Course Outline

eLawyering  Winter/Spring 2018

Prof. Jeannette Eicks
Phone:  802.831.1005 or cell:  802.431.8025
e-mail: jeicks@vermontlaw.edu and/or jeicks@gmail.com

Course Schedule  Monday and Wednesday  2:10 – 3:25 P.M.  in Oakes 207

Office Hours (Please let me know if you will be stopping by – I don’t want to miss you.):
Monday & Wednesday  1 – 2 and by appointment

Required Text:  None.

Some materials may be placed on reserve in the library.

Reference Materials:  See sections below for insight into typical reading materials.  All readings subject to change and updates as that is the nature of these topics.

Grading:

Project 1 – Website project, LinkedIn Account, & CLIO exercise 20%
Project 2 – Chatbot Client Intake Project 20%
Project 3 – Document Automation Project 20%
Project 4 – Legal Innovation Memorandum 20% (Choice of Topic -- 5-6 pages)
Exam – Brief, Multiple Choice Questions, 30 minutes  10%
Hands-on projects  – other brief assignments throughout term 10%

Learning Outcomes:

• Articulate current and developing issues in legal innovation
• Analyze and interpret how technology is transforming the practice of law
• Identify and articulate issues ethical and practice related issues which arise from the modernization of legal practice
• Create a law firm website and LinkedIn presence or an online marketing plan
• Build a scalable legal services client intake chatbot
• Create an automated legal document and discern the necessary distinctions between client and lawyer facing systems
• Articulate and analyze current and developing legal issues which arise from the application of technology to law

Make-up Classes:  To Be Announced.

I.  Intro: Envisioning Tomorrow’s Lawyers - January
Readings:

- Peter Thiel on The Future of Legal Technology - Notes Essay
- Educating Superior Legal Professionals: Successful Modern Curricula Join Law and Technology, by Jeannette Eicks
- Developing an e-Curriculum: Reflections on the Future of Legal Education and on the Importance of Digital Expertise, by Oliver Goodenough (posted to TWEN)

A. **End of Lawyers Excerpt**

B. **Peter Thiel Lecture**

C. **Article and Chapter**
   
   i. Goodenough
   
   ii. Eicks

II. **ePractice I - January**

Readings:


A. **Setting up a virtual/digital practice**

B. **Visiting e-Lawyering Sites**
i. Inventory of elements

C. Practice Management
   i. Knowledge Management
   ii. Litigation Management

D. Online Marketing and Social Media Promotion

E. LinkedIn and WEB PRESENCE PROJECT (Technical with ethics considerations)

F. Legal Tech

   i. LegalTech tools project (software evaluation matrix)

III. Practice Moving to eLawyering & Lawyers as Entrepreneurs – January & February

Readings:

• Adapting to Technological Change and Protecting the Attorney-Client Privilege on the Internet 66 Brook. L. Rev. 361
• Gillian Hadfield, The Growing Economic Cost of Professional Control Over Corporate Legal Markets, 60 Stanford L. Rev. 101
• Various current state bar ethics opinions with implications for cloud computing and e-lawyering
• David L. Hudson Jr., What ethics issues to consider when offering unbundled legal services, June 2013, http://www.abajournal.com/magazine/article/lawyers_offering_unbundled_legal_services_must_consider_the_ethics_issues/

A. Legal Entrepreneurs
   i. Social Justice
   ii. Legal Visualization
   iii. Crowdsourcing the Law
   iv. Legal Engineering
   v. Code as Law

B. eGovernment

C. Ethics

D. Cloud (Terms and Conditions Movie)
   i. Use
   ii. Contracting
   i. Virtual Attorney Site


Readings:

• Marc Lauritsen for CALI on Document Assembly: http://www.youtube.com/watch?v=1sCol4DDm78&list=PL64F9A0FF18020420&index=2
• Exari Training Manual
• Ron Staudt, *All the Wild Possibilities: Technology that Breaks Barriers to Access to Justice*, 42 Loyola L. Rev. 101 (2009)
• Ron Staudt for CALI: Online Legal Aid Forms (skim the video): http://www.youtube.com/watch?v=LedYUI19kc4&list=PL64F9A0FF18020420&index=7
• A2J Manual

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• Peruse http://dev.digitalllc.org
• Peruse David R. Johnson writings on digital organizations:
  o http://dotank.nyls.edu/VisualCorporation.html
  o http://cairns.typepad.com/iilp/2007/05/johnson_testifi.html

A. Where programming is headed (platforms, apps, etc.)

B. Document Assembly

  i. Document styling

  ii. Document analysis

  iii. Decision trees

  iv. Automation

C. Expert Systems

  i. A2J

  ii. Nevada LLC system

D. DOCUMENT PROJECT – (Legal and Technical - March 27)

V. Data - April

Readings:


• Lawyering In The Shadow Of Data, Drury D. Stevenson & Nicholas J. Wagoner


• Kingsley Martin for CALI Contract Standardization using XML: http://www.youtube.com/watch?v=tdoC6k-yR2I&list=PL64F9A0FF18020420&index=6

• Peruse: SEC XBRL rules, available from SEC website:
  ▪ http://www.edgar-online.com/XBRLSolutions/LearnaboutXBRL.aspx
• *Excerpts from Zubulake I, III, IV, V* and other pivotal cases
• *F.R.C.P. – focus on eDiscovery related rules and proposed modifications*
• Sid Leach, Jasopn Vanacour, Anne Bishop (Snell and Wilmer, LLP) *What Every Lawyer Needs to Know About Computer Forensic Evidence*
• *Mining for Embedded Data: Is It Ethical to Take Intentional Advantage of Other People's Failures?* 8 N.C. J.L. & Tech. 231 (2007)
• 201 CMR 17.00: *STANDARDS FOR THE PROTECTION OF PERSONAL INFORMATION OF RESIDENTS OF THE COMMONWEALTH* http://www.mass.gov/ocabr/docs/idtheft/201cmr1700reg.pdf
• *Keeping Up with the Clouds: Revealing the discrepancy between the realities of cloud technology and European data protection law, by E.D.E. de Leeuw*

A. **What, Where and Organization**

   i. **Data storage, tagging, locations**
   
   ii. **Data Deluge article**
   
   iii. **XML Readings**
   
   iv. **XBRL**

B. **Protection**

   i. **Information Governance**
   
   ii. **Technology - Security**
   
   iii. **Law - Privacy**
C. eDiscovery
   i. Process
   ii. Rules
   iii. Cases

D. Analytics and Litigation Management
   i. Rumelt

E. DATA or eDiscovery PROJECT (Writing project – 5-6 pages)

VI. Return to Lawyers of the Future

   Readings:

   A. Susskind Book