

For Better, For Worse Technology & Family Law

19th National Family Law Conference
Adelaide Convention Centre | 15 August 2022



Tania Leiman

Professor & Dean of Law

 tania.leiman@flinders.edu.au

 @Tanialeiman

 @tanialeiman



Who are we?

Lawyers

Legal professionals

Limited licence legal technicians

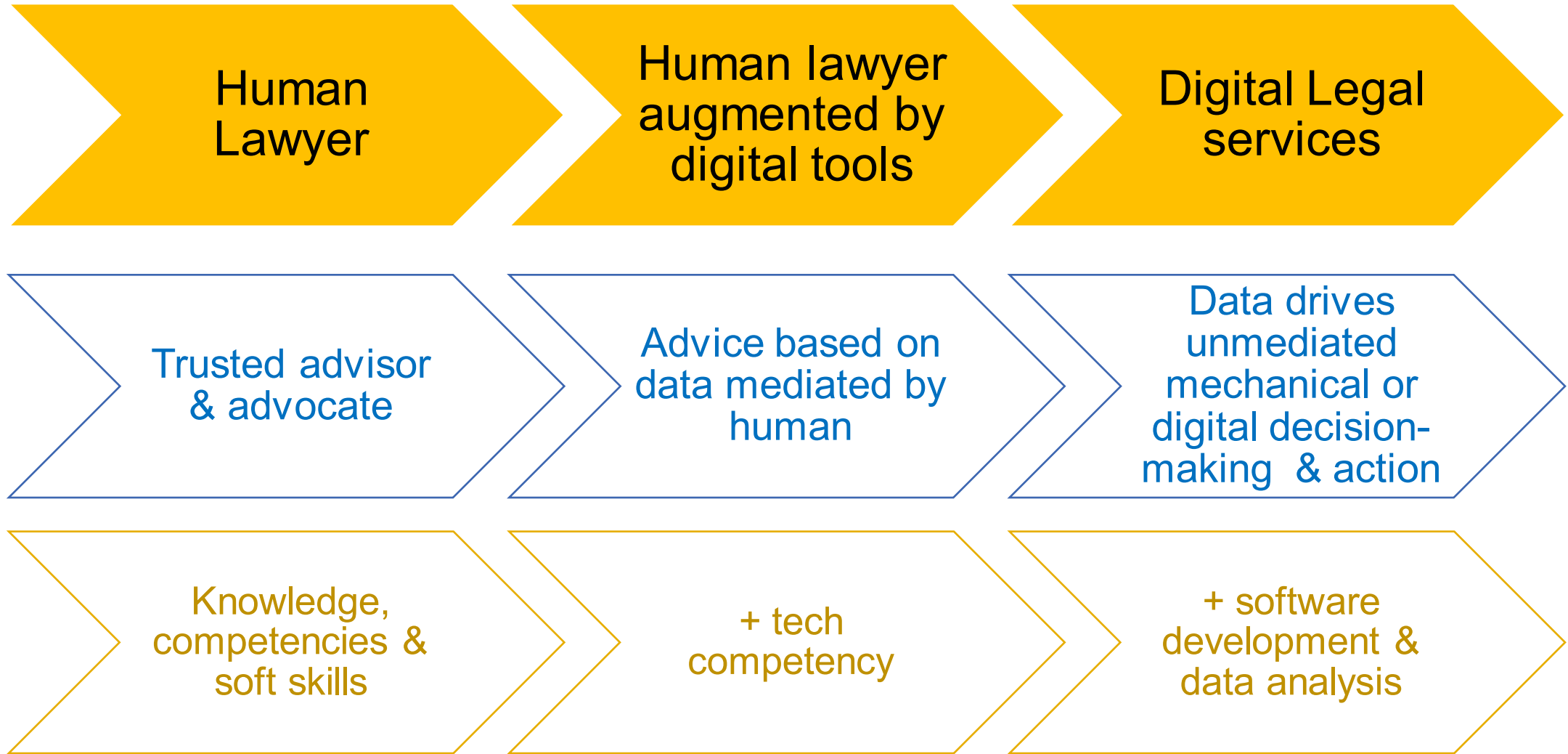
Legal technologists

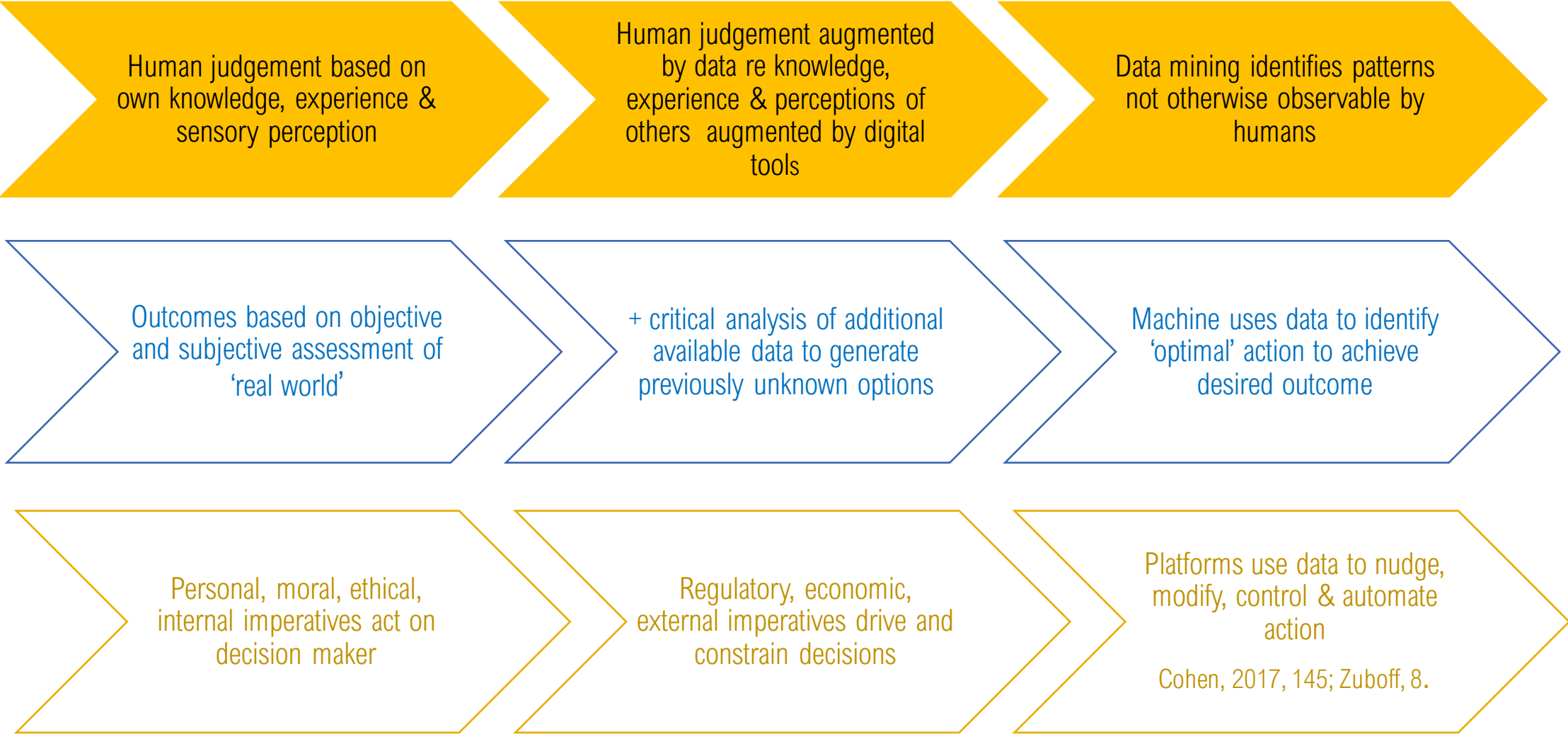
Legal project managers

Legal designers

Someone/something else?

What new skills &
competencies
might we need in
future?





What are they?

- Do courts/lawyers provide
 - a service
 - a product
 - both
 - something else entirely?
- Is a court
 - a place
 - a space
 - a process
 - all of the above
 - a platform?
 - something else entirely?

Mapping the landscape

What does family law/divorce/property settlement look like

- in a changing social landscape
- in a changing demographic landscape
- in a changing cultural landscape
- in a changing economic landscape

What could it look like?

What should it look like?

‘English laws and legal institutions governing marriage were designed by and for the privileged’.

Henry Finlay, *To Have But not to Hold* (The Federation Press, 2005) 10-11

If the industrial revolution brought a rise in the ‘propertied classes’* [and resulted in law reform to reflect changing social conditions], what is the digital revolution doing?

Brayden Mann

*Henry Finlay, *To Have But not to Hold* (The Federation Press, 2005) 10-11

How does having a lawyer make things different for a client?

What can only human lawyers do?

What can only humans do?

What should only humans do?

What should only human lawyers do?

Perception and Perspective

What drives our sense of whether something is fair?

What's most important and from whose perspective?

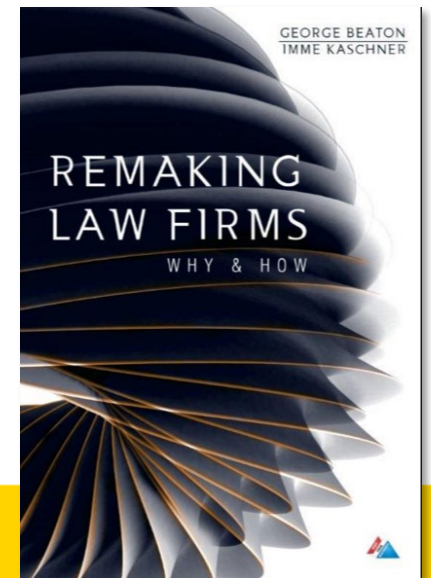
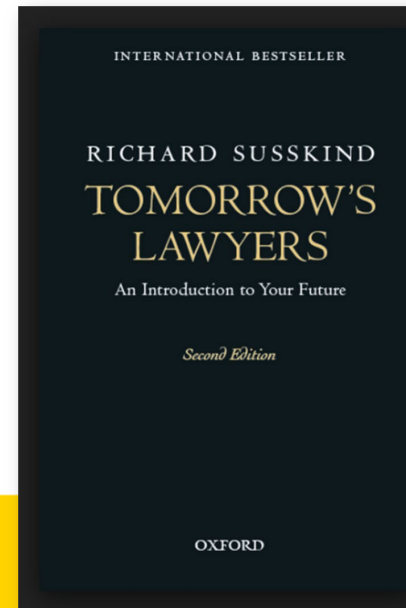
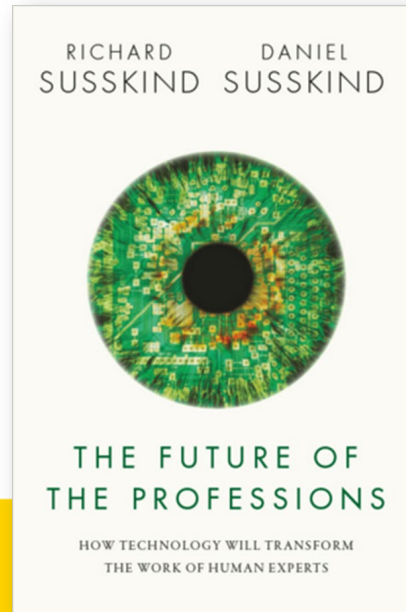
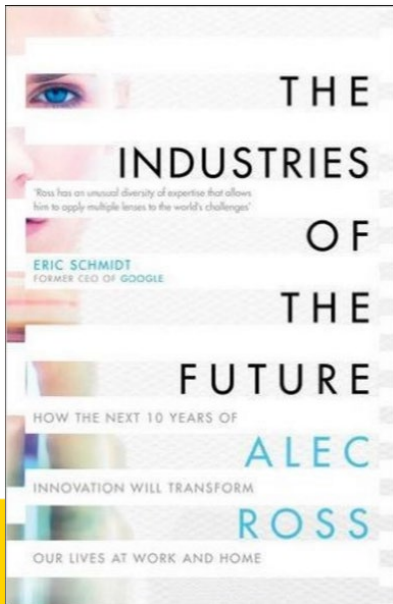
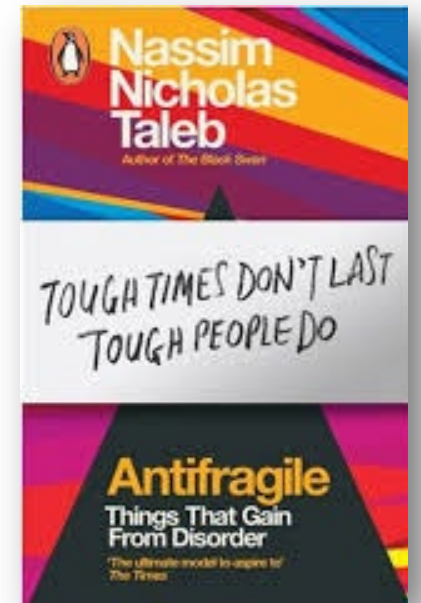
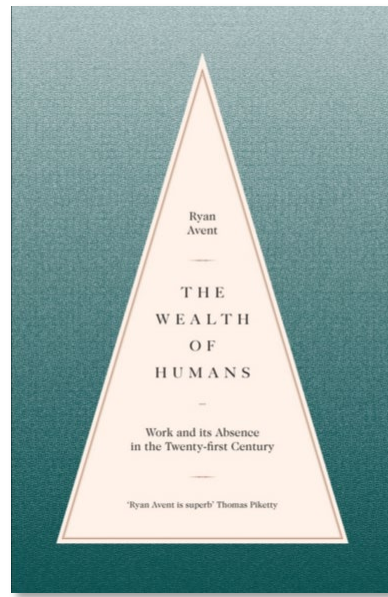
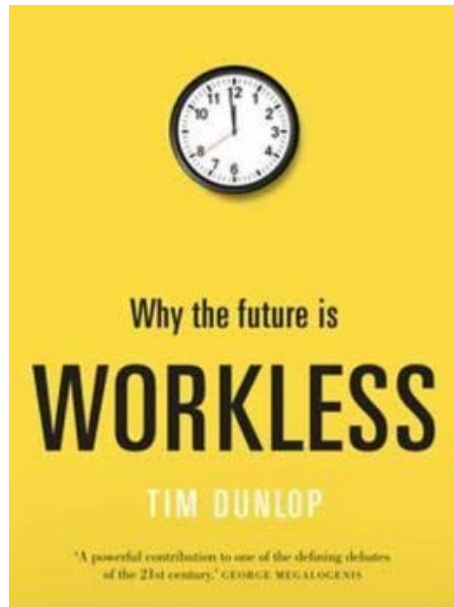
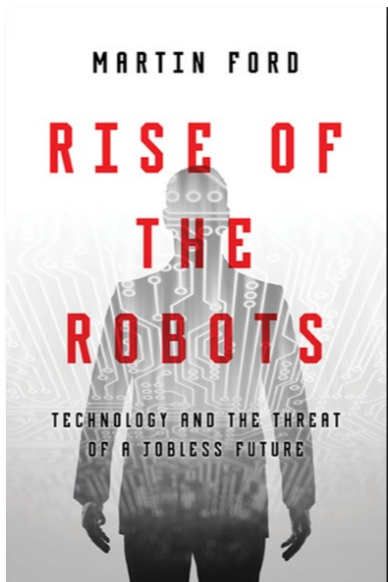
- human dignity, human relationships, individual rights, safety & security
- cost in dollars, time, emotion, convenience
- sustainability in terms of public resources, physical resources, human resources, environmental resources, social resources
- process efficiency, predictability of outcomes, community acceptance, social licence

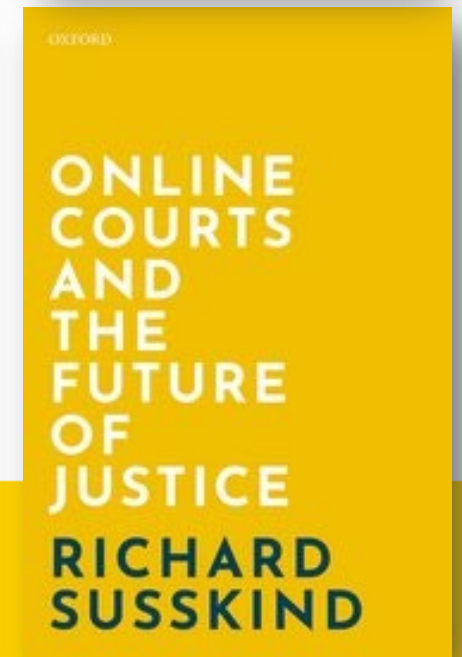
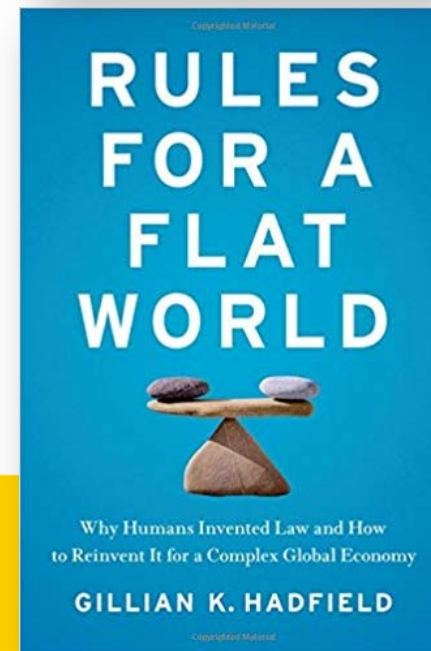
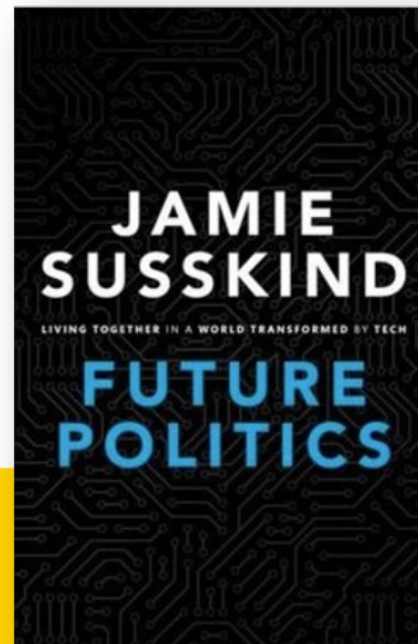
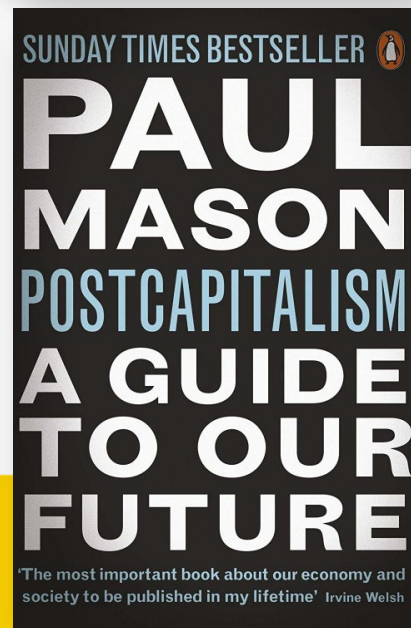
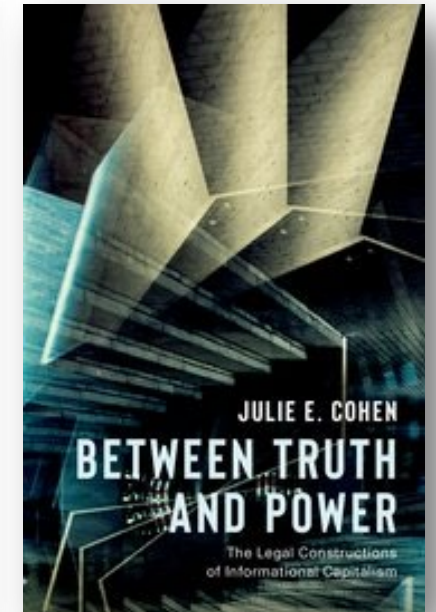
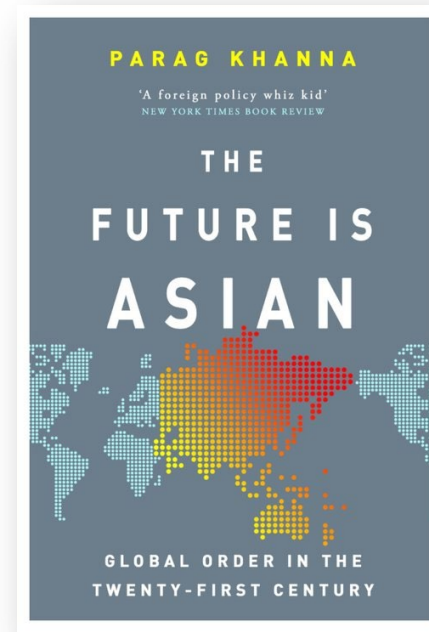
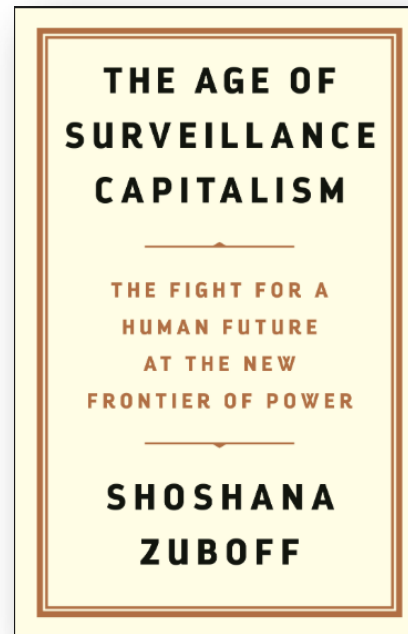
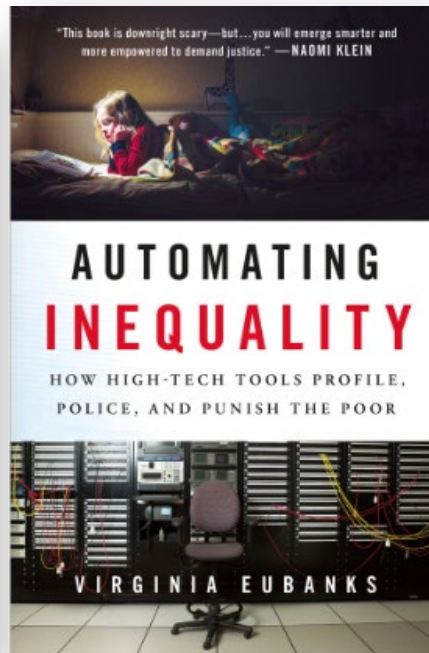
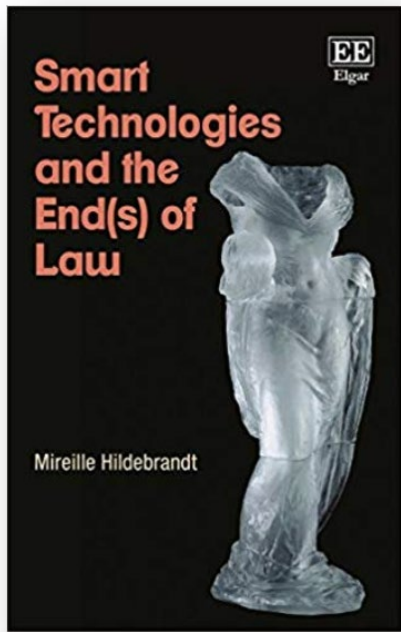
How do we test for reliability, validity, accuracy?

Can we test for ethical orientation, compassion, mercy?

BIG questions

- What if something is only half 'as good' but costs only a fraction as much? What if it's free?
- When data-driven prediction changes behaviour, data sets change over time, so predictions change too. What happens then?
- If we can't yet identify all the risks, how do we build in protections? What does that do to cost, convenience, efficiency?





Thankyou for your interest Questions, Comments?



Tania Leiman
Professor & Dean of Law

 tania.leiman@flinders.edu.au

 @Tanialeiman

 @tanialeiman

