

eLawyering

Winter/Spring 2018

Course Outline

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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:

- J. Jenkins *What Can Information Technology Do For Law?*, 21 Harv. J. L. Tech. 589.
- Richard Susskind, *Tomorrow's Lawyers: An Introduction to Your Future*, Oxford University Press, 2013. **On Reserve.**
- Peter Thiel on The Future of Legal Technology - Notes Essay
<http://blakemasters.com/post/37411481044/peter-thiel-on-the-future-of-legal-technology-notes>
- Rachel Zahorsky and William D. Henderson, "Who's Eating Law Firms' Lunch?" Oct 2013, http://www.abajournal.com/magazine/article/whos_eating_law_firms_lunch
- Educating Superior Legal Professionals: Successful Modern Curricula Join Law and Technology, by Jeannette Eicks
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2465977
- 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:

- Hugh Calkins, Building the Virtual Lawyer, 21 Maine Bar J. 122 (2006)
- Stephanie Kimbro, Serving the DIY Client: A Guide to Unbundling Legal Services for the Private Practitioner (2011) <http://virtuallawpractice.org/wp-content/uploads/2011/05/Serving-the-DIY-Client-Ebook-2.10.11.pdf>
- Richard S. Grant and Stephanie Kimbro, The Teaching of Law Practice Management and Technology in Law Schools: A New Paradigm (2013).
- Carolyn Elefant, *Virtual Firms on the Decline – Why??*, <http://myshingle.com/2013/08/articles/trends/virtual-firms-on-the-decline-why/>

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
- G. LegalTech (Jan. 31 – Feb. 2, 2015)
 - 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
- Crawford, Chris, *Emerging Technology Trends that Will Transform Courts*, 2010, Future Trends in State Courts. <http://ncsc.contentdm.oclc.org/cdm/ref/collection/tech/id/770>
- 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 G. Ries, Cybersecurity for Attorneys: Understanding the Ethical Obligations, Law Practice Today, March 2012
http://www.americanbar.org/publications/law_practice_today_home/law_practice_today_archive/march12/cyber-security-for-attorneys-understanding-the-ethical-obligations.html
- 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/

- Danielle Citron, *Technological Due Process*, 85 Wash. U. L. Rev. 1249 (2008)
- McMillan, James E. Electronic Documents: Benefits and Potential Pitfalls. (2010). Future Trends in State Courts.
<http://cdm16501.contentdm.oclc.org/cdm/ref/collection/tech/id/767>

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**

IV. Designing and Programming Legal Systems: Document Assembly and Expert Systems – February - March

Readings:

- Cass Sunstein, *Of Artificial Intelligence and Legal Reasoning*, Public Law and Legal Theory Working Paper No. 18, University of Chicago Law School, 2001.
- 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

- Peruse <http://dev.digitalllc.org>
- Peruse David R. Johnson writings on digital organizations:
 - <http://dotank.nyls.edu/VisualCorporation.html>
 - 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:

- Kenneth Neil Cukier and Viktor Mayer-Schoenberger , *The Rise of Big Data: How It's Changing the Way We Think About the World*, May/June 2013, <http://www.foreignaffairs.com/articles/139104/kenneth-neil-cukier-and-viktor-mayer-schoenberger/the-rise-of-big-data>
- *Lawyering In The Shadow Of Data*, Drury D. Stevenson & Nicholas J. Wagoner
- T. Berners-Lee, J. Hendler, O. Lassila, *The Semantic Web* Scientific American Magazine, May 2001
- L. Cunningham, *Language Deals and Standards: The Future of XML Contracts* 84 Wash. U. L. Rev. 313 (2006)
- 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.sec.gov/rules/final/2009/33-9002.pdf>
 - <http://www.edgar-online.com/XBRLSolutions/LearnaboutXBRL.aspx>

- http://www.fasb.org/cs/ContentServer?c=FASBContent_C&pagename=FASB/FASBContent_C/NewsPage&cid=1176156637595
- Daniel Roth, *Road Map for Financial Recovery, Radical Transparency Now!* Wired Magazine Feb. 23, 2009.
- *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)
- The White House, Feb 2012, CONSUMER DATA PRIVACY IN A NETWORKED WORLD: A FRAMEWORK FOR PROTECTING PRIVACY AND PROMOTING INNOVATION IN THE GLOBAL DIGITAL ECONOMY <http://www.whitehouse.gov/sites/default/files/privacy-final.pdf>
- 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>
- Graham Greenleaf, *Global Data Privacy Laws: 89 Countries, and Accelerating*, University of New South Wales, Faculty of Law, February 6, 2012 http://papers.ssrn.com/sol3/papers.cfm?abstract_id=2000034
- European Commission, *Data protection and privacy ethical guidelines*, <ftp://ftp.cordis.europa.eu/pub/fp7/docs/privacy.doc>
- 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**