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Harvard Law School Turns the Page — Big Time

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Harvard Law School has announced that it will be digitizing its vast collection of U.S. case law and making it available for free. Ravel Law, a commercial research and legal analytics company is partnering with Harvard and covering the initial cost of converting the collection from print to electronic format. The project is called “Free

Access” and was mentioned in the October 28, 2015 edition of The New York Times, Erik Eckholm writes:

“In the process of the sacrifice intended to serve grand intentions, the Harvard librarians are slicing off the spines of the volumes and feeding some 40 million pages through a high speed scanner. They are taking this step to create a complete, searchable database of American case law that will be offered free on demand for the instant retrieval of vital records that usually must be paid for.”

There are significant implications for the legal vertical and beyond.

Law is in the Digital Age

The article confirms that law is indeed in the digital age. Some would say this is not news. After all, law libraries (and only the Library of Congress eclipses Harvard’s) have been a decorative anachronism at least a couple decades. And e-Discovery, which helped to usher in disaggregation of legal tasks, has been around as long. But Harvard’s undertaking is evidence of the electronic format’s predominance and the ease by which vast resources can be shared to advance the public interest. Talk about pro bono!

A Harvard Law School professor is quoted in The Times piece saying that “Improving access to justice at Harvard feels “an obligation and an opportunity here to open up our resources to the public.”

As a Minnow would readily concede that access to information is not the panacea for solving the legal system’s ills — affordable access to lawyers is — sharing resources is a great step in the right direction. And Harvard’s doing so is laudatory.

It is a problem the legal profession must address, and Harvard Law School is surely doing its part. Closing the chasm between elite academic institutions and the profession — as well as the public — by making legal resources accessible to all. It’s a victory for the Legal Academy, the profession, and society. Three cheers!

Importance of Collaboration

The digital age has promoted collaboration. Technology has enabled people to share information and to collaborate in a myriad of ways previously nonexistent. It has facilitated the “shared economy,” where excess resources are paired with consumer demand (e.g. Uber and Airbnb). And there are now new opportunities for education (e.g. Coursera and Khan Academy). But collaboration driven by digitization has an underbelly (sites teaching bomb making).

The legal profession has been a laggard in embracing collaboration. Why?

Perhaps it is because lawyers are taught that the legal process is “adversarial,” and that translates to a zero sum game. But that is surely not the case. The vast majority of litigation matters — approximately 98 percent — are resolved prior to trial. And contracts are the codification of sometimes different objectives that have collaborated to effect a compromise. True, there is often a push-and-pull leading to settlement, but the Rules of Professional Conduct that govern lawyers are there to ensure that the process is essentially an ordered, collaborative one. Translation: collaboration is not inimical to legal practice and its zealous representation of clients.

Harvard’s project is a clear signal — to me at least — that the legal community should collaborate more for the good of clients as well as to the public it serves. And that collaboration can take on many forms including sharing non-privileged information.

Disaggregation is causing law firms, for example, to collaborate with others in the legal supply chain. Like it or not, firms now share the delivery of legal services with others including: service providers, in-house departments, and, increasingly, other professional service providers-notably, process experts, technologists, and consultants- as well as paraprofessionals.

It’s time for lawyers to embrace collaboration and to acknowledge that by doing so they are in no way compromising their zealous representation of clients. To the contrary, collaboration — and the spirit to work through issues even with opposing counsel — can often advance effective client representation by doing away with needless and costly “legal maneuvers.” Likewise, an efficient supply chain optimizes client value.

But let’s return to the Harvard initiative. Slicing off the spines of books to scan and share their content also has symbolic meaning. It is a statement of selflessness and sharing. It says: “what’s mine is ours.” This is a powerful message, especially when made by an elite academic institution. After all, law schools-and universities have generally been viewed as “ivory towers.” Now, Harvard is providing a front row seat at its library to every storefront lawyer as well as to the public. And they can access that seat any time to harness the formidable wealth of research materials previously available to a relative few.

It is important to remember that the election to share information is made by human beings, not machines. Harvard has decided to share a wealth of information to highlight — and help remediate — the access to justice crisis. Let’s hope that lawyers answer the call to provide legal services to the millions in need of it. The retail sector of the legal market has millions of potential paying clients in need of affordable legal service — and a glut of lawyers looking for work.

The Legal Academy Partnering with the Private Sector

The partnership between Harvard and Ravel Law is also noteworthy. It is a high-profile example of a growing trend of Academy and private sector collaborative initiatives. While this is nothing new in other professions it is in law.

Some other innovative partnerships involving the Legal Academy and the private sector include:

- The DC Affordable Law Firm (Georgetown University Law Center’s collaboration with DLA and Arent Fox to employ, train, supervise and deploy Georgetown Law graduates to provide affordable “low bono” legal services in DC)
- The UnitedLex Legal Residency Program (a partnership between the global service provider and five U.S. law schools- USC, Vanderbilt, Emory, Ohio State, and Miami-to provide post-graduate education, skills, and client experience in critical legal delivery areas)
- LawWithoutWalls (University of Miami Law’s partnering with private sponsors and mentors to expose students to the inter-disciplinary knowledge of legal, business, technological, social media, and collaborative skills required for contemporary lawyers)

These initiatives tackle pressing legal/social issues. They are beacons to other law schools and legal providers/consumers., Students, law schools, and legal providers/consumers are all winners in this partnering process. More collaboration of this kind will benefit the legal profession and the public it serves, especially when it focuses on pressing legal and social issues.

Conclusion

Harvard’s “Free the law” project is a significant step forward for the Legal Academy and the entire profession. Hopefully, more law schools will heed the call to partner with the private sector for the benefit of students, legal education, the profession, and the public. There is opportunity for everyone to benefit.

This is a “feel good” story for a profession in dire need of them. It is worth repeating, even in a soft voice inside a library.

(UPDATED: This article has been clarified to reflect that Harvard Law School is only digitizing its collection of U.S. case law.)