Enhanced Legal E-ducation: Knowledge Technology at Cornell Law School

Sasha Skenderija
Cornell Law Library, ss234@cornell.edu

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Enhanced Legal Education

Knowledge Technology at Cornell Law School

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Sasha Skenderija  
Research Technology Coordinator  
Cornell Law Library

CASLIN 2008  
Knowledge Technologies and (the Future of) Higher Education  

Blansko, Czech Republic  
June 15 –19, 2008,
“As a knowledge-based service industry, law is sensitive to changes in the information environment, and lawyers who find ways to exploit technology to manage that environment – whether to gather knowledge, manage teams, automate their practice, or some other opportunity as yet unidentified – will see tremendous gains.”

During the last two decades, new electronic and networked media have rapidly changed, directly and indirectly, a wide range of the law-related practices and activities as well as the ways in which law professionals and scholars communicate with themselves and their clients/students.

Some of consequences:

• Realignment of the multibillion-dollar U.S. legal information industry towards digital publishing and information delivery

• Free access to official documents

• Interactive legal scholarship: repositories, open access journals, blogs, the Criminal Law Conversations Project, etc.

• Legal research has moved almost entirely online

• Court decisions citing legal blogs (blawgs) and Wikipedia…

• New areas of regulation have led to the emergence of substantive new areas of legal study and practice, such as transnational, global and comparative law, bio-ethics, IT and Internet-related areas such as digital copyright.
The U.S. Legal Education Market

Admission to the practice of law in US states requires successful completion of a three-year graduate program leading to the JD degree. With the exception of California, work for that degree must be begun and completed at one of the 198 educational institutions accredited by the American Bar Association.

“The principal regulatory standards in the U.S. governing legal education stipulate the number of hours students must sit in classrooms, the qualifications of those who preside over those class sessions, and the institutional setting where they take place down to minute physical detail. The definition of legal education they yield is perilously close to ‘whatever law faculty choose to do with students in regularly scheduled meetings held at a law school site over the course of an academic term of prescribed length, followed by graded exams.’”

“Distance education presents special opportunities and unique challenges for the maintenance of educational quality. Distance education accordingly requires particular attention from the law school and by site visit teams and the Accreditation Committee.”

But!

“Currently, there are not any law schools approved by the ABA that provide a J.D. degree completely via correspondence study. In fact, the ABA’s general policy under Standard 304(f) states that ‘a law school shall not grant credit for study by correspondence.’ However, there are exceptions to the general rule. Further, you should be aware of the fact that earning an education completely via correspondence study may drastically limit your ability to sit for the bar in many states.” (Source: http://www.abanet.org/legaled/)
• Regulations and accreditation standards have been deployed to protect the ‘quality’ of legal education, **BUT**…

“[t]hey cannot and will not prevent commercial entities from offering instruction focused in more efficient ways on the exams and other credentials remaining in the control of the formal organs of legal education. History suggests that wherever defensive measures like these are deployed for long, the institutions surrounded by them are the ultimate victims. The longer it is that accreditation standards are used to protect conventional classroom-based instruction from online competitors, the less likely it will be that schools practicing only traditional modes of education will be able to respond to the challenge of online instruction when that barrier is finally lowered.”

An example of success that dramatizes new possibilities:
Concord Law School of Kaplan University
The first American fully on-line law school
- The school was founded in 1998 by a “commercial entity,” the test-preparation company Kaplan.

- Concord offers two online programs, a four-year JD program that qualifies its graduates to sit for the California bar exam and a three-year Executive Juris Doctor (EJD) program, a law-based degree for “individuals who do not intend to become practicing attorneys.”

- Student population is 1,500 (134 JD graduates in Winter 2008 semester)

- The four-year JD program costs around $40,000 – equal to the average one-year tuition in the Ivy League programs (boarding and living expenses not included).

(Source: http://info.concordlawschool.edu/)
“This new version of J.D. education confronts conventional law schools with a deeply threatening question: What is it that they do for resident students that cannot be done effectively, asynchronously, at a distance at lower cost? The very existence of a functioning online law school challenges accreditation standards that are framed almost exclusively in terms of how legal education is accomplished rather than what educational outcomes are achieved.”

(Martin, 2002, p. 511)

・American Top Law Schools at  http://www.ilrg.com/rankings.html
“Digital technology holds out exciting opportunities to U.S. law schools. They can: involve academics, lawyers, and judges situated anywhere in the world in their educational program:

• offer both less costly and more flexible educational arrangements;
• provide access to students currently excluded by cost and distance;
• distribute faculty scholarship more widely, at less cost;
• share courses and students;
• extend their reach to regions and educational audiences previously closed”

(Martin 2002, p. 506)

There have been many significant and successful attempts to explore the challenges and grasp the opportunities that have been initiated, originated or conducted on the U.S. academic grounds by individual legal scholars and academic institutions.

For example:

• Cornell’s Legal Information Institute (LII)
• Center for Computer-Assisted Legal Instruction (CALI)
• Berkman Center for Internet & Society at Harvard Law School
The Center for Computer-Assisted Legal Instruction

CALI is a U.S. 501(c)(3) non-profit consortium of law schools that researches and develops computer-mediated legal instruction and supports institutions and individuals using technology and distance learning in legal education.

CALI was incorporated in 1982 and welcomes membership from law schools, paralegal programs, law firms and individuals wishing to learn more about the law.
BUT!
There is a significant disparity between the utilization of IT in legal practice and in legal education.

“Legal educators seriously under-utilize new technologies, even in those settings, such as clinical legal education, that are the most practice-oriented.” (Koo, 2007, summary)

“Many schools lack the institutional competence to respond effectively. Among the organizational and cultural elements that handicap law schools in the current environment are:

- limited capacity to respond quickly and strategically to external change;
- narrow notions of mission and market;
- an approach to academic program planning and governance generally that defers heavily to individual faculty preferences;
- little experience in building and teaching courses collaboratively or even with assistants;
- inadequate financial and human resources to develop and sustain technology-supported instruction.” (Martin, 2002, p. 506-7)
The level and scope of the technology-utilization efforts and implementations **broadly vary from school to school** and it is **generally assumed** that the schools which have more promptly and radically embraced the new opportunities are better off than those which have not, although there are still no reliable empirical data available to back up this assumption with.
Cornell Law School
Cornell Law School is considered to be one of the top legal education institutions in the United States, one of the prestigious, expensive and relatively small Ivy League law schools (total student population under 600) with a strong national and international reputation, especially in the area of international law.

“Given the school’s reputation, its Ivy League alumni network and its reliable access to the top firms in New York City, graduates generally can choose between several prestigious job offers. Recruiters from across the country participate in job fairs at the school, at which students usually partake in many interviews and can expect to receive callbacks from some of the nation’s top law firms. While about half of Cornell graduates accept job offers from New York firms, the fact that nearly 15% of the school’s graduates accept offers from West Coast firms is a testament to the school’s ‘national’ reputation. Further proof of the school’s excellent reputation is the fact that, in a typical year, about 15% of the school’s graduates accept judicial clerkship offers. [...]”

Degrees

Degree Programs

Cornell Law offers a number of different degrees and programs of study, including:

- The three year J.D. degree program
- The one year Master of Laws (LL.M.) program
- The J.S.D. degree program
- A number of international dual degree programs
- A wide array of joint degree programs

If you will hold a bachelor’s degree or first degree in law from an accredited college or university in the U.S. or abroad by the time you are ready to enroll at Cornell Law School, you are eligible to apply for our degree programs.
Besides the standard three-year J.D. degree program, the school offers the Masters of Laws (LL.M.) advanced degree program for practicing attorneys and recent law school graduates seeking a U.S law degree, and Doctor of the Science of Law (J.S.D.) program, for students who have already obtained a first degree in law and an LL.M. degree.

It also offers a wide array of joint degree programs, the four-year programs combining law school education (J.D.) with Cornell graduate programs in other fields, such as Business (M.B.A.), Public Affairs (M.P.A.), Regional Planning (M.R.P.), Industrial and Labor Relations (M.I.L.R.), and other fields of study (Ph.D. and M.A. degrees).

Cornell Law School offers a select group of students - those with excellent academic records, as well as French or German language fluency - the opportunity to earn both a Cornell J.D. and a graduate law degree from one of three European partner institutions: J.D./Master en Droit - Université de Paris I Panthéon-Sorbonne, J.D./M.LL.P. - Humboldt Universität zu Berlin, and J.D./ Master in Global Business Law - Institut d’Études Politiques de Paris.
The School has a number of special programs and research centers established often around the arias of special research interests of the faculty members (such as LII – the Legal Information Institute, Cornell Death Penalty Project, Empirical Studies Project, Keck Focus on Legal Ethics Program, as well as Clarke Centers for International and Comparative Legal Studies, for Middle East Legal Studies, and East Asian Law and Culture).

Cornell Law School is also widely recognized for the innovative use of Information Technology in legal teaching and research.

The significant share of this recognition originates from Cornell’s **Legal Information Institute** (LII), with its pioneering achievements in using technology in various applications. LII has played a leading role in redefining legal education, collaboration and non-commercial publishing through the medium of the World Wide Web. The law school has exemplary **IT infrastructure and support services** on all levels, and the **Law Library** is widely known not only for one of the country's finest collections of printed legal materials, but also for its cutting edge services and technology utilization initiatives.
Since 1996, LII has developed and offered the pioneering online law courses to approximately 500 upper-class law students at over a dozen other participating US law schools

**Social Security Law** and **Copyright**

The basic components of these second generation courses included:

- digital readings (with a print-on-demand option)
- scheduled progression through a sequence of topics (one per week) paced by Web-based discussion and mandatory student submissions
- hypermedia presentation (streaming audio linked to assigned texts and supplementary materials) computer-based tutorials and exercises (similar to those CALI has long distributed) tightly integrated with the readings and presentation material
- asynchronous but paced teacher-student, student-student written discussion
- four short writing and problem-solving assignments submitted via the Net for teacher evaluation and feedback
- an end-of-term exam for final evaluation of student performance

Course were available to students of participating law schools that have agreed to include it in their curricula. Students were registered with their home institution with local grades and credits and a local faculty member included in all course communications.

LII exerted a liberalizing influence on law school accreditation standards dealing with distance education – ABA Standard 306 from 2002!

“[C]reating a full distance course of the sort the LII has offered does call for major authorial investment, in order of magnitude comparable to that required to complete a book or similar large-scale scholarly project.”

(Martin 2005, p. 74-77)
Focus on the impact of the new knowledge technologies upon faculty, students, IT professionals, librarians and administrators at the Cornell Law School.

Goals:

– mapping the current situation, habits, needs, and trends in knowledge technology use;

– Identifying areas and capacities in which the Law Library could more closely and coordinately collaborate with other stakeholders (i.e., Law School administrators, the IT department and the Legal Information Institute) in guiding the Law School’s strategic initiatives and endeavors towards future implementations and utilization of knowledge technology in the reconfiguring landscape of national and global legal education.
The study was intended to produce preliminary findings that may be used as inspiration and a starting point for a more profound and systematic research in the future. It relies on data gathered from individual interviews and panel discussions with focus groups of Cornell Law School faculty members, students, librarians, IT specialists and administrators.

Focus on the primary and secondary stakeholders – i.e., the groups within the Law School who have (or might have) a significant professional involvement or other particular interest in the issues of use, implementation, support-providing or maintenance of Knowledge Technology in the Law School’s academic-related processes and activities.
Research Technology VS. Instructional Technology

The terms "Knowledge Technology" and “Academic Technology” refer to a variety of applications, media, tools, information resources and contributors present in the education and research related activities and processes.

- General problem - **overlapping competencies between academic IT departments and libraries**
  - The Cornell Law School faculty, students and administration traditionally associate Information Technology-related issues, requests, and initiatives with the School's IT department, not with the Library.
• The basic functions of the Cornell Law Library have been transforming and merging into the Law School's collaborative academic information infrastructure.

• It is imperative to carve out a new identity within this environment by proving and pointing out the Library's specific and unique contribution ("added value") as well as by claiming new roles within the emerging Law School and the university cyber-infrastructure.

• "The impact of technology on the research and learning behaviors is a much more important issue for libraries than the impact of technology on library operations per se." (Lorcan Dempsey: Reconfiguring the Library Systems Environment. Portal: Libraries and the Academy (2008), Vol. 8, No. 2 p. 117.)
Classroom Support

The Law Library supports faculty teaching in three ways:

1) Reserve Materials

The Closed Reserve Collection is found behind the Circulation Desk in the Reading Room. The collection includes items on Permanent Reserve due to high demand. The Collection also includes Course Reserve, which contains faculty-identified items that are required or recommended for a particular course. The library locates these items on campus, or will purchase them, if necessary. For details, please use the Course Reserve Requests page.

2) Research Instruction

Research attorneys can provide specialized research instruction to students in your courses and seminars. You may request research tools and strategies for that area of law. Contact your liaison to arrange for classroom presentations in your upcoming courses.

3) Computer-Assisted Legal Instruction (CALI) Exercises

Cornell Law School is a member of the Center for Computer-Assisted Legal Instruction, which each year provides a complete set of online exercises. These exercises provide a practical supplement to class sessions. Contact your liaison for a current print catalog of offerings or check the web catalog at http://CALI.org/catalog.html. All exercises are available on the law school network and can be downloaded. You or your students can get the Cornell CALI password from research attorney Julie Jones, Room 3406, 255-5888.
• Efforts to indicate and map the "goals of the Law Library for IT that support or enable Law School to accomplish its goals," in accordance with the Cornell University Library Recommendations, to the current University Strategic Plan, "Positioning Cornell University as a Leader in the 21st Century: The Role of Information Technologies."

• **Recommended IT Strategic Goals:**
  
  – Expedite access to scholarly resources at the point and place of need
  – Provide cutting-edge facilities and services to support research, teaching, learning, and scholarly communication across disciplines
  – Ensure stewardship of the University's intellectual assets
  – Contribute to research, scholarship, and teaching
  – Become an employer of choice while fulfilling library users' needs
• Primary Stakeholders
  – Faculty
  – Students
  – Law School Administration

• Secondary Stakeholders
  – CLS IT Department
  – Legal Information Institute (LII)
  – Cornell Law Library
Cornell Law Library provides legal research services to Cornell faculty, students, alumni, and visitors. We are available online, in person, and via the phone to help our users navigate the resources available at the Law Library, Cornell University Library, and via the internet.

Please contact us:

- In person at the Reference Desk on third floor of Myron Taylor Hall in the Reading Room
- Via email
- By phone at 607-255-9577

All of our research attorneys have both law and advanced library degrees. They will help you find the information you need by helping you select and use the proper sources depending on your needs, resources, and location. However, as a general rule, research attorneys do not perform research for our users or give legal advice. Our services include:

- **For faculty**: Customized attention to support scholarship and teaching
- **For students**: Research instruction throughout law school, consultations for seminar papers and journal work, and advanced training tailored to working as an attorney
Welcome to the LII

The Legal Information Institute (LII) is a research and electronic publishing activity of the Cornell Law School. Popular collections include: the U.S. Code, Supreme Court opinions, and Law abour...

Spotlight

- Two new blogs:
  - b-screeds
  - LII Announce

New from the LII

- Please donate. The Legal Information Institute needs your support for this free service.
- Updates for Federal Rules: Civil Procedure, Criminal Procedure, Appellate Procedure, Bankruptcy Procedure
- U.S. Code: new updating feature for recent legislation, e.g., Title 7 -
PRELIMINARY FINDINGS

Cornell Law School has a significant capacity to respond quickly and strategically to external change.

Major ADVANTAGES are:

– A high institutional rating and prestige on the national and international legal education scene, with a broad network of partnering and collaborating institutions.

– A distinguished faculty body with a broad academic reputation, involvement and a high collaborative culture. Significant advantage is also the experience and expertise of a number of the Law School faculty who have extensively implemented knowledge technology in their teaching, research and scholarship by their own initiative, or of those who have brought their Knowledge technology related experience and expertise from other law schools.

– A world-class in-house expertise in building and teaching courses collaboratively and a profound proficiency in a broad scale of Knowledge Technology utilizations and implementations in the collaborative academic and legal professional settings, on both the national and international level. (LII)

– A premium infrastructure and equipment, accompanied with a core of the highly-skilled and experienced IT support staff.

– A top research library with cutting-edge services to support research, teaching, learning, and scholarly communication; with the premium resources and the technology utilization capabilities and experience. Last but not least - with a close academic involvement in the Law School’s teaching and research activities.
But!

Some of major CONSTRAINTS are:

- Inadequate level of coordination and cooperation among the Secondary Stakeholders (the Law School IT department, LII and the Law Library) in sharing expertise, skills, resources and competencies.

- Inadequate level of the Knowledge Technology “awareness” among the Primary Stakeholders (Administration, Faculty, and Students). Lack of awareness of the newest knowledge technology developments as well as of the successful KT implementations and strategies that have already been proven in other similar legal education settings.

- “Effective use of digital technology in the educational and research activities of a law faculty necessitates the addition of significant numbers of technology specialists and the creation of far more collaborative working relationships not only among law teachers (including those with quite different roles in the same course) but with these new professional partners. [...] Legal academics are accustomed to a very high level of individual autonomy. While many of their counterparts in law practice have experience working on project teams of substantial scale and duration, most law teachers are accustomed to being stars on their own stage.” (Martin, 2002, 514)

- The Law School approach to academic program planning and governance is heavily classroom-centered, shaped mostly around individual faculty preferences. Use of knowledge technology in teaching defers exclusively to the individual faculty preferences. Utilizing of the extensive new possibilities of Knowledge Technology, however, requires serious institutional commitment rather than mere approval of individual faculty initiatives.

- A limited notion of mission and market that doesn’t give appropriate concerns to the knowledge technology based possibilities and opportunities for enhancing the existing educational and research programs as well as for extending the reach of the school to the emerging and those previously closed educational audiences.
Dear Sasha,

I am pleased to hear you are speaking at the CASLIN program. It is a great opportunity for you and for Cornell Law School.

I very much believe that collaboration between the Library, IT, and the LII is the best way to enhance research and teaching opportunities for students and faculty. Students are perhaps more receptive than many faculty about integrating technology into their daily routines, but both faculty and students will benefit from the collaboration of our technology specialists.

Best wishes,

Stewart J. Schwab
The Allan R. Tessler Dean & Professor of Law
Cornell Law School
Myron Taylor Hall
Ithaca, NY 14853
Phone: (607) 255-3527
Fax: (607) 255-7193
PRESENTATION

This will turn the presentation off, it will take 3.5 minutes for it to cool before it can be turned on.

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Yes

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