The AI future is here: how can firms best prepare for its implementation?

AI evangelist Zack Kass warns that law firms not adopting AI risk getting left behind, writes Méganne Tillay

Society is on the verge of the “most profound human revolution in history” as the rise of artificial intelligence (AI) gathers pace, according to former OpenAI head of go-to-market Zack Kass.

Indeed, AI has been a topic that has kept many lawyers up at night over the past year. With the IBA having recently set up a task force to help the industry navigate the risks and opportunities its adoption presents, it was only fitting that AI expert Kass offered further guidance to the legal community in Tuesday’s keynote address.

He said: “Most people are aware of this technology but don’t use, and I cannot comprehend why. By not training people and encouraging access to AI, we are creating a digital divide that will cause inadequacy and disparity in the world if we are not careful. For this revolution to work, we need to bring everyone into it.”

Kass believes that attorneys tend to be “disinclined” to technological change because of the risks and the uncertainty it poses. But law firms should get prepared to understand and use AI now, focusing primarily on what products to use rather than when to adopt the technology, he said.

For firms which have not yet adopted an AI system, he urged them to speak to their technology vendors to find the right product for their needs, and to avoid building their own models or using models that were not built by a research body or nation state.

Kass cautiously warned that law firms not adopting this technology “will be left behind”, but that they should adopt the technology “safely and responsibly” rather than rushing into it.

Continued on page 2
Mean machines - how AI isn’t free from unconscious bias

In 1952, Alan Turing, the person who played a crucial role in Nazi code breaking at Bletchley Park during World War II, and who is considered to be the father of theoretical computer science and artificial intelligence, said: “It seems probable that once the machine thinking method had started, it would not take long to outstrip our feeble powers... They would be able to converse with each other to sharpen their wits. At some stage therefore, we should have to expect the machines to take control.”

Is this the full story? By Frances Anderson

Law firms need to address the moral and ethical questions of AI

Kass also believes that job displacement because of AI is not a “real risk”. He stressed however that the bigger challenge companies may face is the “identity displacement crisis” AI creates, as certain skills or jobs may become obsolete. To avoid that crisis in the legal industry, he said that law firms should train their people for AI.

He shared that some human qualities – such as vision, wisdom, courage, curiosity, empathy – cannot be replaced by AI and that lawyers’ social skills should be core to finding ways to work with the technology.

He added: “For any profession using young people doing difficult intellectual work, you’ll need to figure out what your associates and that lawyers’ social skills should be core to finding ways to work with the technology. But he added that, while worldwide regulation is still unclear, there are steps law firms can take to address the moral and ethical questions that are unique to the profession regarding the use of AI.

The right training combined with the right use of AI could also boost job satisfaction and work productivity. He said: “We are overworked and dissatisfied, the things that root us aren’t usually related to our jobs. AI will strip people of the grindwork to focus on more important things, and companies will be able to do new things with new profit margins.”

Kass also suggested that courts worldwide should consider whether to adopt AI in the future, stating: “I don’t want to be found guilty of a crime by AI being represented by AI. That said, I want my attorney to use AI. I think we should probably outsource most small claims, of less than $1,000, to AI to ease the burden on courts and trial times, and to let attorneys and judges focus on more important cases.”

In response to a question on regulation of AI, Kass advised law firms to be very transparent about which technology they are using and in what capacity while regulation is being drafted to ensure trust with clients, regulators, employees and other stakeholders.

But one thing is for sure: while AI is not without its risks and challenges, it is the future and it will “unfold faster than the past”, according to Kass.

He concluded: “If you’re surprised by ChatGPT, hold on because we will see a whole lot more progress in a much shorter amount of time. And as new models gain more functionality, they get smaller and cheaper to the point where AI will become a common utility the same way we trade our current infrastructure.”

‘Should jurisdiction for the most grievous of crimes be universal?’

Human rights showcase asks whether there are novel routes to justice and hears case for an international anti-corruption tribunal. By Ben Rigby

How successful are our systems and principles for securing justice both nationally and internationally, in peace and in conflict? Are the outcomes just? Are there novel routes to justice?

These were questions posed by the moderator, Baroness Helena Kennedy KC, at the IBAHRI showcase panel with speakers Victoria Prentis KC, the Attorney General of England and Wales, and two senior former judges.

The two judges took centre stage in the first part of the afternoon session: Sir Howard Morrison KC, an independent advisor to the Ukrainian Prosecutor in The Hague, alongside South Africa’s Justice Richard Joseph Goldstone, a former co-chair of the Human Rights Institute.

Having been involved with training Ukrainian judges, he acknowledged the hard work done within the sound of gunfire, noting “a fair trial in those circumstances is not the easiest task in the world”.

Morrison highlighted the unusual nature of his office, saying he wasn’t aware of “a situation where you’re trying war crimes in the midst of an actual conflict”, praising the Ukrainian judiciary’s “extraordinary commitment” and for being “very keen on running unequivocally fair trials”.

Morrison said the nature of current events emphasised the need for international law, saying people needed to realise “without the rule of law, that we’re just living in a lawless and incredibly dangerous society”.

The regulation of international society through law, he said, is vital but there are limits to international law. It is for domestic courts to play their part in upholding human rights, notwithstanding an increasing demand for the expansion of universal jurisdiction for war crimes and the like, which he noted was being adopted in Germany, Sweden, Belgium and Spain – and should follow suit in the UK.

Goldstone, a distinguished former international criminal prosecutor and judge, spoke about a project to establish an international anti-corruption court, noting that “corruption at the highest level has a long and enduring history in many countries”.

Goldstone was unapologetic about the effect of corruption, saying “the money stolen through corruption every year is enough to feed the world’s hungry” many times over, and has also contributed to climate change and is a significant impediment to ameliorating it.

Grand corruption is a human rights issue, said Goldstone, and discouraged private investment from being made in countries that need it most, thus contributing to the people flows that has seen migration patterns change. Indeed, he added, it is “a fundamental cause of forced migration”.

Referring to the series of investigations such as the Panama Papers and the Pandora Papers, covered by IBA Global Insight and others, he highlighted how secret financing had benefited their lavish lifestyles and more than 300 politicians.

Some of the states that had passed anti-corruption legislation acted with impunity, he said, because the kleptocracies used the institutions of justice. Enablers, including law firms, protected others, while not all states could conduct complex criminal investigations or try complex cases.

His solution is the creation of an international anti-corruption court along the lines of the ICC, which he said would require jurisdiction only in cases where the appropriate domestic authorities are unable or unwilling to investigate or prosecute.

Funded by a share of the illicit assets that it could seize and supported by expert investigators and prosecutors, who could be called upon to assist leaders of a developing state, he proposed it as part of “a powerful anti-corruption capstone that strips kleptocrats of their impunity”.

Kennedy, referring to Lord Bingham’s works on the rule of law, said that inherent in the modern world is an understanding of the rule of law, which also embraces the protection of human rights. She called for an extension of universal jurisdiction “for the most grievous of crimes”, which is “long overdue”.

Kennedy, musing, that if members of a recognised terrorist organisation were to come through an airport in London “I would like to see us being able to arrest them”.

However, the extension of such a jurisdiction was a question politely deferred by Prentis, noting her responsibilities as the UK government’s chief legal adviser, which prevented her from commenting while taking part in a lively Q&A session that followed.
‘Change the rules, change the culture, change the lived experience’

On role models, mentors and allies
Rachel Chan, barrister, 42 Bedford Row

There were a few teachers at school who were really supportive, and they pointed me in the right direction, because I had no idea and no connections. Then, at university, the student who set up the debating society recommended that I should join an Inn if I was serious about being a barrister, so I joined Lincoln’s Inn where I got lots of support and advice. I would encourage those who are doubting themselves to reach out; there is so much help available now that wasn’t available when I was starting out. It’s very easy to doubt yourself and very easy to just say, “well, I won’t bother then”, so you do need to be determined.

Dame Janet Gaymer, former Simmons & Simmons senior partner and board member, Business Banking Resolution Service

I was the first female senior partner of an international top 10 law firm... People would come up and say, you realise you’re a role model – but I didn’t see myself like that. I found that quite difficult because I knew that to an extent I was paving the way, and that’s quite a responsibility – you don’t want to put a foot wrong. The lesson for me from the experience was don’t be afraid to move out of your comfort zone. Women are not good at pushing themselves forward if it is out of your comfort zone. Women are not good at pushing themselves forward if it is out of your comfort zone.

Lara Oyesanya, a profession, we need to go into schools and talk to people and make them need to start at primary school and secondary school level and talk to people and make them realise that they can do it.

Dana Dennis-Smith, CEO of Obelisk Support and founder of the First 100 Years campaign

Structurally the profession needs a reset if it is really going to welcome people from very different backgrounds. The partnership route, for example, requires the rainmaking ability that comes with having a network. If you don’t have that, it can be a struggle to get to the top. So there still needs to be more done to help people progress, irrespective of background. It’s not working right now, but it isn’t impossible to look at the way you run a law firm to make it more inclusive, whether that’s by introducing more flexible working, focusing on monitoring outputs rather than inputs or rethinking billable hours targets.

Examples of practical steps people and businesses can take
Nina Goswami, head of inclusion UK, Clifford Chance

Our internal mantra here is change the rules, change the culture, change the lived experience. And that paralyses something that we came up with in 50-50 (An equality project Goswami headed in her previous role at the BBC), which is count, share, change. Counting to understand where you are right now. Or changing the rules by understanding where you are. Sharing with others, so that you can change the culture. And then you do the change, so you change that lived experience. For me, I’m not going for all out change or something revolutionary. I tend to look for how we can make small incremental changes. It’s those little itterations and those tiny changes that can have a massive butterfly effect. It’s evolution not revolution.

For more information about the awards, which will take place in London on 13 March 2024, go to: womenanddiversityinlawawards.com.

On the need for structural change within the profession

When Dame Janet Gaymer was elected senior partner of the leading UK law firm Simmons & Simmons in 2001, she became the first ever female senior partner at a major international law firm (see page four).

While progress in the two decades since then has been disappointingly slow, the last couple of years has finally seen a notable uptick in female law firms being appointed to senior leadership positions at some of the world’s largest law firms.

In 2020, Freshfields Bruckhaus Deringer named Georgia Dawson as its senior partner, becoming the first woman to lead a UK Magic Circle law firm. She has also followed suit. In 2021, Linklaters elected Anuradha Comiskey as its first female senior partner. Then last year Deborah Finkler became the first female leader of Slaughter & May in a newly created managing partner role.

Comiskey will be among the speakers at today’s IBA showcase: the new female leadership of law firms: a game changer!, alongside Farmida Bi, who was elected Norton Rose Fullers’s chair for Europe, Middle East and Africa in 2018, and Marie-Amélie de Dampierre, who was appointed Hogan Lovells’ global chair in 2021.

The session – which will be chaired by IBA president Almudena Arpón of Medellín, Colombia, Myra Garrett, chair of the IBA’s section on Public and Professional Interests; Carola Van den Bruinhorst, chair of the IBA’s Legal Practice Division; and INSEAD leadership doctor Dr Franklin Vride – will discuss this recent wave of female leadership appointments and assess the qualities female leaders bring to the management table.

The panel will also explore the so-called Athena Doctrine – a name researchers gave to leadership traits that are considered more feminine, such as selflessness, empathy, collaboration, flexibility and patience. The research found that those traits were considered most suitable for the current operating environment, which is characterised by rapid change and uncertainty.

The panellists will consider how the Athena Doctrine translates to law firm leadership and how they relate to it personally. Other senior female leaders on the panel include Maria-Pia Hope, managing partner and CEO of Swedish firm Yngle, Paula Surerus, managing partner of Brazilian firm Varaneo Advogados; and Linda Yang, executive chair of China’s Yingle Law Firm.

Top US firms have also been stepping up their appointment of female leaders. In 2021, Gibson Dunn & Crutcher elected Barbara Becker as its first female managing partner. Then a month later, Sidney Austin named Tereza Mendívil Aldama as chair of its management committee, becoming the first woman to lead the firm in its more than 150-year history and the first Latina to lead a top 10 US law firm.

More recently, White & Case appointed Heather McDevitt as chair, the first woman to lead the firm in its more than 150-year history and the first Latina to lead a top 10 US law firm.

Some of the world’s largest law firms are now being led by women – could this finally reverse the profession’s long-standing gender imbalance at senior levels? By Ben Edwards

When Dame Janet Gaymer was elected senior partner of the leading UK law firm Simmons & Simmons in 2001, she became the first ever female senior partner at a major international law firm (see page four).
Delegate Views

Why is the IBA important to attend?

Yvon Martinet
Partner, DS Avocats, France

As a lawyer based in Paris, the IBA is a ‘must attend’ for my firm. Where else can you get lawyers from every continent in the same room, especially Asia and America. Even when I served as vice-chair of the Paris Bar a decade ago, it was not possible to meet people from all these areas of the world.

Bashir Ahmed
Partner, Middle East Law Firm of the Year 2023

It's my first time at the IBA. As a tax lawyer, I work a lot with corporate lawyers and it’s a chance to connect with these and practitioners in other areas. I was also interested to find out that the IBA has a task force on AI having attended a fascinating session on the reality of AI.

Shahram Safai
Partner, Abu Dhabi | Dubai | Sharjah

This is my second IBA and as head of litigation at my firm, I value the networking and the shared knowledge. For example, I was glad to be proved right at Monday’s session on how to track and recover cryptocurrency when it concluded that there is no way to find your crypto assets once you lose your key.

Danielle Lobo
Partner, Angola

The IBA is an important learning opportunity. I have attended many of the life sciences events, and it is essential to know what happens in other markets and make connections. It is good to understand the views of other people and how their systems work.

Francis Boyer
Managing Attorney, Boyer Law Firm, US

The IBA is important for my practice. I specialise in international litigation and the enforcement of foreign judgments. I need to pre-know people before I need them and the IBA is a great place to do this. I also have a lot of French clients so the Paris event is a great opportunity to connect with them.

Bernadete de Figueiredo
Partner, CGM, Brazil

Although I have attended the IBA life sciences events, it is my first time at the global conference. It is essential to know what happens in other markets and make connections. It is good to understand the views of other people and how their systems work.

John Kettle
Head of International and Energy, Gadens, Australia

As one of the directors of the Australian Clean Energy Regulator, I have a deep interest in the issues relating to global decarbonisation. The IBA provides a forum for conversations on this important debate and allows for a clash of ideas. The conference is also pivotal for the development of our international practice at Gadens.

Ana Lucia Murra
Partner, Machado Associados, Brazil

It's my first time at the IBA. As a tax lawyer, I work a lot with corporate lawyers and it’s a chance to connect on this level. I am interested in the family law committee which is looking at two key issues – what consent means around the world and how to protect children who are victims of war and disaster.

Alison Green, Partner
Mackrell Solicitors, UK

The IBA is invaluable to make new connections and hear the latest on areas of interest. On a practical level, I am a member of the family law committee which is looking at two key issues – what consent means around the world and how to protect children who are victims of war and disaster.

Jeffrey Elkinson
Director, Conyers Dill & Pearman, Bermuda

As an old hand at the IBA and a specialist in commercial litigation and arbitration, I value it for the many friends and connections I have made over the years. I have particularly enjoyed some of the keynote talks. The talk by Lech Walęsa was particularly inspiring. He is a most extraordinary man, one who changed the world.

Jaideep Gupta
Vice-President, Bar Association of India

As vice-president of the Bar Association of India, I am representing India’s many diverse bar associations at the IBA. The IBA is unique in how it works through committees. I have never seen this in other associations I have been involved with. I am also interested in international arbitration connections.

Jan Bachhaus
Partner, Corvel, Germany

I am a member of two committees, construction and the maritime and transport law committee. We look at many of the issues which arise and how people are dealing with them. In construction there are major legal challenges from the disruption of supply chains and how to deal with this in major contracts, to the increasing steel prices and other materials.

Gerardo Guajardo
Partner, Santos-Elizondo, Mexico

It's my second year at the IBA and I am interested in management issues. I am a member of the management and talent committee at my firm. It’s challenging to sustain growth and to attract and retain talent. It’s interesting to hear about flexible working at other firms.
Challenging the negative narratives surrounding the profession

Méganne Tillay previews Thursday’s SPPI showcase: law as a lifelong and rewarding profession

Attracting and retaining talent has been at the forefront of management teams’ minds in the legal industry for a number of years, especially amid an ongoing war for talent, times of Great Resignation and quiet quitting, and wider societal movements pushing for a fairer work-life balance.

On Thursday morning, the IBA’s Section on Public and Professional Interest (SPPI) will host a showcase session tackling just that: law as a lifelong and rewarding profession.

One of the session’s co-chairs is Babatunde Ajibade, managing partner of Nigerian firm SPA Ajibade & Co and vice chair and treasurer of the SPPI.

He says the SPPI “hopes to attract as many professionals to attend, given the need to share knowledge and experience across the profession. Young lawyers seeking to further their careers and shape the profession’s future will also be welcomed. Ajibade hopes a positive note will be struck. He said: “There is a need to push back against the negative narratives surrounding the legal profession and restate and re-emphasise the important role that the legal profession plays in the maintenance of civilised society, whilst acknowledging the challenges the profession faces.”

“We hope that the audience will leave the session, with a renewed conviction that law is a lifelong and rewarding profession and one of the best, if not the best, profession in the world.”

Joining the profession, and will draw from the experiences and considerations of lawyers in private practice, in-house and those who engage the services of the profession. The showcase will be split into two panels: the first one will discuss the challenge of attracting talent into the profession, while the second panel will deal with the problem of retaining talent.

The panels will be made up of members from various committees including Professor Paul D Paton KC, vice chair of the alternative and new law business structures committee; Stephen Bowman, co-chair of the IBA’s future of legal services commission; Jennifer Bishop, senior vice chair at the women lawyers’ committee; and Steven Richman, co-chair at the bar issues commission policy committee, among others.

Ajibade will co-moderate the showcase alongside William Fry partner and SPPI co-chair Myra Garrett. The showcase will review the findings and conclusions reached at several SPPI sessions taking place throughout the conference week that touch on topics related to the question of whether law is a lifelong and rewarding profession.

Attendees should expect the session to be interactive as the audience will have opportunities to ask panelists questions and to use Slido, a live Q&A and polling platform, to share their opinions and find out what the general consensus is on various issues.

Panellists will also share anecdotes, real-life examples and data illustrating their points throughout the session, according to Ajibade.

He adds that after a description of what young lawyers want from their workplace, the panel and the audience will be able to discuss what law firms are doing about mental wellbeing in the profession, possible changes to law school curricula for future generations of lawyers, and what clients want from law firms in terms of service, diversity, equity and inclusion and ESG.

Delegates will also have opportunities to debate the role of lawyers in protecting the rule of law; the impact of AI on the practice of law and its structures; ethical considerations for lawyers regarding the work they and their firm’s undertake; and the role of male champions in promoting gender equity in the legal profession. The session will also discuss an update report from the future of legal services commission.

This showcase should be of particular interest to those involved in law practice management, especially if they are keen to find creative solutions to the challenge of retaining and attracting talent. Clients and business development professionals are also encouraged to attend, given the need to share knowledge and experience across the profession.

“The IBAs pulled out all the stops for the opening ceremony on Sunday evening with a glittering show at the Carrousel du Louvre which also afforded delegates a private viewing of the world’s most famous painting, the Mona Lisa.

Delegates were greeted with a giant IBA sign bedecked with entertainers dressed as 16th century aristocrats. There was a string quartet, a harp player, some musketeers as well as performers in stilts.

Another room recreated the Montmartre district, with cafes and artists from the Place du Tertre, drawing, painting or cutting silhouettes for delegates. There was a guinguette band and dancers performed traditional French songs. A cabaret performance took place next to a miniature Moulin Rouge.

Delegates were brought up to date in the next room where a band rocked the stage the entire night performing 1980s covers, including the B-52’s ‘Love Shack’. The last room was all about consumer France, with stands highlighting French savoir-faire for wine, fashion, fragrance, and more.

Art lovers, meanwhile, were given exclusive access to parts of the French and Italian paintings collection, including the Mona Lisa, the European sculptures collection, and the Galerie d’Apollon, which houses the French crown jewels.
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