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### **Computer-Based Practice Systems in a Law School Teaching Clinic: A Five Year Review and Evaluation**

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**Abstract:** This paper reports on an evaluation of computer-based practice systems at Harvard Law School's Legal Aid Bureau. It uses as an example the Massachusetts Divorce Practice System developed using the CAPS authoring tool developed by the Brigham Young University Law School.

This paper reports an evaluation of computer-based practice systems at the Harvard Legal Aid Bureau at the five year point in an on-going experiment in the use of such systems in clinical legal education. The Harvard Legal Aid Bureau is a poverty law teaching clinic at the Harvard Law school. It was founded in 1913 and is funded by the law school. The goals of the Bureau are to offer legal assistance as a community service, to teach students fundamental practice skills, and to maintain a student-run institution within the law school.

The Bureau became a test site, in 1986, for the CAPS (Computer-Assisted Practice System) authoring program developed by the Brigham Young University Law School in Provo, Utah. By the fall of 1987, the Bureau developed a Massachusetts Divorce Practice System using the CAPS authoring tool. A computer-based practice system is a tool that supports various information processing tasks a lawyer must undertake in the representation of a client. These include gathering and storing relevant legal and factual information, making decisions about process and strategy, and drafting appropriate legal documents. CAPS systems provide interactive dialogues, menus and other devices for users to accomplish these tasks.

This paper examines how the Massachusetts Divorce Practice System was developed and maintained over a five-year period and then assesses the impact of its use on student learning and the delivery of legal services at the Bureau. Although a number of other CAPS systems are available at the Bureau, the divorce system was selected for this evaluation since it was the first to be introduced in one of the Bureau's major practice areas and has been in continuous use over the past five years. Also, the divorce system is the most extensively used practice system at the Bureau.

The Massachusetts Divorce Practice System is currently organized into twelve steps that track the progress of a divorce proceeding and can be used to generate up to 40 distinct documents. The program can be used by students to guide them from the initial filing of the divorce complaint to the preparation of the closing letter. The system also provides on-line access to an extensive set of practice aids and other kinds of resource material so that it can function as a learning tool for inexperienced attorneys in a clinical practice setting. These resources include the Massachusetts court rules that govern divorce, statute citations, strategy tips, procedural guidance, and other practice material.

Several factors are thought to be responsible for the successful development and use of this system at the Bureau. First, the system author developed the system in a series of steps over a five year period. Consequently, she didn't need to anticipate every use and requirement in the initial project. This step-wise development approach was made possible because the CAPS authoring tool generates a modular program that is easy to revise and extend. The system evolved into an excellent fit with the requirements of practice in the Bureau as a result of this incremental development approach. Second, the system author was thoroughly knowledgeable about the nature of practice at the Bureau and designed the system to conform to the requirements of that practice setting. Third, the system author had ready access to legal expertise pertaining to Massachusetts divorce law and technical expertise regarding the programming tool to complement her knowledge of divorce practice. Fourth, the case-handling staff at the Bureau consists entirely of students who only spend one to two years at the Bureau and, consequently, do not bring with them an institutional disincentive regarding change. Over the past five years, students at the Bureau have tended to be increasingly computer literate and routinely come to the Bureau as experienced computer users. Fifth, the system author also administered the day to day operation of the clinic and, thus, was well positioned to monitor the use of the system and to encourage its use among new students coming to the clinic.

Our preliminary findings concerning the impact of the Massachusetts Divorce Practice System on student learning and client service are quite positive. Three can be cited here. First, the most frequently cited benefit of the system was its role as confidence builder. As novice practitioners, many students have difficulty taking the necessary steps to move their cases forward. The divorce system provides a reliable, easy-to-use, and private tool students can use to determine what needs to be done and to create competent legal instruments. They and their supervisors accordingly need to spend less time getting ready, and pay more attention to the non-formulaic aspects of case handling. Ironically, the system is perceived as providing a form of emotional support to over-anxious students. Second, while some students took advantage of the on-line reference material to enrich their understanding of divorce practice, it is suspected that a comparable percentage merely used the system to fill in the blanks and quickly produce necessary documents. Whether the time that the system frees up is exploited for enhanced learning, and whether optional resources are taken advantage of, are factors largely in the control of individual students and supervisors. Whether the seductiveness of an 'auto pilot' usage mode results in less creative or effective drafting is likewise a matter of user vigilance. The bright spot here is that some supervisors have begun using this very danger as a lesson in professional responsibility. Third, we have not thus far actively developed the possibility of the divorce system requiring the user to articulate strategic assessments or engage in learning routines that go beyond the utilitarian aspects of case management. But suggestions by supervisors in our evaluative interviews last summer indicate that such features are feasible and could be quite valuable. We have begun implementing, for instance, a facility for eliciting a student attorney's rationales for making certain drafting choices in a separation agreement, and embedding them as annotations in a draft document her supervisors can review. Our general sense is that more concerted and explicit attention to the teaching uses of the practice system will yield valuable benefits.

(NB This is a summary version of the paper.)