

Creativity Is What You Make It

This ARIZONA ATTORNEY issue is my favorite—an annual collection of works from our colleagues whose artistic talents are such that even three years of law school and many more of practice couldn't kill them off. I worry that if we added a fourth year even Shakespeare would have succumbed: "Comes now Juliette, by and through her attorneys, and asks Romeo's whereabouts."

Lawyers' imaginative leaps are handicapped not just by three years of immersion in the mind-numbing waters of turgid prose (see what I mean?), but also by an institutional commitment to the past. We define the future by looking backwards (precedent decisions) and hold courts to change law at their peril (*stare decisis*). Fortunately, when we do seize the initiative, we can unleash some radical ideas.

Recently, I have been tangentially involved in a truly innovative way to deliver legal education that shakes up traditional notions of boundaries, uses technology and nonlawyers to maximum effect, and has the potential to go large scale.

LawWithoutWalls™ (LWOW) is a part-virtual, international classroom that uses teams of law students, scholars, practitioners and non-lawyers—seasoned professionals who volunteer their time—to problem-solve issues rather than study case decisions. LWOW began last year at the University of Miami under Dean Patricia White, formerly Dean of the Sandra Day O'Connor College of Law at ASU. It is the collaborative work of Dean White, Peter Lederer, a Renaissance man of the law, Michele DeStafano, an associate professor at UM, and Michael Bossone, former Assistant Dean at ASU Law and currently Special Assistant to Dean White. Michele and Michael run the program together and ensure its constant vitality.

Using cutting-edge but available technology, teams of two or three students from different law schools around the United States (Fordham, Harvard, Indiana, Miami, New York Law School and Stanford) work with students from law schools around the world (Australia, China, Colombia, England, Spain and Switzerland) on a "Project of Worth."

The entire class meets virtually once a week to cover a subject relevant to all the Projects. These presentations are streamed live on video, and the audience simultaneously messages questions and comments in real-time on a chat feature. The exchanges are vibrant and flow seamlessly between audience and presenters.


The teams present their projects live to students, mentors, practitioners, law faculty and guests, including venture capitalists, at the end of the semester in an energetic ConPosium, a gathering that is a cross between a raucous college reunion and a scholarly convocation.

LWOW could not be timelier. The LSAT Council reports that the last two years have seen a 25 percent reduction in LSAT applications. Behind these statistics is an ugly truth: The "sure thing" of post-law school employment, the number-one reason that attracts students to law, is no longer sure at all. The hiring crunch hits the schools hard. As the incentive to go to law school weakens, law schools have to make cuts, or accept less-qualified applicants. Either means trouble in the long term.

Less-qualified applicants are less likely to pass the bar, or be hired, or both. Less success in entering the profession feeds the cycle of fewer applicants, and so the spiral spins downward.

While hunkering down feels intuitive in a recession, schools and firms retrench at their peril. The big legal matters in the next decades will not be solved by an insular approach to legal services or legal education. International disputes over natural resources, drone strikes, banking controls, labor shortages, and oil spills are increasing before our eyes. Simultaneously, every day we see individuals participating in their own futures as never before, courtesy of the Internet and social media. I can Skype with a refugee in Bangladesh. Libya broke free through Twitter. A doctor in Mumbai reads the MRI for your tennis elbow. Big, complicated issues that are multi-discipline and multi-national, an active and impatient citizenry, an acceleration of information that never ceases: This is the volatile, global context in which the next generation of lawyers will work.

LWOW is about adapting to a future in which using a law degree will require global stretch, a global network of talent working together, often through the wizardry of technology. The LWOW young people I have worked with are far better prepared to find a place for their talents than are law students who have not worked with an international team, built networks that are as fluid and global as air, or shared ideas in real-time with real experts to solve real problems.

The profession should not be dismayed by such a future. It is a buoyant one, full of energy, ideas and optimism. It is a future much more able to deliver legal services to the poor efficiently and at little cost. It is a future in which collaboration rather than competition hallmarks success. It is a future that, ironically, returns us closer to our roots as professionals rather than just another business. And it is a future that, for me, took much clearer shape through this gutsy experiment in teaching law without physical or geographical walls. LWOW is wildly creative, worthy of a medal—and a perfect fit for this month's ARIZONA ATTORNEY. 



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Roxie Bacon is currently teaching a law and policy course at University of Miami School of Law, mentoring young lawyers around the country who are interested in immigration law and getting ready to retire for the fourth time so that she can climb some more mountains. She is a former President of the State Bar of Arizona.