

Computer Technology in Legal Practice (CRN: 23956)
LAW 2709

Spring 2019
Hofstra University School of Law
Professor John Tsiforas

Class Meets: Mondays
10:10 a.m. – 12:00 p.m. (Room 202)
Begins Monday January 14, 2019

Course Description:

Rapidly evolving technologies are transforming the traditional law practice. The purpose of this course is to (1) teach law students how to use current technologies to effectively and efficiently deliver legal services, and (2) explore and investigate the use and impact of current technologies in the practice of law. The focus will be smaller to mid-sized law firms but there will also be some discussion on large practice groups. Students will analyze and use tools for electronic filings, client management, electronic discovery, change control, cybersecurity, and document management. Ethical issues relating to proper use of technology (including social media) will also be explored.

Format of the Course:

Class sessions will consist of hands-on learning exercises, and lectures by the instructor and guest speakers. Students are expected to complete all assigned readings, and participate in all class exercises and discussions, and team based projects. Regular attendance of classes is required. If a class is missed, you might be required to complete a brief assignment. A personal laptop is highly recommended for most class activity. Laptops might be available to be loaned.

Communication:

TWEN (<https://lawschool.westlaw.com/twen/>) and email will be the mode of communication for this course. **Registered students should join the course TWEN ASAP. If you choose to drop the course, please inform me via email so I can remove you from TWEN.** The course password is CTLPSpring2019.

To set up an appointment to meet with me, please contact my assistant, Frances A. Avnet. She can be reached at Frances.Avnet@hofstra.edu.

Time Recording:

You will use CLIO to record all class work and activities.

Course Assessment:

Students will complete a 7 to 10 page paper (double-spaced excluding endnotes) on a current technology issue facing lawyers in practice (50%). I will approve the topic before February 16. Each student will give a presentation discussing the paper in the last three weeks of the semester (20%). The paper will be graded for timely completion, thoroughness, creativity, and appropriate use of technology in the presentation, relevance and reflection on issues facing the legal profession, and appropriate selection and documentation of sources.

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The remaining 30% of each student's final grade will be based on class exercises and participation.

Course Materials:

We will not use a textbook. I will provide links to and/or hand out the materials. Students are required to join the TWEN page as that is where all resources, homework assignments, and communication will be found. It is imperative that you join the TWEN page in order to receive all communications pertaining to the class.

Professionalism:

You are expected to conduct yourself in a professional manner during class and in your dealings with me and with your classmates. Attendance is critical. As this course is a workshop format, the class work, attendance and participation play a crucial role in the class. Your attendance, preparation, and participation are required and will contribute to your final grade. Unless I instruct you otherwise, you should not work on any in-class or homework exercises with another student or share your work with others.

Attendance:

The rules of the New York State Court of Appeals, the American Bar Association, and the Law School all require law students to be in good and regular attendance in the courses for which they are registered. To comply with these rules, you must attend at least 85% of our regularly scheduled classes. Thus, you may miss no more than 4 hours and 12 minutes of class time this semester.

If you must be absent for more than the permitted number of hours of class, contact the Office of Student Affairs as soon as possible. Accommodations may be made for students who must be absent for religious reasons and in cases of truly compelling hardship. Any request for an exception must be made to the Office of Student Affairs (not to me) and must be accompanied by appropriate documentation. You must make any request for an exception to Student Affairs. You must bring all supporting documentation when requesting your exception.

I will provide sign-in sheets for each regularly scheduled class, which shall be the dispositive evidence regarding your presence at or absence from a given class. Each student is responsible for signing in during the class time; you may not sign in after the class has ended. Falsification of sign-in sheets is a violation of the Code of Academic where you attended the class, is within the meaning of falsification under the Code of Academic Conduct.

If you exceed the permitted absences, meaning that you have failed to sign in for more than 4 hours and 12 minutes of class time, your name will be sent to the Office of Student Affairs and you will be subject to administrative withdrawal from the class. Any such withdrawal may have serious ramifications for your financial aid, academic standing, and date of graduation. Administrative withdrawal might result in a grade of "Administrative Failure" (AF) for the course.

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You may not receive prior notice, so you must keep track of your absences. With respect to class preparation and participation, you are expected to read the assigned reading materials and complete all homework assignments so that you may engage in an informed discussion of those materials and assignments. Those who are late to class or unprepared may be treated as absent. I reserve the right, in my discretion, to raise or lower your grade to reflect your attendance, preparation and participation.

Date	Class Topics, Readings, & Assignments
Jan. 14	<p>1. Introduction to the Class</p> <p>2. Using Technology to Form a Virtual Law Firm in NY</p> <p>In our first class, we will use technology to form a virtual law firm (NY Dept. of State's Div. of Corp. website hands on in class). All future work will take place within the firm. Prior to class, read the following electronic resources and be prepared to discuss how an attorney can use technology to form a virtual law firm in NY:</p> <p>Bar Association Resources:</p> <p>http://www.nysba.org/StartingaPracticeinNY</p> <p>http://nysbar.com/blogs/lawyersintransition/2010/07/starting_a_law_firm_your_quest.html</p> <p>http://www.nycbar.org/member-and-career-services/small-law-firm-overview/small-firm-resources</p> <p>New York State Resources:</p> <p>http://www.op.nysed.gov/corp/ https://www.dos.ny.gov/corps/bus_forms.html https://www.dos.ny.gov/corps/pdfs/formingbus.pdf https://www.dos.ny.gov/corps/llpfaq.asp https://www.dos.ny.gov/corps/lpcorp.html#certlp https://www.dos.ny.gov/corps/llcfaq.asp#inc https://www.dos.ny.gov/corps/llcguide.html</p> <p>3. Using Technology to Operate a Virtual Law Firm (generally and in NY)</p> <p>We will also discuss the use of technology to operate virtual law firms. Prior to class, read the following electronic resources and be prepared to discuss how an attorney can use technology to</p>

operate a virtual law firm:

A. Generally

- **No Boardroom, Suits or Heels**
<https://law.stanford.edu/stanford-lawyer/articles/no-boardroom-suits-or-heels-this-virtual-law-practice-thrives-in-the-cloud/>
- **Virtual Law Practice and eLawyering on the Rise**
<http://www.mycase.com/blog/2015/09/virtual-law-practices-and-elawyering-on-the-rise-in-2015-infographic/>
- **How Rachel Rodgers built her Virtual Legal Practice**
<http://www.fastcompany.com/3008304/mobilizing/counselor-how-rachel-rodgers-built-her-virtual-legal-practice>
- **Virtual Law Office Tour**
<http://legalsolutions.thomsonreuters.com/law-products/news-views/small-law/virtual-law-office-tour>
- **Pros and Cons of an Online Only Virtual Law Practice**
<http://blogs.findlaw.com/strategist/2014/11/the-pros-and-cons-of-an-online-only-virtual-law-practice.html>
- **Managing a Virtual Law Firm**
http://www.americanbar.org/publications/law_practice_magazine/2013/march-april/managing-a-virtual-law-firm.html
- <http://www.legalinkmagazine.com/2015/07/virtual-law-firm-right-fit-practice/>
- **Ethics and the Virtual Law Office**
Watch Where You Set Your Virtual Foot
http://www.americanbar.org/publications/law_practice_magazine/2011/september-october/watch-where-you-set-your-virtual-foot.html

B. Virtual Law Practice in NY

- **Formal Opinion 2014-2 Use of a Virtual Law Office by New York Attorneys**
<http://www.nycbar.org/ethics/ethics-opinions-local/2014opinions/2023-formal-opinion-2014-02>
- **SCOTUS Rejects Challenge to NY Law**

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	<p style="text-align: center;">http://www.law.com/sites/almstaff/2017/04/17/scotus-rejects-challenge-to-ny-law-requiring-in-state-office/</p> <ul style="list-style-type: none">• The Long Tail of New York’s Bonafide Office Rule http://abovethelaw.com/2017/04/the-long-tail-of-new-yorks-bonafide-office-rule-and-what-it-means-for-the-future-of-solos/
Jan. 28	<p>Using Technology to Manage a Law Practice</p> <p>CLIO practice-management software hands on in class</p> <p>Prior to class, login to CLIO at https://app.clio.com/session/new, and read CLIO support documents at https://support.clio.com/hc/en-us.</p>

Feb. 4	<p>Using Technology to Electronically File Legal Documents in New York’s State Courts – Part 1</p> <p>NYCEF hands on in class</p> <p>CLIO practice-management software hands on in class</p> <p>Prior to class, read the following electronic resources and be prepared to discuss how an attorney can use technology to electronically file legal documents in New York’s state courts.</p> <p>https://iappscontent.courts.state.ny.us/NYSCEF/live/training/trainingPresentation.pdf</p> <p>https://iappscontent.courts.state.ny.us/NYSCEF/live/training/userManual.pdf</p> <p>https://iappscontent.courts.state.ny.us/NYSCEF/live/faq.htm</p>
Feb. 11	<p>Using Technology to Manage a Law Firm’s Client Matters and Billing</p> <p>CLIO practice-management software hands on in class</p> <p>CLIO practice-management software hands on in class</p> <p>Prior to class, read the following electronic resources and be</p>

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	<p>prepared to discuss how an attorney can use technology to manage client matters and billing:</p> <p>https://support.clio.com/hc/en-us/articles/209727317-Contacts-Matters</p> <p>https://support.clio.com/hc/en-us/articles/209009878-Billing-Time-Tracking</p> <p>https://support.clio.com/hc/en-us/articles/209009868-Accounting</p> <p>http://www.abajournal.com/news/article/billable_hour_pricing_is_effectively_dead_because_of_budget_caps_report_say/</p> <p>https://www.theatlantic.com/business/archive/2015/10/billable-hours/410611/</p> <p>https://dealbook.nytimes.com/2013/03/25/suit-offers-a-peek-at-the-practice-of-padding-a-legal-bill/?_php=true&_type=blogs&_r=0</p> <p>https://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/charts_fyis/casemanagementcomparison.html</p> <p>https://www.americanbar.org/content/dam/aba/images/legal_technology_resources/Charts/PracticeCaseManagement_TimeBilling_IntegratedSoftwareChart.pdf</p> <p>http://www.lexisnexis.com/counsellink/documents/ALM-Survey-Alternative-Fee-Arrangements.pdf</p> <p>Practice Case Management Comparison Chart (available on TWEN)</p>
Feb. 18	No Class-Presidents Day
Feb. 20 (Mon. Sched.)	<p>Using Technology to Electronically File Legal Documents in New York’s State Courts – Part 2</p> <p>NYCEF hands on in class</p> <p>CLIO practice-management software hands on in class</p> <p>Prior to class, read the following electronic resources and be prepared to discuss how an attorney can use technology to electronically file legal documents in New York’s state courts.</p>

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	<p>https://iappscontent.courts.state.ny.us/NYSCEF/live/training/trainingPresentation.pdf</p> <p>https://iappscontent.courts.state.ny.us/NYSCEF/live/training/userManual.pdf</p> <p>https://iappscontent.courts.state.ny.us/NYSCEF/live/faq.htm</p>
<p>Feb. 25</p>	<p>Electronic Discovery – Part 1</p> <p>Relativity e-discovery software hands on in class</p> <p>CLIO practice-management software hands on in class</p> <p>Prior to class, read the following electronic resources and be prepared for a general discussion on electronic discovery:</p> <p>A. Basics</p> <p>https://1.next.westlaw.com/Document/lbb0a37c8ef0511e28578f7ccc38dcbee/View/FullText.html?originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)</p> <p>https://www.americanbar.org/content/dam/aba/administrative/labor_law/meetings/2008/ac2008/066.authcheckdam.pdf</p> <p>https://www2.nycbar.org/pdf/report/uploads/E-DiscoveryGuideforLawyersMay2013.pdf</p> <p>https://1.next.westlaw.com/Document/l03f4d742eee311e28578f7ccc38dcbee/View/FullText.html?originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)</p> <p>http://apps.americanbar.org/litigation/committees/consumer/articles/winter2011-electronically-stored-information-metadata.html</p> <p>B. Rules</p> <p>https://www.law.cornell.edu/rules/frcp/rule_26</p> <p>https://www.law.cornell.edu/rules/frcp/rule_34</p> <p>https://1.next.westlaw.com/Document/l9b42e8c5b4511e398db8b09b4f043e0/View/FullText.html?originationContext=document&transitionType=DocumentItem&contextData=(sc.Search)</p> <p>https://www.law.cornell.edu/rules/fre/rule_1001</p>

	<p>http://www.courts.state.ny.us/rules/trialcourts/202.shtml#12</p> <p>C. Best Practices and Tips</p> <p>http://technology.findlaw.com/electronic-discovery/hunting-for-data-uncovering-the-hidden-gems-of-structured-data.html</p> <p>http://technology.findlaw.com/electronic-discovery/ediscovery-and-databases-understanding-the-basics-of-structured.html</p> <p>https://www.nysba.org/Sections/Commercial_Federal_Litigation/ComFed_Display_Tabs/Reports/ediscoveryFinalGuidelines.pdf.html</p> <p>https://apps.americanbar.org/buslaw/blt/2007-09-10/kelly.shtml</p> <p>D. Cost Shifting</p> <p>https://www.americanbar.org/groups/young_lawyers/publications/the_101_201_practice_series/e_discovery_shifting_the_costs_of_compliance.html</p> <p>E. Electronic Discovery Reference Model</p> <p>https://www.gibsondunn.com/e-discovery-basics-the-e-discovery-life-cycle-vol-1-no-2/</p> <p>https://www.edrm.net/frameworks-and-standards/edrm-model/</p> <p>F. Glossary</p> <p>https://thesedonaconference.org/download-pub/5537</p> <p>G. Issues to Consider</p> <p>https://www.nycourts.gov/courts/comdiv/PDFs/E-DiscoveryReport.pdf</p> <p>https://www.law.com/newyorklawjournal/sites/newyorklawjournal/2018/01/12/from-wearables-to-implantables-new-frontiers-in-the-e-discovery-landscape/</p>
<p>March 4</p>	<p>Hot Topics in Social Media</p> <p>Guest Lecturer: Honorable Ronald Hedges, U.S. District of N.J. (ret.) Profile: https://www.dentons.com/en/ronald-hedges</p>

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	<p>Prior to class, read the following electronic resources and be prepared for a general discussion on the intersection of social media and the law:</p> <p>https://www.americanbar.org/groups/law_practice/publications/techreport/2016/social_media_blogging.html</p> <p>https://bol.bna.com/why-social-media-matters-for-law-firms/</p> <p>http://kevin.lexblog.com/2013/11/21/80-of-100-largest-law-firms-now-blogging/</p> <p>https://1.next.westlaw.com/Document/I7ee78f21e75411e398db8b09b4f043e0/View/FullText.html?contextData=(sc.Default)&transitionType=Default&firstPage=true</p> <p>http://www.nysba.org/socialmediaguidelines17/</p> <p>http://caselaw.findlaw.com/ny-court-of-appeals/1889175.html</p>
March 11	<p>Electronic Discovery – Part 2</p> <p>Relativity e-discovery software hands on in class-review Enron Docs</p> <p>CLIO practice-management software hands on in class</p> <p>Prior to class, complete Relativity AP-Review Essentials Workbook v9.4_3ED</p>
March 18	<p>No Class-Spring Break</p>
March 25	<p>Hot Topics in Electronic Discovery</p> <p>Guest Lecturer: Maura Grossman Profile: https://en.wikipedia.org/wiki/Maura_R._Grossman</p> <p>Prior to class, read the following electronic resources and be prepared for a discussion on electronic discovery:</p> <p>Ronald J. Hedges, Barbara J. Rothstein & Elizabeth C. Wiggins, <u>Managing Discovery of Electronic Information: A Pocket Guide for Judges</u> (3d ed. 2017) (available at https://www.fjc.gov/sites/default/files/2017/Managing_Discovery_of</p>

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	<p>Electronic Information 3d ed.pdf).</p> <p>The Sedona Conference®, The Sedona Principles, Third Edition: Best Practices Recommendations & Principles for Addressing Electronic Document Production (Final/Prepublication Version, Oct. 2017) (also available at http://www.thesedonaconference.org/content/miscFiles/publications_html) (read only pp. 11-16, 28-35 (stop at B.), and the 14 principles at pp. 51-53).</p> <p>Zubulake v. UBS Warburg LLC, 220 F.R.D. 212 (S.D.N.Y. 2003) (“Zubulake IV”).</p> <p>Zubulake v. UBS Warburg LLC, 229 F.R.D. 422 (S.D.N.Y. 2004) (“Zubulake V”).</p> <p><u>Useful References</u></p> <p>The Sedona Conference®, The Sedona Conference® Glossary: E-Discovery & Digital Information Management (4th ed. Apr. 2014) (also available at http://www.thesedonaconference.org/content/miscFiles/publications_html).</p> <p>The Sedona Conference®, The Sedona Conference® Commentary on Legal Holds: The Trigger & The Process, 11 Sedona Conf. J. 265 (Sept. 2010) (also available at http://www.thesedonaconference.org/content/miscFiles/publications_html).</p>
March 26	No Class-Spring Break
April 1	Cybersecurity for Lawyers Guest Lecturer: FBI Special Agent and Attorney Michael Denicola Reading materials to be provided by March 26.
April 8	Electronic Discovery – Part 3 Relativity e-discovery software hands on in class -produce Enron docs CLIO practice-management software hands on in class Reading materials to be provided by April 2.

<p>April 15</p>	<p>1. Student Presentations</p> <p>2. Electronic Discovery – Part 3</p> <p>Relativity e-discovery software hands on in class - produce privilege logs</p> <p>CLIO practice-management software hands on in class</p> <p>3. Flexible, Mobile Technologies, Cloud Computing & Metadata</p> <p>Prior to class, read the following electronic resources:</p> <p>https://www.americanbar.org/content/dam/aba/publications/techreport/tr2014-mobile.authcheckdam.pdf</p> <p>Security and Electronic File Keeping</p> <p>2013 Am Law Tech Survey: Firms' Data Security Fears Rise http://www.americanlawyer.com/PubArticleTAL.jsp?id=1202473327555&slreturn=20131130011941</p> <p>Technology and Ethics: Tips and Traps https://www.americanbar.org/newsletter/publications/gp_solo_magazine_home/gp_solo_magazine_index/solo_lawyer_ethics_technology_backup_metadata_confidentiality.html</p> <p>Cloud Computing</p> <p>https://www.americanbar.org/groups/law_practice/publications/techreport/2016/cloud_computing.html</p> <p>http://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/charts_fyis/saas.html</p> <p>http://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/charts_fyis/cloud-ethics-chart.htm</p> <p>Metadata minefield http://www.abajournal.com/magazine/article/metadata_minefield/ ABA Metadata Ethics Opinions http://www.americanbar.org/groups/departments_offices/legal_technology_resources/resources/charts_fyis/metadatachart.html</p>
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April 22	<ol style="list-style-type: none">1. Student Presentations2. Electronic Discovery – Part 4<p>Relativity e-discovery software hands on in class – review our work and discuss ways to improve our process</p><p>CLIO practice-management software hands on in class</p>3. Electronic Communications & Ethics<p>Prior to class, read the following electronic resources:</p><p>ABA Standing Committee on Ethics and Prof. Responsibility ethics opinion, Formal Opinion 11-459 “Duty to Protect the Confidentiality of E-mail Communications with One’s Client”</p><p>When Electronic Communications Can Jeopardize the Attorney-Client Privilege http://dritoday.org/feature.aspx?id=174</p><p>Attorney Client Confidentiality and Email, Alison Shields, <i>Lawyerist Blog</i>, September 2011 http://lawyerist.com/attorney-client-confidentiality-email/</p><p>Going Mobile: Are your Companies Electronic Communications Policies Ready to Travel? Kathleen M. Porter, <i>Business Law Today</i>, December 2011 http://www.rc.com/documents/ABA%20Porter%20-%20Mobile%20Devices%20at%20Work.pdf</p><p>Next-generation ethics: computers, competence and electronic communications, Michele Lange, <i>Inside Counsel</i>, March 2013 http://www.insidecounsel.com/2013/03/01/next-generation-ethics-computers-competence-and-el</p>
April 25 (Mon. Sched.)	<ol style="list-style-type: none">1. Student Presentations2. Using Technology to Manage a Law Firm’s Client Relationships and Billing – Part 2<p>CLIO practice-management software hands on in class</p><p>Review time entries and client relationships and expectations, and generate client invoices</p>

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	3. Papers due via TWEN or by email
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