

THE DEAN'S ROLE IN MANAGING TECHNOLOGY

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I. RISING USE OF NEW TECHNOLOGY IN LEGAL EDUCATION

NEW technologies and the growth of the Internet have transformed the operation of law schools in the last six years. Providing leadership to take advantage of these profound technological developments presents a constant challenge to today's law school deans. While the legal academy and profession adjusted more slowly to the impact of technical advancements than the business world, all law schools today provide extensive technology and information services. In 1999 the Association of American Law Schools created a module¹ to facilitate online recruitment for law faculty positions, marking one turning point in the growing acceptance of the inevitability of technological change.

The Internet's expansion and the increasing availability of more powerful hardware and diverse software applications fundamentally changed the modes of communication and research at law schools. When I became the dean of Georgia State University's College of Law in July of 1996, I found that not all faculty members communicated by e-mail; the telephone and its voice message capabilities constituted the dominant administrative method for internal communication. Our college had begun to move to the Windows environment, with the exception of the 286 computers used for Westlaw and Lexis-Nexis training, which operated with out-of-date MS-DOS² based software. Five years later, the college's faculty, staff, and students use computers³ running Windows 2000 over a Novell network. Professor Patrick Wiseman launched the college's first web presence in November, 1994 and released the Meta-Index for U.S. Legal Research in late 1996. In the fall of 1997 a redesigned web site provided more information about the college, and major revisions were made again in 1998. Our latest web site overhaul occurred in June 2001.

The rapidity of the shifts in technology during the late 1990s and early 2000s imposed significant stresses upon our law school's administrative team and faculty members. But our experience is not unique—all law schools face similar challenges as they attempt to integrate technology into all areas of operation. The new technologies affect the delivery of legal education and pose challenges for a law school dean in overseeing their management.

The digital revolution largely altered both internal and external methods of communication at law schools. The availability of electronic correspondence radically changed the workplace. When I headed up a legal team working on New York City's fiscal crisis in the mid-1970s, I exchanged information and negotiated

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1. See AALS web site, Faculty Appointment Register, at <http://www.aals.org/frs/index.html>.

2. Microsoft Disk Operating System.

3. These computers are bundled with 1.4 gigahertz Pentium IV processors, 256 megabytes of memory, and 30 gigabytes of hard disk capacity.

over my office telephone each workday. Frequently, I feared that I would be unable to make the telephonic contacts necessary during office hours to avert a deepening crisis thrusting the city closer toward bankruptcy. Today, the Internet provides a vehicle for the transmission of e-mail messages 24 hours a day. My e-mail message box is flooded daily with information for which a quick response is expected. My fears today revolve around whether I will have enough time to absorb all of the information transmitted properly, or whether I will inadvertently offend others through this asynchronous communication lacking voice intonation.

E-mail has increased both the amount and frequency of a dean's communication. It has made all higher education administrators more accessible to their constituent groups and the public. Once a dean's e-mail address becomes available,⁴ getting a message to him is relatively easy in comparison with prior communication modes—a letter written and mailed, the telephone, or face-to-face contact. The dean's assistant can screen incoming telephone calls and deny physical access to the dean, but he cannot stop electronic messages if the dean chooses to read them. When I was an American Council of Education fellow in 1991-92, one aspect of my training was how to get around the so-called "gate keepers." Today, disgruntled applicants, students, and graduates don't have to depend upon paper and analog-based communication imposing time constraints. Instead, they e-mail the dean and expect an immediate response.

Some positive effects flow from the new e-mail mode of communication. Not dependent upon synchronous communication, it can be fast and efficient. By providing greater and easier accessibility, electronic messages may alert a dean earlier to the existence of problem areas that affect operations. One unhappy applicant informed me of unclear information on our web site that otherwise might have gone unnoticed for an extended period of time. For the most part, I have found that the people our law school serves do not resort to e-mailing me unless they are aggrieved and unable to resolve a particular issue through regular administrative channels. Further, a dean's assistant can manage e-mail messages to some extent in the same way that telephone and other correspondence are handled. Unlike telephonic and face-to-face conversations, e-mail communication permits the actual message sender to be invisible because the recipient of the e-mail cannot ascertain the sender's identity through visual or voice recognition.

Internet connectivity has dramatically changed the ways in which a law school communicates with its students. Messages can be e-mailed to the entire student body with a few key strokes—a far faster and more efficient means of communication than placing flyers in student mail boxes or posting materials on a law school message board. The availability of electronic exchanges connects faculty members to students day and night.

The new technologies also have altered the dynamics of classroom instruction. Rising to the challenge of integrating technology into the curriculum, many legal educators strive to enhance learning with the new technology tools. Faculty members initiate and monitor e-mail discussion groups among their students as either a supplement or an integral part of course instruction. They create and maintain web sites. Students now access online materials, link to course-related web

4. Most law schools list the dean's e-mail address on their web sites.

sites, and check course assignments and syllabi online. Some professors conduct courses entirely online.⁵ Faculty members increasingly use more visual tools, such as online slide presentations or videotapes, to convey information and improve instruction.

II. CHANGING THE ROLE OF LAW SCHOOL DEANS TO MEET TECHNOLOGY CHALLENGES

The vast technological changes in the last six years have tapped the energy, ingenuity, and creativity of law school deans. During this same time, pressures have increased upon a dean to spend more time pursuing promotional and fund raising activities, leaving larger portions of the academic enterprise to others. As private giving to support the legal academy has become indispensable, the dean's "rainmaking" role has become paramount.⁶ Competition among law schools has helped fuel this trend. Deans increasingly must find ways to distinguish their law school from every other law school with the hope that a law school's special niche will attract students, faculty members, and benefactors.

The success of a law school in using technology and the quality of its courses in intellectual property, telecommunications, and computer law have become one of its hallmarks. Law schools today compete on the basis of their technological capabilities. No law school dean can afford to ignore the content and visual appeal of his law school's web site, the capability of the law school's staff in providing technology support, or the technological capabilities of the law school's faculty members, librarians, and students. The transition to a technology based law school has added new responsibilities to a deanship. Here are a few of the challenges a dean faces in responding to the impact of technological change upon legal education.

A. *Acquire Knowledge About Technology*

Most law school deans practiced law or began their academic careers before the digital revolution. They may be reluctant to join the wired generation. Although today's deans may lack a very extensive technical background, they must educate themselves on complex technology issues that change from day to day. The debate over whether law schools should take a "wired" versus "wireless" course of action,

5. Professor Patrick Wiseman has offered his online course on Law and the Internet at Georgia State University College of Law since the summer of 1995. He uses various Internet tools in his classes. Lessons he has learned on how to conduct a course online may be previewed at <http://wwwwebbb.org/wwwwebbb/presentations/lessons/>. Professor Andrea L. Johnson, Director of the Center for Telecommunications Law, at the California Western School of Law, began teaching a distance learning course in January, 1996. See generally Andrea L. Johnson, *Distance Learning and Technology in Legal Education: A 21st Century Experiment*, 7 ALB. L.J. SCI. & TECH. 213 (1997) (describing Professor Johnson's experience in teaching components of a course online).

6. In a brilliant essay, Dean John A. Miller analyzed the impact of the emerging "rainmaker" dean upon the legal academy. See John A. Miller, *The Modern Law Dean*, 50 J. LEGAL EDUC. 398, 403-08 (2000) (describing the implications of "rainmaker" deanships upon university leaders, faculty members, students, and external constituents).

for example, is not the same in 2001 as it was a year earlier. Law librarians change their views of the most effective search engines monthly. At one time, law students received Westlaw and Lexis-Nexis training only once during their law school careers because online research methods changed infrequently. Today, constant revisions and enhancements to these companies' web-based interfaces necessitate greater frequency in training.

Deans now find themselves in a never-ending cycle of trying to keep current with technological changes and learning more about technology. Since even the experts disagree as to what technology should be used and how it should be managed, deans must recruit and keep good information technology (IT) advisors. Hiring superb IT personnel, however, does not insulate a dean from dealing with technology issues. Because the new technologies raise fundamental and far-reaching policy issues, all deans should keep well informed about them.

B. Plan for Technology

A dean must be involved directly in planning for the use of technology in the law school because balancing and assessing competing law school needs and resources constitutes an important part of his duties. Effective planning requires a dean to ensure the existence of processes that effectively address technology issues. Technology's tentacles reach a number of different end-users at the law school, and each user group should have the opportunity to provide input into the planning process. These users include applicants, students, faculty members, staff members, graduates, the bench, the bar, and other members of the public. While public and applicant input may be difficult to obtain, each of the other end-users can be either involved or surveyed for helpful advice.

The need for devoting resources to technology should be weighed against the other competing needs for law school resources. Given the staggering costs of building a technology infrastructure and employing IT specialists to support technology applications, a law school must evaluate the level at which it can support these services while maintaining its other core functions. Most law schools have to make choices among the competing needs.

A cost/benefit analysis should be completed for proposed technology expenditures. The law school's technology team should estimate the costs of implementing the desired technology and assess the expected benefits from its use. The cost/benefit analysis should focus on more than the front-end costs of implementation because technology expenditures should be examined as a long-term investment. Technological advances often provide the power to save costs in the future by freeing valuable staff time for the performance of better services to the law school community. Implementing new technologies should result in some cost savings as faculty and staff members become more computer proficient.

Another important part of the planning process involves anticipating the technological changes likely to occur in the near and more distant future. An investment in equipment that is likely to become obsolete rather quickly is not cost effective. Planning for emerging technologies that appear to require fundamental changes to the law school's infrastructure or organization will require greater attention and insight. Because far-reaching technological shifts affect all of a law

school's constituent groups, the planning process should be designed to ensure an understanding of these changes and their effects upon law school operations.

C. *Facilitate Change*

Given the uncertainty of the course new technologies will take and their likely pervasive intrusion into law school operations, today's deans must play different roles than their predecessors. Because technology has accelerated change, deans must become skilled in facilitating change and building consensus among all law school constituencies to adapt to new modes of technology driven operations. The implementation of new software packages in the administration of the academic enterprise, for example, may require different or new business processes. Restructuring an organization to use new technologies productively and efficiently thrusts the dean into the crucial role of a change agent. Required reading for today's law dean now involves subjects taught at business schools about leading change. High on the reading list of one speaker at CALI's 2001 annual conference for law school computing was Peter Senge's *The Fifth Discipline*.⁷

D. *Communicate and Advocate the Role IT Plays in the Law School's Mission*

Unless the dean advocates the use of technology as a necessary tool in legal education, adaptation to technological change will be slower and more difficult to implement. Enthusiasm on the part of the dean for trying to use the new technologies is more important than a mastery of them. A dean who talks about the role of technology and communicates its importance to all sectors of the law school community will move a law school along a path of adaptation to technological change faster than one who leaves implementation solely to others. A dean should involve every member of her executive team in IT planning and execution.

E. *Motivate and Retain IT Staff Members*

While providing a compelling vision of the role technology plays in the law school constitutes an important part of a dean's responsibility, the law school's IT staff members will be instrumental in overseeing its implementation. Their enthusiasm and dedication to this goal will largely determine the success of IT implementation. One thing is clear—technology cannot be integrated into law school operations without enthusiastic and loyal IT staff members who view this integration as their major mission. Their initiatives and excitement about technology will drive the academic enterprise in much the same way that the faculty's early technology adopters inspired other faculty members to try new applications.

⁷ Marc Lauritsen, President, Capstone Practice Systems, Inc., made this recommendation in a plenary presentation entitled *Learning Systems and Open Practice*, available at <http://www.cali.org/conference/2001/postconf/>. CALI is the acronym for the Center for Computer-Assisted Legal Instruction.

F Motivate Faculty Members to Explore New Technologies

Faculty members vary in their willingness to explore new technologies and in their comfort levels with using technology. Some law professors regard learning how to use software applications as an incursion upon their time that could be better spent on other endeavors. Many law professors, who attended law school in an era barren of any visual aids in the classroom, believe that the Socratic method of teaching or other forms of dialog in the classroom should not be eclipsed by PowerPoint⁸ slides or online explorations of the Internet. Because no well-formed body of literature exists on law school teaching methods, uncertainty exists as to the value that should be attached to the use of technology in educating law students.

Many professors regularly write on a blackboard during their classroom sessions. It is not a gigantic leap to write on an electronic blackboard or to project slides that illustrate material in much the same way that writing on a blackboard does. One enormous difference does exist, however, between writing by hand during class and using digital information in the classroom. That factor is time. First, a professor must invest time in learning how to use unfamiliar technology. Second, preparation time must be found for the development of new online course materials. Finally, classroom teaching with technology driven applications requires a willingness to experiment by trial and error in front of a group of students, many of whom are tech savvy. While many law professors recognize the potential of the Information Age to transform their roles, to some extent, from information providers to facilitators who help students acquire and process information, no one enjoys losing face in front of a classroom of students when the technology does not work as planned.

Given the above impediments, encouraging faculty members to try technology-based instructional methods remains a daunting task. Some deans now provide released time to faculty members who express interest in developing online course materials. The current trend seems to endorse, however, more of a “wait and see” policy—let faculty members experiment on their own time and in their own manner. Because the scholarly productivity of a law school’s faculty remains the primary measure for ranking law schools today, most deans shy away from providing rewards for active technology use, fearing that scholarly output will suffer from the investment of time required by this direction.

Encouraging faculty members to upgrade their technical knowledge and skills includes training. Major law firms provided systematic training in technology use for their lawyers long before law schools began to use the “T” word. I have heard only a few deans talk about providing resources for technology training, but tips on how to promote training frequently surface as a topic of interest at legal tech shows and in legal technology publications.⁹ Buying expensive technology makes no sense, of course, unless the intended users know how to use it. Training opportunities for faculty members should be provided as a regular part of technology staff support. Dedicating a number of computers in the law school for

8. A software application for the presentation of a slide show available from the Microsoft Corporation.

9. See Storm Evans, *Top 10 Technology Challenges*, LAW TECH. NEWS, May 2001, at 32 (listing the promotion of training as among the top 10 challenges facing law firm administrators today).

training purposes both facilitates ongoing training and signifies that learning new technologies has become an expected responsibility of teaching in a law school.

The sophistication of today's technology may require mandatory training. This year, our law faculty technology committee at Georgia State backed an IT staff recommendation that faculty members should be given state-of-the-art computers only after they had received training in their operation. Providing an incentive such as the receipt of new equipment can spur faculty members to join the technology bandwagon.

G. Assure IT Support for All Law School Users

Launching great expectations about the role that technology should play in a law school cannot succeed without the availability of sufficient resources to support all of the school's technology users. The law school's network technicians are without doubt very important persons. Once the network goes down, law school professors, administrators, and staff members become non-functional. Greater dependence upon technology accentuates the importance of its reliability. Without adequate staff support to maintain the law school's hardware, a law school cannot operate.

Technology support must extend beyond the purchase and maintenance of hardware. Professors, students, librarians, and staff members need software assistance as well. Staff support must be available to train users in software applications and to troubleshoot problems caused by software glitches.

Staff support for the use of technology in the classroom is also critical. The importance of standardization should not be overlooked. Computers in a classroom should operate like faculty members' workstations. Each classroom should be equipped in the same manner, requiring users to learn only one mode of operation. At the 2001 CALI annual conference, the Suffolk University School of Law demonstrated the benefits of standardization. Every classroom contains a visual presenter,¹⁰ a computer connected to the law school's network, a VCR, a projection system, and televideo conferencing capabilities. A law professor only needs to push a few buttons to activate the computer and projection system—automatically the lights dim, the projection screen drops down, and curtains move to cover any windows in the classroom. Every classroom contains this technology, giving Suffolk's law professors an incentive to learn how to use it. They no longer guess whether they will be assigned to teach in a classroom outfitted with the needed equipment. Should a professor experience difficulty in using technology during classroom sessions, she need only push a button that alerts a staffed central support station to send a technology specialist to the classroom where the problem has occurred.

10. This equipment is also known as a digital document camera. It projects an image of objects placed on it. The visual presenter's function is similar to that of an overhead projector, which projects images, but only through the use of overhead transparency film.

H. Examine the Organizational Structure for the Delivery of Technology Services

Law schools most likely will need to restructure their operations to meet new technology demands and to make their operations more cost effective through the use of technology. In the past, technology functions frequently fell under the direction of the dean or the law librarian. Today, a trend is developing to employ an IT director who reports to the dean and manages technology throughout the law school. Technology has become too important and too all encompassing to be treated as a sideline. Deans realize their technical shortcomings and time constraints. Increasingly, they rely upon the IT director to provide the expertise necessary for informed decisionmaking and to articulate a vision for the use of technology in the law school. Placing technology under one director facilitates integration in the use of technology throughout the law school. It also enables the management and collection of data necessary to plan strategically for the future.

At Georgia State, we have conceptualized our technology functions as falling into the categories of application management and infrastructure support. Application management includes our network, our web sites, programming, and database management. Our infrastructure support area encompasses the services provided by IT specialists who support faculty, staff, and students in the use of technology.

Management of the network entails programming and database management. Frequently, this function involves coordination with our university's central network and data warehousing operations. Database management provides new opportunities for law schools to integrate their operations. At our law school, data has been handled separately by each department and without any integration in the admissions, career services, development, student services, and registrar's office. New enterprise resource planning (ERP) software packages provide an opportunity to consolidate student records and other data. When a student graduates, the development office should be aided by the seamless transfer of a record providing a snapshot of the student while in attendance at the law school.

Most law school web sites have grown to the point where a webmaster must be employed to manage and design how information is displayed. As more and more law school applications become web enabled, management of the web site requires attention to ensure connectivity among all of the users who access the site over the Internet. The webmaster must ensure the development of the web site in a manner that conveys information to all law school constituencies. Because a law school's web site serves a marketing function, the webmaster must be skilled in design and communication. Further, the webmaster must possess the communication skills that will enable her to coordinate with every sector of the law school community.

I. Be a Futurist

Keeping up with technological advancements requires a dean to be aware of how these developments will affect the law school and the legal profession. Just as technology has changed modes of communication, it will transform the way in which law firms, businesses, and non-profit institutions operate. Institutions

incapable of change will not survive. A dean aware of emerging technologies can better plan for the future.

The content of legal education will need adjustment to prepare students to practice law in a technology-driven environment. Both the dean and faculty members should regularly re-examine the law school's curriculum, policies, and services to ensure that students, upon graduation, will possess the knowledge and skills necessary to meet the challenges of a wired workplace. Deans' interactions with the bench and bar provide them with an opportunity to gain an understanding of the technology proficiency required for their graduates' successful immersion into the legal profession. By anticipating technological shifts, deans can initiate earlier preparations for the impact they will have upon the law school and its curriculum.

Today's law schools have reached an Internet connectivity threshold. We are gaining experience in the use of new technologies. Each law school now faces the challenge of improving its resources to provide the online services that students expect. Further connecting our students to their law school communities will strengthen our relationship with them and add value to their legal education.