Learn in code

Some aspiring lawyers should learn to code but it's not for everyone, says Mikołaj Barczentewicz

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Technology will play an even greater role in the future of legal practice than it does today. Perhaps the changes are not going to be as radical in the short term as some like to claim (artificial intelligence (AI) will not be replacing lawyers anytime soon).

Nevertheless, some specialised software tools will likely transform some aspects of legal practice. Obvious examples include e-discovery, due diligence and contract automation tools which, though often not precise or 'self-driving' enough for many practical contexts in law today, are likely to get there relatively soon.

Similarly, there is a lot of promise around algorithms aiming to predict how the court – or another authority – would apply the law in a given factual scenario. However, the results are still somewhat underwhelming, for instance, you would be surprised how much manual work the creation of such AI tools actually requires.

It seems that the current demand for lawyers' technology skills such as computer programming – ie. coding – is high, almost inexhaustible, but this is an anomaly caused by a rapid growth of the legal tech industry and a relatively small number of specialists. This situation will normalise and the market will become more competitive on the supply side.

In other words, if you want to be a legal technologist in ten years you had better be good.

But many law tech enthusiasts overexaggerate the importance of coding to future legal practice. Will, for example, future employment or land law specialists really need to know more than the average technologically-literate professional in their individual practice?

On the other hand, in some specialisms such as technology law, coding could be useful for a minority of lawyers: for example, if they will be called upon to advise specifically on the legal aspects of software development.

So this raises the question as to what today's aspiring lawyers should be doing to prepare for the new wave of technological transformation. Should they learn to code? If not, what tech should they be learning to ensure they are ready for the workplace; and how should educators respond?

There is, and there always will be a need for lawyers with a deep understanding of technology. This means some aspiring lawyers should learn to code, though certainly not all – for the simple reason that the majority of future lawyers will most likely have no need to code – or even to work on joint projects with professional programmers. Coding – or more broadly, software engineering – is easy to do poorly but difficult to do well.

Some argue that all aspiring lawyers should learn to code because of the foundational teaching this would give them about the behind-the-scenes aspects of computer technology. This will be increasingly important but it is not a good enough argument in favour of all aspiring lawyers learning to code as opposed to learning about technology in other ways.

So – which aspiring lawyers should learn to code? I would suggest the following:
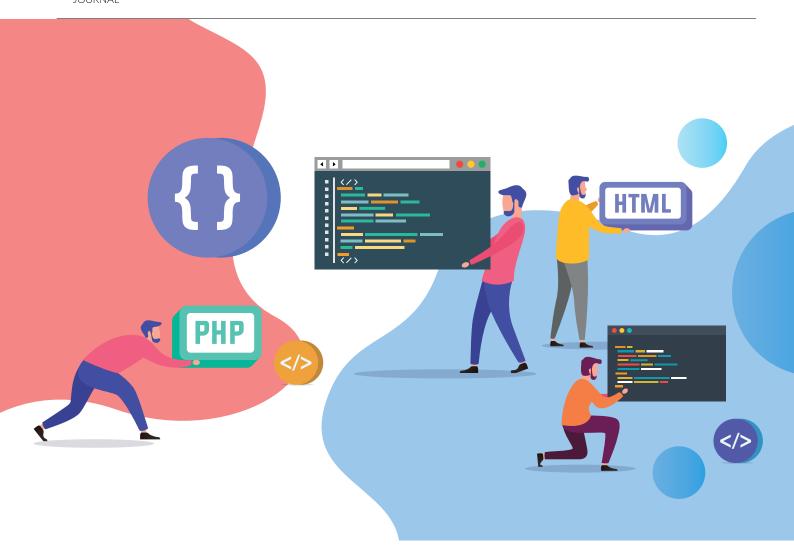
- Those who aspire to write code as part of their jobs.
- Those who aspire to work as domain specialists, alongside specialist coders developing software solutions requiring legal input.
- Those who would be among the small group of lawyers who will really benefit from it in their legal practice.

This then raises the further issue: how will an aspiring lawyer know whether coding is for them? Some will start with a general interest in technology, while others will start with an interest in a particular tech-related area of legal practice.

But the only way to really know is to try. There is a plethora of excellent free online courses and tutorials, for example, on learning Python, that can quickly give an aspiring lawyer a good idea whether or not they enjoy coding – and can become at least literate in it.

Should every trainee or law student try coding in an educational setting? Should legal educators make it a universal part of either a law degree or legal practice course? If by that we mean a short 'boot camp' (one day, for example) without grade or assessment, it could well be a good idea.

Some students may even find it particularly valuable in identifying and discovering oth-

erwise latent technological inclinations and talents for coding, and so help prepare them for a legal career that will require coding skills (or at least strongly benefit from them).

But anything compulsory would not be a good idea (particularly if grade assessed), because coding is not for everyone. Not everyone enjoys it; not everyone can be good at it – at least, without excessive effort; and not all aspiring lawyers need it.

Any coding courses that are offered by legal education providers should be optional and focused on applying coding in law. For example, a 'legal analytics' course could be focused on taking the students through the stages of preparing a litigation analytics tool. This would be a tool to transform the texts of court judgments into a database allowing for easy comparisons, for example, which lawyers or firms are most often instructed in any given kind of court proceedings.

An example of that kind of project (currently limited to the UK Supreme Court) is available on *courts.barczentewicz.com*.

Aside from the proportion of future lawyers who would benefit from learning coding, it is more important for aspiring lawyers to become more effective in using the basic technology necessary in legal practice.

But what does this mean? Should, for instance, aspiring solicitors learn how to use the legal tech tools, such as e-discovery software, which are available on the market today (as some vendors would like to see)? The argument often given for this is that it will allow them to easily hit the ground running and be able to use those tools when they arrive, as qualified lawyers, in legal practice.

I think this would be a waste of time. Instead of learning how to click through user interfaces of some piece of legal tech software (which will either cease to exist or fundamentally change in the next year or two) most aspiring lawyers will benefit incomparably more by learning to use their word processors and spreadsheet software proficiently.

Given that AI today is an application of statistics, law students and trainees lawyers should learn basic statistics, which will thus help them to become critical users of current and future AI-based legal technology (aside from many other benefits of statistical literacy). **SJ**

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