LAWYER OCCUPATION IN DIGITALIZATION AGE

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ABSTRACT: The relevance of the research is due to the need to consider the future of the lawyer occupation in Russia in the context of digitalization, as well as to study the process of transformation of the lawyer occupation in new conditions. The purpose of the article is to understand the main directions of digitization of the lawyer occupation, new requirements for the level of training and education of a lawyer, the prospects of the lawyer occupation in Russia and the world. The leading approach to the study of this problem is the methodology developed by legal anthropology, which is supplemented by a system-based method that allows us to comprehensively consider the features of the lawyer occupation in the era of digitalization. The article proves that the further introduction of digital technologies will lead to a complete transformation of the lawyer occupation; the main directions of changes in the lawyer occupation would be to replace the man-lawyer who performs routine, standard legal operation with a robot-lawyer; a key feature of training of lawyers will be the ability to use LegalTech; transformation of the lawyer occupation will lead to the transformation of legal education, which will be expressed in the need for relevant IT training; the specifics of digitization of the lawyer occupation in Russia will largely be determined by its unique characteristics: the vast territory and demographic characteristics of the population; the most important result of digitization of the lawyer occupation will be the division of lawyers into digital and traditional. The materials of the article can be useful for legal scholars who study the problems of digitalization of the lawyer occupation, law students and legal practitioners who are interested in the future of their profession and the main directions of its transformation in the first half of the XXI century.

Keywords: digitalization, LegalTech, digital lawyer, traditional lawyer, lawyer occupation.

INTRODUCTION

The new technologies introduction in public and state institutions activities has led to their transformation. One of the results of digitalization impact on the social sphere was a significant change in the labor market. For example, according to the Atlas of new occupations developed in Russia (Atlas of new professions, 2015), by 2030 there will be 186 new professions in medicine, construction, security, aviation, culture and art, education, tourism, biotechnology, agriculture, energy generation, land and water transport, space, mining and processing of minerals, metallurgy, robotics and mechanical engineering, light industry, financial sector, social sphere and others (Morkhat, 2017, 2018). Digitalization of the legal environment is currently one of the most discussed topics in the scientific community (Dyuflo, Andreeva & Blazheev, 2020). Both foreign and domestic literature discusses various issues related to the impact of digital technologies on legal phenomena, including the lawyer occupation, education, and the labor market. As a rule, research is devoted to specific details of this issue (Pon'kin & Red'kina, 2018). For example, a study by R. Bastin, S. Hurtaud and L. Senequier (2014) was devoted to digitization of documents and legal files. It examined the problematic aspects of the transition from physical paper documents to digital ones using the example of Luxembourg.

The article *digitization of world law* by M.C. Germain (2010) discussed the problems of digitization of legislation of foreign countries, the possibility of online access to it, authentication and preservation of digitized law. R. Vogl (2016) conducted a study on the *Coming of legal technology age*. He proposed to systematize the impact of digital technologies on the development of law in the following areas: legal information, legal infrastructure, and computation law. Legal information search technologies help us finding it more quickly and in full. Technologies in the legal infrastructure are new systems and platforms that help stakeholders find each other.

P.W. Jonathon (2019) dedicated his article *Privacy and legal automation: the DMCA as an example* to addressing the issues arising from the impact of legal technologies on people's privacy and freedom, using the implementation Of the Digital Millennium Copyright Act (DMCA) as an example. This law supplements US copyright law with provisions that take into account modern technological advances in the field of copying and distribution of information. In the course of implementing the DMCA, millions of notices are automatically sent out every day, which require copyright compliance and that has a frightening effect on Internet users. Based on the results of a survey and analysis of 500 Google blogs and 500 Twitter accounts that received DMCA notifications, the author draws a number of conclusions that, in his opinion, lay the Foundation for a new approach to managing the use of legal technologies in relation to the individual (Penney, 2019). Among the domestic works devoted to the digitization of the legal sphere and affecting the future of the lawyer occupation, one would like to highlight the following: T. Ya. Khabrieva (2018), T. Ya. Khabrieva and N.N. Chernogor (2018), D.A. Pashentsev et al. (2019). The authors of the article set a goal to analyze the main directions of digitization of the lawyer occupation, new requirements for the level of lawyer training and education, and prospects for the lawyer occupation in Russia.

METHODOLOGICAL FRAMEWORK

Taking into account the relevance and novelty of the problems considered in the article, the main methodological approach of the research is the methodology developed

by legal anthropology, which is widely used within the framework of post-classical jurisprudence. The second most important method of research is the system-based method. Its peculiarity is the orientation to consider the object as an integral complex of interrelated elements. In this study, the legal environment appears as a system, one of the elements of which is the lawyer occupation. It is closely linked to other elements - legal education and the lawyer labor market. They interact and influence each other. The study of the lawyer occupation transformation should be carried out in direct connection with the study of these two elements.

RESULTS
Main Directions of Lawyer Activity's Digitization

There is no doubt that in the new technological conditions there will be changes in the lawyer occupation. In this regard, the President of the world economic forum, K. Schwab (2016), writes that the lawyer occupation can be partially or fully automated much earlier than one might expect. At the same time, it should be noted that according to the founder of the project Pravo.ru A. Pelevin (2017), Russia is in the top five or three countries in terms of automation and technology penetration in the legal industry. Thus, the transformation of the lawyer occupation in Russia under the influence of digital technologies has already begun. However, according to some estimates, the level of introduction of digital technologies in law today is no more than 30% (Pelevin, 2017), and the share of online legal services does not exceed even 4-5% (it is assumed that by 2020 it will be 10-15%) (Tyurnikov, 2017).

Peculiarities of the lawyer occupation digitalization

Digital technologies have already had and will continue to have an impact on the lawyer occupation. Things that should be noted here:

First: there are forecasts concerning the future of the lawyer occupation. In most cases, such forecasts are disappointing – the lawyer as a profession will cease to exist, and those with a legal education will face unemployment. Robots, databases, and information search engines will replace lawyers. However, such statements cannot be accepted. Already, as it was mentioned above, digital technologies have a significant impact on the lawyer occupation, making it much easier. There is even a new term – LegalTech, which means information technology services for professional legal activities and providing legal services with using information technology to consumers. However, the program cannot determine a person's mood or actual goals of contacting a lawyer. The robot is not able to carry out interpersonal communication, which is often necessary when a client contacts a human lawyer. In addition, each legal case has its own nuances that can be crucial for its resolution and that, if a computer program does not cover them, will remain outside the study of artificial intelligence. Therefore, "robots will not replace lawyers until laws can predict human behavior with absolute probability, that is, as long as human freedom exists" (Ovchinnikov, 2018). According to research, a qualified lawyer now spends 23% of their time on routine work, while a legal assistant spends 69% (Bagaev, 2017; Mendonça, & Andrade, (2018). In addition, the total share of routine and typical repetitive operations, according to some estimates, is from 80% to 90% of the lawyer's activity (Pelevin, 2017). Digital technologies will free the lawyers of the future from much of this work, which will make the profession more creative, akin to art. At the same time, lawyers will deal with the most complex cases that require serious professional training, including those related to the consideration of cases in the courts. After all, a *robot lawyer*

has already been created that advises clients without the participation of a lawyer. The Russian company *Pravoved.ru* taught the machine to answer questions about consumer rights protection. Currently, the robot is responsible for 85% of these questions (Bagaev, 2017; Ardakani, et al, 2015). In the future, this figure will increase, but there will remain (now it is 15%, then it will become less) the most difficult questions that the machine will not answer, and a human lawyer will give advice on them.

Second: along with the opinion about the elimination of the lawyer occupation, there are ideas about a significant reduction in the number of practicing lawyers. This is justified by the fact that organizations will reduce their staff lawyers and outsource to law firms. Citizens will no longer address lawyers on issues that they can solve independently using various information and legal systems and databases (for example, they will use the contract Constructer to prepare them themselves). Finally, there will be a reduction in the number of lawyers engaged in legal proceedings. Artificial intelligence will replace positions of assistant judges, court clerks, and even judges themselves. Again, such assumptions cannot be accepted. First, in the future, as now, the presence of corporate lawyers will be justified by the economic benefits of their activities. If the organization is small, it is probably not economically profitable to maintain a staff of its own lawyers. If we are talking about a large organization, then their presence will be economically justified. It is well known that the better the primary documents are worked out, the less likely it is to make a legal error and lose in court. Therefore, the profession of a corporate lawyer (legal adviser) will undoubtedly remain. According to research conducted in 2016, there were 47 thousand law firms and 27.5 thousand individual entrepreneurs providing legal services in the country. At the same time, the share of large legal businesses (firms with 100 employees were taken into account) was only 0.2%; approximately every the 14–th organizations employed more than 20 employees, and 60% of organizations consisted of two people (Moiseeva & Skugarevskiy, 2016). Thus, it can be stated that the market of consulting services in Russia is not sufficiently developed, and the quality of these services is low. Therefore, consulting lawyers will not be able to displace legal advisers of organizations from the market of legal services. Secondly, citizens who will independently deal with their legal issues will do so only for standard legal operations that do not require professional training and qualifications. Third, the assumption of replacing judges with robots also does not stand up to any serious criticism. The legislation of any state contains evaluative concepts that are interpreted not from the point of view of intelligence, but with the help of morality, moral experience. As an example, here are several articles from the legislation of the Russian Federation. For example, the part 3 of article 60 of the Criminal code states that when sentencing somebody the nature and degree of public danger of his/her crime and the identity of the perpetrator, including the circumstances softening and aggravating punishment, and also influence of the appointed punishment on correction of the convict and the living conditions of his/her family are taken into account. How will artificial intelligence be able to assess the identity of the guilty person, as well as the impact of the imposed punishment on the correction of the convicted person and on the living conditions of his/her family? Will the robot's verdict be fair in this case? It is doubtful whether artificial intelligence can evaluate the concepts of good faith, reasonableness and fairness and determine the rights and obligations of the parties in a civil relationship on this basis. In the context of digitalization and the objective lag of legislation from rapidly developing public relations, the role of interpretation and judicial discretion in the process of overcoming the gap in law will only increase. In addition, it should be taken into account that there is currently an oversupply of lawyers in the Russian labor market. For example, the portal of all-Russian database of vacancies Work in Russia (Federal state information system, 2020)

requires 1743 people for the position of legal adviser, and 855 people for the position of lawyer. In Moscow, 18 people are required for the position of legal adviser, and 32 for the position of lawyer. At the same time, 11237 resumes of applicants for the position of legal adviser and 35357 for the position of lawyer were registered in Russia. In Moscow 941 resumes of applicants for the position of legal adviser and 3257 resumes for the position of lawyer were registered respectively. It should also be noted that the number of trained lawyers in Russia is disproportionately large – about 1 million people. In the United States, for example, there are about 1.3 million certified lawyers. Thus, Russia has twice as many lawyers for every 1,000 citizens than the United States (Tyurnikov, 2017; Mussabekov et al, 2018).

Third, the transformation of the lawyer occupation will lead to the transformation of legal education. This is because legal activities will become legal and technological activities, a significant part of which will be related to the use of digital technologies.

4. DISCUSSIONS
Features of the Lawyer Occupation Digitization in Russia

The national Digital economy program is currently being implemented in the Russian Federation. There will be almost 100% coverage of the population and organizations in Russia with broadband Internet according to it, only by the mid-2020s. These data significantly affect the specifics of the lawyer occupation transformation in Russia and its digitalization (Artificial Intelligence and the Legal Profession, 2018). In our opinion, in the near future there will be a division of the lawyer occupation into *digital* and *traditional* lawyers. *Digital* lawyers are lawyers who mainly work in large cities or in high-tech companies in Russia. They will be the first to feel the impact of digitalization on the legal sphere and their profession (Voynikanis, 2013). Digital lawyers will work with advanced information technologies, gain new knowledge and competencies, improve their skills, and move to a new level of professional training.

In Russia, the banking industry has become the leader in the introduction of artificial intelligence. Thus, Sberbank's lawyers have already faced the consequences of digitalization. On July 21 2017, the head of Sberbank G. Gref stated the following: "Last year, 450 lawyers who prepare lawsuits in our country went into the past and were reduced. Our neural network prepares claims better than lawyers do…" (New Kaliningrad, 2017). In total, due to the introduction of robot lawyers, Sberbank planned to lay off about 3,000 lawyers in 2017 (RBC, 2017). In addition, VTB Bank announced the launch of the collector robot on September 1, 2018 (RBC, 2018). Thus, the digitization of the lawyer occupation in Russia is gaining momentum. The ratio between *digital* and *traditional* lawyers will naturally change over time. If now the vast majority of Russian lawyers are not familiar with digital technologies and LegalTech technologies, with the exception of the already mentioned search legal systems and Internet portals, this will change in the future. More and more lawyers will accept and use new technologies, moving from *traditional* to *digital.* We believe that the division of lawyers into *digital* and *traditional* will exist in all countries. Their ratio will be determined by the peculiarities of digitization of the legal sphere of each particular state.

Foreign Research on Digitalization of the Lawyer Occupation

A number of foreign authors has considered the impact of digital technologies on the lawyer occupation. So, R. Susskind (2010) in the book *the End of lawyers? Rethinking of legal services* concluded that the development of information technologies would lead

to a radical change in the lawyer occupation and the legal services market. Legal services will become much cheaper and therefore more accessible to the population. They evolve from a piece-by-piece and unique product to a mass-produced and typical one. Legal services will partially be outsourced to other, more *cheap* lawyers, and even to other countries with cheap labor. As a result, the lawyer occupation will no longer be as elite and highly paid (Susskind, 2010). In the work *Future of professions. How technology will change the work of experts* R. Susskind and D. Susskind (2017) examines the processes of changing professional activity under the influence of technology. The authors believe that the future of professions depends not only on the development of technologies, but also on the specialists who use them. All this fully can be applied to legal services. The future of the lawyer occupation is linked to the introduction of new technologies and the use of these technologies by lawyers. The following trends are expected in law: moving away from the individual (craft) approach and moving to the industrial model of legal production; rethinking of professional work (standardization of routine, active use of online services and expert communities, splitting work into separate tasks that are assigned to different specialists, and then the overall result is collected together).

In the book *Tomorrow's lawyers: an introduction to your future,* R. Susskind (2017) continues to explore the future of the lawyer occupation. The main leitmotif of his book – under the influence of new legal technologies, the lawyer occupation has ceased to be stable and it is waiting for significant changes, to which must be prepared both graduates of law schools and heads of law companies. R. Susskind's (2019) latest work is *Online courts and the future of justice*. In it, the author talks about the transformation of the judicial process under the influence of new technologies. According to R. Susskind, in the future, courts will turn into online courts, where decisions will continue to be made by human judges, but there will be no physical courtrooms. In the article *Legal technologies 3.0,* Oliver Goodenough described various stages of legal technology innovation using the symbols 1.0, 2.0, 3.0. Level 1.0 is the expansion of human capabilities using legal technologies: search for legal information, production of documents, and management of legal practice. Level 2.0-advanced electronic search, which allows you to exclude the review of found documents and thus transfer part of the human work to the computer. It is also possible to use the tools of the contract Builder for non-lawyers. Level 3.0 is a new, not yet available technology that can replace lawyers. Their creation will completely change the legal reality because the law and its application will be available to anyone, and there will be no need to seek help from professional lawyers (Vogl, 2016).

Novelty of Current Research

Thus, a number of researchers have already considered the transformation of the lawyer occupation in the conditions of digitalization and its future in the conditions of the VI technological order. However, this article for the first time justifies the division of lawyers into categories depending on their use of digital technologies in their professional activities. The authors of the article introduce the concepts of digital and traditional lawyers into scientific use. The research was conducted using a methodology developed by legal anthropology, which is widely used in post-classical jurisprudence. This methodological approach allowed us to obtain new results in the process of considering the problematic issues of the topic of the article. Another feature of the work is a combination of theoretical approaches developed by leading foreign scientists in this field, and the use of materials related to the digitization of the lawyer occupation in Russia, which allows, along with identifying General patterns, to highlight the inherent features of the process of implementing digital technologies in legal practice.

CONCLUSION

Based on the research, the following conclusions can be drawn about the digitization of the lawyer occupation:

1) Digital technologies are already used in the lawyer occupation, and their further implementation will lead to its complete transformation;

2) the main directions of changing the lawyer occupation will be replacing a human lawyer who performs routine, standard legal operations with a robot lawyer; strengthening creativity; improving professionalism; changing the working conditions of lawyers;

3) The key feature of the lawyer's professional training will be the ability to use LegalTech;

4) The transformation of the lawyer occupation will lead to the transformation of legal education, which will be expressed in the need to obtain appropriate IT training;

5) The specifics of digitalization of the lawyer occupation in Russia will largely be determined by its unique characteristics: the vast territory and demographic characteristics of the population;

6) the most important result of digitalization of the lawyer occupation in Russia and abroad will be the division of lawyers into *digital* and *traditional.*

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