

DIGITAL DRAFTING

Vermont Law School
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Provisional Syllabus

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- **Introduction:**
 - Class 1:
 - Course outline introductory note (Brock Rutter)
 - J. Jenkins, “What Can Information Technology Do for Law?” 21 Harv J.L. Tech. 589. Available online: <http://jolt.law.harvard.edu/articles/pdf/v21/21HarvJLTech589.pdf>
 - Begin Susskind book
- **Document Assembly:** Unit includes first project – automating a document using HotDocs software.
 - Class 2:
 - “The British Nationality Act as Logic Program” Communications of the ACM, 29(5):370-386, May 1986. Available online: <http://www.doc.ic.ac.uk/~rak/papers/British%20Nationality%20Act.pdf>
 - Cass Sunstein, “Of Artificial Intelligence and legal Reasoning” Public Law and Legal Theory Working Paper No. 18, University of Chicago Law School. Available online: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=289789
 - Lauritsen, “Fall In Line with Document Assembly” Available online from Capstone Practice Systems: <http://www.capstonepractice.com/loc2006.pdf>
 - Continue Susskind reading.
 - Class 3:
 - HotDocs manual training exercises 1 - 4
 - Darryl Mountain “Could New Technologies Cause Great Law Firms to Fail?” 52 Syr. L. Rev. 1065. Also available in Journal of Law and Info. Tech. and online here: http://www2.warwick.ac.uk/fac/soc/law/elj/jilt/2001_1/mountain/ (*Optional – Mountain “Disrupting Conventional Law Firm Business Models Using Document Assembly” 15 Int’l J. Law. Info. Tech. 170 and available online:*
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<http://ijlit.oxfordjournals.org/cgi/reprint/eal019?ijkey=0O1XPrFDKveyevX&keytype=ref>)

- Class 4:
 - Finish HotDocs training exercises.
 - Continue Susskind reading
- Class 5:
 - No reading assignment: Complete first take-home assignment (Document assembly project.)
- Possible additional class session for discussion of Document Assembly projects
- Class 6:
 - A2J Author Associate Editor Manual, p. 8 to 15.
 - Continue Susskind reading.
- **Expert Systems / Legal Web Advisors:** Includes the second project: Using A2J Software to produce a system that gives simple legal advice.
 - Class 7:
 - “The Business Case for Delivering Legal Advice Over the Web”
 - Peruse Seravia and Jnana web sites.
 - www.seravia.com
 - www.jnana.com
 - Class 8:
 - Introduction to A2J software: Reading to be decided: Will include excerpts from the A2J Authoring Guide. The guide is available on the Web here: <http://www.a2jauthor.org/drupal/?q=AuthoringGuide>. It can also be downloaded as a PDF.
 - Class 9:
 - Excerpts from Australian Government guidelines for automated systems use in government. Available online: <http://www.finance.gov.au/Publications/aaadm/part-1.html#admin>
 - Exact pages to be announced.
 - Continue Susskind reading.
 - Thomas H. Davenport and Jeanne G. Harris “Automated decision-making comes of age”. Originally Summer 2005 MIT Sloan Management Review. Available online at http://www.accenture.com/NR/rdonlyres/6D35FE1C-0CED-4EE8-8064-DF30C34B7419/0/researchreport_217.pdf
 - Class 10:
 - Danielle Citron “Technological Due Process” Available online: http://digitalcommons.law.umaryland.edu/cgi/viewcontent.cgi?article=1404&context=fac_pubs
 - Class 11 / 12:
 - In class discussion of progress of legal advice system project.

- No reading assignment. Finish preparing expert system / advice system.
- **Tagging / XML / Semantic Web**
 - Class 13:
 - Tim Berners Lee, James Hendler, Ora Lassila “The Semantic Web” *Scientific American*, May 2001.
 - Lawrence Cunningham, “Language, Deals and Standards: The Future of XML Contracts” Available online: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=900616
 - Class 14:
 - Reading re. S.E.C. and new XBRL requirements for filing
 - Reading re. Bankruptcy and other court requirements for XML
 - Also – developing Vermont e-filing capabilities.
 - Class 15:
 - Additional XML material
 - Includes:
 - Darryl Mountain article: “XML E-Contracts: Documents that Describe Themselves” 11 Intl. J. Law Info. Tech. 274 (2003)
 - XML for click through contracts
 - Report from Berkman Center work
 - SEC and XBRL
- **E-Discovery:** Includes third project – draft document retention and litigation hold policies for a hypothetical organization.
 - Class 16:
 - *Playboy Enters., Inc. v. Welles*, 60 F.Supp.2d 1050
 - Excerpts from *Zubulake v. UBS Warburg* decisions
 - There are five *Zubulake* decisions (all S.D.N.Y., 2003 to 2004). Exact readings from decisions to be announced. Note: The *Zubulake* decisions may be split up and assigned over the course of the unit on E-discovery
 - Class 17:
 - F.R.C.P. 16, 26, 33, 34, 37, 45 governing e-discovery
 - *Qualcomm v. Broadcom*
 - available free at: <http://pdfserver.amlaw.com/ca/qualcomm0108.pdf>
 - Class 18:
 - *Victor Stanley v. Creative Pipe, Inc.* 250 F.R.D. 251 (D. Md. 2008)
 - *In re. Subpeona Deuces Tecum to AOL, LLC*
 - *Dow v. Norwalk Community College*
 - Sedona Conference Cooperation Proclamation
 - Class 19:
 - E-Discovery practice from an organizational policy perspective:

- Readings TBA
- **Cloud and Ethics issues:** Possible additional project – free response writing on your thoughts on an important ethical issue raised by computers and the legal profession.
 - Class 20:
 - *In Re. Reynoso* 477 F.3d 1117
 - CJ Lanctot “Scriveners in Cyberspace: Online Document Preparation and the Unlicensed Practice of Law” available online: http://www.hofstra.edu/PDF/law_lanctot.pdf
 - Class 21
 - Read ABA materials on e-lawyering, available here: <http://www.abanet.org/dch/committee.cfm?com=EP024500>.
 - See section to the right “Resources”
 - *The instructors will either narrow down the reading selection or allow students to choose which parts of the reading to complete and have students report to the class on their portion of the assigned reading.*
 - Class 22
 - Gillian Hadfield “Legal Barriers to Innovation: The Growing Economic Cost of Professional Control Over Corporate Legal Markets” 60 Stanford L. Rev. 101. Available here: <http://works.bepress.com/cgi/viewcontent.cgi?article=1028&context=ghadfield>
 - Testimony of Richard Granat to the ABA Task Force on the Model Definition of the Practice of Law. Available here: <http://www.abanet.org/cpr/model-def/elawyering.pdf>
 - Class 23
 - Cloud computing and legal issues. ABA 20/20 Initiative. ABA source and other readings TBA