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Edwin H. Greenebaum

Indiana University Maurer School of Law, greeneba@indiana.edu

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**“THE FUTURE OF LAW” DEBATE: GREENEBAUM ON
SUSSKIND AND SUSSKIND’S REPLY**

**Is the medium the message? A discussion
of Susskind’s *The Future of Law***

EDWIN H. GREENEBAUM

Faculty of Law, Indiana University, USA

I first read *The Future of Law*¹ in June, 1998, acquainting myself with Richard Susskind’s analysis of the implications of the continuing revolution in information technology for the development of law and legal practice. I had been in England during March and April continuing research on the evolution of training programs in commercial law firms.² Several of my informants, who I had not interviewed in person since 1994, told me about Professor Susskind’s book, wondering about the significance of his analyses for the law firms whose futures they were participating in molding.³ As I read the volume, I mused on whether Susskind’s predictions of an information technology (IT) driven paradigmatic change in the nature of legal practice would prove true in the marketplace of information, law, and commerce. With publication of the Lord Chancellor’s Department’s consultation paper, *Civil Justice: Resolving and Avoiding Disputes in the Information Age (Civil Justice)*,⁴ in September, 1998, evidently influenced by Professor Susskind’s work,⁵ I became aware that change might, to a degree, be driven by governmental policy, not just the result of market choices. Thus, it becomes a pressing task to examine Professor Susskind’s premises and the argument he builds on them.⁶

In focusing on Susskind’s argument supporting his prediction of a new paradigm of legal practice, I should note that I will neglect considerable valuable material that he develops along the way regarding IT and its current and possible uses in legal practice and the justice system. *The Future of Law* works on several levels, as a primer and guide for the unfamiliar,⁷ as a stimulant for new uses of IT in legal practice,⁸ and as an exhortation to the benighted. The question of a new paradigm of legal practice aside, the manner in which we undertake our tasks, the efficiency with which we work, and how we communicate and transact business among ourselves, with our clients, and with courts and other agencies are being, and will continue to be, affected dramatically by IT developments. Dramatic changes in our environment, such as the IT revolution, challenge our habits of thought and will stimulate some to imagine new possibilities. How lawyers, in firms and as a

Address for correspondence: Professor Edwin H. Greenebaum, School of Law, Indiana University, Bloomington, Indiana 47405, USA. Tel: +1 812 855 4630. Fax: +1 812 855 0555. E-mail: greeneba@indiana.edu.

profession, respond to IT developments will certainly affect their competitive position. Susskind's text is well worth reading by all of us who should be interested in these matters whether or not one is persuaded by its most dramatic predictions.

Before undertaking the task I do assume here, I should disclose somewhat more the point from which I view Professor Susskind's project. As an American academic, I began my study of training programs in English law firms as a tool in firms' organizational development in 1990. By that time, while the World Wide Web was not yet a part of our scene, I and my colleagues had been communicating by e-mail within our building and around the world, Lexis and Westlaw (and other on-line data bases) were established research vehicles, and computer programs for many aspects of business management were widely available. Accordingly, I was surprised to find many of the commercial law firms participating in my study to have been slow to adopt information technology. In my 1991 working paper, I wrote:

Many firms state in their marketing brochures that they utilize state-of-the-art information technology, but for some this is limited to word processing, fax, and photocopier. Many go no further than a Lexis terminal in their otherwise conventional libraries and some not that far. A few are developing databases of their own or are exploring litigation support and "expert systems".⁹

Even in 1994, few of my informants could communicate with me by e-mail, and there was at least as much pain as profit in firms' steps and missteps in IT investment. In more than one firm in my study, the adoption of new IT systems and employment of IT management were experienced as significant degradations of work experience. By spring, 1998, much had changed. I could arrange my interviews by e-mail; those appointments were recorded in my informant's electronic diaries; training schedules and materials were managed on firm's IT systems; the brochures and newsletters that one found in racks in firms' waiting rooms were also appearing on the web pages of several firms. I was told that on-line data bases and CD-ROMs were decreasing reliance on printed materials in these firms' libraries, as they have for us in academia. These and numerous other experiences evidenced the significant, and much more successful, investments firms had made in IT infrastructure (hardware, software, and personnel).¹⁰ By this time, IT has infiltrated the systems through which we all accomplish our work in extensive and irreversible ways. I have no doubt that other developments, such as intranets and conferencing software, will be well used by the law firms in my study. With this rapid change in IT facilities, however, I have seen little evidence that the conception of law practice that informs work in my firms has changed in any fundamental way. Whether these lawyers are in "denial" of a future, inexorable paradigmatic change,¹¹ as Professor Susskind argues, or, alternatively, the knowledge-in-action¹² evidenced in these practices is based profoundly in the nature of law is the question this essay attempts to address.

First, I will summarize Professor Susskind's arguments. I will then examine some questionable premises from which Susskind reasons. While I have some

doubts about some of Susskind's argument on a technical level, my arguments, more deeply, will be that *The Future of Law* does not account adequately for how lawyers add value to transactions or appreciate the genius with which "common law" jurisprudence manages change. In my view, the state of IT constrains legal practice, but is not central to its nature. It will follow from this argument that there may be more serious social costs from the changes which Susskind forecasts, and which government policy might encourage, than Susskind's argument appreciates. Professor Susskind's insights, and the experiences in which they are based, cannot be easily dismissed. Change there will be, and the changing IT environment will be a significant factor. I will conclude, however, that changes in legal practice *occurring as a function of IT development* are not paradigmatic.

Do-it-yourself law

The past, present, and future of IT in legal practice, as told by Susskind, is movement from the "backroom" (business management infrastructure, such as accounts, and secretarial support), "to lawyers' desks" (providing facilitative technology for lawyers' work), "to clients' desks" (making legal information available to clients without lawyer mediation).¹³ It is the new relations between lawyers and clients resulting from this shift that will constitute the new paradigm of legal practice. That is, the continuing revolution in IT will make law accessible to laymen, and lawyers will become predominately information engineers and providers rather than counselors. As I was reading *The Future of Law*, I repeatedly said to myself, "This is about do-it-yourself law".¹⁴

Richard Susskind is especially well qualified to recount this history, and while I have doubts about his forecast, his interdisciplinary vantage point is unusual, perhaps unique. He has a degree in law and a doctorate in law and computers. He worked in a substantial accountancy firm (Ernst & Young, 1986-89) and firm of solicitors engaged in international commercial practice (Masons, 1989-97). Susskind has been Visiting Professor to the Centre for Law, Computers and Technology, Strathclyde University since 1990 and IT Advisor to the Lord Chief Justice of England since 1998. His continuing independent consultancy on the uses of technology has included work with some of the world's largest professional firms, with government departments, and with the courts.

Development in IT is central to Susskind's story. Storage in electronic form, technology of retrieval, and electronic accessibility are the key elements in making legal materials available to anyone with computer and access to the Internet. IT will make the full promulgation of legal authority possible,¹⁵ diminishing the role of lawyers in mediating the communication of law to laymen. The weak links at the current time are "excessive quantity and complexity of legal material"¹⁶ ("hyperregulation")¹⁷ and limits in the models of searching logic on which retrieval technology is now based. The former screens laymen from access to legal materials. The latter is too indiscriminate in the texts it retrieves, deluging the researcher with too much irrelevant material. The fulcrum to leveraging the new paradigm will be the invention of improved searching models by which IT systems will "bring to users

all but only the material relevant for their particular purposes".¹⁸ Susskind is confident this "technology lag" will be overcome, moving IT from data processing to true information management.¹⁹ In this context, market forces and democratic principles will produce legal texts articulated in terms laymen can understand. In the circumstances, lawyers will advise clients less, and clients will, instead, insist on the provision of the information on which they can make their own decisions. Lawyers will either adjust to this new paradigm or become obsolete since publishers, among others, will be all too ready to fill the void. Susskind predicts that there will continue to be some law practiced in the current model, but even here clients will insist on access to the legal materials and work product on which advice is based, and communication and information technology will permit more fluid boundaries between firms and their clients. The bulk of the profession, Susskind argues, will simply not be able to do business as usual. The silver lining to this cloudy story is that lawyers should be well positioned to provide the information services of the new order, if they should avail themselves of the opportunity, and the efficiency of the new paradigm should bring to life a "latent legal market" of individuals and businesses that cannot now afford legal services. In his introduction to the 1998 edition, Susskind argues the future legal market will be segmented three ways: "traditional", in which lawyers will serve clients in the familiar relationship; "commoditized", in which routine legal matters will be serviced by paralegals heavily supported by IT; and the new "latent legal market", in which customers will benefit from legal information services.²⁰

"... all, but only ..."

"*All but only*" is something of a mantra in Susskind's texts (always in italics). When the "technology lag" is overcome and "*all but only*" the relevant (understandable) information will be retrieved in response to questions put in plain language, the law will be at everyone's fingertips.²¹ Because law will be so readily available and applicable, individuals and businesses will increasingly use legal information to prevent loss rather than to clean up avoidable messes. To understand why this may be a false vision, we need to reflect on concepts of relevance, problems of information quantity and quality, and the relationship between law, language, and change.

The word "relevant" is ubiquitous in this text, but nowhere is its meaning explored, or defined for purposes of the argument. Neither is "purpose". I will not do much better here, since these words represent central issues in epistemology and jurisprudence, but I will make a few points to show that more than a "technology lag" stands between laymen and access to "*all, but only*" the relevant legal "information", itself a concept of some doubt.²² To start with, our purposes are shaped, in part, by the kind of information we expect to find, and the information we do find frequently leads us to reshape our purposes. So our information has to be relevant to a moving target. Relevance is as much a matter of imagination as it is of logic. The contextual world in which we perceive the premises from which we reason is one we create and re-create in our minds. The perceptions of analogy from

which we reason are also acts of creativity. Even in logic, information may be more immediate or distant, more central or peripheral in its impact on the matter that concerns us. Where information becomes too tangential to be considered "relevant" is a question of judgment rather than logic.

Further, I do not want *all* relevant information. I want information that is of sufficient quality and cogency. Too much of the relevant information I retrieve in my research is not worth having. The quality problem may be inadequate research, reasoning, or articulation. It may also be a matter of obsolescence, since legal work seeks to predict and control future social and economic behavior. My legal training enables me to make judgments regarding the quality and cogency of the information I retrieve. (That is only one of the ways in which lawyers add value, of which more later.) Laymen are disadvantaged in this regard, and I have not seen it argued that artificial intelligence will be able to make these kinds of judgments about information in the foreseeable future, if ever. Indeed, IT itself makes the storage of information cheap, and I am concerned that bad information will be a currency that drives out the good.²³

It is important in these issues to consider how the law and lawyers use language. "Rules of law" are conceptions which influence decisions of lawyers in their various roles, but which are indeterminate, having shifting meanings in different contexts. Legal rules are understood differently by different lawyers, which is itself a part of the reality of these "rules". Adding further difficulty for laymen, legal content must be inferred from a literature which has to be understood as a product of the processes which produced it. For example, the meaning of language in a court opinion is different depending on whether the judges are speaking in a context of permitting an action to be commenced, determining the proper instructions to a jury, foreclosing decision of a case by a jury by directing a verdict, awarding a new trial, or admitting or excluding evidence. In each instance what facts are assumed to be true and what turns on the result will differ.

Many legal concepts are intellectual constructs representing phenomena that do not exist in nature. Consider, for example, the conceptions of property and transactions that are taxable events. VAT lawyers test and re-create the boundaries of such concepts. They must understand, as well, how the legal concepts with which they work may be markers for the intersection of substance and process, (for example, the fluid boundary between "fact" and "law") and for unresolved issues (delegation to the future). The concepts that guide legal work are classifications imposed upon events. "Proximate cause" and "cause of action" are not unreal, but they are a reality-in-the-mind, important because they aid understanding and because they are "realities" upon which other professionals act as well. Thus, law, like every professional discipline, has its strange realities, and legal education and experience lead one to see events and circumstances in new ways. Lawyers do, no doubt and regrettably, use professional "jargon" as signals by which they identify each other, mystify the uninitiated, and maintain control at the expense of clients. But legal information is a specialized organization of common sense that requires translation. Lawyers can, and in my view should, help their clients understand the significance of legal information for their particular situations. Nevertheless, the subtleties are

real, and laymen on their own will be disadvantaged.²⁴ Policy that would reduce the provision of professional legal services in favor of DIY should address the question of the extent to which this can be safely done.²⁵

For Susskind, the law seems to be predominately static and predictable. Uncertainty there is, perceived as “gaps in the law”, prompting “a minor philosophical [jurisprudential] digression” explaining why there will continue to be some scope for traditional lawyering, but this, apparently, is not the norm.²⁶ In my view, while there are circumstances in which static and predictable law applied to a static and predictable world is an appropriate assumption,²⁷ this is an inadequate accounting for law as the complex social institution it is.

Susskind apparently assumes that behavior follows the law, or at least will do so when law is adequately promulgated. But law follows behavior at least as much as the other way around. It is not just limitations of existing IT that prompt us to conduct our lives without close attention to the law. The genius of common law jurisprudence, in my view, is its ability to renegotiate principles of public order, guided by evolving community perceptions and standards, as the current order is challenged by cases arising from changing environments.²⁸ Common law legislatures sometimes enact terms not susceptible to “interpretation”, but frequently legislate in less controlling ways, changing the direction of the law or loosening the too constricting terms in which doctrinal development has become trapped, but leaving it to the courts to work out the details. This jurisprudence allows for a dynamic response to changing economic and political circumstances that may contribute substantially to the success of British and American legal institutions in competition with institutions embedded in civil law. Susskind’s prediction that legal work will be done more in advance, based on general principles rather than on case by case advice, suggests a movement away from common to civil law codes and culture.²⁹ Whether that would meet the needs of legal markets in a changing world, or would be desirable, is not clear to me.³⁰

How lawyers and law firms add value

Susskind does not directly state a model of how lawyers add value to clients’ transactions. In the traditional paradigm of legal practice, as Susskind states it, lawyers advise clients reactively one-on-one,³¹ but in the new paradigm this kind of advice will be needed only “on those occasions where the language of a system is indeterminate, or there is an absence of relevant information, or there is a conflict in the information or there is a realistic prospect of some exception being implied”.³² From this we may infer that in Susskind’s model, lawyers add value by distilling the legal information necessary to guide clients from the “hyperregulation” that constitutes today’s legal sources and by advising and representing clients where their matters involve legal uncertainties. While lawyers do add value in these ways, this is an inadequate accounting of the matter. It can help us to answer this question by surveying reasons why some senior lawyers command higher fees than junior ones.³³ I take this approach on the premise that inexperienced DIYers, even with infor-

mation and aptitude, are unlikely to be able to add value for themselves beyond that created by inexperienced lawyers.

Wheat from the chaff. Even if lawyers add as much value at the outset of their careers as they do later, one cannot know which lawyers offer best value until they develop a track record and reputation. How quickly it takes better lawyers to distinguish themselves depends on their opportunities to demonstrate their value. (Similarly, inexperienced laymen will not be in a position to judge their aptitudes for DIY law.)

Knowhow: increased efficiency. With any task, the inexperienced will incur greater costs in setting up for the particular job and incur a greater error rate. The narrower the lawyer's specialty, the greater the efficiencies that may be gained with experience. But there are diminishing returns in increased efficiency as one practices the same specialty over time. Lawyers' ability to continue to increase their efficiency in these terms, after their relatively early years, may depend on their interest and aptitude for multiplying their work in supervision of others and in adopting new technologies of the kinds explored in *The Future of Law*.

Diversity of experience. Clients have only the benefit of the experience arising from their own, to some degree unique, situations. Experienced lawyers in independent practices approach a particular client's situation from the perspective of seeing related issues arise in many contexts. This depth and breadth of experience continues to increase throughout careers and is particularly valuable in judging the implications of changing environments.

Transaction knowhow: increasing benefits, reducing costs, creation of persuasive strategies. Lawyers create value, as transaction engineers, by helping parties obtain greater benefits from negotiation.³⁴ Parties benefit from negotiations by distributive outcomes, by integrative outcomes, by increasing the resources available to them, and by exploiting the relationships between their interests. The idea of distributive outcomes relates to those aspects of bargaining situations where there is a fixed, often monetary, resource available to the parties, and they must divide that resource between them. In this context, one party benefits by obtaining more of that resource at the expense of the other party. Economists view this as a losing transaction, from a community viewpoint, because there are transaction costs in the negotiation with no increased benefits from trade. Integrative outcomes are available in situations where the parties have different priorities, values, or costs for different resources. Parties trade goods of less value (priority) for others they value more highly. Similarly, a party may be able to provide a good at a lower cost than the cost at which the other party could obtain the equivalent good from other sources. This is how trading maximizes value in a market.

Negotiating parties may also benefit by increasing resources available to them.

This can happen by discovering entitlements of which they were previously unaware or by subsidy from third parties interested in the negotiation outcome. Resources may also be increased by testing structural constraints. Assumptions about legal constraints on parties' opportunities may be invalid, or relationships, time, and geography may be restructured in ways not previously conceived. Parties can also increase the resources available for their bargaining by recognizing their psychological and procedural, as well as their substantive interests. The satisfaction of a valued relationship or of an apology and the assurance of an efficient and fair means for coping with future problems are examples of goods available from negotiation in situations where parties may otherwise think of themselves as bargaining over money or property.

Finally, benefit may be obtained from recognizing the relationship of parties' interests. Negotiating parties share an interest in increasing the resources available to divide between them. A creditor's interest in repayment depends on the debtor's business succeeding. Recognizing that the parties have corresponding interests legitimates sharing resources. In some negotiations, truly conflicting interests may be less significant than the parties' shared, interdependent, and corresponding interests, if these factors are recognized.

With experience, lawyers learn to perceive the opportunities for these benefits and to realize them at efficient cost through getting the balance right between competitive and cooperative negotiating styles³⁵ and between positional and interest oriented bargaining.³⁶ Put more broadly, lawyers exercise influence in negotiation, planning, and dispute resolution by articulating strategies (visions) on which they, their clients, and others are persuaded to act. The capacity to create value in these ways is the product of educated imagination. Lawyers' experience informs their aptitude and discipline with themes on which they create variations.³⁷ Interpersonal skills are required as well to judge the audience and communicate the message. These are not uniquely legal skills, which is why lawyers have competition from other professions for this kind of work, but the need to create transactional value in the context of legal structures and to conceive persuasive strategies that accommodate legal constraints give lawyers special opportunities. Lawyers' repertory of themes on which they create new variations increases with experience. Those of us with experience teaching negotiation know that these opportunities for value creation are not readily perceived by many.

Knowhow: insight and judgment. Lawyers make judgments about the intersection of authority with social (including business) processes and institutions. How will participants in a matter (including parties, governmental officers, and judges) behave; how can they be influenced and facilitated to behave in beneficial ways? What transactions costs are necessarily incurred to safely accomplish clients' goals? How can legal issues be best managed alongside other aspects of clients' matters? How can legal work be accomplished without causing harm? How can problems be solved and matters negotiated to best serve clients' interests? Some lawyers more than others acquire the matured and disciplined judgment and creativity to advise

their clients in these ways. Only a few have more than an inkling of what is involved in these terms at the beginning of their careers.

Independent judgment. Lawyers come to their clients' problems with independent judgment from the beginning of their careers, but its value increases with diversity of experience and developed knowhow.³⁸

How do law firms add value?

Law firms add value beyond the value added by individual practitioners. They develop and supervise lawyers. They provide efficiencies by assigning lawyers to tasks with appropriate levels of expertise (and expense). They have lawyers with diverse expertise and aptitudes. They have the knowhow to manage risk and stand behind their work. They develop knowhow and invest in infrastructure and support.³⁹ Few clients have the value and variety of legal matters to make investment in developing these capacities efficient.

Clients across the spectrum of society, with all kinds of legal problems, can benefit from the resources and wisdom available from mature legal practices, and overcoming the technology lag (if it is overcome in the way Susskind suggests) will not bring this value to clients' transactions through IT. Not everyone or every firm or institution can afford to pay lawyers and their firms (or the best lawyers and firms) the price for adding this value, but that does not mean that legal advice would not be useful to them in these ways.

What kind of new world?

Basically, Susskind's paradigm is not new. DIY and unlicensed legal support has always competed with authorized practice.⁴⁰

First, we conduct many "legal" transactions in our daily lives without lawyers, and in this sense we are all DIY lawyers. For example, we ordinarily make purchases on the high street without seeking legal advice. There are, of course, hazards in doing so, and IT may be increasing them. When I purchase an item at long distance using the telephone or the Internet, the contract I receive with the product may contain a variety of terms which I will have accepted if I do not, at expense and inconvenience, return the product. High-street merchants, whose goodwill in the community may be influenced by how they treat me, may be more constrained in what they do to me than will distant vendors enabled by technology. There is irony in the fact that a leading United States decision dealing with these issues grew out of the purchase of a computer.⁴¹

IT has certainly entered the field. I have prepared my annual income tax forms for several years using different ones of competing tax preparation software. In a recently received (unsolicited) catalogue, I had the opportunity to purchase *Quicken Family Lawyer '99*⁴² or the *American Bar Association Family Legal Guide* (both on CD-ROM) and was referred to www.itslegal.com where, I was told, I could prepare

my own legal documents ("prices range from FREE to \$11.95").⁴³ The development of expert systems of this kind is affecting the manner in and extent to which law firms employ and supervise paralegals in handling routine matters. IT will also embolden new unqualified entrepreneurs to offer legal services for transactions where lawyers' fees are out of proportion to the parties' resources or the stakes in the transaction. When it is worthwhile to invest in a lawyer's services, rather than doing it yourself, will continue to be a question which individuals face, initially, alone.

In the competition between qualified lawyers and others, law firms have also begun to provide legal information on-line, as Susskind predicts they will. For most, so far, this amounts only to publishing on web pages, or perhaps sending by e-mail, the kinds of documents previously, and no doubt still, provided clients in print, but Clifford Chance and Linklaters are reported to be providing interactive on-line legal services, for an annual fee.⁴⁴ It is too early to know whether such ventures will succeed in becoming significant profit centers for firms or will serve a predominately marketing function for firms' "traditional" services.⁴⁵ In any case, it would be an error to think that culture will be malleable and that limitations on use of IT will be only technological. IT's tendency to penetrate and blur boundaries will be resisted, since individuals and organizations require boundaries for effective management, for accountability, and for security.

The division of legal work into "traditional" (case-by-case advice), "commoditized" (routine processing of standardized problems), and "latent" (DIY, as I term it) markets that Susskind describes as the law's future⁴⁶ is the legal marketplace I have always known. IT and other factors are affecting boundaries and structures, but these are variations on familiar themes. In my view, legal markets are diversifying in subtle ways and in many more dimensions than this. Even the "high-end" commercial law firms in my study are urgently seeking to conceive diverse niches in which they can thrive in the future.

New paradigms are difficult to predict, and basing predictions on the continuation of existing trends is hazardous. For Susskind, the maturity of IT seems to mark the end of history.⁴⁷ On the contrary, in my view, technology will continue to develop, in information technology and in other areas. Whether the next dramatic changes that will affect the shape of legal practice will be in information technology is something we do not know.

IT constrains legal practice, and as those constraints change, new possibilities for doing business arise, but it is not proven, at least to me, that IT is most central to shaping the legal profession's future.⁴⁸ Evolving economic orders, the evolution of states, international communities, and public and private institutions, and shifting boundaries between professional disciplines are the issues that concern the law firms in my study. I would not predict the next paradigmatic shift in legal practice, but I would guess that multidisciplinary partnerships and shifting centers of, and perhaps decreasing, regulatory control are likely to be at least as salient as IT.

No doubt better algorithms for retrieving information will be developed. No doubt more and better expert systems will be developed for matters susceptible to them. Perhaps the law will be applied more to prevent loss, and this would be very desirable. Certainly, there will be continuing restructuring of the profession and its

work. I believe these developments will, in many respects, be beneficial in ways Susskind demonstrates in aspects of his book I unfairly neglect in this essay. But legal practice in the future will continue to be a mixture of facilitation, reparation, and salvage, and clients will continue to need and to benefit from lawyers' advice.

In home improvement and repair, DIY is a successful industry. It is also the stuff of comedy. When I think of Basil Fawlty and DIY, for me the occasion of considerable laughter, procrastination, on-the-cheap, and hubris are traits that come to mind. In real life, these phenomena produce frustration, chagrin, and expense at best and real tragedy at worst. Those choosing to do-it-yourself, in law as well as home improvement, lack expertise and other resources, but most of all they lack the independent judgment that may be required to view their own situations with good sense. If lawyers who represent themselves have fools for clients, laymen are multiply disadvantaged. Of course, DIY is often "chosen" because individuals' resources are inadequate to retain experts.

DIY in law will work best for the existing rather than the latent legal market. Parties with experience and resources are in the best position to choose between DIY and independent legal service and to make productive and safe use of available legal information. Firms with in-house lawyers will benefit most. Inexperienced individuals will be seriously disadvantaged. Perhaps in 2084 there will be a "big brother computer" tracking all we do to alert us when we need a lawyer (and giving us permission to see one?), saving us from unwise DIY law. Until then, I fear reliance on Susskind's paradigm as a basis for policy is likely to widen rather than narrow the gap between legal haves and have nots. The Government's vision in *Modernising Justice*⁴⁹ of a legal aid service administered through advice centers and specialist law firms under contract, supported by IT, may be a constructive approach. But those without resources will be more likely to have their legal problems treated in routine ways where they would benefit from creativity and judgment. The danger is that a myth of IT could enable us to believe this is not the case or that it does not matter.