Insight Into Innovation: A look at what's next for law and legal education

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The practice of law – a discipline based on precedent and steeped in tradition – has nevertheless proved itself open to innovative ways of doing business. Data analytics, e-discovery platforms and cloud-based services are now routinely used tools of the craft. As with so many professions, though, the pace of change has grown exponentially over the last decade. Lawyers continue to tackle the ongoing quest to work smarter, broaden their skill set and improve access to justice with creative, even revolutionary ideas. These solutions often take advantage of emerging technologies and seek to respond to clients’ growing expectations for efficiency, responsiveness and specialized expertise.

Law schools, too, are climbing the innovation curve, looking to train their students to compete in an increasingly globalized legal market, while holding fast to the standards of zealous advocacy.

As UB Law Forum surveys this dynamic landscape, we draw on the insights of two academics who have thought carefully about what’s next for law and legal education. Dean Aviva Abramovsky continues to position UB School of Law for excellence in a changing professional world. And Daniel B. Rodriguez, a professor and former dean at Northwestern University, Pritzker School of Law and chair of the council of the American Bar Association’s Center for Innovation, is a national authority on changes in the legal profession.

Clear and present changes

Abramovsky keeps her finger on the pulse of changes in technology that impact society and its intersection with law. Prior to her appointment as dean of UB School of Law, she served as the Kaufman Professor of Entrepreneurship and Innovation at Syracuse University College of Law. Recently, she was named chair of the New York State Bar Association’s new Task Force on Autonomous Vehicles and the Law.

She sees four main ways in which innovation is changing law and legal education:

- Emerging areas of practice such as privacy law and cybersecurity.
- The demands of a global economy and transnational practice, which requires U.S. lawyers to be familiar with the civil laws of other nations, particularly Chinese law.
- The use of new technologies in the practice, requiring specific skills training.
- And in law schools, how instruction is delivered – “the combination of traditional, live doctrinal courses, experiential courses and the delivery of instruction online.”

Rodriguez sees particular benefit in the evolution of legal technology. “I firmly believe that technology has been and continues to improve the well-being of those involved in our economy,” he says – “folks who are looking to have their legal problems solved, whether they are mega-corporations or individuals who are looking for access to justice. You can point to particular technology difficulties and issues, but I think on balance changes in technology as they’ve borne on legal practice have created enormous social and economic benefits.”
The academy responds

So how do law schools address the effects of innovation? For Abramovsky, it begins with building bridges to the legal community.

“It’s critical that we begin with conversations internally and with the legal community and with the client community,” she says. “There needs to be a broad and ongoing curriculum conversation so that we recognize change and respond accordingly and so that our students are prepared to take the lead in this environment. That’s why we provide opportunities for our students to learn startup law through our new Entrepreneurship Law Center; it’s why we continue to invest in our New York City Program on Finance & Law; and it’s why we started a U.S.-Mexico Border Clinic.

“But the fundamental building blocks of legal education cannot be ignored. The first year of law school remains critical, and we cannot abandon core literacy upper-level courses like Criminal Procedure and Corporations.

“Many have questioned the value of the third year of law school. The reality is that what you need to know these days to be a successful attorney has vastly increased. We need to continue to offer skills courses. The market doesn’t provide as much training as it used to, yet our students need to be more practice-ready than ever before.”

As UB School of Law continues to refine its approach, Abramovsky says providing the right balance of courses and learning opportunities while reviewing new methods of delivering legal education is a collaborative endeavor. “We’re looking at a whole suite of responses,” she says. “And we’re doing so in partnership with the local legal community, our alumni community, the New York State Bar Association and the State of New York.”

From a national perspective, Rodriguez adds that law schools can help even longtime alumni take on new challenges: “A phrase I like to use is ‘law school for life,’ which means a law school has an obligation to provide education for their graduates many years after they graduated in order to help them retool and reorient their careers in important ways.”

Constant at the core

Some things, though, never change, and in the practice of law, that means the core values of advocating for clients and ensuring the justice system works for everyone. With all the promise of innovation, wise and committed practice remains at the heart of what lawyers do.

“There’s no substitute for preparing the human mind to be responsive to an ever-changing legal world, or to be an effective advocate through the use of skills acquired during legal education,” Abramovsky says. “Attorneys exist because the law is complex. Legal advice requires a prepared, educated and competent attorney.

“Access to information is not the problem in our society. There’s ample availability for people to consume information on their own. But the effective use of that information requires the assistance of a trained, competent attorney.”

Helping students to become effective lawyers takes mentoring, the dean says – one way established attorneys can serve the profession. “You can’t know how to become a certain type of lawyer unless someone explains to you the subsets of skills that are needed to do it,” she says. “Technology can’t teach you that.”

And Abramovsky and Rodriguez agree that only human effort can fully address our continuing struggle to expand access to justice.

“Lawyers will always be necessary. The problem is that not everyone can afford that counsel,” Abramovsky says. “It’s seen as a luxury and that is a societal problem that we need to solve.”

“Ultimately,” adds Rodriguez, “our justice crisis, which is serious and worsening, needs the active participation of lawyers. I don’t think the incredibly valuable and important technologies that are enabling greater access to the legal system will solve the access to justice crisis. We fundamentally need more social support, including governmental support, for legal counsel and legal representation. There’s no magic bullet.”