

# How technology is making the legal profession more accessible and sustainable

The disastrous impact of the Covid pandemic on lives, the economy and jobs is undeniable. But it has also forced us to reinvent the way we work and go about our daily business - and not all of this is bad.

By [HB Marais](#) 10 Nov 2021



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The pandemic has made us relook the way we do business and realise that the ways of old can be changed for the better. Covid has dragged us into the future when it comes to work, and nowhere is that more evident than in our legal environment.

South Africa's legal system is in dire need of a shake-up to make it more inclusive and accessible to those who need it the most – and rethinking the role of the advocate is a good place to start.

## How the law worked pre-Covid

All members of the legal profession worked from bricks and mortar offices. Legal chambers were often situated closer to the courts to allow for easy access and meetings. Advocates had to practice together - a bar society demanded it.

You needed a physical space to house the countless law volumes, chambers and a boardroom for meetings. You needed lots of support staff and expensive administrative equipment to operate. Clients would travel to your office to conduct business.

In practice, this means a client meets with an attorney and is billed accordingly. When the attorney briefs the advocate, there is yet another billing process.

And this is at the heart of the changes we are pushing for - and the difference we want to make.

## The legal profession needs to embrace the future

In its current form, legal knowledge is too exclusive, too expensive and beyond the reach of most South Africans. This has to change. The law, and the advocate's place in it, needs to be streamlined, and become more flexible on where and how advocates can practice.

Independent advocates have not always had an easy ride. Daring to leave the sanctity of mainstream groupings has seen them dubbed at best as mavericks, at worst rebels.

These labels are meaningless: advocates are still at the Bar, but they are simply not members of a specific society of advocates anymore.

We're looking at a new, more agile way of practising law. Independent advocates are at liberty to practice anywhere in South Africa, at the Bar of whichever court they are needed. It could be Cape Town today, Pietermaritzburg tomorrow and Johannesburg next week.

These new vistas have opened up an exciting and progressive way of practising, which could ultimately become the common way for the legal fraternity in the future.

Besides, appearing in court is only part of what we do. Attorneys and corporate counsel, indirectly, continuously engage advocates for legal opinions, and we're increasingly seeing litigation giving way to arbitration, mediation and adjudication. Advocates are heavily involved in training and corporate consultation and we often focus on specific areas of the law, such as commercial, environmental or family law.

## **The changes that should happen**

Attorneys, advocates and clients should work as a team. There is no reason to cut anyone out of the process, all three parties can work together and take the matter from there. It leads the client directly to the specialist and it makes the law affordable.

What we are proposing, is a more efficient and affordable way of dealing with legal issues. You must remember that the way we practiced law in 1982, it's not.

That has all changed now. The Covid-driven shift to digital channels means that consultations and even cohearings are now taking place through videoconferencing.

Zoom is now the conference table, the typist can sit in Cairo and type for you. Expensive equipment, like photocopiers, is obsolete.

We don't have to spend money on these costs anymore. If you have an iPad or a laptop, you can work, anywhere, anytime.

## **Technology is transformational**

By using technology to its fullest, we can actually reduce the costs of a legal procedure and this makes a big difference to the person in the street. The old ways wasted our client's money, this new way enables us to bring costs down, helping make the law affordable and efficient for our clients.

While Covid-19 has fast-tracked this, it would have happened somewhere in the future anyway, but the pandemic has forced people to do make changes that would have taken a lifetime to do.

Vast parts of the legal industry have been slow to react to the shift, but the real opportunity for the profession

lies in the ability to transform the entire industry to be more relevant and sustainable, as well as to provide better client service across the board.

## ABOUT THE AUTHOR

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