

# *The International Law Book Facility Essay Competition*



## **JANE COLSTON**

Partner at **Brown Rudnick** and trustee of the **International Law Book Facility** ('ILBF')

We all love and need books but emerging technologies such as artificial intelligence, machine learning, and blockchain are already transforming how the business of law and litigation is conducted. Lawyers of all generations (and not just those about to embark on a career in law) need to 'get with the programme' as the Master of the Rolls put it and skill up re the advancing technology. So, when the trustees of the ILBF, a legal book charity, were discussing the question we would pose for our first essay competition we thought this would fit the bill: 'Looking back from 2030 what should we do now to transform the legal profession (including by the use of machine learning technology) to ensure access to justice for all and that the profession is as diverse as the communities and businesses it serves'. We were thrilled that the inaugural ILBF law undergraduate competition was launched by the Lord Chief Justice, Lord Burnett of Maldon at our 15th anniversary celebration event on 25th November 2021. As one of the essay judges, I was delighted to read the range of ideas on this topic from the next generation of lawyers. The competition winner was ultimately chosen by Professor Richard Susskind OBE and The Rt Hon, the Lord Thomas of Cwmgiedd former Lord Chief Justice and ILBF founder and patron. I will let the ILBF CEO Katrina Crossley tell you more.



The response to our essay competition was excellent. We had entries from students at 17 universities, 55% of which were non-Russell group. Nearly half of all entries were from students in their second year of undergraduate study and were evenly split between male and female students from a diverse cohort.

Our rigorous judging process was assisted by a team of recent law graduates: Yasmin Hassan, Chiara Iorizzo, and James Yang. All three rounds of judging were carried out blind with the judges, which included Jane Colston, Clifford Chance's Ellen Lake and Emma Marshall, Morgan Stanley's Maryann McMahon and me, reading numbered essays with all identifiers removed. The final round of judging was carried out by Lord Thomas, and Professor Richard Susskind OBE and they announced the winner on: <https://ilbf.org.uk/>

We are very grateful to them both for their time and expertise in picking the winner. Jude D'Alesio of Bristol University wrote the winning essay and we are pleased to share it with you here.

The range of ideas and insights from all essayists was impressive, and we very much hope that students will continue the debate and get actively involved in shaping legal technology for the future to enhance its impact on access to justice and diversity in the profession. The prize includes a summer placement at Brown Rudnick and travel costs paid by Brown Rudnick. We hope that this will be an annual event with different law firms sponsoring the event each year to support the ILBF which is committed to access to justice for all through sharing legal knowledge. Books from the ILBF provide vital printed resources for judiciaries, law commissions, bar associations, law societies, universities, law reporters, prisons and pro bono organisations across the world. In nearly 17 years we've shipped over 75,000 books to 54 countries. Access to legal technology and printed resources are not a given across the world so our books are a vital bridge across the justice gap.



## **KATRINA CROSSLEY**

CEO of **International Law Book Facility** ('ILBF')

# The Judging Panel

- **The Rt Hon. the Lord Thomas of Cwmgiedd**, former Lord Chief Justice of England and Wales, Patron of the ILBF
- **Professor Richard Susskind OBE**, President of the Society of Computers and Law
- **Katrina Crossley**, CEO of the ILBF
- **Maryann McMahon**, Morgan Stanley and ILBF Trustee
- **Jane Colston**, Brown Rudnick and ILBF Trustee
- **Ellen Lake**, Clifford Chance and ILBF Operating Committee
- **Emma Marshall**, Clifford Chance and ILBF Operating Committee
- **Yasmin Hassan**, Edmonds Marshall McMahon
- **Chiara Iorizzo**, McDermott Will & Emery
- **James Yang**, KCL Law Society



**ILBF Essay Competition Launch**

Left to right: Paul Lowenstein QC, Lord Burnett, Jane Colston, Professor Susskind, Lord Thomas and Maryann McMahon



Chiara Iorizzo, Analyst at McDermott Will & Emery and Yasmin Hassan, Paralegal at Edmonds Marshall McMahon, ILBF Volunteers.

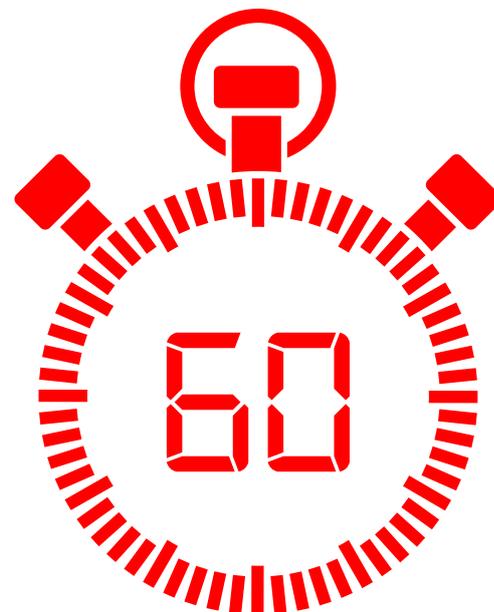


Left to right: Paul Lowenstein QC, Jane Colston, Lord Thomas, Professor Susskind, Maryann McMahon and Lord Burnett



James Yang, former President of the King's College London Law Society, ILBF Volunteer

We speak with Jude D'Alesio, winner of the International Law Book Facility Essay Competition on why he entered, what he predicts for the future, and what he is most looking forward to during his internship at Brown Rudnick



## 60-SECONDS WITH:

### JUDE D'ALELIO STUDENT BRISTOL UNIVERSITY



**Q** Why did you choose to enter the International Law Book Facility (ILBF) Law Undergraduate Essay Competition?

**A** I was intrigued by the competition's focus on machine learning as there are not many opportunities to explore the intersection of law and technology and in my Law degree. I already have a keen interest in artificial intelligence and blockchain, so I saw also this as an opportunity to put my knowledge to the test and persuade others of their benefits. There was an emphasis on access to justice and diversity in the competition which was also appealing, and I thought that I could contribute something different by placing a technology spin on these aspects too. For example, I talked about how 'smart contracts', which are self-executing contracts, can increase access to justice by allowing people to do more without the help of lawyers. The internship at Brown Rudnick was certainly an attraction too!

**Q** The essay competition required you to "Look back from 2030" and discuss "what should we do now to transform the legal profession (including by the use of machine learning technology) to ensure access to justice for all and that the profession is as diverse as the communities and businesses it serves". Reflecting on your essay, can you briefly predict what the legal profession may look like in 2030?

**A** By 2030, I think that you will have numerous uses for 'narrow AI' in the legal profession, which is essentially AI only capable of doing specific and confined tasks like writing a contract or predicting the result of a case. Although this will certainly be useful, I see the real revolutions in AI and machine learning happening decades later. I also think that there will be an increase in STEM graduates in the profession. You see this already with some firms offering technology-focussed training contracts.

**Q** How did you feel when the ILBF's CEO confirmed that Lord Thomas and Professor Susskind had picked your essay to be the winning one?

**A** I was beyond shocked: I never thought that I would reach the final, let alone write the winning essay! On that note, I would like to extend a massive thank you to everyone at ILBF and on the judging panel for running such a great competition.

**Q** The prize includes an internship at Brown Rudnick, London. What are you most looking forward to during your internship at Brown Rudnick which its litigation partner, Jane Colston will supervise and what do you hope to achieve from it?

**A** I am very much looking forward to the internship and spending time in a busy litigation practice. I hope I will be able to roll up my sleeves and contribute in what I know will be a very exciting experience. Seeing how the firm uses technology in practice will also be interesting. I am also keen to meet more people in the profession and pick up tips on life as a lawyer. As someone who is not from London, the chance to live there for a week is also valuable and will hopefully prime me for a future move to the City.

**Q** What led you to wanting a career in law?

**A** Since as long as I can remember, I have always been an avid reader and writer so I was keen on a legal career from the beginning. The academic element of law, and the need for research and keeping abreast of issues is also important to me. I also like the idea of working for a variety of clients, learning about their individual needs or businesses, and tailoring your advice accordingly. As this essay competition demonstrated, law is incredibly dynamic and the profession is different from one decade to the next; this is also what makes it an attractive career.

**Q** What has been your biggest achievement?

**A** Aside from this competition, I became one of Britain's youngest councillors at 19 when I was elected to Long Ashton Parish Council in North Somerset. I am heavily involved in politics in my spare time, and love nothing more than solving problems for residents and finding ways to make positive change on a local level. I am also the youngest chairman of a council

planning committee and this policy area is heavy on regulation, which is probably some people's worst nightmare but not for someone like me who enjoys the legal aspect.

**Q** What is the best piece of advice you have been given?

**A** I have always been taught the importance of being kind, hardworking, and presenting yourself well. Life is not always about who is the cleverest or loudest; sometimes, just being a nice person goes a long way!

**Q** What is something you think everyone should do at least once in their lives?

**A** Definitely running for election, no matter for what. Whether it is to be chair of a board, president of a society, or for a local council, it is such a confidence-building exercise and the thrill of a campaign is unparalleled. If you win it is great to contribute and make a difference, but even if you lose, the people you meet make it worthwhile and they will remember your efforts.

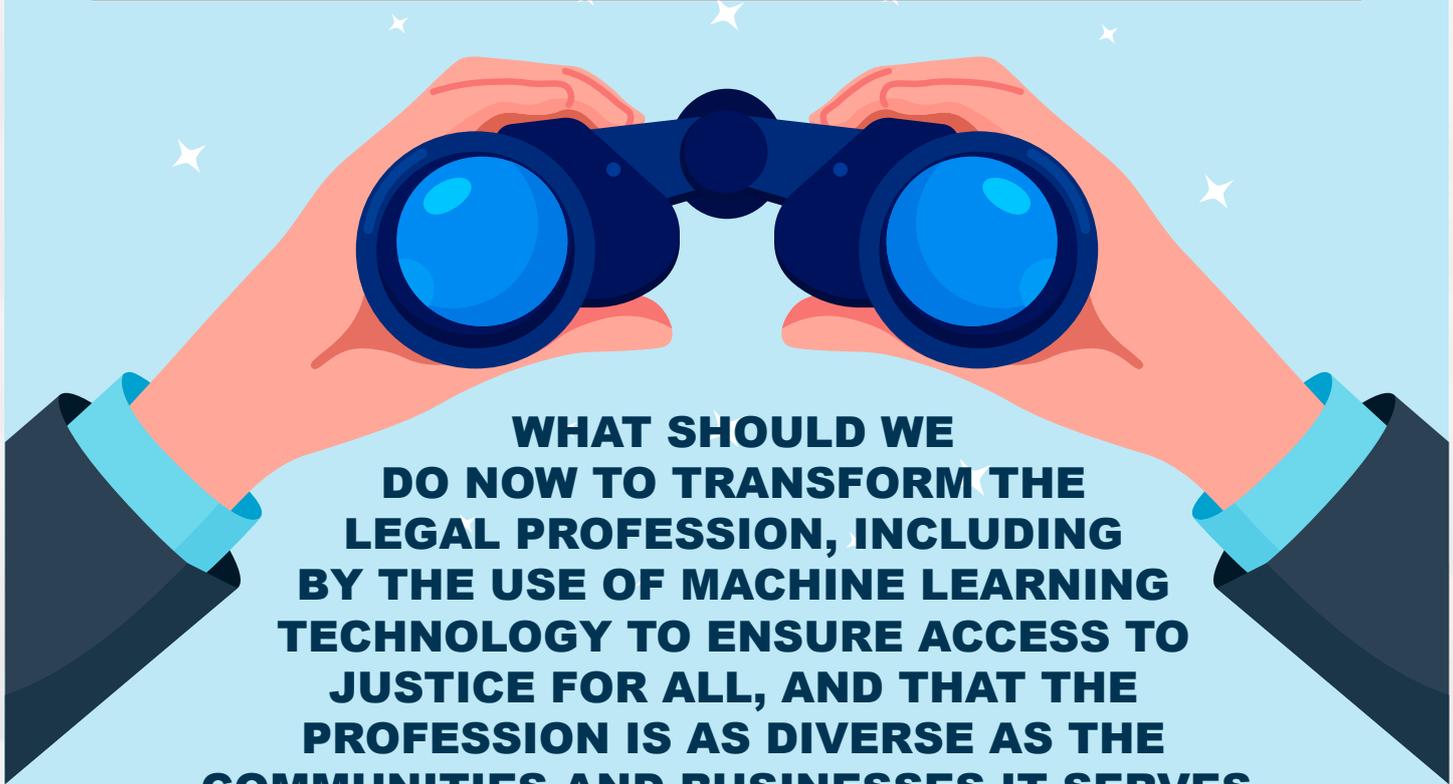
**Q** What is the one thing you could not live without?

**A** Hayfever is my kryptonite, so wherever I go I take hayfever tablets. If the pollen catches me off guard, I can end up looking like I have been in the ring with Mike Tyson!

**Q** What book do you think everyone should read and why?

**A** 'The Death of Ivan Ilyich' by Leo Tolstoy is a classic. It tells the story of a man nearing death who realises how artificial his life has become. It is very heavy and lurid at times, but what Tolstoy writes about living a good life is impeccable. On the non-fiction front, I have just finished reading 'Wired For War' by P.W. Singer, which is an excellent commentary on how robotics and AI are pervading the battlefield. Many of the associated issues also concern international law and its adaptation to technology.

# LOOKING BACK FROM 2030



**WHAT SHOULD WE DO NOW TO TRANSFORM THE LEGAL PROFESSION, INCLUDING BY THE USE OF MACHINE LEARNING TECHNOLOGY TO ENSURE ACCESS TO JUSTICE FOR ALL, AND THAT THE PROFESSION IS AS DIVERSE AS THE COMMUNITIES AND BUSINESSES IT SERVES.**

Authored by: Jude D'Alesio - Bristol University

## Introduction

Moore's Law dictates that the speed and capability of our computers double every two years, which means that by 2030 we can expect computing power to be 16 times greater than it is today. To put it simply, technology will undergo profound change in the next eight years. In three ways, the legal profession must be transformed if it is to strengthen access to justice and diversity in the shadow of modern technology. Firstly, while machine learning presents innumerable opportunities for the profession, it potentially poses grave dangers for humanity and the legal profession should ensure that the necessary safeguards are established. Secondly, the benefits posed by blockchain technology will radically improve access to justice, and finally, the benefits of technology in the legal profession are contingent upon achieving greater cognitive diversity.



## Protecting humanity from machine learning

The legal profession must place itself at the centre of the creation of machine learning (ML) regulation to safeguard humanity's interests. There exist numerous benefits from ML in the short term for the legal profession, such as automation of routine tasks and increased prediction accuracy. However, there is more scope for the legal profession to fundamentally influence the longer-term effects of ML. An important concept in the field of ML is artificial general intelligence (AGI),

which is the hypothetical ability of ML technology to learn any intellectual task capable of being performed by a human. AGI has potentially exceptional consequences for the legal profession, in that it may simply 'solve' the problems of lack of access to justice and diversity owing to its superintelligence. However, coupled with the potential to solve problems is the inherent theoretical risk that ML with superhuman intelligence could lead to the destruction of humanity: as John von Neumann, regarded by many as the most intelligent man in history, said, 'the combination of physics and politics could render the surface of the earth uninhabitable'<sup>1</sup>.

***The alignment problem, then, asks how we can guarantee that ML is aligned with humanity's interests to avoid this situation.***

Research is urgently needed on devising global norms, policies, and institutions to ensure the beneficial development and use of advanced AI, and it seems natural for the legal profession to shape the regulatory landscape in a manner which encourages safety and enterprise simultaneously. Without the legal profession helping to solve the alignment problem, there may be no such profession in the future, let alone access to justice and diversity.



## Increasing access to justice through blockchain

Secondly, the legal profession must embrace the benefits of blockchain technology and its potential to increase access to justice in the next eight years. The prime contribution of blockchain to the legal industry will be through the medium of smart contracts, which are self-executing contracts able to automatically execute clauses without directly involving lawyers. Theoretically removing the necessity for lawyers to draft and enforce contracts creates a form of decentralised justice, where a consumer need not rely on lawyers to write their contract nor the courts to enforce it, radically expanding access to justice by reducing transaction costs<sup>2</sup>. However, the legal profession should advise and lobby for the creation of a law which confirms that all UK smart contracts must comply with UK contract law principles, ensuring consistency and the protection of rights. The second legal use of blockchain is litigious, as it can be used to authenticate submitted evidence online. Any data stored in the blockchain is immutable, thus users are alerted to the tiniest changes.

**Only 46% of the population enjoy access to justice yet 59% have access to the internet<sup>3</sup>, thus the online authentication of evidence via blockchain can leverage internet use to benefit those without access to justice.**

As a result, blockchain is an excellent mechanism for victims to preserve evidence of e-business disputes or copyright infringements on the internet, allowing the evidence preserved by blockchain to be given judicial effect. The legal profession, specifically the judiciary, must therefore encourage the use of blockchain evidence authentication during litigation.



## Achieving cognitive diversity

Finally, the legal profession must achieve greater cognitive diversity. In 2019, approximately 57% of trainee solicitors in the United Kingdom had studied a Law degree<sup>4</sup>. That such a high proportion of a single profession was dominated by a single course demonstrates a patent lack of cognitive diversity. The modern lawyer, however, must combine an appreciation and understanding of fields such as technology, computation, and physics to apply the benefits offered by innovation as outlined in previous paragraphs.

**Therefore, to fully grasp the opportunity offered by technology, the legal profession must upskill in STEM subjects.**

It is important to note that recruiting for the 'traditional' and 'STEM lawyer' is not mutually exclusive: Clifford Chance offers two concurrent training contracts, with one offering regular training and the other, 'IGNITE', recruiting those 'with an aptitude for tech' and places an 'emphasis on tech' during training<sup>5</sup>. The profession may also consider offering increased salary to STEM lawyers, recognising their lower supply in the industry and providing a stronger incentive to consider STEM as a route into the profession. As 'legal tech' becomes mainstream, the judiciary may also consider introducing a requirement in technology-related cases for each bench to include a judge with STEM credentials. This will provide the legal profession with the essential skillset to take it into 2030 and beyond.

## Conclusion

To conclude, it is clear that the legal profession will undergo profound changes after 2030, and likely well before. It must lay the foundation of norms to control the development of ML, allowing its beneficial development while safeguarding humanity from its risks. Embracing blockchain technology will also increase access to justice and allow a democratisation of legal services where lawyers are unessential for an individual's understanding of their legal rights. Finally, greater cognitive diversity is essential for the benefits of technology to be realised in the legal profession, and this could take the form of alternative training contracts as well as increased focus on recruiting STEM graduates.



2 Michal Malkovský, 'The Concept of Smart Contracts: Capable of Overturning Contract Law As We Know It?' (2015) <<https://www.academia.edu/19842066/TheConceptofSmartContractsCapableofOverturningContractLawAsWeKnowIt>> accessed 20 February 2022

3 International Law Book Facility (ILBF), 'ILBF 15th anniversary event Professor Richard Susskind OBE' (Youtube, 13 December 2021) 26:25 <<https://www.youtube.com/watch?v=VNfsrEJ1j1k&list=WL&index=2>> accessed 20 February 2022

4 Chambers Student, 'Law firms' preferred universities 2019' (Chambers Student, 5 July 2019) <<https://www.chambersstudent.co.uk/where-to-start/newsletter/law-firms-preferred-universities-2019>> accessed 20 February 2022

5 Clifford Chance Careers, 'Tech-focused Training Contracts for people who want to shape the future of law' (Clifford Chance, 25 November 2021) <<https://careers.cliffordchance.com/london/what-we-offer/ignite.html>> accessed 20 February 2022