



Liege
Competition
and
Innovation Institute

Introduction to the Law of Robots and Artificial Intelligences

Prof. Nicolas Petit ©

University of Liege, 2015-2016

Lecture III: The Future of Lawyers

LLC

Incorporation

Trademark

Last Will & Testament

Get Help From an Attorney

Business Services

Personal Services

Trademarks & IP

Wills & Trusts

View all Products & Services

U.S. Legal Help for Businesses and Families in Belgium

We've helped over 2 million people get the help they need



THE HUFFINGTON POST

“ Get top quality legal documents without paying top dollar.”

Forbes

“ One of the 10 best digital tools for entrepreneurs in 2012.”

THE WALL STREET JOURNAL

“ BEST FEATURE: Fast customer service response.”

LLC? C Corp.? S Corp.?

Confused about your options? Answer a few simple questions and find out which one may be right for you.



Help Me Decide

Quality You Can Trust

Over the past 12 years, over 2 million businesses and families have used LegalZoom for their Wills, Trademarks, LLCs and more.

With LegalZoom, your satisfaction is 100% guaranteed.



Have Legal Questions?

Get help from a legal plan attorney when you need it. No expensive hourly fees. No surprise pricing.



Learn More

LegalZoom provides the legal solutions you need to **start a business**, run a business, **file a trademark application**, **make a will**, create a living trust, file bankruptcy, **change your name**, and handle a variety of other common legal matters for small businesses and families. Since the process involved in **starting a business** can be complicated, we provide services to help **start an LLC**, **form a corporation**, **file a DBA**, and take care of many of the legal requirements related to starting and running a business. If you are interested in protecting your intellectual property, LegalZoom offers trademark and **copyright registration** services, as well as patent application assistance. It's essential for everyone to have a **last will and testament** and a **living will**, and you can get yours done efficiently and affordably through LegalZoom. For those who have more advanced planning needs, our **living trust** service is available. With all our services, you have the option to **Speak to a Lawyer** and tax professional. Let LegalZoom take care of the details so you can focus on what matters most – your business and family.

LegalZoom:

<https://www.legalzoom.com/country/be>

- ▶ *“LegalZoom provides the legal solutions you need to start a business, run a business, file a trademark application, [make a will](#), create a living trust, file bankruptcy, [change your name](#), and handle a variety of other common legal matters for small businesses and families. Since the process involved in starting a business can be complicated, we provide services to help [start an LLC](#), [form a corporation](#), [file a DBA](#), and take care of many of the legal requirements related to starting and running a business. If you are interested in protecting your intellectual property, LegalZoom offers trademark and [copyright registration](#) services, as well as patent application assistance. It's essential for everyone to have a last will and testament and a living will, and you can get yours done efficiently and affordably through LegalZoom. For those who have more advanced planning needs, our living trust service is available. With all our services, you have the option to [speak to a lawyer](#) and tax professional. Let LegalZoom take care of the details so you can focus on what matters most – your business and family”*

Pricing Legal Zoom

Product Package	Retail Price	15% Commission
Business Formation		
LLC Express Gold	\$359.00	\$53.85
Incorporation Express Gold	\$369.00	\$55.35
DBA Standard	\$99.00	\$14.85
Non-Profit Express Gold	\$359.00	\$53.85
Personal Services		
Living Will Comprehensive	\$49.00	\$7.35
Last Will Comprehensive	\$79.00	\$11.85
Living Trust Comprehensive	\$269.00	\$40.35
Power of Attorney Basic	\$35.00	\$5.25
Divorce	\$299.00	\$44.85
Name Change	\$139.00	\$20.85
Intellectual Property		
Trademark Complete Coverage	\$189.00	\$28.35
Copyright	\$114.00	\$17.10
Provisional Patent	\$199.00	\$29.85

Source: <http://www.law-valley.com/blog/2014/03/03/legalzoom-leader-american/>

HOME

DIVORCE SERVICES

GETTING STARTED

ABOUT US

CONTACT US

CASE LOGIN

DIY Divorce Service

Managed Divorce Service

DIY Divorce & Consent Order

Managed Divorce

DIY Divorce Service

File your own divorce in the knowledge that the divorce forms have been completed by experienced divorce professionals and sent to you via email or post to print off and send to the court. Full instructions and support are available throughout for just £59.

BUY ONLINE NOW



DIY Divorce Service - Completed Divorce Papers for £59

Filing for a divorce can be daunting and the court forms are not designed to be self explanatory. Our diy divorce service is designed for people who want to file the divorce themselves with expert help.

We can deal with every ground for divorce and also help you choose the right one to use to make your diy divorce as quick and easy as possible. This service can also be used if you have children within the marriage.

Once your divorce papers have been checked for accuracy and any revisions made, we will send them to you via email or post within 24 hours with an easy to follow, step by step guide to the divorce process.

Service

- You need to be married for at least 12 months
- Your ex needs to be living with you for the divorce to be processed this way.
- You must be domiciled in the UK or live abroad for a certain period.
- You have to be over 18 years old.

Neota Logic Inc.

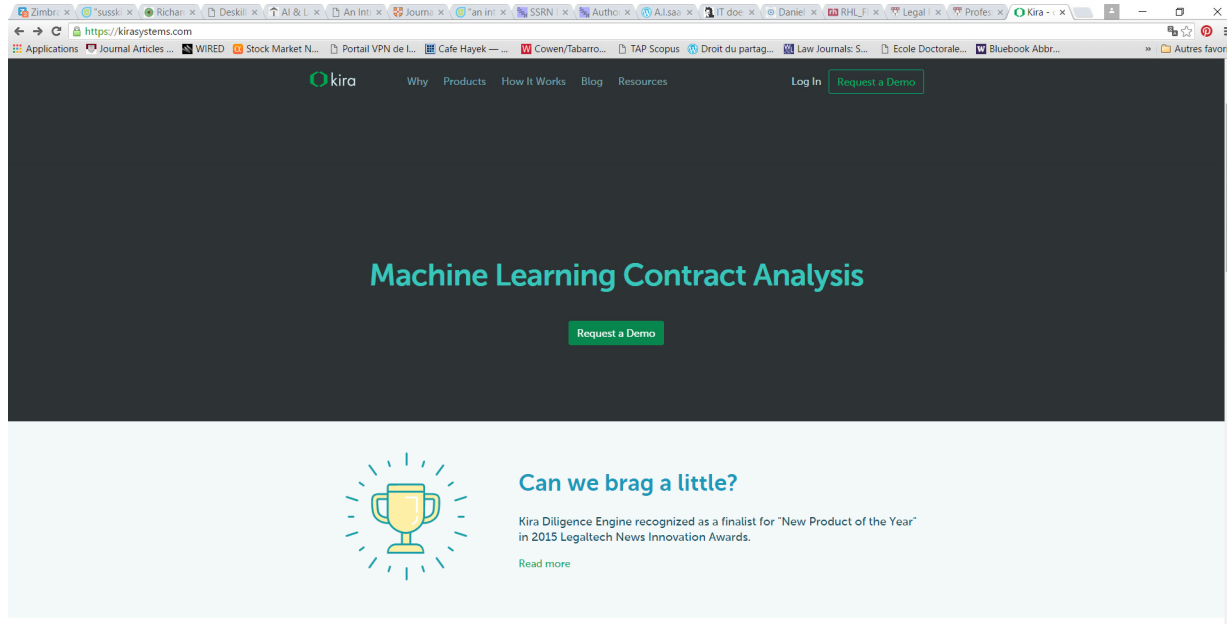
<http://www.neotalogic.com/solutions/>

Concept

- ▶ Software company that helps companies make routine legal decisions without consulting a lawyer.
- ▶ Let an employee take family leave (source of employment discrimination claims)?
- ▶ Input questions, and get results
- ▶ Customer is business or law firms
- ▶ Software has been used to answer queries on the European Union's regulation of financial derivatives

Example: compliance

- ▶ *“Regulations are constantly changing. With a Neota Logic app, you can instantly incorporate changes to regulations and policies – ensuring timely compliance. Incorporate apps into your regulatory processes and see how easy it is to ensure consistent methodologies are followed and provide your business with auditable results”*



Contracts / Non-Disclosure Agreement

Analyze Report Guide

Non-Disclosure Agreement

Marking

< Discloser Standard Receiver >

Standard—Marking required

1. Marking

Confidential Information disclosed in writing shall be marked with a confidentiality legend and Confidential Information disclosed orally shall be identified as such at the time of disclosure.

Introduction

1 Definitions

2 Purpose

3 Exchange Of Information

3.1 Included Information

3.2 Excluded Information

3.3 Marking

4 Protection Of Confidential Information

5 Non-Disclosure Of Discussions And Relationships

6 Disclosure Required By Law

7 Permitted Disclosure

8 Representations And Warranties

9 Acknowledgements

Securities Laws

Independent Development

10 Covenants

Non-Solicitation

Standstill

No Reverse Engineering

Publicity

11 Term

12 Indemnity

13 Remedies

14 General Provisions

[the Receiving Party will have the burden of proof regarding the applicability of any exception.]

3.3 Marking. All information disclosed under this Agreement is deemed Confidential Information whether or not it is so marked.

4. Protection of Confidential Information

4.1 Confidentiality. The Receiving Party agrees to hold Confidential Information in strict confidence during Protection Period in accordance with this Agreement.

4.2 Non-Use. The Receiving Party will not use Confidential Information without the prior written consent of the Disclosing Party, except in connection with the Purpose.

4.3 Non-Disclosure. The Receiving Party will not disclose any Confidential Information to third parties without the prior written consent of the Disclosing Party; provided that, the Receiving Party may disclose Confidential Information to its Authorized Representatives involved in the Purpose, to the extent necessary and on a need-to-know basis.

5. Non-Disclosure of Discussions and Relationship. Neither Party nor its Authorized Representatives, without the prior written consent of the other Party, will disclose to any person:

Drivers of change (Susskind, 2014)

Contextual

- ▶ More for less challenge
 - ▶ Clients of lawyers (in-house counsels): less staff, less external counselling, more compliance and conformity costs
 - ▶ <https://www.lexoo.co.uk/>
- ▶ Liberalization
 - ▶ <http://thejurists.eu/>



LESJURISTES

Structural

- ▶ Information technology (Katz 2013)
 - ▶ Large data power
 - ▶ Immense computing power
 - ▶ Automate and innovate

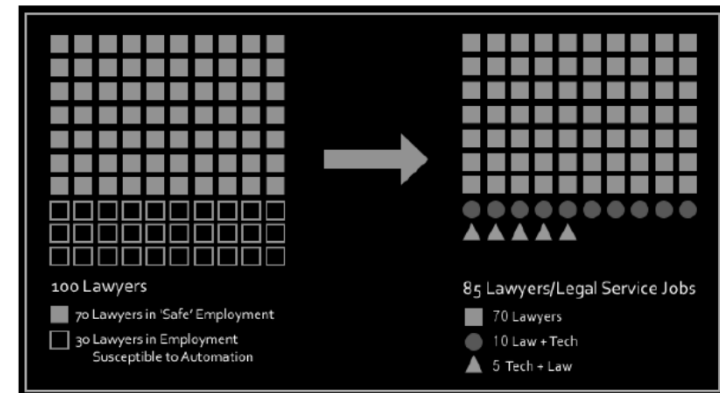
Katz, 2013

Wind of change

- ▶ *“Like many industries before it, the march of automation, process engineering, informatics, and supply chain management will continue to operate and transform our industry. Informatics, computing, and technology are going to change both what it means to practice law and to “think like a lawyer.””*

Substitution+complement

Figure 10: The “Death” of Big Law and the Rise of Law + Tech, Tech + Law



Outlook

First generation

- ▶ E-discovery
- ▶ Automated document assembly
- ▶ Online dispute resolution

New generation

- ▶ Quantitative legal prediction
- ▶ Contract analysis
- ▶ Online drafting wizard (Weagree.com)
- ▶ Legal risk management

Quantitative Legal Prediction

- ▶ Everyday, lawyers make predictions
 - ▶ Do I have a case?
 - ▶ What is our likely exposure?
 - ▶ How much is this going to cost?
 - ▶ What will happen if we leave this particular provision out of this contract?
 - ▶ How can we best staff this particular legal matter?
 - ▶ How high the probability to settle?

Predicting case outcomes

LexMachina

- ▶ Lunch between Professor M. Lemley and Bruce Sewell
- ▶ Create electronic set of patent litigation events and outcomes
- ▶ <https://lexmachina.com/about/>
- ▶ Funded by Apple, Cisco, Genentech, Intel, Microsoft, and Oracle, etc.
- ▶ More at <https://goo.gl/UyB0wU>



QLP and Machine Learning

- ▶ Predicting outcomes:

- ▶ *“An algorithm learning that in workplace discrimination cases in which there is a racial epithet expressed in writing in an email, there is an early defendant settlement probability of 98 percent versus a 60 percent baseline. An attorney, upon encountering these same facts, might have a similar professional intuition that early settlement is likely given these powerful facts”*

- ▶ Discover hidden data:

- ▶ *“Imagine, for instance, that the algorithm detects that the probability of an early settlement is meaningfully higher when the defendant sued in a personal injury case is a hospital as compared to other types of defendants”*

TyMetrix



and where
new business
was waiting?

IP growing **18.7 %** per year in Seattle

 TyMetrix | Legal Analytics

The image is a promotional graphic for TyMetrix Legal Analytics. It features a dark background with a light green and blue gradient. The text is arranged in a central column, with the main headline in a large, bold, blue font. Below the headline is a statistic in a smaller, white font. At the bottom, there is a white bar containing the TyMetrix logo and the text 'Legal Analytics'.

LawyerMetrics

- ▶ “*Lawyer Metrics makes it possible to replace lower-performing “C players” in your organization with higher performing “B” and “A” attorneys.*”
- ▶ <http://lawyermetrics.org/services/human/>

Pros and cons

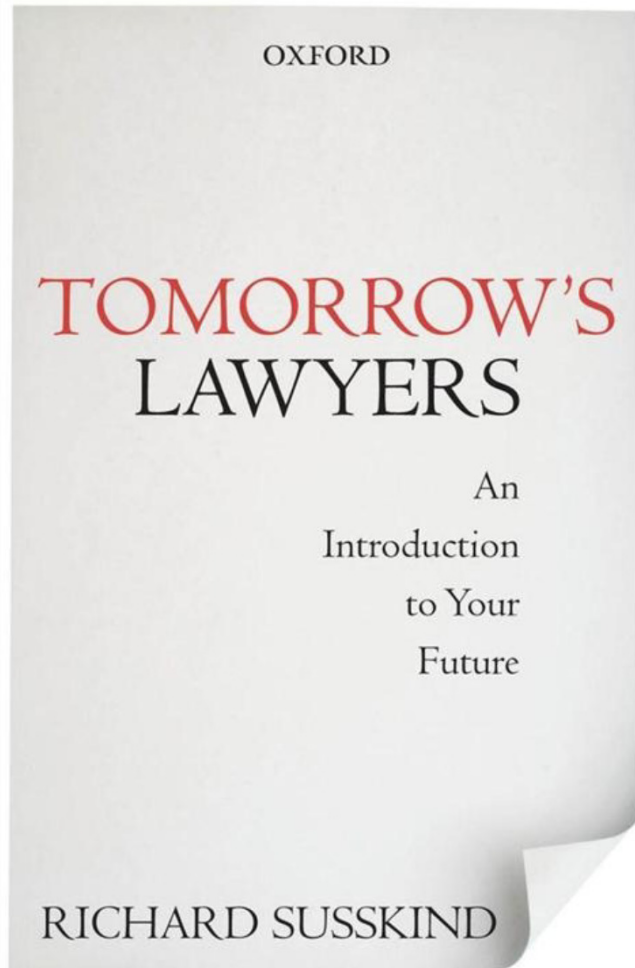
Technique

- ▶ Use big data and computational power
- ▶ “*inverse*” or inductive reasoning
- ▶ Concept of similarity that is implemented and refined using large bodies of data
- ▶ Facebook in recommending friends, Netflix in recommending movies, and Amazon in recommending books

Pros and Cons

- ▶ Pros
 - ▶ Overcomes anecdotal or unindicative information
 - ▶ Overcomes human cognitive limitations: heuristic, biases, etc.
- ▶ Cons
 - ▶ Lack of relatedness btw new cases and past cases
 - ▶ Overgeneralization: most rape cases occurred in poor areas => rape does not exist in wealthier areas
 - ▶ Capture information in data: change of member on board of regulator

Denial



- ▶ Stasia Kelly, U.S. comanaging partner of DLA Piper: “*I really want to know the person giving advice*”
- ▶ R. Susskind, *Tomorrow's Lawyer*, 2014
- ▶ Often, lawyers regard legal work as « *bespoke* »: customized, made to measure, personal
- ▶ « *romantic* » vision

Really?

- ▶ Take employment contract: you don't use a blank canvas everytime you draft one
- ▶ French lawyers all use same structure in work (standardized): I-II; AB
- ▶ Anglo-saxon contracts always have definitions first

Decomposition

TABLE 4.1. Litigation,
decomposed (Sussking, 2014)

Document review

Legal research

Project management

Litigation support

(Electronic) disclosure

Strategy

Tactics

Negotiation

Advocacy

- ▶ Many of those tasks can be subject to
 - ▶ Outsourcing
 - ▶ Insourcing
 - ▶ Delawyerizing
 - ▶ Computerizing
 - ▶ Leasing
 - ▶ ...

4 disruptive and robotic legal technologies

1. Embedded legal knowledge
2. Intelligent legal search
3. Big data
4. AI-based problem-solving (pb solving, with natural language processing input)

Effect on legal market (Susskind, 2013)

Firms

- ▶ Elite group of say 20 firms to Big4;
- ▶ Opportunity for middle size firms;
- ▶ **Small firms will disappear**, due to liberalization and competition from banks, accountants and other retailers (“*end of lawyers who practice in the manner of a cottage industry*”)

Lawyers

- ▶ Barristers will remain:
 - ▶ “*oral advocacy at its finest is probably the quintessential bespoke legal service*”
 - ▶ But not for “*lower value*” disputes and note that “*courtroom appearances themselves will diminish in number with greater uptake of virtual hearings, while online dispute resolution (ODR) will no doubt displace many conventional litigators*”

Disciplines likely to be affected?

- ▶ Corporate and M&A work
 - ▶ Global Merger Analyzis Platform (GMAP):
<http://www.ft.com/intl/cms/s/2/a1271834-5ac2-11e5-9846-de406ccb37f2.html#axzz41hY8v2x3>
- ▶ Trademark and copyrights filing
- ▶ Patent applications
- ▶ Private international law?
- ▶ Your take?

Disciplines likely to be affected

- ▶ Data intensive
- ▶ Public information
- ▶ Searchable
- ▶ Scale (global law)
- ▶ Standardized procedures (labelled input)

Effect on third parties

- ▶ Provides « *unmet legal needs* » (Wilkins): brings law in consumer markets
- ▶ Growth of LegalZoom is indicative
- ▶ For more see

http://www.slate.com/articles/technology/robot_invasion/2011/09/will_robots_steal_your_job_5.html

LegalZoom

The screenshot displays the LegalZoom website interface. At the top, there is a navigation bar with the URL <https://www.legalzoom.com/products-and-services.html> and several browser tabs. Below the navigation bar, the main content is organized into two primary sections: **Business** and **Personal**.

Business Section:

- Forming Your Business:** LLC (Limited Liability Company), Incorporation (S-Corp, C-Corp), Nonprofit, Sole Proprietorship, LP (Limited Partnership), LLP (Limited Liability Partnership).
- Naming Your Business:** DBA / Business Names, Entity Name Availability Check, Entity Name Reservation, Trademark Search, Trademark a Business Name.
- Legal Forms & Agreements:** General Agreement, Business Plan Non-Disclosure Agreement, Promissory Note, Independent Contractor Agreement, Employment Agreement, More.
- Taxes, Licenses and Permits:** Federal Tax ID (EIN), State Tax ID, 501(c)(3) Application, Business Licenses, Seller's Permit.
- Corporate Changes & Filings:** Corporate Amendments, Dissolution, Foreign Qualification, Corporate Name Change, Conversion, DBA / Fictitious Business Name.
- Trademarks:** Trademark Registration, Trademark Search, Trademark Monitoring, Trademark Statement of Use, International Trademark Filing, Office Action Response **NEW**, Other Trademark Filings.
- Business Compliance:** Annual Reports, Initial Reports, Corporate Minutes, Compliance Calendar, Registered Agent Services, Operating Agreements, Bylaws & Resolutions.
- Patents & Copyrights:** Patents, Provisional Application for Patent, Patent Search, Utility Patent (Step 1), Design Patent, Copyright Registration, Help Me Compare.
- Real Estate:** Real Estate Lease, Real Estate Deed Transfer, Other Real Estate Documents.
- Helpful Tools:** Compare Business Options.
- Additional Business Services:** Corporate Supplies, Certified Copies, Certificates of Good Standing, Registered Agent Services, Business Legal Plan, Work Visa, Franchise Disclosure Review **NEW**, Legal Document Review **NEW**, Website Terms & Conditions **NEW**.

Personal Section:

- Wills & Trusts:** Last Will and Testament, Living Trust, Living Will (Advance Directive), Power of Attorney (Financial), Health Care Power of Attorney, Pet Protection Agreement, All Estate Planning Documents, Estate Plan Bundle **NEW**.
- Helpful Estate Plan Tools:** Help me Decide, Compare Will & Trust.
- Personal Services:** Bankruptcy, Divorce, Student Loan Forgiveness, Green Card, Personal Injury, Name Change, Prenuptial Agreements, Power of Attorney (Financial), Health Care Power of Attorney, Pet Protection Agreement, Disability Benefits, DJJ / DMV, Tax Defense.
- Real Estate:** Real Estate Lease, Real Estate Deed Transfer, Other Real Estate Documents.
- Additional Services:** Legal Forms and Agreements, Copyright, Legal Document Review **NEW**, Personal Legal Plan.

At the bottom of the browser window, the Windows taskbar is visible, showing several open applications and the system tray with the date and time (02:56, 02-03-16).

Rocketlawyer

Browse by Category:

Personal

- Wills & Estate Planning
- Divorce
- Family & Personal
- Government Correspondence
- Health & Medical
- Jobs & Employment
- Personal Finance
- Power of Attorney
- Probate & Estate Administration
- School & Education

Property & Finance

- Real Estate
- Bankruptcy
- Complaints & Correspondence
- Intellectual Property
- Landlords & Property Managers
- Leases
- Loans & Licenses
- Patent
- Tenants & Renters
- Trademark

Business

- Incorporation
- Construction
- Corporate Compliance
- Contracts & Agreements
- Hiring & Employees
- Non Disclosure Agreement
- Independent Contractors
- General Business
- Service Contract

Future of legal job market (Susskind, 2013)

New jobs

- ▶ Legal knowledge engineer
- ▶ Legal technologist
- ▶ Legal hybrid
- ▶ Legal process analyst
- ▶ Legal project manager
- ▶ ODR practitioner
- ▶ Legal management consultant
- ▶ Legal risk manager

New employers

- ▶ Global accounting firms
- ▶ Major legal publishers
- ▶ Legal know-how providers
- ▶ Legal process outsourcers
- ▶ High street retail businesses
- ▶ Legal leasing agencies
- ▶ New-look law firms
- ▶ Online legal service providers
- ▶ Legal management consultancies

Retraining challenge

Forget substitutable work

- ▶ Routine tasks
 - ▶ Memorization
 - ▶ Research and other repetitive data-driven tasks
- ▶ Non routine manual-tasks?
 - ▶ Filing briefs
 - ▶ Taking minutes of meetings

Invest in complements

- ▶ Train in science, computation, data analytics and technology
- ▶ Invest in soft skills, incl. leadership, executive training, management: « *social bottlenecks* »

Retraining need

- ▶ *“Clients will not be inclined to pay expensive legal advisers for work that can be undertaken by less expert people ... This prediction does not signal the end of lawyers entirely, but it does point to a need for fewer traditional lawyers. At the same time when systems and processes play a more central role in law, this opens up the possibility of important new forms of legal service, and of exciting new jobs for those lawyers who are sufficiently flexible, open-minded, and entrepreneurial to adapt to changing market conditions”*
(Susskind, Chapter 11)
- ▶ *“Lawyers who expect to operate in this new environment must understand how technology is reshaping the markets in which their clients compete, as well as the practice of law itself, including the use of “big data,” artificial intelligence, and process management to analyze, structure, and produce legal outcomes”* (Heineman, Lee and Wilkins, 2014)

Bottlenecks

- ▶ Attorney-client confidentiality
 - ▶ In BigData world
 - ▶ Limits data agregation by lawfirms
 - ▶ Limits data portability by lawyers
 - ▶ **OK?**
- ▶ « *la délivrance automatisée de consultations en ligne n'est autorisée que pour répondre à la demande d'un client déterminé et pour satisfaire des besoins spécifiques* » Article 4.12 (M.B. 17.01.2013);
 - ▶ « *L'avocat ne délivre aucun service ni ne donne consultation ou avis personnalisés sur un forum de discussion électronique ou tout autre groupe virtuel public* » Article 4.13 (M.B. 17.01.2013).
 - ▶ « *En l'état actuel de la déontologie, une telle pratique n'est pas admise. L'avocat engage son crédit et sa responsabilité s'il n'adapte pas les actes qu'il rédige à l'examen de la situation particulière d'un client [...]* » (LB 01-02, n°3, 226)
 - ▶ **Not OK?**

Misc.

- ▶ Article 4.21 (M.B. 17.01.2013): « *L'assemblée générale de l'Ordre des barreaux francophones et germanophone est seule compétente pour déterminer les autres professions avec lesquelles les avocats peuvent s'associer* ».
- ▶ http://www.avocats.be/sites/default/files/code_octobre-2013.pdf

Readings

- ▶ Richard Susskind, *Tomorrow's Lawyer*, Oxford University Press, 2013
- ▶ Reading list of Professor Moorhead available at <http://readinglists.ucl.ac.uk/lists/F7739050-53F5-6D3C-C0F2-E2ACF35F490D.html>
- ▶ Bruce Kobayashi and Larry Ribstein, “Law’s Information Revolution”, (2011) *Arizona Law Review*, Vol. 53, p.1169



Thank you

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