

and instead gave my local postman plenty more mail to deliver on his rounds. I have been able to travel up to the library every 2–3 weeks (essential travel to work) to collect new loose-leaf works to file at home and take up any journals, books etc which had arrived at the house. Consequently, I am confident that when we do re-open, the library will be up-to-date and ready to hit the deck running – however it will need a jolly good clean beforehand.

It has been very heartening to see how many enquiries I have been able to answer despite not having access

to everything and the library community has been great in supporting each other – it always has been good but this situation has brought out the best in everyone.

At the time of writing, the library has reopened, and is staffed, on a Wednesday and Friday. The rest of the week we are working from home but we are hopeful that Government advice will allow us to reopen fully fairly soon. In the meantime we are providing the best service we can in the circumstances and fortunately our members understand the difficulties we are facing and are grateful for the service we are providing.

Biography

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FIVE PAPERS FROM THE BIALL ONLINE ANNUAL CONFERENCE 2021

Making the Case for Law Tech

Abstract: As the concept of a ‘practice-ready’ attorney continues to grow in both law firms and law schools, law school libraries are meeting this need by offering programming related to legal technology. In this article, a law librarian from the United States, Janet Kearney, discusses their successes and failures in creating and maintaining legal technology programming, a first step in a larger conversation on practice-ready law graduates. The article is based on a June 2021 presentation given at the annual conference of the British and Irish Association of Law Librarians.

Key words: legal technology; legal tech; law tech; law schools; United States

TERMINOLOGY

To begin it is important to define the terminology:

‘**Technology:** 1. Modern equipment, machines, and methods based on contemporary knowledge of science and computers. 2. The practical, esp. industrial use of scientific and mathematical discoveries.’¹

‘**Lawtech** is the term we use to describe technologies that aim to support, supplement or replace traditional methods for delivering legal services, or that improve the way the justice system operates.’²

‘**Legal Technology**, or **Legal Tech**, is a term that broadly refers to the adoption of innovative technology and software to streamline and enhance legal services.’³

INTRODUCTION

As more law firms focus on training their new hires to be well-rounded, focused on customer needs, and technologically savvy, law schools are increasingly focused on ensuring students have these qualities, often referring to this goal as educating practice-ready attorneys.⁴ Law school libraries are following and often leading this trend by offering programming related to legal technology. In the United States, numerous examples of law tech programming can be found in law schools and are often discussed in publications related to the profession.⁵ This case study will examine the work of the Maloney Library at the Fordham University School of Law (Fordham Law Library) and its law practice technology (LPT)

programming.⁶ Over the last several years, many individuals at the Library have contributed to and worked on the initiative, branded as LawTech@Maloney Library.⁷

PROGRAMMING

Now, several years into creating LPT programs, LawTech@Maloney Library includes:

Law Practice Technology Class:⁸ a semester-long, two-credit course taught by a librarian that is part of the law school curriculum every spring. The class is described as providing an understanding of current trends, ethics, and hands-on experience with a number of different types of law tech, such as e-discovery, AI, cybersecurity, analytics, etc. Students do hands-on exercises and class discussions; there are guest lectures from practitioners and sometimes vendors. The course is capped at fifteen students, and after several successful years, the class is usually at full enrollment.

Procertas Legal Technology Assessment (LTA):⁹ a software platform that is purchased by the Library.¹⁰ It is a completely online platform that focuses on basic office technology for the tasks that lawyers frequently do in the major office applications: Word, Excel, and PDF; students can learn how to create a table of authorities, apply and modify styles, remove metadata, create pivot tables, compare documents, redact documents, etc. The platform offers both trainers and assessment modules: trainers grade tasks on a pass/fail basis with access to training videos, and the assessments give a score such as beginner or intermediate. The Library offers this platform to students in two ways: (1) as a mandatory component of their Legal Writing class in the spring of their first year; and (2) focused marketing to upper-level students in the fall for their voluntary participation. While the first-year program has experienced large success because it is required, there has been very little buy-in from upper-level students, despite what the librarians consider to be strong incentives (extra study room time, Amazon gift cards, school supply bags, and the fact that students need to learn these skills). The program for upper-level students is still in transition as it is only two years old, with one of those years during a fully remote pandemic, so it will likely be rolled in the Certificate program.

Lunch 'n' Learns:¹¹ short presentations given over the lunch hour. These tend to focus on more “sophisticated” law tech, as compared to Procertas programming, which is about the basics of office technology. There is usually a vendor or practitioner that will come to campus two to four times per semester and do a demonstration for about an hour on topics such as blockchain in law practice or cybersecurity for attorneys. The attendance ranges; in 2019, between 6 and 16 students attended each session. We do a range of advertising: signs all around the building, email blasts, posting on social media channels – and we try to offer a good lunch.

LPT Modules: a set of two targeted instructionals, one on e-discovery and one on legal analytics, that are

done through targeted outreach of faculty. For example, the librarian will reach out to faculty who teach civil procedure for the e-discovery instructional, and the faculty will invite them to provide the instructional when the class has discussed discovery; the librarian will do a guest lecture on e-discovery and platforms generally, then provide hands on interaction with a platform.¹² Because these are done directly through contact with faculty and are mandatory sessions for the students, attendance is very high, and there is no marketing outside the contact with faculty. After doing this successfully for a few years, some faculty reach out to schedule the class at the beginning of the semester, before the librarian can approach them.

Maloney Library Law Practice Technology Certificate.¹³ In August 2021, the Library launched a new initiative, the Maloney Library Law Practice Technology Certificate, which will enable students who participate in this program to earn a certificate upon graduation. To earn the certificate, students must (1). complete three advanced Procertas modules with a score of qualified or higher,¹⁴ and (2). Attend five library-approved programs on law tech (like the Lunch 'n' Learns) or successfully complete the Law Practice Technology class. This new initiative is still in its early stages, though early sign-up numbers look promising for upper-level student interest and participation.

Throughout the stages of these initiatives, from brainstorming to execution to evaluation, the Library has experienced successes and failures: every struggle is an opportunity to learn and refine the project. While we certainly do not have all the answers, the following themes are critically important aspects of LPT programming that librarians should consider.

CONSIDER THE LIBRARY MISSION

An important threshold consideration is whether a particular library can or should create law tech programs for students. Do these programs align with your existing mission statement, goals, and library culture? At Fordham Law Library, the first section of the mission statement supports any programming that is geared towards helping students learn the skills that they need outside of school: ‘The Maloney Library is a center for service in support of the scholarship of Fordham Law School’s faculty and the education of its students.’¹⁵ One of the values of the library is training students to make them prepared for practice, so with that as a clear mission statement, it does lend itself to developing law tech programs.

It can also be seen as an extension of what reference librarians already do with legal research databases, which are themselves a subset of law tech. When reference librarians teach or interact with students at the reference desk, we always focus on exploring the *whys* and not just the *hows*. It is most important for students to know the various methods of finding information and, in particular, the strengths and weaknesses of those methods. They

should be thinking critically about the tools they use. When librarians are already operating in this sphere of thinking critically about technology, it can be a natural transition to other types of law tech.

Additionally, it is important to consider what students need to know when they leave school and how the library can reach the maximum number of students. At Fordham Law, one of the larger law schools in the US, there are a wide variety of employment outcomes, and therefore diverse tech needs once in the workplace. For the 2019 graduating class, there were 382 graduates; of those:

- Large firms: 173 students
- Small to midsize firms: 80
- Business and industry: 30
- Public interest: 20
- Federal and state court clerkships: 27¹⁶

Considering these numbers, what should our students know when they leave school and begin working that is related to the work of the library? What does that look like across this diverse employment pool, and across a diverse pool of backgrounds, because we know that not everyone comes to law school with the same experiences?

Exploring these tech programs and skills that the library is well-suited to present to students and determining how to meet these needs for the largest portion of a diverse student population in terms of their employment is a critically important step. Equity and inclusion extends to all library services and programming. All students should have a strong baseline no matter where they end up practicing; big law associates, government attorneys, those in legal aid, and everywhere in-between should all start with baseline skills that will set them up to be successful.¹⁷

In addition to whether it aligns with the mission statement, any programming should be considered from the employee perspective: even if the library administration is on board with these programs, do the librarians have the time to do them? Given the number of librarians who experience burn-out,¹⁸ is there any bandwidth or motivation on staff to manage these programs? Like many library programs, law tech takes time for project management and actual execution and evaluation.

After considering these threshold issues of whether the library is the appropriate place and what types of programming best serve students, there are many other aspects of creating and marketing law tech programs that need to be considered. These types of considerations do not have easy answers; while they might be called best practices, there is not one definitive answer for the best way to handle any of these issues raised.¹⁹

DEFINE LAW TECH BROADLY

How can librarians be sure we are teaching transferable skills and not just a trendy new technology? It is

important to teach basic, applicable skills to students, to enable them to analyze critically new technology and not focus on just one specific buzzword like 'blockchain'. Adam Curphey²⁰ provides an apt and insightful analogy:

You would think it odd if students who were learning about contract law spent an entire module looking in detail at the relationship between the law and sponsorship agreements. While some of the fundamentals of contract law could be picked up by looking at one type of agreement, it is too specialised a topic to teach the underlying skills needed to draft and negotiate contracts in general... Instead, I'm sure the profession would much prefer new entrants with the skills to adapt to the drafting and negotiating of any contract. That means giving students a toolkit of skills that assist when drafting and negotiating legal contracts, including legal writing, negotiation, drafting, etc.

*In much the same way, **teaching lawtech does not mean teaching Blockchain. Nor does it mean teaching lawyers how to code.** What people really want when they ask for lawyers who can code is lawyers who have a certain way of thinking. Yes, an awareness of current and future lawtech is important – lawyers need to know what they might encounter in practice and what is available to use, but that does not mean creating a course that isolates lawtech from the wider business world around it. That means embedding lawtech into practice-focused education that mirrors how students will work in the real world, with additional horizon-scanning to ensure students stay up-to-date.²¹*

BUILD RELATIONSHIPS ACROSS THE INSTITUTION

Receiving buy-in from other law school departments is important and difficult to do; every department in the law school has its own goals and are busy with their own programming. By carefully tailoring pitches to their priorities and concerns, it is easier for other units in the law school to recognize the overlapping relationship between the library's law tech offerings and their own missions. For example, discussing with professional administrators that Word proficiency is a core professional lawyering skill,²² and with the career development office that students who can set themselves up as tech proficient can distinguish themselves from other applicants.²³

The most successful example so far for the Fordham Law Library is an integration of the Procertas LTA into the IL writing and research curriculum. After piloting the LTA, we wanted to get as many students as possible learning at least basic Word skills, and we knew the best way to do that would be to have it as a requirement for students as a part of a class, close in time to when they actually needed to use Word for class assignments or summer work. Legal Writing, with a brief due in the

spring that requires students to create tables and use styles, seemed a perfect fit. We pitched the program to the head of Legal Writing and a few of the instructors; they thought it was important for their students to learn and agreed to call it required. Though the Library still administers the program completely, from announcing it to students to tracking completion and answering questions, the Legal Writing faculty ask their students to do it, and often follow-up with them when they do not. Thanks to the participation of the Legal Writing faculty, over 95% of ILs have completed basic Microsoft Word training in each of the two years since the program began.

UNDERSTAND OUTCOMES TO MEASURE SUCCESS

This may be the most challenging lesson, partly because the definition of 'success' changes from program to program, and also because defining the outcomes more broadly can be challenging. If a stated outcome or mission is to help students prepare for practice, how can that actually be tracked, if at all? If the overall goal is to make students ready to think critically about these technical systems they use in their work, how can we be sure it does that? Sending out surveys after programs for feedback often includes a question like 'on a scale of 1 to 5 did you learn something new?' or 'do you feel more confident?' The answers to these questions are important, but those responses can only get us so far. They do not help us track going forward whether it made a difference.²⁴

THINK ABOUT MARKETING

Whenever a library offers voluntary programs, marketing is key. At a minimum, it is a good idea to have a pre-planned marketing timeline and to advertise frequently and strategically. In addition to signs in the building, consider things like identifying if there are student groups that would be interested in the topic; taking advantage of the library's or the law school's social media accounts; or determining whether email listservs are an option. A particularly difficult part of marketing is how to convince students that adding to their work by doing even more optional programming is in their best interests. And a frequently asked question: is there any marketing that can be more effective than a free lunch?²⁵

CONCLUSION

When developing LPT programming, there are many examples libraries can look to. This is just one example and is far from the only work being done in this space by librarians and lawyers all over the world. Successful law tech programs will draw inspiration and guidance from multiple sources. Indeed, LawTech@Maloney Library was not created in a vacuum: Fordham librarians learned from informational interviews with those spearheading programs at other schools and at law firms, conducted pilot programs with student focus groups, and have been reading and discussing this topic since before this author even finished her library science degree.

Footnotes

¹ 'Technology', Black's Law Dictionary (11th edn, Thomson Reuters 2019).

² 'What is lawtech?' (*Law Society*, 5 June 2019) <<https://www.lawsociety.org.uk/Campaigns/Lawtech/Guides/What-is-lawtech>> accessed 16 September 2021.

³ Marcelo Corrales and Mark Fenwick and Helena Haapio (eds), *Legal Tech, Smart Contracts and Blockchain* (Springer Singapore Pte. Limited 2019).

⁴ 'The O Shaped Lawyer Programme' (*O Shaped Lawyer*) <<https://www.oshapedlawyer.com/about>> accessed 16 September 2021; Richard Liu, 'How Should Law Firms Develop Their Junior Lawyers?' *Law Practice Today* (15 September 2020) <<https://www.lawpracticetoday.org/article/how-should-law-firms-develop-their-junior-lawyers/>> accessed 16 September 2021. There is a wealth of writing and opinions on this topic in everything from books to law journals to professional magazines. For just three examples, see Grover E. Cleveland, *Swimming Lessons for Baby Sharks: the Essential Guide to Thriving as a New Lawyer* (2nd edn, West Academic Publishing 2016); Jason G Dykstra, 'Beyond the Practice Ready Buzz: Sifting through the Disruption of the Legal Industry to Divine the Skills Needed by New Attorneys' (2018) 11 *Drexel L Rev* 149; and Christine M Stouffer, 'Closing the Gap: Teaching Practice-Ready Legal Skills' (2015) 19 *AALL Spectrum* 10.

⁵ As an example, in just one publication of the American Association of Law Libraries, see Stephanie Godley, 'Tech-Savvy Law Librarians for the New Era' (2020) 25 *AALL Spectrum* 10; Camille Broussard and Kathleen Brown and Daniel Cordova and Sarah K C Mauldin, 'Teaching Legal Technology' (2017) 21 *AALL Spectrum* 22; and Randy J Diamond and Darin Fox and Kenneth J Hirsh and Heidi Frostestad Kuehl and Michael Robak, 'Let's Teach Our Students Legal Technology: but What Should We Include' (2018) 23 *AALL Spectrum* 23. Even at the time of writing, this author is collaborating with other colleagues on a similar topic.

⁶ This article will use law tech and LPT to describe this topic; legal tech or legal technology are also commonly used in the literature.

⁷ Particular credit goes to Jacob Sayward, Jocelyn Sagherian, Jennifer Dixon, and Alison Shea in the creation of these programs, and to Todd Melnick (Director), Alissa Black-Dorward (Deputy Director), and Kelly Leong (Head of Reference) for advocating to create programming and providing a supportive administration.

- ⁸ 'Law Practice Technology Class' (Maloney Library) <<https://library.law.fordham.edu/lawtechmaloney-library/law-practice-technology-class/>> accessed 16 September 2021.
- ⁹ 'Procertas' (Maloney Library) <<https://library.law.fordham.edu/lawtechmaloney-library/procertas/>> accessed 16 September 2021.
- ¹⁰ Find all details of the product at 'Legal Technology Assessment' (Procertas) <<https://www.procertas.com/products/ita/>> accessed 16 September 2021.
- ¹¹ 'Lunch 'n' Learns' (Maloney Library) <<https://library.law.fordham.edu/lawtechmaloney-library/lunch-n-learns/>> accessed 16 September 2021.
- ¹² Maloney Library has free academic access to the e-discovery platform Everlaw for use in in-class demonstrations. (Everlaw) <<https://www.everlaw.com/>> accessed 16 September 2021.
- ¹³ 'Law Practice Technology Certificate' (Maloney Library) <<https://library.law.fordham.edu/lawtechmaloney-library/law-practice-technology-certificate/>> accessed 16 September 2021.
- ¹⁴ An Excel module, a PDF module, and a custom advanced Word module designed by the Certificate program team.
- ¹⁵ 'Core Values & Mission Statement' (Maloney Library) <<https://library.law.fordham.edu/about/core-values-mission/>> accessed 16 September 2021.
- ¹⁶ Fordham University – Report 14: Employment Summary for 2019 Graduates' (ABA Section of Legal education and Admissions to the Bar, 2 April 2020) <https://www.fordham.edu/download/downloads/id/14558/Class_of_2019_at_10_months.pdf> accessed 16 September 2021.
- ¹⁷ While the interest in technology training varies widely across U.S. attorneys of all types, we do know that on the job training availability is not equal across these sectors. 'ABA TechReport 2020: Technology Training' (American Bar Association, 16 November 2020) <https://www.americanbar.org/groups/law_practice/publications/techreport/2020/techtraining/> accessed 16 September 2021 ('Solos are less than half as likely to report having training available (27%) than the overall average (59%). . . It should come as no surprise that the likelihood of training increases with firm size. Respondents from the largest firms (500+ attorneys) reported the highest percentage of technology training availability (100%) — up from 97% in 2019:').
- ¹⁸ Jean M Holcomb, 'Battling Burnout' (2007) 99 Law Libr J 669; Veneese C Nelson, 'Burnout: A Reality for Law Librarians' (1987) 79 Law Libr J 267.
- ¹⁹ They might better be termed 'Lessons Learned' and/or 'Questions Remain.'
- ²⁰ One of the original presenters of this program at the BIALL annual conference in June 2021.
- ²¹ Adam Curphey, 'Teaching Legal Tech? Forget the Tech,' *Artificial Lawyers* (25 May 2018) <<https://www.artificiallawyer.com/2018/05/25/teaching-legal-tech-forget-the-tech-adam-curphey-bpp-law-school/>> accessed 16 September 2021 (emphasis in original). While many articles, including this one, frame law tech around the idea of the practice-ready lawyer, there is a growing awareness and discussion of whether a lawyer can meet their ethical obligations to a client without basic competence in legal technology. cf Diamond (n 5).
- ²² Joseph D Lawson, 'Talking Tech: Teaching Legal Tech Is Not Optional; (2021) 25 AALL Spectrum 35.
- ²³ Dan Reed, 'Legal Tech Can Differentiate Young Lawyers at Law Firm Interviews' *New York Law Journal* (14 August 2019) <<https://www.law.com/americanlawyer/2019/08/14/legal-tech-can-differentiate-young-lawyers-at-law-firm-interviews/>> accessed 16 September 2021.
- ²⁴ Some types of law tech programming are perhaps better geared towards this than others. The long-term learning of attendance at a singular event is not the same as a student who successfully completes a semester-long course.
- ²⁵ Based on the author's own experience in law school and her time working in law schools, it does seem as if a good lunch is the key to law student attendance at non-mandatory events.

Biography

Janet Kearney is the Foreign & International Law Librarian at Maloney Library, Fordham University School of Law. In this capacity, she wears many figurative hats including, teaching advanced legal research in foreign and international law; serving as liaison to an active faculty and international law journal; and working on law tech programming. A member of the Louisiana bar, she has a J.D. with a Certificate in Civil Law from Tulane Law School and received her M.L.I.S. degree and B.A. in International Relations from Louisiana State University. Thanks to the original co-presenters of the panel, Alison Shea and Adam Curphey, and the Fordham Law librarians, especially Jennifer Dixon for her thoughtful comments.