

## Introduction

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Once characterised as a relatively stable profession, unfettered by the influence of modernity and strongly resistant to external forces, the legal services sector has in recent years exhibited marked change. Efforts to preserve profit margins increasingly eroded by the introduction of new fee models, the demand for increased billing transparency, rising client expectations, the adoption of technology and heightened market competition from high volume legal process outsourcers, have all contributed to the sector's evolution.<sup>1</sup> In what has been viewed as a clear shift towards corporatisation and commercialisation, the legal profession in a number of jurisdictions has moved away from the broader social mission on which it was founded and in which it existed as 'a branch of the administration of justice and not a mere money-getting trade'.<sup>2</sup> Free market ideologies have undermined 'justice and rights in the discourse of law', and in its place, the generation of profit has become the primary indicator of success.<sup>3</sup>

Whilst the commercialisation of law has been exacerbated in the UK as a result of the decline of the Keynesian welfare state and the introduction of the Legal Services Act 2007,<sup>4</sup> changes to the organisation of the profession and the recruitment of lawyers have occurred across a number of jurisdictions, including Europe, the USA, Canada and Australia,<sup>5</sup> partly as a function of globalisation and the internationalisation of the

<sup>1</sup> See, e.g., Julian Webb, 'The LETRs (Still) in the Post: The Legal Education and Training Review and the Reform of Legal Services Education and Training—A Personal (Re)View' in Hilary Sommerlad and others (eds.), *The Futures of Legal Education and the Legal Profession* (Hart 2018); Julian Webb and others, 'Setting Standards: The Future of Legal Services Education and Training Regulation in England and Wales (Legal Education and Training Review)' (SRA, BSB and CILEX 2013) [www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf](http://www.lettr.org.uk/wp-content/uploads/LETR-Report.pdf) accessed 17 August 2018; Hilary Sommerlad and others, 'The Futures of Legal Education and the Legal Profession' in Hilary Sommerlad and others (eds.), *The Futures of Legal Education and the Legal Profession* (1st edn, Hart Publishing 2015).

<sup>2</sup> James W Jones, 'The Challenge of Change: The Practice of Law in the Year 2000' (1988) 41(4) *Vanderbilt Law Review* 683, 683. Jones was quoting Canon 12 of the 1908 Canons of Ethics set down by the American Bar Foundation at its 31st Annual Meeting in Seattle, Washington.

<sup>3</sup> Sommerlad and others (n 1) 4.

<sup>4</sup> *Ibid.*

<sup>5</sup> See, e.g., Margaret Thornton, 'The Law School, the Market and the New Knowledge Economy' (2007) 17(1–2) *Legal Education Review* 1; Margaret Thornton, 'Squeezing the Life out of Lawyers: Legal

legal services market. Reduced demand for qualified legal professionals<sup>6</sup> within an increasingly 'lean' profession<sup>7</sup> and continued growth in the number of law graduates has led to supply outstripping demand. The once straightforward, hierarchical and tournament-driven career path reflected in the Firm's pyramidal organisational structure, has become increasingly complex.<sup>8</sup> A 'thickening of the organisational middle', has resulted in a less linear and more differentiated path of career progression, based on performance rather than tenure. The resulting organisation model said to herald the 'death of "Big Law"',<sup>9</sup> has been described as both lattice-like<sup>10</sup> and diamond-shaped,<sup>11</sup> reflecting greater lateral movement of employees between firms and professions.

This has been accompanied by the proliferation of roles requiring lesser qualifications and justifying prolonged relegation to the lower ranks of a firm's hierarchy. Paraprofessional 'legal associate' positions in the offshore and near-shore service centres of large international law firms have emerged to target the population of legal graduates not yet admitted to practice, offering a much needed foot in the door for those unable to secure graduate training contracts or positions.<sup>12</sup> Untethered from the traditional partnership promotion route and the prospect of advancing to fee-earner status, legal associates support the work of fee-earners, undertaking the type of repetitive and time intensive document review, drafting and research tasks ordinarily the preserve of trainee lawyers or paralegals. This organisational expansion at the lower ranks has allowed firms to complete legal projects at lower cost, thereby preserving profit margins on fixed-fee work and supporting a shift away from the existing hourly billing model.

Practice in the Market Embrace' (2016) 25(4) Griffith Law Review 471; William D Henderson, 'From Big Law to Lean Law' (2014) 38(June) International Review of Law and Economics 5; Marc S Galanter and William D Henderson, 'The Elastic Tournament: The Second Transformation of the Big Law Firm' (2008) 60 Stanford Law Review 1867.

<sup>6</sup> Ray Worthy Campbell, 'The End of Law Schools: Legal Education in the Era of Legal Service Businesses' (2016) 85(1) Mississippi Law Journal 1.

<sup>7</sup> Larry E Ribstein, 'The Death of Big Law' (2010) 3 Wisconsin Law Review 749.

<sup>8</sup> Galanter and Henderson (n 5). It should be noted that the 'Tournament Model' is not a universally agreed upon description of the organisation of the law firm. Kordana for example proposes an alternative in the form of the 'Production-Imperative Model'. 'This model suggests that the type of work performed in law firms dictates their structure, that law firms hire associates to keep their costs down and profits up.' See further Kevin A Kordana, 'Law Firms and Associate Careers: Tournament Theory Versus the Production-Imperative Model' (1995) 104(7) Yale Law Journal 1907, 1908.

<sup>9</sup> Ribstein (n 7).

<sup>10</sup> Cathy Benko, Molly Anderson and Suzanne Vickberg, 'The Corporate Lattice: A Strategic Response to the Changing World of Work' (*Deloitte Insights*, 1 January 2011) [www2.deloitte.com/insights/us/en/deloitte-review/issue-8/the-corporate-lattice-rethinking-careers-in-the-changing-world-of-work.html](http://www2.deloitte.com/insights/us/en/deloitte-review/issue-8/the-corporate-lattice-rethinking-careers-in-the-changing-world-of-work.html) accessed 4 May 2019.

<sup>11</sup> Ibid.

<sup>12</sup> In England and Wales, a training contract involves (in part) a firm offering an individual a two-year training period with an approved training provider (Law Firm). This training period is compulsory component of the process of qualifying as a Solicitor. This will change from 2021 onwards due to changes introduced by the Solicitors' Regulation Authority, as is discussed in greater detail in Chapter 12.

This structural change has been facilitated by the dramatic expansion and diversification of higher education, which in the words of Sommerlad et al, has provided ‘a supply of practitioners whose “difference” justifies their confinement to subordinate roles (including that of the salaried partner) and solidified the professions’ stratification and commercialisation’.<sup>13</sup> Changes to the nature of legal work have operated to exacerbate the gap between graduate expectation and reality even further. The once clear delineation between those legal issues within the remit of the lawyer and those business matters falling outside of it, have been muddled by the expectation that a ‘client-focused’ lawyer will be just as capable at answering questions of an economic, scientific, financial, or political nature as they are at answering purely legal enquiries.<sup>14</sup>

These changes come in addition to the use of various forms of technology within legal practice, including that which purports to harness artificial intelligence (AI) to enable the efficient completion of high volume, repetitive tasks. The combined effect of these changes is the emergence of a profession where data is as relevant to legal decision-making as is doctrine;<sup>15</sup> where online systems are redefining dispute resolution and litigation;<sup>16</sup> where legal service delivery and project management go hand in hand;<sup>17</sup> and where legal professionals are not just expected to know the law, but to also present as innovators, design-thinkers and entrepreneurs.

As a consequence, those who exhibit familiarity with technology or its adjacent domains (e.g. science, engineering, maths) have become increasingly valued within the profession, particularly within large international law firms and legal outsourcers.<sup>18</sup> This has led to efforts to recruit a more diverse group of graduates into law, and the emergence of new training pathways that emphasise the acquisition of technical skills from other fields.<sup>19</sup> These developments hold very real implications for those individuals who intend to pursue a career in law and for those educators and educational institutions that play a role in supporting these ambitions and preparing these individuals for practice. For students, these changes mean that the skills and knowledge they require, the working environment into

<sup>13</sup> Sommerlad and others (n 1) 4.

<sup>14</sup> Jones (n 2).

<sup>15</sup> Daniel M Katz, ‘Quantitative Legal Prediction – or – How I Learned to Stop Worrying and Start Preparing for the Data Driven Future of the Legal Services Industry’ (2013) 62 *Emory Law Journal* 909.

<sup>16</sup> See, e.g., Pablo Cortés, ‘The Online Court: Filling the Gaps of the Civil Justice System?’ (2017) 36(1) *Civil Justice Quarterly* 109; Hazel Genn, ‘Online Courts and the Future of Justice’ (Birkenhead Lecture, London, 16 October 2017) [www.ucl.ac.uk/laws/sites/laws/files/birkenhead\\_lecture\\_2017\\_professor\\_dame\\_hazel\\_genn\\_final\\_version.pdf](http://www.ucl.ac.uk/laws/sites/laws/files/birkenhead_lecture_2017_professor_dame_hazel_genn_final_version.pdf) accessed 28 February 2018; Ayelet Sela, ‘Streamlining Justice: How Online Courts Can Resolve the Challenges of Pro Se Litigation’ 1(26) *Cornel Journal of Law & Public Policy* 331; Victoria McCloud, ‘The Online Court: Suing in Cyberspace’ (2017) 36(1) *Civil Justice Quarterly* 34.

<sup>17</sup> See, e.g., Richard Susskind, *The End of Lawyers? Rethinking the Nature of Legal Services* (Oxford University Press 2008).

<sup>18</sup> This is discussed in further detail in Chapter 4.

<sup>19</sup> This is discussed in more detail in Chapters 1, 4 and 12.

which they enter and their likelihood of securing entry is no longer as straightforward as it once was.

This has given rise to a growing belief that in order to serve society ‘legal education needs to engage with this changing market’,<sup>20</sup> although a lack of answers as to what this engagement might look like, particularly from the profession,<sup>21</sup> continues to stifle progress. Despite some notable exceptions, in Europe as in other jurisdictions such as North America and Australia, legal education at the academic level has been slow to respond to the emerging professional environment, to incorporate knowledge from other disciplines or look beyond the teaching of legal doctrine and the legal method. As a result, ‘although it is recognised that lawyers must perform a wide range of tasks in a range of different contexts, law schools continue to send the message that law is litigation’.<sup>22</sup> Instruction in a range of general and applied legal technologies remains a relative rarity in legal education as either a means or an end. Word processing software and legal research tools often demarcate the extent of a law student’s exposure to technology at the undergraduate and vocational level. Opportunities to acquire skills beyond what regulations prescribe or what legal academics ordinarily teach remain relatively few and far between.

It is not just the content of a law degree that has seemingly failed to keep pace with the times, but also the method of delivery. Whilst experiential models of learning within the academic stage of legal education have become increasingly popular, they continue to be viewed as non-standard, leading to an educational model that exists largely detached from the application and experience of law in the real world. Although controversial, the claim that ‘[i]nnovation in legal education comes hard, is limited in scope and permission, and generally dies young’, is not without substance.<sup>23</sup> As Thornton has observed, where legal educators were once encouraged to shift away from the pedagogically ineffective passive transmission of information via lecture towards more active forms of learning such as small-group seminars, expanding student numbers have seen an efficiency driven ‘reversion to an unedifying chalk and talk pedagogy in most institutions’.<sup>24</sup> Though technology has been utilised in the ‘massification’ of legal education, there is reason to believe that it might deliver something more for students than death by PowerPoint.

In considering what technology and innovation can deliver for law students, whether as a tool to enhance existing teaching methods or as a subject of study in its own right, this book brings together a range of international perspectives. Authors include those working in the legal profession in large law firms and small technology start-ups; researchers, educators and clinicians drawn from the fields of law,

<sup>20</sup> Campbell (n 6) 6.

<sup>21</sup> Webb (n 1) 101.

<sup>22</sup> Nancy L. Schultz, ‘How Do Lawyers Really Think?’ (1992) 42(1) *Journal of Legal Education* 57, 59.

<sup>23</sup> Sheldon Krantz and Michael Millemann, ‘Legal Education in Transition: Trends and Their Implications’ (2014) 94(1) *Nebraska Law Review* 1, 2 (quoting Shaffer and Redmount).

<sup>24</sup> Thornton, ‘The Law School, the Market and the New Knowledge Economy’ (n 5).

business, design and education; as well as those working within professional representative, and regulatory bodies. These contributors draw on theoretical, empirical and reflective approaches to consider the modernisation of legal education and the role technology should play in this process. As such, this collection offers these authors an opportunity to provide practical insight into the specific initiatives on which they have led, the lessons learnt in the process of implementation, and the benefits derived or expected to follow as a result of their efforts. Intended to stimulate thinking around the various ways in which legal education can respond to changes occurring within the profession so as to better prepare students for their future careers, the work of this collection considers what aspects of legal education require modification and how this might be achieved.

In contemplating how legal education might respond to the changing nature of the profession, including the increasing commercialisation of legal services, the decline of social mission and the increased influence of technology, the contributions within this book directly and indirectly touch upon a number of issues. First among these is the range of skills that the law degree ought to bring under its remit. For, unlike other areas of legal study such as professional ethics where it is generally agreed that more must be done to incorporate such training within the academic stage of study, there is less consensus as to the need for law students to acquire technological skills, and less agreement as to what those skills might encompass. This is in part a function of the fact that the study of law incorporates both applied and general domains of knowledge.

Since inception, formal legal education has focused on teaching students what the law is, rather than how it is practised, rendering the law degree a ‘three-year academic precursor to apprenticeship’.<sup>25</sup> Despite the seemingly clear purpose of the law degree as a mechanism by which to expose students to doctrine and the skills of critical analysis,<sup>26</sup> the academic study of law has routinely come under pressure to incorporate a broader range of vocationally relevant competencies.<sup>27</sup> As Webb explains, ‘the intellectual battle lines are ... drawn increasingly sharply (at the extremes) between those academics who tend to see engagement with practice and employability skills as anti-academic and inconsistent with the liberal ideal, and those ... critical of the more theoretical and abstract drift of legal scholarship and law teaching’.<sup>28</sup> Although this collection does not reconcile this debate, it does highlight some models in which the objectives of liberal education and that of vocational education might more easily co-exist.

<sup>25</sup> Schultz (n 22). At 59

<sup>26</sup> Ibid.

<sup>27</sup> See, e.g., James Gray and Mick Woodley, ‘The Relationship between Academic Legal Education and the Legal Profession: The Review of Legal Education in England and Wales and the Teaching Hospital Model’ (2005) 2(1) *European Journal of Legal Education* 1; Harry T Edwards, ‘The Growing Disjunction between Legal Education and the Legal Profession’ (1992) 91(1) *Michigan Law Review* 34; Campbell (n 6); Webb (n 1).

<sup>28</sup> Webb (n 1) 110.

In Chapter 1 Smith and Spencer offer one such approach, describing their efforts to facilitate greater engagement between students and industry at the earlier stages of legal education. Identifying the range of skills required for future practice and the basis for this requirement, Smith and Spencer envisage the future lawyer occupying a much more proactive, solution- and client-orientated space than ever before. Focusing on the UK, but raising issues of global relevance, they observe, as have others, how the changing nature of legal practice requires lawyers exhibit greater commercial acuity.<sup>29</sup> Leveraging their extensive experience in practice, Smith and Spencer formulate a range of professional sub-specialisms they expect to emerge within legal services in the near future. In doing so, they build on similar work undertaken by Susskind over a decade ago,<sup>30</sup> producing career personas that better reflect the skills that support an increased ‘client focus’. These professional roles belie an expectation of greater fluidity in the profession in which, in line with previous observations and predictions, loyalty to one firm is replaced with a greater degree of horizontal and lateral movement of professionals across the profession.<sup>31</sup>

Central to Smith and Spencer’s vision for legal education is the development of a greater number and range of opportunities for students to acquire enhanced commercial acumen via industry-based work experience. It is a proposal that those familiar with the history of legal education in the UK will find reminiscent of the previous apprenticeship model,<sup>32</sup> albeit updated so as to facilitate greater integration between the academic and vocational elements of study. The model Smith and Spencer propose (a model that they themselves have piloted) is one that is contingent upon the cooperation of industry partners who have the resources and willingness to facilitate a vocational learning experience. This is a concept with which industry is familiar, given that many of the larger law firms in various jurisdictions have run summer internship schemes for decades. Nevertheless, with these opportunities unevenly distributed, and student numbers on the rise, there is a question of how experiential education of this nature can effectively scale.

It is this question that captures the attention of Giddings and Weinburg, who in Chapter 2, focus on how opportunities for clinical legal education might be expanded so as to even the playing field, providing access for those students who do not have existing networks and connections in the profession. In considering how legal education might exist, not as ‘training for the hierarchy’<sup>33</sup> but as a ‘vehicle for upward mobility’,<sup>34</sup>

<sup>29</sup> See, e.g., Webb and others (n 1).

<sup>30</sup> See Susskind (n 17).

<sup>31</sup> Jones (n 2); Galanter and Henderson (n 5).

<sup>32</sup> See, e.g., John Flood, ‘Legal Education in the Global Context: Challenges from Globalization, Technology and Changes in Government Regulation’ (2011) University of Westminster School of Law Research Paper 11–16 <http://ssrn.com/abstract=1906687> accessed 4 September 2018.

<sup>33</sup> Duncan Kennedy, ‘Legal Education as Training for Hierarchy’ in D Kairys (ed.), *The Politics of Law: A Progressive Critique* (Pantheon Books 1990).

<sup>34</sup> Robert B Stevens, ‘Law Schools and Legal Education, 1879–1979: Lectures in Honor of 100 Years of Valparaíso Law School’ (1980) 14(2) Valparaíso Law School 179, 182.

Giddings and Weinburg outline the ‘Clinical Guarantee’ introduced by Monash University in Australia. This describes the ambitious commitment the university has made to give all those students who wish to have hands-on work experience, the opportunity to acquire this experience. In detailing their plans for the full rollout of the programme over the next three years, Giddings and Weinburg reveal how strong institutional support, the use of technology and the leveraging of existing community-based clinical programmes, have positioned the University to make good on this promise and address the growing experience gap.

Marrying the need for broader technological and commercial awareness amongst law students (as raised in Chapter 1) with the demand for ‘hands-on’ experiential learning (as discussed in Chapter 2), in Chapter 3, Walden and Cahill detail the development of qLegal, a leading commercial clinical legal education programme based at Queen Mary University of London in which students provide supervised free legal advice to technology start-ups and entrepreneurs. Through the process of assisting clients with complex data protection issues, students acquire practical client management skills, as well as knowledge of an unfamiliar and often-changing area of law (data protection). In their Chapter, Walden and Cahill focus on the development of qLegal, its purpose, and the way in which it offers an opportunity for knowledge transfer between entrepreneurs and aspiring lawyers. In contrast to other clinical legal education programmes in the UK that have typically focused on dimensions of unmet civil justice need, Chapter 3 exemplifies a model for Clinical Legal Education (CLE) in which students can acquire the type of skills that are likely to resonate with prospective employers in the commercial law sector. Added to this, the example provided by qLegal demonstrates how knowledge of technology, the legislation governing its use, and its application in the real world, can be gained outside of the classroom.

Taken together, the observations made in Chapters 1, 2 and 3, provide insight into how work with real clients might enhance professional skills (including commercial acumen and client-mindedness) and expose students to various forms of technology. These examples share a common purpose, providing an opportunity for students to acquire ‘the single most useful cognitive skill for a good lawyer’, that is, ‘the ability to learn from experience-from self and from others’.<sup>35</sup> Yet it is hard to overlook the fact that the value derived from these initiatives is principally measured in terms of the contribution they make to enhance student employability within the commercial law sector. This is a fact that will no doubt put some within and outside of the legal academy on edge, particularly those who believe that the extent of corporate influence in legal education has already gone too far. Although we have witnessed a shift away from the view of law as sacrosanct and have accepted (at least to some degree) the need to consider matters of commercial viability or the pragmatics of practice in the dispensing of advice,<sup>36</sup> there are those who oppose the academic study of law being reduced to

<sup>35</sup> Schultz (n 22).

<sup>36</sup> Thornton, ‘The Law School, the Market and the New Knowledge Economy’ (n 5).



a hurdle cleared en route to a lucrative commercial law career.<sup>37</sup> For these individuals, the law degree is an opportunity for broader intellectual development.<sup>38</sup>

For students who are paying fees at ever increasing rates, an increased vocational focus brings with it the prospect of enhancing employability, yet it also opens up content to the risk of corporatisation. Where some courses are viewed as prerequisites for gaining a lucrative business law job, ‘the market gains an opportunity to determine curricula content’.<sup>39</sup> Opportunities for influence also proliferate in a climate of decreased public funding in which law firms and business enterprises ‘are increasingly invited to financially support university-based legal education under a privatized model ... gain[ing] leverage to influence the shape of legal education’.<sup>40</sup> As Thornton explains, this pressure has been amplified by the neoliberal transformation of higher education and market fundamentalism, which has operated to rebrand legal education as a private rather than a public good.<sup>41</sup> As a result, ‘those aspects associated with social justice, theory and critique are perceived as having little “use value” within the market paradigm, thereby rendering them dispensable’.<sup>42</sup>

On this view, the concern regarding ‘corporate creep’ is understandable, yet even amongst those who seek to preserve the study of law as a liberal art or public good, there is some empathy with the view that legal education ought to encompass ‘many more components than law schools have traditionally recognized’.<sup>43</sup> This includes, as I argue in Chapter 4, exposure to data-driven AI technologies. As with professional legal experience, the views put forth in Chapter 4 risk the allegation that embedding opportunities for quantitative and technological literacy within the legal curriculum serves too narrow a range of beneficiaries; prioritising skills that are of relevance to only a certain subset of the profession, rather than promoting the acquisition of knowledge and skills that may serve society more generally.<sup>44</sup>

Criticisms as to the influence of the legal profession on legal education are not new, nor are they concerns that ought to be easily dismissed. Nevertheless, they operate on the assumption that those on the receiving end of this influence lack the agency to incorporate vocational skills within the curriculum on their own terms. Although higher education institutions often see themselves as the objects of change

<sup>37</sup> Schultz (n 22) 57, 59.

<sup>38</sup> See further BurrIDGE and Webb who describe the features of this intellectual development as including: (a) a varied curriculum; (b) reasoned debate; (c) independent thinking; and (d) pluralistic enquiry. Roger BurrIDGE and Julian Webb, ‘The Values of Common Law Legal Education Reprised’ (2010) 42 *The Law Teacher* 263, 264.

<sup>39</sup> Susan B Boyd, ‘Corporatism and Legal Education in Canada’ (2005) 14(2) *Social and Legal Studies* 287, 288.

<sup>40</sup> *Ibid.*

<sup>41</sup> See Thornton, ‘The Law School, the Market and the New Knowledge Economy’ (n 5); Webb (n 1).

<sup>42</sup> Thornton, ‘The Law School, the Market and the New Knowledge Economy’ (n 5).

<sup>43</sup> Schultz (n 22) 59.

<sup>44</sup> E.g., study in legal philosophy, ethics, welfare law, access to justice or participation in traditional clinical legal education programmes that offer legal advice to underserved communities.



(as has been observed in the context of globalisation) they are also active participants in the process.<sup>45</sup> So whilst Chapter 4 identifies how these types of analytical skills may enhance student employability, it also identifies how the study of data-driven technology and its impact on ‘communities, individuals, practices, disputes and behaviours’ offers students the opportunity to ‘test out a moral position’ and ‘develop their own notion of the good’.<sup>46</sup> Moreover, as Chapter 4 argues, exposing students to the impact and influence of new forms of data-driven technology in advance of their entry into the profession provides the intellectual space needed to assess the associated benefits and disadvantages of these tools with reference to something other than the economic gains they produce. Although concerns over the pernicious influence of corporatism in legal education deserve attention, the vocational and liberal goals of legal education do not have to be seen as mutually exclusive.

Similarly, when set within a larger series of learning outcomes, a curriculum that marries experiential learning with opportunities for critical analysis and reflection can offer students scope to contextualise and reconcile the way that law (and technology) is deployed in the real world. On this, Chapter 5’s exploration by Grant and Lestrell of the delivery of an online dispute resolution module within an Australian law school operates as a case in point. Their Chapter describes the development and deployment of an experiential exercise in which students undertaking an Alternative Dispute Resolution (ADR) module are exposed to a dispute via both an Online Dispute Resolution (ODR) portal and more traditional face-to-face mediation role-play. Drawing from a short survey and reflective journals completed by the students, Grant and Lestrell interrogate the benefits and limitations of this approach in facilitating students’ exposure to ODR. Further, they go some way towards realising the benefits that Chapter 4 anticipates can arise from exposing law students to technology in a range of settings, namely: greater awareness of the impact of technology on dispute processes and outcomes; recognition of appropriate conduct in online dispute resolution settings; and an appreciation of the challenges of computer-mediated communication. Thereby ensuring students perceive law and technology in a broader context and with reference to the power disparities and access to justice challenges that certain technologies may introduce.

As Chapter 4 argues and as Chapter 5 demonstrates, any effort to understand law through a broader lens, including that of technology, demands greater collaboration, and a shift away from what has been viewed as the ‘unabashed disciplinary insularity of legal research’<sup>47</sup> and legal study more generally. Though pragmatic issues prevail, and the structure of higher education in law tends to militate against greater interdisciplinary work for a range of reasons, there are examples that buck the trend. Many of these examples are found in the USA and involve collaboration between computer scientists, empirical researchers, statisticians and scholars in

<sup>45</sup> Webb (n 1).

<sup>46</sup> Burridge and Webb (n 38) 266.

<sup>47</sup> Boyd (n 39) 289 (citing Arthurs 1983).

law.<sup>48</sup> However it is more often the case that students are simply given the option to study content delivered by experts in other domains, or delivered as part of degree programmes, meaning that they alone remain responsible for unifying separate epistemological foci and integrating their learning in a way that is of value to both disciplines.

The fragmentation of knowledge into ever increasing specialisms and the difficulty this poses for resolving complex problems that span different fields and stakeholders, have led some to advocate for ‘integrative disciplines of understanding, communication, and action’, as represented by the ‘design thinking’ paradigm.<sup>49</sup> This concept and its application to law is explored in detail by Margaret Hagan in Chapter 6, which provides a roadmap to producing interdisciplinary collaboration that ‘involves critical, constructive, creative work by both faculty and students rather than a regime devoted primarily to the acquisition of information’.<sup>50</sup> Hagan’s Chapter explores how this integration might take shape within legal education by drawing upon the development and evolution of the Legal Design Lab at Stanford University.

Profiling the objectives of the Lab and the design thinking courses, innovation sprints, and workshops it facilitates, Hagan’s contribution explores the purpose, process and outcomes of this experiment in interdisciplinary legal education. This discussion provides evidence of the benefits that arise from exposing law students to ideas and concepts from other disciplines in an integrated fashion, and makes a persuasive case as to the value of design thinking within and outside of law. The lessons emerging from the Legal Design Lab highlight the potential for initiatives of this nature to deliver interdisciplinary education offerings which ‘... enhance teamwork and collaboration among the professions, thereby strengthening how one practices his or her discipline and how one thinks about what he or she does’.<sup>51</sup>

In a similar vein, Carpenter’s contribution in Chapter 7 looks at how a broader suite of skills might be incorporated into legal education, not through the delivery of specific content as proposed in Chapter 4, but rather by adopting project-based learning methods. To this end, Chapter 7 identifies collaboration, design, project management, problem-solving and life-long learning as critical skills for future lawyers, many of whom will spend only part of their career in practice. In making a case for the value of project-based work in strengthening the range of ‘hard’ and ‘soft’ skills necessary in the working world (in and outside of law), Carpenter’s pedagogical analysis identifies project-based learning as effective in placing students, rather than the teacher, at the centre of the learning experience. In what is a marked change from the existing model of legal education in which ‘path-

<sup>48</sup> See Chapter 4 for further details.

<sup>49</sup> Richard Buchanan, ‘Wicked Problems in Design Thinking’ (1992) 8(2) *Design Issues* 5, 6.

<sup>50</sup> A Weinberg and C Harding, ‘Interdisciplinary Teaching and Collaboration in Higher Education: A Concept Whose Time Has Come’ (2004) 14(15) *Washington University Journal of Law and Policy* 14, 19 (citing Oliphant).

<sup>51</sup> *Ibid* 22.