



A2J Author Course Kit

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CALI

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Preface

Teaching Apps for Justice is a powerful way to deliver education needed by law students to succeed in today's technology rich legal market while, simultaneously, improving access to justice for the poor. This A2J Course Kit is the second of three books, each a collaboration designed to expand the resources needed by law professors to teach 21st core competencies and expand access to justice for low income people. The first publication is the Justice, Lawyering and Legal Education in the Digital Age Symposium in the Chicago-Kent Law Review, 88 Chi.-Kent L. Rev. 687, et. seq. (2013) available at <https://www.kentlaw.iit.edu/institutes-centers/centerfor-access-to-justice-and-technology/2013-law-review-symposium>. This Symposium, edited by Marc Lauritsen and me, contains the fully developed pedagogical theories and lessons learned by faculty who teach courses combining education in modern technology while expanding justice. The Symposium examines five courses in detail, exposing learning theories, teaching objectives and accomplishments. This Symposium is an excellent first step for a teacher seeking information and perspectives on Apps for Justice.

This A2J Clinical Course Kit is the second installment on the Apps for Justice trilogy. The book is a compendium of course descriptions, syllabi, teaching tools and recommended readings gathered from the work of 13 faculty members teaching six different courses at six different law schools. Each was selected by CALI in 2013 to participate in a two year effort to use A2J Author®, CALI's tool for legal aid lawyers and courts, to teach law school courses targeting core competencies needed for today's lawyers. All agreed to freely expose and share their courses and the materials in an edited collection drawn from all seven courses.

The courses are not all clinical offerings. For example, Judith Wegner at UNC teaches a Professionalism course inspired by her work on the Carnegie Commission. Her students work with North Carolina Legal Aid to build A2J Guided Interviews® for low income people. My course, Justice and Technology Practicum, is a hybrid classroom/ experiential offering in which students do field work, observe court processes and build A2J Guided Interviews while meeting regularly to discuss readings and issues raised by these experiences.

We hope that you find this collection of materials, written and tested by these professors, to be a rich pedagogical treasure to be plundered for your own efforts.

In 2015 the second CALI A2J Course Project launched and six new courses are now in production.¹ One has already been taught and five more will be offered in Fall 2015 and Spring 2016. The third book in this trilogy will be the compendium of materials and lessons and teachers' notes developed by those professors. Look for more treasures in 2016.

Acknowledgements

I want to thank the faculty participants of the 2013 CALI A2J Clinical Course Project. Our meetings were stimulating and exciting—the most fun I have ever had at work.

Conrad Johnson, Mary Marsh Zulack and Brian Donnelly – Columbia Law School

Judith Welch Wegner – University of North Carolina School of Law

Joe Rosenberg – CUNY School of Law

Jane Aiken, Tanina Rostain and Roger Skalbeck – Georgetown University Law Center

JoNel Newman and Melissa Swain – University of Miami School of Law

Greg Sergienko, Jodi Nafzger and Sunrise Ayers – Concordia University School of Law

Andrew Medeiros and Alexander Rabanal, the Access to Justice Fellows at the Chicago-Kent Center for Access to Justice and Technology, and Jessica Bolack Frank, its Program Coordinator, did most of the hard organizational work of the project and the collection of the raw materials gathered here. John Mayer, Executive Director of CALI and Sarah Glassmeyer and Deb Quentel of CALI were key contributors to this effort.

Ronald W. Staudt

Professor of Law and Director of the Center for Access to Justice & Technology

IIT Chicago-Kent College of Law

PART I

Introductory Materials

1.

Introduction

Lawyers need new skills and core competencies to succeed in today's technology-driven legal practice. Document assembly and automation tools are crucial to providing quality, economical legal services in this environment. Legal educators must ensure that new attorneys are familiar with the tools and professional techniques that are becoming standard in the modern law office. These same law office automation tools can provide self-guided instructions and forms to help low income, self-represented people achieve access to justice.

The Access to Justice Clinical Course Project (A2J Clinical Project) is a coordinated effort between the Center for Computer-Assisted Legal Instruction (CALI), the Center for Access to Justice and Technology (CAJT) at IIT Chicago-Kent College of Law, and Idaho Legal Aid Services. We hope that this course kit will jump start the growth of future A2J Clinics and simultaneously deliver new automated content to legal aid providers across the country.

The mission of an A2J Clinic is two-fold: to introduce law students to the skills required by a 21st century law office and to produce A2J Guided Interviews® and other technical resources that statewide legal aid organizations can use to lower the barriers to justice for low income people. This course kit, developed with the participants below, was designed to allow more law schools to easily adapt and adopt these course models to replicate the success of this project.

Participants include:

- Conrad Johnson, Brian Donnelly, and Mary Marsh Zulack, Columbia Law School
- Judith Welch Wegner, University of North Carolina School of Law
- Joseph Rosenberg, City University of New York School of Law
- JoNel Newman and Melissa Swain, University of Miami School of Law
- Jane Aiken, Tanina Rostain, and Roger Skalbeck, Georgetown University Law Center
- Sunrise Ayers, Greg Sergienko, and Jodi Nafzger, Concordia University School of Law

What is A2J Author®?

A2J Author is a software tool that delivers great access to justice for self-represented litigants by allowing non-technical authors, lawyers, or law students to build customer friendly web-based interfaces for document assembly. The A2J Guided Interviews® created with A2J Author remove many of the barriers faced by self-represented litigants, allowing them to complete court documents that are ready to be filed with the court system. In addition to being user friendly for the consumer, A2J Author is also designed to make it easy (and perhaps fun) for court staff, students, and public interest attorneys to create A2J Guided Interviews with little technical assistance or training.

A2J Author was developed under grants from the State Justice Institute (SJI), the Legal Services Corporation (LSC), IIT Chicago-Kent College of Law, and the Center for Computer-Assisted Legal Instruction (CALI). Since 2005, over 2.6 million A2J Guided Interviews have been used by pro-se litigants and over 1.5 million documents have been assembled.

How Much Technical Experience is Required to Teach an A2J Clinic?

No prior experience with A2J Author or any other document assembly tool is required. All of our participating faculty can be trained in the software tools before the class begins. Teaching assistance is available through webinars with CAJT. There are also training videos available for A2J Author and HotDocs that were created by the CAJT team. Those training resources can be found in the Training Materials section below.

2.

Types of Courses

Traditional Clinics

A Traditional Clinical Course within the A2J Clinical Project is one in which students build projects for use by the law school's clinic and outside legal aid organizations. These projects could: (a) help with the legal issues frequently addressed by the clinic and be delivered to other legal aid organizations that are in a position to disseminate them more widely; or (b) come from the legal aid community.

Within this model are specialized clinical courses that focus on assisting clients with specific legal issues. These clinics incorporate A2J Author as a way of exploring and learning the substantive area of law in which the clinic specializes. Students learn about a problem and develop a solution. Most of these courses range from 6-12 credit hours per semester, so A2J Author training and development could be one part of the curriculum rather than being the sole focus of the course. This model can potentially produce a number of nationally relevant A2J Guided Interviews in specific areas of law.

Professionalism Courses

The second model within the A2J Clinical Project is the Professionalism Course. The professional course model is exemplified by "Becoming a Professional," which is offered at the University of North Carolina at Chapel Hill. This model teaches students principles that produce effective legal practitioners and helps students develop their professional identity. Moreover, it stresses the importance of developing technological competencies, including A2J Author, as imperative to students' employment searches and career development as a lawyer in the 21st century.

Hybrid Legal Skills Seminars/Practicums

Courses following this model teach technology skills in addition to legal practice skills. Hybrid courses focus on building tools for outside legal aid organizations while teaching students legal technology skills that will be useful throughout their careers. Student projects within this model come from either requests by those within the legal aid community or are initiated by students passionate about certain legal issues. They are then delivered to the relevant legal aid organization.

3.

Course Models

Clinics

Course Model: City University of New York's (CUNY) Elder Law Clinic

Elder Law Clinic (ELC) interns represent clients who are grappling with a variety of legal issues and problems related to aging and incapacity. We work primarily in the areas of adult guardianships, estate and incapacity planning, and government benefits. Interns examine the theory, doctrine and practice of elder law, and develop the skills necessary to provide high quality representation focused on understanding and responding to the client's goals and wishes. Legal interns appear in court on adult guardianship and estate administration cases, develop expertise in planning and drafting, and work on advocacy and community education projects related to law, aging, and decision making capacity issues.

Highlights of Student-Attorney Experiences in the Elder Law Clinic:

- Serve as Court Evaluator and represent parties in Adult Guardianship proceedings in Supreme Court under Article 81 of the Mental Hygiene Law.
- Represent clients by drafting wills, trusts, and advance directives.
- Counsel clients about government benefits, including Medicaid, Medicare and Social Security.
- Represent clients in Surrogate's Court proceedings involving probate of wills and administration of estates.
- Participate in projects that complement our individual casework.

Course Model: University of Miami's Health Rights Clinic

The Health Rights Clinic is a medical-legal partnership operated in collaboration with the UM Miller School of Medicine. Students participating in the Health Rights Clinic represent multiple clients in different legal matters related to health. Under the guidance of Director JoNel Newman and Associate Director Melissa Swain, clinic students spend the academic year representing low income patients of the South Florida AIDS Network, Jackson Hospital and other medical partners.

Law students function as the client's primary advocate and conduct client intakes/interviews, conduct legal research, file legal pleadings and legal documents, develop case strategies and theories, and provide representation in administrative hearings and court.

Representation is focused on the following priority areas:

- **Social Security/Public Benefits** – Students provide legal services in Social Security and other public benefits cases. Students represent clients obtaining Medicaid and other insurance. Many students file appeals and/or appear in federal administrative court.
- **Advanced Directives** – Students draft advance directives such as wills, living wills, health care surrogacy, preneed guardianships and guardianships.
- **Immigration** – Students represent health impaired clients in immigration related matters. Specifically, students file applications and regularly appear before the Department of Homeland Security on behalf of our clients seeking U.S. Citizenship or Legal Permanent Residency.
- **Veteran Benefits** – Students supervised by faculty work with doctors, medical residents, social workers and attorneys to advocate for veteran's legal rights in light of medical scenarios. The Health Rights Clinic presently provides legal services on-site to veterans receiving health care at Operation Sacred Trust (OST).

Course Model: Columbia's Lawyering in the Digital Age Clinic

The Lawyering in the Digital Age Clinic is especially focused on work at the intersection of law practice, legal technology, and professional development. The goal of the clinic is to equip its students with the analytical framework and core competencies to thrive in the modern law practice. Students learn that gathering and processing legal information requires digital tools in order to provide effective legal service. The clinic also emphasizes the teaching of knowledge management and technical competencies as a way for its graduates to meet their ethical professional obligations in an increasingly digital practice environment. Through projects like an A2J Guided Interview developed for the New York City Housing Court, students are able to bring all the core course principles to bear to serve pro se litigants. In doing so, they will have learned what is required of modern lawyers in the digital age.

Professionalism Courses

Course Model: University of North Carolina's Becoming a Professional: Exploring Skills & Transition into Practice

This course operates on three levels. It introduces students to the historical values of the legal profession, the pressures for change now at work, and the characteristics of various paths in the profession of particular interest to students. In addition, the course helps students develop a range of "soft skills" important in law practice but not typically taught (various forms of written and oral communication, research, teamwork, dealing with diverse people, reflection, and work with court documents/legal forms and software that supports automated document production). Finally, the course seeks to help students explore their own hopes and plans for a future within the profession, using reflection, discussion and a day-long retreat with law alumni chosen to match student interests.

Hybrid Legal Skills Seminars/Practicums

Course Model: IIT Chicago-Kent College of Law's Justice and Technology Practicum

Students will explore access to justice issues, including the use of technology in law practice and legal services, alternative legal services delivery models, e-lawyering, unbundling and pro se litigant assistance. Class meets for one (1) hour each week to discuss assigned readings on these topics. Additionally, for twelve (12) hours a week students work on client service and drafting projects with the Center for Access to Justice & Technology, whose mission is to provide low-income individuals with greater access to the legal system through the use of internet technology. The practicum provides students with experience in assisting self-represented litigants and providing legal information to low-income individuals. Students will also draft automated court forms and instructions for pro se litigants and the public. A variety of legal topics are available for student projects, including landlord/tenant, domestic relations and consumer rights. These drafting projects include the following activities: researching, drafting, and editing Web-based legal education materials and legal forms with instructions for the public, and developing plain language user interfaces for Web-based document assembly. Some audio/video production may be used in creating these materials. The practicum requires twelve (12) hours per week to be spent on practicum activities outside of class. No prior technical training is required beyond normal computer familiarity with word processing. Students may earn additional credit the following semester by arrangement.

Course Model: Georgetown University Law Center's Technology, Innovation and Law Practice: Access to Justice

In a project-based practicum course, students participate in a weekly seminar and work on a project under the supervision of their professor. This project-based practicum course will expose students to the varied uses of computer technologies in the practice of law, with an emphasis on technologies that enhance access to justice and make legal services more affordable for individuals of limited means. Students will participate in a two hour/week seminar and carry out 10 hours/week of project work under the direction of the course professors.

SEMINAR: The seminar portion of the class will focus on issues related to access to the legal system. These include economic and regulatory barriers (in particular prohibitions against the unauthorized practice of law), resource constraints and statutory limits that apply to publicly funded legal services, and the individual and collective empowerment potential of apps, social media and the internet. The seminar will also consider the implications of the consumer law revolution for access to the legal system and the market for legal services.

PROJECT WORK: Students will work in small teams for a legal service organization to develop a platform, application, or automated system that increases access to justice and/or improves the effectiveness of legal representation. These organizations include civil rights organizations, direct service providers, and government agencies. The course culminates in a design competition: the Georgetown Iron Tech Lawyer Contest. Along the way, students learn systems logic, teamwork, and visual literacy skills. By the end of the semester, each team will have built a functional app intended for adoption by the participating legal services organization and put into use for its clients.

Course Model: Concordia University School of Law's A2J Clinic

This course is a hybrid classroom and clinical offering in partnership with Idaho Legal Aid Services, Idaho's largest nonprofit law firm whose mission is to serve the civil legal needs of low-income Idahoans. In the first

few weeks of the course, faculty will provide instruction in indigent legal services including a basic introduction and discussion of human rights, civil rights, employment law, family law, and consumer rights. These traditional classes will rely on selected readings and field visits to local indigent service providers and court hearings to frame the issues for discussion.

Students and faculty will then select web-based legal resources that would benefit persons of limited means and develop online, automated documents using A2J Author. These A2J Guided Interviews can be developed for statewide legal aid websites. Examples include automated documents in the areas of elder law, family law, housing, and wills and probate. Students and faculty will meet weekly to review the progress on each student project, share insights and tips, and work on projects together.

The educational objectives of this course are to have the students know the principles of automated document assembly and some specific area of law relevant to persons of limited means and to have an attitude of service to those of limited means.

The service objective of this course is to use automated document assembly modules to improve access to justice in Idaho and elsewhere for those for whom poverty, age, illness, disability, and other disadvantages limit their ability to obtain legal representation.

PART II

Course Topics and Modules

4.

Professional Identity and Values

Learning Objectives

The readings and exercises in this unit are designed to introduce students to the exercise of proper professional and ethical responsibilities to clients and the legal system.

Sub-Topic: Knowing Your Role

Vema E. Monson & Neil W. Hamilton, *Entering Law Students' Conceptions of an Ethical Professional Identity and the Role of the Lawyer in Society*, The J. of the Legal Profession, Vol. 35(2), 385 (2011).

Based on recent studies, this article proposes that ethical professional identity assessments can be integrated with school programs to guide students towards healthy views of their roles as lawyers. The same data can also be used to assess law school outcomes regarding ethical professional identities among students by measuring growth over the course of studentship. The tools granted by recent studies should enable law schools to both generate ideals to strive for in instructing students, and evaluate the effectiveness of the ethical guidance provided to students.

Thomas D. Morgan, *Calling Law a Profession Only Confuses Thinking About the Challenges Lawyers Face*, 9 U. St. Thomas L.J. 542 (2011).

Thomas Morgan examines the meanings of the word “profession” in various contexts, and suggests that its most common definitions are inappropriate, or even deleterious, for lawyers. Morgan acknowledges that lawyers should mind some traditional notions of “professional obligations,” but these obligations are personal and ethical, not professional, in nature.

Neil Hamilton, *Professionalism Clearly Defined*, The Prof'l Lawyer, Vol. 18(4) (2008).

This article notes several recent studies, which show that the legal profession is not adequately encouraging an ethical professional identity among both students and practitioners of the law. This article synthesizes various recent reports on this topic, and describes methods to encourage continuing reflective engagement,

over a career, on the relative importance of income and wealth in light of the other principles of professionalism. Clearly defined elements of “professionalism” are essential for legal educators to provide effective guidance to their students. This article attempts to define and prescribe some of those elements.

Sub-Topic: About the Legal Services Corporation

Legal Services Corporation, “[What is the LSC?](#)” .

The Legal Services Corporation (LSC) is the single largest funder of civil legal aid for low-income litigants in the nation. It is a nonprofit organization that provides grants for numerous ongoing legal aid projects, including A2J Author®.

5.

Professional Skills and Knowledge

Learning Objectives

This unit is designed to cover the professional skills needed for competent and ethical participation as a member of the legal profession.

Sub-Topic: Understanding Self-Represented Litigants and Legal Aid Clients

Charles L. Owen, Ronald W. Staudt, and Edward B. Pedwell, [Access to Justice: Meeting the Needs of Self-Represented Litigants](#), Institute of Design and Chicago-Kent College of Law, Illinois Institute of Technology (2002).

In 2000-2001, the IIT Institute of Design and IIT Chicago-Kent College of Law teamed up to conduct a two-year study of state court systems throughout the country to identify barriers and redesign court processes to provide self-represented litigants with efficient and effective access. It is suggested that students read pages 1-33 and skim pages 34-207.

Helen Gunnarsson, [A Judge's Perspective on Pro Se Litigants](#), Ill. Bar J. Vol. 18(6), 280 (June 2011).

This short article presents a judge's difficulties in balancing the pro se litigant's interest in effective self-representation against the public's interest in procedural consistency and fairness. While the pro se litigant deserves an opportunity to present their claim, formal and procedural inadequacies can undermine their efforts. Accordingly, judges must determine how to accommodate pro se litigants' lack of expertise without granting an unfair advantage.

Legal Services Corporation, [Documenting the Justice Gap in America](#), (September 2009).

With this report, the LSC documents the current unmet legal needs of low-income Americans. Careful research exposes the proportion of Americans unable to gain sufficient access to our legal system, who these individuals tend to be, and what barriers prevent these individuals from accessing the courts. Completed in

2009, this report demonstrates an ongoing, vast, and urgent need for enhanced access to the American legal system.

Richard Zorza, [Self-Represented Litigants and the Access to Justice Revolution in the State Courts: Cross-Pollinating Perspectives Toward a Dialogue for Innovation in the Courts and the Administrative System](#), 29 J. Nat'l Ass'n Admin. L. Judiciary, 1 (2009).

Richard Zorza discusses various responses to the “tidal wave” of pro se litigants that has broken across the U.S. court system over the past 15 years. Zorza examines courts’ intake procedures, case management systems, and party compliance enforcement in the face of the recent surge in pro se litigation. Further, Zorza presents the findings of the Self-Represented Litigation network, a national network of groups working for access to justice for pro se litigants, which has identified a list of “Best Practices” for dealing with the increase in pro se litigation. This presentation of information is meant to lay the groundwork for a greater discussion amongst courts and administrative agencies regarding how to increase access to our justice system.

[Natural Allies: Philanthropy and Civil Legal Aid](#), Public Welfare Foundation (2013).

This article promotes civil legal aid as a wise investment for philanthropists seeking to make real, positive differences with their contributions. The authors discuss how philanthropic efforts have had positive effects already, whom those efforts have benefited, and future opportunities to be explored.

Jona Goldschmidt, *The Pro Se Litigant's Struggle For Access To Justice*, Fam. Ct. Rev., Vol. 40(1), 36-62 (Jan. 2002).

This paper addresses and contextualizes the resistance by the bench and bar to develop meaningful pro se assistance programs to increase access to justice. Goldschmidt notes how judges are often conflicted by litigants’ justice rights and their ethical duty as judges to remain impartial. This balancing act often tips in favor of the ethical duty of impartiality and pro se litigants often lose to represented adversaries. This paper makes suggestions for reforms that could lead to pro se litigants having greater access to legal information, better preparedness in pro se cases, and a more active role for judges to ensure access to justice.

Sub-Topic: Ethics of Using Technology in Legal Practice

Will Hornsby, Staff Counsel ABA Standing Committee on the Delivery of Legal Services, to Ronald Staudt: [The Ethics of Client Development Through Technology](#), (8/16/2010).

Will Hornsby comments on the effects the internet has had on lawyers’ development of client relationships. Lawyers must comply with evolving rules and standards of ethical client development, many of which differ from state to state. Hornsby offers some guidance on the propriety of some emerging client-development techniques, and concludes with a discussion of the cross-state obligations that arise from employing the internet.

Catherine Lanctot, [Attorney-Client Relationships in Cyberspace: The Peril and The Promise](#), 49 Duke L. J. 147 (1999).

Catherine Lanctot examines the issue of “lawyer/layperson communications in cyberspace.” Existing case

law indicates that online communications of specific legal advice are likely to be viewed as creating attorney-client relationships, despite any purported disclaimers. Lanctot's survey of case law and prior research elucidates the bar's penchant for viewing most particularized communications as creating attorney-client relationships, as well as the bar's distaste for nontraditional legal advisement. Finally, Lanctot concludes that lawyers should exercise great caution when attempting to provide legal advice by novel means.

Danielle Citron, [Technological Due Process](#), 85 Wash. U. L. Rev. 1249 (2007).

Danielle Citron notes that, in light of the embrace of the internet, document automation, and other modern technologies, traditional notions of due process require an update. Some formerly necessary procedural protections have become ineffective, redundant, or unnecessary in the face of modern technologies. At the same time, new problems have arisen with the embrace of modern technology, which require innovative solutions in the pursuit of procedural justice. This paper proposes a new, "carefully structured inquisitorial model of quality control" as an appropriate modernization of procedural regulations.

Will Hornsby, [Professional Responsibility When Lawyering in a Virtual World](#), Prepared for the 2008 ABA Tech Show.

Will Hornsby notes that regulation of lawyering services can rarely keep pace with changes in the profession. Particularly when lawyers embrace the use of new technology in their practices, states struggle to update regulations in accord with the evolving expectations of lawyers and clients. This paper examines many of the problems faced by regulators and lawyers that arise from this asynchronicity.

6.

Other Skills and Knowledge

Learning Objectives

This unit covers the skills and knowledge required of someone in a professional position, not necessarily a practicing attorney.

Sub-Topic: Cultural Competencies

Lori Berman Ph.D. and Heather Bock Ph.D., Other, Developing Attorneys for the Future: What Can We Learn From the Fast Trackers?, 52 Santa Clara L. Rev. 875 (2012).

Berman *et al.* discuss the known attributes of “fast trackers,” or individuals who set themselves apart as workplace leaders. Senior partners and the like tend to recognize these high-performing individuals easily, but businesses would benefit from labeling and categorizing early signs of excellence in new and prospective hires. While consensus exists that GPA and law school prestige frequently do not directly correlate with workplace excellence, only recently have more subtle distinctions become measurable. This article discusses such distinctive factors, delineates how they can be noticed early, and prescribes methods to develop the fast trackers’ most desirable traits.

Robert A. Mines, Rachel A. Meyer, Michael R. Mines, [Emotional Intelligence and Emotional Toxicity](#), The Colorado Lawyer, Vol. 33(4), (2004).

“Emotional intelligence” (EI) is an increasingly influential concept in business at large, and lawyers can benefit by developing and applying their EI in the workplace. Abilities to understand others’ emotions, manage one’s own emotions, generate motivation, and handle business relationships all induce efficiency and productivity in business. The benefits of an emotionally intelligent workplace are even greater in law practice, where client relationships frequently represent more than just money. Accordingly, the members of the legal community should heed the recommendations of EI experts.

Sub-Topic: Collaboration and Team Work

Roland B. Smith, [The Struggles of Lawyer-Leaders and What They Need to Know](#), NYSBA Journal, (March-April 2009).

Smith proposes that, in order to excel in the modern law practice environment, lawyers must be effective workplace leaders. This article draws from current research to clearly list some of the most desirable leadership skills for practicing lawyers.

Robert Schrank, [Two Women, Three Men on a Raft](#), Harv. Bus. Rev. (May-June, 1994).

This article discusses workplace collaboration dynamics in the context of a rafting trip, with a special emphasis on the changing nature of gender roles. The author particularly discusses how women can effectively assert themselves, and how men should be aware of the ramifications of particular behaviors.

Verna Monson and Michelle Tichy, *Entering Law Students' Conceptions of an Ethical Professional Identity and the Role of the Lawyer in Society*, The Journal of the Legal Profession, Vol. 35(2), 385 (2011).

Verna Monson and Michelle Tichy draw upon empirical research to encourage small (four to five members) group learning techniques as means to educating students academically, ethically, and socially. The authors further promote peer review and coaching as methods for enhanced student assessment. Using the authors' guidelines, legal educators can foster self-authorship, reflection, and individual accountability among their students.

7.

Professional Context

Learning Objectives

To be a successful member of the legal profession, students will need to understand the various contexts in which lawyers operate.

Sub-Topic: Changes in the Legal Profession

Thomas D. Morgan, [The Last Days of the American Lawyer](#) (January 27, 2010).

When most people picture the American Lawyer, they think of a lawyer from the 1950s and 1960s in the “golden age of the American bar” where lawyers’ lives were relatively stable. Lawyers didn’t get rich in this period, but “nobody starves.” Starting in 2009, thousands of lawyers found themselves looking for any secure place to survive a declining demand for legal services. Thomas Morgan envisions a future where there is a demand for more people trained in the law, but that training may not require a three-year graduate degree like it does today.

Michael J. Kelly, *Lives of Lawyers Revisited: Transformation and Resilience in the Organizations of Practice*, U. of Mich. Press (2007).

This book explores how the practice of lawyering has changed over the past two decades. Kelly particularly emphasizes how practice management and organizational structures have changed, and the effects of those changes upon the lawyers experiencing them. Further, Kelly predicts several issues that future lawyers should expect to face, given current trends.

Sub-Topic: Access to Justice

Rebecca L. Sandefur, [Civil Legal Needs and Public Legal Understanding](#), Am. Bar Found. and U. of Ill. at Urbana-Champaign.

Rebecca L. Sandefur, Professor at the University of Illinois College of Law, discusses in this handout the

ways in which the civil justice needs of many Americans are not being met because those needs are not being conceptualized as legal issues. Furthermore, Sandefur argues that for Americans, the location of legal services is a more influential factor than the type of legal services in their decision to seek assistance.

Rebecca L. Sandefur, *Money Isn't Everything: Understanding Moderate Income Households' Use of Lawyers' Services*, a chapter in "Middle Income Access to Justice," Anthony Duggan, Lorne Sossin, and Michael Trebilcock, editors, 2012.

The cost of legal services is often given as the prime example of why many Americans are not receiving much-needed assistance. However, Rebecca L. Sandefur, Professor at the University of Illinois College of Law, argues that two important sociological factors are also at work in shaping how moderate income households are using lawyers' services: the social construction of legality and social searching. First, people do not view their civil justice needs as legal issues, and therefore do not see legal service providers, such as lawyers, as appropriate resources. Second, social searching is a method by which people choose legal service providers based on referrals from people they already know.

Jeanne Charn, [Celebrating the "Null" Finding: Evidence-Based Strategies for Improving Access to Legal Services](#), 122 Yale L.J. 2206 (2013).

Jeanne Charn, a pioneer in clinical legal education who teaches at Harvard Law School, published a startling article in the Yale Law Journal about the Civil Gideon movement and reform of courts to support expanded self help. "We should measure improved access to legal services by the extent to which self-empowered consumers are able to resolve everyday legal problems on their own or with limited assistance," Charn argues. The surprise: with significant caveats, among the few studied types of claims, litigants with access to representation were no more likely to reach favorable outcomes than pro se litigants were.

Sub-Topic: Disrupting Legal Practice

Jonathan Jenkins, [What Can Information Technology Do For the Law?](#), 21 Harv. J. L. & Tech. 589 (2008).

Jonathan Jenkins notes that "much of current legal work is embarrassingly, absurdly, wasteful." While information technology has taken firm root in the workplace routines of most every industry, practitioners of law are lagging in their embrace of all that IT has to offer. Automation of basic tasks and the use of analytical artificial intelligence can greatly benefit law practices, and this piece examines the various ways in which practitioners of law can implement IT and AI tools to make their offices more efficient, effective, and profitable.

Darryl Mountain, [Could New Technologies Cause Great Law Firms to Fail?](#), J. of Info., L. and Tech. 1 (2001).

In this article from 2001, Darryl Mountain warns that law firms that do not embrace information technology, and reinvent themselves accordingly, are doomed in the increasingly technological marketplace. The efficiencies and capabilities of those firms that do embrace IT and automation tools will, over time, marginalize those firms that do not. Whether a firm develops an in-house legal web advisor team, or commissions outside tech teams to implement similar services, Mountain predicts that law firms must modernize or die. While reading, consider (1) how the practice of law (read: clients' interests) has changed

since 2001, (2) whether Mountain’s warnings hold greater or less weight today than in 2001, and (3) how might Mountain change his advice, given the modern states of apps, connectivity, and client expectations.

Sub-Topic: Regulatory Limits and the Practice of Law

Gillian K. Hadfield, [Legal Barriers to Innovation: The Growing Economic Cost of Professional Control Over Corporate Legal Markets](#), 60 Stan. L. Rev. 1689 (2008).

This paper focuses on the significant and increasing costs of self-regulation for a core market in which legal services are provided: services to corporate and other business entities. Hadfield notes that the procedural complexity of the law, “rooted in the traditional practices of lawyerly reasoning and dispute resolution, is the primary driver of increased costs.” Hadfield describes the history behind the costly status quo, and offers potential remedies.

Taiwo Oriola, [The Use of Legal Software by Non-Lawyers and the Perils of Unauthorised Practice of Law Charges in the United States](#), Artificial Intelligence and Law, Vol. 18(3), (2010).

Taiwo Oriola critically reviews the 9th Circuit Court of Appeals decision *In re: Jayson Reynoso: Frankfort Digital Services et al., v. Sara L. Kistler, United States Trustees et al.*, 477 F.3d 1117 (2007). The non-lawyer appellants were indicted for unauthorized practice of law for providing only bankruptcy document creation services. This paper discusses the specificities and ramifications of the decision, particularly in light of litigants’ constitutional and procedural rights. Finally, Oriola offers a best practices guide for the use of legal software or expert systems in law by non-lawyers.

Catherine J. Lancot, [Scriveners in Cyberspace: Online Document Preparation and the Unauthorized Practice of Law](#), 30 Hofstra L. Rev. 811 (2002).

Lawyers have a difficult time defining what they mean by “the practice of law,” and the lack of a clear definition causes added challenges as the practice of law faces economic crises. Though web-based automated lawyering services could alleviate some of the economic troubles faced by legal practitioners, the current, amorphous definition of “legal practice” puts such web-based services on dubious ground. This article describes the troubles of the current definition of the “practice of law,” and proposes a more effective alternative.

ABA Standing Committee on the Delivery of Legal Services, [White Paper: An Analysis of Rules that Allow Lawyers to Serve Pro Se Litigants](#), Am. Bar Ass’n. (2009).

The various jurisdictions in the U.S. employ differing rules to regulate attorney-client relationships. This white paper discusses how states are modernizing these rules to accommodate the increasing number of pro se litigants nationwide. In order for lawyers to service clients who would otherwise represent themselves in court, states have created or updated rules regarding limited-scope engagements. Essential aspects of such limited attorney-client rules are discussed, including communication between counsel and parties, document preparation, and parties’ rights and obligations under various circumstances. Finally, the white paper provides appendices that serve as quick guides regarding the specific questions and rules discussed throughout.

Janson v. LegalZoom.com, Inc., 802 F.Supp.2d 1053 (2011).

New legal questions emerge as technology facilitates more expedient and convenient delivery of legal services. In this 2011 case, the U.S. District Court for the Western District of Missouri examined whether LegalZoom, a popular online legal solution site, was engaged in the unauthorized practice of law when its online portal offered a legal document preparation service to customers. The court heard arguments based in Missouri state law as well as constitutional questions related to the First Amendment, due process, and preemption.

Laurel S. Terry, Steve Mark, and Tahlia Gordon, [Trends and Challenges in Lawyer Regulation: The Impact of Globalization and Technology](#), 80 Fordham L. Rev. 2661 (2012).

Globalization and modern technology have increased the pace of change in the legal profession, and so practitioners and regulators are constantly faced with novel problems to resolve. This article identifies six different types of challenges facing modern lawyers and regulators and analyzes some of the regulatory trends that are emerging in response to those issues. With a special emphasis on the justifications for regulation of lawyering services, the authors discuss regulatory reactions to novel uses of technology by lawyers around the world.

8.

Legal Knowledge, Analysis and Reasoning

Learning Objectives

In order to adequately participate in the course project, students will need to have an understanding of substantive and procedural law related to their project. Additionally, students will gain skills in legal research, problem-solving, and written and oral communication in the legal context. Some resources below offer a sample of materials from specialized areas of law that have been taught in A2J courses, including health rights and domestic relations.

Lucie White, [Subordination, Rhetorical Survival Skills, and Sunday Shoes: Notes on the Hearing of Mrs. G.](#), 38 Buff. L. Rev. 1 (1990).

Lucie White contends that *Goldberg v. Kelly* suggests “the Nation’s basic commitment” to provide “procedural justice” to all individuals within its borders. Equal and just treatment under our justice system requires of us an ongoing pursuit of “procedural justice,” which implies the removal or minimization of procedural barriers that hinder access to the courts. White presents the pursuit of procedural justice as necessary to the ultimate goal of stronger and more meaningful opportunities for participation in the justice system.

Goldberg v. Kelly, 397 U.S. 254 (1970).

This 1970 SCOTUS ruling held that the Due Process Clause of the 14th Amendment requires an evidentiary hearing before a recipient of certain government benefits can be deprived of such benefits. While an individual is not always entitled to a trial in such circumstances, he or she is entitled to an oral hearing before an impartial decision-maker, the right to confront and cross-examine witnesses, and the right to a written opinion setting out the evidence relied upon and the legal basis for the decision.

ABA Model Rule of Professional Conduct, 1.14: [Client With Diminished Capacity](#) with [Comments](#)

Flowers, Gorin and Swain, [A Clinical Practitioner's Guide to Social Security Benefits](#) (2010).

Ellman, Dinerstein, Gunning, Kruse and Shalleck, *Lawyers and Clients*, Ch. 2, Connection Across Difference and Similarity (2009).

Mathews v. Eldridge, 424 U.S. 319 (1976).

This case balances against *Goldberg v. Kelly*, and indicates that the Court still limits the extent to which procedural due process may outweigh the Court's interest in efficiency. Ultimately, the Court held that due process is "flexible" and requires only "such procedural protections as the particular situation demands." In some instances, as in this case, procedural safeguards can adequately uphold due process requirements without granting the petitioner a hearing.

USCIS [Guide to Naturalization](#) (March 2012).

The U.S. Citizenship and Immigration Services (USCIS) created this guide to provide useful and consistent information to people interested in naturalization. Naturalization is the manner by which a person not born in the U.S. voluntarily becomes a U.S. citizen.

Appellee's Answer Brief, *Florida Dept. of Health v. Miguel Mora Rodriguez*, Case No. 1D07-3323 (Fla. 1st DCA 2007).

Peter Margulies, [The Mother with Poor Judgment and Other Tales of the Unexpected: A Civic Republican View of Difference and Clinical Legal Education](#), 88 Nw. U. L. Rev. 695 (1994).

This article presents civil litigation assistance from the perspective of "civic republicanism," Margulies' preferred term for open mindedness, flexibility, and lack of bias for lawyers when approaching new clients. Margulies also promotes the benefits of clinical legal educations, and expounds on a few best practices to be reinforced by clinical education.

[Florida Rules of Professional Conduct, Rule 4-1.2 with Comments](#)

Togstad v. Vesely, Otto, Miller & Keefe, 291 N.W. 2d 686 (Minn. 1980).

In this case, the Supreme Court of Minnesota affirmed a ruling by the trial court that a lawyer was negligent in informing the plaintiff that no viable medical malpractice suit could be brought where the plaintiff's husband suffered severe paralysis as a result of a procedure that restricted blood flow to his brain. The defendant did not perform the minimal research an ordinarily prudent attorney would before rendering an opinion as to the viability of the claim as well as failing to inform the plaintiff of the two year statute of limitations for medical malpractice.

Florida Statutes, Ch. 744

[Florida Statutes \(2013\), Domestic Relations, Guardianship](#)

[Idaho Legal Aid's Senior Legal Guidebook](#)

This helpful guidebook addresses several important legal topics that are pertinent to seniors. Among other

things, this guidebook provides information on Medicare and Medicaid, Social Security, veterans' benefits, nursing homes and other residential facilities, and managing personal affairs, including a durable power of attorney for health care.

9.

Technological Skills and Knowledge

Learning Objectives

The 21st century lawyer will be faced with a variety of technological tools. An understanding of the underlying processes of these tools as well as the implications of using them will be necessary.

Sub-Topic: Legal

Stephanie Kimbro, [Practicing Law Online: Creating a Web-Based Virtual Law Office](#), (2010).

Stephanie Kimbro examines the ethical implications of the “virtual law practice.” Maintenance of client confidentiality in the web-based world carries a number of new problems to face, and the attorneys facing them must have at least a basic understanding of software security if they are to operate ethically. This book offers in-depth discussions of web-based “software as a service” technologies, their roles in the practice of law, and the ethical implications of their use.

Brian Donnelly, “What Does Digital Lawyer” Mean?, a chapter in [Educating the Digital Lawyer](#), Oliver Goodenough and Marc Lauritsen, editors, Harvard Law School, Program on the Legal Profession, 2012.

Brian Donnelly, one of the teachers of the Lawyering in the Digital Age Clinic at Columbia Law School, highlights important scholarship that addresses the topic of what it means to be a “digital lawyer.” Additionally, Donnelly outlines the major issues that deserve consideration when developing a curriculum to educate lawyers on practicing law in a digital world.

Conrad Johnson & Brian Donnelly, [If Only We Knew What We Know](#), 88 Chi.-Kent L. Rev. 729 (2013).

The Lawyering in the Digital Age Clinic has taught law students how to use practice and technology tools in a professional setting for the better part of a decade. Conrad Johnson and Brian Donnelly, who teach the course at Columbia Law School with Mary Zulack, explain their clinical education process as knowledge management where their students learn how to use expert systems to make tacit knowledge of experts explicit for users.

Maura Grossman and Gordan Cormack, [Technology-Assisted Review in E-Discovery Can Be More Effective and Efficient Than Exhaustive Manual Review](#), 17 Rich. J.L. & Tech. 11 (2011).

Maura Grossman and Gordan Cormack oppose the traditional view that manual, personal review of data by experts is more effective than automated e-discovery. While the efficiency benefits of automated e-discovery are immediately obvious, Grossman and Cormack draw upon recent research to show that automated e-discovery can bring about more easily-recalled and precise results. The authors discuss the research that brought about this conclusion, the nature of automated e-discovery's superiority, and how e-discovery automation is improving over time.

Jonathan Jenkins, [What Can Information Technology Do For the Law?](#), 21 Harv. J. of L. & Tech. 589 (2008).

Jonathan Jenkins notes that “much of current legal work is embarrassingly, absurdly, wasteful.” While information technology has taken firm root in the workplace routines of most every industry, practitioners of law are lagging in their embrace of all that IT has to offer. Automation of basic tasks and the use of analytical artificial intelligence can greatly benefit law practices, and this piece examines the various ways in which practitioners of law can implement IT and AI tools to make their offices more efficient, effective, and profitable.

Lawrence Cunningham, [Language, Deals and Standards: The Future of XML Contracts](#), 84 Wash. U. L. Rev. 313 (2006).

eXtensible Markup Language (XML) structures information in documentary systems ranging from financial reports to medical records and business contracts. XML standards for specific applications are developed spontaneously by self-appointed technologists or entrepreneurs. XML's social and economic stakes are considerable, especially when developed for the private law of contracts. XML can reduce transaction costs but also limit the range of contractual expression and redefine the nature of law practice. So reliance on spontaneous development may be sub-optimal and identification of a more formal public standard setting model necessary. To exploit XML's advantages while minimizing risks, this Article envisions creating a publicly oriented foundation to set XML-based standards for the private law of corporate contracts. The Article's specific inquiry concerning corporate contracts illuminates XML's broader implications, making the standard-setting model it contributes adaptable to other contexts.

Sub-Topic: Data

Daniel Martin Katz, [Quantitative Legal Prediction – or – How I Learned to Stop Worrying and Start Preparing for the Data Driven Future of the Legal Services Industry](#), 62 Emory L. J. 909 (2013).

Daniel Martin Katz notes that lawyers are constantly asked to make predictions concerning exposure, costs, potential benefits, and much more. While experiential knowledge is certainly useful for making more accurate predictions, Katz argues that software-based quantitative legal prediction tools are an emerging and viable improvement upon lawyers' more traditional methods of prediction. Katz believes that law firms and schools should closely examine quantitative legal prediction tools if they are to thrive in the data-driven future of the legal services industry.

Sub-Topic: Usability

Plain Language Online Course: A Self-Guided Learning Experience, by Jeff Hogue

Jeff Hogue offers various techniques to ensure effective presentation of information. Hogue's stepwise lessons cover topics such as aesthetic tools, plainness of language, awareness of one's audience, and much more. Students are encouraged to peruse the contents listed on the left of each lesson when confronted by an information presentation problem.

Plain Language School – Lesson 1: [Analyze a Document](#)

Plain Language School – Lesson 2: [Readability Concepts](#)

Plain Language School – Lesson 3: [Case Study](#)

[A Plain Language Handbook: Write For Your Reader](#), by NWT Literacy Council.

This handbook gives you the tools to write or edit your documents in plain language and aesthetic simplicity. The handbook provides comprehensive and nuanced instruction while also serving as a complete example of simple, effective information presentation. Specific tips are strewn through a general guide on honing one's ability to clearly convey information.

Plain Language Tools from WriteClearly.org

WriteClearly.org is a website by Legal Assistance of Western New York (LawNY) that includes collections of legal aid-focused plain language documents, online tools and other plain language resources.

[WriteClearly's library](#)

[Plain Language Glossary](#)

[Plain Language Collection](#)

[OpenAdvocate's WriteClearly Plain Language Authoring Tool](#)

William H. DuBay, [The Principles of Readability](#), (2004).

This article offers a short history of literacy studies in the U.S. and a short history of research in readability and the readability formulas. These histories help the reader to understand why some readability techniques are more popular or effective than others. Further, the article calls for its audience to more deeply contemplate the simple question: "How and why do I prefer to receive information the way I do?"

Additional Resources

[plainlanguage.gov](#): This site explores the plain language movement and offers examples, tips and tools including guidelines, a word suggestion list, before and after comparisons, and more.

[The Center for Plain Language](#): This site provides information, guidelines and tips on communicating in plain language.

[Plain Language Resources by Transcend](#): Transcend is a translation agency that also provides online plain language training resources.

Phil Malone et al., [Best Practices in the Use of Technology to Facilitate Access to Justice Initiatives](#), Berkman Center for Internet & Society at Harvard University (2010).

Harvard's Berkman Center for Internet & Society draws upon recent research to evaluate the ways that technology can facilitate access to justice, and offers a set of best practices, strategic plans and recommendations for deploying such technology. This article explicitly details how data was collected and the rationale behind the researchers' conclusions.

[The Research-Based Web Design & Usability Guidelines](#), Washington: U.S. Government Printing Office, 2006.

The U.S. Department of Health and Human Services offers this guide on effective visual presentation of web-based content.

Additional Resources from Usability.gov

The U.S. Department of Health and Human Services offers this guide on effective visual presentation of web-based content.

[Usability basics](#)

[Usability methods](#)

[Customizable Templates](#)

Additional Suggested Readings

Stephen Few, [Information Dashboard Design: The Effective Visual Communication of Data](#) (2006).

Edward Tufte, [The Cognitive Style of PowerPoint](#) (2006).

Sub-Topic: Expert Systems

Darryl Mountain, *Disrupting Conventional Law Firm Business Models Using Document Assembly*, Int. J. of L. and Info. Tech., Vol. 15, No. 2 (2006).

Darryl Mountain discusses an ongoing shift in the practice of law, as information technology and document assembly services take hold in the law practice business model. Mountain discusses the benefits of embracing such technology, as well as the barriers that must be overcome before clients will see the full benefits of its use. Finally, Mountain predicts that the shift towards the use of document assembly and other IT-based automation services is inevitable, and so this piece prepares practitioners of law to make the best of the disruption of "billable hour" business model.

Marc Lauritsen, [Fall In Line with Document Assembly](#), Law Office Computing (Feb/March 2006).

Marc Lauritsen provides a brief overview of document assembly services available in 2006 and their quick

development since the 1970s. Lauritsen lists the basic tenets of such services, current offerings in the field, and their benefits to clients and firms alike in the 21st century. Finally, Lauritsen advises law firms about what to ask themselves when determining which types of document assembly services deserve closer review and how to implement such services appropriately.

Sub-Topic: Artificial Intelligence

Edwina Rissland, [Artificial Intelligence and Law: Stepping Stones to a Model of Legal Reasoning](#), 99 Yale L. J. 1957 (1990).

Edwina Rissland discusses developments in the interdisciplinary field of Artificial Intelligence (AI) and the law. AI technology, combined with the structured models of legal argument, can enable lawyers to view patterns in legal reasoning from new and innovative perspectives. Rissland proposes that, by looking to the developments in AI technology in the legal context, as well as barriers to its deeper integration, lawyers can make substantial progress towards the creation of models of legal reasoning and prediction.

Cass Sunstein, [Of Artificial Intelligence and Legal Reasoning](#), University of Chicago Law School Roundtable, Vol. 8 (2001).

Cass Sunstein discusses some limits of Artificial Intelligence (AI) technology in 2001. Sunstein contends that AI in 2001 could not reason by analogy, as such technology could not identify the normative principles that link separate cases. AI technology of the time was capable of recognizing similar simple elements of multiple cases, rather than recognizing the logical elements that can underlie otherwise dissimilar cases. However, Sunstein readily recognizes that the limitations of 2001 could be overcome in the near future, so the reader should ask themselves whether modern AI technologies have surpassed some of the barriers discussed in this article.

Thomas H. Davenport and Jeanne G. Harris, [Automated Decision Making Comes of Age](#), MIT Sloan: Mgmt. R. Mag., (Summer 2005).

The authors note that the long-awaited promise of automated decision-making systems has finally become a reality in a variety of industries. Innovations primarily in the ease of integration of automated decision-making systems have finally made implementation of such systems feasible. As anticipated, automated decision-making systems are helping to reduce costs, increase efficiency, and improve quality and consistency.

10.

Legal Education

Learning Objectives

The readings in this section are meant for the instructor and colleagues. They provide a general foundation and provide context for teaching a course such as this.

Sub-Topic: Curriculum

Ronald W. Staudt & Andrew P. Medeiros, [Access to Justice and Technology Clinics: A 4% Solution](#), 88 Chi.-Kent L. Rev. 695 (2013).

Ronald Staudt and Andrew Medeiros argue that the law school curriculum should include a new type of course that simultaneously lowers barriers to justice for low income people while significantly improving the practice readiness of law school graduates. The Justice & Technology Practicum, taught by Staudt at IIT Chicago-Kent College of Law, teaches students traditional legal skills while also developing soft skills by building A2J Guided Interviews for use by statewide legal aid organizations.

Ronald W. Staudt, [Apps 4 Justice: Law Schools, Technology and Access to Justice](#), a chapter in “Educating the Digital Lawyer,” Oliver Goodenough and Marc Lauritsen, editors, Berkman Center at Harvard University, 2012.

Ronald Staudt notes that the civil justice system is failing the poor, with over 80% of the legal needs of low-income people going unmet. Further, law schools are failing their students by not providing practical lessons for the modern law environment. This paper proposes that law schools can resolve both of these problems by offering an Apps 4 Justice Clinic, which can deliver essential, pragmatic education while simultaneously improving our legal services delivery system for the poor.

Brian Donnelly, *What Does “Digital Lawyer Mean?”*, a chapter in “[Educating the Digital Lawyer](#),” Oliver Goodenough and Marc Lauritsen, editors, Harvard Law School, Program on the Legal Profession, 2012.

Brian Donnelly, one of the teachers of the Lawyering in the Digital Age Clinic at Columbia Law School, highlights important scholarship that addresses the topic of what it means to be a “digital lawyer.”

Additionally, Donnelly outlines the major issues that deserve consideration when developing a curriculum to educate lawyers on practicing law in a digital world.

Tanina Rostain et al., [Thinking Like a Lawyer, Designing Like an Architect: Preparing Students for the 21st Century Practice](#), 88 Chi.-Kent L. Rev. 743 (2013).

Building systems has become a critical skill among legal practitioners. While courses like the one taught at Georgetown University Law Center also teach legal analysis, empathy, and plain language communications, Tanina Rostain, Roger Skalbeck, and Kevin Mulcahey argue that law students also learn to approach a legal process systematically by developing “legal apps” with programs like Neota Logic and A2J Author®.

Verna Monson and Michelle Tichy, *Entering Law Students’ Conceptions of an Ethical Professional Identity and the Role of the Lawyer in Society*, The Journal of the Legal Profession, Vol. 35(2), 385 (2011).

Verna Monson and Michelle Tichy draw upon empirical research to encourage small (four to five members) group learning techniques as a means to educate students academically, ethically, and socially. The authors further promote peer review and coaching as methods for enhanced student assessment. Using the authors’ guidelines, law educators can foster self-authorship, reflection, and individual accountability among their students.

William Hornsby, [Challenging the Academy to a Dual \(Perspective\): the Need to Embrace Lawyering for Personal Legal Services](#), 70 Md. L. Rev. 420 (2011).

William Hornsby examines the changes to the nature and structure of law practice over the last half century. Providers of personal legal services in areas such as domestic relations, personal real estate transactions, and individual debtor’s bankruptcies have been transformed by changes in markets and technologies. This essay explores these transformations, their causes, and their impacts on both practitioners and clients. Finally, it concludes with recommendations for law schools to update curricula accordingly.

Ron Friedmann, [The Business Case for Delivering Legal Advice Over the Web](#), Jnana Technologies Corporation (2001).

Ron Friedmann examines the economics of creating and maintaining online legal services, and expounds upon the business incentives for law firms to implement such services. Moreover, Friedmann discusses the practicalities of providing quality online legal services, their structural benefits for law firms, and their appeal to clients. This article recognizes a growing trend in 2001, so you may ask yourself to what extent has the legal services industry embraced Friedmann’s recommendations? Which recommendations remain valid? Which recommendations have grown weightier over time?

Ronald W. Staudt, White Paper: [Leveraging Law Students and Technology to Meet the Legal Needs of Low-Income People](#), Chicago-Kent College of Law (2007).

Ronald Staudt notes two problems in the modern legal community with a single solution. First, the complexity of the legal system, costliness of lawyers’ services, and educational barriers prevent low-income individuals from effectively accessing our court more often than not. Second, by neglecting to train students in practical, modern workplace technologies, law schools are failing to meet the needs of the 21st century

law student. Staudt proposes that law schools can provide more valuable educations to their students while helping low-income individuals gain greater access to courts. By training students in the use of document assembly services, and having students serve as courthouse guides for low-income litigants, law schools can provide the practical education sought by their students while helping to resolve the justice gap for low-income litigants.

Larry Hardesty, [Learning software development — by developing software](#), MITnews (April 24, 2013).

Larry Hardesty discusses MIT's modern interpretation of the old adage: "learning by doing." Rather than using a course book and lesson plan for teaching programming, students participate in large, ongoing, open-source software development projects while being mentored by professors and industry professionals. In so doing, students gain more practical knowledge than they could from more traditional courses, and gain more satisfying results by producing tools for the real world.

Conrad Johnson & Brian Donnelly, [If Only We Knew What We Know](#), 88 Chi.-Kent L. Rev. 729 (2013).

The Lawyering in the Digital Age Clinic has taught law students how to use law practice and technology tools in a professional setting for the better part of a decade. Conrad Johnson and Brian Donnelly, who teach the course at Columbia Law School with Mary Zulack, explain their clinical education process as knowledge management where their students learn how to use expert systems to make tacit knowledge of expert explicit for users.

Sub-Topic: The Future of Legal Education

William M. Sullivan et al., *Educating Lawyers: Preparation for the Profession of Law* (2007).

The Carnegie Foundation for the Advancement of Teaching spent two years taking a comprehensive look at the methods for teaching and learning the law in U.S. and Canadian law schools. The Carnegie Report presents a rich image of how law schools transform students into professionals and rethinks the goal of "thinking like a lawyer."

Elizabeth Chambliss, [Two Questions for Law Schools about the Future Boundaries of the Legal Profession](#), 36 J. of the L. Prof. 329 (2012).

Law schools face two critical strategic problems. This essay suggests that critical theory and research can resolve both of these problems. The first problem is the increasing segmentation of the profession, both between corporate and personal legal services, and also between commodity and "bespoke" or "high-margin" work in both sectors. The second problem is widespread pressure for deregulation of practice, such that non-lawyers can provide various adequate legal services, undercutting the typical cost of lawyers. This essay elaborates upon these issues and proposes that law schools can resolve them by embracing the modern legal environment, providing a wider range of specialization programs, and prioritizing access to justice.

PART III

Training Materials

11.

A2J Author® Training Materials

A2J Author

The A2J Authoring Guide for Version 5.0

The [A2J Authoring Guide](#) is an online document that provides instructions for installing the software. It also provides a detailed description of the entire process of interview creation, from accessing the software to uploading a completed interview to the LawHelp Interactive server.

New York State Courts Access to Justice Program, [Document Assembly Programs Best Practices Guide for Court System Development and Implementation Using A2J Author®](#) (2013).

This document provides a practical guide on why and how to implement document assembly and A2J services, based upon New York State Courts' experience in implementing document assembly services for low-income litigants. A2J Author® is featured throughout.

Pay special attention to Part II: Programming Essentials, pages 13-21.

All Inclusive A2J Guided Interview

Visit Law Help Interactive and complete the [All Inclusive A2J Guided Interview®](#) to see an illustration of all the features available in A2J Author®. Listen to audio clips, click “learn more” buttons, and experience all the tools at A2J Author's disposal.

Alternative uses for A2J Author and Guided Interviews

Ronald W. Staudt, All the Wild Possibilities: Technology that Attacks Barriers to Access to Justice, 42 Loyola L.A. Law Rev. 1117 (2009).

Ronald Staudt notes that existing legal services cannot address the bulk of legal problems faced by the poor. With as much as 80% of the legal services needs of low-income Americans going totally unmet, Staudt proposes that software-based automation of basic legal services should be deeply explored as a solution to America's justice gap. Using software such as A2J Author®, lawyers can build guided internet interviews

for prospective clients and pro se litigants, automating some of the basic services that would otherwise never be rendered. Regardless of whether or how A2J Author® is employed by lawyers, such software gives us some perspective on some possible service models of the future, as well as potential solutions to America's justice gap.

Final Report from TIG 09558: Northwest Justice Project Clear Online

The [final report](#) on a project funded by a Technology Innovation Grant (TIG) related to A2J Author.

Final Report from TIG 09478: Utah Legal Services Online Intake

The [final report](#) on a project funded by a TIG grant related to A2J Author.

Final Report from TIG 07193: Legal Aid of Western Ohio Online Intake

The [final report](#) on a project funded by a TIG grant related to A2J Author.

[Two More TIG Recipients Successfully Launch Online Intake and Triage Portals](#)

Reports on recently completed TIG projects “show online intake’s incredible value to the legal aid community, including its capacity to save time at legal aid call centers, lower the volume of data entry into case management systems, and ultimately help providers stretch their budgets further to serve low-income clients more effectively.”

Northwest Justice Project allows users to [Get Legal Help](#) through [CLEAR*Online](#)

CLEAR is Washington’s centralized intake, advice and referral service for low-income individuals seeking free legal assistance with civil legal problems. Explore this tool to appreciate the experience faced by Washington’s pro se litigants.

ABLE and LAWO Allow Users to Access Their Legal Help Line through the Web in Both Spanish and English

Advocates for Basic Legal Equality, Inc. and Legal Aid of Western Ohio, Inc. provide expanded language support to its users by creating A2J Guided Interviews in both [Spanish](#) and [English](#).

HotDocs

[HotDocs 10 Developer Installation Guide and Tutorial](#)

This PDF document is broken into lessons designed to be done one at a time. These lessons will take several hours to complete. By completing them, you will become well versed in the use of HotDocs 10 and learn how data collected by an A2J Guided Interview can be assembled into a useful court document. It is suggested that new users start by completing Lessons 1-16 (skip 11, 14, and 17).

[Help Topics for HotDocs Developer 10](#)

[HotDocs Wiki](#)

[Standards and Practices for HotDocs Server Applications in Legal Services](#) by Capstone Practice Systems (2011)

A roughly 30-page resource prepared and maintained by Capstone Practice Systems. This resource addresses template standards, naming conventions, selecting, planning and designing applications, pointed component files, HotDocs versions and other topics relevant to developing templates for deployment in HotDocs Online.

Introduction to A2J Author and HotDocs

- [PowerPoint](#)
- [Lesson 1 from HotDocs 10 Developer Installation Guide and Tutorial](#)
- [Run through the All Inclusive A2J Guided Interview](#)

Basic HotDocs Training

Parts 1 & 2

Parts 3-9

Basic Training Exercise

Introduction to HotDocs

Example: [Order of Protection](#)

Advanced HotDocs Training

Overview & Part 1

Part 2

Part 3

Part 4

Part 5

A2J Author New User Training

A2J Author – The Basics

A2J Author – The Interview Tab Features

Importing Variables into A2J Author

Organizing Steps Tutorial

New User Training – Back to Basics – Question Design

New User Training – How to Create Repeat Loops

New User Workshop – Functions

New User Training – Program Variables

New User Training – Simple & Conditional Branching

New User Training: Adding Audio, Video, & Graphics

New User Training – Multiple Choice & Check Boxes

New User Training – Advanced Conditions

New User Training – Exit to Save

New User Workshop – Variable Macros

A2J Author Advanced User Training

Advanced User Forum – Nested Repeat Loops

Advanced User Forum – Let’s Talk About Best Practices

Plain Language

- Plain Language & Readability

Test Assembly

- [Exporting Answer Files From A2J Author to HotDocs](#)

PART IV

Syllabi

12.

Traditional Clinic Syllabi

City University of New York's (CUNY) Elder Law Clinic

MAIN STREET LEGAL SERVICES, INC.

The City University of New York

CUNY SCHOOL OF LAW

Elder Law Clinic (718) 340-4300 Tel 2 Court Square

msls@mail.law.cuny.edu (718) 340-4478 Fax Long Island City, NY 11101

CUNY School of Law Fall 2013

Elder Law Clinic, Main Street Legal Services

Supervising Attorneys/Professors

Degna P. Levister, office 5-313, phone 340-4475 levister@law.cuny.edu

Joseph A. Rosenberg, office 5-307, phone 340-4375 joe.rosenberg@law.cuny.edu

Administrative Support

Ayesha Yasmin, clinic office, phone 340-4162 ayesha.yasmin@law.cuny.edu

Course website: LexisNexis webcourse: Elder Law Clinic

Available through <http://webcourses.lexisnexis.com>

Elder Law Clinic (clinics_101497)

Elder Law Clinic Office: Clinic E, Room 5-207

Clinic Office Hours: Monday – Thursday from 9–5; Friday 9-5 (if necessary) Seminar Meetings: Tuesday & Thursday 9:30 a.m.-12:30 p.m.

*Additional required group activities may be scheduled on Mondays & Wednesdays

Required texts:

FROLIK & KAPLAN, ELDER LAW IN A NUTSHELL (5TH ED.)
(“Nutshell”)

GOLDFARB & ROSENBERG, NEW YORK ELDER LAW (2012/13)
(“N.Y. Elder Law”)

also available online at <http://www.lexisnexis.com/research> under New York, Elder Law,

New York Elder Law (and through “Elder Law Research Links” on ELC website)

KAPP, LEGAL ASPECTS OF ELDER CARE (2010)
(“Elder Care”)

KREIGER & NEUMANN, ESSENTIAL LAWYERING SKILLS: INTERVIEWING, COUNSELING,
NEGOTIATION, AND PERSUASIVE ANALYSIS, (4TH ED.)
(“Essential Lawyering Skills”)

MAUET, TRIAL TECHNIQUES (9TH ED.)
(“Mauet”)

MOODY & SASSER, AGING: CONCEPTS AND CONTROVERSIES (7TH ED.)
(“Aging”)

NEW YORK SURROGATE’S COURT PRACTICE 2012 GREENBOOK
(“Greenbook”)

Note: assignments will usually also include handouts posted on the ELC website

Week 1 August 26-August 30

Date	Topics	Assignments	Activities
August 26 (Monday)		Submit “learning goals letter” with resume & writing sample	Move into ELC office
	Welcome & introductions		
	Main Street Legal Services and the clinical experience		
August 27 Seminar	Professionalism & the Indeterminate Zone of Practice	Handout/Material Posted on ELC Website	
	Collaboration		
	Supervision		
			Technology & Law Practice (9:30-10)
August 28 (Wednesday)		Submit Images of Aging post to ELC blog	Project meeting in ELC office (10-11)
			Amicus Training in ELC office (11-12)
			Brown Bag Lunch (12-1)
August 29 Seminar	Framework of Article 81 Guardianships: Procedure & Substantive Law	Handout/Material Posted on ELC Website	

Week 2 September 2-6

Date	Topics	Assignments	Activities
	Role of race, ethnicity, culture, & gender in lawyering		
September 3 Seminar	Implications for interviewing in Article 81 Guardianship “context”	Handout/Material Posted on ELC Website	
	Interviewing process: planning, doing, & reflecting		
	Professional responsibility issues		
September 4 (Wednesday) (no classes after 3)	Interviewing	Submit interview plan to your folder on the ELC website	Interviewing simulation (see schedule for interviewing & observing times)
			Pick up legal memo assignment
September 5—No classes			Assignments for next week

Week 3 September 9-13

Date	Topics	Assignments	Activities
September 9 (Monday 9:30-12)	Interviewing	Handout/Material Posted on ELC Website	
	Professional Responsibility		Submit reflection memo on interview simulation before this seminar
	Role of the Court Evaluator & Attorney for parties		Submit legal memo analyzing Article 81 pleadings before this seminar
	Role of Medical Evidence		
September 10 Seminar	Article 81 Hearings	Handout/Material Posted on ELC Website	Court observation: Justice Alexander Hunter, Supreme Court, Bronx County, 851 Grand Concourse, Room 408 (meet outside courtroom no later than 9:15 a.m.)
September 11 (Wednesday)			Submit reflection memo on court observation to your folder on ELC website
September 12 Seminar	Article 81 Hearings	Handout/Material Posted on ELC Website	Court observation: Justice Laura Visitacion-Lewis, Supreme Court, N.Y. County, 60 Centre St., Room 669 (meet at bottom of courthouse stairs at 9:30 a.m.)

Week 4 September 16-20

Date	Topics	Assignments	Activities
September 16 (Monday 9:30-12)	Article 81 Hearings Debrief Court Observations	Handout/ Material Posted on ELC Website	Submit reflection memo on court observation to your folder on ELC website before this seminar
	Article 81 Guardianships		
September 17 Seminar	Appointment of guardian: role, powers, duties, & accountability Guest speakers: Laura Negron & Carrie Goldberg, Director & Staff Attorney, Guardianship Project, Vera Institute of Justice (http://www.vera.org/p roject/guardianship)	Handout/ Material Posted on ELC Website	
September 18 (Wednesday)			
September 19 Seminar	Article 81 Advocacy & Litigation Guest speakers: Kim Tate-Brown & Lauren Hyman, Attorneys, Mental Hygiene Legal Service	Handout /Material Posted on ELC Website	

Week 5 September 23-27

Date	Topics	Assignments	Activities
September 23 (Monday)	Structure & operation of a multi-service not for profit community based organization (including legal services)	Handout/ Material Posted on ELC Website	Field trip: Lenox Hill Neighborhood House (331 E. 70th Street, N.Y. N.Y.)(meet at this address in the lobby at 9:30 a.m.). http://www.lenoxhill.org/content/home
	Estate Planning Fundamentals		
September 24 Seminar	Wills, Trusts, Powers of Attorney, & Health Care Directives	Handout/ Material Posted on ELC Website	
	Counseling		
September	Estate Planning	Handout /Material	
25	Fundamentals (con't) or	Posted on ELC	
(Wednesday			
9:30-12)	Medicaid Home Care		
September 26 Seminar	Article 81 Hearings	Handout /Material Posted on ELC Website	Court observation: Justice Tanya Kennedy, Supreme Court, N.Y. County, 111 Centre St., Room 934 (meet outside courtroom at 9:30 a.m.)

Date	Topics	Assignments	Activities
September 30 (Monday)			Submit reflection memo on court observation to your folder on ELC website by 9 a.m. today
October 1 Seminar	Case rounds	Handout/Material Posted on ELC Website	
October 2 (Wednesday)			
	Article 81 Guardianships: assessing mental capacity		
October 3 Seminar	Guest speaker: Dr. Merrill Rotter, Director, Division of Law & Psychiatry, Albert Einstein College of Medicine	Handout /Material Posted on ELC Website	

Week 7 October 7-11

Date	Topics	Assignments	Activities
October 7 (Monday)			
October 8 Seminar	Case rounds	Handout/Material Posted on ELC Website	
October 9 (Wednesday)			
October 10 Seminar	Recognizing & preventing Elder Abuse Guest speaker: Donna Dougherty, Managing Attorney, Queens Legal Services for the Elderly	Handout /Material Posted on ELC Website	

Week 8 October 14-18

Date	Topics	Assignments	Activities
October 14 (Monday)		Prepare written self-assessment	Mid-semester meetings
			Continue work on cases & projects
October 15 No Seminar		Prepare written self-assessment	Mid-semester meetings
			Continue work on cases & projects
October 16 (Wednesday)		Prepare written self-assessment	Mid-semester meetings
			Continue work on cases & projects
October 17 No Seminar		Prepare written self-assessment	Mid-semester meetings
			Continue work on cases & projects

Week 9 October 21-25

Date	Topics	Assignments	Activities
October 21 (Monday)			
October 22 Seminar	Case rounds	Handout/Material Posted on ELC Website	
October 23 (Wednesday)			
October 24 Seminar	Topics in elder law & perspectives on practice Guest speaker	Handout/Material Posted on ELC Website	Reminder: Reflection memo due Sunday October 27

Week 10 October 28-November 1

Date	Topics	Assignments	Activities
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October 28 (Monday)

October 29 Seminar	Case rounds	Handout/Material Posted on ELC Website	
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October 30 (Wednesday)

	Topics in elder law & perspectives on practice		
October 31 Seminar		Handout /Material Posted on ELC Website	
	Guest speaker		

Week 11 November 4-8

Date	Topics	Assignments	Activities
November 4 (Monday)			
November 5 Seminar	Case rounds	Handout/Material Posted on ELC Website	
November 6 (Wednesday)			
November 7 Seminar	Topics in elder law & perspectives on practice Guest speaker	Handout /Material Posted on ELC Website	

Week 12 November 11-15

Date	Topics	Assignments	Activities
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November 11 (Monday)			
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		Handout/Material Posted on ELC	
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November 12 Seminar	Case rounds		
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November 13 (Wednesday)			
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	Topics in elder law & perspectives on practice		
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November 14 Seminar			
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		Handout /Material Posted on ELC Website	
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	Guest speaker		
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Week 13 November 18-22

Date	Topics	Assignments	Activities
November 18 (Monday)			
November 19 Seminar	Case rounds	Handout/Material Posted on ELC Website	
November 20 (Wednesday)			
November 21 Seminar	Topics in elder law & perspectives on practice		Handout/Material Posted on ELC Website
	Guest speaker		

Week 14 November 25-29

Date	Topics	Assignments	Activities
November 25 (Monday)			
November 26 Seminar	Case rounds	Handout/Material Posted on ELC Website	
November 27 (Wednesday)			
November 28			Enjoy Thanksgiving Break
No Seminar			

Week 15 December 2-6

Date	Topics	Assignments	Activities
December 2 (Monday)			
December 3 Seminar	Case rounds	Handout/Material Posted on ELC Website	
December 4 (Wednesday)			
December 5 Seminar	End of semester feedback & reflection party	Handout /Material Posted on ELC Website	Reminder: Reflection memo due

December 9-20 Law school exam period

Complete work on cases & projects

University of Miami Health Rights Clinic

LAW 786 CLINIC SYLLABUS SPRING 2014

HEALTH RIGHTS CLINIC

University of Miami School of Law, Room F303

Professor JoNel Newman (305) 284-4125 jnewman@law.miami.edu

Associate Director, Melissa Swain (305) 284-1539 mswain@law.miami.edu

Clinic Paralegal, Vanessa Alpizar (305) 284-3361 valpizar@law.miami.edu

Faculty Assistant, Mary Cruz (305) 284-1685 mcruz1@law.miami.edu

Administrative Assistant, Albert Arguello (305) 284-5291 aarguello@law.miami.edu

CLASS SCHEDULE

Tuesday, 1:30-3:50 PM; Room F200

REQUIRED READINGS AS NOTED ON SYLLABUS

CLASS POLICIES

Supervision/Case Rounds

This course requires weekly supervision meetings with your designated student partner and supervising attorney. You are expected to review your cases prior to each supervision meeting, bring a **written** agenda and be prepared

to discuss case assignments. Additionally, you are required to submit an updated case status via email to your supervisor by 5:00 pm each Friday.

Classroom Responsibilities:

Please complete the assigned reading before class. This course requires regular and prompt student class attendance, preparation, and participation as well as significant clinical obligations. Poor student class attendance and punctuality, inadequate class preparation and participation or any failure to meet clinical obligations may result in withdrawal from the course, a lowered grade, and/or a failing grade. Note that more than three (3) absences may result in a lowered grade. More than four (4) absences may result in withdrawal.

Grading

70% of the course grade will be based on meeting the 16 learning goals set forth in the handbook and timely completion of assignments. Class participation, clinical hours, weekly case supervision agendas and case status updates will comprise 20% of your grade. Each student is also required to participate in the Clinic's Access to Justice Project and your work on this project will comprise 10% of your grade. There is no final examination.

Computers, Pagers, Telephones, & Tape Recording

Please refrain from use during class, except by permission.

Accommodations

If you have a disability, or suspect that you may have a disability, the Law School encourages you to contact

Iris Morera, Coordinator, Disability Services at the Office of Disability Services for information about available opportunities, resources, and services. Her phone number is 305-284-9907, and her email address is imorera@law.miami.edu. You may also visit the Office of Disability Services website at www.law.miami.edu/disability-services.

CLINICAL WORKSHOP SPRING 2014

CLASS DESCRIPTION DATES

Forensic Psychiatry Workshop and Mock Hearing

1

January
21

Assigned Reading: Deposition Transcript and Wolfe & Proszek, Social Security Disability

Access to Justice Training

2

January
28

Assigned Reading: Ronald W. Staudt, White Paper: Leveraging Law Students and Technology to Meet the Legal Needs of Low-Income People (2007)

View link: <http://a2jclinic.classcaster.net/training-materials/>

Veteran's Benefits Training and Continued Law and Technology Training

3

February
4Assigned reading: TBA

Effective Client Communication

- 4 Assigned Reading: Ellman, Dinerstein, Gunning, Kruse and Shalleck, *LAWYERS AND CLIENTS* (2009), Chapter 2, *Connection Across Difference and Similarity*. February 11

Lawyering for Poor People

- 5 Assigned Reading: *Goldberg v. Kelly*, 397 U.S. 254 (1970); *Matthews v. Eldridge*, 424 U.S. 319 (1976). February 18

Assignment: Mid-semester self-evaluations due before 5:00 p.m. February 21st.

Individual Evaluation Meetings

- 6 Ethical Issues for Clinicians February 25

- 7 Assigned Reading: ABA Standing Committee on the Delivery of Legal Services, *White Paper: An Analysis of Rules that Allow Lawyers to Serve Pro Se Litigants* (2009). March 4

- 8 Legal Technology and Ethics March 18

Assigned Reading: Will Hornsby, *Professional Responsibility When Lawyering in a Virtual World* (2008).

CLINICAL WORKSHOP

SPRING 2014

CLASS DESCRIPTION

DATES

Firm Meeting and Case Rounds

9

Assigned reading: TBA

March 25

Lawyering and Technology

10

Assigned reading: Kimbro, Practicing Law Online: Creating a Web-Based Virtual Law Office (2010).

April 1

11 Student Access to Justice Presentations April 8

12 Student Access to Justice Presentations April 15

13 **Careers in Law:** Presentation from Clinic Alumnae April 22

Assignment: Draft Transitional Case Memos due by 5:00 pm on April 23, 2014.

Assignment: Final Transitional Case Memos due by 5:00 pm on May 2, 2014

13.

Professionalism Course Syllabi

Course Model: University of North Carolina Becoming a Professional: Exploring Skills & Transition into Practice

SYLLABUS**

SYLLABUS (version 1/1/15)

BECOMING A PROFESSIONAL:

EXPLORING SKILLS AND TRANSITION INTO PRACTICE

University of North Carolina School of Law, Law 483-001 (3 credits) Spring2015

Mondays 3:10-5:10 p.m., Room 4082 (January 12-April 13, 2015) and January 31 (offsite)*

**Please note: This syllabus may be subject to revision. This version is dated December 29, 2014.

INSTRUCTIONAL TEAM AND PARTNERS

Instructors

Judith Welch Wegner, Burton Craige Professor of Law, Room 5074

Phone: (919) 962-4113 (work), (919) 929-5024 (home), Email: judith_wegner@unc.edu

Office Hours: Tuesdays and Thursdays 2:20-3:45 and by appointment

Ms. Celia Pistolis, Assistant Director of Advocacy and Compliance, Legal Aid of North Carolina, Inc.

Phone: (919) 802-5707 (home) 919-856-2133 (work), email: celiapistolis@gmail.com

Legal Services of North Carolina Partners Gray Wilson (336-723-9147; grayw@legalaidsnc.org) LANC attorney and technology expert)

Teaching Assistant for work with A2J and HotDocs: Warren Wegner (wwegner@nc.rr.com, 919-929-5024)

Technology assistance also available through CALI's YouTube Channel: <https://www.youtube.com/channel/UChUUmC-XVA23MfdSeB2gXpw>

COURSE PREREQUISITES: None

COURSE WEBSITE: The course will use TWEN – The West Education Network – as its website and course management system. You can access the site by logging into Westlaw at <http://lawschool.westlaw.com> and selecting the TWEN tab. You should see the course listed among your courses. If you do not, please contact Judith Wegner (Judith_wegner@unc.edu) and she will assist you. You may want to review the TWEN documentation available at

http://lscontent.westlaw.com/images/content/documentation/TWEN_Student_Guide.pdf.

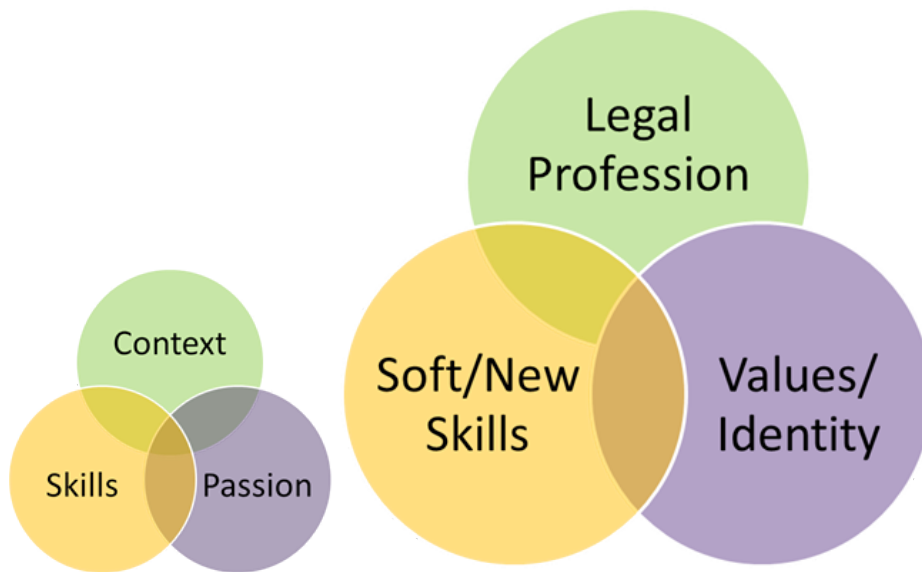
***COURSE CALENDAR:** As indicated above, the course will meet on Monday afternoons from 3:10-5:10 p.m., with the following exceptions: Rev. Martin Luther King, Jr. Holiday (January 19, 2015). Monday March 30 will be an optional work session. There will be a mandatory (unless excused for good cause) course mini-retreat offsite on Saturday, January 31 (from 9:30-3:30) at the Rizzo Center in Meadowmont in Chapel Hill. Students will also be asked to arrange for office meetings with Prof. Wegner once or twice during the semester.

ATTENDANCE POLICY: Attendance is required except for excused absences. Failure to attend more than one class session without being excused may lead to a grade penalty. Attendance at the retreat is required. Repeated failure to attend may lead to a decision by the professor to drop the student from the course or impose a lower grade.

READING ASSIGNMENTS: There is no required course book for this seminar. Instead, reading assignments will be available on TWEN. Please prepare for discussion as assigned

HONOR CODE OBLIGATIONS: The Honor Code is in effect in this class and all others at the University. I am committed to treating Honor Code violations seriously and encourage all students to become familiar with the terms of the Code set out at <http://instrument.unc.edu>. If you have questions, it is your responsibility to ask the instructors about the Code's application. All written work and other projects must be submitted with a statement that you have complied with the requirements of the Honor Code in all aspects of the submitted work.

COURSE MODEL: This course reflects a new model for legal education. Rather than simply focusing on helping students to learn to "think like a lawyer" (focusing on "thinking" skills, content knowledge, and very marginally on the roles and values of legal professionals) this course seeks to help students find new ways to understand the profession they will enter, develop new skills, and appreciate their personal and professional values and identities as they move toward professional careers. To that end, the course will be built according to the following models. It will introduce students in more depth to the contexts of the legal profession, help them build new "soft skills" of various sorts, and urge them to appreciate their values and personal/professional identity in order to identify their passions as they make career choices.



COURSE GOALS and LEARNING OUTCOMES: This course has three principal goals, and corresponding learning outcomes, suggested by the diagrams above.

(1) *Professional context.*

- *What?* The course will assist you in developing stronger understandings of the varied contexts in which lawyers operate – contexts that differ greatly, call upon different skills, involve different economic features and organizational structures, offer different rewards and challenges, raise different opportunities to fulfill values and different threats to values, and hence present different prospects of success and “fit” to different people.
- *How?*
- General developments affecting the profession: reading and discussion of trends
- Particular developments and experiences in areas of personal interest to students: team reports and discussion leadership.

(2) *Professional Skills.*

- *What?* The course will introduce students and help them to develop valuable professional skills not typically taught elsewhere in law schools, including the following: listening, client interviewing, nontraditional research, cross-cultural communication, teamwork, emotional intelligence, conflict resolution, oral presentations (outside trial and appellate settings), written communication (outside trial and appellate settings), self-reflection, strategic planning, work with knowledge management systems and automated document production systems
- *How?* The course will devote designated class sessions to developing skills in the designated area, and provide students with related practice opportunities. Students interested in developing skills relating to knowledge management and automated document systems are encouraged to select projects involving the “A2J” initiative (using CALI software to develop interview scripts and documents for pro se litigants in designated areas).

(3) *Professional identity and values.*

- *What?* The course will offer students the opportunity to become more deeply acquainted with the values that legal professionals profess to share as well as the values that are important to themselves personally. It will also help develop a critical appreciation of how these values relate to one another. The course is premised on the assumption that a well-formed sense of professional identity and purpose is a hall mark of successful (and happy, personally fulfilled) lawyers, and that there is much that law school (and this course) can do to contribute to students’ ongoing process of forming their professional identity
- *How?*
- Professional values: readings and class discussions; work with A2J Author, pro bono projects

- Personal values: values assessment, retreat, reflection exercises

OVERALL DESIGN: We have designed this course to provide students with opportunities for exposure to and practice involving a number of skills. As noted above, however, instruction relating to skills will be integrated into substantive discussion and consideration of values. Students will have the chance to:

- Research (initial research memo, research of professional niche, incorporation of research in final project memo)
- Make oral presentations in plain English (professional niche presentation and final “plain English” presentation to lay pro bono clients)
- Engage in writing (research memo, story board, draft project report, final project report)
- Develop teamwork skills (partner presentation on professional niche and final project critique)
- Interviewing and counseling (meeting with attorneys to learn interviewing, story board and guided interview)
- Explore cross-cultural practice (class discussion and plain English presentation to pro se clients)
- Explore court documents (draft project outline, feedback and final project submission)
- Practice project planning and project management (sequential development of project to provide assistance to pro se litigants, with guidance and support throughout, and revision in steps)
- Develop reflection skills in the context of professional identity (reflection essays, retreat with attorneys, exploration of professional niches)

- Technology (development of expertise in use of software to assist pro se litigants and, with feedback, to connect software platforms; consideration of role of technology to address gaps in access to justice).

COURSE PROJECT. Each student (or in some cases teams of students) will create a course project that provides an opportunity to appreciate more fully the work of lawyers and issues relating to access to justice; and to practice key skills introduced throughout the course. As will be explained on the first day of class, we have preliminarily developed a list of potential projects, most of which involve development of a guided interview (using A2J software) that in turn generates documents needed for the user to move ahead (using HotDocs software). In some cases, projects will require students to develop other kinds of written “help” materials. In addition, students are invited to suggest alternative projects that must be approved by the instructors shortly after the beginning of the term. Alternative projects should not be traditional seminar papers, but should instead be designed in the spirit of a proposed pro bono project similar to those suggested to the class more generally, and should be designed to benefit those with limited access to legal tools, and limited resources but who nonetheless need the benefit of advice from lawyers.

Project Steps and Time Line. We have broken down the steps to be taken in working through your project in order to help you learn about project planning and management and to show you the extensive feedback we plan to provide to support you through the process.

Revised Final Project

Revised Final Project

• **Project: A2J Project (Guided Interview and Documents) or Other Project: (65%)**

- Confirm project focus (1/25, 5 p.m.)

- Research Memo or Prospectus Proposal Memo (10%): 2/8, 5 p.m.

- Storyboard/Outline (10%): 2/22, 5 p.m.
- Draft project submission (15%): 3/6, 5 p.m.
- Plain English oral presentations (10%): 4/6, 4/13, 4/16 (during class)
- Revised Final Project (20%): 4/30, 5 p.m. (unless extended for good cause)
- Other Assignments
 - **Reflection Exercises** (two) (5% each) (**10% total**): #1 due 1/20, 5 p.m.; #2 due 4/20, 5 p.m.
- **Class Participation (10 %)** (value, not just volume)
- **Work in Teams (15% total)**: Team Presentation (10%); Team contributions, feedback (5%)

READINGS AND CLASS ASSIGNMENTS WEEK BY WEEK

*Introductory Notes on Readings. Materials are posted on the **course website on TWEN** (see URL above). Prof. Wegner has covered copyright charges for some materials so please do not distribute them.*

PART I: INTRODUCTION AND OVERVIEW: PROFESSIONAL VALUES, Skills AND CONTEXT

January 12: Introduction; Professional Values and Their Role

- *Discussion Questions:*

- What intellectual framework can be employed to link legal education and the legal profession?
- What is meant by “professional identity” and what shapes that identity?
- What is the role of “professional identity” in legal education and in lawyers’ development?
- How does “professional identity and values” relate to “personal identity and values?”

- *Readings:*

- Neil Hamilton, *Professionalism Clearly Defined*, 18 Prof. Lawyer No. 4, 4 (2008)
- Thomas Morgan, *Calling Law a “Profession” Only Confuses Thinking About the Challenges Lawyers Face*, 9 Univ. of St. Thomas L. J. 542 (2011)
- Judith Wegner, *Reframing Legal Education’s “Wicked Problems,”* 61 Rutgers L. Rev. 867, 981-1003 (2009)
- Neil Hamilton & Verna Monson, *Ethical Professional (Trans)formation: Themes from Interviews about Professionalism with Exemplary Lawyers*, 52 Santa Clara L. Rev. 921 (2012).
- *Exercise (in class): A Tale of Two Stories (Giving Voice to Values)* (outline on course website)
- **Reflection Exercise:** First reflection exercise distributed, **due 1/20** (copy on website)

- *Optional “Get to Know You” Dinner* with Prof. Wegner and Ms. Pistolis (City Kitchen Restaurant, University Mall) (5:30-7 p.m.) (free)

January 19: No Class (Rev. Martin Luther King, Jr. Holiday):

- Optional office meeting opportunities to discuss projects (as requested)
- **Project Focus Statement due 1/25**

January 26: Introduction to Lawyer Competencies

- *Discussion Questions:*
- What is meant by lawyer “competencies” or “effectiveness factors?”
- Can “competencies” be taught in law school or only after graduation? Are different “competencies” more readily taught versus learned in practice?
- What is meant by “emotional intelligence” and why might it be important?
- How would you assess your “effectiveness” and “emotional intelligence?”
- Consider an example: truth or lies?
- *Readings:*

- Terri Mottershead & Sandee Magliozzia, Can Competencies Drive Change in the Legal Profession? 11 U. St. Thomas L.J. 51 (2013)
- Neil Hamilton, Law-Firm Competency Models and Student Professional Success: Building on a Foundation of Professional Formation/Professionalism, St. Thomas (Minnesota) Legal Research Paper 13-22, Available at SSRN: <http://ssrn.com/abstract=2271410> (last revised Aug. 9, 2013)
- Robert Mines, Rachel Meyer, & Michael Mines, Emotional Intelligence and Emotional Toxicity, The Colorado Lawyer 33(4), at 91 (2004)
- M. Hartman, B Mordan, T Schoenfeld, P Sweeney, The Perfect Legal Personality, ACC Docket Vol. 29, No. 6 at 8 (July/August 2011)
- Douglas Stone, interviewed by Karen Christensen, Difficult Conversations: How to Address What Matters Most (Harvard Business School, 22 Rotman Magazine Spring 2011) (please note that instructor has paid copyright fees for your use of this resource and you may not distribute copies other than downloading one for yourself) (**limited access**)
- Exercise: Harvard Business School exercise: Nonverbal communication

Saturday, January 31: Mini-Retreat: Life Journeys: Values, Skills, and the Profession

(9:30-3:30, Rizzo Center, Meadowmont, Chapel Hill) (with lawyer guests) (separate agenda)

- *Readings/Preparation:*
- *Life Journey:* exercise description (review in advance; to be completed at retreat)

- *Active Listening*: background reading and exercise (review in advance)
- *Interviewing*: exercise description (review in advance; to be completed at retreat)
- *Difficult Conversations 2.0*: Thanks for the Feedback (Rotman Management Spring 2014 at 71) (please note that instructor has paid copyright fees for your use of this resource and **you may not distribute copies** other than downloading one for yourself)
- *Dilemmas*: Values and Professional Judgment (Australian National University) (2 scenarios)
- *Lessons Learned*

February 2: Changes in the Profession and Forces of Change

- Discussion Questions:
- What are the changes that have affected the legal profession in recent years?
- What are the most important forces that are likely in the future to affect the development of the legal profession?
- What do law students and beginning lawyers need to do to prepare for change?
- *Exercise* (in advance): Survey re your views on forces of change (Giving Voice to Values, adapted)

- *Readings:*
- Thomas Morgan, *The Last Days of the American Lawyer* (January 27, 2010). Available at SSRN: <http://ssrn.com/abstract=1543301> or <http://dx.doi.org/10.2139/ssrn.1543301> (all)
- ABA Task Force on Legal Education Report, http://www.americanbar.org/groups/professional_responsibility/taskforceonthefuturelegaleducation.html
- *Options (choose one)* (please try to opt for different choice from colleagues)
- Excerpt, New York State Bar Association, Report of the Task Force on the Future of the Legal Profession (2011) (pages 11-35, 93-111) available at http://www.nysba.org/AM/Template.cfm?Section=Task_Force_on_the_Future_of_the_Legal_Profession_Home&Template=/CM/ContentDisplay.cfm&ContentID=48108
- California Task Force on Admissions Reform: <http://www.calbar.ca.gov/AboutUs/BoardofTrustees/TaskForceonAdmissionsRegulationReform.aspx>
- ABA 20/20 Ethics Report: http://www.americanbar.org/groups/professional_responsibility/aba_commission_on_ethics_20_20.html
- British LETR Report: <http://letr.org.uk/the-report/index.html>
- Ontario, Canada Articling Report: <http://www.lsuc.on.ca/articling-task-force/>
- Or other comprehensive report on changes in legal profession or legal education

PART II: DEVELOPING KEY SKILLS

February 9: The New Role of Technology Part I (possible guest, Gray Wilson)

- *Discussion Questions*

- How can technological changes help address gaps in access to justice?
- What excites (or scares me) about technology and law practice?
- What is document automation and why should I care about it?
- When does technology make a difference... for good or ill?

- *Readings:*

- Jon Garon, *Legal Education in Disruption: The Headwinds and Tailwinds of Technology*, 45 Conn. L. Rev. 1165 (2013)
- Stephanie Kimbro, *Practicing Law On-Line*, (2014), available on-line at <http://virtuallawpractice.org/3277/practicing-law-online-ebook/>

- *Exercises*

- Review NC Legal Services resources: <http://www.lawhelpnc.org/>
- Review other links: <https://lawhelpinteractive.org/> and <http://www.probono.net/>

- Review prior A2J projects to understand guided interviews and assistance

February 16: Conflict and Teamwork

- *Discussion Questions:*
- Where does conflict come from? What is your conflict profile?
- When and why are teams needed in professional contexts?
- What are characteristics of good teams, in your view?
- What leads to conflict within teams? What kinds of conduct can derail effective teamwork?
- How can individuals learn to deal with conflict in teams and other settings more effectively?
- *Readings:*
- *Exercise: Style Matters: The Kraybill Conflict Style Inventory (Riverhouse EPress) (complete in advance)*
- Lynn Isabella et al, *Teams and Teamwork: A Foundation*. (August 2003). Darden Business School Working Paper No. 03-02. Available at SSRN: <http://ssrn.com/abstract=439100> or <http://dx.doi.org/10.2139/ssrn.439100>
- Michael Wheeler, Dana Nelson, *Nonverbal Communication in Negotiation* (Harvard Business School,

2009) (please note that copyright costs for students were paid by instructor; you may download one copy but may not distribute to others).

- *Exercises* (in class): “Colourblind” (available from: <http://www.trainerswarehouse.com/Colourblind-Communication-Team-building-Kit/productinfo/GACOL/>); (UNC students will use instructors’ copy)
- Difficult Conversations (Simulation, Harvard) and/or Lies video (HBS)

February 23: Technology and Guided Interviews: A2J and Story Boards

- *Discussion Questions*
- What was difficult about preparing a story board?
- Practicing teamwork: trade story board with partner and share suggestions/comments
- How do you turn a story board into a “guided interview” with A2J?
- Readings and Resources:
- Review Wegner summary of major points re A2J software and its use
- Review YouTube resources from CALI on use of A2J: <https://www.youtube.com/watch?v=iTY9no-uwxw> is launch video for version 5.0 (note that you should focus on version 5.0, which was launched in August 2014, rather than the earlier version that required PC use and download) (36 minutes) (watch it!);
- Also new user training for A2J Author version 5.0: <https://www.youtube.com/watch?v=pVZRSCuPyX8>

- You must also register on new A2J author website located at www.A2Jauthor.org (note old website where can download is www.old.A2Jauthor.org)
- <http://a2jclinic.classcaster.net/training-materials/>
- Review story board and Q2J guided interview from Fall 2013 project (online)

March 2: Communication & Cross-Cultural Competence

- *Discussion questions*
- What kinds of written work and what types of oral presentations are expected of lawyers?
- What are the earmarks of effective written work and oral presentations?
- What impediments exist to effective written work and oral presentations?
- What issues are raised when lawyers work with clients, colleagues, and others who are “different?”
- Why might professionals care about how effectively they work with others different from themselves?
- How can professionals learn to work effectively “across difference?”
- *Readings*

- Sue Bryant, *Five Habits of Cross-Cultural Lawyering*, 8 Clinical L. Rev. 33 (2001)
- Andi Curcio, Teresa Ward, & Nisha Dograal, *A Survey Instrument to Develop, Tailor, and Help Measure Law Student Cultural Diversity Education Learning Outcomes*, 38 Nova L. Rev. 177 (2014).
- Serena Patel, *Cultural Competency Training: Preparing Law Students for Practice in Our Multicultural World*, 62 UCLA Rev. Discourse 140 (2014)
- Northwest Territories Literacy Council, *Write for Your Reader: A Plain Language Handbook*, <http://www.nwt.literacy.ca/resources/plainlang/writread/writefor.pdf>
- *Exercises in class*: plain English;

http://www.plainlanguage.gov/examples/before_after/index.cfm

<http://www.plainlanguage.gov/examples/legal/index.cfm>

Spring Break: March 7-15

PART III Pulling It All Together: My Future, My Contribution

March 16: My Piece of the Profession (probably only time for 8 teams?)

- *Exercise*. Each team of students will assign advance reading and present on a subfield of possible professional practice or area of work that is of special interest to them. Student teams will have 10 minutes to present with five minutes for questions thereafter. For more details, see separate assignment sheet with exercise description and related tasks.

March 23: My Piece of the Profession & Automated Document Production (Hot Docs)

- *Exercise:* Finish team presentations not completed on March 16
- *Discussion questions*
- How does HotDocs work?
- How does HotDocs relate to A2J?
- What can I do if I'm stuck?
- *Readings:*
- Download and install HotDocs software: <http://a2jclinic.classcaster.net/hotdocs-educational-download/>
- Review basic training material on CALI clinical website: <http://a2jclinic.classcaster.net/training-materials/>
- YouTube CALI channel: <https://www.youtube.com/watch?v=4pCZJaJzpgI>

March 30: Optional class work session on A2J and Hot Docs

April 6: Project Presentations Round 1

- Presentation Exercise: (7 students)
- Give 10 minute presentation in plain English of core content relating to your project
- Receive constructive critique from others

April 13: Project Presentations Round 2

- Presentation Exercise: (7 students)
- Give 10 minute presentation in plain English of core content relating to your project
- Constructive critique from others

April 16: Project Presentations Round 3 (constructive Monday)

- Presentation Exercise: (6 students)
- Give 10 minute presentation in plain English of core content relating to your project
- Constructive critique from others
- Class ends: wrap up, evaluations, assessment of team/feedback and class participation in class
- Peer critiques of draft projects due back to teammate authors

April 30: Final Projects due by email to Judith Wegner (Judith_wegner@unc.edu) unless given extension for good cause

CHRONOLOGICAL SUMMARY OF ASSIGNMENT DUE DATES

January

- 1/20: First reflection exercise due
- 1/25: Project focus proposal submitted for review and approval
- 1/31: Mini-retreat

February

- 2/8: Research/prospectus memo due for review; team assignments confirmed
- 2/22: Storyboard outline for review in discussion in class 2/23

March

- 3/6: Draft project submission submitted for review

- 3/16 & 3/23 Team presentation on subfields
- 3/30 Optional workshop on A2J and HotDocs

April

- 4/6, 4/13, 4/16: Final oral “plain English” presentations/videotaping
- 4/16: Comments from teammates due to student and professors
- 4/20: Reflection paper #2
- 4/30 Final Project paper due (or extension if authorized)

Possible BAP Projects Spring 2015

- *Homestead Property Tax Exemption (Mark Dorosin)*
- *Elderly/Disabled Property Tax Exemption (Mark Dorosin)*

- *Probate (several?)*
- *Child custody (several)*
- *Bankruptcy/Consumer Protection (Laura Collins Britton & students))*
- *Criminal expunctions or relief from collateral consequences (more; some already done)*
- *Emancipation (Tamar Birckhead)*
- *Disability benefits?*

- *Immigration? (Deborah Weissman?)*
- *Domestic Violence (Beth Posner?) (several?)*
- *Military (Dave Fitzgerald?)*
- *Clerk of court?*
- *Small claims magistrates?*
- *Student-generated projects?*

- *More expansive video/plain English projects with supporting documentation (several?)*

<http://www.lawhelpnc.org/> and www.lawhelp.org

Examples of A2J Projects for NC Legal Services (Fall 2013)

1. Real property:

1. When your landlord (or someone else?) disposes of your property...

1. Outline

1. How to value your property

1. Filing a complaint in small claims court

1. Preparation for the hearing

1. At the hearing

1. ***Tenant security deposits***

1. *Your security deposit*

1. *Complaint for money owed*

1. ***Estate planning/elder law***

1. *Simple wills*

1. *Filing for guardianship for person unable to manage his/her financial and personal affairs using AOC forms*

1. ***Commercial/Consumer law:***

1. ***Car repair claims (not done properly, won't correct, damages <\$5k)***

1. *How to Sue in Small Claims Court*

1. *Complaint for Money Owed*

1. *Hearing in Small Claims Court*

1. *NC Vehicle Repair Act*

1. ***Prohibited actions by debt collectors***

1. *Resources:*

1. *Prohibited acts by debt collectors*

1. *Legal Aid letter*

1. *How to deal with debt collectors*

1. *Sample script to follow when negotiating with collector/creditor*

1. *Sample confirmation letter*

1. *Phone log*

1. ***Criminal law***

1. ***Relief from collateral consequences***

1. *Certificate of Relief from Collateral Consequences removes some consequences*

1. *Not an expunction/pardon*

1. *Eligibility, procedure, evidentiary standard*

1. ***Civil situations generally*** (not sure whether this area should be separated, but maybe)

1. *Civil summons*

1. *Petition to sue as indigent & Civil affidavit of indigency*

1. ***Family law***

1. *Modifying child custody order*

1. *Calculating child support using AOC worksheet forms*

1. ***Student-initiated projects:***

1. *Info for artists with limited means (team project)*

1. *Info for faculty inventors re patent (triage for tech transfer)*

1. *Military benefits 1*

14.

Hybrid Legal Practicums/Seminar Syllabi

Course Model: IIT Chicago-Kent College of Law Justice and Technology Practicum

COURSE OBJECTIVE

The objective of the course is to teach perspectives and skills on justice and technology while building useful web resources to improve access to justice.

COURSE REQUIREMENTS

This course is a hybrid classroom and clinical offering. Throughout the semester students will work on tasks outside of class designed to provide education in a variety of law related skills. Each week all students, TAs and the professor will meet for a two hour class to review progress on each student project, share insights and tips, and work on projects together. There will be several “traditional” classes with modest assigned readings addressing advanced topics in justice and technology. Keep a close watch on the [Assignments page](#) for the dates and times of these classes. Additionally, once students begin to prepare their A2J Guided Interviews® and HotDocs templates, all students must schedule at least four (4), one-hour working sessions via the [online schedule](#).

GRADING

This course, like other Chicago-Kent clinical offerings, is graded on a pass/low pass/fail basis.

CLASS ATTENDANCE

All students should plan to attend all the class meetings. The group is small and your participation is essential for a successful discussion. Missing classes will be a factor in awarding a low pass or failing grade.

MINIMUM TIME

The minimum time commitment required for completion of the course requirements are mapped to the standards now in place in the Chicago-Kent Law Offices. In the Law Offices students are expected to put in a minimum of 224 hours (an average of 16 hours a week for 14 weeks) for 4 hours of credit. For Justice and Technology Practicum, also a four (4) credit hour course, students must put in a minimum of 168 hours outside of class (which is an average of twelve (12) hours per week for 14 weeks). This course will begin the first week of the semester and end the last week of classes before read week begins for a total of fifteen (15) weeks, however one of those weeks will be Thanksgiving break therefore there are fourteen (14) class weeks. Also, there will be several nontraditional classes that students can count towards their weekly hours, these will be indicated on the [Assignments page](#).

WEEKLY TIME / ACTIVITY REPORT

Each student is required to prepare a short report on completed activities and the time spent outside of class each week. Each week each student must log at least 12 hours of time. This time can be devoted to any of the following activities:

- *preparation for class;*
- *field work at the Daley Center or other approved site, 20 hours required in the first 5 weeks of the course;*
- *research and drafting of your Scope Document, StoryBoard, Research Memo or Final Report;*
- *Hot Docs training;*

- *A2J Author® training;*
- *work on your HotDocs template;*
- *work on your A2J Guided Interview®.*

Students should keep track of these activities using the Classcaster® web site's [Student Time Tracker](#).

REQUIRED PROJECT TASKS

In addition to the time requirements set out above and the required weekly reports, each student must complete the following tasks:

- *Project Scope Document*
- *Project Research Memo*
- *Project Storyboard*
- *HotDocs Template*
- *A2J Guided Interview®*
- *Final Report & Presentation*

The [Assignments page](#) is a dynamic statement of the class topics, assignments and required student performances.

The assignments may change as the semester progresses. Check this page before you start your reading and skill exercises for each class.

Course Model: Georgetown University Law Center's Technology, Innovation and Law Practice: Access to Justice

Hotung 6005

W: 1:20 – 3:20pm

Course materials on Canvas

Professor Tanina Rostain

tr238@law.georgetown.edu

McDonough 472

Professor Mark O'Brien

mobrien@probono.net

Professor Roger Skalbeck
rsv5@law.georgetown.edu

E.B. Williams Library 208A

Professor Kevin Mulcahy

mulcahy@neotalogic.com

Syllabus (Annotated)

Introduction

In our class meetings, we will focus on issues related to access to justice with an emphasis on how technologies are altering the landscape for persons of limited means. We will also explore how various technologies have the potential to empower disadvantaged and marginalized individuals and communities. Topics discussed include the justice gap, economic and regulatory barriers to access, resource constraints and statutory restrictions on publicly funded legal services. Several classes will be devoted to expert system design and authoring in the Neota Logic platform.

Topics and Assignments

1. 1/15 — Introduction to The Seminar/Access to Justice Themes

This is an introduction and brainstorming session. To prepare ask our students to watch a brief video on legal

expert systems and then ask them to consider what types of legal problems are suited to solutions using legal expert systems. We also ask them consider in what substantive areas is access to the legal system a problem, what are some of the underlying causes and what are possible solutions.

2. 1/22 — Visual Presentation of Information

We ask students to do a brief presentation about a hobby, passion or obsession – current or former.

3. 1/29 —James Sandman, LSC and the Access to Justice Landscape

Apps and teams assigned by 1/29

4. 2/5—Introduction to Expert System Design: Crush the Mush, CRFO, Design Templates and Flow Charts

5. 2/12 —David Udell, Justice Index

2/19 Faculty Retreat: No Class

6. 2/26 —The Role of Technologies in Increasing Access to Justice (Self-Help Pro Bono Net; Law Help Interactive)

2/ 26 App Design Documents Due by COB

7. 3/5 — Authoring in NL: Basics

3/12 Spring Break

8. 3/19 — Advanced Crush the Mush/Authoring in NL continued

3/21 Team Assessments due

We asks students to rate themselves and their teammates based on a number of criteria. The form is included in our materials.

3/24-3/25 – Meet faculty/team review meetings

9. 3/26 —Matthew Burnett, Immigration: a Case Study/ Team Discussions

3/31 to 4/4 – Kevin Mulcahy Video Team Meetings (dates to be confirmed)

10. 4/2 —Regulatory Limits and Unauthorized Practice of Law

Janson v. Legal Zoom; Marc Lauritsen, Liberty, Justice and Legal Automata

11. 4/9 —Topics to be determined/Team discussions

12. 4/16—Professor Rebecca Sandefur, University of Illinois

Sandefur, Money Isn't Everything

Sandefur, Civil Legal Needs and Public Legal Understanding

13. 4/23 — **IRON TECH LAWYER COMPETITION**

Confirmed Judges: Jane Aiken, Associate Dean for Experiential Education; Peter Gronvall, Managing Director, Huron Consulting Group; Karen Lash,

4/25 – Final design documents and team assessments due

Reading to Links:

1/29:

[Sandman Bio](#)

[Fact Sheet on the Legal Services Corporation](#)

[Report of The Summit on the Use of Technology to Expand Access to Justice](#)

Documenting the Justice Gap in America

2/12:

NCAJ Web site

NCAJ Overview

Justice Index web page

Abel & Udell, Justice Index: Measuring Access to the Courts, MIE Journal

Family Matters, NYLJ, July 22, 2013

We Need a National Justice Index, NYLJ, Dec. 5, 2011

World Justice Project, Rule of Law Index, 2012-13

3/26:

www.immigrationadvocates.org

www.immigrationlawhelp.org

www.citizenshipworks.org

www.weownthedream.org

Pocket DACA (mobile app) Android: <http://bit.ly/1d5d94t>;

iTunes: <http://bit.ly/1r1As30>

Course Model: Concordia University School of Law's A2J Clinic

Date & Learning Outcomes	Reading & Student Assignments	Instructor Activity
Class 1: Understanding of the project and how it contributes to the goal of equal access to justice and a discussion of needs assessments	<p>Reading:</p> <p>Ronald W. Staudt, White Paper: Leveraging Law Students and Technology to Meet the Legal Needs of Low-Income People</p>	
	<p>Jona Goldschmidt, The Pro Se Litigant's Struggle For Access To Justice, Family Court Review, Volume 40, Issue 1, pages 36-62 (Jan. 2002)</p> <p>Skill exercise: Explore Idaho Legal Aid's A2J forms available at www.idaholegalaid.org. Complete and print an interview of your choice and bring it to class. Break into pairs. Discuss available field placements, which should be integrated into the needs assessment strategy.</p>	<p>We will discuss different strategies for conducting needs assessments including: review of existing needs assessment data, meeting with/interviewing low income persons in our community, observation, interviewing, or data gathering at low income legal service providers (Idaho Legal Aid and the Ada County Court Assistance Office).</p>
	<p>Assignment before next class – Meet with your partner and develop a needs assessment & research strategy and timetable.</p>	

Reading:

Documenting the Justice Gap in America:
The Current Unmet Civil Legal Needs of
Low-Income Americans, available at
[http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_](http://www.lsc.gov/sites/default/files/LSC/pdfs/documenting_the_justice_gap_in_america_2009.pdf)

america_2009.pdf (pgs. 9-28)

The Five Habits: Building Cross-Cultural
Competence in Lawyers

Class 2: Interviewing skills and
Cultural Competencies: preparing
students to do effective interviews
that are sensitive to cultural,
economic, and other diversity
issues. Discussion of field work
placement opportunities.

By Professor Susan Bryant of CUNY Law
School

8 Clinical L.Rev. 1 (2001).

Based on each pair's needs assessment strategies and
timetables, instructor will schedule field placements.

Deborah Maranville, "The Very Basics of
Legal Interviewing" (handout)

Skill exercise: Review your needs
assessment strategy with the course
instructor.

Assignment before next class: Develop a
list of questions you would ask in order to do
a "legal needs checkup." Begin field work:
Each student must complete 20 hours of field
work prior to Class 6.

Reading:

Class 3: Substantive Law
Overview

Senior Legal Guidebook (handout)

Senior Hotline Handbook excerpt (handout)

Topics: advanced directives, wills
and probate, guardianshipIdaho Code: Title 15, Chapters 1-3, 5, 12,
and 13 (all statutes and annotations)Instructor will lecture on substantive law related to
advanced directives, wills, probate, and guardianship.
May invite guest speaker from private bar as well.**Assignment before next class:** Begin legal
research and continue field work.

Reading:

Class 4: Substantive Law
Continued and a review of
existing forms available in this
area of law.Read introduction to Medicaid and Medicare
packet (provided by instructor)Skim read Idaho Administrative Code
16.03.05.005, 16.03.05.050-.873Instructor will lecture on substantive law related to
advanced directives, wills, probate, and guardianship.
May invite guest speaker from private bar as well.

Topics: Medicaid and health law

Assignment before next class: Continue
field work and legal research. Final research
memo due at Class 5. Bring 2-3 form ideas
to next class.

Reading:

A2J Author® Authoring Guide, Chapter 1,
Pages 1-9

All Inclusive A2J Guided Interview®.

Class 5: A2J training by Steve
Rapp

Review memos and form ideas and discuss with
students individually.

Skill exercise: Bring to class a chosen area
of interest and 2-3 form ideas to discuss with
the instructor

Assignment before next class: Continue
field work and begin working on storyboard.
20 hours of field work to be completed by
Class 6.

Reading:

Three CALI® lessons that illustrate and
teach plain language principles.

Class 6: Plain Language training

Skill exercise: Three CALI® lessons that
illustrate and teach plain language principles.

Instructor will review final memos and provide
feedback at Class 6

Assignment before next class: Continue
doing field work and legal research as
needed. Storyboard due at next class.

Reading:

Ethical and Regulatory Aspects of Online Document Assembly Services (2010 Webinar).

HotDocs 10 Developer Installation Guide and Tutorial, Lesson 1

Class 7: Technology and the Practice of Law: Practical applications and ethical considerations

Help Topics for HotDocs Developer 10

Instructor will provide individual feedback on project memos.

Skill exercise: Bring Storyboard and project memos

Assignment before next class: Begin working on Hot Docs template.

Reading:

Standards and Practices for HotDocs Server Applications in Legal Services

HotDocs Knowledge Base

Class 8: Hot Docs training

Instructor will provide feedback and assistance on templates.

Skill Exercise: Continue working on Hot Docs templates.

Assignment before next class: Initial draft of Hot Docs template will be due at next class

Reading:

New York State Courts Access to Justice Program, Document Assembly Programs Best Practices Guide for Court System Development and Implementation Using A2J Author® (April 2011). Pay special attention to Part II: Programming Essentials, pages 13-21.

Class 9: Intro to A2J

A2J Authoring Guide v. 3.0

Instructor will review Hot Docs templates and provide feedback.

Skill Exercise: Complete initial draft of Hot Docs templates. Begin working on A2J Guided Interview

Assignment before next class: Bring for instructor review initial work on A2J interviews.

Reading:

A2J Author® 4.0 New Features

Class 10: A2J Author training ctd.

Skill exercise: Refine Hot Docs templates; continue working on A2J interview.

Instructor will review initial work on A2J interviews and provide feedback.

Assignment before next class: Prepare questions for technical expert

Class 11: Q & A Session with our tech experts and technical advice and assistance on individual projects

Skill exercise: Continue working on A2J interview

Instructor will assist in reviewing and answering questions.

Assignment before next class: Prepare to share your interview with the class at next session.

Skill Exercise: Share your A2J interviews with the class with a brief discussion of how your form serves to increase access to justice and receive peer and instructor feedback.

Class 12: Form Testing and Peer Review

Instructor will provide feedback and suggestions on individual A2J interviews.

Assignment before next class: Make final edits to the A2J interview based on class feedback. Final interviews due at end of next class.

Skill Exercise: Final interviews due by end of class – tech experts will be available this session to help finalize and work out any issues. Will review your interviews with the tech expert(s).

Class 13: Working Session

Instructor will review Final A2J interviews and answer questions about Final Reports.

Assignment before next class: Final Report due by 5 p.m. on 11/22/13.

Reading: Ronald W. Staudt, All the Wild Possibilities: Technology that Attacks Barriers to Access to Justice, 42 Loyola L.A. Law Rev. 1117 (2009).

Class 14: Discussion of How Technology can Increase Access to Justice: Discussion of A2J forms, online intakes, hotlines, social media, video pro se clinics, and other innovations

Skill Exercise: Discuss technology innovations as a means to increase access to justice via online class discussion; post both a comment, question, idea, or response to the reading for peer discussion as well as a comment or response to a class mate's posting by 8 a.m. on 11/27/13.

Instructor will review Final Reports and will post discussion topics for the class.

PART V

Assignments

15.

Sample Assignments

Reflection Exercise from UNC's Becoming a Professional Course

Reflection Exercise 1: Initial Self-Assessment. Complete the "Revised Personal and Professional Values Survey: Relationship and Significance." Write a short approximately four page (double spaced) essay reflecting on what you learned about yourself and its possible significance for the future. Due September 6, 5 p.m. by email.

Pre-Class Survey from UNC's Becoming a Professional Course

This short questionnaire is designed to help us make the course more valuable to you, and to assist us in making team pairings for work to be done later in the course. We hope you will help us by submitting this questionnaire, along with a copy of your CV (for the instructors and not to be shared with other students) to Judith Wegner (Judith_wegner@unc.edu) as soon as convenient. Thanks.

1. Your interests. Are you thinking about a particular career path or paths that you hope to explore in the future? Could you share a bit about your interests and aspirations? (I don't know is an acceptable answer)

1. Your experiences to date with law and law school. What have you enjoyed? What has frustrated you?

1. Things you'd like to learn. Could you say a bit about things you want to learn about and skills you want to develop through this course or otherwise in the next year or two? It may be helpful to consider both things you like and feel confident about and areas where you lack confidence but feel a need to develop greater strength.

1. Working with technology. The course will provide students with an opportunity to develop important skills with technology that we hope will give them an edge in their employment search. Please comment on the following:

*How comfortable are you with information technology? What experiences have you had? *What are your preferences and tools? Are you a PC or Mac user? What operating system do you have? Do you have a working computer that's readily available to you outside of law school, or do you need to use computer labs on campus?

1. Competing demands on your time. Could you share a little about the time demands you will be facing this semester (courses you're taking? work and/or family obligations? extracurricular leadership? commuting patterns?)

1. Working with others. We assume that you are comfortable working with others, but at the same time do not want to assign students as teammates with others with whom they already have an unhappy working relationship. Are there others in the class that you would prefer not to be teamed with, for whatever reason (no need to explain why, this is just a basic check to avoid major problems if any).

1. Anything else to share. Anything else you'd like to tell us about you or your interests?

Personal-Professional Profile (based on Giving Voice to Values Curriculum by Mary Gentile, revised with permission by Judith Wegner)

1. In your definition of an excellent legal services organization (either in the private or public sector), how important are the following?

	Very Impt.	Somewhat Impt.	Not Very Impt.	Don't Know
1. Provide excellent service to clients				
1. Has efficient and flexible operations				
1. Attracts and retains exceptional people				
1. Engages to an important extent in services that benefit society				
1. Invests in employee training and professional development				
1. Operates according to its values with a strong code of ethics				
1. Is regarded by others as a "high quality" organization doing "high quality" legal work				
1. Provides competitive compensation				
1. Provides those who work there with challenging opportunities to learn and grow				
1. Supports its personnel in developing a reasonable work/life balance				

1. Values the contributions of diverse personnel
-

1. Is there anything you would like to add to the above list as “very important”? If so, what?

1. Which of the following issues pose the greatest challenges for today’s leaders in the field of law? Please choose a maximum of three items.

____ Competition from non-lawyer providers of related services

____ Economic changes affecting the costs of delivering legal services

____ Changes in technology affecting the delivery of legal services

____ Changing expectations regarding jurisdictional boundaries affecting delivery of legal services

____ Costs of delivering legal services

____ Cuts in federal, state, and local budgets for the courts and legal services organizations

____ Levels of debt affecting the salary expectations of beginning lawyers

____ Changing dynamics regarding entry-level versus lateral hiring of legal talent

____ Economic changes affecting the ability of middle class and lower-income clients to pay for legal services

____ Expectations by senior lawyers regarding compensation levels

____ Economic downturn

____ Growing inequity in the distribution of wealth around the world

____ Lack of public trust in lawyers and the legal system

____ Unreasonable expectations regarding workloads and time spent on the job (v. personal time)

____ Inadequate preparation of beginning lawyers by law schools

____ Organizational changes affecting the economic delivery of legal services

____ Other (please specify)

1. To what extent do you agree or disagree with the following statements?

Question	Strongly agree	Somewhat Agree	Somewhat Disagree	Strongly Disagree	Don't know
a. Law firms really don't need to worry about the ethical dilemmas of those they represent					
b. The most important role of lawyers is to do what their clients ask them to do					
c. Those entering legal practice these days should expect to change jobs often.					
d. The most important role of lawyers is to bring about constructive social change.					
e. Lawyers generally see law practice as a means of making a living rather than a means of bringing about social change or facilitating justice.					
f. The reputation of the organization is important to me in making my decision about the organization where I want to work.					
g. I view law practice most of all as providing me with intellectual challenge					
h. I anticipate that my own values will sometimes conflict with what I am asked to do as a lawyer.					

1. If you answered the above statement “4h” with “somewhat agree” or “strongly agree,” please specify what kinds of values conflicts you expect to face:

1. Assume you are engaged in each of the following legal activities/practices. How likely do you think it is that values conflicts would arise?

Question	Very Likely	Somewhat Likely	Not at All Likely	Don't Know
1. Advising re employment issues				
1. Advising re commercial issues				
1. Involvement in litigation				
1. Involvement in criminal prosecution/defense				
1. Representing government outside criminal context				
1. Representation in tax disputes				
1. Representation in consumer disputes (bankruptcy, foreclosure)				
1. Representation involving family disputes (divorce, child custody)				
1. Representation involving those with limited financial means				
1. Representation of businesses and corporations as outside counsel				

1. Representation of business organizations as in-house counsel
-

1. If you find that your values conflict with those of the organization for which you work, how likely is it that you will:

Question	Very Likely	Somewhat Likely	Not Likely at All	Don't Know
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1. Not mind too much				
----------------------	--	--	--	--

1. Experience it as stressful				
-------------------------------	--	--	--	--

1. Quietly handle the stress				
------------------------------	--	--	--	--

1. Look for another job				
-------------------------	--	--	--	--

1. Speak up about your objections				
-----------------------------------	--	--	--	--

1. Advocate alternative values or approaches				
--	--	--	--	--

1. Try to get others to join in addressing concerns				
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1. *Think of a few occasions when you encountered a values conflict in your previous work experience. Recall how you handled the situations. Would you characterize yourself and your behavior as that of:**

(1) an Idealist (One who is primarily concerned with moral ideals when making decisions on how to act.)

(2) a Pragmatist (One who is concerned with his/her own material welfare, but also with moral ideals. “Pragmatists will gladly do their fair share to create a civil society, but not place themselves at a systematic disadvantage” to do so.)

(3) an Opportunist (One who is mainly concerned with his/her own material welfare.)

**Categories and descriptions drawn from Gregory Dees and Peter Crampton, “Shrewd Bargaining on the Moral Frontier: Toward a Theory of Morality in Practice”, Business Ethics Quarterly, April 1991, vol. 1, no. 2, p. 146 and 164.*

1. If you placed yourself in the category of “pragmatist,” what can you do to maximize the likelihood that you will act on your ideals? What competencies will you need?

1. Think of someone you deeply respect. What are the 2 or 3 characteristics you most admire in this person?

1. Who are you at your best?

1. *Name your 3 or 4 deepest values.*

1. *What is the one sentence you would like to see in your obituary that captures who you really were in your life?*

1. *Questions of Purpose: What is your personal purpose for your legal career? (Consider, for example, what impact you want to have, whom you want to benefit, what you want to learn, what impact you wish to have, what you hope to accomplish, how you want to feel about yourself and your work)*

1. *Questions of Risk*

a.) Are you a risk-taker or risk-averse?

b.) What are the greatest risks you face in your line of work? Are they personal (e.g., livelihood, deportation, legal punishment) or are they professional (e.g., harm to clients, the firm), or are they societal (e.g., impact on the profession, the public, the nation)?

c.) What levels of risk can and can't you live with?

16. Questions of Personal Communication Style/Preference:

- a.) Do you deal well with conflict or are you non-confrontational? Under what circumstances do you behave in each way?
- b.) Do you prefer communicating in person or in writing?
- c.) Do you think best from the gut and in-the-moment or do you need to take time out to reflect and craft your communications?
- d.) Do you assert your position with statements or do you use questions to communicate?

17. *Questions of Loyalty:*

- a.) Do you tend to feel the greatest loyalty to family; work colleagues; your employer; or to others such as those you assist (clients or others)?
- b.) Under what conditions and given what stakes?

18. *Questions of Self-Image:*

- a.) Do you see yourself as shrewd or naïve?
- b.) As idealistic or pragmatic?
- c.) As a learner or as a teacher?

d.) Other?

This material is part of the Giving Voice to Values curriculum collection (www.GivingVoiceToValues.org). The Aspen Institute was founding partner, along with the Yale School of Management, and incubator for Giving Voice to Values (GVV). Now Funded by Babson College. Revised by Judith Wegner with permission of Mary Gentile. © Mary C. Gentile, 2010

Crush-the-Mush Exercise Example 1 from Georgetown University Law Center's Technology, Innovation, and Legal Practice: Access to Justice

Crush-the-Mush Example 1: Springfield Legal Clinic Intake System

The Mush

This is the “legal mush” that might appear in statutes or regulations or you may get from your content expert or a typical legal memo. The information you need is here, but you need to distill it down to “CRFO” elements (Conclusions, Rules, Facts and Outputs) to design a legal expert system.

Dear Legal Clinic Intake Volunteers,

Thank you for volunteering your time to greet and interview prospective clients of the Springfield Legal Clinic. Below are the rules that we have regarding eligibility for our services and our financial aid program, as well as the rules for assigning an urgency level for the client's case and the determining the best type of lawyer to assign to the client (assuming that the client is eligible for our services). Please become familiar with these rules so you can make determinations on each of these items when you meet the prospective clients in the clinic's Reception Center.

To be eligible for the services of the Springfield Legal Clinic, clients must be must be age 18 or older and be a US citizen at the time of the interview. To qualify for our financial aid program, the client's average household income per-person living in the household must be less than \$20,000.

We assign an "Urgency Level" to the client's case based on the following: Cases involving domestic abuse have an urgency level of "High," cases involving mortgage problems get an urgency level of "Medium," and cases involving landlord disputes get an urgency level of "Low." Any other kind of legal problem gets an urgency level of "Medium."

We identify the "Best Lawyer" to assign to the client's case based on these rules: All domestic abuse cases go to a Senior Lawyer and all landlord dispute cases to a Junior Lawyer. If the client has a mortgage problem *and* qualifies for our financial aid program, then we assign a Senior Lawyer; but if the client has a mortgage problem and does *not* qualify for our financial aid program, then the client is assigned a Junior Lawyer.

After you have interviewed the prospective client, please draft an email to the intake supervisor summarizing the results of your interview. If the person is not eligible for services, your email report should indicate that and state the reason why. If the person is eligible for services, your email should state each of the key conclusions you reached (see the conclusions described above) and briefly explain why you reach conclusion.

[These are the outputs of the system, which we are leaving to the side for now.]

The Mush Crushed

Conclusions and Rules

Reminder: *In most systems, you'll have an "ultimate conclusion" that is supported by "intermediate conclusions," which must be reached by the system before the ultimate conclusion can be reached. On this page,*

identify as many conclusions as you think may be needed for the system to perform the analysis described on the prior page.

Important: *For each conclusion you identify, be sure to identify the rules that lead to it.*

Facts that System May Need to Use Rules

Instructions: *Identify the needed facts by drafting the question for each fact that the system may need to get from the user — and showing the user's answer options for each question. Remember that fact variables can be of these types:*

- *List (of items to select from)*
- *Text*
- *Number*
- *Integer*
- *Percentage*
- *Currency*
- *Date*

- *Time*

Output Text to Display at the End of Session

We are leaving outputs to the side for now.

Notes

Notes

[[← 1](#)]

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