Rethinking Legal Talent After Watson

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By Jordan Furlong

You might have been one of the millions of people who tuned in to "Jeopardy!" earlier this month to see the game show's two dominant champions go up against Watson, a computer developed by IBM specifically for this event. Watson, to the delight of some and the consternation of many others, blew away its human challengers and got everyone talking about whether the long-anticipated age of artificial intelligence was finally upon us.

In particular, Watson generated a great deal of interest within the legal profession. Could machines modeled on Watson take on jobs traditionally performed by lawyers?

Leading the way was Robert C. Weber, who brought to the discussion both a front-seat view and a slightly biased perspective in his role as IBM's general counsel. Weber wrote about the dawn of the "digital associate" - an intelligent legal research system that could carry out legal information tasks as well as (or better) than associates. "The technology can unquestionably extend our capabilities and help us perform better," he said.

Then there's Nick Brestoff of International Litigation Services, who raises the specter of bringing Watson-like technology to electronic discovery. Brestoff believes that Watson foreshadows the imminent rise of "legal informatics," a sophisticated computerized approach to information management driven by arcane (to lawyers) concepts like predictive coding and vector clusters.

It's tempting to dismiss these forecasts as bleeding-edge speculation, and to repeat the old canard that a machine will never replace what a lawyer can do. But that's not the issue. The issue is how much longer lawyers will try to replace what a machine can do. No one will ever buy Watson - it's programmed only to play a game show - but I can guarantee that people will buy legal machines built on Watson technology. IBM's counting on it.

I'm not here to advise you go out and buy Watson Law 1.0 tomorrow, or to hail these machines as messiahs. Watson's infamous error - misunderstanding a question about U.S. cities and suggesting "Toronto" as an answer - shows that IBM's work isn't done yet. What I am advising is that Watson is your final warning to rethink how your firm acquires and uses talent.

In the very near future, even the most complex legal work will be deconstructed, parts broken out from the whole and assigned to the most effective yet least expensive provider in a carefully managed production chain. The traditional law firm model that collects and leverages dozens of junior lawyers to carry out any task that (a) is tangentially legal and (b) can be billed to the client will, very shortly, not be fit for service.

Start planning now to install efficient workflow systems, to require far fewer on-site associates, to employ diverse streams of talent across town and across the planet, and yes, to use the present precursors to and future descendants of Watson. How you sell legal research, document review, due diligence and e-discovery services today is, very simply, not what the market will accept tomorrow.

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