Law Practice Technology: A Law School Course?

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Available at: https://works.bepress.com/charles_oates/1/
I. Introduction

Most of what has been written about law students and technology involves enhancing the law school experience through pedagogical use of technology in the classroom, or replicating the traditional classroom experience via asynchronous online courses. These applications of law and technology have their merits; however, each contributes little to nothing toward informing and equipping law students with the technology that lawyers use. The practical aspects of the law are woefully overlooked in law schools today, with the exception of legal clinics.

It is evident that technology is revolutionizing the practice of law. In recent years, law practices have increasingly adopted technologies to facilitate the practice of law. In 2006, 85 percent of lawyers used computers in their law practice; only two years later, it was almost 100 percent. Similarly, the use of smartphones has proliferated dramatically in the last several years.

These advancements are far more significant than the traditional struggle for supremacy between Microsoft Word™ and Corel Word Perfect™, and encompass areas such as law practice.
management, case management, document assembly, internet advertising, enhanced
communication with clients via email, electronic discovery, the use of technology to present
evidence in the courtroom, and electronic filing of pleadings. Until recent years, there has been
a complete absence of anything in the curriculum to address these rapid changes in the practice
of law. Probably the first law school offering to address the void was a legal technology
summer school program at William & Mary School of Law instituted in 2008, offering five
separate courses.

A. Impetus for Creating the Course

Observing that law students of today are far more technologically savvy than their
predecessors, I surmised that most law students would want to know about these rapid changes,
and that some of them might be interested in taking a course that would enable them to enter
the practice of law with an informed awareness of current hardware and software systems used by
technologically up-to-date lawyers, and a working knowledge of these systems.

Traditional law school curricula are sorely lacking if not devoid of any exposure to ways
that lawyers use technology. I reasoned that a course such as this might at a minimum make
Regent Law graduates more marketable when competing with others not so exposed to the
subject.

Technology is ubiquitous in law practice and morphing exponentially. Thus, it seemed
logical that those lawyers and firms that are keeping pace with technological advances would

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8 Electronic filings are now more commonly required as they help “improve access to documents, maximize
resources, and streamline filing and service activities.” LexisNexis, A Guide to Model Rules for Electronic Filing and
25, 2012).
9 The Law Practice Technology seminar was initiated by the author at Regent University School of Law in 2006.
This article describes that experience.
10 The courses are titled Electronic Discovery and Data Seizures (Law 310), Privacy in a Technological Age (Law 661-
01), Technological Augmented Trial Advocacy (Law 720-04), Legal Technology Seminar (Law 575-01), and Internet
Law (Law 470). Course descriptions may be found at http://law2.wm.edu/academics/programs/jd/electives/courses/bytitle/index.php?sr=law (last visited July 21,
2012).
11 Law School 2.0, supra note 3, at 14, 26 (discussing the “Millennial Generation,” also known as “Generation Y,”
which consists of people born between 1982 and 2001. Because computers have been generally available since
the early 1980s, technology has become an integral part of this generation’s member’s day-to-day lives).
12 Considering that today’s law student is far more technologically advanced than students of the past, it seemed
logical that today’s student would want to be fully knowledgeable about the technology that lawyers today are
using.
13 Despite the profession’s hesitancy to adopt new technology, almost all attorneys today use computers in their
practice, compared to only 85 percent in 2006. Law School 2.0, supra note 3, at 44-45. Furthermore, an increasing
number of lawyers do not regularly use print sources for research, opting for online research instead. Id. at 48.
desire certain technological proficiencies in new lawyers they are hiring, and that lawyers and firms that are not keeping up with technology would seek new lawyers that could introduce modern proficiencies to the firm. With this mindset, I began to envision a course that would enable students to succeed in today’s practice of law. Possibly a serendipitous benefit of such a course would be to make our graduates more marketable in a highly competitive profession.

Knowing that law schools typically do little or nothing to prepare their graduates to be knowledgeable and capable users of the many applications of technology employed by lawyers today, and motivated by this realization, I began to consider a remedy. As the chair of the law faculty library/technology committee, I had more than a casual interest in the subject.

About this time, two events served as catalysts to create a sense of urgency. A two-day seminar in San Francisco on the subject of e-Discovery for lawyers with several tracks and concurrent sessions throughout each day, and the ABA TECHSHOW® a two-day seminar in Chicago covering everything imaginable that a lawyer might want to know about applications of technology in the practice of law provided the impetus I needed.

A conversation with Dean Jeffrey Brauch confirmed the need to take action. Two possibilities emerged from that meeting: We could offer a new course, and/or conduct a symposium on the subject. The symposium idea was quickly abandoned because to my knowledge no one was writing or even talking about the subject.

B. Obstacles

1. Lack of precedents

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14 From a marketing perspective, the astute student knows that, everything else being equal, successful completion of this course gives her one of two advantages: to “hit the ground running” with a firm at the forefront of technology, or to be a valuable resource to a solo practitioner or small firm that is technologically deficient.  

15 See William Henderson & Rachel Zahorsky, Law Job Stagnation May Have Started Before the Recession – And It May Be a Sign of Lasting Change, (July 1, 2011), http://www.abajournal.com/magazine/article/paradigm_shift (last visited July 21, 2012). Being a relatively new law school, our graduates face stiff competition from law graduates from other Virginia law schools with much longer histories such as William and Mary (founded in 1779), University of Richmond (founded in 1870), University of Virginia (founded in 1819), and Washington and Lee (founded in 1849).

16 Law School 2.0, supra note 3, at 47. As David I.C. Thomson has observed, “[w]ith a few bright exceptions, in many ways [law schools] are too often preparing the students of today for a law practice of the past.” Id. at 55.

17 Until then, I had never heard the term. I was astounded to learn that two entire days were devoted to a subject of which I had never heard.

Were there precedents that could serve as a model? Was a similar law course being offered elsewhere? A cursory search produced minimal results.\(^{19}\) It quickly became obvious that the course would be put together mostly from scratch.

2. Nontraditional course

This was obviously not a traditional law school course. Knowing that the competition for course offerings is great, I would not have been surprised to receive resistance from some faculty members on the curriculum committee.

3. Obtaining approvals

New course offerings require approval from the curriculum committee. A draft syllabus was prepared and submitted. To my pleasant surprise, approval for a two-hour seminar was quickly secured from the curriculum committee.

II. Structuring the Course

A. The Concept

Classes would consist of group discussion of assigned readings to include articles, blawgs,\(^{20}\) and listserv postings, hands-on familiarity with law practice management software programs, and guest lectures by practicing lawyers that use technology in their law practices. I

\(^{19}\) I discovered that there was a course titled Law Practice Technology taught by Maryanne Gerber, a law librarian at Golden Gate University School of Law. Upon my inquiry, she provided helpful information, the most useful of which was the idea of class projects and ten to fifteen minute presentations by each student. However, student presentations were the dominant theme. Topics for in-class presentations were assigned by the instructor rather than selected by the students according to their particular interests. Final projects were presented to the class via PowerPoint™. The entire grade was based on student presentations. The emphasis seemed to be on honing research skills and learning to use software programs effectively rather than focusing on the technologies that lawyers use and the issues arising out of their use of technology, such as e-Discovery, ethics, and malpractice.

\(^{20}\) Law-related blogs. Students were expected to subscribe to at least one blawg and one listserv devoted to law practice technology, to read posted messages on a regular basis, and to report anything that would be of particular interest to the class. Some examples include Law Technology Today, available at http://feeds.feedburner.com/LawTechnologyTodayOrg (last visited July 25, 2012), (formally known as ABA Site-tation), a blog written by ABA staff that reviews legal technology and practice management tips; DennisKennedy.com (last visited July 21, 2012) covering mostly legal technology such as e-discovery and podcasting; Build a Solo Practice, available at http://solopracticeuniversity.com/blog (last visited July 21, 2012), providing advice on how lawyers can use technology to strike out on their own; and Home Office Lawyer, which is no longer active. 

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also wanted to include a site visit to a law firm in southeastern Virginia that is considered to be a local model in the use of technology to promote office efficiency.\textsuperscript{21}

Broad areas of inquiry would include law office systems, practice management systems, case management systems, client communications, intranets and extranets, security and privacy issues, e-discovery, litigation and the electronic courtroom, Web marketing, the hand-held office, blawgs, malpractice, and ethical issues. Course prerequisites would include Christian Foundations of the Law\textsuperscript{22}, Contracts I and II, Torts I and II, Civil Procedure I and II, Legal Analysis, Research & Writing I and II, and Property I and II.

Course goals and outcomes included that students would (1) gain an awareness of the various applications of technology used in law practice, (2) acquire hands-on familiarity with software programs that enhance the practice of law,\textsuperscript{23} (3) explore one or more areas of special interest, (4) examine ethical issues arising from the application of technology in the practice of law, and (5) apply biblical principles in the resolution of ethical issues. Classes would consist primarily of a combination of lecture, discussion, and guest lawyers.\textsuperscript{24}

B. Challenges

Because this was a new endeavor for a law school, no textbook was available, and quick research revealed no up-to-date single treatise covering the subject.\textsuperscript{25} Compounding the challenge was the rapid obsolescence of materials dealing with technology. The solution was to have students read relevant contemporary articles. Since many of these publications were online, and could be made readily available to students, I decided to incorporate the reading assignments into an electronic syllabus.\textsuperscript{26} Instead of requiring students to seek out the articles, they need

\textsuperscript{21} Their goal was to be paperless within a year. They never reached that level of perfection, having concluded that reducing paper to less than 5\% of all documentation created an unacceptable risk.
\textsuperscript{22} Regent University is a Christian institution. Biblical integration is incorporated throughout the curriculum.
\textsuperscript{23} The plan was to solicit vendors at an upcoming ABA TechShow in Chicago to make software programs available gratis to students taking the course. The initial results were disappointing. Because the concept was new, legal software vendors had not made provision for such requests from nonprofit institutions, with one notable exception. I became aware several years later that LexisNexis had, from a contact at the TechShow, made available CaseMap\textsuperscript{™}, TimeMap\textsuperscript{™}, NoteMap\textsuperscript{™} and TextMap\textsuperscript{™} to our students with 3-year trial copies under their CaseMap-In-Schools program. Otherwise, sales departments were geared to sales, not free use of their software. It was not until several years later that vendors began to consider the value of making software programs available to law students similar to the way LexisNexis (formerly Lexis) and Westlaw introduced law students to their products with the expectation that they will later become paying customers.
\textsuperscript{24} Relevant portions of the most recent syllabus appear in Appendix One.
\textsuperscript{25} The texts then existing were applicable only to a portion of the class (such as solo and small firm legal tech guides), or were soon out-of-date if not already so upon publication.
\textsuperscript{26} Relevant portions of the electronic syllabus are contained below in Appendix One.
merely click on the links to the articles in the syllabus.\textsuperscript{27} For convenience, the syllabus was emailed to each student, and also posted on Blackboard\textsuperscript{TM}, an online program available campus wide and used primarily to deliver online courses.

Assigned articles for reading and discussion were selected from sources such as American Bar Association Journal online, Law Technology News, Law.com, Law Practice Magazine, Legal Tech Newsletter, and Law Practice Today. Each year, these publications were reviewed, and more contemporary articles replaced outdated ones in the electronic syllabus. Students were also encouraged to read and report on germane articles from \textit{Law Office Computing}, \textit{Legal Technology News}, \textit{Law Practice}, \textit{Law Practice Today}, and ABA Journal. Additionally, students were to use RSS\textsuperscript{28} feeds to retrieve relevant information of interest each week and report their findings to the class.\textsuperscript{29}

What type of assessments would be used?\textsuperscript{30} Wanting to enhance the learning experience as much as possible, I decided that the preferred solution would be to have students do projects on relevant subjects, present their findings in a formal multimedia presentation to the class, and submit to me some form of documentation of the project.\textsuperscript{31} This would allow the student to pursue in depth a subject of particular interest to him or her,\textsuperscript{32} while the other students in the class would also benefit. Students were given the option of working individually or in teams of two on a topic subject to my approval.\textsuperscript{33}

How would grades be allocated? Initially, grades were based 65 percent on student projects and 35 percent on class participation. This allocation would later be revised to 50

\textsuperscript{27} Because this was a third-year elective, and students had already demonstrated proficiency in legal research, the articles were made available via hyperlink in the electronic syllabus. This saved the students a considerable amount of valuable time, and was much appreciated. \textit{See also Appendix One.}

\textsuperscript{28} Rich Site Summary, also known as Really Simple Syndication or RSS for short, is a web-based method of quickly distributing works that are frequently published. This format benefits readers who appreciate instant updates or enjoy compiling many information sources into one place through a RSS reader. RSS, Wikipedia.com, http://en.wikipedia.org/wiki/RSS (last visited July 21, 2012).

\textsuperscript{29} A resident expert from IT came to explain RSS feeds and assist the students in selecting and downloading an RSS reader.

\textsuperscript{30} Possibilities considered included a written exam, quizzes, a paper, student projects, and class participation.

\textsuperscript{31} This was to be either a paper reciting the content of their presentation, or the presentation captured on electronic media such as CD or DVD. Many students submitted a CD or DVD containing a PowerPoint\textsuperscript{TM} file of their presentation.

\textsuperscript{32} A partial list of topics presented appears in Appendix Two.

\textsuperscript{33} My approval was to assure that the topic was sufficiently challenging. Students were also required to submit to me an outline of what they planned to include. I would often make suggestions to include content that the student hadn’t considered and that I thought would be interesting to the student and to the class.
percent on student projects and 50 percent for class participation.\textsuperscript{34} The reason for this change is discussed later in this article.

What technologies are lawyers using, and how can that best be communicated to students? I decided to contact many of the Regent Law alumni that are practicing law in the immediate geographical area,\textsuperscript{35} ask them what technologies they are using, and invite the more active and creative adopters\textsuperscript{36} to explain and demonstrate to the class their uses of technology.

\textbf{III. Implementation}

A. Organizing the Material

The classes and topics were organized as follows:\textsuperscript{37}

\begin{tabular}{|c|p{0.9\textwidth}|}
\hline
Week & Subjects Covered \\
\hline
1 & Overview of technology in law practice; Current trends and uses of technology; Blawgs \\
& & & \\
& & & Listservs. \\
\hline
2 & Office practice; Timekeeping & billing systems; Client & conflicts management. \\
\hline
3 & Solo and Small Firm Practitioners; The Mobil Lawyer. \\
\hline
4 & E-discovery\textsuperscript{38} \\
\hline
5 & Security & Privacy issues; Metadata; Computer forensics \\
\hline
6 & Trial practice; Evidence & Document Management; Enhancing Evidence with \\
& Graphics; The E-Courtroom \\
\hline
\end{tabular}

\textsuperscript{34} The syllabus explained that class participation included discussion of relevant and interesting findings from blawgs or other sources using RSS feeds.

\textsuperscript{35} Names and email addresses were obtained from the Regent Law Office of Alumni Relations. I felt that the current students would better relate to Regent Law graduates, and many of these had been former students of mine that I would enjoy inviting back and learning of their accomplishments and current activities.

\textsuperscript{36} I defined these lawyers as using something more than word processors and document assembly and billing software. More creative uses of technology would include applications such as practice management software, case management software, marketing via the Internet, communication with clients via email, involvement with e-discovery, using audiovisuals in the courtroom, and filing pleadings electronically.

\textsuperscript{37} The topics were organized somewhat arbitrarily. The class met for two hours once a week during the spring semester.

\textsuperscript{38} Electronic discovery (also called e-discovery or ediscovery) refers to any process in which electronic data is sought, located, secured, and searched with the intent of using it as evidence in a civil or criminal legal case. See http://searchfinancialsecurity.techtarget.com/definition/electronic-discovery (last visited July 21, 2012).
B. Software Programs

My biggest disappointment with the new course was that the students had only minimal opportunity for hands-on experience with various software programs used by lawyers. Hindsight reveals several reasons for this. As stated earlier, vendors initially were generally unwilling or unable to make software programs available for the use of our students. In subsequent years, however, several students contacted vendors, soliciting the temporary use of software programs to demonstrate to the class for their projects. Not only did the students obtain permission to demo the products, the vendors offered free licenses for the students to use in the course. Yet there remained difficulties that I had not anticipated. One was that free software licenses were for all three years of a student’s matriculation in law school. The students in my class, who were all third year law students, concluded that this late in law school, the use of these programs either wouldn’t be relevant, or wouldn’t be worth the time it takes to master them. An additional

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39 Ethical issues were also discussed with each topic when relevant.
40 Supra note 26.
41 Being dissuaded by the initial rejections, I had abandoned seeking cooperation from any vendors. A couple of years after my rejections, one student received an offer of free licenses for AbacusLaw™ for the instructor and students. Another student obtained the offer of PC Law from LexisNexis Practice Management. A third student obtained the offer of the CaseMap™ suite of programs from LexisNexis to use in classes and labs at no charge. Apparently some of the vendors had a change of heart or had created an academic division during the interim.
42 For example, Notemap™ was a program used for outlining course material. At this stage in law school, these third year students felt that they already had their own unique way of outlining, and didn’t need additional help creating outlines.
challenge that caused that part of the program to be unworkable included obtaining offers of software too late in the semester to be of any real value.\(^{43}\)

C. Guest Lawyers

For every class during the first two-thirds of the course, I would invite one or two lawyers\(^{44}\) to discuss that day’s topics with the students. For example, for week two I might invite two lawyers that use different law office management software programs to demonstrate to the class the product each uses. The software program was sometimes contained in the speaker’s laptop, and at other times accessed over the Internet. One speaker tapped into his large firm’s sophisticated program via the firm’s extranet.\(^{45}\) For week four, I would have one or two litigation lawyers speak to the class regarding e-discovery cases they were involved in and how they managed the difficult issues such as helping clients understand the importance of electronic discovery and what affirmative steps were taken with the client to monitor compliance with e-discovery requests.\(^{46}\) For week five I would invite a lawyer that I knew who was a Certified Forensic Computer Examiner.\(^{47}\) Students were always interested in knowing what career opportunities are available to lawyers knowledgeable in computers.\(^{48}\)

\(^{43}\) These were generally caused by communication and logistic delays over a number of issues such as 1) just for this semester or future semesters, 2) to be installed on student laptops or in computer labs, or both, 3) some programs would not run on Apple laptops unless a Windows compatibility program such as Boot Camp™, Parallels™, or VMWare Fusion™ was installed, 4) deciding whether the benefit of a program was worth paying a licensing fee, 5) the complexities and conditions attached to some programs were deemed to be burdensome, 6) whether the software is to be web-based or installed on computer hard drives or local servers, and 7) the time required to learn various programs, even with facile tutorials. Even though vendor representatives were very helpful, there were perceived to be too many obstacles to overcome.

\(^{44}\) I prequalified our guests as being good candidates to demonstrate to my class their uses of technology. Their presentations should be interesting, informative, and entertaining.

\(^{45}\) An extranet is a computer network that allows controlled access from the outside for specific business or educational purposes. See http://en.wikipedia.org/wiki/Extranet (last visited July 21, 2012). The lawyer demonstrated how the firm’s multiple offices were able to access information from the firm’s database, and how clients were able to view their files as well as post documents to the files via the firm’s extranet.


\(^{47}\) The Certified Forensic Computer Examiner (CFCE) credential was the first certification demonstrating competency in computer forensics in relation to Windows based computers. Candidates are generally affiliated with law enforcement and must attend a two-week training course, followed by a ten-month assessment phase consisting of five practical problems, a research problem, and an extensive written examination. See http://en.wikipedia.org/wiki/Certified_Forensic_Computer_Examiner (last visited July 21, 2012).

\(^{48}\) In recent years many law graduates have begun seeking non-legal careers. In 2008, 74.7 percent of law graduates accepted jobs where bar passage was required, while in 2010, only 68.4 percent sought the same.
his law degree in an unconventional way, he would relate stories from his forensics work that would capture the students’ attention. One student likened the experiences to a James Bond thriller.

Not all lawyers that spoke to the class were Regent Law graduates. One day an article in the local newspaper caught my attention. It was about a lawyer in the community that uses his Blackberry® to close multimillion-dollar transactions with international clients without leaving his office.\(^49\) I invited him and he came and explained to the class how he uses technology to replace international travel, and pass the savings on to his clients.

After each class, I would poll the students via email regarding what they thought of the speaker(s). After I had heard from most of the students, I would email each guest lawyer, thank him or her for taking time from a busy schedule to speak to my class, and include representative anonymous student comments about the speaker.\(^50\) Guest lawyers invariably appreciated receiving student feedback regarding their presentations. These were almost always expressions of appreciation for what the speaker had to say. Occasionally there were constructive criticisms, which were usually included in the thank you emails.

D. Student Projects

In order to give students some ideas for their project, I would post a list of suggested topics on Blackboard. Students were told that the first to request a topic would receive priority status over other students. A project approval deadline was imposed and posted in the syllabus. Students would submit a topic idea to me via email. I would approve as is, approve it requesting an outline, or ask for more details.\(^51\)

E. Subsequent Revisions

Over time, changes were made in the course to reflect new ideas, new technologies, and actual experience. A partner in a local law firm permitted the students in our initial class to tour the office facilities and observe while the partner described the technologies used at each work station. The partner agreed in advance to allow a technician from Regent University’s multimedia department to video the tour and record the dialogue. In subsequent classes the video was substituted for the actual tour.


\(^{50}\) A sample thank you email is included in the Appendix.

\(^{51}\) I would sometimes offer suggestions that I felt might improve the project or the presentation. On rare occasions, proposed projects were rejected as being insufficiently challenging for the student.
As previously mentioned, the final grade was initially based 35 percent on class participation and 65 percent on the presentation project. I soon realized that students were more preoccupied with working on their class projects than with discussing the assigned readings.\textsuperscript{52} To remedy this, the percentages were reallocated equally between the two activities, accomplishing the desired result.

Initially, at the conclusion of their presentations, students were given the option of submitting to me a documented version in the form of a paper outlining the presentation, or the presentation itself saved to a CD or DVD. Later, since most students were choosing the latter alternative--probably because they already had the presentation in digitized format--the paper option was eliminated.

During the first year, the final three classes were allocated to student presentations. Because of a sixty-five percent increase in students taking the course the second year, the last four classes were needed to accommodate all of the student presentations.\textsuperscript{53}

IV. Results

A. What Was Learned

1. From four years’ experience\textsuperscript{54}

Students were consistently interested in meeting and hearing practicing lawyers explain how and why they use technology in their law practices, often with examples, and observing the demonstration of those technologies. From guest lawyers’ perspectives, they seemed always happy to give their valuable time to speak to prospective lawyers and to demonstrate how they use technology professionally. I cannot recall any lawyer refusing my request to come speak to our students about how technology enhances his or her practice of law.

2. From student evaluations

Overall, student evaluations toward the end of each semester were overwhelmingly positive. Students generally complimented the practical nature of the course and the opportunity

\textsuperscript{52} Which meant they were not reading the assigned articles.

\textsuperscript{53} In 2006, the first year, class enrollment was 11 students; the second year 16; the third year 13, and the fourth year 11 out of a 3L class averaging approximately 143 students. Of course, some students that wanted to take the course were unable to make it fit into their class schedules, generally not having considered the Law Practice Technology course until their 3L year.

\textsuperscript{54} The course was offered for only four years because the author was asked by the dean to simultaneously teach wills, trusts and estates and professional responsibility, while supervising the judicial and governmental externship program. With these new responsibilities, it was no longer feasible to continue teaching law practice technology, and there was no other suitable faculty member available to fill the void.
to hear from and interact with practicing lawyers that actively use technology. One student suggested that future classes have a panel discussion of lawyers that practice solo and use technology in their law practices, in order to obtain various perspectives and exchange of ideas. The next year, I invited five lawyers that practiced solo to participate in a panel discussion regarding their uses of technology, and to answer student questions. Three accepted; two were unable to participate due to scheduling conflicts. The panel discussion went well, and the students were overwhelmingly positive in their responses, which I quoted anonymously in the “thank you” email to the three panelists.

3. Anecdotal evidence from graduates

Following graduation, a former student emailed me to say that he obtained employment with a firm that realizes the importance of technology, and is “actually going paperless!” He went on to add that law practice technology “was a very valuable class.”

B. Should the course be continued?

1. Student evaluations

Many course evaluations from students seemed to suggest that this seminar should have a more prominent place in the curriculum. One student remarked that, “This course should be offered more often, because students would benefit by taking it.” Another student stated, “At the rate that technology is moving today this should be a required course.”

2. Quote by Chief Justice Hassell

Justice Leroy Hassell, then Chief Justice of the Virginia Supreme Court, asked to address my class on the importance of technology. On two separate occasions while visiting Regent Law classes, he spoke to my students, and both times emphasized that “this course should be mandatory for all law students.”

55 Representative student comments included “This was a very useful course with a lot of practical application;” “I have learned a lot of things about technology that I didn’t know. I think these skills will be really useful when I begin practicing;” and “This class was very helpful in that it will assist me in creating a solo practice and [utilizing] all the different types of technology available.”

56 Chief Justice Leroy Rountree Hassell, Sr. was a strong proponent of utilizing technology to achieve greater efficiencies in the judicial system of the Commonwealth of Virginia. He facilitated the creation of the Courts Technology Fund, and established the Electronic Filing Committee. H.J. Res. 793 (Va. 2011) (commending Chief Justice Leroy Rountree Hassell Sr. upon his death), available at http://leg1.state.va.us/cgi-bin/legp504.exe?111+ful+HJ793ER (last visited July 25, 2012). Chief Justice Hassell, much beloved by the faculty and students at Regent Law, devoted a week each spring out of a busy schedule to spend on the Regent Law campus addressing most of the classes and often discussing Virginia cases during the entire class. Sadly, he died on February 9, 2011, and is sorely missed.
3. Compliance with professional standards.

All lawyers have a professional duty to be competent and to remain so. Recently a Comment was added to the Model Rules of Professional Conduct that expands the definition of competence. A lawyer is now required to keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology (italics added by the author).

V. Conclusion

Technology is transforming the practice of law. Until relatively recently, law school curricula have not reflected the revolutionary changes in the way that technology has altered the practice of law. Today’s law students, unlike their predecessors, are comfortable with technology, but anxious about entering a severely competitive profession. For most lawyers, survival will depend upon their ability to utilize technology to deliver greater value to clients over time.

With the pervasiveness of technology in all areas of law practice today, a course in law practice technology should be a part of every law school curriculum. The concept is simple. Expose law students to all of the applications of technology that lawyers are using. The instructor doesn’t have to be technologically savvy, just interested in seeing that this valuable course is made available to law students. In so doing, the law school would be undertaking an important step toward better equipping students to practice law consistent with the mandate of the Carnegie Report, equipping its students with a competitive advantage in job seeking, and enabling them to be readily assimilated into the marketplace, whether with a technologically proficient law firm, a prospective employer that wants to move forward with technology, or to hang out a solo shingle.

57 “A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.” MRPC 1.1

58 MRPC 1.1 [8]. Formerly Comment [6], Comment [8] now reads: “[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.” Id. This change was approved during the August 2012 meeting of the ABA House of Delegates.
APPENDIX ONE: ELECTRONIC SYLLABUS

REGENT UNIVERSITY SCHOOL OF LAW

LAW 575

A SYLLABUS FOR LAW PRACTICE TECHNOLOGY

Spring 2009

Professor Charles Oates

I. COURSE DESCRIPTION

Technology is revolutionizing the practice of law. This 2-credit hour seminar examines the uses and applications of technology in the practice of law, and the resulting efficiencies. Practicing lawyers who use technology in their law practices will be occasional guest lecturers. The seminar consists of classroom instruction, group discussion, familiarity with law practice management software programs, and (via video) a visit to a law firm in the Tidewater area that is considered to be a model. Readings include relevant contemporary articles. We will seek to discern God’s truth as it applies to ethical issues arising out of the various uses of technology in the practice of law.

II. COURSE GOALS, OBJECTIVES and COMPETENCIES

Students will (1) gain an awareness of the various applications of technology used by lawyers, (2) gain familiarity with hardware and software that enhance the practice of law, (3) explore one or more areas of special interest, (4) examine ethical issues arising out of the use of technology in the practice of law, and (5) be able to apply Biblical principles in the resolution of those ethical issues.

III. LAW WEBLOGS (BLOGS)(BLAWGS)

Students are required to subscribe to at least one blawg on law practice technology, updating the content via RSS feed, to read messages on a regular basis, and to report postings of particular interest to the class. Instruction in RSS feeds will be provided.
IV. READINGS

TEXT

(A treatise yet to be identified.)

REQUIRED

Readings appearing later in this syllabus at XIII under Class Schedule and Reading Assignments.

Other materials and articles may be posted on Blackboard at the class Web site, or communicated via email.

The Holy Bible.

SUPPLEMENTAL


Product manuals.

JOURNALS/NEWSLETTERS/MAGAZINES

Law Office Computing

Legal Technology News

Law Practice Today by the ABA Law Practice Management Section.

ABA Journal

V. PROCEDURES, REQUIREMENTS AND EVALUATION

A. Classes will consist primarily of a combination of lecture, discussion, guest lecturers, and multimedia content. Communications outside of class among the instructor and students relating to class matters will usually be conducted via e-mail and the class
Web site on Blackboard. Students are expected to be familiar with and to use e-mail and Blackboard on a regular and ongoing basis.

B. Class attendance is mandatory and shall be in accordance with the Regent University School of Law POLICIES AND PROCEDURES MANUAL. Each student is expected to be aware of the number of his or her own absences.

C. Class Project: Each student is expected to select a relevant topic of interest, with the instructor’s approval, give a 15 minute (approximately) presentation to the class, and submit the content of the presentation on a CD or DVD to the instructor contemporaneously with the presentation.

[XI through XII are Omitted]

XIII. CLASS SCHEDULE AND READING ASSIGNMENTS

Reading assignments and methodology (subject to change) are as follows:

<table>
<thead>
<tr>
<th>Week</th>
<th>Subject</th>
<th>Assignment</th>
<th>Methodology</th>
</tr>
</thead>
</table>
| 1    | Overview of technology in law practice; Current trends and uses of technology; Expectations re student participation, class projects and presentations; Blawgs and RSS Feeds, ABA Techshow 2009. | Lawyer Blogging: An Introduction by Greg Siskind. Law Practice Today, November 2007. [link]
Web Frontiers: Simply Powerful by David Whelan | Lecture/Q&A. Prof. Oates
Someone from IT demonstrating RSS Feeds |
|      |         | A Legal Technology Blog Directory: [link]                                                                                                     |             |
|      |         | ABA Journal Blawg 100 by Molly McDonough, Sarah Randag. December 2007 Issue. [link]                                                             |             |
|      |         | ABA Techshow 2009, the World’s Premier Legal Technology Conference and Expo, will be held in Chicago, IL, April 2-4, 2009. Tuition is FREE for law students. [link] |             |
|      |         | How to Build a Better Law Blog by C.C. Holland, Special to Law.com, December 08, 2008. Are you thinking about a foray into the world of law blogging? Don't jump onto the bandwagon with a half-baked blog. Instead, focus on creating a blog that's insightful, interesting and represents a resource to the legal community. C.C. Holland has some guidelines to get you going. |             |
| 2 | Office practice; Administrative tools; Time Management; Timekeeping & billing systems; Client & conflicts management. | Associate Technology Challenges: A Snapshot of Need-to-Know Applications by Browning Marean. *(At the ABA Law Practice Magazine website, scroll to the bottom to find the article.)* Law Practice Magazine, April/May 2007.  
**Bundling Up Legal Services** by Timothy Hansen. Legal Tech Newsletter, November 12, 2007.  
Capturing More Time…And Keeping Your Clients Happy While Doing It By Margaret Spencer Dixon and Debbie Foster. Law Practice Today, March 2007.  
http://www.abanet.org/lpm/lpt/articles/bot03071.shtml  
Will Clients Go for Your E-Billing Fix? by Peter Secor, Legal Tech Newsletter, Dec. 4, 2008. To avoid electronic billing woes that can plague law firms, Choate Hall & Stewart sought a system that would automate bill creation, upload bills to clients' e-billing apps and allow invoice tracking. The firm chose software as a service eBillingHub -- with interesting results.  
**Online Legal Practice Management Software Predictions for 2009** by Larry Port. *(At the ABA Law Practice Magazine website, scroll to the bottom to find the article.)* Innovations in the use and development of online software have created new opportunities for law firms, and can present cost-effective methods for adoption. Law Practice Today - December 2008.  
Practice Control: A Purchasing Guide for Practice Management Software by Molly Kilmer Flood.  
http://www.lawtechnology.org/publications/sfbpracmanagement.htm . The article provides an introduction to features found in practice management software.  
Explore some of the more popular practice management software programs.  
**Time Matters LexisNexis**  
www.timematters.com *(800) 328-2898*  
**Amicus Attorney**  
Gavel & Gown Software Inc.  
www.amicusattorney.com *(800) 472-2289*  
**AbacusLaw Abacus Data Systems Inc.**  
www.abacuslaw.com *(800) 726-3339*  
**PracticeMaster Software Technology Inc.**  
www.practicemaster.com *(402) 423-1440*  
**ProLaw Thomson Elite**  
www.thomsonelite.com *(323) 642-5200*  
Some other time and billing programs from Law Technology News. Click on time and billing to the left under Resources. | Lecture/Q&A  
Prof. Oates  
Guest lawyer (name) |
**Your Office: Don’t Leave Home Without It** by Brett Burney and Adriana Linares. The Best of ABA Techshow 2007. Never leave your vital files behind again. Brett Burney and Adriana Linares show you how to bring your office with you wherever you go.  
**E-discovery** | Lecture/Q&A  
Prof. Oates  
Panel discussion by solos on the use of technology |
|---|---|---|
| 4 | E-discovery | What is electronic discovery? - a definition from WhatIs.com  
Managing Ethics in E-Discovery by David G. Keyko.  
**Lecture/Q&A**  
**Guest lawyer** (name) |
Metadata Presents an Ethical Dilemma by Kenneth R. Meyer and Genevieve Spires, New Jersey Law Journal, November 17, 2008. By producing document metadata in discovery, you may breach the attorney-client privilege according to a handful of ethics opinions. Attorneys must familiarize themselves with this developing and sometimes contradictory body of law to avoid ethics violations and protect clients. | Guest lawyer (name), a Certified Forensic Computer Examiner  
Deadline for project approvals  
Lecture/Q&A  
Prof. Oates  
Guest lawyer (name) |
|---|---|---|---|
The Center for Legal and Court Technology (formerly the Courtroom 21 Project) [http://www.legaltechcenter.net/index.html](http://www.legaltechcenter.net/index.html)  
Enhancing Expert Witness Trial Testimony: Collaboration Between Testimony and Technology |  
Deadline for project approvals  
Lecture/Q&A  
Prof. Oates  
Guest lawyer (name) |
http://www.abanet.org/lpm/lpt/articles/mkt01071.shtml  
http://www.law.com/jsp/legaltechnology/PubArticleFriendlyLT.jsp?id=1199441124884  
http://www.abanet.org/lpm/lpt/articles/bot08061.shtml  
Practice Online Social Networking Safely by Brian Dykstra, Special to Law.com, October 13, 2008. As a marketing tool, networking can be a law firm’s best advertisement for legal services. The same can be true of online social networking, but the online medium can harbor hidden dangers for lawyers.  
Legalethics.com A legal ethics technology blawg. | Lecture/Q&A Prof. Oates  
Guest lawyers (2) (names) |
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ABA Model Rules on:  
Advertising and Solicitation  
[http://www.lawtechnology.org/research/ethics/ads.html](http://www.lawtechnology.org/research/ethics/ads.html)  
Competence  
[http://www.lawtechnology.org/research/ethics/competence.html](http://www.lawtechnology.org/research/ethics/competence.html)  
Confidentiality  
[http://www.lawtechnology.org/research/ethics/confidentiality.html](http://www.lawtechnology.org/research/ethics/confidentiality.html)  
International  
[http://www.lawtechnology.org/research/ethics/international.html](http://www.lawtechnology.org/research/ethics/international.html)  
Multi-State Jurisdiction  
[http://www.lawtechnology.org/research/ethics/multistate.html](http://www.lawtechnology.org/research/ethics/multistate.html) |   |   |
|   | **SPRING BREAK** |   |
| 8 | Technology in the Courts/  
Estate Planning  
with Technology/  
Document Assembly Programs | Va. Supreme Court Chief Justice Leroy Hassell 3:30-4:45  
Guest lawyer (name) |
| 9 | Client communications;  
Intranets/  
Extranets; A Virtual Law Office | Lecture/Q&A  
Prof. Oates  
Guest lawyer (name) |
[http://www.abanet.org/lpm/magazine/articles/v33/is5/an15.shtml](http://www.abanet.org/lpm/magazine/articles/v33/is5/an15.shtml)  
Converting From Paper to Electronic Files by James W. Martin. November 2006 The Florida Bar.org. Article |   |
discusses the ethics and ownership of electronic files, and concludes with a **sample electronic files policy**.  
[http://www.floridabar.org/DIVCOM/JN/JNNews01.nsf/8c9f13012b96736985256aa900624829/7767564dd3ad5b1e85257212006b8807?OpenDocument#topofpage](http://www.floridabar.org/DIVCOM/JN/JNNews01.nsf/8c9f13012b96736985256aa900624829/7767564dd3ad5b1e85257212006b8807?OpenDocument#topofpage)

The Strongest Links for Road Warriors by Tom Mighell.  

Local lawyer uses Blackberry to compete with New York firms in international business transactions.  
[http://epilot2 hamptonroads.com/Repository/ml.asp?Ref=VmyZ2huaWFuUGIsb3QvMjAwNi8wOS8wNCNBojA0MzAw](http://epilot2.hamptonroads.com/Repository/ml.asp?Ref=VmyZ2huaWFuUGIsb3QvMjAwNi8wOS8wNCNBojA0MzAw)

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<tr>
<td>10</td>
<td><strong>Student Presentations</strong></td>
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<td><strong>Student Presentations</strong></td>
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<td>12</td>
<td><strong>Student Presentations</strong></td>
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<td>13</td>
<td><strong>Student Presentations</strong></td>
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## APPENDIX TWO: TABLE OF STUDENT PROJECT TOPICS

<table>
<thead>
<tr>
<th>STUDENT NAME</th>
<th>CLASS PROJECT</th>
<th>Apprvd</th>
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<td>e-Discovery</td>
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<td>Ethical issues raised by technology</td>
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<td>Technology Use in Tidewater Courts</td>
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<td>Uses of ipods (or MP3 players)</td>
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<td>Document Retention Policies/Print &amp; Electronic</td>
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<td>PDAs/Portable Law Office</td>
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<td>Tech for Public Interest Law Firm</td>
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<td>Portable Communication Devices</td>
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<td>Why Lawyers Like Macs</td>
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<td>Practical Tech for the Solo/Options</td>
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<td>Persuading Jurors thru Audiovisual</td>
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<td>VoIP used by law firms</td>
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<td>Comparing Admin Software</td>
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<td>Smart Phones/Uses by Lawyers</td>
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<td>Blawgs/How they Work/Marketing</td>
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<td>Multimedia Use by Lawyers</td>
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<td>The $6,000 Law Office</td>
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<td>Identity Theft and Lawyers</td>
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<td>Technology in Criminal Practice</td>
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<td>How Not to Commit Malpractice With Your PC</td>
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<td>Tech: Hurt/Help Victims of Stalking</td>
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[guest lawyer’s name],

I want to thank you again for taking time from a busy schedule to speak to the students in my Law Practice Technology class. Your presentation on e-discovery was everything that I had hoped it would be—relevant, with practical illustrations from your experience. And the handouts provided helpful, practical information. Following are some representative comments from the students:

“I thought she was well spoken and organized, and I enjoyed the fact that she shared with us a lot of good, hands-on, "real" world information. I thought she was very eager to share as well.”

“I thought [her] discussion of e-discovery was very informative. Before Wednesday's class (and reading assignment), I could barely tell you what e-discovery is. Now, I understand the importance of implementing a Document Retention Program, working with your client to collect all information, review all information, set aside all confidential and privileged information, cooperating with opponents throughout the process, and the dangers that ensue when an attorney is not competent to perform e-discovery. [She] was also very helpful in explaining the process of e-discovery as a whole and the specific issues that may arise. Her handout will also be helpful in the future if I must draft a litigation hold letter for a client.”

“I thought she did a good job on an important topic. I really like that she used examples from her real practice. It showed just how important it is for us and soon to be attorneys to think about e-discovery and all the issues involved with that. I enjoyed her presentation and felt much smarter after listening to her!”

“I thought she did a great job. She had a lot of practical advice for the class. It is nice to hear from people experienced in these different areas of law. I also wanted to mention to you that I had an RSS feed on e-discovery that I was going to mention in class but you dismissed class before I got a chance to. I read an article saying that you should get a protective order when doing e-discovery to help protect you in case you accidently send a document you shouldn't have.”

“I would like to thank you for bringing in [our guest speaker] for today's class. I thought her presentation was informative. I particularly enjoyed her examples from recent cases she handled.”

Thanks again for an excellent presentation! It was much appreciated.

Charles