'Innovative' class responds to changes in legal market

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Law schools have taken a lot of hits lately. Students and alumni have criticized educational institutions for a failure to respond to the changing legal marketplace, rising tuition and a lack of practical preparation for students turned new lawyers.

The University of Richmond law school decided to do something about it. Last semester, UR offered a new course: "Innovative Technologies in Law Practice."

"The purpose of the class was to introduce students to significant technologies that are having a transformative effect on the way law is being practiced," explained Professor Andrew Winston, who taught the course.

Dean Wendy Perdue said she was "very excited" about having the course as part of Richmond's curriculum. "Lawyers have an ethical obligation to understand the benefits and risks of new technologies, and we are working to assure that our graduates have the tools they need to meet this obligation," she said.

From predictive coding to online dispute resolution to automated document assembly, the seven-person class surveyed the major technologies used by attorneys today and previewed what the future might hold as well.

"I took an approach in class of trying to think not only about how a specific application might be used in practice but about how technology is shaping the industry and how it is going to impact the career of new and developing lawyers," Winston said.

The class also got its hands dirty, so to speak, with a final project involving the creation of a client intake portal for various legal aid groups in Virginia.

Due to the overwhelmingly positive response, the class will be offered again in the spring of 2014.

Shane Frick, a rising 3L at Richmond who took the course, said for many members of the class it was a "reality check."

"This idea that you can go to law school, do the best you can, go to work at a firm and sit in a room and do wills and trusts the same way they have been done for 100 years is unrealistic," he said.

As a law student today, "you really have to evaluate either non-traditional paths to new careers or create your own niche market and do that, you really have to understand the tools available to do that," Frick explained. The course was "a great way to get your feet in the water and give you an edge in getting a job."

**Expert systems, virtual practice**

Each week of the course addressed a different form of technology relevant to legal practice. For a text, students read Richard Susskind’s 2010 book, The End of Lawyers? Rethinking the Nature of Legal Services, as well as additional articles and treatises on a given topic.

Limited to just seven 2Ls and 3Ls, the format was mainly a seminar often with a lecture by Winston or another guest speaker followed by intensive discussion. Winston intentionally did not require any particular background – i.e., a familiarity with technology – for the class and ended up with a broad range of experience in his students, from a former IT employee to others with zero tech knowledge.

One week focused on "expert systems" such as Neota Logic. The company’s software “essentially lets lawyers capture expert knowledge about particular areas of law or particular legal questions and incorporates that knowledge into an app,” Winston said.

"In some ways it is similar to automated document assembly but is significantly more sophisticated, because it includes a level of reasoning."

Assuming people with the right legal knowledge enter the correct information, the program could be used to derive a legal conclusion to provide advice, initiate a workflow or alert a lawyer that involvement is needed on an issue.

One example: whether a worker is an employee or an independent contractor, "a real world question that lawyers field all the time," Winston said. "This is a very exciting technology and we had a great presentation by the CEO and director of training for Neota Logic."
Winston made a concerted effort to bring in experts to teach the class about the various technologies, from a member of Neota’s team to the director of e-discovery at a firm.

North Carolina practitioner Stephanie Kimbro, a frequent speaker and author on the topics of unbundling legal services as well as virtual practice, shared with the class examples of platforms for a virtual practice and the use of a virtual practice to supplement a brick-and-mortar office, for a hybrid practice.

Classes such as “Innovative Technologies” are the future of law schools, Kimbro said.

“It used to be that students would graduate, pass the bar and work at a firm. Even at a small or medium firm, they would receive mentoring from the older lawyers and learn the practical skills necessary to practice law,” she said. “What’s happened is that a lot of young graduates get out and can’t find jobs. Maybe they hang a shingle but they don’t have the mentorship or the knowledge of practical skills.”

Courses addressing the practical realities of legal practice – how to be an employer, how to conduct e-discovery, the use of practice management software – should be added to law schools and need to have a heavy emphasis on technology, she added.

Members of Winston’s class will definitely have a leg up when they graduate, she said. “If they do find jobs at firms, they are probably going to be the only associate with some of this specific technical knowledge, which will set them apart.”

**Real-life situations**

The class worked on two projects during the semester. For one, the students used technology to benefit three Richmond-area legal services organizations: the Legal Aid Justice Center, the Central Virginia Legal Aid Society and the Greater Richmond Bar Foundation.

The class met with the organizations to learn about the process of providing legal services and what information is necessary for the intake process. Using Access to Justice’s A2J Author software, the class then created an application for an automated intake program for the organizations.

An individual seeking legal assistance can fill out the intake form, entering relevant contact information and answering questions about his or her legal problem. Saving the organizations time and money by not having to conduct an in-person interview, the app allows a lawyer then to review the individual’s form and make a determination if he or she is eligible for legal aid.

Students also authored a “Technical Tool Report and Presentation,” where Winston had each student pick one technology studied in the class and evaluate it from the perspective of a hypothetical practice setting.

Students chose different settings such as a prosecutor’s office or a big law firm and wrote a report to a hypothetical group of decision-makers – like a group of managing partners – recommending whether or not the organization should implement that technology into their practice.

The assignment was “designed to be realistic,” Winston said. “Asking law students to look at law practice from a business perspective and then being prepared to write and speak in that setting is certainly a possibility for a new lawyer.”

Creating such real-life settings was the intent behind the course, as well as other efforts at the school.

“Richmond is committed to responding to changes in the legal industry and offering students opportunities to better understand and be better prepared to navigate through those changes,” Winston said. “This class is one aspect of that response.”

Other changes include tweaks to the legal writing curriculum and a “Technology Boot Camp” held last spring.

The one-night Boot Camp was designed as an introduction to various technologies such as iPad trial presentations and practice management software, along with speakers on the ethical issues associated with technological competence – and pizza and beer.

Given the popularity of the event, Winston said it is likely to replicated or expanded to multiple presentations over the coming school year.

Richmond’s efforts to address the changing legal environment will allow students “to better position themselves in the marketplace,” Winston added. “Not necessarily as tech experts but by being open to using technology and being willing to be the person who takes the lead to investigate and delve more deeply into particular types of technology.”

For Frick, the highlight of the course was the numerous guest speakers, who represented a wide spectrum of the technology involved in legal practice today and let the students pick their brains about various topics.

“A lot of what we study on a daily basis is very high-minded and somewhat impractical,” Frick said. “This class was about what the world looks like today and in the future and how to prepare yourself for it.”