4-1-1997

eUB Law: Changing the Way Law Is Taught

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When John R. Gibbon arrived at UB Law, he wasn’t exactly a laptop-carrying member of the cyber generation. "I didn’t know the difference between a drive and a directory," he confesses.

By last year, he was writing a copyright-infringement paper with a computer program that can electronically store the full text of every citation. Position the cursor on the footnote of interest, click, and up comes the complete original source. Gibbon, now a third-year student, presented it to his seminar class using a 10-foot screen linked to the computer. "It was pretty user-friendly," he says of the experience.

UB Law is in the midst of a technological transformation. An early starter in recognizing the potential of computers, the school is taking an aggressive but thoughtful approach to digitizing legal education. "I don’t think many are fully exploiting what this technology can do," says Dean Barry B. Boyer. "We’re not fully exploiting it. But we are pushing the envelope a bit."

Since establishing an Office of Technology Support to assist in curriculum development several years ago, the Law School has secured a special state appropriation thanks to alumnus and State Senator Dale Volker. Every faculty member now is equipped with a new personal computer, and several are already using the machines to create electronic casebooks for their classes. A classroom in the law library has been refurbished to serve as an electronic classroom, where computers and a ceiling-mounted video projector augment the lecture and discussion. In other classrooms, some of which have sprouted new electrical outlets for the growing number of laptop users, faculty members are experimenting with various other forms of computer-assisted instruction. One class posts its papers on the Internet.

"Pretty much everyone is on e-mail," notes Buffalo Law Review editor David Pfalzgraf Jr., a third-year student. "In my first year, we didn’t even know what it was. Now I communicate with Law Review members via e-mail. Many professors give assignments via e-mail."

Last spring, Boyer and Professor Robert I. Reis traveled to Chicago to describe their development of an electronic casebook in environmental law before a conference sponsored by the Center for Computer-Assisted Legal Instruction. In March, the Buffalo Law Review is holding a national symposium titled "Cyberlaw: Legal Doctrine and Practice in the Age of Cyberspace." The editors are calling for papers on topics ranging from intellectual property and electronic commerce to liability and criminal enforcement. "It should be big," says Pfalzgraf. "It’s timely, and there’s not a lot of literature out there."

What’s happening at UB Law is something of a work in progress. It is motivated by an attitude of openness toward using computers to teach law and to better acquaint new lawyers with the technology that is profoundly affecting so many facets of society. "It’s going to change, potentially, some of the fundamentals in the way we teach and the kinds of skills lawyers will have to have," says Reis. "It very well may not be a minimal skill change."

While computers are nothing new in schools, several trends are converg-
ing to make them an increasingly important force in legal education. First came the on-line research services, Lexis-Nexis and Westlaw. Training in their use is now part of the first-year Law School curriculum. Then came exponential increases in computer power. Today a book-sized laptop can store as much information as a roomful of clunky old PCs, and high-speed modems are virtually standard equipment. Despite the complexity, however, the machines are more intuitive to operate than were their predecessors, at least for people with some time to invest in learning the basics. Power, portability and ease have dramatically increased the computer's usefulness to lawyers. "I sure appreciate the convenience of being able to tap into the equivalent of a world-class law library on-line at home," notes Boyer.

At the same time, sophisticated software designed specifically for legal research and instruction has appeared. It's being used in some UB Law classes, and it's also what Boyer and Reis used to develop the electronic book they presented at the CALI conference. "It allows you to not only store, but to retrieve and organize data in meaningful patterns," says Reis, who has been a driving force in the Law School's technology efforts.

Meanwhile, computers have become ubiquitous in finance, government, manufacturing, you name it, generating all sorts of legal issues and digital trails in their wake. UB Law Lecturer Howard L. Meyer, who now teaches Computers and the Law after a 35-year trial career, thinks it's crucial that lawyers become more computer street-smart. "You can never really delete something, did you know that?" he teases. "Computers, believe it or not, leave a hell of a record. ... What a lawyer needs to know is not how to run his office with a computer, but he will need to understand how his clients and how his opponents use the computer."

Add to those factors the Internet explosion. In just a couple years, huge amounts of information have become available from government agencies, universities, companies and from a myriad of other sources. "I had my students using sources on the World Wide Web to download information about patents," says Associate Professor Michael J. Meurer. He tapped the Web himself recently before buying a house in Buffalo. "I was able to get access to Erie County tax records, which gave information on what prices houses in my neighborhood were selling for," he recalls. "That’s kind of a practical example of a legal use of the computer."

Law schools nationally have reacted to the technological trends in a variety of ways. "In recent years there's been so much experimentation and so many mini-projects going on around the country that in some senses there are no clear leaders," says John Mayer, executive director of CALI, an educational consortium of 165 U.S. law schools, including UB Law. Chicago-Kent College of Law has had its students on e-mail since 1988, and its classrooms are now entirely electronic, according to Mayer. Two years ago, the University of Richmond became the first to require that law students have their own computers, he says, and at least a dozen law schools, including Stanford and Duke, have since followed. Villanova is working on electronic law exams.

In terms of hardware investment, UB Law would not appear to rank at the top. Tight budgets have made it dif-
difficult just to rewire classrooms and staff the Office of Technology Support. The Law School, however, has thrown itself into finding the best ways to apply the technology that is available. Much of that is focused on FolioViews, a software package for creating electronic casebooks and other documents that is provided free to students by Lexis/Nexis. It combines advanced features of word processing and data organization that allow users to write and edit, pull material from on-line sources, and electronically link it together the way Web pages are linked on the Internet. It’s almost like building an entire library around a single document. If the author or another reader has a question about a reference, they can click the computer mouse on the footnote and see the original source on the spot. If they wonder whether a decision crucial to the argument was ever overruled, they can go on-line, get the answer, and bring the document up to date.

“It’s very powerful,” says Jason Klindtworth, who is both the Law School’s lead network administrator and a second-year student. “You have the entire casebook at your fingertips in your computer. You can take it wherever you go. No more paging through the paper textbook. That also helps in outline preparation. You have a self-contained outline already made. There’s no need to copy everything from your notes to your computer.”

Professor Martha T. McCluskey has been using the software for her research in workers’ compensation law. “It allows me to take lots and lots of cases and articles and other kinds of materials, and rather than printing them or copying them and cluttering up my office, I just download my research onto this software,” she explains. “It allows me to organize it and search it a lot better than I could if it was sitting in a file box.”

The information that can be downloaded and linked isn’t restricted to traditional legal sources. Health data, property records and a sea of other empirical information is sloshing around on the Web. Maps, photos and other graphics can go right into the computer.

The implications for legal education are profound. “You’re not only learning a body of principles and how to apply them, but you’re also building a database that’s expandable up to the capacity of the equipment you’re using,” says Boyer. “It really democratizes access to information and knowledge. The faculty member seems to be shifting from presenter to mentor. Any hot area of law changes daily. If they’re (students) using this effectively, they’re going to be ahead of your learning curve. They’re going to be bringing in things that you’ve never seen before. ... I’m seeing glimpses of that now.”

The FolioViews software approaches its greatest potential in the electronic classroom, on the library’s sixth floor. There, students can follow their professor on the projection screen, add their own notes to the casebook on the recessed desktop computers, search rapidly through the casebook to keep up with the lecture, and easily look up original sources. “Everything is in front of you,” says Klindtworth. “There’s no fumbling through the text to find the correct page, especially if the professor jumps around.” The software can also be used in classrooms where students
bring in their own laptops, or it can be a supplement that students use on PCs at home or in the Law School's computer lab.

Professor Anthony H. Szczygiel taught his Legal Services for the Elderly Clinic in the electronic classroom for the first time in the fall. During the summer, he and a student took the material he's gathered over a decade or so of teaching the clinic and loaded it onto three disks. The centerpiece is a review article he wrote, complete with links to the roughly 400 footnoted sources. It also includes the latest edition of the VA Benefits Manual, which he downloaded from the Web. As time goes on, he expects to add selected student material. "If someone writes on Medicare coverage for air ambulance, that could be part of the information base so next semester students could look at that," he says.

Faculty members are also experimenting with other forms of computer-assisted instruction. In the fall, for example, Meurer started using an e-mail system so students in his Public Policy Toward High Tech Industry seminar could distribute memos and exchange ideas outside of class. "I think it promotes greater discussion," he says. "It allows discussion without the students having to be all together at the same place and time."

McCuskey has been using PowerPoint, a presentation program, for her Insurance and Public Policy class. "It's actually not that high tech, but it's using the computers we already have and taking advantage of them," she says. PowerPoint helps her organize lectures, project text and graphics from her laptop onto a classroom screen, and edit on the fly to reflect student comments. "I want to promote discussion, but there's also a lot of difficult technical concepts I want to get across," she says. "I like this format, especially in a big classroom with a lot of students because it helps them with something they can go back to and focus on."

The law librarians are currently introducing first-year law students to computer presentation technology by integrating Microsoft PowerPoint software into their legal research lectures. The Koren Audio Visual Center also offers practical assistance to students who may choose to use computer-added instruction for class projects or presentations. Koren Center assistance in this area often includes helping students with the design of PowerPoint presentations, technical issues, or scheduling the delivery and setup of appropriate computer projection equipment for rehearsals or final presentations.

As technology becomes more important, several issues loom. Cost obviously is a big one. If UB Law requires students to have their own computers, which is under consideration, it must rewire classrooms for power, phone lines and local network connections. "If we're going to go to compulsory computer literacy for students as one of the skills to be a lawyer, we're going to have to give them the ability to have a computer and bring it in," says Reis. "What do you do about the student who can't afford the computer?"

There are also questions about basic training. The variation in computer skills among individual students and faculty members is tremendous, and the gap isn't necessarily defined by age. "It amazed me, at first, that there were some students who honest to goodness didn't know how to turn on the machine," says Klindtworth. "We have a lot of older students who have never used computers. I understand that. But we also have students fresh out of undergraduate school who have never used one."

Suffusing all else is the still-open question of exactly how computers fit in. "The bottom line," says CALI's Mayer, "is, can we address issues in legal education in an intelligent manner and not just be caught up in the technology?"

That remains the focus at UB Law. Szczygiel, for example, is still seeking answers to such fundamental questions as how much reading students can do from a computer screen. "It varies from student to student," he says. "But there are limits."

Ultimately, the trick may be in distinguishing between computer-assisted and computer-driven. "In some respects, the technology can be seductive and instill bad habits," Boyer warns, recalling stories of young lawyers running up huge bills for online research or putting too much faith in what it can accomplish. "One of my colleagues calls it the smart bomb theory of legal research — that somewhere out there in that vast data base you'll find the perfect case that answers the question, and you don't have to do the hard mental grunt work. That's a recipe for disaster. I think you have to build into your testing and evaluation that message. It's not just finding, but understanding what you find to create something new out of it. In some ways, the technology can help you do that."