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CBA Legal Futures Initiative Takes a Leap Forward with ‘Do Law Differently’

OF THE MANY opportunities I’ve had over three years with the *Obiter Dicta*, last week provided me with what will undoubtedly be the highlight. The launch of the Canadian Bar Association’s ‘Do Law Differently’ guide, held at the MaRS Discovery District through the invitation of Legal X, was an amazing look at the intersection of the traditional legal institutions with the future of the industry. It was an extremely interesting event, and an exciting first-hand look at an industry that seems to be, slowly but surely, rounding into form.

Now, I am not normally one to sing the praises of the legal industry. I founded my startup, www.Canadalegalhelp.com, specifically to counter a system which has made the basic task of finding legal resources unapproachable and intimidating. I have been closely following news and developments on both the institutional and industry side, watching as the disconnect between innovators and institutions gradually lessens. The ‘Do Law Differently’ event was the first time I saw that divide disappear completely as the CBA actively embraced the prospect and potential of an evolving industry.

The first part of the event was an afternoon round table discussion. Among those attending were former CBA President and Legal Futures Initiative Chair Fred Headon, report writer Jordan Furlong, and the founders of Legal X, Canada’s legal innovation hub, Aron Solomon and Jason Moysé. Of the twenty-five innovators interviewed for the Futures Report, Shelby Austin from Deloitte Forensic, Sam Witherspoon from Miralaw/ThisToo, and Mark Morris from Axess Law were at the table. Needless to say, it was an impressive group, and I was more than a little intimidated speaking up in the discussion. Fortunately, as I’ve found time and again when speaking with innovators and startup founders, the participants were encouraging and patient in giving me the opportunity to share my opinions and learn from everyone’s perspectives.

The discussion often circled back to the many frustrations everyone felt with the industry. The innovators had high praise for the ‘Do Law Differently’ guide, but lamented their own law school experiences where industry awareness and innovation training were all but unheard of. As someone currently in that boat, I could relate. Omar Ha-Redeye, a Toronto lawyer and legal educator, spoke about the efforts he’s been involved in at Osgoode to bring innovation into the classroom. Between those efforts, new programs at many Canadian law schools, and the new guide,



► Photo credit: Canadian Bar Association

the wheels are certainly turning, but I believe we may still be some time from a truly amended curriculum.

Speaking on his experience growing Axess Law, a truly innovative law firm operating primarily in Walmarts, Mark Morris spoke to the success of bringing retail practices into his operation. Sam Witherspoon, speaking on his experience growing ThisToo, an online collaborative divorce platform, echoed the sentiment. He spoke about the potential of a fractured family law market where “middle ground” services can pull in new consumer bases. Legal X founders Aron Solomon and Jason Moysé spoke about new industry models, and how Toronto is emerging as a global leader in legal innovation. Aron highlighted the worldwide success of Legal X as a new approach to the development of legal businesses through investment, resource provision, and growing a legal startup community. Around the table, it was clear that this “new class” of legal industry leaders are all on the same page. They stand ready and willing to exploit the weaknesses of old industry models, and seize the opportunities brought by new technologies and changing consumer expectations.

From the CBA, there was a welcome willingness to learn from the innovators, and even from me! I was given the opportunity to discuss the enormous expense of law school and how that expense inhibits innovation by forcing young lawyers to focus exclusively on earning income. To my frustration, the importance of the law school expense does not seem to receive adequate acknowledgement. That being said, the problem was acknowledged, both in the ‘Do Law Differently’ guide and in our discussion, which is

certainly a positive step. The Guide overall is divided into an advisory portion and a series of interviews. It is a fair and even-handed assessment of the current issues facing the industry, and an interesting look at legal innovators, though, arguably, more detail about current new business models would have been a positive addition.

The second part of the day’s event was a reception in one of the MaRS building’s many conference rooms. Sam Witherspoon and Shelby Austin joined a group of innovative speakers who discussed their experiences breaking the mold, and gave advice on accepting fear and failure, seizing opportunity, and taking advantage of the changing market. In their speeches and in conversation, these innovators were kind and thoughtful, providing the type of perspective one can only gain through independent achievement. The reception itself was well-attended and an interesting opportunity to interact with a unique portion of the legal community.

If I have one lingering criticism, it is that legal innovation seems very homogenous, full of wealth, “big law” experience, and money-driven initiatives. This is by no means a criticism of the event or the Guide. It is, more than anything, a consequence of a legal system which is debilitating to the poor. It stands to reason that those with access to resources, networks, and financing are the trailblazers of innovation. For that reason, this criticism is in no way aimed at the event, the new Guide, or the individuals

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Editorial

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involved. They should only be commended for their efforts. In fact, the CBA has even taken steps with an ongoing “Initiative on Equal Justice,” dedicated to raising the very concerns I mention here.

That being said, more focus is always needed to create legal innovation opportunities for individuals from different backgrounds, especially those coming from poverty, and to encourage the development of legal services for low-income individuals.

Overall, both the briefing and reception marked a welcome departure from the usual sense of detachment I’ve had at similar events in the past. For once, I felt like everyone was truly on the same page, ready to embrace the changing industry, and seize on new opportunities collectively. Legal innovators are a different breed from other lawyers. Their competition is with the market, not each other; they are friendly, helpful, and always seeking new opportunities. These are the type of people the legal institutions would be right to embrace. There is so much frustration within law school, the legal market, and from consumers that forward-thinking individuals with a friendly, open, and inclusive approach are sorely needed.

The CBA has taken a huge leap with ‘Do Law Differently’. No longer does the legal startup community stand at one end of the room with the traditional institutions at the other. One of Canada’s biggest legal organizations has crossed the floor. Now is the time for the startup community, law students, and young

lawyers to continue the push for change. Sticking with the status quo is in no one’s interest, but senior lawyers shouldn’t be expected to lead the charge forward. Rather, it is the industry’s new generation who will be tasked with keeping the CBA on this new path and encouraging the rest of the legal community to join in. Having had an introduction to the pervasiveness of legal needs, the difficulties facing legal innovators, and the potential of new market opportunities I strongly encourage all my peers to take up this task as well. ♦