

## TRUMP'S LAWSUIT DAZE

**J**ust a week after being sworn in as the 45th president of the United States and Donald Trump is already in trouble, with a string of possible lawsuits lined up against him.

As reported by the *New York Times*, one of these suits comes from constitutional scholars and former White House ethics lawyers who allege the new POTUS is violating the US Constitution by allowing his various businesses to accept payments from foreign governments.

The constitution's emoluments clause forbids US officeholders from accepting gifts from foreign governments without congressional approval.

The suit does not seek any monetary damages. Instead, it asks a federal court to order President Trump to stop taking payments. The president, who vowed to 'preserve, protect, and defend' the constitution, said the lawsuit was 'without merit'.

Meanwhile, the US Vice President has also made headlines, albeit for a more bizarre reason.

Comic strips drawn by Mike Pence in the mid-1980s, during his time as a student at Indiana University Law School, have surfaced online.

Originally published in the *Hyperallergic* blog, Pence's cartoons, entitled 'Law School Daze', depict a law student bored by constitutional law and torts. Evidence of the latter is seen in strips called 'Torts Illustrated' and 'Kids and Trespa\$\$'.

Pence has previously expressed his dislike of studying law, telling the *Wall Street Journal*: 'No one I know likes law school. It was a bad experience. I wouldn't wish it on a dog I didn't like.'

With the law proving an annoyance to his boss, maybe Pence should consider a new strip reflecting the plethora of lawsuits set to be served on the White House over the next four years. **SJ**



## Mediators want more support from lawyers and judges

Annual initiative reminds family lawyers of duty to consider dispute resolution options, reports **Matthew Rogers**

**P**romoting accredited mediators, advertising on prime-time television, and greater endorsement by solicitors and judges were some of the initiatives discussed as part of this year's Family Mediation Week to encourage greater take-up of this alternative dispute resolution process.

The annual fixture gives law firms, mediators, and other organisations the opportunity to raise awareness of mediation with events taking place throughout the UK.

Mediation is known to be a quicker, cheaper, and less stressful means of resolving disputes with parties given more control over the process. But despite changes in the law, including compulsory mediation information assessment meetings, it is still not getting as much traction as supporters believe it deserves.

'The success rate where both people attend mediation is very high at around 78 per cent,' said Denise Ingamells, head of mediation at TV Edwards. 'Mediation can work at any time; things change, mediation might not have worked yesterday but it might work today or tomorrow, and it can also work alongside court proceedings.'

Ingamells said Family Mediation Week was a 'fantastic opportunity' to promote the benefits of mediation and hoped it would give more people the confidence to try it. She went further: 'These initiatives are also a way of reminding our solicitor colleagues in the family team to make sure they are abiding by their Resolution credentials in discussing all ADR options in every case at the outset, but also going back to review with their clients throughout the process precisely because a case, or the individuals involved, can evolve over time.'

Her firm specially re-launched its website last week to raise awareness of family mediation and used social media to stress the importance of choosing an accredited mediator to reach beyond its traditional networks.

Over in Covent Garden, Family Law in

Partnership's team of fourteen mediators offered free half-hour mediation sessions for new mediation clients. The firm said it is also happy to speak to family lawyers about the benefits of family mediation and how it could be used to resolve the many and various family issues that their clients face.

Ruth Smallacombe, a mediator and family consultant at FLiP, said the firm fully supported Family Mediation Week but called on family lawyers and the courts to be 'more rigorous in considering family mediation to resolve disputes'.

'They should be encouraging family mediation at an earlier stage to ensure that the parties don't get fixed into negotiating stances which make finding a solution more and more difficult. All family mediators and organisations should do more to promote the benefits of mediation, even advertising its benefits on prime-time TV, as a cost-effective and extremely flexible process.'

Austin Chessell, an accredited child and family mediator at Feltons, agreed with Smallacombe. He said events like Family Mediation Week will help to increase awareness of the benefits of mediation while other family professionals and judges can also help by signposting or directing clients to the practice.

Chessell, who has previously spoken of the challenges of becoming a family mediator (SJ160/10), is planning two mediation events for January and February with the Family Mediation Centre to help lawyers understand some of the processes involved. **SJ**



**Mediation might not have worked yesterday but it might work today**

Denise Ingamells, TV Edwards

# Smaller firms lagging behind on innovation

New study finds only 2 per cent of firms automate paralegal work, reports **Jean-Yves Gilg**

**T**he number of larger law firms investing in innovative technology has been steadily growing but, bar a few exceptions, medium-sized and smaller firms are still to take the plunge.

Technologies ranging from document assembly to virtual assistants and artificial intelligence have become regular features of the legal services landscape, including in this journal (page 25).

Few will question that these technologies offer 'exciting possibilities for the way legal processes might evolve or be reinvented for the future', as a new Law Society report, 'Capturing Technological Innovation in Legal Services', has put it.

However, the report goes on, 'such technologies are still a relatively unknown and unexplored landscape for the majority of the profession'. And in a clear warning, the report's authors say these new systems are 'not a fix for struggling business models or outdated processes'.

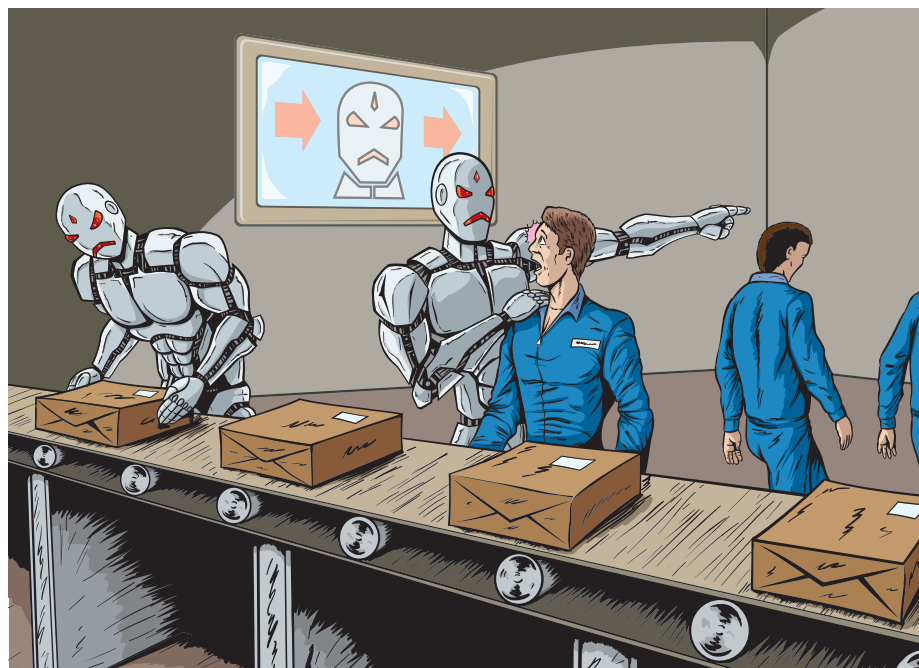
To date, technological innovation has concentrated on improving processes. Robotic process automation, which is estimated to result in savings of up to 40 per cent, has become a high-priority investment for larger law firms, the report says. One consequence is that 'work once outsourced to humans in India or the Philippines can now be completed inside the firm, using robots'.

Similarly, artificial intelligence and machine learning has only really been deployed in large commercial firms with large enough volumes of data to process to make the technology worthwhile.

But, overall, technology is making inroads. Although the percentages of work replaced by automation technologies have not increased drastically from 2012, there is 'evidence that larger firms are increasing their uptake of these technologies'.

Twelve per cent of firms have already replaced some work normally done by non-fee earning staff with automated or IT processes, according to the Law Society's 2015 Law Firm Survey, and 3 per cent had automated work previously undertaken by qualified solicitors.

These systems, unsurprisingly, were more likely to have been implemented by large



firms, 19 per cent of which had replaced work undertaken in the past by paralegals with automated or IT processes. This compared with 5 per cent of medium-sized and 2 per cent of small firms.

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**Taking full advantage of the opportunities that new technology offers will mean adapting the way we work and embracing change**

Robert Bourns, Law Society president

Another area where large firms have taken the lead is in the use of technology in relation to pricing. In the US, 76 per cent of large firms employed somebody with responsibility for pricing. Of those, 38 per cent had staff dedicated to the role.

Meanwhile, back in the UK, Top 200 firms typically had at least one role dedicated to innovation, a job that involved everything from scouting the market for novel ideas

and insights, analysing trends, and advocating innovation activity, through to facilitating idea generation, directing funding, and taking innovations forward.

By contrast, in smaller firms, innovation usually came from 'the drive and vision of one particular senior partner', apart from in smaller so-called New Law firms, where innovation tended to be 'an ethos that permeated all levels of the firm'.

Budgets were also an area of wide differences. One-quarter of large firms spend more than 75 per cent of their annual IT budgets on existing technology systems. By comparison, one-quarter of small firms spend more than 90 per cent of their IT budget – and 19 per cent spend all of it – on existing systems.

'New technologies such as machine learning and advanced automation are reshaping the way the legal sector works,' said the Law Society president, Robert Bourns.

'Taking full advantage of the opportunities that new technology offers will mean adapting the way we work and embracing change. We have a strong tradition of innovating to meet our clients' needs. Technology offers lots of opportunities to provide services in new ways and to continue to exceed our clients' expectations.'**SJ**