



PROFESSOR RICHARD SUSSKIND

MONOLOGUE FROM THE LEGAL VIDEO NETWORK WEBSITE

Time Elapse	Narrative
00.06	Hello, I'm Richard Susskind and I'm sitting in the offices of Tandberg in Staines, not far from Heathrow Airport and I have just seen a fascinating demonstration of their technology of Legal Video Network so I'm actually more fired up than I thought I'd be because I hadn't given video conferencing a huge amount of thought for a number of years and I just had reinstated my confidence that this is really something that's terribly important for the legal profession.
00.30	I'm sorry I can't be with you in person, I have got another commitment today but we are using technology as it should be and hopefully I will be able to convey my enthusiasm and my thoughts about the technology through this medium.
00.41	I want to say a number of things about information technology more generally and then about video conferencing in particular and I hope you will be able to apply some of this thinking throughout your own planning processes.
00.54	The first observations I wanted to start with is about changes in the legal marketplace because we are at a very interesting time; I think a crossroads in the legal market. When I speak to major clients of law firms, general counsel, they tell me three things.
01.08	They say first of all they are under pressure to reduce their own internal head count. They say secondly they are under pressure to reduce the amount they spend on external law firms but they say thirdly that they have got more legal and compliance work to do than ever before and it's riskier too. Now I say that this is unsustainable.
01.26	How can it be that we as a legal marketplace can generate what I call "more for less"?; because that's what the challenge is. Clients are saying somehow they need more legal service at less cost. That's the challenge that underpins really all the work that I have been doing, both in my writing and speaking and in my consulting and so it's with that in mind that I'm looking at video conferencing today.
01.47	Now I say that there are actually only two solutions to the "more for less" challenge. The first solution I call the efficiency strategy; the second solution I call the collaboration strategy.
01.56	The efficiency strategy says this – we have to find ways of cutting the costs of legal services. It's actually just too costly to deliver it in the way that we deliver it

	today and many general counsel are saying they need to reduce their legal spend by about 30-40%, so we have to work hard at being more efficient. So the first question is, "How can video conferencing help with that?"
02.14	The second strategy for addressing the "more for less" challenge is what I call the collaboration strategy and that says, in a variety of ways, clients will come to share the costs more effectively of legal services. A lot of that is about more effective communication, collaboration and again this is where I think video conferencing comes in.
02.32	So I'm thinking when I am thinking of video conferencing, "How can we introduce greater efficiencies through that technology?" and how we can enable collaboration through that technology.
02.42	If you can just park that thought for a second, I want to plant another one and that's a fundamental distinction. I often draw on technology between what I call automation and innovation. Automation is what many people think of when they think of computers and systems and technology. They think about taking some kind of process or activity or organisation and computerising it or systematising it, streamlining it, optimising it. These are all the kinds of words we hear and what fundamentally is happening there is that you are applying to technology something that already goes on.
03.11	Now if you look across the world there's been lots of great applications of automation, but when I look at other sectors I see that what has happened there, the really interesting applications of technology, those that have really changed markets have not actually been incidences of automation at all.
03.27	They have been incidences of what I call innovation and innovation in my terms at least is when you use technology to allow you to do things that previously weren't possible and that is a crucial factor and again when looking at video conferencing I am saying on the one hand how can we automate processes that already go on but secondly how can we use this technology; that's the challenge I'm putting down, I can't provide all the answers.
03.49	How can we use this technology innovatively to allow us to communicate with those with whom we work in ways that previously weren't possible? That for me is a fundamental strategic challenge of video conferencing technology for the legal profession.
04.03	When I was looking around today I was reminded of a trip I did about 12 or 13 years ago with a Judge who is now in our new Supreme Court and we at the time were looking at a variety of technologies for court rooms and we went to one of the world's most famous laboratories and they were showing us video

	conferencing technology.
04.21	I remember that at this time video conferencing was very much in its infancy. When you used video conferencing the person with whom you were speaking was a kind of distant staccato puppet and there were all sorts of problems with time delays; latency I think the problem it was called from a technical point of view. Basically it was good and impressive but most people said actually they preferred using the telephone or they preferred perhaps at least a face to face conversation and so it was in that context that we went to have a vision of the future and this laboratory said, "This is what video conferencing is going to look like in 10 years time", and essentially they showed us something which we would now call tele-presence, which is one of Legal Video Network's offerings and that was this idea that you actually felt that you were in the same meeting room, breathing the same air as those with whom you were communicating and it just looked science fictional at the time and they also showed us wonderfully high quality desktop to desktop video conferencing, again barely imaginable at that time and what fascinates me today is that it took 12 to 13 years later that really these technologies have now come of age. They are no longer science fiction. They are no longer the stuff of laboratories. They are actually here and now, commercially available and I believe should become of central stage within the legal profession.
5.38	So I have mentioned a little bit of what's available and I am not going into any technical descriptions but for me there is a kind of continuum.
5.48	At one end there's this marvellous replication of the meeting which we call tele-presence, commercial tele-presence when one as I say you feel that you are gathered in the same space as the quality is so tremendously high, the sound quality too. It really is almost like a physical meeting experience. Right through to the other spectrum of the desktop to desktop communication which actually fascinates me even more is the idea that we can enhance the way we talk to those with whom we are in contact through desktop to desktop communication.
6.18	So that's the kind of technology and there's lots in between. But another fundamental distinction I want you perhaps to think about today is and in really relates the automation innovation distinction is that some of the uses of video conferencing from tele-presence through to desktop communication might replace a physical meeting and to some extent you can say they are automating so that you could say that rather than having that meeting physically why don't you use this technology and that's the automation as the replacement of the old traditional interaction.
6.51	The second option though that I found more exciting is that when you use this technology to enhance an existing communication so saying that rather than

	speaking on the telephone or rather than perhaps using text messaging or instant messaging or Facebook or e-mail or whatever it is as your chosen method of communicating we can greatly enhance the communication experience by using video conferencing technology and again just as I say you should be perhaps thinking about how you can introduce either greater efficiencies or introducing new ways of collaborating through the technology also think for all these applications how can that in the one sense perhaps replace things we currently do inefficiently, automation or how can that enhance what we already do and say increase the quality of what we do?
7.36	So what does all this mean for lawyers? Well the reality is that communication is at the heart of the law firm's activity whether it be communicating internally or externally with clients, with our firms or with Judges and with counsel, whoever we are in the communication business. Lawyers are irreducibly information managers. We transmit, we convey information but we do communicate and interact with one another.
08.00	I was amazed actually in 1996 I wrote a book called "The Future of Law" and in "The Future of Law" and at that time I was talking about it, I was saying that the main way that the way lawyers and clients would communicate in the future would be by e-mail and I kid you not at that time there were many senior people in the legal profession saying that I shouldn't be allowed to speak in public, that I simply didn't understand confidentiality or security. They couldn't imagine that e-mail would ever be used. We are perhaps a little like that today with video conferencing.
08.27	Most lawyers perhaps can't imagine that they would be using video conferencing on a daily basis to communicate with all their clients. I am quite happy to sit here now and say that within five years and probably a lot less it will become a very common way of communication between lawyers and all those with whom they work.
08.44	So who do lawyers communicate with? Well clearly they communicate internally and often that's done as we know rather inefficiently. Where you have a law firm perhaps that's in many offices, perhaps even in many countries and the amount of travel that goes on to bring people together to convene this individuals causes massive expense and confusion and tiring and all the rest of it. It's a painful process and I have little doubt that the technologies that are already available in so many ways can replace these existing meetings.
09.11	I'm not saying never meet face to face but so many of the meetings that I personally attend I am completely convinced could be replaced by high quality video interactions internally and that interestingly is not even just restricted I think to meetings where you are not in the same office or in the same city. Even the

	idea of speaking to people within your own office perhaps only two or three doors down.
09.34	The enhanced experience of a video exchange where you actually have all the information content that comes through from the expression on the face and so forth that enhanced experience again will improve internal communication.
09.46	But for me the real crunch where the rubber meets the road as it were is when we talk about law firms using these systems externally and that might be externally with clients and this is just clearly a wonderfully strong candidate for the application of this technology. We talk about getting closer to our clients, we talk about deepening our relationships, we talk about empathising with them.
10.07	Here is an opportunity to look your clients in the eye far more regularly metaphorically and virtually speaking, far more regularly than has been possible in the past but also with other law firms and with barristers and courts and all manner of external bodies with whom we communicate. So it's not just an internal efficiency tool. As I say, I think in many ways we will see this technology being used to replace some of the ways we communicate as law firms with others beyond us and also to enhance the communication experience.
10.38	In my own thinking about the future of legal services I go further and talk about the multi-sourcing of legal services. In my book "The End of Lawyers?" the question mark is all important. In that book I talk about the idea of our individual pieces of work, what we will do is chunk them up, we will decompose them into constituent tasks and we will send out different packages of work. We will outsource, we will off-shore, we will sub-contract, we will lease lawyers, we will computerise so there may be ten or eleven different players involved in the delivery of a large deal of a dispute.
11.10	I think again that the oil that will actually smooth the machinery of multi-sourcing will be video conferencing. No longer will these be as it were black boxes in the distance with whom you can't communicate. You will be able to bring the team together virtually so from improving our way we currently work right through to changing the way we deliver services I think we will see video conferencing playing a central role.
11.33	It's not just of course law firms; it's the courts as well. Many of you will know that video technology has been used for some time for bail and remand hearings on the one hand and also for witnesses in court where there are vulnerable or perhaps children and that has been used successfully in the past.
11.48	You may not know that there is a fascinating pilot going on, a full-scale virtual criminal trials. It's going on at Camberwell Magistrates Courts where actually the trials themselves are being conducted virtually and this year, it's going to take

	about a year the pilot that's going on, they reckon about 15,000 cases will go through this pilot project and at the heart of this of course is video conferencing technology.
12.12	We know as a country that we face huge public expenditure challenges. We spend a vast amount rightly on criminal justice but there are different ways of actually conducting trials and I believe within no many years it will be commonplace for many trials themselves to be conducted through video technology. What is interesting actually it is being used far less in civil disputes but I see no particular reason for that. I often say to people who are involved with civil actions, "Is court a service or a place?" and I think we were brought up at law school to regard it as a place but in fact we are talking about a service here and there is a whole new field emerging called ODR – Online Dispute Resolution and again I think will be greatly supported by video conferencing technology and also for education of course.
12.57	I give a great many of my talks internationally across video link. I speak to partnerships, I speak to governments right around the world where it is too costly or too time-consuming to jump on a plane or it's simply too inefficient.
13.15	I can sit down and actually give, I hope as you are seeing an example today, a presentation that's not quite as good as being there in person but way better than nothing at all and this is innovation it's not automation because what we are doing is allowing me to present in a way that previously wouldn't have been possible. It would have been actually being there in person or not at all and that's going to transform education. In the comfort of your own home as it were you will be able to actually watch and receive lectures of the highest quality so it will be a key part in the legal re-learning mix.
13.50	One of the questions I think you might have in your mind as you hear this is, why do lawyers not already use this technology? If I am even half right and I see potential all over the place for internal efficiencies, better communication with clients, in the courts, in legal education; why don't we reach the tipping point? Why isn't this technology already embraced by the legal profession? and I suppose my answer there is the same answer as I often give with the legal profession and it might sound glib, it might seem like a cliché, but we are and I can quote myself I am a lawyer, but we are a conservative bunch.
14.20	I think the most powerful phenomenon in the legal world is inertia and you will remember from your study of physics that the unwillingness of an object to change state that's what law firms, that's what lawyers are like and at least up until a couple of years ago frankly the business models for certainly a lot of law firms was going rather well so why bother working differently.

14.38	Well as we know times have changed, the market has changed, there is a massive pressures to work differently, to be more efficient, to find new ways of working with clients and I have found as never before an interest and a willingness amongst lawyers and law firms and beyond to explore new ways of working so it may well be that the attitude this time around video technology will be rather different than say a couple of years ago when people were saying its time had come.
15.03	Just on convincing lawyers, because many of you I suspect if you are actually listening to me are already converted, I am preaching to the converted. The people we need to convince are the people who have decided that it's not relevant for them to attend this event. How do we convince lawyers of changes in working practices? How do we convince them that emerging technologies might be useful? Well it's my experience and really I do this for a living, I have been doing it since about 1981, trying to suggest to lawyers that they might work differently.
15.32	It's almost impossible to win by argument or by assertion. For every argument you present or assertion you make, bright lawyers can rationalise and find strong counter-arguments and strong counter-assertions. What I find is far more helpful is actually to demonstrate and actually to involve, so there would be nothing better actually than just having a wander around Legal Video Network's and Tandberg's set up here where you can actually see the technology in action, actually engage potential sceptics in video conferencing themselves. Have a look at the kit, see what it would look like on your desk, experience the feel of it. That's how we convince people; we actually engage and involve them.
16.11	Interestingly and it's a very primitive technology but I think it could be significant in encouraging lawyers to take this seriously, Skype technology. Many senior lawyers will be using Skype to communicate with their children at University for example. What we are seeing in the kind of technologies that Legal Video Network have in mind is a grown-up and sophisticated version of this but it's not entirely alien to the senior lawyer because he's seen the power of it and so that's another way in which I think we can formulate I think a compelling case, but it's got to be through demonstration.
16.44	It seems to me it's got to be through involving these senior lawyers if you really wanted to compel them but above all else I suppose we do need to be hard on those, we do need to look at the business case. There are various elements to it. We can make the green argument and I am compelled by this. The reality is that if we use this technology more often we will be getting on fewer planes, we will be jumping into fewer cars and we will be using trains less often. Our carbon footprint will be radically reduced I believe by this kind of technology.

17.12	There's a lifestyle issue here of course as well that actually this makes life easier. It's easier and more comfortable to work and in particular when you think of home working this actually makes this naturally more possible, this technology. So there's the green argument, there's the lifestyle argument.
17.30	There's the improvement of service argument too that actually if for example you use this as the dominant technology with which you communicate with you clients, I believe it's going to be a better experience for the client. It's a better service. But above all else in these difficult financial times, I think we have got to look at the costs savings.
17.48	I mentioned earlier what should be on your mind is this idea of how we provide "more for less"; that's the challenge of the day. I see there's two ways of doing it. The efficiency strategy; the collaboration strategy.
17.59	In terms of efficiency we know if we use video conferencing technology it will actually reduce the amount of travel time and actually will reduce you travel budget, it will reduce the amount of time generally wasted on travel. That's a serious costs saving that can be quantified.
18.13	What about collaboration? Well here, and I want to leave you with this thought, I'm not going to be dogmatic or say how this would work, but just to remind you what I am suggesting is that many clients are actually going to have to communicate differently; are going to have to collaborate and share the costs of legal services.
18.29	One of the stumbling blocks in the past is that clients have not actually been connected to one another. They are not working in the same offices. But what again we are seeing through video technology is one part of the jigsaw and the big part of the jigsaw for me is online community. The way that we can work together in the future will not be a question of congregating together physically; it will be through using collaboration software, actually a grown-up version if you will of Facebook, that kind of social networking software. An online community that will connect together allowing them to communicate.
19.01	If that is actually underpinned by or supported by high quality video conferencing we can actually build these communities of collaborating lawyers of which I speak. So I genuinely, I don't see this in all technologies because some I look at which scepticism and some I look at with horror, however with video conferencing it seems to me it's all good news.
19.21	It comes I think at a good time and when I say comes because these new technologies they do come of age. They take note of solicitors as technologies come out of the research laboratories and into the law firm often the gestation period is very slow but what you find is that at some stage lawyers see the



	business case and I think we will and I say it will be years rather than months but I think we will see widespread adoption of video conferencing by the legal profession in the near future.
19.49 20.02	So I wish you well for your day. I am hoping there is a possibility I might be able to join you in person for some questions and answers by telephone but that remains to be seen, it depends on my diary but thank you for listening to me virtually.