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ADVANCES IN LEGAL TECHNOLOGY



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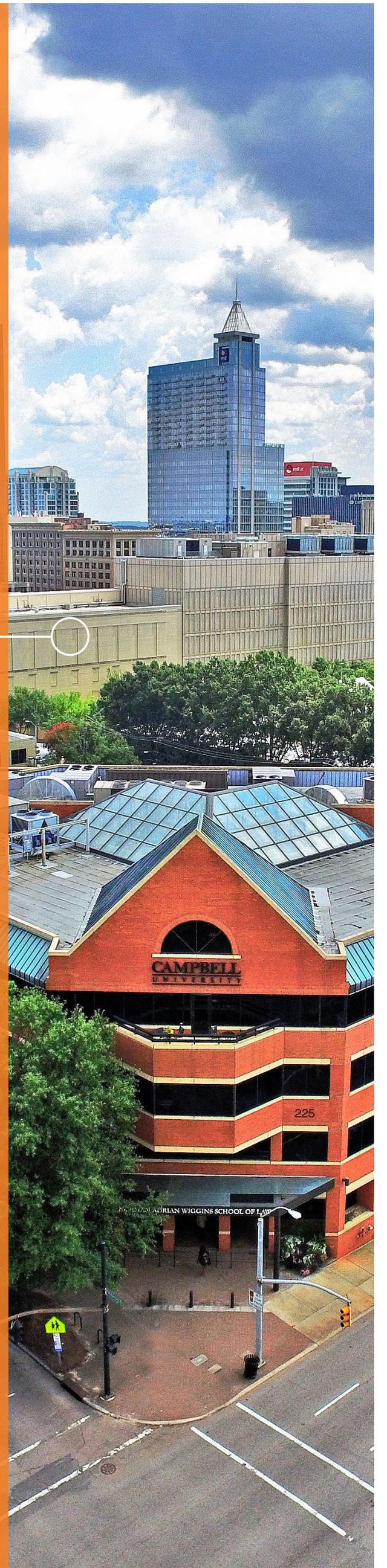


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Disruption in the legal system

AI and other technologies are changing the landscape

CAROLINE BARNHILL

From software programs able to predict outcomes from court cases to chatbots popping up on web browsers providing legal insight through the use of artificial intelligence – technology has changed not just the way society interacts with the law, but is also forcing major changes on the legal industry itself.

“The legal system has evolved. Today with predictive analytics, we have the opportunity to predict the outcomes of lawsuits. Big firms are data mining their billing records in order to respond to the desire for alternative billing practices like unit pricing,” says Kevin P. Lee, professor at Campbell Law. Lee has served as the inaugural chair of North Carolina Bar Association’s committee on the future of law and is one of the leading experts in the field of law and technology. “Every day new technologies are being developed, and the practice of law is going to change rapidly because of it.”

Some of these changes make the industry more efficient. No longer do teams of individuals pour over stacks of deposition papers and financial records. The discovery process now includes automated systems with sophisticated algorithms that do the searching electronically. According to Lee, these are extremely precise systems – much more precise than a human – that are being deployed in the due diligence phases of mergers and acquisitions, not just in litigation.

Quantitative, measurable results

Artificial intelligence is now able to provide reasonable risk profiles for litigation. There are already programs in use that can identify how a particular lawyer can perform in front of a particular judge for a particular motion.

“These programs might not be entirely accurate – they may be only 60% accurate – but at the same time it will tell you that it’s 60% accurate. But this sort of technology helps firms securitize litigation and treat cases as bundles of investments, while helping the firm predict ROI expectations and manage risk,” Lee explains. “Think about how lawyers traditionally valued a case. They would listen to the details of the case and throw out a figure – it’s a gut check. This replaces the gut-check with a quantitative, measurable result. That’s going to be transformative in the industry.”

Lee points to the insurance company AIG who carries billions of dollars in litigation at any time. A few years ago, the company optimized their portfolio using new technologies, which saved them \$200 million in one year alone – earning them the Association of Corporate Counsel Award of Innovation in 2015.

And while these new technologies



may seem like something from a sci-fi novel, Lee says change in law has always been constant.

“If you look back, technology always drives change in the law. With today’s current landscape, we may be looking at a change that is similar in significance to when law first became written. Moving from an oral to written tradition changed the power structure in fundamental ways,” explains Lee. “This happened not just in 500 B.C. when writing came along, but it happens every couple hundred years. Think about the impact of the printing press. So, while this shift in technology is significant, it’s certainly not unprecedented.”

Bridging the justice gap

Another key benefit of new technologies entering the legal space is the ability to bridge the justice gap, says Ashley Campbell, director of the Blanchard Community Law Clinic. “Our profession will need to use technology to meet the legal needs of low-income individuals moving into the future,” she says.

According to the American Bar Association (ABA), approximately 80 percent of legal needs in the United States are unmet – largely due to cost. In response, the organization has formed the ABA Center for Innovation with hopes of improving legal services through innovation and technology.

“We need to redesign the legal system to make it more friendly to the user. We can use technology to help us provide legal assistance to people who need it – even if it’s just basic legal information,” says Lee.

But as with every new advancement,

there always comes resistance.

Some argue that technology presents a conflict in values between the commoditization of law that is required for some of these technological innovations to occur and the industry’s standard code of professional ethics. Others point to the free flow of legal information to the public without legal consultation as problematic.

“Some literature may be rightly linking the current period to the transition from horse-drawn carriages to automobiles – there was a lot of pushback then, too. But the efficiencies and effectiveness of new technologies will eventually win out,” Lee says. “What I usually tell lawyers is that, with technology, they have the opportunity to serve their clients better at a lower cost – and those are legitimate values in our profession and ones we need to honor and respect. If our goal is to use technology intelligently to accomplish those goals, we’ll be fine.”

Coding 101

As technology continues to reshape the legal industry, law schools are working to follow suit. Leading schools around the country are working to incorporate classes from data analytics to blockchain and law to explore that the social and political ethics of legal technology.

“Some law schools have started to introduce young lawyers to programming skills and data analysis fundamentals. Being practice-ready today means knowing how these things work,” Lee continues. “The reality is lawyers today need to be aware of the fact that business of law is a real business – and to be competitive they

need to have a grasp on these disruptive technologies that are changing the practice of law. That’s what we’re working to do at Campbell Law.”

Campbell Law offers courses in computational law and coding for lawyers, and a new course in design thinking in law is set to launch in spring 2019. Expanded course offerings related to law and technology are planned for the future.

“If you look back, technology always drives change”

The school also partners with other organizations and universities to help shape the conversation around technology in the legal industry. For instance, Campbell Law is the first law school to have their own chapter of the Legal Hackers – a group comprised of lawyers, policymakers, designers, academics and technologists whose goal is to explore and develop creative solutions to the most pressing issues at the intersection of law and technology. This March, Campbell Law is planning to host its second node in the annual Computational Law and Blockchain Festival.

“The idea is to be experimental and innovative with the law. By having these affinity groups like Legal Hackers come together, we can really change the field,” says Lee, who helped create Campbell Law’s Legal Hackers group. “We have technology, engineering and business students meeting with our law students and it’s exciting to see what they come up with.”

So while the legal profession may be one built on precedent, looking ahead as technology continues to advance is just as critical.

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Law students partner with Neota Logic on criminal records expunction app

CAROLINE BARNHILL

In December 2017, North Carolina implemented drastic changes in its expunction law. Misdemeanor convictions wait periods dropped from 15 years to five years and wait periods for felony convictions dropped from 15 years to 10 years. In addition, the new law eliminates the limit on the number of dismissals that can be expunged.

This change has resulted in a significant increase in the number of residents seeking help through Campbell Law's Blanchard Community Law Clinic and other providers such as Legal Aid of North Carolina (LANC), explains Ashley Campbell, director of the clinic.

In response, Campbell Law students are working with Neota Logic to develop

an app specifically for the clinic to aid in the recent increase in criminal record expunction requests.

The new application is the brainchild of adjunct professor, who saw the opportunity to marry technology with this growing legal need, with the help of some creative law students.

A partner in Brooke & Brooke Law in China Grove, N.C., Brooke is a 1980 Campbell Law graduate and current chair of the North Carolina Bar Association's committee on the future of law. He's also the founder of N.C. Legal Hackers and an experienced software developer with a background in developing web-based applications for the legal community – among others.

At Campbell Law, Brooke teaches

coding for lawyers. He was tasked with working with his students to develop an app that would aid in screening participants at the district attorney's annual expunction event in Wake County for potential expunction eligibility. The goal was to design a program that would allow the clinic to input data into the app, determine whether a person is eligible for an expunction, and then create the form filing from the information.

"We were able to have real attorneys use the app at the expunction event and provide valuable feedback that will allow us to refine and continue to develop the technology," says Campbell, who is helping lead the initiative, along with Brooke and

Campbell Law professor Kevin Lee. "Our goal is to work with organizations like Legal Aid of North Carolina in the technology's development so it can be of use to the whole community."

Brooke and his students used Neota Logic, a software development tool set for automating expertise, to create the app, which asks a series of questions and applies rules to evaluate the user's eligibility for expunction under the new North Carolina laws.

"Kevin and Tom are both at the forefront of technology in the legal profession and leaders in the Bar in this issue," she says. "I am excited to partner with them as we explore how technology can bridge the access to justice gap for those in greatest need."

Campbell Law, N.C. State partner to train law students in design thinking

CAROLINE BARNHILL



TOM WERNER/GETTY IMAGES

Campbell Law School and North Carolina State University are again partnering to offer a unique course aimed at training 21st-century lawyers to be more innovative and empathetic, and ultimately more successful.

The course, "Design Thinking in Law," will introduce the concept and process of design thinking with the aim of producing lawyers that are more innovative, productive and human-centered, thanks to the design process of empathizing, visualizing, prototyping and iterating.

The course will be taught jointly by Campbell Law professor Kevin P. Lee, who couples his long-standing interest in the phenomenon of human religiousness with his interest in the emerging networked, globalized society, and Tsai Lu Lui, professor and head of the Department of Graphic Design and Industrial Design at NC State's College of Design.

"Law is a system that has evolved by and for the needs of lawyers and the legal profession," Lee says. "What

human-centered design seeks is to rethink the law from the view of the citizen who it is intended to serve."

The partnership with N.C. State's College of Design gives Campbell Law students access to one of the most acclaimed and highly respected design programs in the world.

"We are engaged in figuring out what massive changes in technology will require of the future lawyers we are training, and Professor Lee is leading the way," explains J. Rich Leonard, dean of Campbell Law.

The course will be offered starting in spring 2019.

The partnership deepens the relationship between the institutions that includes four dual-degree programs – the Juris Doctor and Master of Business Administration program, the Juris Doctor and Master of Accounting Program, the Juris Doctor and Master of Public Administration program and the Juris Doctor and Master of Social Work program.

MEET THE EXPERTS



Ashley Campbell

Ashley Campbell is the director of the Blanchard Community Law Clinic at Campbell Law. The Community Law Clinic is located in the historic Horton-Beckham-Bretsch House on Blount Street in downtown Raleigh. Students working under Campbell's supervision provide legal services to clients being served by local non-profit agencies, which agencies include the Raleigh Rescue Mission, Urban Ministries, Alliance Medical Ministry and StepUp Ministry. Campbell is an experienced trial lawyer who continues to manage complex corporate and real estate litigation for her clients at Ragsdale Liggett

PLLC, in addition to her work at the clinic. Campbell has repeatedly been named one of the Best Lawyers in America in Commercial Litigation. She is the past president of the Wake County Bar Association & Tenth Judicial District Bar. Campbell is a juried member of the Federation of Defense & Corporate Counsel and is AV rated by Martindale-Hubbell. Campbell earned both her undergraduate and law degrees from the University of North Carolina at Chapel Hill.



Kevin Lee

Kevin Lee, professor at Campbell Law, is a multidimensional legal scholar and teacher with advanced degrees in Christian ethics, religious studies and philosophy and religion. He couples his long-standing interest in social and political ethics with his interest in the emerging networked, globalized society. His academic work over the past few years has centered on the philosophical implications of the information revolution for thinking about the nature of law. He writes on the philosophy of information and jurisprudence. As a result, he is an emerging leader in the field of legal technology, teaching computational

law since 2014 and designing a course in conjunction with the College of Engineering at North Carolina State University. Lee was named one of the Fastcase 50 in 2017 – which recognizes the smartest, most courageous innovators, techies, visionaries and leaders in the field of law. He has served as the inaugural chair of North Carolina Bar Association's committee on the future of law and helped organize the Raleigh Legal Hackers group. In 2017, Lee helped create a chapter at the law school – Campbell Legal Hackers – the first law school chapter of its kind, which hosted one of the most visited nodes in the global Computational Law and Blockchain Festival in 2018.