



**The Law's Futures Roundtable
at Claremont McKenna College
September 21, 2018
A bullet point summary of the conversation**

[summary prepared by Michael Madison, University of Pittsburgh,
who moderated]

The following is meant to capture the breadth of the conversation, with ideas and suggestions grouped loosely by theme rather than chronologically.

[1] Goals and needs / understanding the purposes of this group and this conversation; the purposes of legal education [not necessarily “law school”]

- Training who, training for what?
- Include and emphasize outside in thinking plus inside out thinking.
- Focus on competence, rather than only on “the profession” [what is good / valuable does not necessarily mean that it must be mandatory; “mandatory” raises costs].
- Explore differentiation of [legal] educational programs. Degree v non-degree?
- Build from the ground up, rather than [only] reform current schools.
- Explicitly consider outcomes / measurement.
- Differentiate access to: legal information / legal services / lawyers because these are not necessarily the same things.
- Consider law's role in training and educating all people in conditions of discourse and disagreement ... and producing and supporting civil society.

[2] Scope / diagnosing the problem

- Law schools / lawyers have lost their monopolies on [legal info] [legal services]; focus on other / additional things.
- What we [law schools] do well, today: training our graduates in basic critical thinking, in thinking rigorously, flexibly, and with the capacity to exercise judgment. Plus legal culture, atmospherics. That takes about 3 semesters. What should we build on to that?
- What's prior, and foundational to legal training? Substance of the law? Society as law-based? Law as an organizing principle for society? Are any of these changing, via technology and/or other things? Do we want to organize around idea of *affirming* society as law-based? Or not – and if not – what does that mean for law? Are “legal information,” “legal services” and “legal profession” the complete list of categories?

[3] Context / identifying the conditions of possibility - how to create space(s) for the next thing[s] to be possible

- A profusion of metaphors for possible innovation and experimentation “places” and institution: a legal “Holodeck”; law schools as R&D hubs running ‘law scans’ – testing

for needs on the ground, and solving for how to deal with them; Skunkworks (could CALI serve this role? To what extent does it do so already?); a “Bell Labs” for law; a *tabula rasa* approach; blue sky; a lean startup / business model [what’s the problem to be solved? Use design thinking / problem solving]; develop a virtual law school, a virtual Bell Labs, a virtual law school of the future, for simulations; take a “concept car” approach instead: build a platform, with different sorts of variations – some more fundamental, some less so – on a programmatic standard [self-driving car example: we already have versions of them, all the way up to 100%].

- Topics to explore via such a model include: what’s human, what’s not; nb. the “moist robot/dry robot” heuristic suggested by Daniel Dennett.
- Identify BHAG: audacious goals / visions and build via but independent of current institutional structures – create new platforms. Illustration of this in concrete terms? A*STAR in Singapore – Agency of Science, Technology & Research.
- Follow the Silicon Valley model? Ask forgiveness, not permission. But understand barriers: there is meaningful cultural change involved. Respect historical experience, constraints. Within the SV paradigm, that suggests finding places to experiment and test.
- Envision the workings of smaller institutions nested within larger institutions (and informal institutions related to formal institutions).
- How radical do we *really* want to be? Should we pursue “normal science” innovation or “paradigm shifting” innovation? Watch for persistent existing divisions of interest, and especially for conflicts between prestige and access interests.

[4] Outcomes / possible projects

- Develop a new model IL curriculum? This could relate to competence testing.
- Identify conditions of success for cross-university collaborations. **Could law school “innovation labs” collaborate on identifying and sharing problem-describing models, teaching innovations, projects/outcomes?** Some of this could be in the name of “public interest technology.” And/or a collaborative network of similarly-framed but independent “innovation” entities could develop a new overall educational infrastructure.
- Design modularity in curriculum and programming, in order to facilitate collaboration across different professional/teacher/student stakeholder groups. Different teaching strategies and goals are suited to different groups.
- Build out different models of the legal professional, as in medicine. What roles exist for undergraduate education? What post-undergrad credentials are real (and what are not) (Master’s degrees, certificates, etc.)? What does each credential prepare the graduate for?
- Document different versions of the above:
 - Align the educational product with what people are going to do in the world.
 - Licensing [should assess] competence [which should be reflected] in career

goals [and connected with what's required for] success [and connected with [what's good [for the world].

- Benchmark and share information re: models of interdisciplinary teaching/practice in universities; budget and revenue models; cultural differences; bureaucracies; course and curriculum design opportunities, limitations, goals, and ambitions.
- Describe the value proposition of “the law school of the future,” then design it, with the objective of increasing value and reducing costs. To the student and to society, as viewed by internal stakeholders and external audiences. Where does the money come from, and what does the money pay for?
- Develop an assessment matrix: whether we're having the kinds of impacts, assessments, etc. that we want to. Could be both qualitative and quantitative.
- **Endpoint: Is there a common grammar here? Increase value, expand value, reduce barriers and costs at the intersection(s) of education and service. Translating big systems into low-cost solutions requires disaggregating what we think we do well, then re-aggregating it [plus innovations] into a new model, and a new environment. In other words: building pathways out of those bits and pieces of modular learning.**
- Overall goals: New “traffic patterns” of education; recalibrated blends of work plus study plus research and how those translate into cost for the student and revenue for the institution.
- What is the role of research in that “endpoint” process?

[5] Actions / identifying strategies and tactics

- How to identify and express conditions of urgency?
- What does success look like?
- What [needles] do we want to move?
 - Data to be shared – on student outcomes? Public being served? Debt levels? Accountability – but how to assess that?
 - Compare the Law School Innovation Index.
- Outreach and support
- Identify possible allies, partners, and inclusivity?
 - IFLP
 - Senior administrators in universities (including student services, admissions, etc.)
 - Community based service providers: Legal Aid, Urban League
 - Related legaltech, law firms
 - ABA / AALS
- Take ownership: “Start with a blank sheet of paper: Within [two years – pick a time period] what would I have liked to contribute to this and what would I have liked to have seen result? Where do your own expertise, commitments, value system align with some one or more dimensions of this project?”

- Mechanics:
 - Shared archive, shared workspace
 - Data collection, data sharing, beyond / in addition to data used for accreditation
 - Coordinate and understand role relative to ABA, AALS, other reform groups

[6] Omitted for now / to be re-introduced

- Student expectations
- Cultural modalities and literacies
- Relationships to what lawyering will look like (with outsourcing, AI, robotics, transborder work, among other things)

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