Social acceptability of technology in legal services

Research with lawyers and the public
March 2022

community research

LSB
LEGAL SERVICES
BOARD

Solicitors
Regulation
Authority

Bringing the voices of communities into the heart of organisations

Contents

1.　Executive summary

1.1　Aims and approach

1. The Legal Services Board (LSB) and the Solicitors Regulation Authority (SRA) jointly commissioned research to explore willingness amongst the public and legal professionals to use legal technology. The research also aimed to understand the extent to which people believe technology in legal services is acceptable for wider society, and what limits or drives acceptability.

2. To meet these aims, Community Research conducted deliberative research via online forums with 36 members of the public and 29 legal professionals. The forums lasted two to three weeks and explored the issues in depth. This was followed by two quantitative surveys amongst 1020 members of the public and 166 legal professionals.

1.2　Main findings

Responses to legal technology

3. The public's willingness to use technology in legal services differs by the type of technology, but most are willing to use video consultations and e-signatures. Fewer are willing to use smart contracts and decision-making tools (though nearly half are still willing in both cases). Chatbots split opinion, with almost equal numbers willing as unwilling to use them. Willingness amongst the public reflects their general attitudes towards technology more generally in life.

4. Legal professionals' pattern of responses to the different technologies mirrors consumers' views, although there is greater willingness to use video consultations and e-signatures and an even stronger reluctance to use chatbots.

5. Notably, legal professionals' views on their clients' willingness to use technology does not match the public's stated willingness: lawyers assume their clients have a lower appetite for technology in legal services than research with the public suggests.

6. There are differences between the public and legal professionals in their attitudes to the social acceptability of technology in legal services. Only a minority of legal professionals reject all tools, and in forum discussions, most legal professionals felt strongly that technology can improve legal services for clients, even if they themselves were less confident in it. In contrast, a higher proportion of the public say that technology should never be used in the delivery of legal services.

Benefits and drawbacks of legal technology

7. The public and legal professionals readily acknowledge the benefits of using technology in legal services. For the public, the potential of more affordable services is the most appealing benefit, followed by improved accuracy, and quicker services. For legal professionals, speedier services are the most appealing, followed by convenience in communication and affordability. However, these benefits did not sway those members of the public in the forum who were opposed to the use of technology in legal services.

8. There are some differences between the two audiences in their strength of feeling regarding potential disadvantages and risks of technology in legal services. Both audiences share concerns about data security and cybercrime, though these are more salient in the minds of the public. Both worry about the impact of replacing humans with technology, and there is doubt that technology can offer the empathy, understanding, nuance, and decision-making skills that human legal professionals can. Lack of human touch is a particular concern amongst legal professionals.

9. Another concern relates to digital exclusion[1] – the public and legal professionals worry that some people could be disadvantaged by their inability to access or use legal technology, though this concern is stronger amongst legal professionals.

10. In forum discussions, there was less spontaneous concern over potential bias in algorithmic decision-making, though participants were concerned about this when they found out more about it.

11. However, the risks and disadvantages do not appear to have a material impact on people's willingness to use technology in legal services. Rather, they underline the importance of strong safeguards and oversight on the development and adoption of technology.

Factors affecting the acceptability of technology in legal services

12. Forum participants expressed particular concern at the idea of fully automated systems giving advice and making decisions on legal issues. They preferred that technology was used to support – rather than replace – the delivery of legal services by human lawyers.

13. There was also greater resistance amongst forum participants to technology making final decisions. Both the public and legal professional participants assumed that humans were better equipped to make decisions that required nuance and judgement.

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[1] Digital exclusion describes the inability of some people to access and/ or use digital tools and technology due to not having the necessary skills, confidence, technology or internet access.

14. The characteristics of a case are also an important element of acceptability of technology in legal services. Amongst the wider population, both legal professionals and the public think it is more acceptable to use technology in straightforward cases, and less acceptable to use it in cases that are complex, sensitive or involve high stakes[2].

15. The type of also influences acceptability. Legal technology is seen as being less acceptable for those who are less confident online on those with low literacy in English. However, the public and legal professionals think there may be benefits for those who find it harder to travel to access legal services (including those with disabilities, living rurally and with caring responsibilities).

Redlines – when is technology never acceptable in legal services?

16. As suggested above, there are limits to the acceptability of technology in legal services. Much of this is down to choice: legal professionals and the public both say it is not acceptable to use technology with consumers who cannot or do not want to use it. Smaller numbers of people think that it is not acceptable to use technology in cases that are highly complex (such as murder, national security cases) or sensitive (such as domestic abuse, divorce, child custody and employment).

17. Forum participants also said that automated decision-making should never be used for final decisions or for decisions with significant impacts.

Safeguards

18. There are similar views amongst the public and legal professionals on the safeguards needed to protect people who use technology in legal services. The top safeguard by some margin is offering clients alternative options to technological tools (and support for this is even stronger amongst legal professionals).

19. Other important safeguards relate to ensuring that the same (high) standards and rules that currently affect the delivery of legal services apply to services delivered using technology, including ensuring quality and user-friendliness; quality checks; systems for complaints and redress; and transparency over data use.

20. In their forum, legal professionals also called for clarity regarding liability and accountability for advice and decisions generated through technological tools.

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[2] Fuller descriptions of straightforward, complex and sensitive cases are described here.

Building public confidence and supporting uptake

21. Building public confidence comes partly through reassurance around governance and regulation: that standards are in place to protect the public from risks, particularly regarding data security and cybercrime.

22. Beyond this, confidence comes through providing people with support to understand and use technology in legal services, including raising its profile. This is particularly strongly felt amongst legal professionals, nearly a third of whom say spontaneously that training and guidance will help people feel more confident in technology.

23. Ultimately, the public and legal professionals think that regulators, technology developers, and legal businesses all have a role to play in building public confidence and supporting uptake of technology in legal services.

2.   Introduction

2.1 Background

In 2021, the Legal Services Board (LSB) published *Reshaping legal services: a sector-wide strategy,* its first three-year priorities for its strategy for the legal services sector[3]. The Strategy sets out a ten-year strategic direction for the entire sector, based around the three themes of fairer outcomes, stronger confidence and better services. The LSB sees the use of technology that commands public trust as a key enabler to opening up access to legal services and delivering better services.

Also in 2021, the LSB published its report *Striking the balance*, which sets out how legal services regulation can support responsible technological innovation that increases access to legal services. This report notes that a key enabler to technological innovation is the principle of 'social acceptability' of technology. This means that a proposed use of a technology should be broadly acceptable to legal professionals and consumers, as well as being compatible with general societal interests[4].

The Solicitors Regulation Authority (SRA) also has a keen interest in the adoption of technology in legal services to drive improvement. One of its three strategic objectives for 2020-23 is to '*actively support the adoption of legal technology and other innovation that helps to meet the needs of the public, business community, regulated entities and the economy*.'

Both regulators have published various pieces of research on behaviour and attitudes regarding the uptake of technology in legal services, including:

* *Technology and innovation in legal services* (LSB; 2018): survey amongst legal professionals on their use and views of technology.

* *Technology and innovation in legal services* (SRA; 2021): survey and in-depth research amongst legal professionals and the wider market on current and planned innovation and use of technology.

* SMEs' legal needs and adoption of lawtech (LawtechUK and LSB; 2021): in-depth research with SMEs to understand their needs and appetite for technology to meet their legal needs.

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[3] see p8 https://legalservicesboard.org.uk/wp-content/uploads/2021/03/Strategy_FINAL-For-Web2.pdf
[4] The term 'social acceptability' comes from *The Regulation of New Technologies in Professional Service Sectors in the United Kingdom: Key Issues and Comparative Lessons* by Professor Roger Brownsword (2019).

The LSB and the SRA jointly commissioned this research to deepen their understanding of what is socially acceptable to both the public and legal professionals with regards to the adoption of technology in legal services.

2.2 Aim and objectives

The aim of this research was to identify levels of social acceptability of the use of technology in legal services, amongst both the public and legal professionals, and to understand the factors that increase or decrease social acceptability.

To meet this aim, the research set out to answer the following questions:

- What are the levels of social acceptability for different categories or types of legal technology?

  - What are the levels of social acceptability for specific applications of legal technology?

  - What are the factors influencing social acceptability for legal technology applications?

  - How are they affected by the context of consumers' experiences of legal technology?

  - How do members of the public trade off the relative costs and benefits?

- What role do trusted intermediaries play?

- What can regulators do to increase levels of social acceptability of legal technology?

- What can providers and legal technology developers do to increase the levels of social acceptability of legal technology?

- Can high level principles be developed on:

  - How different characteristics of legal technology influence social acceptability?

  - How legal technology providers' approaches can increase social acceptability?

2.3 Methodology and sample

The LSB and the SRA jointly commissioned Community Research to conduct a mix of deliberative and quantitative research with both the public and legal professionals to meet its research objectives. These methodologies were chosen because they serve different purposes:

- Deliberative research gives people the time, information and opportunity they need to reach informed decisions about complex policy issues where there are different points of view. In short, deliberative research produces detailed findings;

- Quantitative research captures the immediate responses of a larger group of people. In short, quantitative research produces broad findings that can be said to be either representative of or indicative of the views of the wider population (depending on sample sizes).

Forum methodology and sample

Public forum

The deliberative research involved 36 members of the public taking part in a three-week online forum, which included:

- Two introductory online focus groups to explain the process and the subject matter, to build panellists' commitment and enable them to 'meet' others on the panel;

- A three-week online forum, involving:

  - A mix of information sessions (via explanatory videos, information sheets and weblinks);
  - Written discussions where panellists responded to questions and considered and responded to other panellists' views;
  - Mini polls to capture small-scale quantitative data on panellists' views on key questions;
  - Two final deliberative sessions, where panellists were placed in small groups to reach a consensus on whether they thought change was needed, and if so, what and why.

The forum was designed to give participants time to consider and reflect on a large amount of information about legal technology and its applications. The design also enabled them to consider the views of other panellists, to reach informed opinions, and to work together towards consensus on the issues.

The full content of the forum, including questions and materials, is included in the technical appendices.

The **sample** of the panel was designed to be a diverse group of 36 people from England and Wales in terms of their age, gender, socio-economic background and ethnicity. As a result, the panel was not designed to be completely reflective of the population at large, but instead to bring people with different experiences and perspectives together to facilitate rich debate. All panellists were recruited via the Panelbase market research panel.

Fuller details on the deliberative panel sample are included in the technical appendices.

Legal professionals forum

Alongside the forum with members of the public, Community Research conducted a forum with 29 legal professionals. This followed a similar path to that conducted with the public, but given this audience's better pre-existing understanding of legal services, it was completed over the course of two weeks.

All legal professionals served members of the public, and were a mix of ages, genders, regions, ethnicities, size of firm, area of law practised and years' qualified. Further detail on the sample of legal professionals is available in the technical appendices.

Quantitative research methodology and sample

Quantitative research with the public comprised a 15-minute survey amongst a sample of 1020 people from England and Wales, designed to be as nationally representative as possible. The public survey has been designed to be robust enough so that we can have relative confidence (statistically speaking) that these findings are what the public thinks currently. The survey ran from $10^{th} - 17^{th}$ February 2022.

Quantitative research with legal professionals captured the views of 166 professionals who work directly with members of the public. Respondents worked in a range of areas of law and business sizes. The survey involved many of the same questions as the public survey, albeit respondents were asked about their own views and their expected views of their clients. The survey link was shared by the SRA with all solicitors who receive the SRA's monthly newsletter, along with groups of solicitors who are members of various interest groups including several Equality, Diversity and Inclusion groups. It was also shared on the SRA's LinkedIn page. 166 legal professionals completed the survey. Although findings cannot be said to be representative of legal professionals generally, they are indicative of what the wider population is likely to think.

Further detail on the quantitative methodology and sample (including materials) can be found in the technical appendices.

Additional polling with legal professionals

Alongside the research conducted by Community Research, the SRA also ran some small polls in February 2022 with legal professionals:

- A LinkedIn Poll in which 624 respondents voted on the technology they thought their clients would be most likely to use; and,

- A poll with a group of practitioners interested in providing insight on SRA initiatives. The poll asked how willing they thought their clients would be to use different types of legal technologies, resulting in 65 responses.

Findings from these studies are reported alongside the main research findings where relevant.

2.4 Notes on reading this report

Terminology

The report distinguishes between deliberative findings and quantitative findings in the following ways:

- Deliberative findings come from the two **forums**. These findings refer to 'public panellists' and 'legal professionals'. The report will state when findings come from forums.

- Findings from **quantitative research** refer to the survey with 'public respondents' (i.e. the 1020 nationally representative members of the public who responded to the survey) and the survey with 'legal professionals' (i.e. the 166 legal professionals who took part in the survey).

The report includes direct quotes from forum participants and survey respondents in their own words to illustrate the findings. To protect their identity, quotes are anonymous, but include:

- For public panellists (from the forum): their gender, age, region/ nation, and attitudes towards technology[5];

- For legal professionals (from the forum): their gender, age, region/ nation, size of legal business and area of law practised;

- For survey respondents: whether they are a public respondent or a legal professional (demographic detail is not linked to comments for survey respondents).

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[5] Adapted from [this article on the Adoption of Technology model](#).

3. Main findings

3.1 Context – attitudes and behaviour regarding technology

The public survey showed a range of attitudes towards technology, from those who are wary to those who identify as 'early adopters'. Respondents were asked to choose from four statements (shown below in Figure 1) which best reflected their attitudes towards technology.

(Early adopters) I love being the first to know about new technology and to try it out. I'm usually the first in my friendship group to try out new technology and apps. My friends and family quite often ask me for advice about new types of technology.

(Early majority) I am interested in new technology, but I need to know it works before I'll invest in it. I usually have newer technology, gadgets and apps before many of my friends and family, but I'm not one of the first to try things out.

(Late majority) I prefer to wait and see how new technology plays out before I decide whether to try it out. I don't really want to risk trying new technology, gadgets and apps when what I have works fine as it is, but I am a bit more adventurous with technology than some people I know.

(Resistors) I am wary of new technology. I usually find it frustrating, and can't really see the point of changing from what I know works. It takes a lot for me to try out new technology, gadgets or apps, and I'm usually one of the last amongst my family and friends to start using them.

Figure 1: Four attitudes towards technology

As can be seen in Figure 2 below, although some consider themselves at the extreme when it comes to technology, either identifying as early adopters or trying to avoid it as far as possible, most people sit somewhere in the middle.
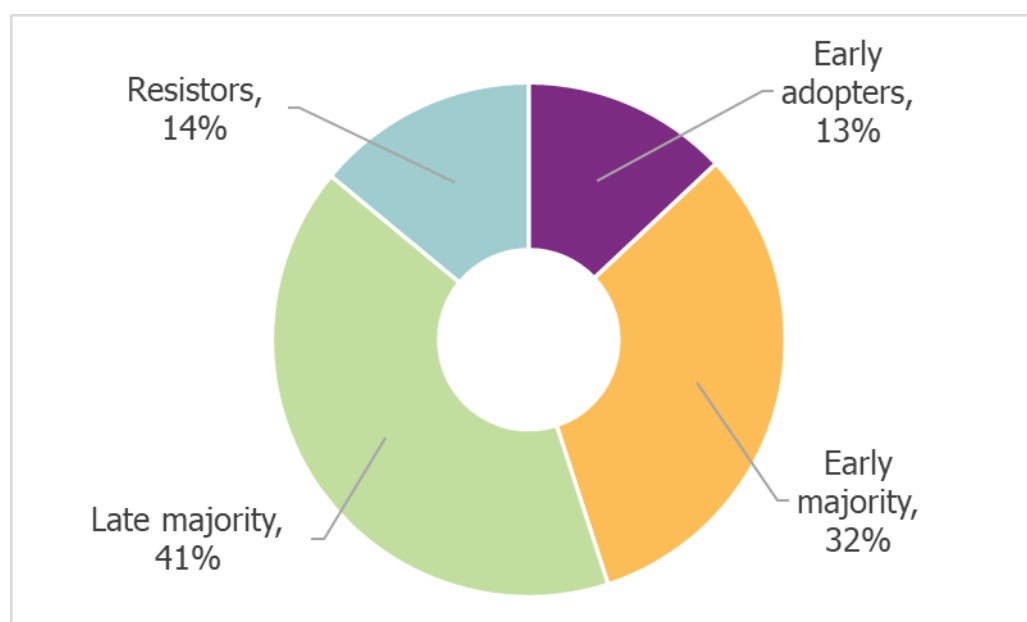
Figure 2: Attitudes to technology (n=1020 general public)

Both public panellists and legal professionals who took part in the online forums were purposively recruited to have a diverse range of attitudes towards technology. Most participants (public and legal professionals) said that technology plays a large role in their personal lives.

Many said that they used technology frequently and valued the convenience and connectivity it brings, but were more cautious about the newest applications of technology. However, others were passionate advocates and early adopters of technology – they loved and trusted its ability to help them manage all aspects of their lives (from smart apps on phones to warm cars up remotely on cold mornings, to from home energy control apps).

In contrast, some were reluctant and resistant to technology. Even though they were part of an online market research panel (and agreed to take part in online research), some participants did not like technology and used it in very limited ways. For example, some used a laptop for entertainment, taking part in online surveys and accessing information, but not for text messaging, online banking or online shopping.

Some commented that the coronavirus pandemic restrictions had forced them into using technology more. As a result, they felt more confident in using far more technology than they had two years previously. This included video conferencing and online services and shopping.

However, from very early on in deliberative discussions most participants (even the fervent advocates) spontaneously raised concerns and limitations with technology. The most common concerns related to:

- Privacy;

- Access for people who are not digitally connected;

- Cost of devices and upgrades; and

- Loss of the 'human touch'/ replacement of humans with technology.

Awareness and use of technology in legal services

Nearly two third of public panellists had experienced a legal issue in the last three years, many of whom had used legal services to help them. Of those who had, few said they had experienced much technology in the delivery of legal services (beyond emails and websites). A minority of public panellists had come across technology in legal services, such as will-writing software, docu-sign software and online case management software.

All 29 legal professionals in the forum said that technology plays an important and growing part in their professional lives. Many said that the Coronavirus pandemic had sped up the adoption of technology, especially technology to facilitate remote working, such as online access and video conferencing.

Other types of technology commonly mentioned by legal professionals in the forum included: online case management tools; online portals/ software for drafting documents or registering interests; online dictation and two-factor verification for logins. Around two thirds were also using electronic signatures or e-verification and online templates. In contrast, very few were using technologies such as contract review software; blockchain/ distributed ledger; and data analytics with AI. None used chatbots or virtual assistants.

Technology was mostly welcomed by the legal professionals who took part in the forum. Many said it brought greater accessibility, agility and convenience, and saved time. However, they also felt there were drawbacks. Some legal professionals regretted that remote access technology meant that they were permanently accessible. Several said that this had raised client expectations regarding speed of response, and meant that it was harder for legal professionals to switch off or escape, even on holiday.

3.2 Overall responses to technology in legal services

Both the surveys and the forums explored participants' attitudes towards legal technology.

Confidence and willingness to use legal technology

In more in-depth discussions in the forums, the public and legal professionals were asked for their spontaneous responses to the idea of technology being used in the delivery of legal services.

Amongst public panellists, there was a spread of spontaneous responses when they were first asked how confident they felt about the use of technology in legal services.

Several were **very confident**:

- They were confident in technology and its benefits;

- They believed technology would improve legal services by making it more efficient, and therefore potentially more affordable to more people;

- Some also had an inherent trust in legal professionals, backed by their belief that data protection and privacy regulations would ensure safeguards and high standards in legal services.

> *"Lawyers have to follow rules around data protection and client privacy as this is a high level job. I feel most lawyers would follow these rules and obey by the data rules which would be strict and closely monitored."*
>
> Man aged 40-54, Late tech majority, Wales

Other public panellists were **more wary**:

- They could see the benefit of greater efficiency, and felt this would be useful in more 'straightforward' legal issues; but…

- …they felt that some legal issues needed to be handled by a legal professional face-to-face, particularly those that were more sensitive and/or complex.

> *"I generally trust technology, but sometimes it's nice to talk to a real person and make sure they have understood the individual circumstances of the matter."*
>
> Man aged 40-54, Early tech majority, Wales

A minority of public panellists were **more nervous or resistant** to the idea of technology in legal services from the start:

- They tended to have more doubts about the benefits of technology;

- They were more worried about things going wrong (with potentially devastating consequences in cases where the stakes were high);

- They were concerned about the lack of human oversight;

- Some wanted face-to-face contact with a legal professional because of their inexperience either with technology or with legal issues.

> *"There is a great deal of trust needed in your lawyer and having no face to face contact doesn't foster trust."*
>
> Woman aged 40-54, Late tech majority, Northwest England

In their forum, legal professionals tended to have greater overall confidence in the use of technology in legal services. Many saw the value it brought to them in their work as they were experienced in using technology. Amongst the few who were less confident in the use of technology in legal services, this was primarily down to doubts in their own skills and ability to keep up with new advances. There were also some concerns over mistakes and faults, either their own, or failures in the technology.

> *"I trust technology in legal services to a high degree, but there's only so much a non-human can do."*
>
> Male legal professional aged 45-54, Employment law, London

There was little change in individuals' confidence in technology over the course of the three weeks of the forum: finding out more about types of technology, potential benefits and drawbacks and safeguards did not seem to affect participants' own feelings about using legal technology.

In the quantitative surveys, the public and legal professionals were presented with descriptions of five types of technology that could be used in legal services:

- **Video consultations**, whereby legal professionals and their clients meet online rather than face-to-face.

- **E-signatures**, whereby people 'sign' electronic documents online rather than signing and posting paper copies.

- **Chatbots**, that help answer common questions.

- **Smart contracts**, when certain conditions are met, the contract is automatically generated.

- **Decision making tools**, using software to analyse large amounts of data to predict what is likely to happen in a legal case.

In the public survey, respondents were asked how willing they personally would be to use each type of technology if they had a legal issue (or for it to be used on their behalf by legal professionals). The public were also asked about the wider benefits of

using technology in legal services, and the extent to which it was acceptable for society as a whole. This response is covered separately below.

There was variation in the response to the different types of technologies, with the public's willingness rating (out of 10, where 10 = totally willing, and 1 = not at all willing) ranging from 5.5 to 7.3. Respondents would be more willing to use video consultations and e-signatures than smart contracts or decision making tools, and all four of these types of legal technologies achieved a mean rating of over 6 out of 10.

As shown in Figure 3 below, more respondents said they would be willing than would not be willing to use them. By contrast, there was less willingness in relation to chatbots – overall, they achieved a mean score of 5.5 out of 10, and there was also more polarisation, with similar proportions saying they would not be willing as said they would be willing.

It is also notable that more people picked a middle 'neutral' position for chatbots, smart contracts and decision-making tools (scoring them 5-6) than for the other tools. This could be due to unfamiliarity with these tools, particularly for the latter two, where 30-31% picked the middle position.

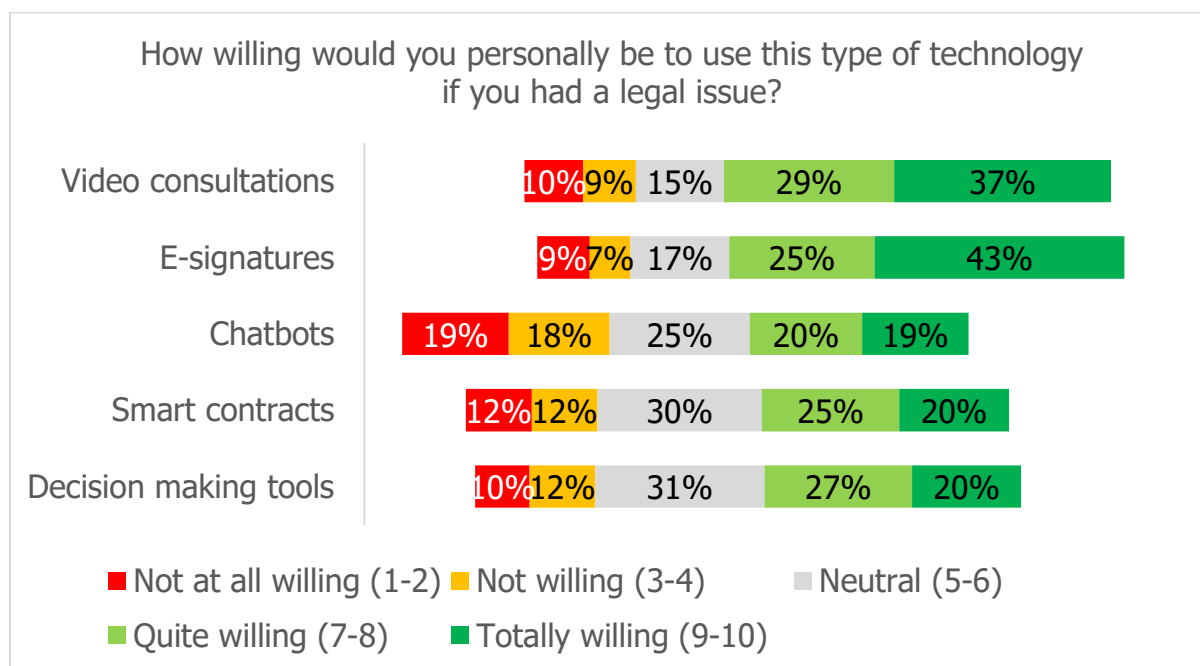Figure 3: Willingness to use (n=1020 general public)

Across all the different types of legal technologies, public willingness was unsurprisingly aligned with people's attitude to technology, with early adopters being much more willing to use legal technology than resistors (and early and late majority respondents falling between the two groups). The following groups were also generally more willing personally:

- Those with higher legal confidence;

- Younger respondents;

- Respondents from ABC1 socio economic groups;

- Those living in urban areas;

- Those from non-White British backgrounds;

- Men.

Legal professionals in the survey were asked two questions about the different types of technologies – firstly, how willing they thought **their clients** would be for them to use the technology, and secondly, how willing **they personally** would be to use the technologies. Figures 4 and 5 below show the results for this.

Legal professionals' attitudes to the different types of legal technology mirrored consumers' attitudes in that they were more open to video consultations and e-signatures and less open to chatbots. Overall, however, legal professionals expected their clients to be less willing to use these types of technologies than the results from the survey with the wider public would suggest. For example, while the respondents in the public survey gave chatbots a mean score of 5.5, this dropped to 3.9 for legal professionals in relation to their clients' willingness.

However, it is also apparent a substantial minority of legal professionals were uncertain of how their clients would respond to legal technology. Nearly a quarter to a third of them pick the middle ground (scoring 5-6 on clients' willingness) in answer to this question for all types of tool. In contrast, there is less uncertainty when they are talking about their own willingness to use technology (although – echoing the public, more legal professionals pick a neutral position when scoring chatbots, smart contracts and decision-making tools than for the other tools).

More detail on these differences between the perceptions of legal professionals and the actual attitudes of the general public are discussed below.

How willing do you feel your clients would be for you to use this type of legal technology if they had a legal issue?

	Not at all willing (1-2)	Not willing (3-4)	Neutral (5-6)	Quite willing (7-8)	Totally willing (9-10)
Video consultations	5%	9%	23%	38%	24%
E-signatures	7%	9%	33%	25%	25%
Chatbots	35%	21%	27%	13%	4%
Smart contracts	20%	15%	33%	21%	11%
Decision making tools	17%	20%	31%	25%	7%

■ Not at all willing (1-2) ■ Not willing (3-4) ■ Neutral (5-6)
■ Quite willing (7-8) ■ Totally willing (9-10)

Figure 4: Expected willingness of clients to use (n=166 legal professionals)

How willing would you personally be to use this type of lawtech with your clients?

	Not at all willing (1-2)	Not willing (3-4)	Neutral (5-6)	Quite willing (7-8)	Totally willing (9-10)
Video consultations	4%	2%	12%	26%	57%
E-signatures	6%	6%	14%	22%	53%
Chatbots	31%	18%	25%	13%	13%
Smart contracts	23%	11%	29%	17%	19%
Decision making tools	21%	8%	25%	24%	22%

■ Not at all willing (1-2) ■ Not willing (3-4) ■ Neutral (5-6)
■ Quite willing (7-8) ■ Totally willing (9-10)

Figure 5: Willingness to use with clients (n=166 legal professionals)

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Figure 6 below shows the mean scores for the two questions side by side; legal professionals were more willing to use these technologies themselves than they thought their clients would be, particularly when it came to video consultations and e-signatures.

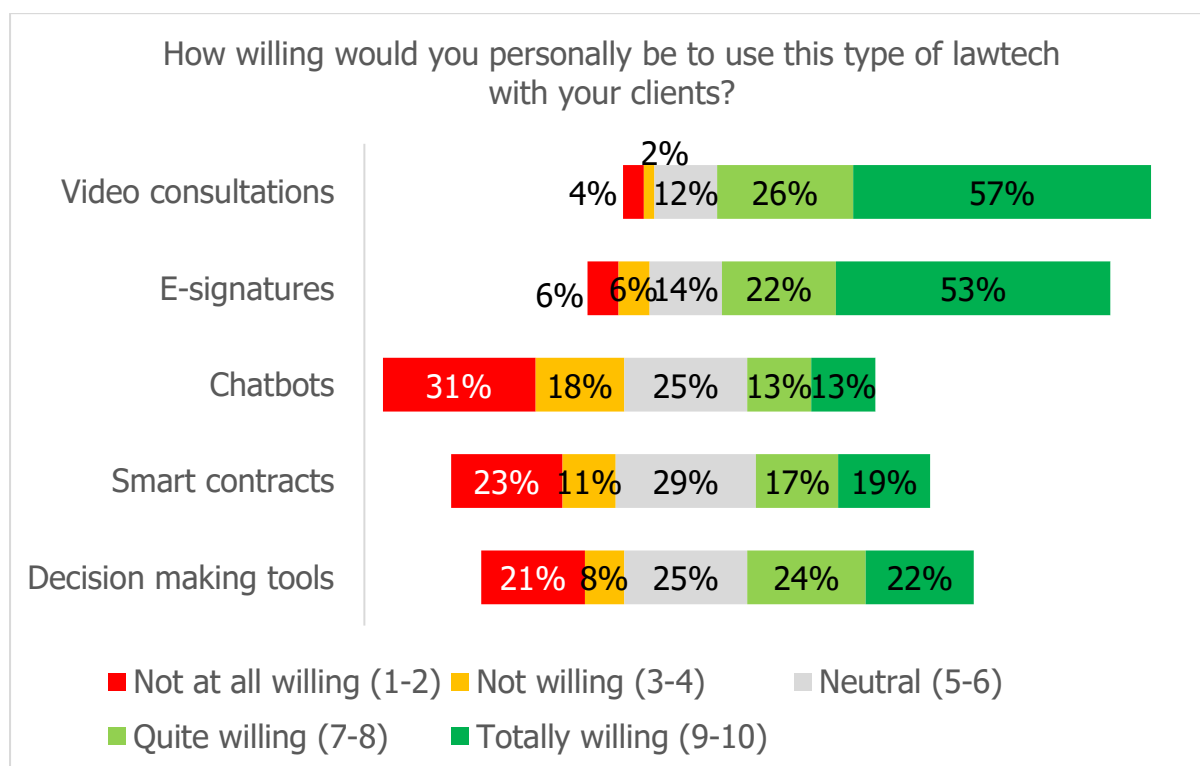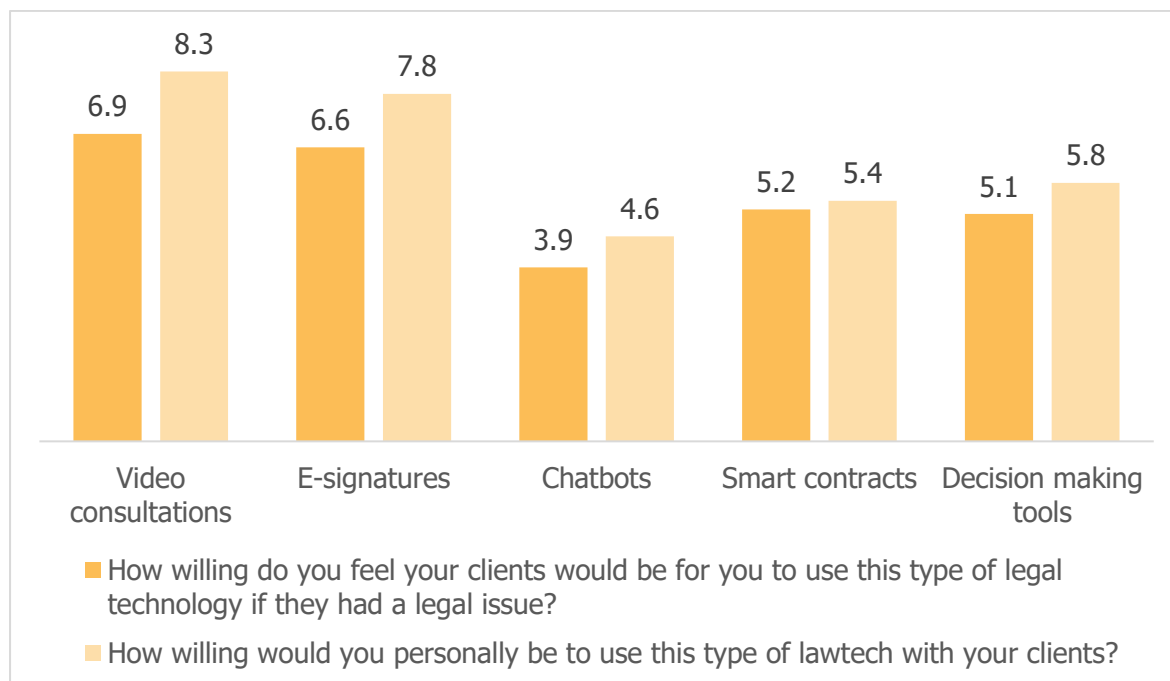Figure 6: Expected willingness of client and willingness to use with clients – mean scores out of 10 (n=166 legal professionals)

The SRA conducted separate polls on willingness to use different types of technology. These polls produced similar findings to the survey amongst legal professionals: there was greater support for video consultations and e-signatures and much lower support for chatbots and smart contracts. More detail on the results of these polls can be found in the technical appendices.

Comparing the views of the public with legal professionals

As discussed above, results from the survey indicate that the general public may be more open to using different types of legal technology than legal professionals had assumed[6]. Figure 7 below shows the contrasts between how willing the public say they would be to use the legal technology solutions and how willing legal professionals think their clients would be for them to use them. Other than video consultations, where there was alignment, the public was much more willing than legal professionals had assumed.

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[6] It should be noted that – given the difference in the sizes of the audiences – the comparison is indicative rather than statistically significant.
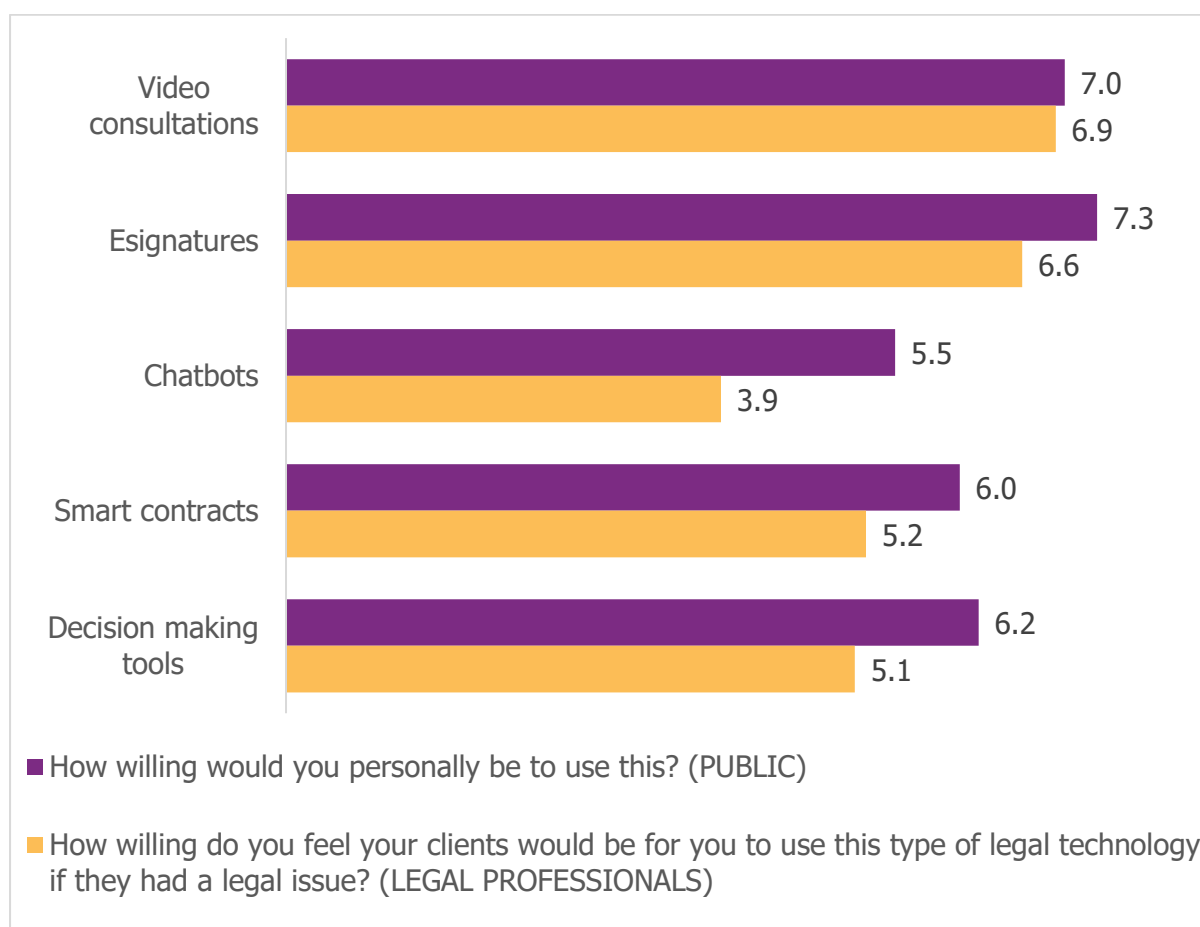
Figure 7: Stated willingness of public compared to legal professional's assumptions regarding willingness of their clients – mean scores out of 10 (n=1020 general public, n=166 legal professionals)

Value of legal technology for wider society

In the forums, both the public and legal professionals were more likely to see wider societal benefit in legal technology than to see its value for them personally. Amongst both audiences, there were participants who were less confident in using legal technology themselves, but who felt it was mostly beneficial for other people.

By contrast, in the quantitative survey, there was little difference between the public's willingness to use legal technology and their views on how acceptable it is for society more broadly, as shown in Figure 8 below. The difference in responses between the forum and the survey are perhaps due to the fact that public panellists in the forum had longer to consider the potential advantages and disadvantages in greater depth and over a longer period of time. It is worth noting that early adopters were significantly more likely to consider all the different technologies acceptable for society than resistors; people's own personal attitude to technology would seem to influence what they consider acceptable for society more widely.
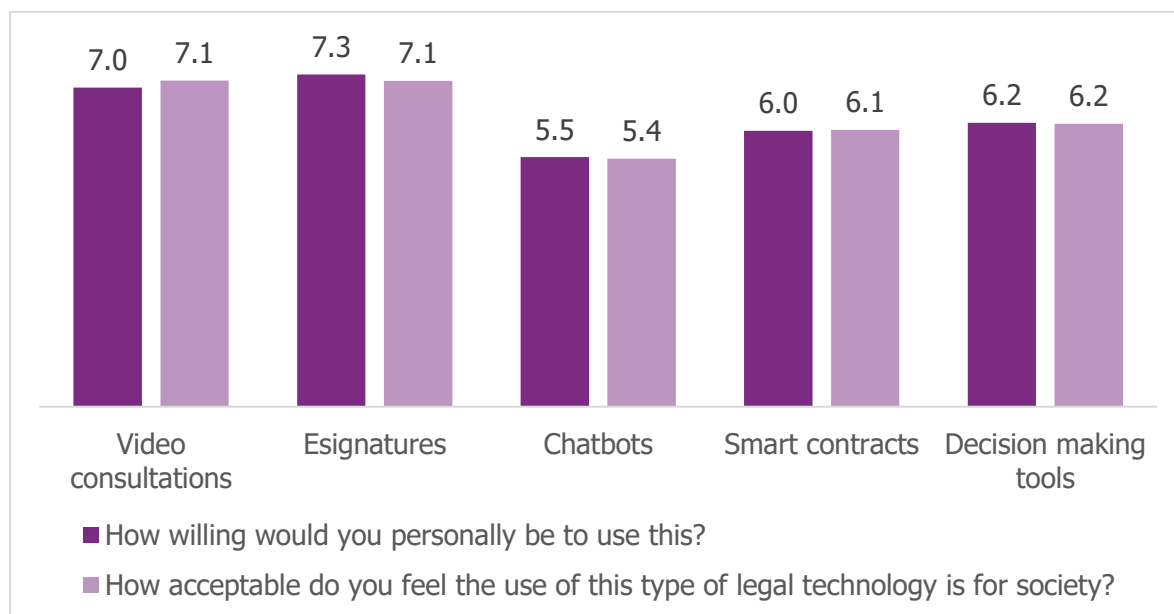
Figure 8: Mean scores (n=1020 general public)

Most legal professionals in the forum felt strongly that technology can improve legal services for clients, even if they themselves were less confident in it. They believed that technology brought greater efficiency and productivity, and that it made legal services more accessible to a wider audience.

3.3 Benefits and drawbacks of technology in legal services

From early on in the process, participants in the forums spontaneously talked about both potential benefits (especially speed, efficiency, convenience) and drawbacks (especially data security, privacy and digital access) of technology in legal services. These themes were raised repeatedly through the course of the forums. There were also several benefits and drawbacks that most participants had not considered until they were prompted. Some of these – especially the risks – became more salient for participants in later discussions, and they informed the final principles participants agreed for adopting legal technology.

The feedback in forums informed the surveys, where both the public and legal professionals rated the appeal of potential advantages and their level of concern regarding potential disadvantages.

Further detail on responses from both audiences on the potential benefits and disadvantages follows below.

Benefits

There was a high degree of crossover between the benefits suggested spontaneously by public panellists and legal professionals. The main benefits raised included:

- **Increased efficiency and productivity**: that technology can do some tasks more quickly and consistently than humans;

- **Speed**:

  - For clients: quicker responses and outcomes; instant access; saves on travel time;

  - For legal professionals: adds to efficiency and productivity;

- **Convenience**:

  - For clients: can access legal support where they want and (in some cases) when they want;

  - For legal professionals: can work where they like; easy access to systems;

- **Reduced costs**:

  - For clients: opportunity to use lower cost (online/ automated) services; expect legal professionals' costs to be lower if more automated systems; lower travel costs/ lost income due to meetings;

  - For legal professionals: lower overheads, so increased profitability

- **Improved client care**: interactive and automated case management systems mean clients can keep up-to-date without having to phone their legal professional; helps client feel more in control.

A minority of participants suggested further benefits, such as:

- **More user friendly/ accessible language** – because automated systems have to be easily understandable by a layperson (suggested by public participants);

- **More secure systems** – technology can make storage of personal and sensitive data more secure (public participants);

- **Accessibility** – remote systems make legal services accessible to people who find it hard to travel; there are no geographical limitations on access; technology could make legal services cheaper for people on low incomes, increasing access to justice.

After suggesting benefits spontaneously, participants in the forums were prompted with further information about potential benefits of technology in legal services, summarised in Figure 9 below[7]:

Potential advantages to technology in legal services:
- **Better communication**: easier and faster communication and sharing of information between legal professionals and their clients.

- **Greater accuracy & consistency**: reducing chance for human error.

- **Speed**: automating certain processes can make them quicker, particularly tasks that involve a large volume of data and/or repetitive processes.

- **Lower cost**: due to less involvement from legal professionals.

- **Better access to justice**: faster services and increased efficiency could make legal services cheaper and more affordable to those who might not be able to afford them.

Figure 9: Summary of potential advantages presented to forum participants

For public panellists, the information mostly confirmed their existing thoughts, although several said that they were struck particularly by the opportunity for legal technology to reduce costs, making legal services more affordable, and therefore more accessible to a wider range of people. A number of public participants said they had not considered this before.

Amongst the legal professionals, there was less discussion of the further benefits. Most legal professionals said that they were familiar with the benefits they reviewed. Several

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[7] Summary of benefits is provided in the appendix. These were provided by the LSB and SRA, based on previous research and policy work.

said that the speed, efficiency and cost savings offered by technology made it appealing to them.

However, discussion of potential benefits in the forums did not appear to make a material difference to participants' positions on technology in legal services. For the tech advocates amongst public panellists and legal professionals, the potential benefits chimed with their reasons for feeling positive towards legal technology. Amongst those who were more wary of technology generally, participants were not wholly reassured by further information on the potential benefits. Public panellists raised questions over some, such as cost savings (which they doubted due to the initial investment costs, and a drive in the legal sector to make a profit). Some legal professionals had doubts over some benefits and whether these would be realised in all situations/ for all types of technology. They raised particular questions regarding increased access to justice, saying that lack of digital access or cost of technology might limit access for those who are digitally excluded and/or on low incomes.

In the surveys, the public and legal professionals all rated potential benefits in terms of their appeal to them, and to their potential clients. They were asked how appealing different advantages in a prompted list were and given the chance to suggest further benefits (this was based on those that came through in the forums; full detail on the list of advantages can be found in the technical appendices. They were then asked to choose which they considered most appealing overall.

All the potential advantages were seen to be appealing to respondents in the public survey, but affordability was seen as its main benefit: 'more affordable service' was the highest rated, with 60% thinking this was 'very appealing' and 45% thought it was the most appealing overall. 'Accuracy / consistency' and 'speedier service' were the next most appealing, followed by 'more convenient communication' and 'greater control over how/ when you use legal services'.

When given the chance to suggest other potential advantages, the only benefits mentioned by more than 2% of the sample were its 'overall convenience', and that 'services are more accessible to a wider range of people e.g. those with disabilities, old people, low income, illness etc', each suggested by 4%.

> *People can get excellent legal services no matter how rurally they live as zoom meetings make this possible. I can see this being of great use to those who have disabilities, illnesses or other restrictions stopping them travelling to the legal people.*
>
> Public survey respondent

> *For disabled people like me who cannot leave their home, [there are] potential advantages of technology in legal services. It would be a lot more convenient and I believe it would be cheaper.*
>
> Public survey respondent

For legal professionals in the survey, the most appealing advantage was seen to be the 'speedier service' legal technologies brought, with 57% considering this to be 'very appealing' and over a third (37%) choosing it as most appealing overall. The fact that it potentially offers 'more affordable service' was seen as 'very appealing' by 52% and considered the most appealing advantage overall by 19%.

When given the chance to suggest further benefits, the main areas suggested by legal professionals in the survey were that legal technologies gave 'greater accessibility' (6%) and allowed for flexible working (4%).

> *"Easier access to data outside of working hours would benefit working clients, as would removing the need to attend physical appointments."*
>
> Legal professional survey respondent

Figure 10 below shows how the appeal of the different potential advantages varies between the public and legal professionals. The latter group is more likely to see the appeal in the speed of service legal technologies bring (35% say this is most appealing overall compared to 15% of the wider public), whereas the public are much more attracted to the affordability (45% say this is most appealing compared to 20% of legal professionals) and accuracy (17% say this is most appealing compared to 5% of legal professionals).
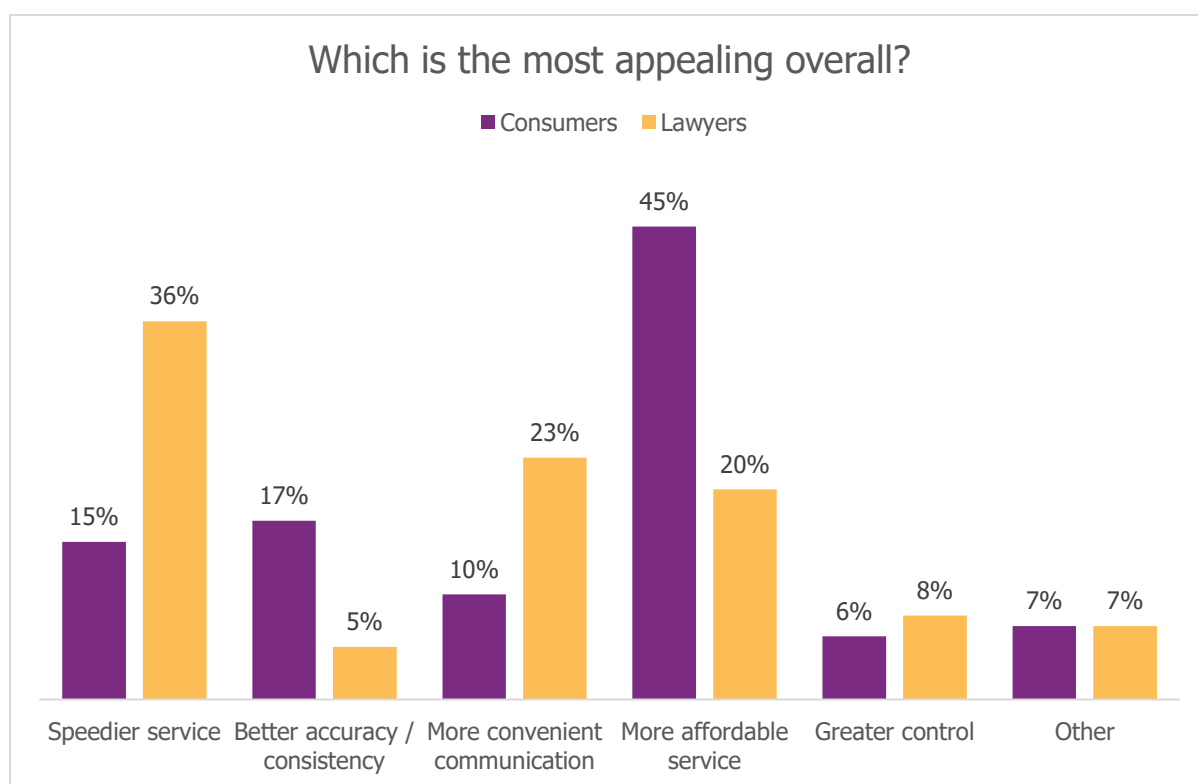

Figure 10: Proportion who choose each advantage as the single most appealing overall (n=1020 general public, n=166 legal professionals)

Drawbacks

In the forums, there was some overlap between public panellists and legal professionals in the drawbacks they associated with technology in legal services. However, compared to discussions on the benefits, there was far more divergence between the two audiences on the topic of potential disadvantages of legal technology. Legal professionals discussed a greater range of drawbacks, and they focused more on some disadvantages and risks than public panellists did.

Some of the concerns raised by both audiences during forums include:

Vulnerability to criminal activity
Both audiences expressed worries around cyber-attacks, hacking, fraud and scams. There was also concern – particularly from legal professionals – that there was scope for abuse, duress and undue influence where technology was used, especially when it enabled remote interaction. Legal professionals also raised worries that technology could make coercion of vulnerable clients more likely and harder to detect.

Exclusion of some (more vulnerable) people
There were concerns that some people might not be able to easily use or access technology in legal services. This applied especially to older people, those who are less tech-savvy, people without access to technology (including broadband and smartphones) due to income, skills or geography.

Lack of human interaction
In forums, public panellists and legal professionals talked about the importance and value of a qualified legal professional being involved in legal issues. They felt that 'human' legal professionals brought qualities that machines and software could not replicate, such as:

- Expertise and ability to deal with complexities in legal cases;

- Empathy and understanding;

- Intuition, judgement and ability to gauge and understand nuance;

- Ability to analyse wider issues affecting a person's case, including possible future consequences and risks.

There was also a concern that technology could lead to standardisation, without the ability to understand and respond to complex or sensitive cases or cases that require more human judgement.

Quality of advice/ decisions
There was some concern in forum discussions that advice or decisions made through technology would be of lower quality. Some public panellists talked about poor experiences of technology (such as chatbots). Both public panellists and legal professionals presumed that human legal professionals would make better decisions

than technology. There was some assumption that machines and software could not take into account human or ethical or other circumstances that might influence decisions.

Devaluing of expertise

Linked to the above point, some were worried that technology might 'dumb down' legal support and advice, and mean less access to tailored expertise. Some public participants suggested the risk of job losses amongst legal professionals due to technology replacing them.

Legal standing/ validity

Several participants (public panellists and legal professionals) raised questions over whether agreements and decisions reached by technology would have the same legal standing as those created via traditional methods.

Accountability and redress

Participants in forums raised questions over where accountability lay when technology had been used to make decisions and give advice. Legal professionals were concerned that they might end up being held accountable for decisions taken by technology.

Legal professionals had further spontaneous concerns including:

- **Errors and failures**: several raised concerns about technology making mistakes or failing (and some had had experience of remote access to court hearings being affected by failures in technology);

- **Skills**: some worried that they might not have the tech skills to use or understand new technology; some were concerned reliance on technology might erode certain legal skills;

- **Client expectations**: concerns that clients might expect to pay less or expect immediate answers.

In the forums, participants were presented with fuller information on potential disadvantages, which are summarised in Figure 11 below[8]:

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[8] A summary of drawbacks presented to participants is provided in the appendix. These were provided by the LSB and SRA, based on previous research and policy work.

Potential disadvantages to technology in legal services:

- **Cybercrime**: attempts to damage, disrupt or gain access to a law firm's computer systems to try to steal their clients' money or data. Property fraud given as a further example, where criminals impersonate someone to change property ownership into their name.

- **Data security**: potential issues with data getting into the wrong hands, breaching client's confidentiality and privacy. Use of 'pooled' client data could undermine public trust if not transparent or well-governed.

- Some issues with **quality and errors**: lack of tailoring or programming errors could go unnoticed and have major consequences. Hard to pinpoint accountability for mistakes and errors when made by a machine.

- And some specific risks associated with **artificial intelligence and algorithms.** These include potential **discrimination** due to biased data or programming and **lack of transparency in decision-making** (also known as the 'black box' problem) where algorithms reach conclusions but cannot explain them.

Figure 11: Summary of potential disadvantages presented to forum participants

Amongst both public panellists and legal professionals in forums, cybercrime and data security remained the most salient risks of using technology in legal services. Several participants talked about the severe potential consequences for individual clients, and they said the example of technology facilitating property fraud showed the large potential impact.

Few participants had considered or known about risks around bias in algorithms and lack of transparency and accountability in artificial intelligence (AI) decision-making. For public panellists, this reinforced underlying reservations linked to lack of human judgement and personalisation in technology. Several legal professionals raised concerns about accountability for decisions made using AI, and the burden it could place on them to take responsibility for any errors or poor decisions.

However, as with the potential benefits, participants said that hearing about the disadvantages did not change their overall views of technology in legal services. The 'tech advocates' amongst both public panellists and legal professionals rationalised the cybercrime and data security risks, saying that these were not exclusive to legal services, but were risks managed in health and finance sectors too. They felt that the right data controls would mitigate these risks. Likewise, with regards to the risks of lack of transparency and bias, they felt that there would be measures that could help manage the risks and enable the benefits of greater automation.

In contrast, for participants who were more nervous of technology, the risks linked to cybercrime, data security, and artificial intelligence reinforced their mistrust of technology.

"Except for a couple of exceptions, I am still lacking confidence in law tech in general. This is probably due to my lack of understanding about cybercrime, so I tend to think the worst."

Woman aged 40-54, Late tech majority, Northwest England

There were some differences in the responses of public panellists and legal professionals after they had reviewed the benefits and disadvantages in the forums. Amongst the legal professionals, there was greater focus on the disadvantages (with some commenting that they – as lawyers – were more likely to scrutinise potential risks). However, nearly all legal professionals in the forum supported the considered use of technology in legal services, albeit not for all processes, clients, and circumstances. Amongst the public panellists, a minority were firmly against the use of technology in legal services, and the discussion of the risks cemented their views.

In the surveys, the public and legal professionals all rated their level of concern over the potential disadvantages for them or for their potential clients from a prompted list (full details can be found in the technical appendices. Again, they were also asked if there were any other concerns they had that were not listed, and then asked to choose which disadvantage they were most concerned about overall.

Mirroring the feedback in the forums, the potential disadvantages that the public were most concerned about were the 'risk of cybercrime' (44% said they were very concerned about this, and 28% said it was the disadvantage they were most concerned about overall), and 'data privacy' (41% said they were very concerned, and 27% said it was of most concern overall). Around three in ten said they were very concerned about 'potential discrimination / bias in software', 'lack of transparency about how technology reaches decisions' and 'impersonal / lack of human touch'. The potential 'lack of access to digital and online platforms' was not as prevalent a concern – only 17% said they were very concerned about this (compared to 39% who were not very concerned or not at all concerned), and just 3% said it was the disadvantage they were most concerned about overall[9].

There was also a chance for survey respondents to suggest further disadvantages. The only potential additional drawback mentioned by more than 2% was around 'technology breaking down', mentioned by 3%.

"If the technology fails or has a fault meaning it comes to the wrong decision or people can't access it when they need to."

Public survey respondent

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[9] It should be noted that the research was conducted online amongst people who had all signed up to an online market research panel, so their views on digital exclusion may not be entirely representative of the population as a whole.

For legal professionals, the main area of concern when it came to legal technologies was that they were 'impersonal', with 57% saying they were very concerned about this, and 46% saying it was the potential disadvantage that they were most concerned about overall.

> *"It is useful and has been an amazing new addition during Covid but should not replace personal contact for those who are vulnerable and already scared about talking to a lawyer. I fear it could really damage the profession if too widely used. We are not robots neither are our clients. What has put us ahead of other firms is the personal touch and clients feeling we care as opposed to cold distant and robotic lawyers who they feel scared to interact with."*
>
> Legal professional survey respondent

The 'risk of cybercrime' was the next most concerning, with just under half (49%) saying they were very concerned, and 14% choosing it as the area they were most concerned about.

When asked what other disadvantages they could think of for their clients, the main things to be mentioned were concerns about 'clients not being able to use the technologies' and 'general negative feelings towards technology / preference for face-to-face consultations', each mentioned by 8%.

> *"For some older clients they are scared of technology and may reject firms that are too impersonal. Even giving clients choices of which number to press on an automated telephone system can stress them a lot. In cases of conveyancing and contracts it is different and very helpful but in cases e.g. personal injury or family where interpersonal interaction is vital it can scare some clients inexorably."*
>
> Legal professional survey respondent

As was seen in the forums, views diverged between the public and legal professionals when it came to potential disadvantages of legal technology. When comparing the public with legal professionals, it is clear that this concern about the lack of human touch is much more of an issue for the latter group. Figure 12 below shows the proportions each choosing their main area of concern: three times as many legal professionals (45%) as public panellists (15%) say 'impersonal' is the disadvantage they are most concerned about. By contrast, members of the public are more concerned than legal professionals about the potential issues with 'data privacy' (27% compared to 11%) and the 'risk of cybercrime' (28% compared to 14%).

Which are you most concerned about?

■ Consumers ■ Lawyers

	Consumers	Lawyers
Lack of digital access	3%	14%
Data privacy	27%	11%
Risk of cybercrime	28%	14%
Lack of transparency	9%	4%
Impersonal	15%	45%
Potential discrimination	12%	2%
Other	6%	10%
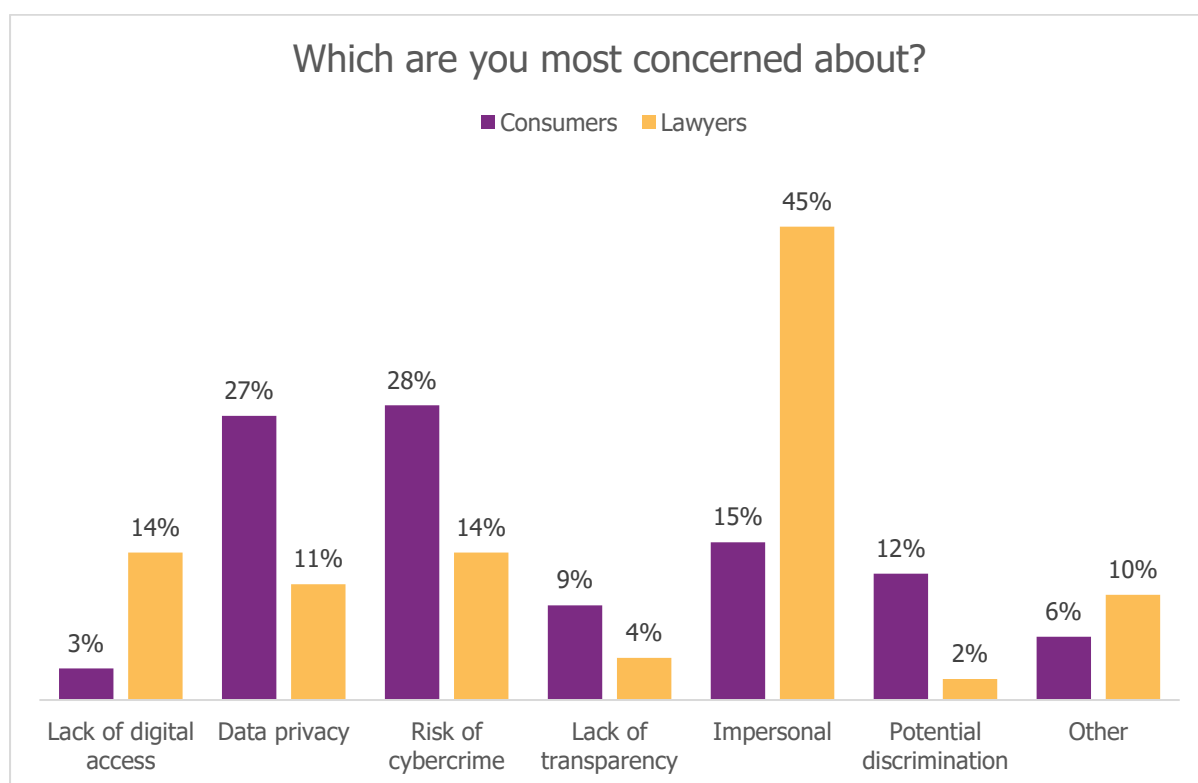
Figure 12: Proportion who choose each drawback as one they are most concerned about (n=1020 general public, 166 legal professionals)

3.4 Factors affecting acceptability of technology in legal services

Forum participants considered the extent to which the type of technology affected how acceptable its use was in legal services. All forum participants and survey participants also considered how the case type and client characteristics affect acceptability of the use of technology in legal services.

Concerns voiced by both the public and legal professionals influenced their assessment of what makes technology more or less acceptable in legal services, especially the importance of human empathy and judgement and the risk of abuse, coercion or undue influence.

Factors affecting acceptability are discussed in detail below.

Type of legal technology/ functionality

In in-depth discussions in forums with both public panellists and legal professionals, participants reviewed various scenarios to test acceptability of types of legal technology in different situations, areas of law and with different types of clients. Their responses to the scenarios showed that the technology type can affect acceptability of legal technology.

There was **greater mistrust in fully automated systems** such as smart contracts, some online services, and algorithm-based decision-making software. Public panellists were nervous about the idea of a smart contract that might not provide an opportunity for parties to pause to consider issues, or if their circumstances changed.

Instead, technology was more acceptable where it was used to facilitate – rather than replace – a process, such as video conferencing. Linking to the point above about the role of human legal professionals, both legal professionals and public panellists preferred there to be oversight, professional review, and final decisions made by a human. In essence, it was more acceptable to them when technology was a tool used by human legal professionals, rather than replacing a legal professional entirely.

> *"The point is that whilst the technology may help guide you, it cannot replace you."*
>
> Male legal professional aged 55-64; Bankruptcy, debt and insolvency law; London

There was also **mistrust of automated decision-making**, such as software used to predict the likely success of a case. Overall, participants felt that humans make better decisions than machines, because they thought that automated decision-making:

- Cannot account for diversity of factors that influence a decision, including more subtle or nuanced factors;

    - Several legal professionals said they struggled to think of cases that were simple enough to warrant fully automated decision-making;

- Does not account for complexity and unpredictability of court proceedings and judicial decisions;

- Feels impersonal, whereas someone in difficult circumstances might need a more personal approach, or it might feel more acceptable if the decision is made by a human rather than software.

Some participants also had poor experiences of algorithm-based decision-makers such as chatbots in customer services, which influenced their perceptions of the quality of decision-making.

> *"I am really not on board with the digital predictive tools, regardless of scenario, as they take away the human aspects of cases and reduce people's lives down to a probability score. They also remove the need for the solicitor to use their own professional judgement and expertise."*
>
> Woman aged 40-54, Late tech majority, West Midlands

> *"I do not like the concept of predictive tools because they work on the principles programmed and with all legal queries there are factors*

not covered by black and white scenarios. Predictive tools are impersonal, could be unfair, and do not cater for complexity."

Woman aged 55-74, Early tech majority, Southeast England

However, many participants could see the value of decision-making software in facilitating a final decision by either the client or the legal professional. They felt that clients could save money if they had a clearer idea of the likely success of their case, and that predictive software could provide a wider base of evidence for legal professionals to use to decide whether to take on cases.

Finally, participants in forums discussed the merits and drawbacks of **technology that enabled remote interactions**, such as video conferencing and e-signatures. Several public panellists and legal professionals felt there were real benefits to enabling clients to access legal support and processes from their own homes. These reflect some of the benefits discussed earlier, such as access and convenience (for those with busy lives, childcare responsibilities, and those who found it hard to travel); and saving time for both legal professionals and their clients.

However, there were some concerns that enabling interactions and transactions remotely increased the risk of fraud and duress, or at least reduced the chance for legal professionals to pick this up. Some public panellists also aired concerns that remote interactions made it harder to establish rapport and trust between legal professionals and their clients. Legal professionals commented that some clients may find it harder to interact remotely or to ask questions.

Characteristics of the case

In the surveys, the public and legal professionals considered how acceptability of technology was affected by factors such as complexity and sensitivity of cases, considering:

- **More straightforward legal issues** e.g. cases requiring minimal contact with solicitors, not disputed;

- **More complex legal issues**, e.g. that involve a lot of contact with solicitors, disputed;

- **Higher stakes legal issues,** e.g. where there is potential of losing money or a prison sentence;

- **More sensitive legal issues,** e.g. cases involving vulnerable people.

Unsurprisingly, in the public survey, respondents were much more open to the idea of legal technology when it came to more straightforward legal issues, than when the cases were more complex, higher stakes or more sensitive. Figure 13 shows the mean scores for each type of legal technology in terms of overall acceptability on a scale of 1 to 10, and clearly shows that for straightforward cases, acceptability was higher

across all types of legal technology. Further reinforcing respondents' views in relation to their overall acceptability, chatbots were seen as less acceptable for all types of legal situations than other types of legal technologies.
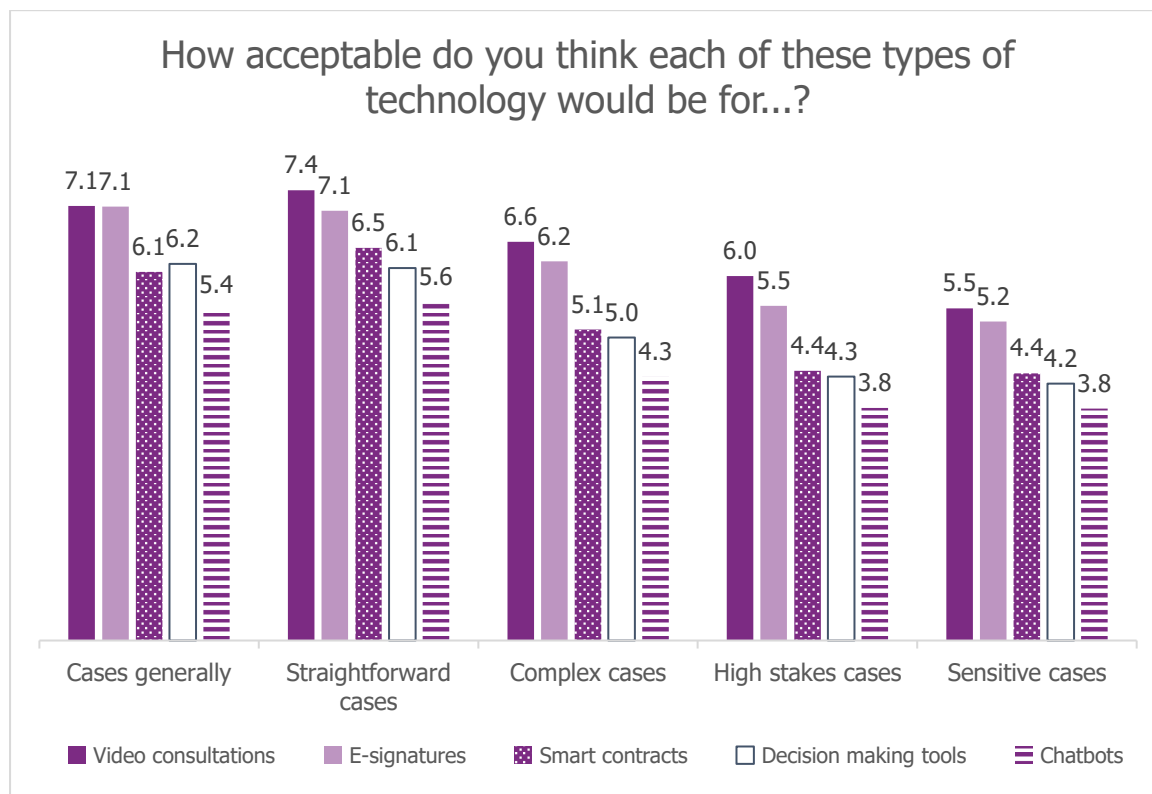
Figure 13: Mean scores out of 10 (n=1020 general public); 'Cases generally' scores taken from question on acceptability of technologies for society generally

Responses from legal professionals in the survey mirrored those of the wider public, in that they were more likely to deem legal technologies more acceptable when dealing with straightforward legal issues. However, legal professionals differentiated more between the different types of legal technologies when it came to how acceptable they deemed them: they were much more likely to consider video consultations and e-signatures acceptable (than smart contracts, decision making tools and chatbots), even for complex, high stakes or sensitive cases.

How acceptable do you think each of these types of technology would be for people with more straightforward / complex / high stakes / sensitive legal issues?

	Cases generally	Straightforward cases	Complex cases	High stakes cases	Sensitive cases
Video consultations	6.9	8.3	7.2	6.3	4.8
E-signatures	6.6	7.8	7.0	6.0	4.9
Smart contracts	3.9	5.5	3.9	3.1	2.7
Decision making tools	5.2	4.8	3.7	3.1	2.7
Chatbots	5.1	4.6	2.8	2.3	2.2

Figure 14: Mean scores out of 10 (n=166 legal professionals); 'Cases generally' scores taken from question on expected willingness of clients

In the forums, as well as varying complexity, participants also considered scenarios covering a range of areas of law (including divorce, conveyancing, wills, employment and a housing dispute). Their discussion shed further light on how case type affects acceptability of legal technology.

Both public panellists and legal professionals discussed the various different complexities that can come with a legal issue, including:

- **Technical complexity** – some areas of law are highly complex, and can affect multiple people and multiple areas of their lives, such as divorce, which touches on money, property, and children;

  - Disputed cases were seen as more complex;

  - Legal professionals also talked about potential future implications of decisions that add to complexity, such as pensions eligibility in divorce;

- **Risk of abuse and exploitation** – some legal processes could be used to facilitate fraud, theft and abuse, particularly in areas involving property rights and interests such as wills, divorce and conveyancing;

- **Sensitivity** – many legal issues involve considerable emotion and need sensitive handling. In addition, some issues may involve sensitive issues such as relationships, debt and child custody;

- **High stakes** – some cases can have significant impacts on people's lives, including their finances, freedom, access to family.

In the forums, public panellists and legal professionals felt that the complexity of cases should therefore affect how technology should be used in legal services. In the scenarios they considered, few felt there were many legal issues in which the public could use technology independently, without advice from legal professionals. To expand:

- In a tenancy dispute, they thought that technology might not take wider factors into account, and would not provide the empathetic and supportive approach that a tenant facing eviction might need;

- In a divorce, an online tool designed to split assets and child custody might not work if there was an imbalance in power between the parties, and participants felt the tool would be less likely to pick up abuse or asset-hiding. There was also a concern that children might be disadvantaged without a human lawyer to look out for their interest or anticipate future impacts on them;

- In wills, it might be hard to detect duress or coercion if interactions and signatures were carried out remotely via technology;

  - Several legal professionals said they would prefer to do this in person (at least initially) to check there was no risk of coercion.

    "I think that in couples where one person may be more assertive than the other, a fair distribution of assets could be compromised due to the relationship dynamics [when using online decision tools], whereas an involved solicitor may speak up for the more passive person and stake their claim for them."

    Woman aged 40-54, Late tech majority, West Midlands

However, some participants felt that – in straightforward cases, where parties were equally matched and matters were not contentious – technology might play a role and help people access legal services more cheaply and quickly.

In their forum, the legal professionals talked more extensively about the impact of complexity on uptake of technology. There was some support for the use of online tools for simple matters, such as a straightforward wills, small claims litigation, routine conveyancing and simple contracts. However, legal professionals felt that there was a limited role for technology in more complex and emotional matters, such as family and employment issues.

"It may be a lot easier to instil confidence in certain areas of law. The more complicated the area of law, then possibly the more challenging it will be. Anything that has the public more emotionally involved, such as family and employment issues, need to be handled more delicately."

Male legal professional aged 45-54; Employment law, London

Several legal professionals also expressed concerns over potential future challenges to decisions and advice generated by technology, and wondered how they would be resolved. In addition, some worried that they might be held liable if things went wrong with online or remote tools.

Client characteristics

In the surveys, respondents were asked to consider the different legal technologies depending on people's personal circumstances. Specifically, they were asked to say how acceptable they thought each of the technologies were for the following types of people:

- People on lower incomes;

- People who are less confident online;

- People who don't read or write confidently in English; and,

- Peoples who find it harder to travel to access legal services e.g. because of disabilities or lack of transport.

Figure 15 below shows the mean scores out of ten for each type of technology and also shows the mean score that was provided when the wider public were asked about the acceptability of the technology for society overall at the start of the survey. Across the different types of technologies, respondents generally felt that the technologies were more acceptable for people who find it harder to travel to access legal services. For people on lower incomes, mean scores for these were largely similar to those given for society overall.

There was more concern when it came to people who don't read or write confidently in English and (unsurprisingly) for people who are less confident online. For these latter two groups, all five types of legal technology were deemed to be unacceptable (receive a mean score of less than 6 out of 10); this differs slightly from people's views of different legal situations, where chatbots stood out as having particularly low acceptability.

How acceptable do you think these types of technologies would be for...
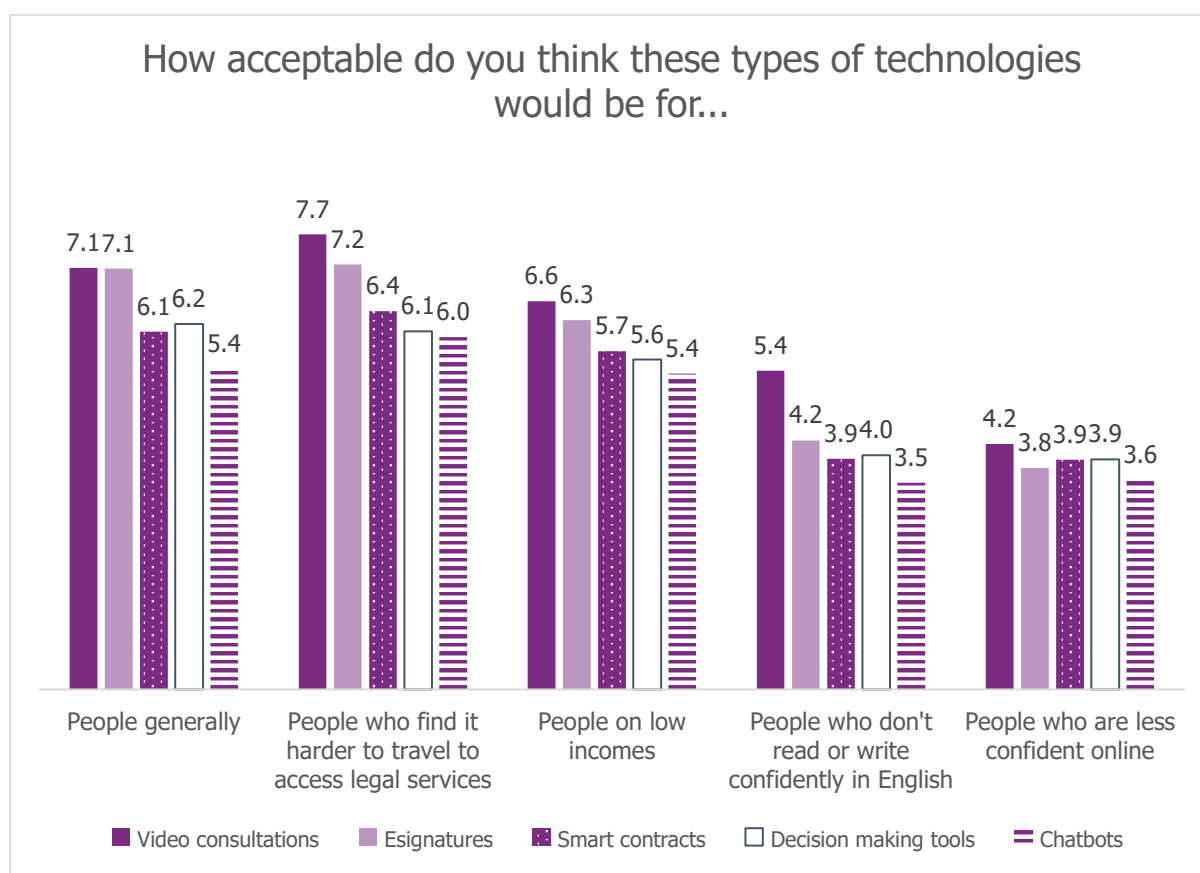
Figure 15: Mean scores out of 10 (n=1020 general public); 'People generally' scores taken from question on acceptability of technologies for society generally

Again, responses by legal professionals in the survey largely aligned with the wider public, with legal technologies being deemed more acceptable for people who find it harder to travel to access legal services, and less acceptable for people on low incomes, people who don't read or write confidently in English and people who are less confident online.
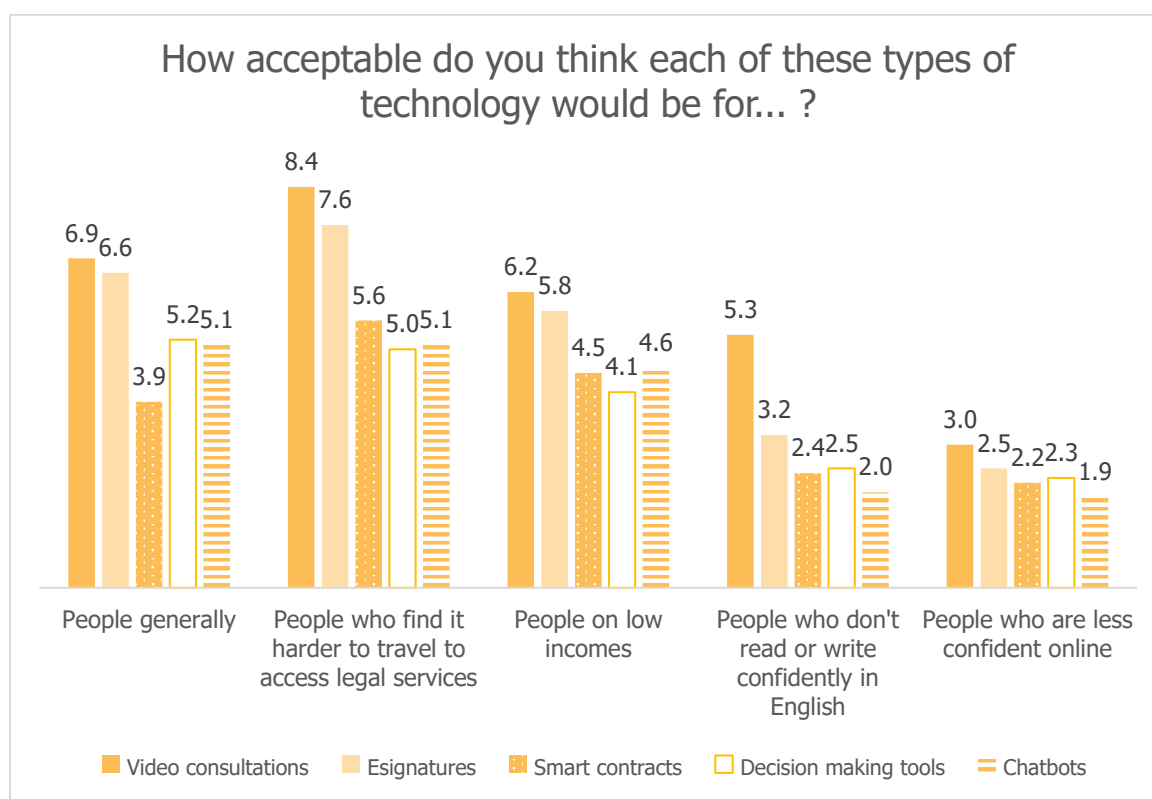
Figure 16: Mean scores out of 10 (n=166 legal professionals); ''People generally' scores taken from question on expected willingness of clients

In the forums, participants talked readily about how client characteristics affected acceptability of legal technology. The most pertinent client characteristics were: technological skill/ confidence; income; mobility/ access to transport; and (for legal professionals) whether they were a new or established client.

From early on in the forums, participants brought up **digital access and online confidence** as key factors when they were weighing up the value of technology in legal services. There was real concern amongst both the public panellists and legal professionals that those who are not confident online or do not have access to technology could be disadvantaged by the uptake of technology in legal services. Although age is not a sole determinant of digital confidence, participants felt that younger 'digital natives' would be more comfortable with the use of technology in legal services than some older people.

Forum participants felt that potential clients' **income** was relevant to acceptability of legal technology. However, both benefits and risks for those on low incomes emerged through participants' discussions. Many public panellists were impressed by the potential benefit of technology reducing costs, and therefore enabling greater access to legal services, especially amongst those on low incomes. However, concerns also emerged that lower cost services would mean lower quality services. Some were worried a 'two tier' system could develop, with people on lower incomes only being able to afford cheaper (but lower quality) legal services provided through technology,

but those on higher incomes being able to afford higher quality 'in person' legal advice and representation. This perhaps explains the cooler response in the surveys with regards to acceptability of legal technology for people on low incomes.

> *"Video consultations should be a cheaper option overall particularly if travelling, parking and childcare are taken into account."*
>
> Man aged 55-74 , Early tech majority, Northwest England

> *"Richer people will get more choice than poorer ones as usual."*
>
> Man aged 40-54, Late tech majority, Wales

In considering different scenarios in forums, several participants felt that technology might offer benefits to **people who found it hard to travel**. It might benefit people in poor health or with poor mobility; people who are time-poor; those who lack of access to suitable transport; and people with young children/ childcare responsibilities. This view is borne out amongst the wider public in the survey findings.

Some legal professionals in the forum felt that they might be more willing and likely to introduce technology with **existing clients** they knew, than with those they had never met. They said they would want to meet clients first to establish that they were of sound mind, not being coerced, and to do identity checks.

3.5 Driving social acceptability of technology in legal services

Redlines – when is technology never acceptable in legal services?

At the end of the survey, public respondents were asked via an open-text question to say in their own words where the use of technology in legal services was never acceptable. Notably, over a quarter of respondents (27%) said they did not know, perhaps reflecting the complexity of the subject. Of those who did make suggestions, there is overlap with the deliberative findings from the forum with members of the public.

Just under a fifth (18%) said it was not acceptable for people who are not comfortable using technology or don't have access to it e.g. older, vulnerable, ill people, non-English speakers etc. Around one in ten (11%) said it was never acceptable under any circumstances. It was also deemed unacceptable in complex cases (for example, murder or national security) by 10% and in sensitive cases (for example, sexual violence, cases involving children or bereavement) by 9%.

When is the use of technology in legal services <u>never</u> acceptable?

Category	Percentage
For people who are not comfortable using technology or don't have access to it	18%
Never acceptable	11%
Complex cases e.g murder, national security	10%
Sensitive cases where empathy is required	9%
If there is a particular risk to data safety / cybercrime	5%
When individuals don't want to use it	3%
When clients are not offered another alternative	3%
It is always acceptable / can always play a role	2%
High risk cases where there is a lot at stake financially or personally	2%
When clients feel that it would affect their case negatively	2%
Cases about data breaches	1%
Final sentencing and high courts	1%
Signing documents	1%
Other	7%
Don't know	27%

Figure 17: Situations where legal technology is never acceptable[10] (n=1020 general public)

In the survey with legal professionals, the main circumstances in which it was deemed never acceptable for legal technology to be used was in cases with old/ vulnerable/ disabled people who may not have access to or know how to use technology; nearly half (42%) said this. A further 15% said it was never acceptable in sensitive cases.

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[10] Free text responses mentioned by at least 1% (n=11) of respondents.

When is the use of technology in legal services <u>never</u> acceptable to your clients?

Category	Percentage
Cases with old, vulnerable, disabled people who may not have access to or know how to use technology	42%
Sensitive cases e.g divorce, cases involving children, wills, discrimination claims etc	15%
When client doesn't want to use it or doesn't know how to	8%
Complex and high risk cases	6%
When face-to-face contact is key	4%
It is always acceptable / can always play a role	4%
Cases with communication barriers	3%
Depends on client / situation	2%
Chatbots / predictive software	2%
When it could be detrimental to the clients case	1%
It is never/rarely acceptable	1%
Where confidentiality is key	1%
High value / high stakes	1%
Other	8%
Don't know	14%
Nothing	4%

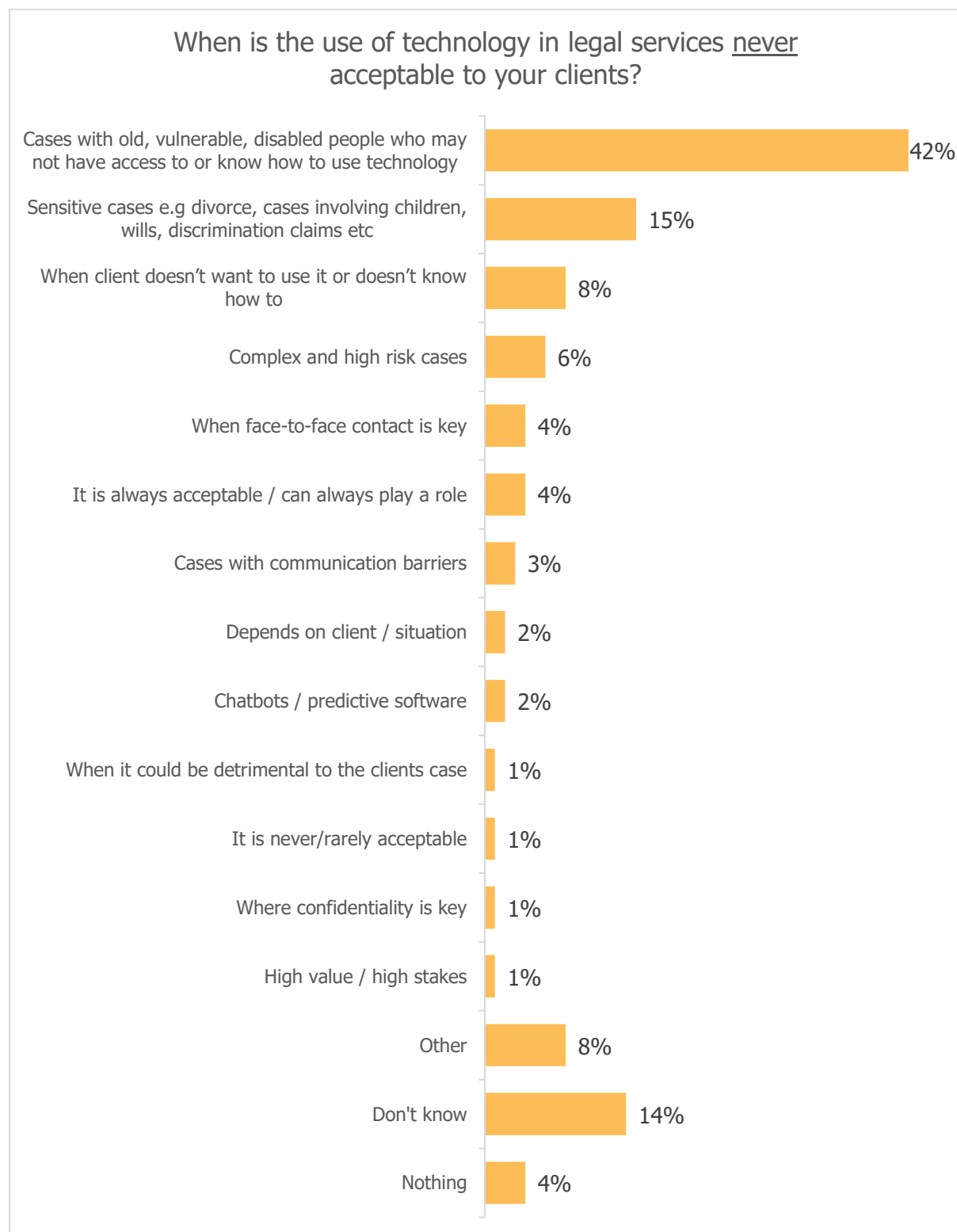*Figure 18: Situations where legal technology is never acceptable (n=166 legal professionals)*

In forums, public panellists and legal professionals finished their extended deliberation by considering whether there were circumstances when technology should <u>never</u> be

used in legal services. There were three strong themes in these 'red lines', with similarities across both audiences, and echoes of the findings from the survey.

Firstly, forum participants said that a **technological solution should never be the only option for clients**. Both legal professionals and public participants said that there should always be alternatives to online and digital tools, and that clients should not be forced to use them if they don't want to. There was particular concern that more vulnerable clients (especially older people; people who do not/ cannot use technology; those on a low income) should not be disadvantaged by legal businesses only offering online services.

Secondly, forum participants suggested there were **some types of cases and processes where the use of technology to replace human lawyers is never appropriate**, including:

- Criminal cases, especially murder cases;

  - And legal professionals specified technology should never be used to advise people on criminal pleas;
- Most divorce, employment and personal injury cases (suggested by legal professionals only);

- Cases involving custody of children;

- Cases where there is known, suspected or potential incapacity, duress, undue influence or pressure on clients (suggested by legal professionals only);

  - Some said that technology should not facilitate unwitnessed signatures on wills for this reason.

Finally, forum participants also suggested some 'red lines' around **using artificial intelligence for decision-making**. Both legal professionals and public panellists said that automated decision-making should never be used:

- When it is a final decision, without recourse to appeal or review;

- If a decision will deny someone legal support;

- In court in place of a judge.

In addition, some legal professionals in the forum felt that technology should never be used in legal services without some kind of human oversight or in place of advice from a qualified legal professional.

Safeguards

In the surveys, respondents were asked to choose the three safeguards from a prompted list that they thought would be most reassuring. For public respondents, the most reassuring safeguard overall would be 'ensuring offline alternatives are still

available', with over half (56%) putting this in their top three. This reflects an important 'red line' identified by forum participants. In the public survey, women, those aged 55 or over, and those with low legal confidence levels were significantly more likely to pick this safeguard.

All other potential safeguards were considered most reassuring by at least a quarter of respondents, with 'independent quality checks of cases where technology has been used' and 'systems in place for putting mistakes right and how to complain' the next most reassuring. There were few differences between respondents when it came to these other safeguards, except that people from ethnic minorities were significantly more likely to pick 'transparency about when technology is being used in legal services'.

Legal professionals also saw the most reassuring safeguard as being 'ensuring offline alternatives are still available', with over three quarters (78%) putting this in their top three. For lawyers the next most reassuring safeguards were 'standards in place to make sure technology is user friendly and good quality', and 'transparency about who sees and uses other people's data'.

Figure 19 below compares views on safeguards between the public and legal professionals[11]. Both audiences were largely in agreement when it came to safeguards, albeit their orders of priority were slightly different. The main two areas where views differed were:

- Public panellists were more likely than legal professionals to pick 'independent quality checks of cases where technology has been used' (44% compared to 19%).

- Legal professionals were more likely to pick 'ensuring offline alternatives are still available' (78% compared to 56%).

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[11] It should be noted that – given the difference in the sizes of the audiences – the comparison is indicative rather than statistically significant.

Please choose from the following list of safeguards, the top three that you think would be most reassuring [for your clients]

■ Consumers ■ Lawyers

Safeguard	Consumers	Lawyers
Rules/guidance to legal service providers on when legal technology is suitable or not	31%	28%
Transparency about who sees and uses people's data	36%	43%
Systems in place for putting mistakes right and how to complain	40%	24%
Standards in place to make sure technology is user friendly and good quality	37%	46%
Independent quality checks of cases where technology has been used	44%	19%
Training for firms and legal professionals on how to use legal technology to make sure clients benefit	28%	30%
Ensuring offline alternatives are still available	56%	78%
Transparency about when technology is being used in legal services	29%	25%

Figure 19: Proportion who chose safeguard as one of top three most reassuring (n=1020 general public, n=166 legal professionals)

Forum participants also considered what safeguards where needed to ensure technology in legal services benefits society. Their suggested safeguards (set out below) echo some of the concerns they raise over technology in legal services, and they have implications for legal technology developers, legal businesses and legal services regulators.

Applying existing protections and rules

In forums, there was a heavy focus – especially amongst public panellists – on data privacy and security safeguards. In particular, they wanted strong safeguards around data gathering, storage, and sharing. Participants also wanted transparency over what data was collected and choice over storage and disclosure of data. Several forum participants (public and legal professionals) said that it was a case of applying existing standards to legal technology, though they wanted to see the same high standards and protections as apply to other high-risk and heavily regulated industries, such as banking.

> *"Show [legal technology tools] have been rigorously tested and set a standard that all firms must adhere to (like Lexcel[12]) to show the highest standards are being set."*
>
> Male legal professional aged 25-34, Employment law, Northwest England

> *"I think the key things they need to do is ensure that everyone's data is protected to the highest possible level to prevent it being stolen or being used fraudulently. They should make sure everyone can see what data is held about them and that it is correct and that there is a right of appeal and redress if your data is misused."*
>
> Man aged 40-54, Late tech majority, Wales

Legal professionals stressed the importance of stringently applying existing rules on fraud, money laundering and exploitation to the use of technology in legal services. They felt that there was greater potential for abuse where technology is used because it could bypass existing checks and processes (such as legal professionals being in the same room as a client, witnessing signatures, carrying out in-person identity checks, and picking up signs of undue influence or coercion). Several legal professionals therefore felt that there should be enhanced measures where technology replaces traditional processes, for example, double authentication and enhanced money laundering checks and risk assessments.

Development, adoption, and quality checks

Most public panellists in the forum advocated a more cautious (rather than quick) approach to adoption of legal technology. This attitude was evident amongst legal professionals in their forum too. Forum participants advocated:

- A rigorous process of development and testing of new technology;
  - Ensuring in particular that it is user friendly, secure, gives accurate results, and is free from bias;
  - Legal professionals suggested involving lawyers in the development of new tools;
- Licensing/ accreditation of technology, so that only approved suppliers can launch legal technology or provide it to legal businesses;
- Quality checks by humans to check for accuracy, bias and compliance with data security;
  - Some also suggested checks were needed to ensure the quality of advice and service was comparable with that of traditionally-provided services.

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[12] Lexcel is the Law Society's legal practice quality mark for client care, compliance and practice management. The standard is voluntary – legal businesses and legal professionals can apply for accreditation it if they wish.

Use of technology by legal businesses

Both public panellists and legal professionals suggested that legal businesses and professionals need **training** on new technology to make the best use of it, and ensure their clients are protected (including risk mitigation).

A recurrent theme throughout the forums was **transparency**, and one safeguard suggested by both audiences was a requirement that legal professionals are transparent when technology – especially artificial intelligence – is used. This includes:

• Letting people know when technology has been used to inform or make decisions;

• Telling people about how technology is being used and about the benefits and risks, especially regarding data use.

> *"Transparency, making it clear to all customers what is used and why it's being used and the possible benefits and risks."*
>
> Man aged 40-54, Early tech majority, East Anglia

Clarity over accountability for advice and decisions

There was some debate in forums, especially amongst legal professionals, over where accountability lies for advice and decisions that rely on technology. Several legal professionals worried that they would be held accountable for the outcomes of using technology in legal services, even when they had limited involvement in decisions or advice. They wanted clarity over where accountability lay.

Some legal professionals highlighted that it was important that lawyers retained responsibility for giving advice and judging whether technology was suitable for each client they saw.

Right to appeal, redress and compensation

Both the public and legal professionals in forums felt that people must be able to review or appeal any decisions made by technology. This links to the 'red line' against technology making final decisions.

Participants also wanted to see easy, accessible processes for complaining and seeking redress, with compensation/ indemnity insurance available to compensate people for any loss due to mistakes.

Ensuring choice and parity between legal technology and traditional methods

Reflecting the survey findings, both the public panellists and legal professionals in forums wanted there to be a choice of methods for people using legal services. They felt that traditional, non-digital, services should be available as an alternative to legal technology.

There was concern that the use of legal technology could introduce variation in the cost and quality of legal advice – that those who are digitally excluded could miss out

on affordable access to justice. Participants therefore proposed a safeguard that those who chose not to use legal technology would not be disadvantaged.

> *"Fair access – not everyone will have the technology, the desire, or the understanding to use some of these more technological services that have been presented to us and I think that not being able to access the services should not mean that those people therefore do not get the same access or level of service. Access to legal services should be fair to all."*
>
> Woman aged 40-54, Late tech majority, West Midlands

Building public confidence and supporting uptake

At the end of the surveys, respondents were asked to describe what one thing would make them feel more comfortable about the use of technology in legal services. As shown in Figure 20, over a fifth (22%) of the wider public spontaneously called for strong data protection and cyber security regulations and systems, the only thing that was suggested by more than 10% of public panellists.
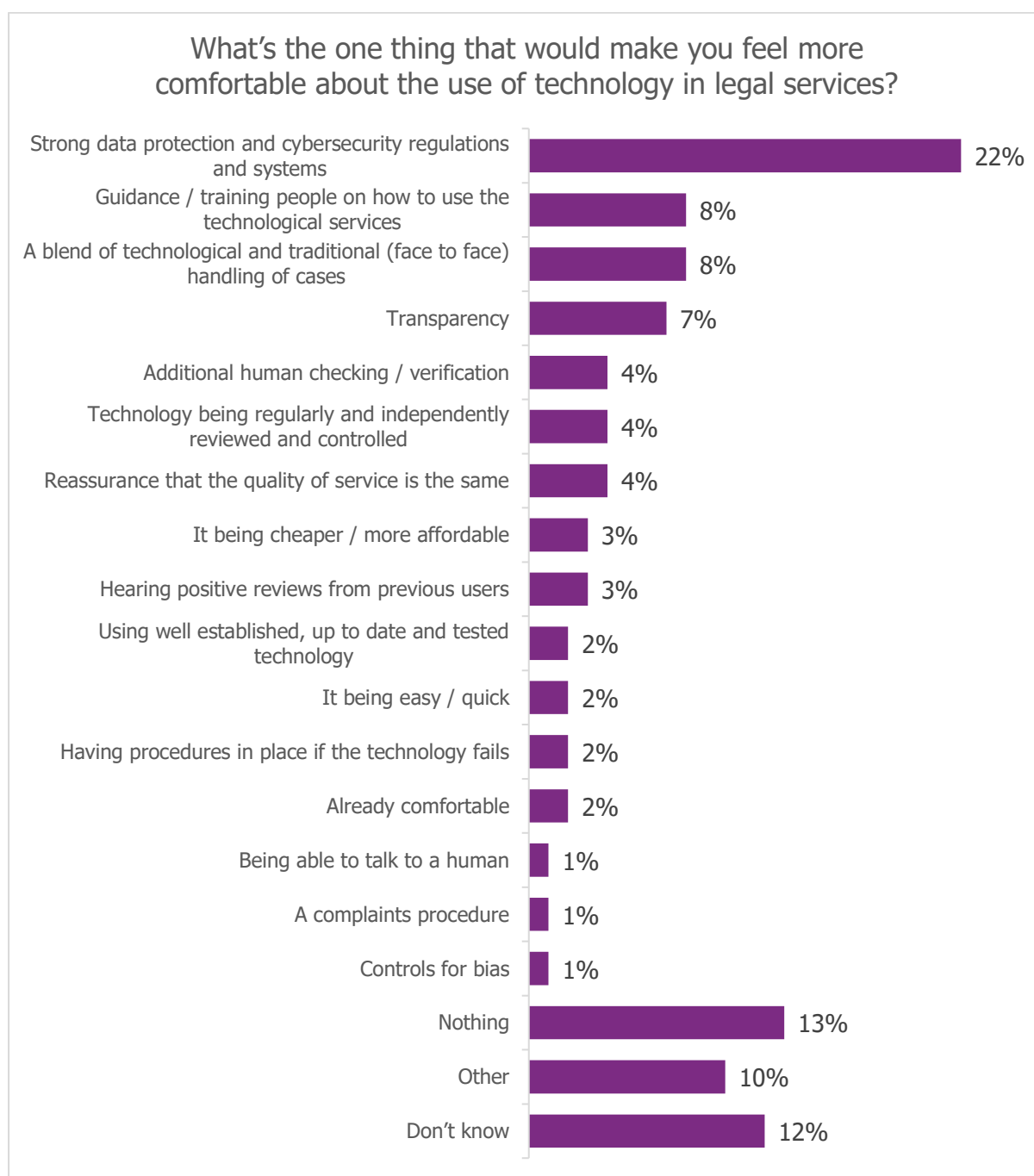
What's the one thing that would make you feel more comfortable about the use of technology in legal services?

Response	Percentage
Strong data protection and cybersecurity regulations and systems	22%
Guidance / training people on how to use the technological services	8%
A blend of technological and traditional (face to face) handling of cases	8%
Transparency	7%
Additional human checking / verification	4%
Technology being regularly and independently reviewed and controlled	4%
Reassurance that the quality of service is the same	4%
It being cheaper / more affordable	3%
Hearing positive reviews from previous users	3%
Using well established, up to date and tested technology	2%
It being easy / quick	2%
Having procedures in place if the technology fails	2%
Already comfortable	2%
Being able to talk to a human	1%
A complaints procedure	1%
Controls for bias	1%
Nothing	13%
Other	10%
Don't know	12%

Figure 20: One thing that would make people feel more comfortable about the use of legal technology[13] (n=1020 general public)

For legal professionals in the survey, the one thing that needed to happen, mentioned by over a quarter (28%) was training in technology, both for clients and legal professionals themselves. 16% also mentioned safety and security measures being put in place. 14% thought technology being accessible to clients (both in terms of it

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[13] Free text responses mentioned by at least 1% (n=8) of respondents.

being readily available and easy to use) would make their clients feel more comfortable about the use of technology in legal services.

What's the one thing that you think would need to happen to make your clients feel more comfortable about the use of technology in legal services?

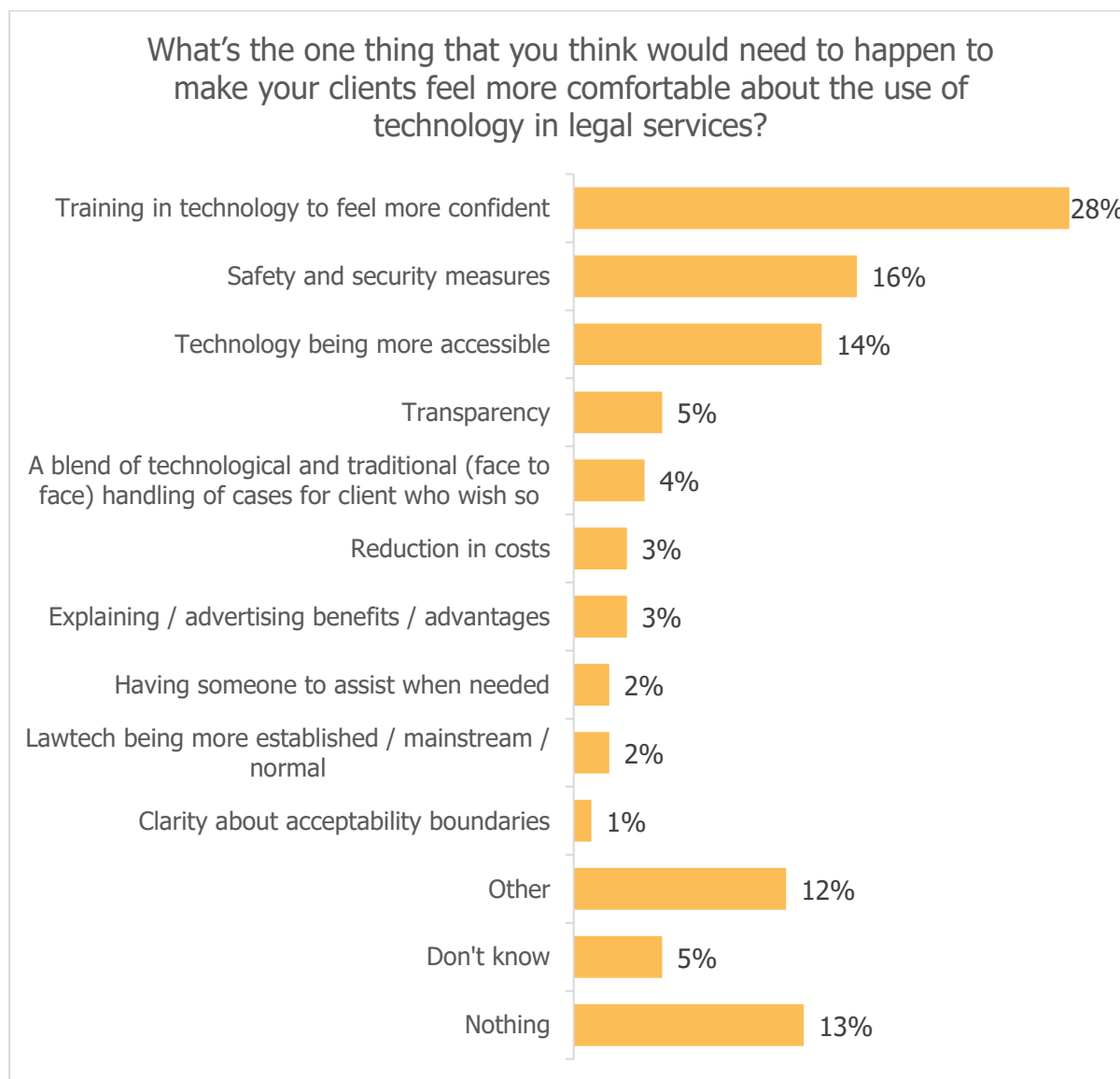| Response	%
Training in technology to feel more confident	28%
Safety and security measures	16%
Technology being more accessible	14%
Transparency	5%
A blend of technological and traditional (face to face) handling of cases for client who wish so	4%
Reduction in costs	3%
Explaining / advertising benefits / advantages	3%
Having someone to assist when needed	2%
Lawtech being more established / mainstream / normal	2%
Clarity about acceptability boundaries	1%
Other	12%
Don't know	5%
Nothing	13%

Figure 21: One thing that would make people feel more comfortable about the use of legal technology, mentioned by 2 or more respondents (n=166 legal professionals)

Forum participants felt that the public's confidence in legal technology would be influenced by effective regulation; communication and publicity; good experiences; and support in choosing and using it. These themes are explored further below:

Effective regulation

In forums, both public panellists and legal professionals felt that legal services regulators need to apply existing rules and processes to the adoption of legal technology to give the public confidence. More specifically, they suggested:

- Ensuring compliance with existing regulations, particularly regarding data security, anti-fraud/ anti-money laundering regulations, and protection of vulnerable clients;

- Quality checks;

- Access to independent complaints, appeal and redress processes.

In addition to adapting existing rules and processes, many forum participants (both public and legal professionals) suggested further rules specifically relating to the development and use of legal technology. These included:

- Specific standards for legal technology, including on rigorous testing;

- A process of authorisation/ accreditation for legal technology products or software;

- Ensuring fairness of access to legal technology amongst legal businesses, i.e. that cost of legal technology does not create a 'two tier' system, where good legal technology is only affordable to larger, wealthier legal businesses;

- Standards of training for legal businesses/ legal professionals in the use of legal technology;

- Clear rules over use of technology in legal services, particularly over when it is not appropriate to use technology, and over accountability for decisions and advice when legal technology is used.

> *"I think regulators need to provide oversight of technology used in the legal services to ensure that the technology developers introduce their tech at a pace at which they are able to ensure that it is accurate, free from bias, and able to perform the task it is designed for accurately without errors."*

Female legal professional aged 35-44; Wills, Probate & Trust law; East of England

> *"I think the regulators could also create some form of kitemark/badge of approval that could be used on approved technologies (so it is clear if a particular technology product has been approved)."*

Male legal professional aged 25-34; Employment law; London

Communication and publicity

Public panellists and legal professionals in the forum suggested that it would help the public to know:

- What legal technology is available, why it is used, and what it can do;

- The benefits and risks of this;

- Regulation and governance systems are in place to maintain safety, data security, fairness and quality.

Both audiences suggested that an advertising/ publicity campaign, showing examples of legal technology, might help give the public greater confidence.

Public panellists stressed that communications and explanations should be jargon-free and easy to understand.

Good experiences

Both audiences suggested that the public confidence would be bolstered by people having good experiences of using legal technology, and that it had to be accessible, user-friendly, reliable and secure to ensure this.

Some legal professionals suggested that it would help to start with the lower risk, easier tools (such as e-signatures and biometric identity checks) for simpler processes to build up confidence.

Support to choose and use legal technology

Forum participants suggested that both legal businesses and the public will need support to use legal technology, something strongly endorsed by respondents in the survey with legal professionals, and to a lesser extent the wider public. Legal professionals suggested guides and helplines, and public panellists said that those who are not confident in using technology will need extra support and guidance.

There was also a suggestion that the public and legal businesses would benefit from support and guidance to choose trusted suppliers. Several legal professionals suggested that an accreditation scheme for legal technology would help them to choose what to use, and some participants also suggested a 'trusted suppliers' list.

4. Conclusions

There is majority support amongst the public for the use of technology in legal services, both for themselves personally, and for society more generally. Most people think technology can bring benefits to legal services, helping the sector keep up with advances in wider society, and potentially offering faster, more convenient/accessible and more affordable services. People are – perhaps unsurprisingly – more comfortable with technology that is well established and familiar (such as video consultations). They are more wary of newer concepts (like smart contracts and decision making tools), and particularly tools that use artificial intelligence (including chatbots).

However, a tenth of people are firmly against the use of technology in legal services. This links to their own reticence to use technology more generally, and for this minority the risks of technology (particularly the lack of human interaction and data security risks) reinforce their opposition to it.

Legal professionals are also broadly supportive of the use of technology in legal services, and most feel it will improve services for themselves and their clients. That said, there is a greater appetite for technology in the sector than legal professionals think: they are more conservative in their assumptions about how willing their clients would be to use digital tools compared to their own willingness. This does not match the public's stated willingness to use technology in legal services.

Both audiences readily acknowledge that the use of technology in legal services brings risks. The complexity of the law; the human factors at play; and the sensitivity of issues all mean that abuse, mistakes and failures have greater consequences than in other sectors. As a result, the public and legal professionals think that legal technology should be developed, introduced and used in a careful and considered way. They want strong safeguards to reassure them that data will be secure, advice will be accurate and humans will be involved in any final decisions. Legal professionals also want clarity over where accountability lies for advice given and decisions made using legal technology.

There are limits on the use of technology in legal services. The public and legal professionals both think its use is not suitable in all circumstances, and there is less support for its use in more complex, sensitive or higher stakes cases. They do not want final decisions to be made automatically by technology. They also strongly believe that clients should be able to choose not to use technological tools (without facing penalty or disadvantage), particularly as they believe technology is less acceptable for some people (including those who do not have access to – or confidence in using – technology; those with low literacy in English).

The public and professionals say that building confidence in legal technology involves a combination of clear regulation and local governance; raising the profile of tools and

their benefits; providing practical support to use technology; a system of quality checks; and ensuring an easy and visible route to redress if things go wrong. As a result, regulators, developers and legal businesses all have a role to play in building confidence in legal technology and realising its benefits.