2012

Tech Innovation in the Academy

Roger Skalbeck
Georgetown University Law Center, rvs5@law.georgetown.edu

This paper can be downloaded free of charge from:
https://scholarship.law.georgetown.edu/facpub/1163


This open-access article is brought to you by the Georgetown Law Library. Posted with permission of the author. Follow this and additional works at: https://scholarship.law.georgetown.edu/facpub

Part of the Communication Technology and New Media Commons, and the Legal Education Commons
If today's law students are going to become effective users of technology tools, law schools need to prepare them for more than just tomorrow's legal practice. At Georgetown, we have come to the realization that we need to prepare students for legal practice 10 years from now. Law students need to understand and appreciate the potential of technology to transform legal practice.

I am an associate law librarian in the Georgetown Law Center library, and I co-teach a seminar called “Technology, Innovation and Law Practice” with my colleague Tanina Rostain, a professor of law at Georgetown. With our students, we explore new models for delivering legal services and talk to innovators in the legal profession. Instead of writing papers, our students work in teams to produce prototypes of apps to solve legal problems. In place of a final exam, students participate in a head-to-head competition we developed and christened “Iron Tech Lawyer.” Here the teams demonstrate the way their projects make use of a single common ingredient — technology.

Incorporating practical uses of technology is an area in which people with technology skills can help influence what and how law students learn. Within law schools, there are opportunities for technology-savvy people, including librarians, Web developers and faculty at all levels. There are also opportunities to partner with law firms and outside groups to collaborate on ways for the classroom to move closer to the conference room.

Learn Process, Not Products

With computer-based legal research, there's often a dilemma in deciding the scope and depth of instruction to devote to issues of interface. How much instruction is needed to explain features like icons, flags, stars, arrows, menus and folders in legal research platforms? I think of this dilemma as a question of "process vs. product." How much explanation is needed for product features to truly teach the process of what these tools can accomplish?

For legal research, if there were just two options in the market, we might justify teaching the products in great detail. Of course, there's no duopoly for legal research tools. Understanding products is important, but teaching about process is the higher priority.

Legal research is only one part of the practice of law that has improved with innovation. We have automation for reviewing and producing documents. There are tools to manage cases, clients and conflicts. And, of course, there are numerous tools to communicate, collaborate, mediate and even litigate from your desktop. There's no reasonable way to teach law students about all these products, but it is possible to present ways the process of practicing law has changed over time.

Taken from our class and others, here are examples of legal process innovation introduced to our students, often with guest
More jurisdictions have begun talking about her research in this area and provided concrete examples of successful technology-assisted document review initiatives.

**Predictive Coding and Automated Document Review:** Electronic discovery continues to be a big topic for any ILTA conference, and litigation lawyers use a variety of partners for reviewing, coding and sorting documents for discovery. Maura Grossman, Litigation Counsel at Wachtell, Lipton, Rosen & Katz, has talked about her research in this area and provided concrete examples of successful technology-assisted document review initiatives.

**Unbundling Legal Services:** More jurisdictions have begun to allow lawyers to unbundle legal services, providing options for lawyers to provide limited-scope representation to more clients. This is often in the areas of estate planning, wills and some contracts. Couple these developments with tools for managing client interaction online, and we have another important process improved by technology. Students learn far more from seeing the unbundling process in action than from reading practice rules or exploring practice support software tools.

**The New Normal:** Paul Lippe of Legal OnRamp has spoken with our students about the new normal for law practice and provided examples from his ABA Journal column. “New normal” as a buzz phrase has taken hold, but it only makes sense with some understanding of what normal is or has been. Some students have questioned what “old normal” was like.

There are many other processes that can be incorporated into classroom learning. However this is done, it’s important for students to learn how law firm practice incorporates technology today, and how it doesn’t. To understand the technology landscape, look to law firm technology managers, leaders within ILTA and industry technology surveys for progress benchmarks.

**Make Prototypes, Not Papers**

In our class at Georgetown, we have students build technology systems, apps and automated tools to solve legal problems. Experience with programming languages is neither required nor expected. At the end of the semester, each team has gained experience planning, building and explaining what they have done. Through this process, students consider issues of market demands, client needs and sustainability of the solutions they build.

A central goal in requiring students to build systems is for them to develop skills in working with technology. At the complex end, student groups work with some specific tools and systems to build their projects. We also require students to present the prototypes in the “Iron Tech Lawyer” competition at the end of the course. In the competition, students have to deal with an important skill: live use of technology in a timed presentation. Each team has to defend their projects in front of a panel of judges. Students are judged on presentation skills, application design and overall effectiveness.

**Expert Systems: Expertise First, Execution Later**

Legal expert systems have the potential to simplify legal problems through a process of breaking down complex rules into smaller components. An early model for expert systems was developed and described by Richard Susskind in his dissertation “Expert Systems in Law.” The system he helped develop dealt with a complex legal regimen in England that was relatively rule-based. As is obvious from the name of these systems, they require a subject-matter expert to input substance to be worth anything.

At Georgetown, many of our students have worked with an expert system platform called Neota Logic. This is a sophisticated platform that supports branched logic, weighted analysis and customized, input-specific report output. There’s a bit of a learning curve to working with the authoring tools, and our students wanted to jump in early to learn all the product features. Initial thinking was learn the software first, and then apply the legal logic later.

Early on, we advised students that it’s far more important to understand the logic of a legal regimen than it is to understand the development tools. By the end of the semester, students working with these tools appreciated the approach that expertise and logic come first, with the execution of these rules to follow. Along the way, their lawyering skills proved critical to creating meaningful systems.

Expert systems like those from Neota Logic can include fact-specific reports, where user answers to system questions help generate a customized report. This requires students to draft multiple avenues of analysis. Professor David Johnson at New York Law School likens this to a process of writing 100 different legal memos. Here again, having legal expertise is a critical component, where an algorithm isn’t likely to replace an attorney.

**Ongoing Initiatives for Innovation in the Academy**

For a broad view of law school efforts to improve student learning through technology, look for the free e-book: “Educating the Digital Lawyer,” edited by Oliver Goodenough and Marc Lauritsen. Within this, there’s a summary from Brock Rutter describing several existing law school courses that apply technology. This book covers additional topics, including recommendations for which digital skills practitioners should have, as well as a host of other topics relevant to law schools, lawyer learning and today’s needs for technical application.

One early pioneer to innovate with technology is Professor Ron Staudt from the Chicago-Kent College of Law, Illinois Institute of Technology. As Professor Staudt describes, we’ve been on the verge of a revolution for a few decades. He currently teaches a technology law practicum that combines classroom learning with applied law school clinic projects. In this practicum, students develop technology and justice skills, building useful Web resources to improve access to justice resources.

Additional courses include:

- Digital Drafting taught by Oliver Goodenough at Vermont Law School. This course focuses on the evolution of law practice technologies, including their impact on a broad view of legal drafting. Students develop programming and automated drafting skills, work with expert systems, and look at ways that law practice is transformed in an online environment.

- Lawyering in the Digital Age Clinic offered at Columbia Law School, where students get hands-on experience using technologies that are reshaping the legal profession. As an example, clinic students, working with the New York City Civil Court have begun to develop an automated system for tenants involved in eviction proceedings. These projects are complemented with classroom learning that focuses on
how technology can assist everything from interviewing and counseling clients to drafting pleadings and planning strategy.

Law school technology innovation has resulted in more than just prototypes. A good example is HotDocs. Law schools built that.

**Innovation: Not Just for Big Law**

Incorporating innovation into the practice of law is not just for big law firms, and it won’t serve exclusively rich clients. There are some important developments focused on helping legal clinics and self-represented people. Also, several apps with immense potential were built by Georgetown students, largely for people who cannot afford lawyers.

Ron Staudt leads the Center for Access to Justice and Technology. The Center conducts research, builds software programs, provides courses and supports students, faculty and staff with projects focused on access to justice and technology. A very successful project they’ve developed is the A2J Author platform (www.a2jauthor.org), which legal aid societies, courts and other organizations can use to automate interaction with courts. This can be in the form of guided interviews or assisted document creation for materials to file with courts. The flexibility of the A2J authoring tools is expanding, and there are plans to make it available on a broader range of computer platforms.

Together with Staudt, Marc Lauritsen is pursuing an “Apps for Justice” program to pilot app development at a few law schools across the United States, with hopes of expanding this to many more institutions if the model can be sustained. A core goal underlying this project is to give more people access to justice and the court systems.

**The Future of Innovation in the Academy**

Several law schools continue to pursue new ways for law students to develop technology skills and prepare for future law practice. Innovation in the academy is happening, though it isn’t happening everywhere just yet. To paraphrase William Gibson, maybe the future of legal education is here, it’s just not evenly distributed. Here’s hoping more professors, librarians and technology enthusiasts continue to develop ways to train lawyers for the future.

---

Roger V. Skalbeck works at Georgetown Law Center as the Associate Law Librarian for Electronic Services in the library. Roger is also an adjunct faculty member, co-teaching a seminar entitled “Technology, Innovation and Law Practice.” He can be contacted at rvs5@law.georgetown.edu.

This article was first published in AALL/ILTA’s October 2012 white paper titled “The New Librarian” and is reprinted here with permission. For more information about AALL, visit their website at www.aallnet.org. For more information about ILTA, visit their website at www.iltanet.org.