By Brian Detweiler

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"Why hire a lawyer who doesn’t even have the technological competence to complete simple, everyday tasks like converting a Microsoft Word document into a PDF?"

—U.S. Magistrate Judge John Facciola

The goal of providing law students with the skills they need to practice upon graduation is certainly not a new one, but it has taken on an increased urgency in what continues to be a highly competitive job market. Today’s rapidly evolving practice environment means that the skills graduates will need are also changing. No longer will the lawyer’s cornerstone abilities of being able to analyze complex legal issues and communicate effectively be sufficient; today’s graduates must also possess the technological competencies to work ethically and efficiently in their new positions.

As part of the effort to produce practice-ready graduates, librarians at the University at Buffalo School of Law (UB) have developed an informal yet robust program to help our students learn the document formatting skills they will need, both for law school and in their legal careers.

Background

The Legal Writing, Analysis, and Research (LAWR) faculty at UB observed that many first-year law students lacked the word processing skills needed to complete the writing assignments they receive in their LAW classes. The curriculum demands that students acquire these skills almost immediately because LAWR begins during

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1 Joe Dysart, Learn or Lose: Catch up with Tech, Judges tell Lawyers, A.B.A. J. (Apr. 1, 2014, 8:00 a.m.), http://www.abajournal.com/magazine/article/catch_up_with_tech_or_lose_your_career_judgesWarn_lawyers [https://perma.cc/RAM3-KHP7].

2 Alfred Z. Reed, Review of Legal Education in the United States and Canada for the Year 1929 3 (1930) (“[Y]ounger practitioners, recently graduated from our leading law schools … are mortified by the gap which they find exists between acquisition of a law degree and practical competency to serve authentic clients.”).


4 Model Rules of Prof’l Conduct r.1.1 cmt. 8 (Am. Bar Ass’n 2016) (“To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology; engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.”); see also Robert Ambrogi, Another State Adopts Duty of Technology Competence; Makes it 26, Law Sites, http://www.lawsitesblog.com/2016/12/another-state-adopts-duty-technology-competence-makes-26.html (Dec. 28, 2016) [https://perma.cc/DGC9-5524].

5 See Simon Canick, Infusing Technology Skills into the Law School Curriculum, 42 Cap. U. L. Rev. 663, 666 (2014) (Noting that graduates entering solo and small firm settings may need additional technology training, and even large firms “are increasingly unwilling to provide training to incoming associates and demand attorneys who can hit the ground running.”).

6 Am. Bar Ass’n, 2014 Legal Technology Survey Report, II-50 [hereinafter ABA TECHNOLOGY SURVEY] (94 percent of lawyers surveyed use word processing software for law-related tasks). We also cannot assume that our graduates will be able to learn these skills on the job, as more than half of solo practitioners and 41 percent of lawyers working in firms employing fewer than ten attorneys indicated they have no technology training available in their office. Id. at I-29.
orientation week, and the instructors want to focus on writing and analytical skills rather than spend limited class time discussing the intricacies of formatting documents in Microsoft Word.

The LAWR faculty conveyed this need to the law library director, and a Microsoft Word training session was incorporated into the law school’s 1L orientation program. Upon request, the LAWR faculty furnished a list of basic Word skills they wanted the students to master (see below) at the outset of their law school journey. The rest was left in the hands of the librarians.

1L Word Skills:
- Changing font type and size
- Using small caps
- Adjusting line spacing
- Adding or removing spaces before or after a paragraph
- Inserting nonbreaking or “hard” spaces
- Inserting symbols
- Indenting paragraphs and headings
- Justifying indented paragraphs for block quotes
- Setting margins
- Creating and customizing outlines
- Finding and replacing words
- Using spelling and grammar check
- Managing AutoCorrect and other proofing options
- Turning off superscript for ordinals (1st, 2nd, 3rd)
- Changing pagination within the same document
- Creating or designating headings
- Creating a table of contents
- Updating a table of contents
- Marking citations
- Creating a table of authorities
- Enabling text-to-speech
- Tracking changes

Our Experiences

In my role as Student Services Librarian, I have been closely involved with our Associate Director, Terry McCormack, in planning, preparing, delivering and refining our presentations. Together we decided that it would be easier in terms of duplication and dissemination to create PowerPoint slides ahead of the lecture rather than simply opening a Word document and demonstrating each skill live. This was necessitated initially by our need to teach the skills on both PC and Mac, but using the slides also ensures we can cover the material within the thirty minutes allotted by law school administration. Last, and perhaps most important given the amount of information the students are expected to retain during orientation, the slides provide the students with a resource they can access later via the law library’s Student Services page.

After teaching these sessions for three years, Terry and I still meet at least once before orientation to reflect on how we can improve upon our presentations. We always ask at the start of our presentation, by a show of hands, how many students use PC versus Mac, and for the first time this year, more than half of our incoming first-year J.D. students indicated that they use Mac. See also Tom Lambotte, Highlights: 2015 Apple at Law User Survey, Attorney at Work, [https://www.attorneyatwork.com/highlights-2015-apple-at-law-user-survey/] (Dec. 17, 2015) (29 percent of survey respondents work in Mac only offices, while 22 percent work in mixed Mac and PC offices).

We erred on the side of including more visual information on our slides than we might have otherwise, as we wanted the visuals to suffice on their own when they were accessed by our students later in the semester. See Services for Students, Charles B. Sears Law Library, [http://law.lib.buffalo.edu/aud/students.asp] (last visited Sept. 24, 2016), to access our materials.
there is a noticeable change among the group as even the more adept students begin to sit up in their chairs and take notes.

Expansion
After receiving positive feedback from the LAWR faculty, we have expanded the program by producing a series of short instructional videos using Camtasia to reinforce what the students learn during orientation. For each video, we write a script and then record ourselves demonstrating the skill in Microsoft Word. Once we are pleased with the final product, we upload the videos to YouTube and embed them in an online guide linked from our Student Services page. These videos range from thirty seconds long for basic skills like inserting hard spaces, to over seven minutes for more complicated concepts like creating a table of authorities. We attempted to make the videos as concise as possible while still demonstrating each skill clearly. Like our slides, the goal of the videos is to provide information for our students where and when they need it, such as when they are formatting an appellate brief for class at 1:00 a.m. on the morning it is due.

In addition to the instruction we provide to our first-year students, I teach practice-related Word skills to our upper-level students in the law school’s Clinical Legal Education and Pro Bono Scholars programs. These sessions reinforce the students’ initial training by providing a refresher on some of the formatting skills they learned for LAWR. More importantly, however, we branch into new areas such as using Word’s collaboration tools, managing styles, protecting and comparing documents, removing metadata and personal information, and converting documents to PDF. I also include some non-Word practice pointers, such as disabling Microsoft Outlook’s default send message shortcut, and remind them to check online for important, however, we branch into new areas such as using Word’s collaboration tools, managing styles, protecting and comparing documents, removing metadata and personal information, and converting documents to PDF. I also include some non-Word practice pointers, such as disabling Microsoft Outlook’s default send message shortcut, and remind them to check online for

9 Most incoming students are already familiar with word processing software and other technology from their personal lives and previous educational experiences, but their actual competency is “shallow” and insufficient for the practice of law. Simon Canick, Technology in Law School Curriculum, 42 Cap. U. L. Rev. 663, 665 (2014).


17 Hitting Ctrl + Enter when there is a recipient in the address field will cause outlook to send a message automatically unless this feature is disabled by selecting File>Options>Mail, then deselecting the box under the Send Messages heading. See Bruce E. Jameson, Technology
guidance on formatting, page limits, and other information from courts and individual judges.\textsuperscript{18} Many of these skills become critically important once the students begin communicating with clients and opposing counsel.\textsuperscript{19} For instance, the ethical ramifications of failing to remove comments or tracked changes containing privileged information could be catastrophic for our clients, our students, and the Clinic.\textsuperscript{20}

**Evolution**

I have presented the Clinic and Pro Bono Scholar training sessions in person for the past two years. To improve the training, I am developing a flipped classroom model for our upper-level students this semester. I will create a short voice-over PowerPoint presentation for the students to watch before class emphasizing the skills they did not learn as first-year students. After which they will be directed to look over the list of Word tutorial videos to review any skills they may have forgotten.

During class, the instructor will provide the students with one or two unformatted Word documents with comments and tracked changes that they will need to format and sanitize according to our directions. The instructor and I will both be available to answer questions, but the students will need to demonstrate their mastery of the skills to complete the assignment. This more self-directed format should help ensure that the students truly grasp the material.\textsuperscript{21}

**Conclusion**

We strive to create material that will be engaging and helpful for our students, while also meeting the curricular needs stipulated by our faculty. Not only do the students learn skills they will likely use on a daily basis in their careers, we have created informational resources that they, and the general public, can access anytime they need assistance from our website. Given its near ubiquitous use in the legal profession,\textsuperscript{22} Microsoft Word training has provided us with an excellent entry point into more in-depth technology competence training. Our next tasks will build on these offerings by expanding into other areas, such as Adobe Acrobat and other aspects of the Microsoft Office Suite, and to continuously reevaluate and adapt our existing instruction and support to ensure we are doing everything we can to meet the evolving needs of our students, both academically and professionally.\textsuperscript{23}


\textsuperscript{19} ABA Technology Survey, supra note 6, at II-50.

\textsuperscript{20} Model Rules of Prof’l Conduct 2.16(c) (Am. Bar Ass’n 2014) (“A lawyer shall make reasonable efforts to prevent the inadvertent or unauthorized disclosure of, or unauthorized access to, information relating to the representation of a client.”); see generally Herbert B. Dixon, Jr., I Never Meta Data I Didn’t Like, 48 Judges’ J. Spring 2009, at 37, 38-39 (citing multiple examples of “metadata embarrassments”).


\textsuperscript{22} Jeff Bennion, The Rage-Inducing Word Versus WordPerfect Debate, Above the Law (June 10, 2014, 4:02 p.m.) \url{http://abovethelaw.com/2014/06/the-rage-inducing-word-versus-wordperfect-debate/} (“[WordPerfect] is the Betmax of word processing software. It has lost the race!”); ABA Technology Survey, supra note 6, at II-50.

\textsuperscript{23} See, e.g., D. Casey Flaherty, Could You Pass This In-House Counsel’s Tech Test? If the Answer Is No, You May Be Losing Business, A.B.A. J. (July 17, 2013, 1:30 p.m.) \url{http://www.abajournal.com/legalreleas/article/could_you_pass_this_in-house_counsels_tech_test}.