

AMERICAN BAR ASSOCIATION
Committee on Research about the Future of the Legal Profession

PROCESS USED BY THE COMMITTEE
TO CREATE THE SCENARIOS

The preferred future scenario, the action steps required to achieve it, and the scenarios of alternative futures are the culmination of two years of work. Eighteen months were spent gathering information pertinent to the future of the legal profession, which was published in a report available at www.abanet.org/lawfutures/report2001/.

Using this information, the Committee set about creating alternative scenarios of the profession's future. A scenario is an internally consistent narrative description of the future, set at a specific date in the future and told from the perspective of that future date as if the things leading up to it actually had happened. It is not a prediction but a possibility.

The scenario creation process used a number of key uncertainties to create matrices of driving forces, and teams of the committee created different scenarios from the various quadrants of the matrices. The uncertainties considered by the Committee were:

- Whether the legal services needs of the middle class will be met
- The legal profession's capacity to be *proactive* instead of *reactive*
- Whether lawyers or non-lawyers will be the dominant provider of legal services
- To what extent technology will be used to deliver legal services
- The extent to which lawyers will engage in multi-jurisdictional practice
- Whether the states or the federal government (or an international agency) will be the primary regulator of the profession
- Whether terrorism will increase or abate
- The extent of influence that lawyers will have on society

For example, the first two uncertainties created the following matrix of driving forces for alternative scenarios, and teams of the committee wrote scenarios from three of the four quadrants:

Middle class needs <i>not</i> met Lawyers <i>proactive</i>	Middle class needs met Lawyers <i>proactive</i>
Middle class needs <i>not</i> met Lawyers <i>reactive</i>	Middle class needs met Lawyers <i>reactive</i>

Keeping in mind the core values of the profession that were set out during the debate about multi-disciplinary practice, the committee drafted a scenario expressing its preferred future of the profession. Three teams drafted separate visions, and the committee as a whole then merged the best elements of the three. The preferred scenario was then analyzed to determine the action steps that must be taken in order to bring it about.

Finally, the committee tried to apply as much creativity in presenting its report to the ABA Board of Governors as it had used in creating the scenarios themselves.

In preparing and presenting its work, the committee has been mindful of the following encouraging words of Dr. Alan Kay, formerly of the Xerox PARC laboratory and inventor of, *inter alia*, the computer mouse and the graphical user interface: "*The best way to predict the future is to invent it.*"