



Précis Paper

Forecast at Intersection of Law and Technology

Abstract – The Legal Forecast has a broad sweep. Inaugurated by legal and tech enthusiasts with a hackathon five years ago to disrupt the traditional legal scene, its range extends to mentorships and a 44-piece orchestra. Founders of the Legal Forecast, Milan Gandhi and Angus Murray, examine its growth and impact in a fast-evolving legal world.

Discussion Includes

- How the Legal Forecast came into existence
- Legal Forecast events and programs
- Ethics of technology
- Technology approach of innovation channels
- Emerging issues in technology
- State v Loomis

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Forecast at Intersection of Law and Technology

1. In this edition of BenchTV, Angus Murray (Co-Founder, The Legal Forecast) and Milan Gandhi (Co-Founder, The Legal Forecast) discuss the growth of the not-for-profit, emerging legal technology and the impact on legal decisions.

How the Legal Forecast came into existence

2. The Legal Forecast is a group of early career legal professionals and students across Australia and now the UK, passionate about reimagining the legal system to better serve end users and society at large. It is a not-for-profit exploring the intersection of law and technology run by interested volunteers,
3. Its first event, a Hackathon Disrupting Law, was like a shark tank for legal apps which brought together students from different disciplines.
4. The Legal Forecast has run continuously from 2016-2019 in six states and territories.
5. It puts students in touch with practising professionals.

Legal Forecast events and programs

6. Legal Forecast events and projects include: Race to the Future, Melbourne, 4 May 2018, Hackcess to Justice, Brisbane, 2018, TLF Connect and TLF Creative. The last has produced an orchestra and a 19-person big band, providing mentorship through music and the arts, bringing the arts into the legal profession to improve mental health.

Ethics of technology

7. Oliver Wendell Holmes Jr wrote: 'The law embodies the story of a nation's development - in order to know what it is, we must know what it has been, and what it tends to become' (*The Common Law*, 1881).
8. The past and understanding of what the legal profession is, is important for the way we cast ourselves into the future.

Technology approach of innovation channels

9. The DoNotPay app cuts the lawyer out of the process – see www.donotpay.com/learn/ It shows how technology can enhance access to justice.
10. Austlii is another example – information is also an access to justice issue.
11. eDiscovery is another way technology is impacting access to justice with algorithmic review tools.

Emerging issues in technology

12. Issues about key words used in the ediscovery in *Redpath Contract Services v Anglo Coal* caused frustrations in the litigation. The cost of litigation can be alleviated by technology tools but they can't be relied on as a shortcut. Overreliance on technology is tempting but competence is needed about the use of digital tools in the legal place.
13. The lawyer's duties and how these interact with technology is becoming a global issue. There needs to be an understanding of technology, but there is also lawyer responsibility over the advice provided.
14. The legal profession is now responding in a regulatory sense to the use of technology. There were 2012 Amendments to the American Bar Association Model Rules of Professional Conduct. 'Getting the Point? Review of Continuing Professional Development for Victorian Lawyers' considers CPD requirements. Law Societies across the country are grappling with how technology is impacting the legal profession, and the liability that arises or breaches that arise from misusing technology.

State v Loomis

15. The interesting aspect of *State v Loomis* in terms of the intersection of technology and law occurred in the sentencing stage of the trial.
16. COMPAS is an algorithmic assessment tool.
17. There is examination of human rights and technology by the Australian Human Rights Commission in a 2020 paper 'Using Artificial Intelligence to Make Decisions: Addressing the Problem of Algorithmic Bias'.

BIOGRAPHY

Angus Murray

Co-Founder, The Legal Forecast, Queensland

Angus Murray is a partner at Irish Bentley Lawyers, Queensland, practising intellectual property law, administrative (taxation and migration) law and insolvency litigation. Angus brings a powerful combination of an extensive academic background together with successes in litigation. He completed law in 2012 before completing a Master of European Intellectual Property Law at Stockholm University, Sweden. His thesis was published in the Nordic *Intellectual Property Law Review*.

Milan Gandhi

Co-Founder, The Legal Forecast, Queensland

The Legal Forecast is a not-for-profit run by early career professionals who are passionate about disruptive thinking and access to justice. Milan maintains a keen interest in international climate change law and has published several articles on related topics including in *New Internationalist* (a world leading independent publisher on issues such as politics and global justice). As the winner of a Global Voices scholarship, Milan was an Australian civil society delegate to the United Nations Climate Talks in Lima in 2014.

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Murray, Angus and Owen, Daniel 'Building Judge Hercules: Blending the Science of Analytics with the Art of Law', (2017) *The Proctor*, Vol. 37, No. 8: 34-35

Susskind, Richard, *Tomorrow's Lawyers: An Introduction to Your Future* (Oxford University Press, 2nd ed, 2017)

Cases

Redpath Contract Services Pty Ltd v Anglo Coal (Grosvenor Management) Pty Ltd [2017] QSC 149
State v Loomis, 881 N.W.2d 749 (Wis. 2016)

Legislation

Australian Citizenship Act 2007 (Cth)

Legal Profession Act 2007 (Qld)

Social Security (Administration) Act 1999 (Cth)

Trade Marks Act 1995 (Cth)

Other

DoNotPay app www.donotpay.com/learn/

TLF Connect www.thelegalforecast.com/tlf-connect

TLF Creative Gala 2019 www.thelegalforecast.com/tlf-creative

