



2020, THE YEAR OF DISTANCE ED:

Moving Online ≠ Increased Tech
Competency Instruction

Kathleen (Katie) Brown, Charleston Law

Jessica de Perio Wittman, UConn Law



Wednesday, March 18, 2020

100% Of Law Schools Have Moved Online Due To The Coronavirus

By [Paul Caron](#)

14.4k
Shares

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113

in 11

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All 199 ABA-accredited law schools in the United States have moved entirely online due to the coronavirus.

Alabama

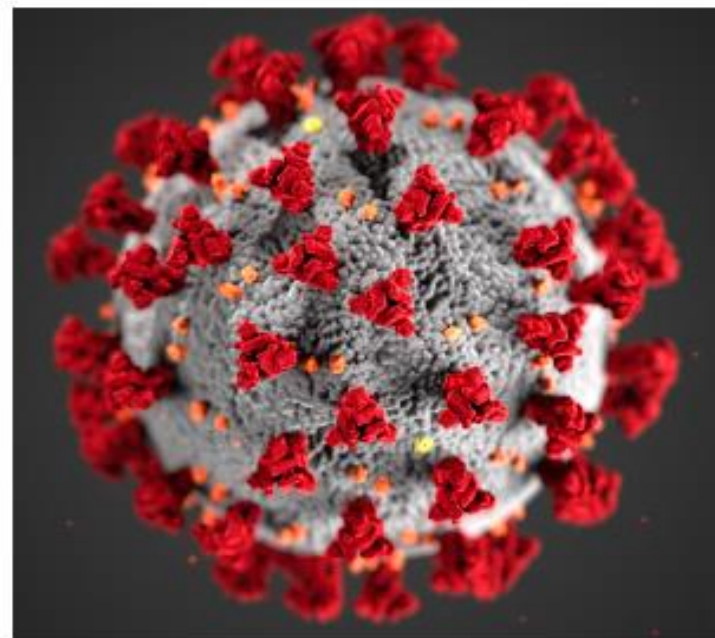
- Alabama
- Cumberland
- Faulkner

Arizona

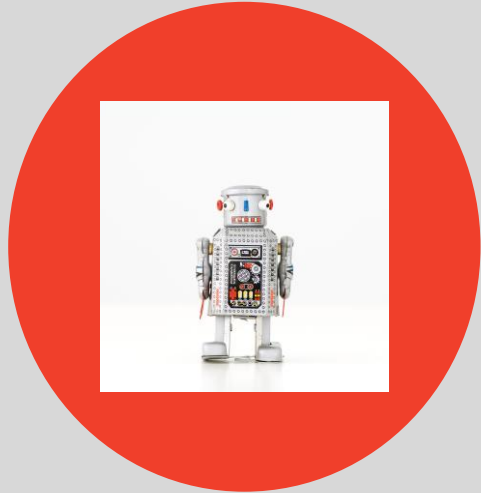
- Arizona
- Arizona State

Arkansas

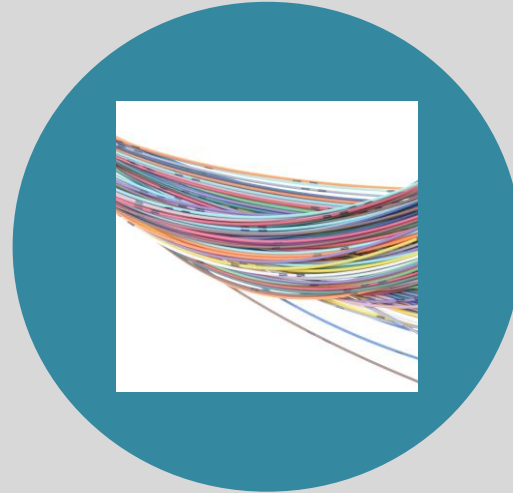
- Arkansas-Fayetteville
- Arkansas-Little Rock



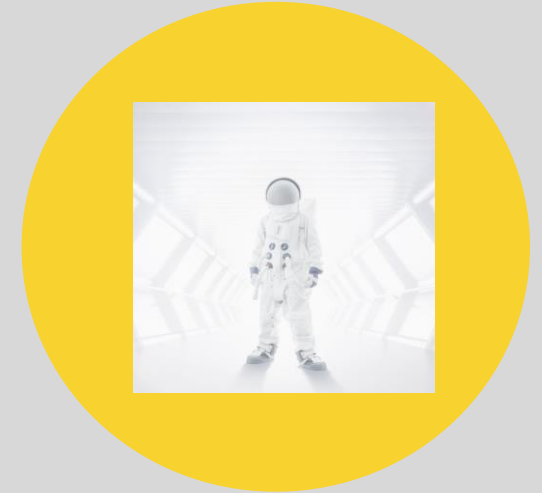
The Breakdown



TODAY'S LAWYERS
must be technologically
competent...but what does that
look like?



TECHNOLOGY COURSE DATA
Are we meeting the
technology competency need?



**GAPS, TRENDS, AND
COMMITMENTS**
What is it going to take?

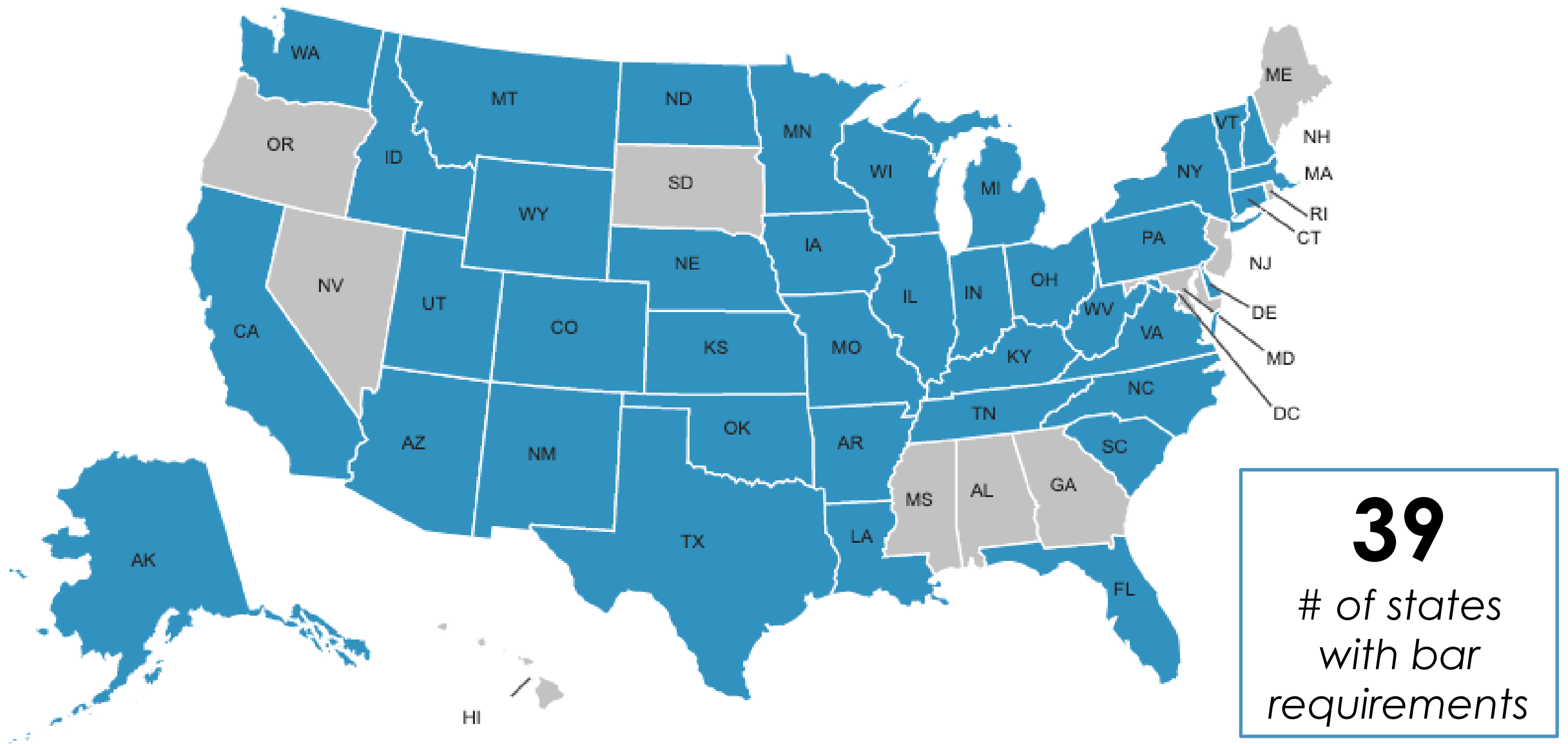
ABA Model Rule 1.1

A lawyer shall provide **competent representation** to a client.

Competent representation requires the **legal knowledge, skill, thoroughness and preparation** reasonably necessary for the representation.

Comment 8

*To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the **benefits and risks** associated with relevant technology, **engage in continuing study and education** and **comply with all continuing legal education requirements** to which the lawyer is subject.*



Source: Robert Ambrogi, Lawsitesblog.com, <https://www.lawsitesblog.com/tech-competence>

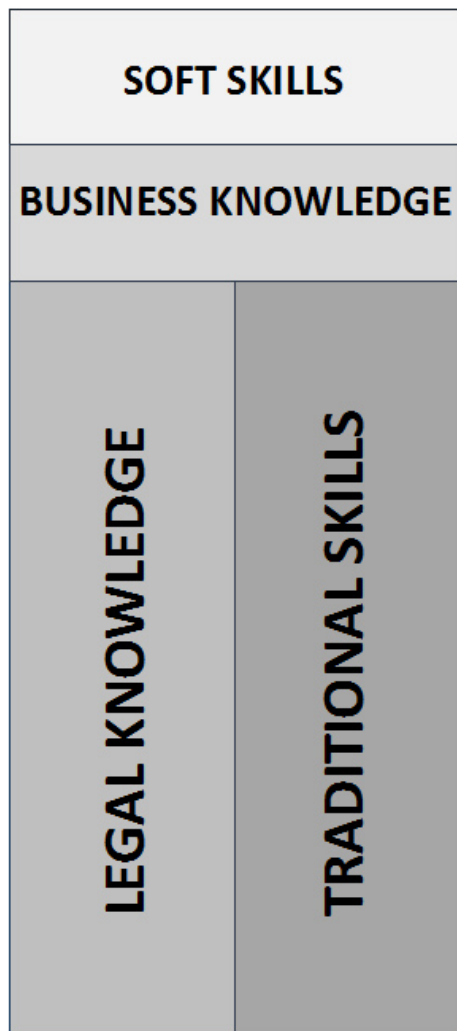
Practitioner Resources



Tech-Competent Lawyer

- I Shaped Lawyer: Pre-2000.
- T- Shaped Lawyer: Early 2000s, coined by Amani Smathers in 2014.
 - [Amani Smathers, The 21st Century T-Shaped Lawyer](#)
- Plus (+) Shaped Lawyer: 2017, coined by Fernando Garcia.
 - [Fernando Garcia, The Plus Shaped Lawyer for the 21st Century](#)
- Delta Competency Model: Created by Alyson Carrel during a one-day conference in 2018
 - [Theodora Stoica, Delta Model of Lawyer Competencies - A Theory of Everything?](#)
- O-Shaped Lawyer: Coined by Dan Kayne, General Counsel at Network Rail
 - [Dan Kayne, The lawyer of the future is O shaped](#)

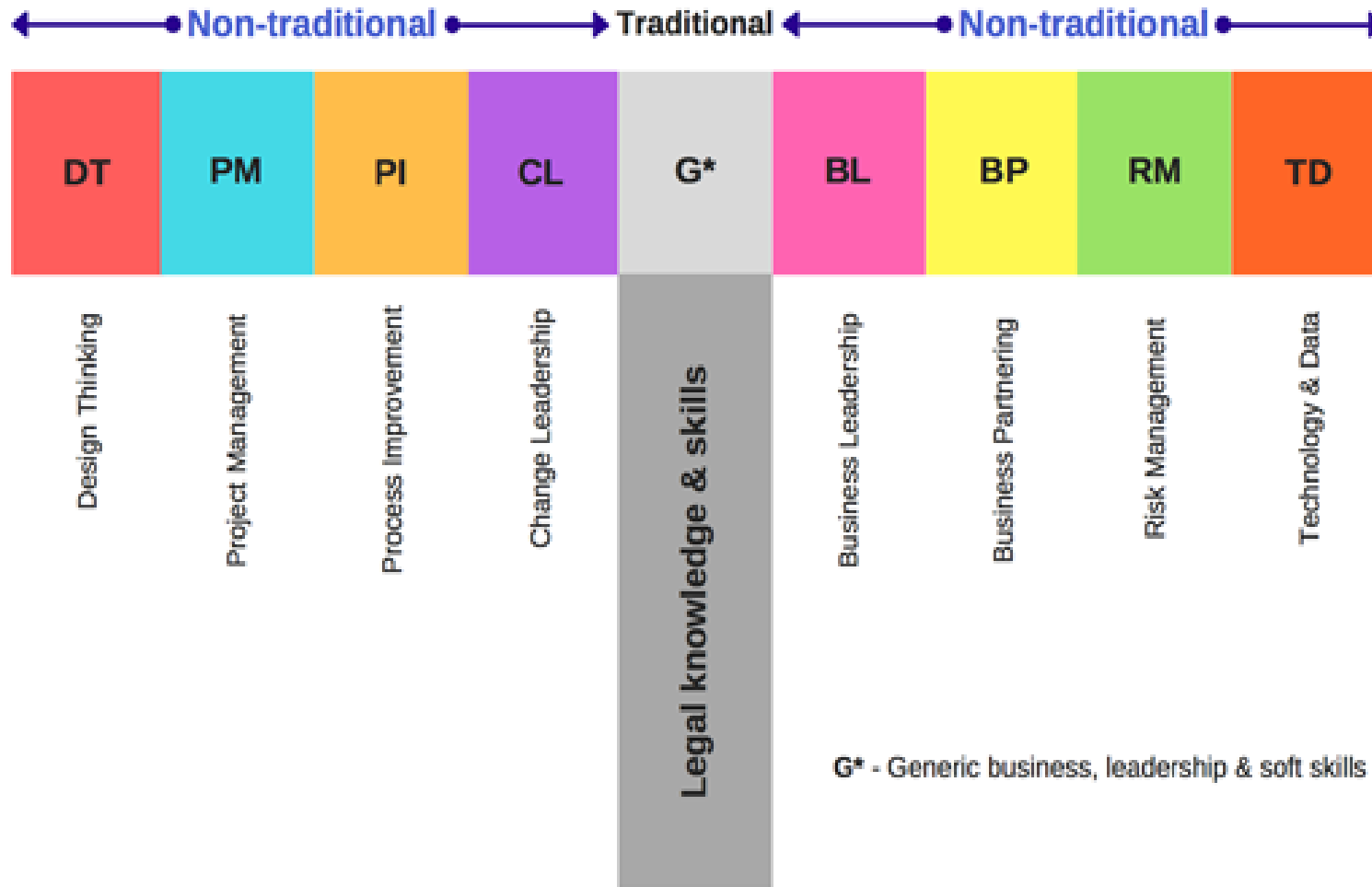
THE I – SHAPED LAWYER SKILL SET



©AlternativelyLegal Pty Ltd 2020

The T-shaped Lawyer

Critical skills for innovation & collaboration



©AlternativelyLegal Pty Ltd 2017

The Delta Model:

an agile competency model for
the modern legal professional



The Delta Model is comprised of three areas representing the knowledge, skills, and abilities related to:

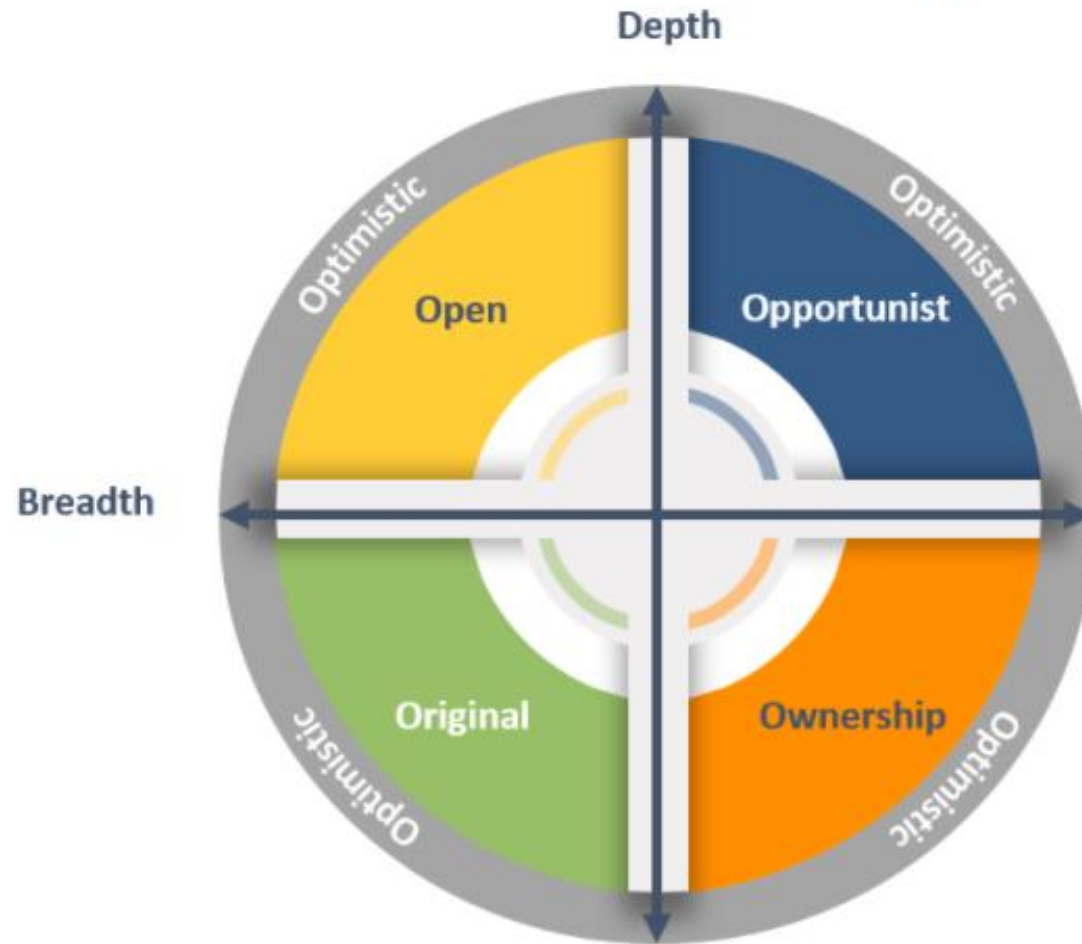
THE PRACTICE: Knowing, researching, and clearly communicating the law

THE PROCESS: Delivering legal services efficiently & effectively

THE PEOPLE: Understanding and relating to clients, colleagues, and ourselves

(c) 2020, @alysoncarrel @DeltaModelLawyr

The O Shaped Lawyer



Source: Dan Kayne, The Lawyer of the Future is O Shaped, <https://uk.practicallaw.thomsonreuters.com/w-023-9499?>

Law Firms and Legal Departments Want Law Student Graduates

- holistic problem solvers
- meeting a client's needs beyond legal advice
- knowing how and when to leverage technology for problem solving

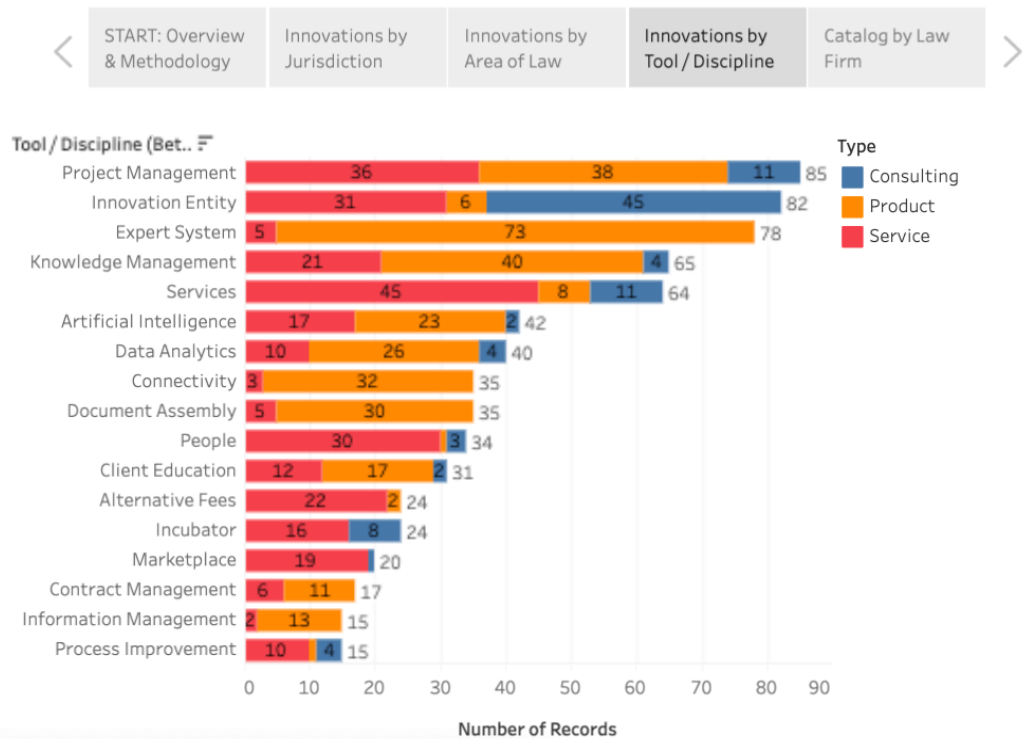
Law Firms and Legal Departments Want New Hires

- Who kept up with the latest innovations
- Who understand Innovation impact on the legal industry
- Open to deploying innovation
- Open to using new tools
- Open to even designing new solutions when appropriate
- Who approach the delivery of legal services in a new, efficient and process-orientated way
- With technology-enabled legal services delivery
- With understanding of principles of legal operation
- work with the firm's data scientists and developers
- Helpful to have lawyers who have experience in things like coding, data mining, and machine learning

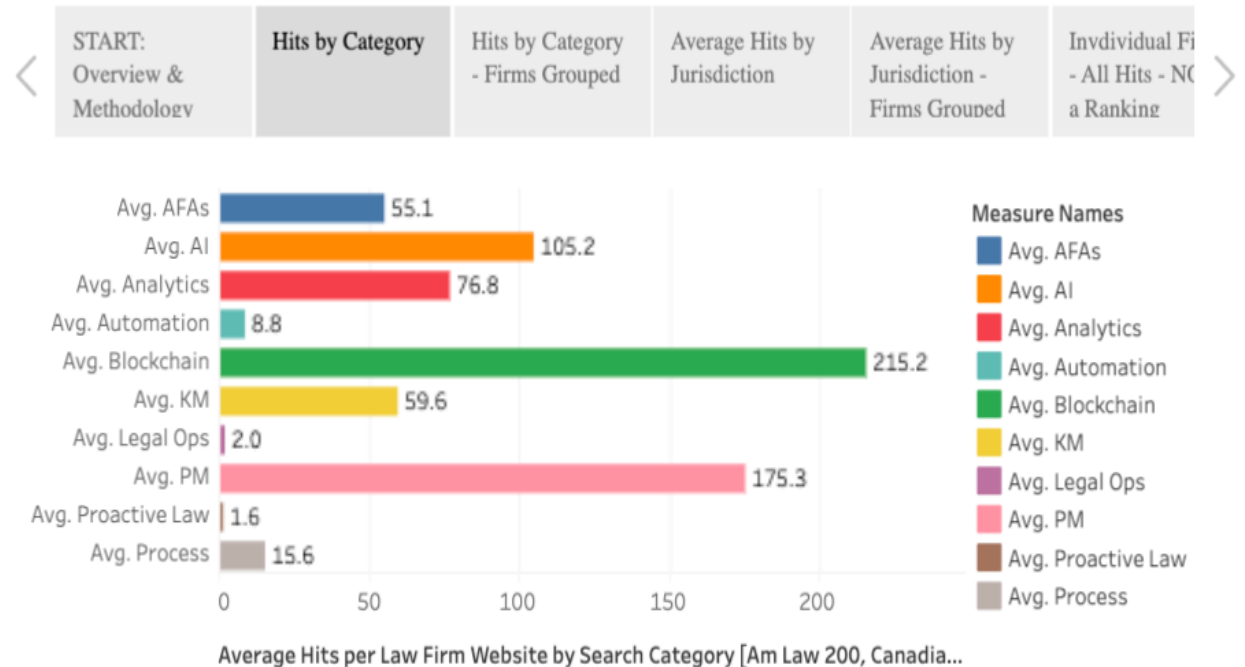
Source: Rhys Dipshan, *Tech Competency for Tomorrow's Lawyers Is About More Than Just Tech Proficiency* (Aug. 31, 2020), Appears in *Legaltech News*, *The American Lawyer*

Law Firm Innovation: 260 law firm websites (2017)

Catalog of Law Firm Innovations - Phase 1, v. 1.03



Law Firm Innovation Index - Phase 1, v1.0 - NOT a Ranking

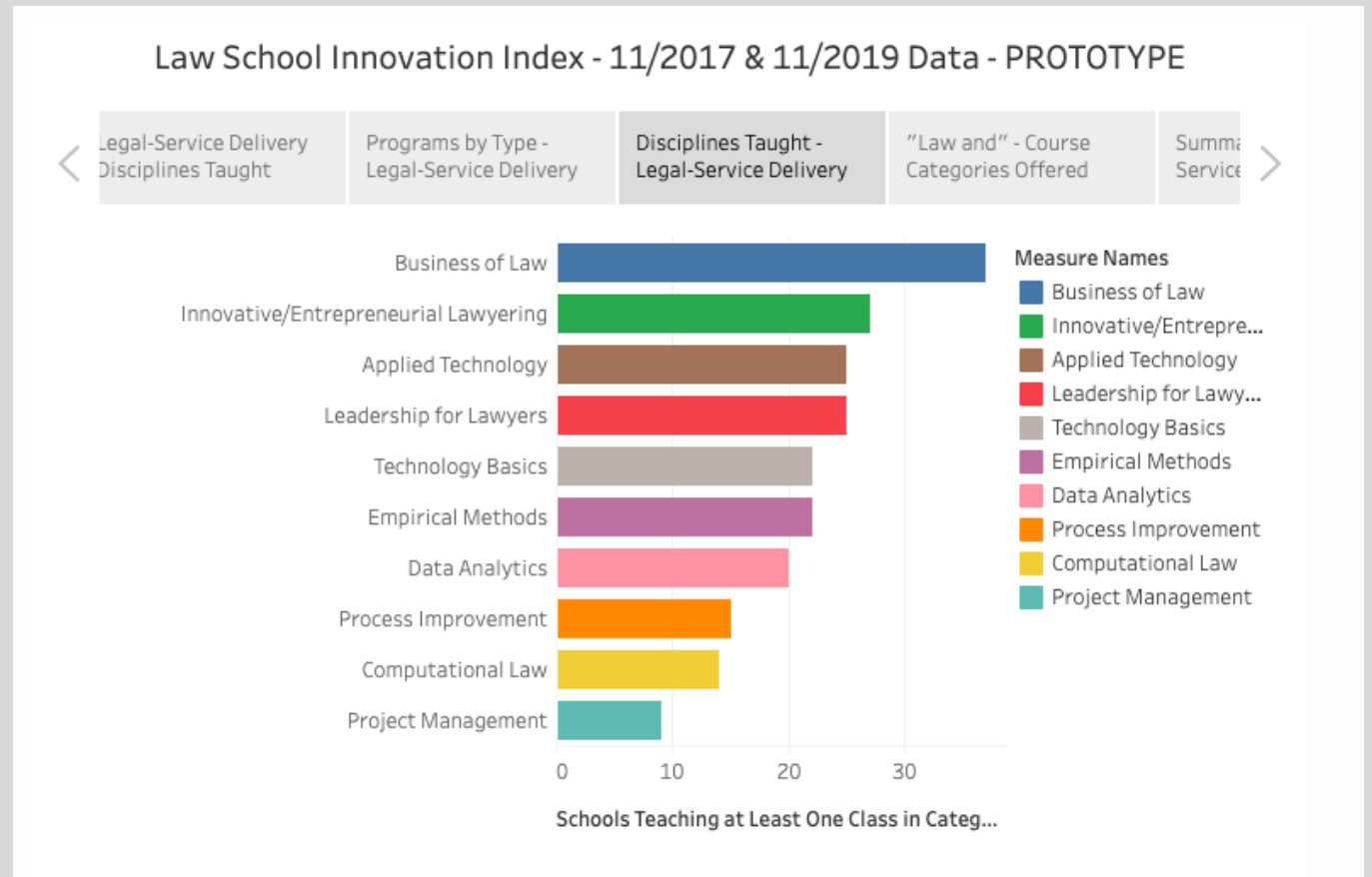


Source: <https://www.legaltechinnovation.com/law-firm-index/>

Technology 100 % Committed: ABA Approved Law Schools

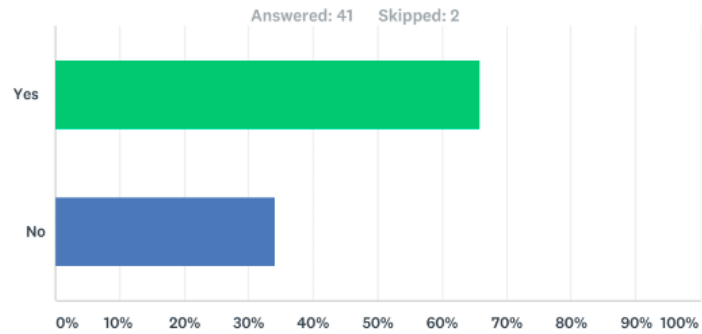


Legal Services Innovation Index



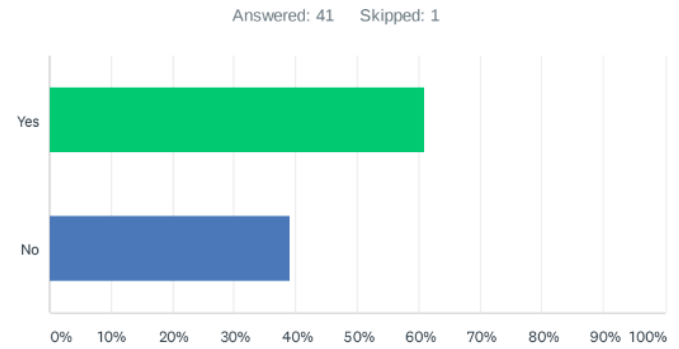
Source: <https://www.legaltechinnovation.com/law-school-index/>

Q5 Does your law school provide informal legal technology instruction to the law students?



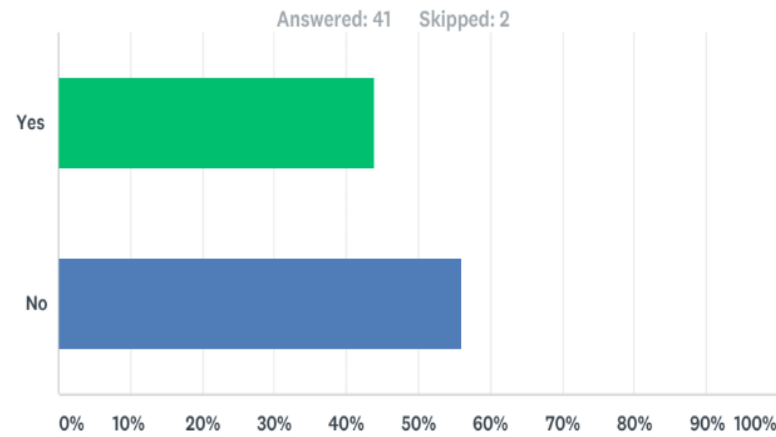
Answer Choices	Responses	
Yes	65.85%	27
No	34.15%	14
Total		41

Q5 Does your law school provide informal legal technology instruction to law students?



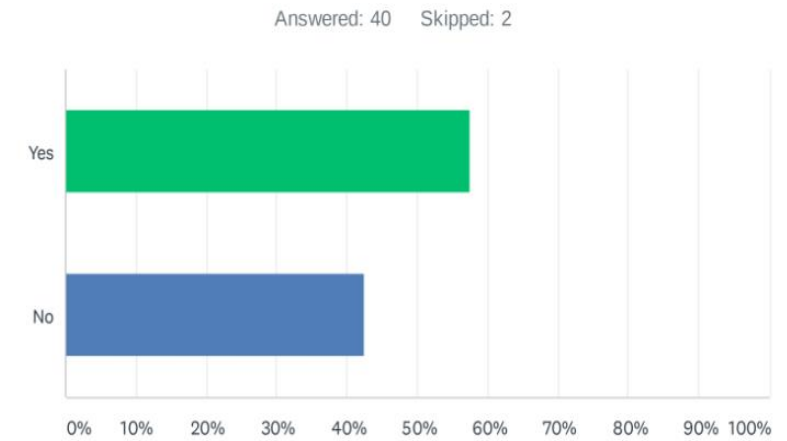
ANSWER CHOICES	RESPONSES	
Yes	60.98%	25
No	39.02%	16
TOTAL		41

Q3 Does your law school offer a for credit Legal Technology or Law Office Technology type course?



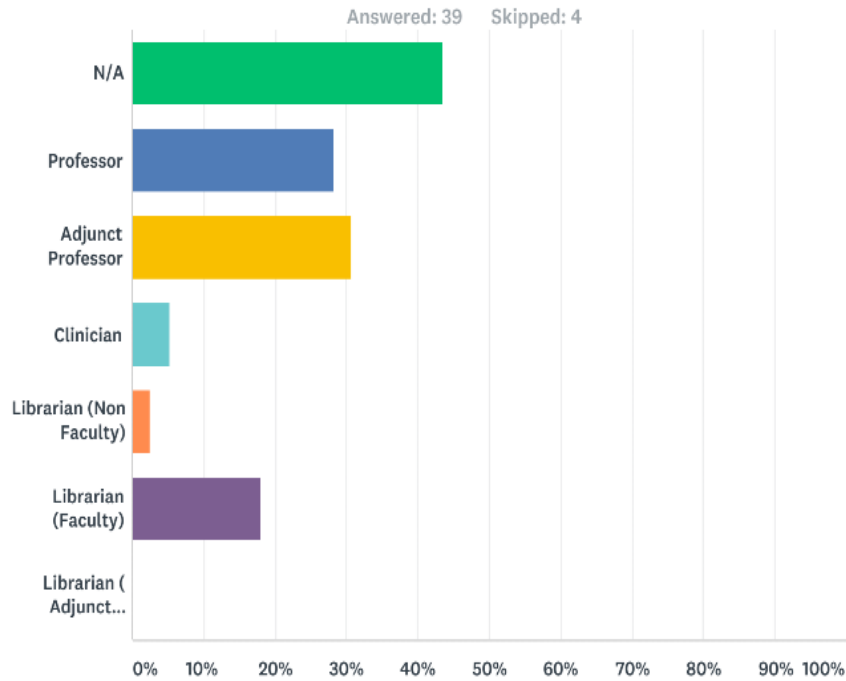
Answer Choices	Responses	
Yes	43.90%	18
No	56.10%	23
Total		41

Q3 Does your law school offer a for-credit legal technology or law office technology type course?



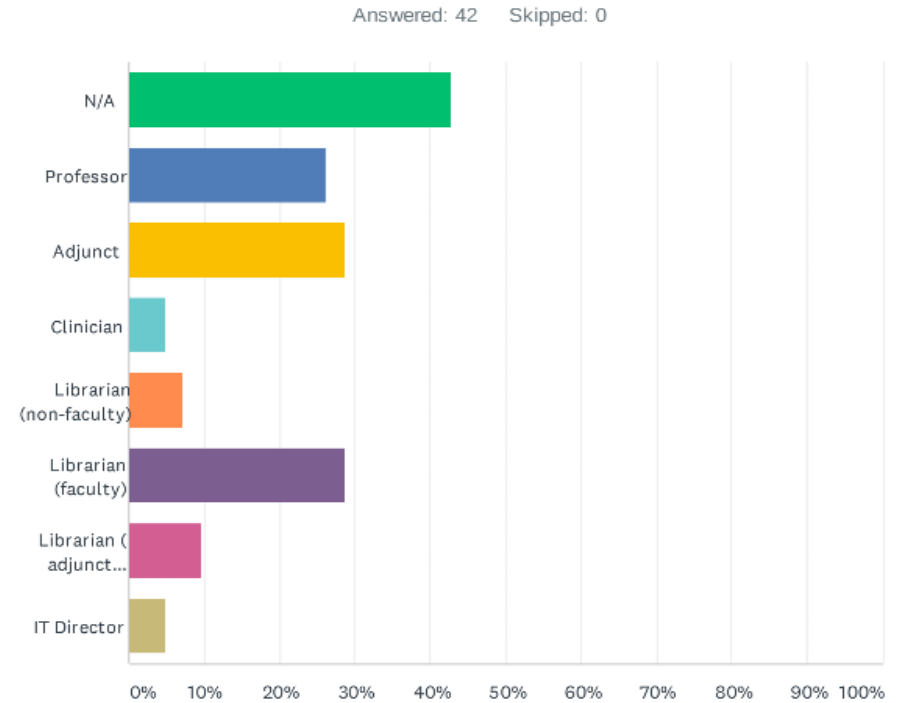
ANSWER CHOICES	RESPONSES	
Yes	57.50%	23
No	42.50%	17
Total Respondents: 40		

Q4 Please select all applicable instructors for the for credit legal technology courses.



Answer Choices	Responses
N/A	43.59%
Professor	28.21%
Adjunct Professor	30.77%
Clinician	5.13%
Librarian (Non Faculty)	2.56%
Librarian (Faculty)	17.95%
Librarian (Adjunct Faculty)	0.00%

Q4 Please select all applicable instructors for the for-credit legal technology courses



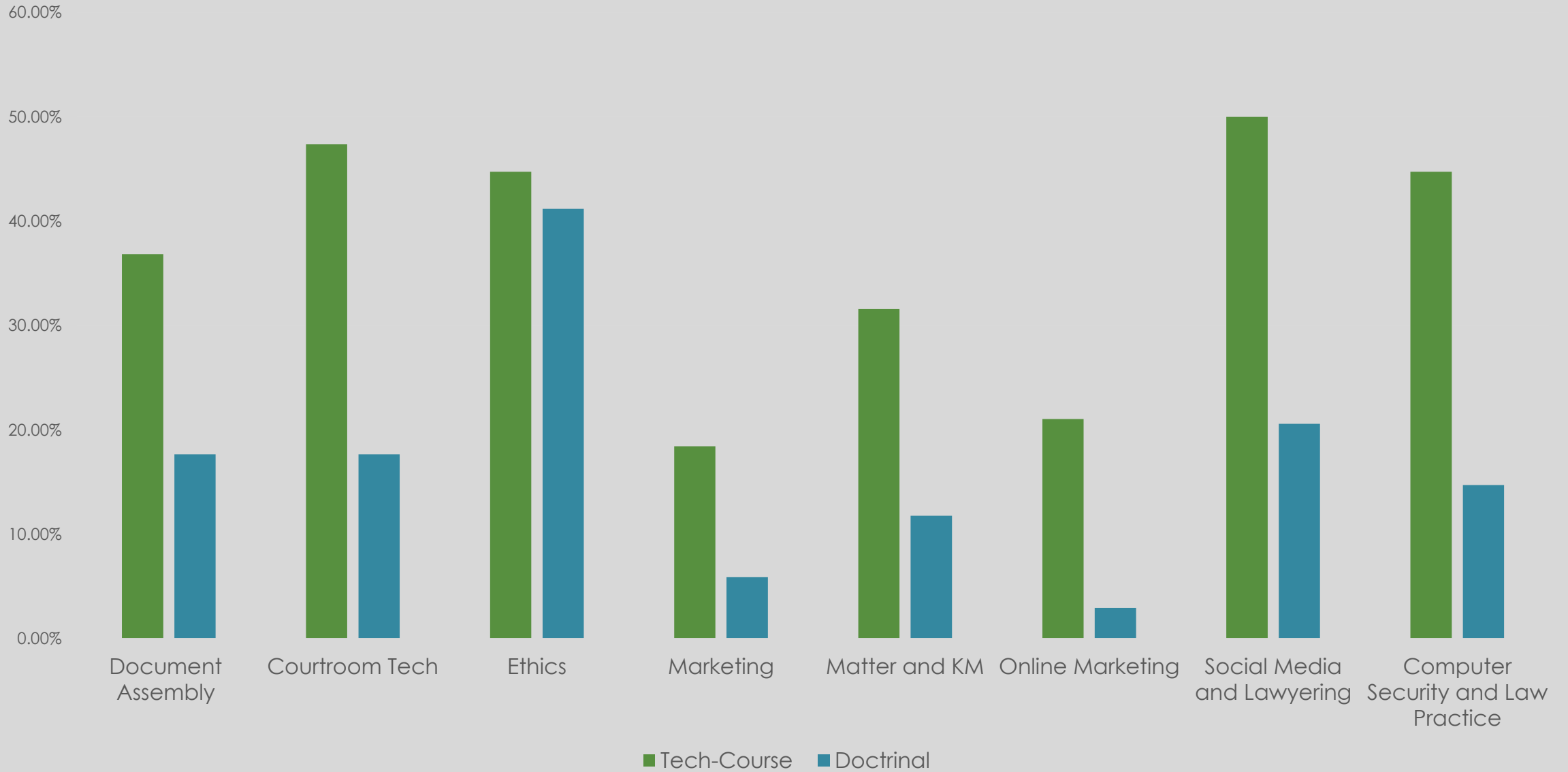
ANSWER CHOICES	RESPONSES	Count
N/A	42.86%	18
Professor	26.19%	11
Adjunct	28.57%	12
Clinician	4.76%	2
Librarian (non-faculty)	7.14%	3
Librarian (faculty)	28.57%	12
Librarian (adjunct faculty)	9.52%	4
IT Director	4.76%	2
Total Respondents: 42		

Please select all applicable legal technology topics taught in the for-credit technology course offered at your law school.

Answer Choices	Responses	RESPONSES
N/A	45.71% 16	44.74% 17
Document assembly and drafting	31.43% 11	36.84% 14
Courtroom technology	22.86% 8	47.37% 18
Decision support systems	14.29% 5	10.53% 4
Ethics of legal technology	37.14% 13	44.74% 17
Legal technology Start ups	20.00% 7	13.16% 5
Code	11.43% 4	13.16% 5
Marketing	14.29% 5	18.42% 7
Matter and knowledge management	22.86% 8	31.58% 12
New model law firms	20.00% 7	26.32% 10
Online dispute resolutions	8.57% 3	7.89% 3
Project Management	17.14% 6	28.95% 11
Software development	14.29% 5	7.89% 3
Legal process engineering	14.29% 5	5.26% 2
Access to justice and legal technology	31.43% 11	26.32% 10
Cloud computing	25.71% 9	36.84% 14
Law firm web development	22.86% 8	21.05% 8
Online Marketing	14.29% 5	21.05% 8
Social Media and lawyering	37.14% 13	50.00% 19
Computer security and law practice	31.43% 11	44.74% 17
Total Respondents: 35		

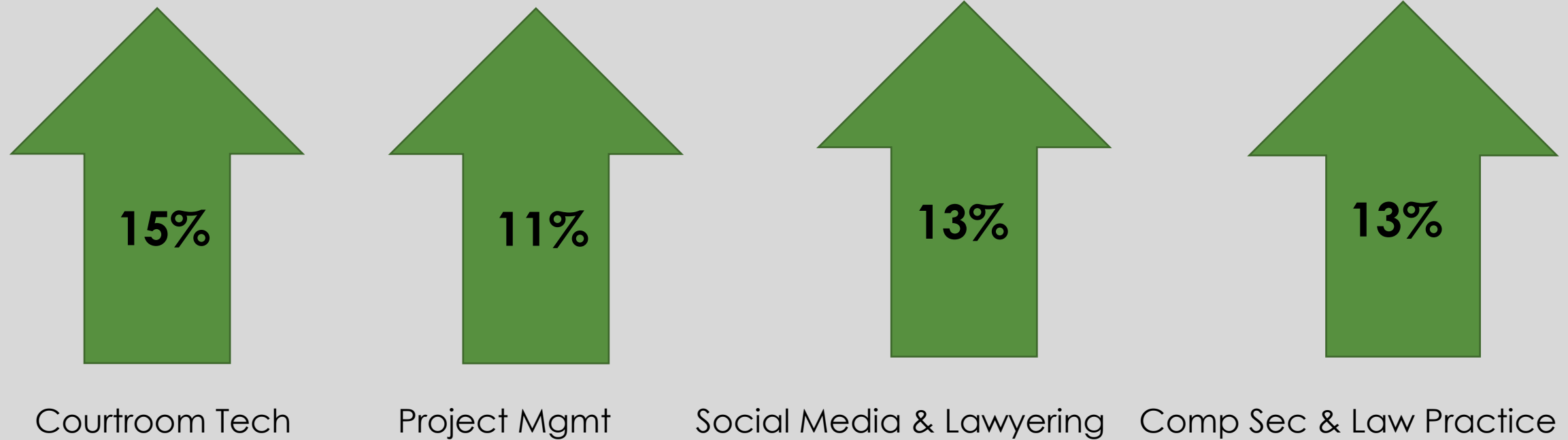
Word	39.47%	15
Excel	36.84%	14
Presentation technology	31.58%	12
Lean/Six Sigma/Agile	0.00%	0

Business of Law - PROTOTYPE



"There are just certain aspects of tech use that if you can't do them, it's almost a nonstarter."

-Daniel Maland, partner at Mark Migdal & Hayden



“TRADITIONAL” TECHNOLOGY or TECHNOLOGY-RELATED TOPICS

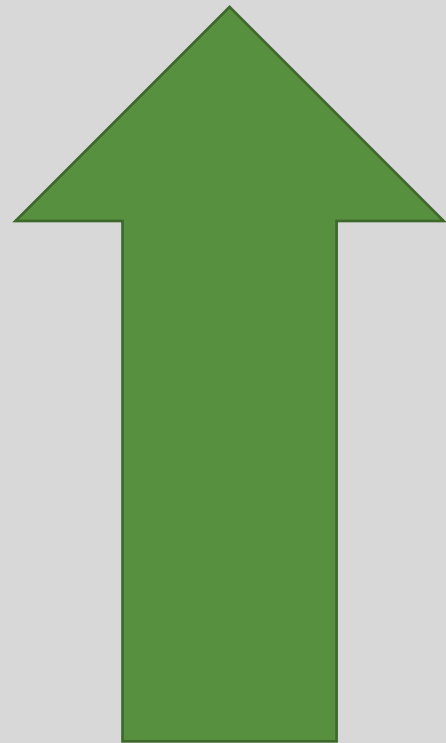
"Generally, it's very common for us to receive a [request for proposal] where the clients ask specifically that we use [artificial intelligence] in the engagement. ... It usually comes down to them hoping we use AI to drive some level of efficiency and improve quality."
-Jacob Hasler, Knowledge Management Attorney at Perkins Coie



MORE "TRADITIONAL" TECHNOLOGY or TECHNOLOGY-RELATED TOPICS

" It's great if attorneys are interested in coding or technology. [But] what now is the most important thing is understanding how to put resources together in a modern way to deliver legal services for clients."

- Katie DeBord, Chief Innovation Officer at Bryan Cave Leighton Paisner

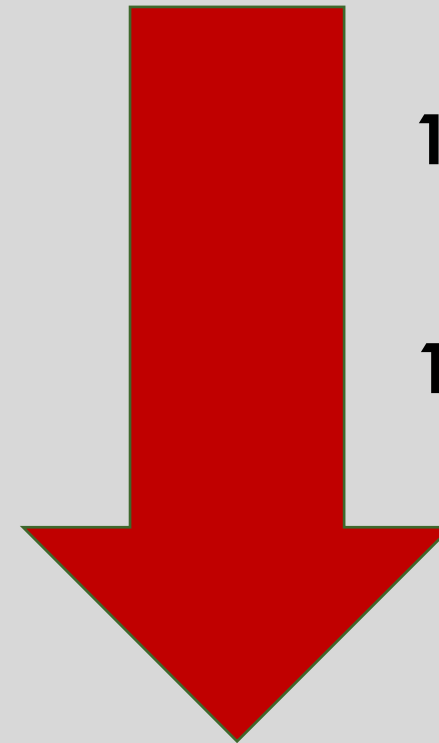


6% New Model Law Firms

11% Marketing
(Traditional & Online)

7% Ethics of Legal Tech

2% Coding



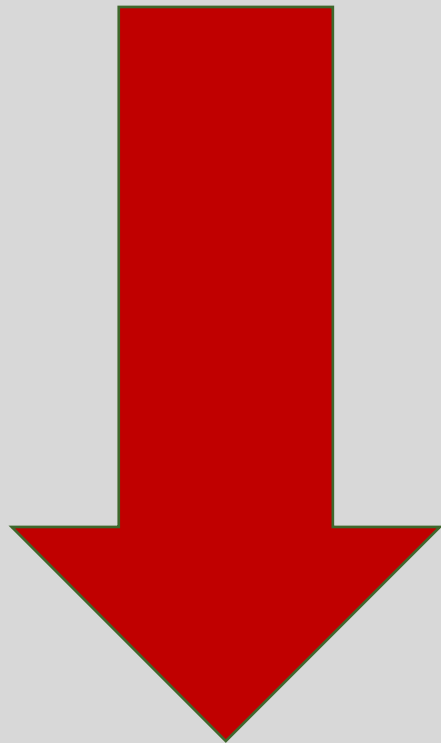
1% Online Dispute
Resolution

1% Law Firm
Web Development

LEGAL TECHNOLOGY TODAY

"[F]ocus has been on developing the mindset that the delivery of legal services and legal advice is a process that can be made more efficient through a variety of means," which includes process design, automation, and "applying [technology] where you can."

- Catherine Moynihan, Executive Director of Legal Operations, Association of Corporate Counsel



9% Legal Process Engineering

7% Software Development

7% Legal Tech Startups

5% A2J and Legal Tech

4% Decision Support Systems

0%

Lean Six Sigma/Agile

T-SHAPED? DELTA? O-SHAPED? WE HAVE GAPS.

Some gaps are filled by doctrinal courses with tech inclusion.

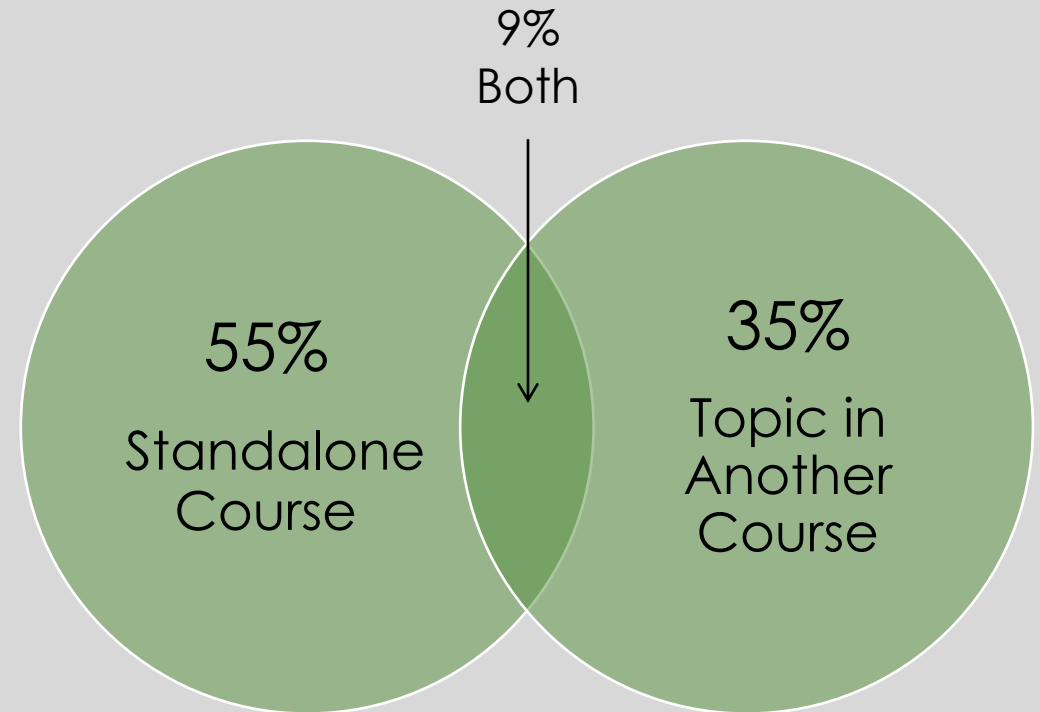
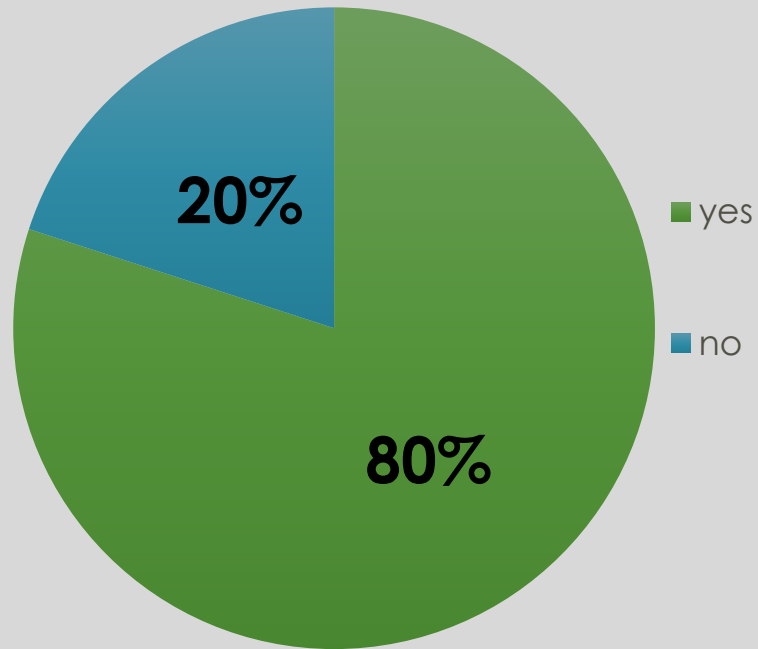
Topic	Legal Tech Class	Doctrinal Class
Legal Process Engineering	-9%	-3%
Software Development	-7%	-3%
Legal Tech Startups	-7%	-5%
A2J and Legal Tech	-5%	+5%
Decision Support Systems	-4%	-4%
Lean Six Sigma/Agile	0%	+3%

Tech Specific Skills and Proficiencies for Litigators

Topic	Description/Examples	Legal Tech	Doctrinal
Courtroom Technology	How to use technology to present a case; a complete court presentation on PowerPoint	+15%	-14%
Decision Support Systems	Understanding data-driven law decision-making tools; Incorporating data-driven law decision-making tools	-4%	-4%
Matter and KM, PM	dexterously handle large volumes of data; digital organization skills	+9%	-10%
Leveraging Legal Research Data	<i>We know this is happening because librarians are in the legal classroom.</i>		

E-Discovery for Litigators

Schools Teaching E-Discovery, Past 5 Years



Lawyers were asked, "When evaluating professionals for open legal positions, which carries more weight: the candidate's technical skills or his or her soft or nontechnical skills?" Their responses:*

Much greater weight on technical skills	19%
Somewhat greater weight on technical skills	43%
An even split	30%
Somewhat greater weight on soft skills	8%
Much greater weight on soft skills	<u>1%</u>
	101%

*Responses do not total 100% due to rounding.

Lawyers were also asked, "In which of the following areas of technology are lawyers expected to be competent at your law firm or company?" Their responses:**

Cybersecurity	48%
Data analytics	43%
eDiscovery	33%
Artificial intelligence	31%
Blockchain	17%
Don't know	6%
Not applicable	9%

**Multiple responses were permitted.

Source:
Robert Half Legal, 6 In 10 Lawyers Say Tech Skills Outweigh Soft Skills When Hiring Legal Job Candidates, October 16, 2019.

Contact Us

Kathleen (Katie) Brown
Associate Dean For Information Resources
Charleston School of Law
Kbrown@charlestonlaw.edu



Jessica de Perio Wittman
Director of the Law Library & Associate Professor of Law
University of Connecticut School of Law
jessica.deperio@uconn.edu

