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Five Steps to Successfully Developing a Law Practice Technology Course

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What Is Law Practice Technology and Why Teach It?

With the continuing impact that new technologies have on the practice of law, I started to develop an interest in teaching a law practice technology course to upper level law students at my law school. The impetus for moving in this direction was further reinforced by ABA proposed rules to increase the number of required credit hours in experiential law school courses. Since then the rules have been approved and students are expected to take at least six credit hours of experiential course, defined as "a simulation course, a law clinic or a field placement."[1]

So, what exactly is law practice technology? The eLawyering taskforce of the Law Practice Management Division of the ABA has provided a definition. In

defining "law practice technology" "the Task Force does not mean technology and law courses such as intellectual property courses, patent law courses, courses in copyright, etc. Instead the Task Force means the intersection of Internet technologies and the practice of law. It is no longer possible to teach law practice management without taking into account the impact of information technology on law practice."[2]

Having determined the parameters for this course, my first order of business was how and where to begin. I researched to see how other law schools had deployed a course of this nature. Some law schools teach courses on technology policy or have degree programs focused on Law and Technology, which do not fall within the eLawyering taskforce definition. At the same time several law schools have been identified as teaching law practice technology according to certain established criteria.[3] I quickly decided that it would be best not to try to reinvent the wheel. If somebody had taught a law practice technology course successfully, I would benefit greatly from that experience.[4]

My process and strategy moving forward was to collaborate and engage in resource sharing. Through this outreach, I was able to obtain a course syllabus and much-needed counsel on steps to take and pitfalls to avoid. It was with this knowledge that I tailored a course that would meet the specific needs of my students. Most of my students intended to work in big law firms, and it was important that in preparing for the class I maintained this as focus, even while seeking to expose them to opportunities open to solo practitioners and public interest lawyers. I also had at least one student who expressed a desire to start a law practice.

1. The Approval Process

I did not want to go too far into the process without obtaining approval. It would be disappointing to develop a complete and detailed syllabus with course readings if it would not be approved. I had a preliminary discussion with the law school dean and subsequently provided a course description to our associate dean for academic affairs, proposing to introduce the course as a pilot, with a review at the end to determine if it should be continued. While the support I received was quick and most gratifying, it might not necessarily be that easy or straightforward, and you should be prepared to articulate reasons for introducing the course—specifically, why it is important and how it would benefit your students.[5]

Associated costs should be identified and predetermined, one of which might be the necessity of bringing in guest speakers. You will likely have guest speakers who, from direct experience, are positioned to address some more complex and practical issues, like global e-Discovery for example. To save on costs, look for local speakers or employ the use of videoconferencing. Other associated costs might include that of obtaining a subscription to client management software. I was able to negotiate successfully with two vendors who did not charge, but I am not sure how long this largesse will continue, in which case students might also be able to sign up for limited trials which would at least enable them to test drive the software. I was also interested in having the students try out one interesting technology in class that could impact law practice, such as Google glass. This was completely out of our budget, but we found a colleague who was willing to bring two into the classroom for the students to try out and have discussions with. There is also the cost of your time, which needs to be accounted for. As a library director, I knew that some of my administrative duties would compete for my time, which on occasion might preclude me from being available. My solution was to team teach with at least one other research/teaching librarian (in the end I opted for two).

2. Developing the Course Syllabus and Learning Outcomes

Once the course was approved, I now had the freedom to proceed with fully developing the syllabus and incorporating course readings. This was done as a team effort, now that I had two additional librarians on board. We decided against utilizing a recommended text; instead we used a free eBook, pulled readings from current awareness resources, law and technology journals, newspapers and technology magazines. I wanted the students to have hands-on experience with client management software, but also did not want to pay for a subscription. In the end we were able to convince two well-known companies to provide free access to students for the semester-long course. We identified the following learning outcomes that should be acquired by students who have taken the course.

- Understanding the theoretical and practical underpinnings of current tech-nologies and how they impact the practice of the law.

- Understanding the ethical obligation of providing competent representation to clients, which includes keeping "abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology" (ABA Rule 1.1 Comment 8).
- Demonstrating an understanding of the use of client management software, billing practices and alternative billing methods
- Demonstrating an understanding of the use of flexible and mobile technologies in the practice of law
- Demonstrating an understanding of electronic communications and social networking in the context of law practice
- Demonstrating an understanding of the use of cloud computing in law practice and the benefits and associated risks
- Demonstrating an understanding of the virtual law practice, the benefits and ethical issues

3. Instruction

Enrollment in the class was capped at 20 students to provide maximum interaction with students. We permitted two LLM students to be a part of the class, one of whom was returning to his country to start a practice rather than going to a big law firm like most of the students in the class. In addition to the librarians teaching in the class, we thought it would be important to have guest speakers address specific areas, including global eDiscovery, Knowledge Management and Competitive Intelligence. We also had a law firm partner from a big law firm discuss the way technology in practice was then (forty years ago) and now. Two of the guest speakers were on site and in the classroom, and the other two were video-conferenced in to the class (which worked particularly well as we fortunately had a new state-of-the-art classroom).

While we lectured and introduced new concepts to the students, we also encouraged class discussion and activities. Some of the discussions and work took place in online forums. The students were broken up into "law firms" for collaborative projects, including drawing up a social media policy and creating a virtual law firm. The students had varied exposure and expertise with technology. One student had graduated with a computer science degree and so was very technologically savvy, and at least two others had worked as paralegals in big law firms and so had an understanding of some of the issues. On the other side of the

spectrum, a couple of students' expertise with technology was limited to social networking for personal use. These differing levels of expertise with technology did not bog down the class and actually made for very interesting interactions in the class.

4. Assessment

Students were required to engage actively in class by participating in discussions and working on team projects. As part of the requirements for the class, students had to submit a five-page paper on a relevant topic and bill the time used in research and preparation. The topics were submitted to the instructors by the end of the second class, thus providing ample time for them to research and write. As a motivator, the four top papers would be selected for inclusion in our digital scholarship repository. The papers were very well written and covered interesting and timely topics such as predictive coding in eDiscovery and videoconferencing and the confrontation clause. Finally, they were also expected to give seven-minute lightning talks at the end of the semester.

5. Student Feedback

Since this was a new course, I was anxious to measure how things were going and make adjustments if necessary. This would not be possible if I waited until the end of the semester for course evaluations. I sent out a mid-term survey to the students with two questions:

- What is working well for you in this class in terms of your learning?
- Is there anything that can improve your learning in this class?

Overall the feedback was very positive; the students indicated that the class format was very helpful and specifically even with its being only a one-credit class, there was a good balance in the breadth of topics and materials covered. Also highlighted as a plus was the interactive nature of the class, hands-on experience with client management software, and working in groups, which one student described as "rare in law school classes." It was helpful to know at this point that some found that the time devoted to class activities sometimes felt rushed and wanted more time. There was a suggestion to introduce discussions on the use of personal technology in the courtroom (which we later covered under mobile

technologies). One student thought it would be useful if they could submit topics that they wanted covered at the beginning of the semester. Another helpful question related to how much of the "technical stuff" was necessary for an attorney to know.

By seeking feedback early, we were able to make small adjustments and incorporate new concepts and methods during the last stretch of the class. The final course evaluations were also gratifying, with one student observing that *"the course is one of the most valuable I've had in law school and extremely practical. I feel that this class has prepared me more for practice than any other class I've taken, and I'd recommend it to everyone."* Another noted that the class was a *"great way to highlight technological issues in the law, this is a topic that is often overlooked in most classes."*

At the end of the course we committed to teaching this class again; it had been a great educational experience not only for the students but also for us the instructors.

Notes

1. ABA Standard 303. CURRICULUM (a) A law school shall offer a curriculum that requires each student to satisfactorily complete at least: ... (3) one or more experiential course(s) totaling at least six credit hours. An experiential course must be a simulation course, a law clinic, or a field placement. To satisfy this requirement, a course must be primarily experiential in nature and must: (i) integrate doctrine, theory, skills, and legal ethics, and engage students in performance of one or more of the professional skills identified in Standard 302; (ii) develop the concepts underlying the professional skills being taught; (iii) provide multiple opportunities for performance; and (iv) provide opportunities for self-evaluation.

2. *See* Richard Granat, 13 Top Law Schools Teaching Law Practice Technology http://www.elawyeringredux.com/2013/05/articles/virtual-law-firms/13-top-law-schools-teaching-law-practice-technology/

3. The criteria for inclusion on the list include: (1) A full-time faculty member dedicated to teaching and coordinating a program in law practice technology. This subject matter should be the focus of serious research, including the development of innovations in law practice. (2) At least two credit courses in this subject matter such as law practice management, law practice technology, eDiscovery and big data, outcome prediction, legal project management, virtual lawyering, expert legal systems development, document automation, and/or other coursework, which deal with innovation in the delivery of legal services and law practice. (3) Non-credit courses taught by adjunct instructors don't qualify. (4) Law schools sponsoring incubator programs are interesting, but these programs involve lawyers who have

already graduated, not law students. *See* Richard Granat & Marc Lauritsten, Teaching the Technology of Practice: The 10 Top Schools at: http://www.americanbar.org/publications/law_practice_magazine/2014/july-august/teaching-the-technology-of-practice-the-10-top-schools.htm

4. Ken Hirsch, Director of the law library at University of Cincinnati Law School, was extremely helpful and generous with providing assistance.

5. *See* Roger Skalbeck, "Tech Innovation in the Academy" (2012). *Georgetown Law Faculty Publications and Other Works.* Paper 1163. http://scholarship.law.georgetown.edu/facpub/1163. Richard S. Granat & Stephanie Kimbro, *Teaching of Law Practice Management and Technology in Law Schools: A New Paradigm*, 88 CHI.-KENT L. REV. 757 (2013).

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