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DIGITAL TRANSFORMATION OF THE RUSSIAN LEGAL PROFESSION

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Abstract

The article describes the information (digital) ecosystem of the Russian legal profession. It determines theoretical and methodological foundations for establishing an ecosystem and key approaches to its formation. The study aims at substantiating the need to create a national system of professional legal assistance (services) and identifying the main factors that determine the quality of the integrated information system of the Russian legal profession as the core of its ecosystem. To ensure the correlation of corporate management with corporate IT systems under development, the authors of the article use the cybernetic approach. Natural ecosystems are cybernetic and digital ecosystems are based on natural ecosystems. They both have similar aspects related to competition and cooperation between various actors. The study has concluded that the integrated information system of the Russian legal profession can be formed in conformity with the project approach at the initial stages of deploying certain subsystems (analysis, project conception, implementation and adoption). For example, the first functional module (the all-Russian information system for the automated distribution of orders for the provision of legal assistance as intended) is under development on a project basis. However, any system should be constantly developed (improved) on a functional basis.

Keywords

Practice of law – Cybernetic approach – Process approach

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Introduction

The development of information technologies, whose current stage is defined as the "fourth informational" and "fourth industrial" revolution, changes the paradigm of economic, political, legal, organizational and interpersonal relations and processes that are typical of post-industrial or information society.

Informatization and, to a certain extent, digitalization have also influenced the Russian legal sphere, including justice, law enforcement, legal support of business and the provision of legal assistance¹.

Nowadays the Russian legal profession does not have a unified or integrated corporate information environment. Separate chambers of lawyers of constituent entities of the Russian Federation, legal associations and lawyers use software created at different times, by various tools and developers².

The situation that has developed in the technological (IT) security of legal activities conducted by self-government bodies (often called non-systemic informatization) is characterized by the incompleteness and inconsistency of local corporate regulations of the legal profession and certain differences in the existing regional practices of corporate interaction.

While conducting their professional activities, lawyers use various IT products, including those created by LegalTech.

In the context of global informatization of state and society, in particular, the legal sphere, one of the main tasks of the Russian legal profession is to form a unified and integrated information environment.

The most urgent issue is a developed information ecosystem that should ensure the proper functioning of the legal profession not only as the main institute providing qualified legal assistance but also as an institute of civil society.

The formation of an ecosystem and the development of an integrated information system for the Russian legal profession should be based on a general theoretical model of its organization and functioning with due regard to legal, professional, ethical, organizational, technological and several other aspects.

In particular, we need to define (develop) the following components:

- The objective, essence, theoretical and methodological foundations of the process of providing qualified legal assistance, corporate management (systems, mechanisms, procedures) and informatization (digitalization) of these activities;
- A communicative basis for intra-corporate interaction and an information (digital) ecosystem of the legal profession;

¹ V. M. Leichik, Terminovedenie: Predmet, metody, struktura (Moscow: Librokom, 2009), 21-22.

² S. N. Gavrilov y S. I. Volodina, "Informatizatsiya rossiiskoi advokatury: slozhivshayasya situatsiya, zadachi i barery", Advokatskaya praktika num 1 (2019): 6-14.

– Legal, organizational, technological and other means (systems, mechanisms, procedures) of interaction between the parties interacting in the information (digital) ecosystem of the legal profession.

The topical tasks that should be addressed by the legal profession in the field of terminology are as follows:

- To organize and conduct scientific research of the relevant professional language;
- To develop a corporate terminological policy of the legal profession and elaborate its terms;
- To adopt corporate mechanisms and systems that ensure the formation of a corporate terminology system and its uniform use;
- To form a corporate conceptual and terminological dictionary of the legal profession as the main source of its legal terms and cognitive base.

Methods

In the course of the study, we used the dialectical approach and the following general and specific scientific methods:

- 1) The method of explication to define general characteristics of a digital system common to the Russian legal profession;
- 2) The formal-legal method to study the main factors determining the quality of the integrated information system of the Russian legal profession as the core of its ecosystem;
- 3) The comparative-legal method to consider scientific and practical results in the field of IT related to the linguistic sphere to study language properties in connection with new IT opportunities;
- 4) The method of legal modeling to develop and substantiate recommendations on the key aspects of creating a national system of professional legal assistance (services).

When carrying out corporate terminological work, we also referred to studies on logic, a general theory of systems (systemology), informatics, semiotics and some other branches of scientific knowledge along with the use of methods, techniques and research results in the field of language (terminology, cognitive linguistics, etc.).

In the context of cognitive terminology, a term definition is formulated as a dynamic phenomenon that forms and deepens in the process of cognition, the transition from a concept (a mental category) to a verbalized concept associated with a particular theory that comprehends a particular area of knowledge and/or activities³.

³ E. Chambliss, Lawyers, in: N. J. Smelser & P. B. Baltes (Eds) International Encyclopedia of the Social & Behavioral Sciences (Oxford: Pergamon Press, 2001), 8559-8564.

For the tasks of informatization (digitalization), including the prospect of creating a universal artificial intelligence, we worked with a research vocabulary consisting of concepts, i.e. "cognitive (mental) categories"⁴.

To ensure the correlation of corporate management with corporate IT systems under development, we applied the cybernetic approach. Natural ecosystems are cybernetic and digital ecosystems are based on natural ecosystems. They both have similar aspects related to competition and cooperation between various actors.

Within the general (cybernetic) approach, we also used the process approach to guarantee qualified legal assistance and create an effective management system. It includes the systematic definition and management of processes and their interaction in such a way as to achieve the intended results in accordance with the quality policy and the strategy of a particular company.

Results

The mission of the ecosystem is to create and maintain conditions that ensure the proper provision of qualified legal assistance and fulfillment of the functions common to the institute of civil society⁵.

The objective of the ecosystem is to create conditions for providing qualified legal assistance and ensuring the systemic impact of the legal profession as an institute of civil society on lawmaking and law enforcement⁶.

The ecosystem structure. The ecosystem of the legal profession as a corporate information (digital) environment of the legal community includes the following elements:

- Corporate and, if necessary, external (non-corporate) participants in information and telecommunications interaction;
- A set of linguistic, organizational, informational, legal, corporate and other means to ensure corporate and non-corporate interaction, corporate management and professional activity;
- Corporate information systems, including those based on enterprise resource planning systems or similar ones;
- Non-corporate information systems interacting with corporate ones;
- Corporate and non-corporate (external) information resources;
- Corporate and related information and telecommunication networks (infrastructure) used for the needs of the information (digital) ecosystem of the legal profession;

⁴ E. A. Kirillova; O. E. Blinkov; N. I. Ogneva; A. S. Vrazhnov y N. V. Sergeeva, "Artificial intelligence as a new category of civil law", Journal of Advanced Research in Law and Economics Vol: 11 num 1 (2020): 91-98.

⁵ M. R. Kogalovskii, Perspektivnye tekhnologii informatsionnykh system (Moscow: DMK Press, 2003)

⁶ B. Arruñada y S. Hansen, "Organizing public good provision: Lessons from Managerial Accounting", International Review of Law and Economics Vol: 42 (2015): 185-191.

– Operators maintaining corporate information systems, networks (infrastructure) and resources through information technologies and technical means.

The main properties of the ecosystem. The ecosystem should have such properties as integrity, adaptability, self-regulation, sustainability, development and synergy⁷.

The scope (type) of the ecosystem. If we consider the information ecosystem of the legal profession with due regard to *the Russian digital economy and information society* in terms of its scope (type), then it is understood as a *mesoecosystem* that exists within the *macroecosystem* of the Russian digital economy and the *megaecosystem* of the information society.

The ecosystem integration. We should take into account the integration of the legal profession with ecosystems of the Russian economy and information society and/or incorporation with them. In this regard, it is also significant to keep the balance of integration opportunities (advantages) and ensure the independence of the legal profession from other participants in information interaction⁸.

The processes of informatization and digitalization are not an end in themselves. They should ensure different and more effective corporate management, as well as the performance of professional (lawyer) activities⁹. In this context, it is necessary to define and sometimes rethink the origin of this legal profession and its organization at the theoretical level. Within informatization and ecosystem formation, one of the key tasks of the legal profession is to "digitize" internal business processes of the legal profession and practice of law.

The business processes conducted by lawyers are processes that ensure the functioning of the Russian Federal Chamber of Lawyers, chambers of lawyers of constituent entities of the Russian Federation and legal associations as appropriate organizations exercising their powers and functions provided for by the corresponding legislative and corporate regulations. In the context of the legal profession, business processes are regarded as processes carried out by lawyers and other entities that contribute to the provision of qualified legal assistance and in connection with it¹⁰. These processes should be described with the help of an adequate corporate language that serves as an appropriate terminological basis for "translating" the essence, properties and features of business processes from a natural language into machine code¹¹. This conditions high requirements for both the research vocabulary of the corresponding subject domain of a corporate language and the corporate language used by lawyers as a whole.

⁷ C. G. Smith y J. B. Smith, "Founders' uses of digital networks for resource acquisition: Extending network theory online", *Journal of Business Research* (2019).

⁸ F. M. Kay, *Lawyers: Social Organization of the Profession*, in: *International Encyclopedia of the Social & Behavioral Sciences (Second Edition)* (Elsevier, 2015), 628-634.

⁹ A. H. L. Nomm; J. N. Albrecht y B. Lovelock, "Advocacy and community leadership as functions in national and regional level destination management", *Tourism Management Perspectives Vol: 35* (2020).

¹⁰ T. Bürger, "Use of digital advocacy by German nonprofit foundations on Facebook", *Public Relations Review Vol: 41 num 4* (2015): 523-525.

¹¹ A. A. Goponenko y A. R. Iskhakova, "Tsifrovye ekosistemy programmnoi inzhenerii", *Mezhdunarodnyi studencheskii nauchnyi vestnik num 5* (2018). Retrieved from: <https://eduherald.ru/ru/article/view?id=18782>

We have already emphasized the need to develop a corporate system of terms for the legal profession, in particular, to form and update the corporate vocabulary of lawyers, as one of the main sources (generators) of the cognitive base of the legal profession¹².

When studying a corporate language and adjusting corporate terms, we need to consider some scientific and practical innovations in the field of software for solving the issues of theoretical and applied linguistics, as well as in the field of creating artificial intelligence:

- The development of reference systems and search engines, including in the legal field;
- The formation of linguistic databases, for example, the creation of a universal dictionary of concepts as a linguistic resource and other linguistic IT resources;
- The development of special languages, for example, a universal networking language for linguistic modeling of a natural language and computer implementation of such models, i.e. machine translation from one natural language to another;
- The development of linguistic analysis systems that studies the computer analysis and synthesis of natural languages, for example, a natural language processing system;
- The recognition of speech, printed text and translation of printed or oral materials into digital form, for example, software for optical character recognition and voice search;
- Automatic annotation and text abstracting as one of the directions of computer processing of texts written in a natural language;
- Machine translation (translation from one natural language into another), including any translation carried out by a person using a computer, machine translation with human involvement and fully automated machine translation;
- Machine learning as a set of methods that enable learning in the process of applying tested solutions to several similar problems.

If we create a base of *corporate (professional) concepts* or *legal concepts* (in conformity with a broader approach), it will form the system of corporate terms used by lawyers¹³.

Discussion

The integrated information system is supposed to become the core of the information ecosystem of the Russian legal profession.

Like the information ecosystem of the legal profession as a whole, its integrated information system comprises three key actors:

¹² S. N. Gavrilov, “K voprosu o formirovanii kognitivnoi bazy advokatskoi korporatsii”, Aktualnye problemy rossiiskogo prava Vol: 6 num 67 (2016): 174-183.

¹³ P. D. Thelen, “Internal communicators’ understanding of the definition and importance of employee advocacy”, Public Relations Review Vol: 46 num 4 (2020).

- 1) Lawyers and other corporate entities that facilitate the provision of qualified legal assistance, including attorney trainees, legal assistants, employees of legal associations;
- 2) Legal associations;
- 3) Bodies of legal self-administration.

The integrated information system of the Russian legal profession:

- Is built over enterprise resource planning systems;
- Is developed and should operate based on the principles of quality, integration, adaptability, scalability, data security, etc.;
- Includes a complex of subsystems (functional modules) that provide electronic support (digitalization) of the business processes carried out by lawyers in their activities;
- Allows operators and internal users to utilize the relevant systems, while certain subsystems can be also used by external users (for instance, a functional subsystem for the automated distribution of assignments among defense lawyers can be used by interrogators, investigators and judges as the persons involved into the process of appointing a defense attorney);
- Ensures proper information interaction between all participants in the information (digital) ecosystem of the legal profession;
- Involves the use of internal (legal) and other (external) information resources from other information systems (services), as well as resource exchange through the system of interdepartmental electronic interaction.

Conclusion

When developing, implementing and operating the integrated information system of the Russian legal profession, it is important to consider several factors that can determine both the quality of this system and significantly affect the whole ecosystem of the legal profession. We can identify the following factors:

When forming the integrated information system of the Russian legal profession, it is necessary to implement standard measures for the development of information systems (i.e. establishing requirements for the system, developing a concept, forming technical and special specifications, etc.). As a result, the current model that reflects the state of affairs in the area in question at the time of analysis should be transformed into a model of "how it should be". The latter expresses new approaches to organizing activities. One of the fundamental ideas in establishing the integrated information system of the Russian legal profession is that systemic informatization (digitalization) requires changes in the management paradigm and the practice of law itself.

When building the integrated information system of the Russian legal profession, it is necessary to consider innovations in the field of informatization (digitalization), as well as integrate (if necessary) separate information systems existing in the legal profession into a unified information (digital) environment.

Based on the developed model of "how it should be", we need to determine (consolidate) the legal status of the integrated information system of the Russian legal profession as a corporate information system.

The study has concluded that the integrated information system of the Russian legal profession can be formed in conformity with the project approach at the initial stages of deploying certain subsystems (analysis, project conception, implementation and adoption). For example, the first functional module (the all-Russian information system for the automated distribution of orders for the provision of legal assistance as intended) is under development on a project basis. However, any system should be constantly developed (improved) on a functional basis.

Lawyers and chambers of lawyers of constituent entities of the Russian Federation should be involved into the development and clarification of requirements for the functioning of the integrated information system of the Russian legal profession on a permanent (functional) basis. For these reasons, a set of measures should be implemented, including the creation of a unit in charge of the development, realization and operation of information systems. Likewise, appropriate departments should be established or authorized persons should be identified. The main objective is to develop a stable and systemic connection between all participants in information interaction (actors of the information (digital) ecosystem of the legal profession) in matters of building an information system at all stages of its life cycle.

When building the integrated information system of the Russian legal profession, an optimal model of its life cycle should be developed, which is acceptable for objects of informatization, psychological and other corporate features of the legal community. It is also possible to combine elements of several life cycle models.

Developers of the integrated information system of the Russian legal profession should be selected based on their business (economic) reliability, authority in the market of information products and ability to create a product with an appropriate price-quality level. The relationship with such a developer should aim at long-term collaboration.

The integrated information system of the Russian legal profession should be based on open-source software rather than the one provided by a private developer.

It is necessary to develop a unique (corporate) IT product and transfer exclusive rights to the relevant intellectual deliverables to customers instead of the right to use such a product as a service. The integrated information system as the basis of the information (digital) ecosystem of the Russian legal profession should guarantee the sufficient degree of technological, legal and organizational independence of the legal community, including from the developer of such IT products. To attain this end, lawyers should have their own IT products.

The integrated information system of the Russian legal profession should be stored on a secure platform (data center) that meets the current requirements for data security and personal data protection and can be transferred to other platforms. There are also legal norms on information protection, data security and personal data protection that should be satisfied.

The integrated information system of the Russian legal profession should be formed alongside the surrounding information environment developed by the state. It refers to the possibility of combining it with departmental information systems of state authorities, law enforcement agencies and courts. This integration with external information systems should increase the degree of legal and technological independence of lawyers as an association. Such a specific information (digital) system is the key factor that makes lawyers not an object but rather a subject of the global information environment.

Even if the legal community needs exclusive rights on some IT product, it does not prohibit the use of external services and resources, in particular, those presented on the legal tech market.

The integrated information system of the Russian legal profession should be provided with proper technical support. Such technical assistance should include a set of standard functions: help line, trouble shooting, etc.

The ability of Russian lawyers to become independent and valuable participants in the global information space (i.e. actors having proper legal, technological, organizational and other necessary capabilities and tools) is among the key factors conditioning the future existence and development of the legal community.

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