

# **Apps for Justice**

## **Learning Law by Creating Software**

### ***A Proposal for Future Ed 3***

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### **SUMMARY**

The profession is endangered. Law schools are in trouble. New lawyers are unprepared for economic and technological reality. There's vast unmet need for legal services.

Apps for Justice attacks these four related problems.

The basic idea is to greatly expand programs in which students create software as part of their education.

Courses that engage students in creating 'apps for justice' – software applications that do useful legal work – can take on many forms. They can focus on tools practitioners can use to 'work smarter' and assist others; they can focus on empowering self-helpers to address their own problems and opportunities. Students can build document templates, guided interviews, dynamic checklists, calculators, interactive advisers, instructional modules, games, and decision support systems. Embedded with rich intellectual contexts of doctrine, ethics, history, and theory, such courses can:

- enrich student learning, professional development, and career positioning
- help lawyers serve clients better and live more satisfying lives
- advance access to justice and the rule of law
- help law schools resuscitate their value proposition

### **THE PROJECT**

Today, law school clinics deliver important education in the skills and values critical to lawyer competency, while also contributing significant resources to help meet the needs of low-income people for legal services. But this is a relatively recent development. The 5<sup>th</sup> Biennial Report 1977-78 from the Council on Legal Education for Professional Responsibility (CLEPR) states that in 1969 there were only a handful of law school clinics for credit. Yet by 1978 nearly every law school in the country had such a program. CLEPR in ten years with \$12,000,000 triggered a sea change in law school structure: from a handful of clinical professors in 1969 to 1400 clinicians by 2000; from mere hundreds of hours of law student work on legal aid in the '60s to millions of such hours in 2000 and every year since.

CLEPR had narrow and focused objectives. Its grants stimulated law schools to establish courses granting law school credit for student work in live client clinics, almost always located in or near the law school building. CLEPR's financial and programmatic support helped to create a self sustaining process that has survived long after CLEPR closed its doors and stopped making grants. Without any continuing CLEPR stimulus, law schools now employ more than 1400 clinical professors whose students deliver legal services to low income people. In an essay written in 2002, David Luban calculated that students in US clinical courses produced three million hours of legal services for the poor each year.<sup>1</sup>

Recent developments provide ideal circumstances for a new law school initiative directed explicitly at delivering more extensive access to justice for low income people.<sup>2</sup> Using Technology Initiative Grants, the Legal Services Corporation has established state-wide legal aid web sites in every state and a national server for distributing HotDocs automated documents and A2J Guided Interviews via all of those websites. Law students can be taught to write and deploy these advanced technologies, using statewide websites as platforms for 24/7 legal service delivery to low income people. While learning these tools, law students can contribute to legal aid as authors, programmers and editors. The best setting for this new kind of "learning by doing" is within a law school clinic under the supervision of an experienced educator. Skills learned by students in such "Apps for Justice" clinics are critically important for a variety of careers, including fee based practices aimed at moderate income clients and emerging large firm practices triggered by fixed fee billing models now demanded by corporate clients.

By constructing useful applications, students not only (1) learn about substance (doctrine, procedure) in a given area and (2) learn how technology can be used creatively to assist in legal work (and some of the policy and ethical aspects of doing so), but (3) produce tools that they or others can bring to bear to improve access to justice. Students also gain credentials for current and future employment.

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<sup>1</sup> David Luban, *Taking Out the Adversary: The Assault on Progressive Public-Interest Lawyers*, 91 Calif. L. Rev. 209, 246 n108 (2003): "These assumptions (which are no better than educated guesses), imply 7,500 clinical students per semester, each contributing 200 hours of indigent representation, for a total of 1.5 million hours, or three million hours in an academic year."

<sup>2</sup>At a Workshop held at Chicago-Kent College of Law in June 2006 experts from legal aid, the courts and law schools examined a variety of models for bringing law students into the legal aid delivery system in a more effective way. For a full description of the results of the June 2006 Workshop and a list of the experts who attended, see, Ronald W. Staudt, *White Paper Leveraging Law Students and Technology To Meet the Legal Needs of Low-Income People*, [https://www.abanet.org/legalservices/ejc/docs/white\\_paper\\_leveraging\\_law\\_students\\_wsr\\_084.pdf](https://www.abanet.org/legalservices/ejc/docs/white_paper_leveraging_law_students_wsr_084.pdf) (last viewed June 27, 2007.)

This proposal seeks to recreate the CLEPR successes of thirty years ago by establishing a permanent teaching cadre in US law schools that can offer course credit for practical instruction in system building, aimed at real client problems. It is self consciously focused on institutionalizing an organic engine for growth of new resources to support education in new skills that are now critical for lawyer competency while, at the same time, supporting legal services to the poor. It will create an engine fueled by law professor and law student energy to build hundreds of A2J Guided Interviews, document templates and public education web pages that enhance access to justice. Over time, as CLEPR proved in the 1960s and 1970s, literally millions of hours of law student and law professor resources can be delivered to the legal service's mission of equal justice under law by successfully implementing this project.

## **THE BIGGER CONTEXT**

While this initiative is focused on specific forms of student work to expand access to justice for low-income Americans that build on established academic successes and an existing national infrastructure, we see it as the opening phase of a larger process to exploit dramatic new opportunities to enrich legal education. Courses and clinics that engage students in creating 'apps for justice' -- essentially, things that do useful legal work -- can take on many forms. They can focus on tools practitioners can use themselves to 'work smarter'; they can focus on tools that legal advocates and other kinds of helpers can use to assist those with legal needs; they can focus on systems that self-helpers can use to address their own legal problems and opportunities. In addition to the document templates and guided interviews emphasized in the initial phase, students can be enlisted to build dynamic checklists, calculators, interactive advisors, instructional modules, games, and decision support systems. All of these agendas and system types can be embedded in courses that provide rich intellectual contexts of doctrine, ethics, history, and theory. And all can potentially provide a meaningful "quadruple bottom line":

- (for students) learning, professional development, career positioning
- (for society) advancing justice and otherwise improving the world
- (for the profession) supplying new knowledge and resources with which lawyers can serve clients better, live more satisfying and prosperous lives, and outperform new entrants, like online legal assistance services
- (for schools) strengthening law schools as institutions by visibly delivering the above results (improving public relations, contacts with court and bar, student and faculty recruitment, alumni sentiment, ...)

## **DISTANCE DIMENSIONS**

Apps for Justice courses are especially amenable to being delivered with distance education methods: students can visit and experience the problems of low income self represented litigants without the supervision of a local attorney and then be supervised and educated in the skills and values via asynchronous and synchronous distance techniques. The course kits from Chicago-Kent, BYU and Columbia etc can be built on a CALI infrastructure that includes communication, social networking tools, and other distance resources to help nurture new courses at law schools without appropriate staffing while those law school find new technology savvy clinicians.

## **ACTION PLAN**

1. Course materials from software centered courses like Ron Staudt's Justice and Technology Practicum taught in fall, 2010 at Chicago-Kent College of Law or Brian Donnelly's Columbia Law School course called Digital Lawyering or Larry Farmer and Blair Janis' course at BYU on document assembly or Brock Rutter's Vermont Law School course called Digital Drafting will be converted into electronic books. Using CALI's new an eLangdell electronic book infrastructure, the course kits will be delivered online.. These will include starter kits and online interactive systems to support instruction. Distance learning infrastructure and richer versions of A2J Author.org materials will be updated and adapted to the Next Generation A2J Author which will be able to be delivered over the web using a SaaS model insuring the most up-to-date software for students and faculty and instant support and online problem solving for faculty. Course materials and teaching kits will be selected to provide instruction in a variety of software (in addition to A2J Author) relevant to delivering legal services to low and moderate income people on the web.
2. The new courses will be marketed to law school deans, clinicians, legal writing faculty and skills professors through surveys of the target faculty groups, small regional workshops to build enthusiasm and awareness and two national gatherings, in conjunction with AALS and CALI.
3. Five law schools will be selected to pilot this new curriculum, teaching a one semester course in partnership with an LSC funded legal service program. These pilots will test the methods, explore a variety of partnerships with local legal aid web site managers, measure results and report on the process. Modest matching payments will be needed to entice law schools to hire teaching staff, probably adjunct professors at first, to offer Apps for Justice (A4J) Clinics that include student instruction in, and use of, software tools for deployment on legal aid statewide web sites for low income people. To qualify for such payments, law schools would be required to offer credit for this learning experience and the student product must be targeted for use by real low income people seeking justice.
4. Once the pilot projects are completed, a law school/legal services matching service would ensure, on the one hand, that students are able to work on projects that are needed, and on the other, that those in need of authoring and software development have the trained law student resources they need to build effective online systems for low income customers. Boston has thousands of law students, Alaska, none.

## **ESTIMATED COSTS**

### **\$440,000 over two years to include:**

1. \$20,000: four CALI published eLangdell electronic books, including creation, editing and publishing: 10 chapters at \$500 per chapter.
2. \$30,000: Regional workshops, AALS vendor workshop and exhibition, CALI Annual Meeting workshop, including travel, materials, sponsor registrations.
3. \$300,000: Five matching payments each year for two years to pilot law schools to hire faculty to teach a new A4J Clinic on assurance that the course will be continued if successful.
4. \$90,000—to include \$45,000/year for two years: Project manager and marketing associate to plan and deliver regional workshops and AALS and CALI exhibitions, meet with prospective deans and close pilot course agreements and support faculty teaching new A4J Clinics and operate the law school/legal service project matching service.