THE SULC URBAN LAW, TECHNOLOGY, & RESEARCH ACADEMY INITIATIVE

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INTRODUCTION

THE day after America celebrated Independence Day in 2016—240 years after our Founding Fathers began this nation by declaring, as a self-evident truth, that all men are created equal—a police shooting several miles from Southern University Law Center ("SULC") in Baton Rouge, Louisiana would spark a series of events reminding us that this truth may not be self-evident to all Americans. In fact, the Louisiana State Legislature created the Law Center in 1947 as a *Plessy v. Ferguson*-sanctioned alternative to admitting African Americans into the all-white Louisiana State University Law School. Seventy years later, the Law Center would find itself exploring whether its students could use technology to grapple with the racial inequities in the criminal justice system and to remove other barriers to opportunity in our society. And so began "ULTRA"—the Urban Law, Technology & Research Academy—SULC's new initiative to encourage law students to design technology to solve urban legal issues facing America's fragile communities.

I. TEACHING LAW AND TECHNOLOGY IN LAW SCHOOLS

Teaching technology in the classroom is no longer unheard of in law schools. As of October 31, 2017, the *Law School Innovation Index* identified at least 40 law schools with law and technology programs to prepare students for 21st-century practice.[1] These programs, whether in the form of academies, centers, institutes, or merely a collection of courses, typically involve a blend of several approaches to teaching law and technology.

Technology is changing the law much as it is changing the world around us. Emerging technologies—like artificial intelligence, autonomous vehicles,

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1. *Law School Innovation Index*, LEGAL SERVS. INNOVATION INDEX, https://www.legaltechinnovation.com/law-school-index/ (last visited Jan. 1, 2019).

biometrics, blockchain, cryptocurrency, drones, the Internet of Things (IoT), machine learning, quantum computing, robotics, 3D printing, along with virtual and augmented reality—will profoundly transform society. Meanwhile, contract, criminal, property, tort, and other core areas of the law are still being taught using casebooks and other texts discussing cases set in a time with fleeting relevance to life today. Law school courses are only now springing up that touch on a few technologies, primarily on artificial intelligence, blockchain, cybersecurity, entrepreneurship, and eDiscovery. The law, and law schools, inevitably must adapt to address technologies that fundamentally change our daily lives, impacting how we interact, learn, relax, work, or govern.

Not only is the *substance* of law evolving as innovation transforms society, but the *practice* of law is evolving as well. Law schools have already begun to teach subjects once restricted principally to business schools—like empirical methods, leadership, project management, process improvement, and quantitative skills. This expansion into the business side of the law has led to courses in technology, introducing students to tech tools to improve legal-service delivery and teaching them to design technology themselves.

Law and technology resources have been available to the practicing bar for many years. For over three decades, the American Bar Association has organized ABA TECHSHOW, where lawyers can learn about the latest legal technology to boost their efficiency and best represent their clients. Throughout the year, lawyers can follow all the latest legal tech tools online through the ABA Legal Technology Resource Center ("LTRC").[2] Also, the Law Practice Division, the ABA entity responsible, as its name suggests, for improving the practice of law, offers many other resources besides TECHSHOW and the LTRC—webinars, podcasts, blogs, books, magazines, and other materials—to keep lawyers abreast of legal technologies.

Even with the recent increase in law and technology programs, law schools have been slow to embrace the importance of teaching legal tech to law students. Understanding legal technology, however, has become an ethical imperative for lawyers. In its August 2012 report to the ABA House of Delegates, the ABA Commission on Ethics 20/20 warned that "[l]awyers must understand technology in order to provide clients with the competent and cost-effective services that they expect and deserve," explaining:

> Technology affects nearly every aspect of legal work, including how we store confidential information, communicate with clients, conduct discovery, engage in research, and market legal services. Even more fundamentally, technology has transformed the delivery of legal services by changing where and how those services are delivered (e.g., in an office, over the Internet or through virtual law offices), and it is having a related impact on the cost of, and the public's access to, these services.[3]

2. *Legal Technology Resource Center*, AM. BAR ASS'N, https://www.americanbar.org/groups/departments_offices/legal_technology_resources/ (last visited Dec. 31, 2018).

3. ABA COMM'N ON ETHICS 20/20, AUGUST 2012 RESOLUTIONS AND REPORTS 3-4 (2012).

Indeed, technological competence is now an ethical obligation in most jurisdictions. Lawyers have a duty of competence under Rule 1.1, ABA Model Rules of Professional Conduct, which requires the "legal knowledge, skill, thoroughness and preparation reasonably necessary" to represent a client.[4] In 2012, the ABA House of Delegates added this comment to Rule 1.1, which has been adopted in over 30 jurisdictions:

> To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.[5]

Aside from teaching technology to ensure the competent delivery of legal services, law schools are teaching law students to build technology themselves. Over the last decade, several law schools have introduced A2J Author into the classroom, a cloud-based platform that helps non-technical authors build document-assembly tools to increase access to justice. Jointly owned by the Center for Computer-Assisted Legal Instruction ("CALI") and IIT Chicago-Kent College of Law, A2J Author guided interviews allow self-represented litigants to create court documents without the need for lawyers. Since its launch, A2J has been used by courts, clerk's offices, legal services organizations, and law schools to build over 1,100 A2J Guided Interviews in 42 jurisdictions and create more than 2.5 million documents.[6]

Teaching law students to build document-assembly tools is not simply a technical exercise. It teaches students to—in the words of legal futurist Richard Susskind—"decompose" routine and repetitive legal tasks, breaking them into component parts, then use technology to handle as many parts as possible. In the process, law students must master the areas of law a legal document involves—a will, a deed, a complaint, a petition—and build technology to replace the lawyers that self-represented litigants cannot afford.

Some law schools, like Chase College of Law at Northern Kentucky University, have taken law and tech courses a step further, teaching students to build technology from the ground up. Through the Lunsford Academy for Law, Business + Technology, students can learn to design technology focused on solving legal issues or improving the practice of law.[7] One tech project from Chase's Law, Business & Entrepreneurship class this past spring ultimately led to ABA Resolution 116C, passed by the House of Delegates in August of 2018, which urges that all technology relating to the provision of legal services be accessible to everyone, including individuals with disabilities.[8]

In 2017, the authors of this article—SULC's Chancellor and the Director of the Lunsford Academy—partnered to bring law and technology to Southern

4. MODEL RULES OF PROF'L CONDUCT r. 1.1 (AM. BAR ASS'N 2018).
5. *Id.* r. 1.1 cmt.
6. AJ2 AUTHOR, https://www.a2jauthor.org/ (last visited Dec. 30, 2018).
7. LUNSFORD ACADEMY, http://www.lunsfordacademy.org/ (last visited Dec. 30, 2018).
8. ABA House of Delegates, Resolution 116C (adopted Aug. 7, 2018).

University Law Center. Our plan to acquaint students with the technology's impact on the substance and practice of law unexpectedly morphed into an initiative whose reach may extend far beyond the walls of the Law Center. Hence, the initiative's acronym: ULTRA.

II. "HELLO, OFFICER": TECHNOLOGY TO CURB RACIAL PROFILING

Back to the summer of 2016. Racial profiling by law enforcement would become a polarizing issue during the ongoing presidential campaign. Officer-involved shootings and beatings of African Americans during police stops would lead to nationwide protests. The spark to this racial profiling firestorm happened near SULC the day after the nation celebrated the Fourth of July.

On July 5, Baton Rouge police officers shot and killed Alton Sterling in Baton Rouge.[9] Mobile phone video from the incident sparked outrage across the nation, as viewers witnessed an officer shooting Sterling as he lay on the ground subdued by another officer.[10] The following day, a Minnesota police officer fatally shot Philando Castile during a routine traffic stop gone awry, an incident captured on police dash cam video and streamed on Facebook Live by Castile's girlfriend.[11] The shootings of Sterling and Castile, both African Americans, ignited protests across America, including in Dallas, Texas on July 7.

That day, an African-American sniper killed five Dallas police officers and injured seven other people.[12] Less than two weeks later, three Baton Rouge police officers would lose their lives to another African American wielding an assault rifle.[13] One year later, in July 2017, and against this ugly history, SULC held its first law and technology class.

The purpose of the law and technology class was to introduce students to legal tech and to tech design. With the help of LexTotus, the legal technology company that created the online professional network LexVita, the class taught software development principles to students. Software development typically requires collaboration among computer programmers, graphic designers, interface designers, user-experience experts, project managers, and others—including subject-matter experts. Using their budding knowledge of the law and familiarity

9. *See* German Lopez, *Alton Sterling Shooting: Video from Baton Rouge Police's Cameras Released*, VOX (Mar. 30, 2018, 8:37 PM), https://www.vox.com/2016/7/6/12105380/alton-sterling-police-shooting-baton-rouge-louisiana.

10. *Id.*

11. Camila Domonoske, *Minnesota Gov. Calls Traffic Stop Shooting 'Absolutely Appalling at All Levels'*, NPR (July 7, 2016, 7:19 AM), https://www.npr.org/sections/thetwo-way/2016/07/07/485066807/police-stop-ends-in-black-mans-death-aftermath-is-livestreamed-online-video.

12. Joel Achenbach, William Wan, Mark Berman & Moriah Balingit, *Five Dallas Police Officers Were Killed by a Lone Attacker, Authorities Say*, WASH. POST (July 8, 2016), https://www.washingtonpost.com/news/morning-mix/wp/2016/07/08/like-a-little-war-snipers-shoot-11-police-officers-during-dallas-protest-march-killing-five/?utm_term=.8f8dd57dd872.

13. Emily Shapiro, Michael Edison Hayden & Paul Blake, *Gunman Identified in Shooting that Killed 3 Baton Rouge Police Officers*, ABC NEWS (July 18, 2016, 1:25 AM), https://abcnews.go.com/US/police-officers-dead-shooting-baton-rouge/story?id=40646533.

with technology in their daily lives, law students without tech backgrounds can serve as subject-matter experts for technology that touches legal issues.

The legal issue the class chose to tackle on the anniversary of the Alton Sterling shooting was racial profiling in law enforcement. Working with LexTotus, the students designed a virtual traffic-stop app, *Hello, Officer*, intended to deter racial profiling and reduce officer-involved shootings of African Americans. The app is designed to use smartphone videoconferencing, like Apple's FaceTime in iPhones, to allow drivers and officers to remain in their vehicles during traffic stops.

Aside from its practical uses—making traffic stops more safe, efficient, and stress-free for officer and driver—*Hello, Officer* will be programmed to collect traffic stop data. Many states and police departments require the collection of traffic stop data, largely in response to concerns over racial profiling. *Hello, Officer* may thus have its greatest impact as a data collection tool.

Local, regional, and national studies have shown that black drivers are stopped disproportionately more often than white drivers and, more troubling, are more likely to be ticketed, searched, and arrested than white drivers. Many experts believe that these disparities are the result of implicit bias, rather than conscious racism, among police officers. SULC hopes to deploy the *Hello, Officer* app in police departments to study whether self-awareness—gained through the information officers learn from the app about their decision making during traffic stops—will motivate them to adjust their behavior to eliminate racial disparities in whom they stop and what happens during a stop.

Most academic research typically requires time-consuming data collection and analysis, the results of which are published months, sometimes years, later with the hope that potential stakeholders will use the research to foster change. Data analytics dashboards, which provide an overview of the reports and metrics most relevant to the issue an app is intended to resolve, are common to many software applications. As they solve real-world problems, apps like *Hello, Officer* can offer immediate insight into problems under study through the generation of data in real time.

This last point is key. Empowering law students to design technology that solves legal problems by applying the same critical thinking skills used in traditional law school courses is consistent with the mission of law schools. Law students, like graduate students in other disciplines, can be problem solvers while in school. In that spirit, the authors journeyed down a path from a single law school course to the creation of a broader initiative to use law students and technology to study, and one day solve, problems that plague the criminal justice system and society.

III. THE HUMBLE BEGINNINGS OF SULC'S ULTRA

Today, SULC's Urban Law Technology and Research Academy is more a dream than a reality. Over the past year, the Law Center has fashioned three courses to serve as the foundation for what the authors hope will become ULTRA. Through these courses, students have designed apps intended to help remove barriers to opportunity in fragile communities. Programming and deploying these

apps is in the early stages, so ULTRA's success—like the success of so many ventures in law schools today—will require time, patience, and money. Nonetheless, the authors hope that sharing some of the thinking underlying ULTRA's creation might benefit other law schools considering technology initiatives.

The broader vision driving ULTRA is the creation of an academy with three synergistic priorities—education, entrepreneurship, and research. If this vision is realized, the academy will build technology in an academic environment, distribute that technology through a SULC-related, for-profit social enterprise, and perform research to solve criminal and social justice issues through the real-time data the applications generate. Thus far, students in the ULTRA courses have worked on apps to combat urban legal issues, particularly those that African Americans face with the criminal justice system from first contact and beyond—racial profiling by law enforcement officers, stigmatization from criminal convictions, and the opioid epidemic throughout America.

Outside collaboration is an important component to any legal tech development project in law schools. Professors and students usually lack all the necessary skills and training essential to design, build, and market a fully functioning app. To be useful to everyday users—whether individual consumers, companies, or governmental entities—commercial apps require professional installation, maintenance, training, and upgrading. These same tasks are required even where an app is launched for research purposes. Consequently, partnering with a technology company, like SULC has with LexTotus, increases the chances that an app will successfully be built and monetized.

The ULTRA concept is not unique. In 2014, Chase College of Law launched the Lunsford Academy, whose curriculum included a course in legal app development. The course envisioned that students would design and create a legal app in partnership with computer science students or a local software developer. In early 2017, with the help of LexTotus, the inaugural class created a fully functioning self-help expungement app, called *Start Over Kentucky*, working with Legal Aid of the Bluegrass and using A2J Author to program the app. Students from the Chase class later helped bring the technology to SULC. Working with the Law Center, the Justice and Accountability Center of Louisiana repurposed the app, now dubbed *Clean Your Jacket*, and used SULC students to deploy it to help Louisianans expunge their criminal records.

The pioneer in this arena, Stanford Law School has two programs—CodeX and the Program for Legal Tech & Design—that offer students the opportunity to work in an interdisciplinary environment creating legal applications for the greater good.[14] CodeX focuses on computational law, the automation and mechanization of legal analysis; while the Design program tackles legal challenges through user-focused research and design of new legal products and services. In fall 2017, the J. Reuben Clark Law School launched a similar program, LawX, whose goal is to solve social/legal challenges using design thinking. Its first project was the

14. *CodeX*, STAN. L. SCH., https://law.stanford.edu/codex-the-stanford-center-for-legal-informatics/ (last visited Jan. 1, 2019); *The Legal Design Lab*, STAN. L. SCH., https://law.stanford.edu/organizations/pages/legal-design-lab/#slsnav-our-mission (last visited Jan. 1, 2019).

development of *SoloSuit*, a cloud-based tool to respond to debt collection lawsuits.[15]

SULC offers three courses—Law & Technology, Introduction to Intelligent Legal Systems, and Seminar in Urban Legal Problems—where students design law-related technology. The Law & Tech course also involves lectures on technology's impact on both the business of law and the law itself. Intelligent Legal Systems focuses upon tech entrepreneurship, with students acting as tech startup to design legal tech. Finally, the Urban Legal Problems seminar brings all the elements of ULTRA together as students explore whether technology can bring about real change for real people in need.

The first year of this initiative has been promising. In addition to *Hello, Officer* and *Clean Your Jacket*, SULC students have attempted to tackle the opioid crisis (*MORTL Portal*), the immigration controversy (*Border Recorder*), and police/community relations (*Noble Shield*). Of these projects, *MORTL Portal*, Managing Opioid Recovery through Leadership, is the closest to implementation.

Last year's Intelligent Legal Systems class won the Bayou Classic BizTech Challenge Digital Technology category with its design of *MORTL Portal*. The app, which is already programmed for beta testing, permits police officers to steer opioid users away from the criminal justice system and into treatment by withholding arrest for drug-related offenses and matching participants with mentors to monitor their progress. By pairing individuals with mentors, the app promotes better participation in treatment, better outcomes for individuals, and reduced stress on the criminal justice system.

SULC and LexTotus have recently been asked to work with the Heroin Coalition of Hamilton County, Ohio to study whether technology like *MORTL Portal* can be deployed in a major police department. In the meantime, SULC has submitted a grant application with a national foundation to fund research into racial profiling in police traffic stops using *Hello, Officer* to generate study data. Hopefully, these are the humble beginnings of what will become ULTRA, a self-sustaining research arm of the Law Center.

IV. NEXT STEPS TOWARD ULTRA

The SULC student-designed apps are not meant to be mere academic exercises. True enough, students learn a great deal about the legal issues implicated in the problems the apps are intended to solve. And, more importantly, students learn to use their own ingenuity—drawn from their prior studies and life experiences—to invent creative solutions to these problems. Beyond these benefits, the ULTRA initiative could offer students alternative careers and the Law Center new avenues of academic research and sources of revenue.

Over the last six months, SULC has worked within the Southern University and A&M College System to explore ways to monetize the technology generated through the ULTRA initiative. Plans are underway to create a Louisiana benefit corporation involving students for this purpose. As a benefit corporation, the

15. *About SoloSuit*, SOLOSUIT, http://www.solosuit.com/about (last visited Dec. 31, 2018).

SULC-sponsored vehicle can consider societal impact along with profit as corporate goals.

The entity's societal purpose would be to solve urban legal issues plaguing fragile communities. Moreover, several of the apps have practical uses for potential customers—primarily law enforcement. *Hello, Officer* promotes officer safety, increases traffic-stop efficiency, and collects legally-mandated data. By diverting drug users from the criminal justice system, *MORTL Portal* reduces the economic strain on the system that comes from jailing defendants.

SULC has a national reputation for training law students for public service. Historically, many of its graduates have become prosecutors, public defenders, judges, and legislators. ULTRA would offer new SULC students other ways to serve the public, here in Louisiana or across the country. Technology will never completely replace lawyers. But ULTRA will allow law students—and upon their graduation, lawyers—the chance to apply their legal skills for a higher purpose, as inventers, entrepreneurs, or scholars.