

Old Wine in New Bottles: Plans for Innovation & Practice

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As some of our readers may have noticed, after the last annual meeting in Los Angeles, the committee formerly known as Practice Technology has a new moniker—Innovation & Practice. “Why change?” you might ask. Coincidentally, that’s the right question.

For more than 20 years, futurists like Richard Susskind ([The Future of Law](#), [Transforming the Law](#), [The End of Lawyers](#), and [Tomorrow’s Lawyers: An Introduction To Your Future](#)) have tried to anticipate the future of legal services and the likely impact of information technology on lawyers and the courts. Most recently, Susskind has published a second edition of [Tomorrow’s Lawyers](#), which he introduces with the observation that “most commentators agree that the pace of change is accelerating . . . [and] leaders across the legal profession are now openly acknowledging that the world of law is entering a period of transformation.”

At the same time, reviewers of the work of Susskind and his fellow futurists have suggested that to date, there are only limited signs of the outcomes that they have predicted. Speaking from personal experience, even from the perspective of a relatively small law firm in the Great (But Not Big) State of Maine, I can confirm that technology has not fundamentally altered the traditional roles of most lawyers during the last three decades. While there’s no question that the adoption of technology by clients has required lawyers to keep up, the way in which legal services are provided and the relationship of lawyers to their clients has remained largely the same. Although I was an early adopter of technology (the first person at my law school to use a portable computer to take notes in the classroom, and a contributor to the work on what eventually became a development platform for legal practice expert systems), I have to admit that in practice, my own expertise has only resulted in increased efficiency, not a real change in the nature of my work.

Which brings me back to the question about the change to our committee’s name, and the reason for the title of this note. I’ve always been fond of the expression “old wine in new bottles.” It’s an inversion of the Biblical parable which illustrates the perils of imposing new spiritual disciplines on those accustomed to specific traditions and practices—in the metaphor, the result is broken bottles and spilled wine. Instead, my preferred version refers to the presentation of an existing concept or institution as if it were a new one. Much of what I have seen presented as “innovation” for lawyers fits into this category. Susskind would probably identify these as solutions for the “more-for-less” challenge—how to deliver more legal services at less cost, or, put another way, more efficiently.

What I hope to change about our committee’s role is the informative content that we can provide to the other Fellows of the College. Rather than just tutorials on how to log on to ACREL Shares! (without minimizing the importance of the former, which we are still glad to

teach to those of you who haven't yet done so successfully), we hope to bring you what Ray Truitt referred to in a recent conversation with me as "big ideas"—true innovations which may fundamentally affect what all of you do as real estate lawyers.

In other words, real change that you can use. Stay tuned.