales. There is a much bigger question on what is the role of academic training. There needs to be a clear discussion on who should teach these skills. In the 1996 lecture 'the Law of the Horse' by Judge Frank Easterbrook it was said it is not the role of universities to teach specialised law courses. Most universities are still unsure on which way to go with the SQE. Some institutions may take SQE 1 in-house but it might not be taught by people who teach academic law. I don't want academic lawyers to teach data analysis. We need to teach legal principles. The focus should always be on the legal and not on the tech.

- AD: It is important to be clear from the outset that when exploring redesigning curricula, we are looking at how we can support those institutions that wish to make changes, rather than mandating reform. Against this, there is also an important distinction to draw between skills, which tend to focus on the practical application of knowledge and are often the focus of a student's vocational training, and competencies that look to develop behaviours across all stages of an individual's education. It is axiomatic that lawyers need (and will continue to need) critical thinking and excellent research skills. However, the changing legal landscape means that we also need to equip people with the ability to work in increasingly multi disciplinary teams, with individuals that may have a very different understanding and approach to the same issue. For example, lawyers will be required to not only translate business strategy into legal prose but also to translate or, more accurately, effectively communicate legal concerns to a computer scientist (and vice versa). We don't know what the technology will be in five or ten years time but we need individuals who are interested, curious and open to new technology and who are well-placed to engage with, and respond to, its impact on legal issues and practice. The question is, how do we support people in generating these competencies? For example, how can we use project based learning and collaboration to assist students in understanding how to work across geographical boundaries and disciplines? To develop these competencies, we need to look not only at what we teach but how we teach. That is, how can we facilitate not only intellectual acuity and agility but also a better awareness of multi disciplinary working, international practice and collaboration so that our lawyers (whatever their route to the profession) are prepared for the technological changes and opportunities that emerge. It is clear that law faculties will continue to teach traditional subjects (albeit potentially alongside new modules) but perhaps some of these classes will be taught in a different way to facilitate emerging competency-based learning objectives. For example, in LawWithoutWalls students work on a problem across time zones and cultures to understand how legal issues and opportunities arise in an international context, whilst developing competencies concerning multi-disciplinary collaboration, project management, business strategy and presentation skills. When looking at curricula design it is, of course, crucial to align assessment with the intended learning outcomes. In UCL's new Law, Innovation and Public Policy module the assessment will include both written work and group work to help support engagement with the collaborative aspects of the programme. Also, faculties should ensure that they look at their module offerings as a whole to identify the range of competencies and skills that are being addressed. Outside of assessed modules, it is helpful to support students in terms of time management and project management techniques. Many of our students have not yet had the opportunity to fully develop these skills in the workplace, so it can be incredibly useful to provide them with this support to better manage their workloads at university, especially if they are undertaking significant extra-curricular activities.

Question area: Collaboration between law schools and law firms to develop new technology

- AD: This kind of collaboration can be a win for everybody. Universities learn more about emerging technology and develop their networks, whilst law firms are able to engage with a multi-disciplinary team of experts. To get the most out of these types of collaborations, it is important to ensure that both students and clients are included where appropriate. Clients are often keen to be involved in

- innovative thinking, whilst building relationships with their lawyers. Students have the opportunity to gain insight into the emerging activities of their profession, whilst contributing to developing real thought leadership. Collaboration can be structured in many ways across a continuum depending on the objectives and resource commitments of the parties. For example, simple one-day hackathons and round table meetings, internships (in both directions), short-term research collaborations and teaching collaborations to the creation of long-term partnerships in research centres. A whole range of activities can be implemented that can add a new dimension to existing practices.
- AM: Universities have resources that law firms do not and vice versa. The value needs to be recognised. There is a question about appetite for risk and time. Law firms have access to real life problems and universities have a much wider, multi disciplinary skills base. We have students who have not learnt bad practice yet and can be innovative. Law firms can feed in information in a protective form without doing any lasting harm but look at innovative outcomes. Students can be given the opportunity to play and break it and be innovative. There is a lot of untapped benefits for both sides. In Edinburgh University they had a research centre into intellectual property with a firm and both sides see the mutual benefit. The costs of a couple of PhD researchers does not costs as much as associates. Funding is becoming more constrained and universities are going to be looking for money. This is an important way to share knowledge.

Question area: Law schools and the legal sector in Wales be working together and partner with tech-start ups

- AM: LSE has started a programme with the strategic aim of what the university wants to be in 2030. Life-long learning is one of the aims. One thing Wales could do is re-training and re-educating later in life. The universities in Wales are strong local hubs. Aberystwyth is fairly remote but a real centre for intellectual vibrancy. Universities can be a hub for re-training adults and a hub for employers. Universities can provide space where people can come in and connect. Universities have physical space, intellectual vibrancy and access to resources. Connecting a local business development agency to the university provides that intellectual conduit. We need to re-look at the aims of universities and life long learning is key. Universities can do basic things by giving access to basic resources, they have a role in the local community and public funding of universities can be used to encourage that. Universities should not be seen as separate from communities but a part of them.
- AD: LawTech provides an important opportunity to explore the role of lawyers and law schools in society. We want universities to be physical and intellectual centres that serve communities. Universities can support communities in a significant number of ways, including the sharing of knowledge to help their constituents achieve their goals. For example, at UCL we have a co-working space at Kings Cross (BASE KX) for start ups. Universities can provide tech start-ups with incubator space and other support, such as legal clinics, to give them reliable and basic advice on good governance and IP registration. There might also be internship and research opportunities. In this way, universities can also start to create an alumni community that shows students multiple pathways to law, should that be something they are interested in pursuing.

Question area: Law school support for smaller firms?

- AD: This is a challenging question as there is a potential risk for smaller practices who do not have the resources that larger firms have. However, it should also be made clear that smaller firms can be more agile in their thinking and, more importantly, implementing behaviour change. In this way, LawTech has the potential to provide smaller or boutique firms with the opportunity to compete with larger firms in a way that was not previously possible (or necessarily easy to do). It should also be noted that onboarding technology, through licensing models, is now much easier than has historically been the case. There are some ways universities can help. For example, providing knowledge and education through public engagement events, supporting start ups that serve this community (through, for example, entrepreneurial programmes), as well as helping facilitate networking between smaller firms and the LawTech community to identify where opportunities arise.
- AM: On the Regulation Task Force we have been made aware that disproportionately the investment in law tech are magic circle and London based law firms. Law tech is London centric. Pathways need

to be designed that encourage money to come out of London. There are concentric rings from London out and in the rural areas the law firms are smaller and they tend to be further away from the centres of development. The Task Force is concerned about simple ownership of data and knowledge. Law tech can lock up information. Government has a key role to ensure public availability of data sets and knowledge. These need to be available to all. This will allow smaller firms to get reasonably cost effective information. They also need to have the technology and skills. Universities also have a role to play to release knowledge. Universities are more committed to give access to university research. To allow small firms to compete they must not be penalised by stopping them having access to knowledge.

Question area: Use of technology for law schools to improve access to advice services

- AM: I am not sure as I have no experience in outreach and access to justice work. Universities have a role as local hubs. Universities can do more work in getting out to the community. LSE has a good programme in going out to schools in socially deprived areas. The role for law schools is not to use technology in this area. There are a lot of resources in rural areas such as town halls etc. Students correctly supervised could go out and provide advice in these areas. Universities can provide a conduit of knowledge without technology.

- AD: UCL has an integrated legal advice clinic (iLAC) that specialises in social welfare law. The centre was originally located in a GP's surgery, which provided the local community with visibility of the clinic, before moving to its new permanent premises. iLAC demonstrates the key role that universities can play in developing community partnerships and helping those in their local communities. LawTech is certainly one way of increasing this impact, especially once a relationship of trust has been established. In terms of the technology to be used, it is a case of looking at what technology is most widely used, any restrictions that may exist, and then developing solutions accordingly e.g. online platforms or smartphone apps.

- AM: Universities should not be rewarded as an incentive for ethical behaviour as this should be at the heart of university work. Universities should be incentivised to do community work. The knowledge exchange framework essentially provides a lot of value around influencing policy and practice. There is not much value placed on community projects and outreach. More weighting could be placed on work between universities and local communities. Academic institutions reward research primarily; teaching is secondary and quite far behind. If you want to be a successful academic you are told that research is most important. To change the outlook into a more community focus activity would mean a real cultural change.

- AD: Similarly, I would not advocate an uplift in funding for ethical activity as this should already be embedded in everything that we do. Rather, community projects could be ring fenced to support academics in developing such activities. To structure these projects properly and sustainably takes time so adequate funding to assist in their development would be very helpful. UCL defines enterprise, innovation and entrepreneurship as 'doing good' and making an impact, it is not simply a question of monetising activities. This is an important characteristic of innovation to remember – it brings us back to the role of universities and lawyers as citizens.