

Memorandum



To: Presidents—Constituent Bodies
CEOs—Constituent Bodies
Chairs—Sections
Chair—Futures Committee

From: James Popple, Chief Executive Officer

Date: 7 June 2024

Nominations for the Law Council’s Futures Committee

Action Request

By **COB Tuesday, 25 June 2024**, Constituent Bodies (in particular, those not already represented) are invited to nominate representatives to the Law Council’s Futures **Committee**, for the consideration of the Law Council Executive.

About the Committee

The Committee was re-established by the Law Council Executive in 2020 to advise the Law Council on the challenges and opportunities presented by social, technological and regulatory changes that impact on the Australian legal profession.

The Terms of Reference (**TORs**) which underpinned the establishment of the Committee were primarily related to the development of policy responses to issues identified at the [Legal Futures Summit](#) hosted by the Law Council in September 2018.

However, there are now several important emerging issues relevant to the Committee—some of which were not considered at the Futures Summit—that are reshaping the practice of law in Australia. These issues, include (among others):

- the rapid development and implementation of new technologies (most notably, the growing utilisation of AI);
- ever-increasing cyber-risks;
- growing internationalisation;
- changing consumer expectations; and
- ongoing discussions regarding the future of legal education, particularly with respect to undergraduate and practical legal training.

Throughout 2024, we hope to reshape and strengthen the Committee to increase its impact in guiding the work of the Law Council on these issues going forward. Accordingly, the Committee’s TORs have recently been reviewed by the Secretariat to ensure that they are fit-for-purpose. Revised TORs will be provided to the Law Council Executive for consideration at their meeting on 28 June 2024.

Following Committee discussions, the revised draft TORs reflect the following new areas:

- How lawyers practise—Advanced technologies and law;
- How lawyers advise—Legal risk management in the age of AI and other emerging technology; and

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- How the next generation of lawyers are guided—Educating and training for the ‘connected generation’, with a particular focus on undergraduate and practical legal training, and on upskilling on tech, AI and cyber-security issues.

These topics have been selected to align with the Law Council’s current projects and priorities. We note that, with respect to legal education, and in particular the Law Council’s response to the Council of Australian Law Deans’ *Future of Legal Education* project, we will continue to draw on the views of constituent bodies, sections and advisory committees—including the Futures Committee—as per our usual consultation processes. We will also, of course, proceed in line with recent Directors’ resolutions adopted on this project.

To assist Constituent Bodies in identifying suitable nominees, a draft copy of the revised TORs is provided at [Attachment A](#).

Nominations for membership

The Law Council is refreshing the membership of the Committee as a result of its changing focus areas. The Committee currently includes the following individuals:

- Dr Fabian Horton (Chair), Law Institute of Victoria representative;
- Mr Morry Bailes AM, Law Society of South Australia representative;
- Ms Crystal Garwood, Law Society of Tasmania representative;
- Mr Peter Williams, Expert Member; and
- Ms Kirsten Scott, Expert Member.

We are keen to increase the membership of the Committee to ensure it reflects the national profession, and is well-placed—including in terms of members’ availability, capacity and expertise—to advise the Law Council on issues relating to the future of the legal profession.

Additional appointments to the Committee will be made by the Law Council Executive from nominations made in response to this Memorandum. Nominations will be considered in accordance with the provisions of the *Law Council Advisory Committee and Working Group Charter*.

The Law Council encourages Constituent Bodies to put forward nominees with substantial knowledge/experience—having regard to the focus areas identified above—and willingness and availability to contribute to the work of the Committee. Please note that it is at the discretion of the Executive to accept or decline nominations. The Executive will give careful consideration to each nominee’s background, experience and expertise in determining appointments.

Contact

Please provide the nominations and any other relevant information/send queries to John Farrell, Executive Policy Lawyer, at john.farrell@lawcouncil.au or on 02 6246 3714.



James Popple
Chief Executive Officer



Futures Committee

TITLE:	Futures Committee Terms of Reference
ISSUE:	(2)
APPLICATION:	The Futures Committee ('Committee') is proposed to be a Committee of the Law Council of Australia Ltd ('the Law Council').
SUMMARY:	The primary purpose of the Committee is to advise the Law Council on key issues and policy responses to the challenges and opportunities presented by social, technological and regulatory changes that impact on the Australian legal profession of the future and future consumers of legal services.
AUTHORITY:	Law Council of Australia Directors and, by delegation, Executive
APPROVAL:	June 2024
CHAIR:	Dr Fabian Horton
REVIEW DATE:	Three (3) years from Executive approval.

SCOPE

1. The primary purpose of the Committee is to advise the Law Council on key issues and policy responses to the challenges and opportunities presented by social, technological and regulatory changes that impact on the Australian legal profession.
2. The Committee's scope will be informed by the Law Council's objects, as set out in its Constitution and its [Strategic Plan](#).
3. At the direction of the Law Council Board of Directors and Executive, the Committee will identify and develop policy responses to the following lines of inquiry:
 - (a) How lawyers practise—Advanced technologies and law.
 - (b) How lawyers advise—Legal risk management in the age of Artificial Intelligence (AI) and other emerging technology.
 - (c) How the next generation of lawyers are guided—Educating and training for the 'connected generation'.
 - (d) Any other matter at the direction of the Law Council Board of Directors and Executive.
4. In particular, the Committee will have regard to the following issues:
 - (a) opportunities and risks for members of the legal profession and their clients arising out of the uptake of AI and other emerging technology;
 - (b) cyber risks and responsibilities for the legal profession including, but not limited to, data management, privacy and cyber-security;
 - (c) the education and training of current and future members of the legal profession, with a particular focus on undergraduate and practical legal training and on upskilling on tech, AI and cyber-security issues.

FUNCTIONS

5. The functions and activities of the Committee will include:
 - (a) Identify, develop and draft legal and policy responses within the Scope identified above.
 - (b) Contribute to the development, drafting and review of Law Council submissions which align with the scope identified in clauses 2 – 4 above.
 - (c) Identify, develop and draft policy options in response to the regulatory and ethical issues arising from developments in technology, that will support and encourage innovation and change in the profession in the future.
 - (d) In collaboration with Constituent Bodies promote and develop 'best practice' materials for the Australian legal profession to assist in responding to technological and related opportunities and challenges.
 - (e) Identify, develop and draft policy options in response to the legal education, training and skills that the next generation of lawyers will need to meet the needs of future consumers of legal services.

- (f) Guide and coordinate the activities of any sub-committees or working groups that might be formed to undertake research into specific topics or issues.
- (g) Ensure there is coordination and engagement with Constituent Bodies, Law Council Sections, Committees and the Secretariat on activities they are undertaking that are relevant to the above Scope.

MEMBERSHIP

- 6. The Committee will consist of members as appointed by the Law Council Executive.
- 7. In accordance with Clause 49.3 of the Law Council Constitution and Clauses 25-27 of the Law Council Advisory Committee and Working Group Charter, the composition of the Committee will be:
 - (a) a Chair appointed by the Executive;
 - (b) a maximum of 8 members (which may include the Chair) drawn from Constituent Body nominations, such that each State and Territory is represented; and
 - (c) a maximum of four expert members.
- 8. The Executive may appoint additional members if it considers necessary.
- 9. Each member of the Committee shall exercise a single vote. The Committee will always attempt to achieve consensus when making decisions. Where consensus cannot be reached, decisions will be made by a majority.
- 10. Other individuals with specialist expertise may be invited by the Chair to attend Committee meetings on an ad hoc basis where their input may assist the business of the Committee.
- 11. A quorum will exist if there is a minimum of three voting members present.

PERIOD OF OPERATION

- 12. In accordance with clause 49 of the Law Council Constitution and clause 12 of the Committee and Working Group Charter, the Committee will operate for a period of three (3) years unless otherwise dissolved by way of a resolution by the Executive.

REPORTING

- 13. The Secretariat will provide written updates to the Executive as required on the work of the Committee.

MEETINGS

- 14. The Committee will meet as required to perform its functions.
- 15. The Committee will normally meet by videoconference, but may hold one (1) face-to-face meeting per financial year depending on the Law Council's overall policy regarding face-to-face meetings of its advisory committees at the time.

ADMINISTRATIVE SUPPORT

- 16. The Secretariat will provide secretarial support to the Committee as determined by the CEO.

FUNDING

17. Subject to Law Council policy and approval, expenditure for reasonable travel, accommodation, meeting, and videoconference expenses will be met by the Law Council.