

INNOVATING into the Future:

With an Eye on Tradition, Technology and Trends, Miami Law Leads the Way to Tomorrow.

By Carlos Harrison and Emily Horowitz

Law builds on thousands of years of humankind's efforts to set standards and rules for working together. Yet it is ever-changing. Constantly evolving. Always new.

Miami Law doesn't just keep pace. It sets it.

Through its courses and discourses, its professors, students and alumni, Miami Law stands in the vanguard—firmly grounded in a tradition of excellence while leading into new frontiers—at the intersection of imagination, innovation, and impact.

The school's offerings come in a diversity to match the students and faculty. They are short. They are global. They are virtual. They are cross-disciplinary. And they are cutting-edge.

At the forefront of giving students opportunities to learn from and interact with practicing experts in their fields, Miami Law began offering innovative, compressed courses a few years ago.

The Innovative Short Course Program provides

time-effective, convenient, yet comprehensive study. Taught by experts from around the world—from Brussels to Beverly Hills, Davie to Dubai—the courses allow students to intensively examine a specific topic on a condensed schedule. They are deliberately set during weekday lunch hours, Friday afternoons, and Saturdays to fit in and around regular school schedules.

The options are both practical and inventive. They have included an imaginative exploration of "Law, Literature, and Capital Punishment," probing the legal and moral aspects of the issue through a variety of materials incorporating legal and non-legal articles, songs and short stories, movies and memoirs. Other courses among the many available are an examination of the interrelation between the law and political, social and economic conditions in Latin America taught by the dean and associate professor of law at Universidad de los Andes in Bogota, Colombia; and a chance to learn to use power and influence as effective

tools taught by the secretary general of Aspen Institute España.

Still others provide step-by-step analysis of the requirements for crafting sports venue agreements, the complexities and legal doctrines related to representing professional athletes, and the process by which a substantial music-publishing catalog is acquired, from beginning to end.

Sarah Cawood's time in Professor Lesley Rosenthal's one-week short course, "The Role of In-House Counsel in Non-Profits," led to an internship at The Arsht Center for the Performing Arts. "I can't believe how much I learned in Professor Rosenthal's class in a week. What's even more surprising is that through the class, I got this amazing internship opportunity," she said.

LL.M. student Rita Chertorivski also took Rosenthal's course and spent the summer interning at the Arsht Center. Chertorivski, a lawyer who practiced corporate law in Mexico for 13 years prior to coming to Miami, said, "[Miami Law's] short courses are often taught by practitioners who

can teach you both the theoretical and practical side of the law. These professors are uniquely positioned to connect you with the outside legal world through valuable internships."

Innovative approaches to learning and the law extend far beyond the short courses.

"The Idea of The Hospital: An Interdisciplinary Inquiry"

provides a unique multi-faceted and comprehensive examination of issues, factors, concepts, and considerations involved in providing hospital health care. Spanning seven distinct disciplines, it brings together instructors from the Schools of Architecture, Business Administration, Engineering, Nursing & Health Studies, the Department of Epidemiology and Public Health, the Miller School of Medicine, and Miami Law.

"The goal of our interdisciplinary course is to promote an integrated approach to the health care services provided in hospitals through the consideration of different perspectives, analysis, social understanding, and strategies offered by key disciplines," said Sandy Abraham, Executive Liaison for Interdisciplinary Programs.

Presented in seven intensive, eight-hour modules, the course covers everything from patient safety, design issues in a modern facility, and incentive models and management in hospital financing to "Engaging Communities to Ensure Equitable Access," "Law and Ethics in the Hospital," and entrepreneurship possibilities.

"I believe that the educators of UM who are pioneering this course have hit the nail on the head," said

Brandon Faza, a graduate student in the M.D./M.B.A. dual-degree program. "I hope the model provided by 'The Idea of the Hospital' spreads to all centers of higher education."



Miami Law's faculty are continually updating their course offerings to address the rapidly evolving nature of the field. Professor Michele DeStefano is the founder and co-creator of LawWithoutWalls, a part-virtual collaboratory that brings together over 400 students, faculty, practitioners, academics, entrepreneurs, business and law students, and venture capitalists from around the world. The goal, as its website aptly describes it: "to innovate legal education and practice, to engage on the burning issues facing the legal profession, collaboratively solve legal problems, and develop the skillsets needed to thrive in the new, global legal marketplace."

In 2014, she expanded her original vision into an entirely virtual version, **LWOW X**, a revolutionary pilot designed to hone global

teamwork, cultural competency, project management, technology, leadership, and innovation skills among students, schools, and partners worldwide in a cost-efficient manner.

Over a three-month period, 21 students from seven schools—Miami Law; University of Montreal; University College London; IE University; the Graduate Institute, Geneva (IHEID); the University of East London; and École HEAD—participated. This year LWOW X will be offered to all 26 law and business schools that are a part of the LawWithoutWalls community.

"LawWithoutWalls is designed to break down the walls that exist between education and practice, academics and lawyers, students and professors," said DeStefano. "It connects institutions and people from around the world to collaboratively problem solve law's biggest problems. In the process, LawWithoutWalls develops professional service providers to meet the demands of the 21st century."

LWOW X, she said, "attempts to accomplish the same goals and hone the same skills but participants do not meet in person. Instead, all community-wide interactions are conducted entirely on line via Adobe Connect, which enables over 100 people to connect, chat, and project their videos in real time from individual locations. Additionally, LWOW X hosts LWOW Locals in various locations that enable pockets of LWOWers to gather together in person to debate hot issues in legal practice and education. These Locals are live streamed to the broader community."

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One of the newest virtual offerings is “LWOW X Compliance.” Led by DeStefano, it’s an outgrowth of “Compliance Elliance,” a course originally designed by Professors David Abraham, Rick Williamson, Rob Rosen, and Hendrik Schneider (University of Leipzig). Its origins lie in “a shared interest” in compliance issues discovered as a result of the Leipzig seminar, Abraham said.

LWOW X Compliance now connects students at Miami Law and 25 law and business schools around the world who want to explore the evolving realm of compliance and compliance-related issues in a dynamic global reality.

Its aim, said Abraham, is to bring together students, “who have both deep interest in these issues and who seek to proceed to study them in ways that are cutting edge, avant garde ways to look at these issues by talking with people in industry, in law, in government, on both sides of the ocean, and to do so using the highest technological tools available to us today.”

In the words of inaugural Eversheds Fellow for LawWithoutWalls, Erika Concetta Pagano, J.D. ’13, the offering “brings together like-minded students from both universities to work together in teams of two to address, discuss, and explore topics dealing with compliance in today’s globalized world. Some tackle challenges. Some look at case studies. Some make recommendations. But all students work together, learn, engage in cross-cultural communications, develop their cultural competencies, and help to assist in moving forward the global dialogue about compliance.”

DeStefano’s on-campus class “**Innovation, Technology, and the Legal Profession**,” considers the economic pressures, technological changes, and globalization facing practitioners in the 21st century. It takes a global perspective as it examines the latest innovations, advances, and entrepreneurial efforts in the legal profession. Topics covered include the importance of marketing and branding in law, the technique of innovating in teams and how that applies to law practice, and client development and networking using social media. The lessons are practical, not theoretical. Students explore case studies of alternative business structures, as well as innovative legal services and law-related services ventures. And they’re shown how forward-thinking professionals are incorporating mindful techniques for more effective lawyering.

Changes affecting the practice of law are not just the result of new technology. Competing environmental, residential, and industrial interests create myriad issues in the coastal zone, where three-fourths of the U.S. population is concentrated. Manufacturing, refining, power generation, ship-building, off-shore oil and gas development, and fisheries all vie for survival along the same shore-lines that provide sources of beauty, recreation, food, and safety for residents. Those human endeavors threaten delicate ecological balances.

Courses in “**Energy Law**” and “**Environmental Law**” probe the changing realm of law, regulation, and policy, and the challenges of attempts to reconcile the various interests at play. Taught by Professor Felix

Mormann, “**Energy Law**” specifically examines the electricity sector’s market structure and the legal and policy questions affecting various forms of power generation, from nuclear to natural gas and renewables.

In “**Environmental Law**,” Mormann takes students through the range of applicable federal statutes, including the Clean Air Act, the Clean Water Act, the Endangered Species Act, and the National Environmental Policy Act, and leads them through a consideration of different approaches to environmental regulation, from command-and-control to incentive-based and information-disclosure.

The legal ramifications of the latest court rulings and legislation are the subject of two courses that provide students with an opportunity for an analysis that’s both cutting-edge and in-depth.

Miami Law Vice Dean Patrick Gudridge’s “**Constitutional Law III: The Current Moment**” does just what its name says: it examines the constitutional questions raised by cases the U.S. Supreme Court has decided to hear in the current term—even before the opinions are issued. As the questions at hand in the cases raise unique issues, the content of the course continually delves into new areas, novel arguments, and their impact.

Exploring the implications and issues involved in “**Implementation the Affordable Care Act (ACA)**” also takes students into the latest legal developments and their effect. Professor of Law and Dean’s Distinguished Scholar for the Profession Frances R. Hill teaches students about the major elements of

ACA and about the lawyering skills they’ll need to deal with administrative agencies.

The course focuses on the core elements of the Act: establishing the health insurance exchanges, defining the minimum essential coverage required, implementing the tax credits and penalties, and tracking state decisions regarding participation in Medicaid expansion.

It is a far from static study. As the course description explains, “Several states are at various stages of negotiating waivers of specific requirements. Implementing the ACA is an ongoing process of dealing with federal and state administrative agencies.”

Laws change. So do the expectations of lawyers.

Professor William H. Widen’s course offers a rare—and extremely specific—examination of the role of “**The Corporate Lawyer**.”

The laser-focus excludes non-corporate business entities, such as partnerships, limited liability companies, and business trusts. It similarly places attention on specialized corporations such as non-profit, professional corporations formed by doctors or others, banks, or insurance companies.

The intent is to help students develop “an eye for detail” which is critical for success in the corporate environment and to teach them about the preparation and significance of certificates of incorporation, by-laws, resolutions, incumbency certificates, certificates of good standing, debentures, preferred stock, prospectuses, registrations statements, legal opinions, and other instruments common within the area of practice.

JOHN M. BARKETT



John M. Barkett’s interest in electronic discovery (or e-discovery) began by serendipity. One morning, there were three simultaneous presentations at the 2002 ABA Section of Litigation annual conference. The first two were sparsely attended; the third was standing-room-only. The topic centered around electronic discovery and groundbreaking decisions coming out of the U.S. District Court for the Southern District of New York by Judge Shira Scheindlin, who also was the speaker.

It was the Miami-native’s epiphany moment. “What I realized was this was malpractice in-waiting,” said Barkett. He would return to his firm and organize a seminar for the attorneys. “I was terrified that people would be violating duties to preserve because they didn’t realize that electronically stored information can disappear with a stroke on a keyboard,” he said.

Barkett would start researching and writing on the subject. At Miami Law in 2007, he began teaching “**Electronic Discovery**”—one of the only courses offered at any law school at the time on the subject and would go on to publish two books, *E-Discovery: Twenty Questions and Answers* and *The Ethics of E-Discovery*.

Barkett has a long and storied career in environmental litigation, and has, since 2003, served as Special Master overseeing the Consent Decree that governs implementation and enforcement of the Florida Everglades Restoration. He is also a worldwide problem solver and peacemaker, serving as arbitrator and mediator in environmental, commercial, and reinsurance disagreements.

The E-Discovery class at Miami Law started out as an experiment. “I proposed this class; I created it from whole cloth and it became the basis for my first book,” Barkett said. The class took off. Even though he teaches at 7:30 am to try to manage the size, this year’s class is bigger than ever.

“It is knowledge that gives students an edge when interviewing,” he said. “Some law firm partners may have a grasp of legal issues but not on the technical ones. What I try teach are practical skills that will be instantly valuable to an employer. Law firms are desperate for people with e-discovery skills. To be able to step right in and offer value is important.”

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It's a novel approach to the area of study, aimed at real-world application.

An equally groundbreaking form of coursework is found in the "Washington, D.C., Semester in Practice," which combines an externship with coursework in the nation's capital. Offered for the first time during the Spring 2014 semester, the 12-credit program places 2L and 3L students in various government agencies, non-profits, and advocacy organizations, including the Environmental Protection Agency, the Department of Health and Human Services, the Washington, D.C. Office of Police Complaints, the Department of Justice, and the U.S. Commission on International Religious Freedom, among others.

The goal of the course, taught by Professor Charlton Copeland, is to provide comprehension of the institutional, political, and legal contexts in which policymaking and implementation take place.

"Regardless of whether one's primary practice focus is legislative advocacy and lawmaking, policy advocacy and implementation in administrative agencies, or litigation," Copeland said, "the practice of law is strengthened by the knowledge and appreciation for the connected nature of these policymaking forums."

It's an important perspective. And it reflects Miami Law's emphasis on innovation. Whether it's guiding students through the maze of policymaking, the quickly changing advances in technology and techniques, or the intricacies and impact of the latest rulings and regulations, the school and its faculty know that preparing lawyers for the future calls for a curriculum that is

constantly adapting to the world of law today, with an eye on its impact on tomorrow.

"**Legal Informatics**," taught by adjunct professor Tarek Sayed, connects the rapidly expanding field of informatics to law, and explores its application within the context of the legal environment. The course looks at the use of Big Data, data mining, and social media, as well as the futuristic function of machine intelligence in legal analysis.

"It's a hot area," Sayed said. "How we will do 'intelligent law,' meaning how we will use machine intelligence and machine learning to really have computers predict the outcome of cases, having the computer really be the smart computer that will answer the question of, do I have a case? That will answer legal questions and provide legal analytics that will help lawyers and clients actually perform those types of questions and analytics around the decisions and the outcome of cases. Those are future things, but the legal community is looking at that now."

MIAMI LEX LEGAL SOLUTIONS CENTER

This year, Miami Law also launched a truly groundbreaking alliance, **MiamiLex**, to offer cutting-edge legal and technology services to major law firms, boutique litigation practices, and large corporate clients. The unique combination of University of Miami School of Law graduates and students along with UnitedLex's technology and processes provides first-rate legal professionals and best-in-class legal

services in the fields of litigation support, contracts, immigration, and intellectual property.

MiamiLex professionals receive practical and, continuing legal training, including certification testing in such fields as e-discovery and litigation management, forensics evidence and analysis, and risk and cost forecasting. At the same time, MiamiLex offers clients invaluable legal services and professionals utilizing the most efficient, effective and scalable technology available at the most cost-effective price.

"A 21st century lawyer will need to understand the role that innovative uses of sophisticated technology will increasingly play in the design and provision of legal services," said Patricia D. White, Dean and Professor of Law at Miami Law. "MiamiLex will allow us to expose our students and recent graduates to complex client challenges requiring expertise in state-of-the-art technology and process design. More importantly, it will also provide a major source of law school funding including scholarship money for our students. By creating this alliance we are establishing a groundbreaking new model for helping to fund legal education."

Miami Law seminars, workshops, courses and conferences also tackle the intersection of technology and law, now and in the future.

Founded by Professor A. Michael Froomkin, the annual **WeRobot conference** has grown into a gathering of lawyers, roboticists, ethicists, philosophers, and others hailing from Australia, China, Europe, South America, and all over the United States. Together they present papers and engage in panel discussions examining the impact of the increasing

prevalence of robots and robotic systems in society.

Discussions at the meeting on the University of Miami campus in April included the development of a code of ethics for human-robot interaction, the commercial diffusion of "friendly robots" in society, and Froomkin's own questions about "Self-Defense Against Robots."



It's far from far-fetched. Froomkin pointed to situations that are all too real, yet exist in still murky regions of the law.

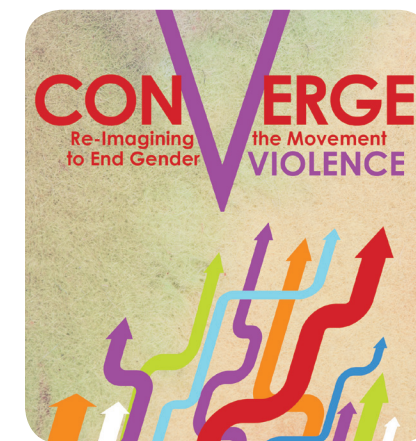
"May a landowner legally shoot down a trespassing drone? Can she hold a trespassing autonomous car as a security against damage done or further torts? Is the fear that a drone may be operated by a paparazzo or a peeping Tom sufficient grounds to disable or interfere with it? How hard may you shove if the office robot rolls over your foot?"

Miami Law also hosted **CONVERGE!** Re-imagining the Movement to End Gender Violence, bringing together over 200 survivors, policymakers, academics, practitioners, and students for a vigorous and often emotional two-day discussion.

Professor Donna Coker, a leading expert in the field of gender violence, conceived of the conference more than two years earlier.

"By focusing an entire conference on the structural inequalities that create and maintain violence, CONVERGE! was a major milestone in the movement to end gender violence," she said. "The U.S. response to domestic violence and sexual assault is more and harsher criminalization, but research shows a very high correlation between increases in male unemployment and increases in domestic violence by men against female sexual partners. We should recognize that jobs, education, housing, childcare, and economic security are key components of our work to end gender violence."

Approved for CLE credit, the conference provided imaginative discussions, including "Structural Inequality and Gender Violence," "Alternatives to Criminal Justice Strategies," and "Reframing Gender Injustice as a Violation of Human Rights," among others.



"CONVERGE! reflected a hunger for a conversation about alternatives to criminalization of gender violence and a desire to reach beyond silos to bring the many struggles that make up the gender violence movement

together," said CONVERGE! Co-chair Leigh Goodmark, Co-Director of the Center on Applied Feminism at the University of Baltimore School of Law. "Thanks to CONVERGE! we have set the stage for the challenging but hugely rewarding work that needs to come next, thinking about what those alternatives might be, how to develop and fund them, and how to fight the forces that would continue to keep us divided and to marginalize low income communities, communities of color, immigrants, LGBT people, and others who experience gender violence. We left the conference excited, exhilarated, and ready to work."

A unique collaborative effort between OUTLaw, the University's LGBT student advocacy group, and the Miami Law administration resulted in the **Marriage Equality Series**, examining the myriad practical implications flowing out of the Supreme Court's decision in *U.S. v. Windsor*.

Incorporating a novel interdisciplinary approach, series lectures were offered both as a formal course with academic credit for students and as a CLE course for practicing attorneys.

The series began by discussing the history of marriage generally, as well as the history of the marriage equality movement within the LGBT community, followed by discussion on the substantive law of the Windsor decision itself. From there, each of the subsequent lectures touched upon the nuanced issues that have arisen in the months since the decision was handed down—such as conflict of laws, family law, estate planning, federal regulatory benefits, and tax and immigration.

In the final lecture, some of

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the marriage equality movement's preeminent activists discussed the future of the legal landscape surrounding a possible future grant of marriage equality across the states. The panelists included Kevin Cathcart, Executive Director of Lambda Legal; Kate Kendell, Executive Director of the National Center for Lesbian Rights; and Ted Uno, Partner at Boise Schiller and participant in the Prop 8 litigation, *Hollingsworth v. Perry*.

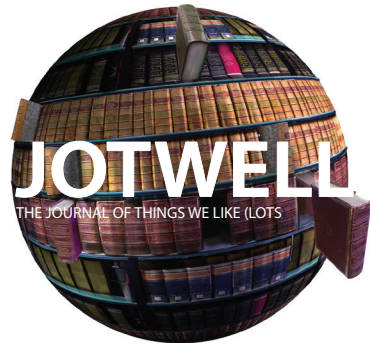
"The last lecture was the perfect demonstration that the law is changing for the better," said Sean Maye, last year's co-President of OUTLaw. "Both the older and younger generations of the LGBT movement can now come together under a common, shared experience."



Elizabeth Schwartz, Miami Law alumna and co-organizer of the course, added, "I could never have dreamed that not only would we have come so far on this issue generally but that marriage equality would be within reach here in Florida. I look forward to seeing where this conversation goes from here and know that Miami Law will continue to be at the forefront of addressing the legal issues which impact the LGBT community."

Similarly cutting-edge discussions of the law are taking place on Jotwell, the Miami Law-sponsored blog "Journal of Things We Like (Lots)." Jotwell is yet another innovation founded by Professor A.

Michael Froomkin, designed to cut through the clutter of scholarly legal writing, and to call attention to worthy items that could fall into obscurity.



As the online site's mission statement puts it:

"Never in legal publishing have so many written so much, and never has it been harder to figure out what to read, both inside and especially outside one's own specialization... other than asking the right person, there's no easy and obvious way to find out what's new, important, and interesting in most areas of the law.

"Jotwell fills that gap."

In short, it's the Trip Advisor of legal scholarship, with section editors from law schools across the country serving as travel guides and "reviewers" of what they consider to be the most significant recent works. The 500- to 1,000-word essays are organized in sections such as cyberlaw, criminal law, courts, and torts. Unlike traditional law "reviews," though, the editors are faculty members, not students.

The focus on impact also led to the creation of Miami Law's new **International Arbitration Institute (IAI)**.

With Miami as a backdrop as one of international arbitration's most crucial hubs, the Institute is ideally situated for professional development,

learning and networking with the world's best. Headed by Professor Jan Paulsson, the former President of the International Council for Commercial Arbitration, immediate past President of the London Court of International Arbitration, a former Vice-President of the International Court of Arbitration of the International Chamber of Commerce, and a member of the Permanent Court of Arbitration in The Hague, the Institute offers students unparalleled opportunities for research and study under the sustained and personal guidance of preeminent arbitration scholars and practitioners.

The Institute is an embodiment of the University of Miami's long tradition of engagement with the law of arbitration and strives not only for progress through the education of the new generation of arbitration lawyers, but also for progress through research in international arbitration.

Additional practical learning opportunities for students include the opportunity to participate in moot arbitration competitions in a variety of specialized international commercial and investment arbitration competitions in Buenos Aires, Frankfurt, Madrid, and Vienna.



"Beyond the readings and lectures," said LL.M. student Matt Weber, "our professors made sure that we were given the opportunity

to meet and network with some of the top practitioners in the field. As a result, many of us developed mentoring relationships with world renowned international arbitration attorneys that will thrive long after graduation."

Other Miami Law innovations merge practices of the past and present to prepare students for the realities of tomorrow. Scott Rogers, the founder and director of the University's **Mindfulness in Law Program**, is teaching students and faculty alike how age-old insights have fresh relevance and offer techniques that not only reduce stress and increase the quality of life, but can help practitioners develop very practical and necessary skills to apply in the increasingly complex field of law. Specific courses in ethics, leadership, and the practice of law teach the use of mindfulness in substantive and procedural areas including trial practice, mediation, negotiation, and judicial decision-making.

"It offers students that direct application of mindfulness in areas that matter to them," Rogers said. The aim for students, he said, is to "learn the skills and have a set of tools so that when we find ourselves in these difficult and challenging and adversarial and professionally daunting situations we can somehow ride through it without really even trying in that moment because something was already inside us, because the wisdom and compassion was sort of rising up spontaneously."

The application and study of mindfulness techniques reach across the University. Rogers and Professor Amishi Jha co-founded the University of Miami's Mindfulness



SCOTT ROGERS, LECTURER IN LAW AND PROFESSOR AMISHI JHA

Research and Practice Initiative and serve as its directors of Contemplative Neuroscience and of Programs and Training. UMindfulness is an inter-disciplinary, university-wide collaboration combining cutting-edge brain research and mindfulness/contemplative practice training.

The contemplative training aspect helps to optimize performance, enhance wellness, and promote resilience. Ongoing research projects aim to determine the basic brain mechanisms underlying contemplative practice and involve military cohorts, University students, and medical, legal, and other professionals.

Christina Sava, J.D. 2014, found that mindfulness courses prepared her not only for her future career, but also her academic present.

"Law school can be a trying time for students, and I think the Mindfulness in Law program really offers some reprieve from the pressure, and a new, refreshing way to experience the three years in law school," she said.

She came away changed, she said, in ways she sees will shape her throughout her career.

"From what I've seen, mindfulness also greatly benefits those professionals who have a personal practice, and so law school is a great time to learn about and establish these practices so that they can stick with us as we move into our careers."

Providing that preparation is at the heart of Miami Law's mission. With its view firmly on the future, its dedication to innovation, and its focus on impact, it stands at the forefront of legal education, readying the lawyers and leaders of tomorrow for the challenges they will face. ■

