

## Young lawyers risk failing to master fundamental lawyering skills, say leading lawyers

Today's lawyers are focusing too heavily on written communication at the expense of oral communication, putting at risk mastery of fundamental lawyering skills and impeding efficiency at law firms, according to a group of leading lawyers and tests conducted by BigHand and Nuance Communications.

"This generation of graduates and younger lawyers verbalise their ideas and thoughts by putting it on the screen - by typing," Theodora Ahilas, Principal and Director at Maurice Blackburn, said.

"They are fantastic in print, but when you question them on their documents, in some instances, they fall short of being able to articulate their position."

"Part of our work is actually having a lot of court appearances, so you have to be able to get up and talk," she said. "Judges will throw questions at you, and you have to be able to answer them in a well thought-out, articulate way."

Julia Harrison, Partner at Carroll O'Dea Lawyers, believes that the rise in texting and emailing has had a "massive effect" on her generation and those younger to her.

"In terms of doing business and being a lawyer, the ability to sit down, and look someone in the eye and listen to their story and use your intuition is so important and it does concern me that people are losing that skill and I just don't think that sending a text message or email without properly considering it is the right way to communicate," she said. "I think that the phone call is almost becoming a lost art."

The Hon. Justice Michael Kirby, retired Justice of the High Court of Australia, agrees and says that the telephone is a "beautiful thing".

"Younger people are losing the art of speaking to each other via telephone. They text. Even when they are in the same place! Even when they are in the same room! It's ridiculous!"

"Oral communication and the way in which we can put things over not only by words, but by gestures, by a look, by a raised eyebrow, by actions – this is the way we really communicate with each other and we see the whole message, the whole context, and that makes for better understanding," he said.

Kirk Warwick, Senior Associate, Norton Rose Fulbright argues that emailing effectively is a skill in itself.

"Today, a lot of communication is being done in the form of email, where you can reflect on what you are saying and read the last sentence before producing the next one to ensure it is structured appropriately," he said. "I do think this is a skill that it is being utilised to the detriment of being able to really corral thoughts and deliver your ideas verbally and think on the fly."

"As a lawyer, you're going to be confronted with situations where you've got clients or opponents on the other side of the table, you're running negotiations, you're in court and the judge wants you to address a particular issue", he said.

"You are really going to have to be able to take that in your stride, process that information, and then deliver something that is concise. I think that is only something that is developed with practice."

The view that typing an email or developing documents via typing them into a computer is most efficient use of a lawyer's highly-valuable time is a fallacy, according to tests conducted by BigHand and Nuance.

"Tests show that lawyers are typically three times more efficient when verbalising their ideas rather than typing them," said Anthony Bleasdale, Director - Asia Pacific at BigHand said. "This is a significant result in an industry where time is money."

"Law firms need to ensure they are not losing efficiencies in how their lawyers are working, provide the right tools to maximise their efficiency and ensure younger lawyers are developing the oral communication skills they need," he said.

Theodora Ahilas, Principal and Director, Maurice Blackburn agrees.

"We are actually becoming less efficient, rather than becoming more efficient in our time by becoming slaves to the computer and typing ourselves, rather than actually thinking about what we are doing and having a system and protocol to develop our ideas through dictation," she said.

"A junior lawyer will say to me 'but I am much more efficient typing it up than actually dictating it'."

"I don't think that they realise that dictating can be much more efficient because not only do they have clarity of thought, they get it done much

quicker than sitting at the computer and actually typing up the document. The best way to do it is to dictate the document, get it back on the system, correct it and then get it out."

"We time cost our work. It is muchmore efficient for clients that I spend 15 minutes of that hour dictating it and it gets typed by someone else, rather than spending an hour and a half typing it up and then I've used their quota or the amount of time allocated for the particular task," she said.

"I was certainly a bit surprised at how much quicker I could verbalise something more than typing it. But then typing something is a much more mechanical process and delivering information verbally can be much more fluid," Kirk Warwick, Senior Associate, Norton Rose Fulbright said.

"There is a huge amount of blue sky for digital transcription technology to fill. I think that this technology will really drive efficiency, and really make the way that we operate much more fluid and really save some time."

Editor's Note:

BigHand and Nuance Communication conducted four tests on leading lawyers to determine how their verbal dictation and typing speeds compared.

Average benchmarking task – 3.73 times faster to use your voice.

Average memory task – 3.25 times faster to use your voice.

Benchmark Typing (wpm)

Benchmark dictation (wpm)

Type a childhood memory in 3 minutes

Dictate a memory in 3 minutes

Nicole Hogan, Associate, Allens

56

192

124

425

Kirk Warwick, Senior Associate, Norton Rose Fulbright

53

165

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429

Julia Harrison, Partner, Carroll O'Dea Lawyers

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162

161

479

Danny Khoshaba, Senior Associate, Hunt & Hunt Lawyers

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158

135

459

The Hon Michael Kirby AC CMG

20

126

92

339

Watch the full interviews with these lawyers, Theodora Ahilas, Principal and Director at Maurice Blackburn and Emily Wilson, General Manager, Hudson on the EyeLevel website.

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