Trends

Georgetown’s Continuing Legal Education:
eDiscovery, the Hottest Issue in Litigation

Lawyers, practice support professionals, and students today live in a digital age that makes an education in the hottest issue in litigation—eDiscovery—critical to their performance in the legal world. Gaining a basic knowledge and skill set from eDiscovery CLEs, or continuing legal education courses, may also help new law graduates in the daunting job market, Georgetown Law Assistant Dean for Academic Conferences and Continuing Legal Education Lawrence J. Center told BNA May 15.

Dean Center discussed with BNA the progress and future of the CLE program at Georgetown Law, which focuses heavily on eDiscovery. The program currently offers three courses on digital discovery, which includes the annual Advanced eDiscovery Institute that will be held in November.

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Lawrence J. Center, Georgetown Law Assistant Dean for Academic Conferences and CLE

AEDI Born 10 Years Ago at Georgetown. Program Chair of Georgetown Law’s eDiscovery Training Academy Robert Eisenberg approached Center 10 years ago with an idea for an eDiscovery annual conference. Center explained that though he had been the assistant dean for the CLE program since 1985, he did not have much knowledge about eDiscovery. Center reached out to judges and practitioners to learn more, and was told that eDiscovery was becoming very important.

Together, Eisenberg, who is also a member of Bloomberg BNA’s eDiscovery Advisory Board, and Center began the eDiscovery Institute, which today is known as the Advanced eDiscovery Institute. The institute is the brainchild of a group of advisors that includes in-house counsel, outside counsel, judges, and law professors who work together to craft the programs offered.

The advisory board has grown to approximately 40 individuals from all over the country, and the AEDI has become the most popular, successful, and educationally rewarding program in the country, Center said. The program has become so popular that it has outgrown its birthplace at Georgetown Law, and a record 500 attendees were present last year.

Center attributes the decision to focus so heavily on eDiscovery in its CLE program to the fact that eDiscovery is currently the most important issue in litigation. For many years, Georgetown offered the National Institute for Trial Advocacy, D.C. program, which provided education in the area of trial work.

“But a very, very small percentage of trials ever go to trial, and the great majority of them settle," Center explained. “One of the reasons they settle is because of what happens during the discovery phase, so discovery has become increasingly more important.”

In today’s digital age, dealing with electronically stored information and eDiscovery is a standard part of litigation. Knowing this, Georgetown began its foray into the world of eDiscovery education. As the CLEs became more popular, the school decided to leverage the success and provide greater kinds of eDiscovery education, such as the six-day eDiscovery Training Academy.

The eDiscovery training academy is a hands-on, ‘learn by doing’ program that focuses on the intersection of law and the current technology.

“It is our belief that lawyers who understand the technology and technologists who understand the law are better able to talk to each other, as well as communicate with judges, opposing parties, and other lawyers,” Center said.

CLEs Draw Beginners to Advanced Practitioners. In addition, Georgetown is offering a new program called eDiscovery for Federal Government Practitioners, which is geared specifically for attorneys and individuals who work in the government. The program is planned by an advisory board of government employees, and is being offered for free to government employees.

“We realize that in this age of continuing recession, it is very challenging to find training funds within government agencies, so we adapted a different business model for the program,” Center explained. “The program is supported by vendors who provide services for the federal government, so a variety of vendors will have exhibit tables and will be able to interact with the attendees.”

As far as Center is concerned, its a ‘win-win’ for both the vendors and the attendees.

Attendees From Across Country, Litigation Fields. The CLE program has been monitoring the type of students who attend the CLEs and have found that for the AEDI,
lawyers attend from approximately 38 states, and the majority of them are private practitioners. The AEDI has seen a small percentage of in-house counsel, and a fairly large number of government lawyers in attendance, as well.

When asked what his response would be for those lawyers who feel an eDiscovery education is not relevant to them because they don’t handle big data, Center explained that judges would say that concept is a fallacy.

“eDiscovery applies to the smallest case, and if attorneys don’t have a rudimentary understanding of eDiscovery, then they will be handicapped in the discovery process,” Center said. “Judges expect lawyers on both sides to have a working knowledge of eDiscovery.”

And it’s not just practicing attorneys who can benefit from the CLEs. Law students and recent graduates may want to spend some time in the courses. In the time that the job market for new lawyers has seen a decrease in the number of law firm positions open to graduating students, eDiscovery has been on the rise.

Center believes that for the last several years, an alternative career path for graduating students has been growing in the area of eDiscovery. Both practicing attorneys and practice support professionals are getting paid well in their eDiscovery-related careers.

There’s a lot of networking potential at the CLEs and AEDI, Center emphasized, and Georgetown students get the extra perk of being able to attend the programs for free.

The Past, Present, and Future of the AEDI. Center also touched on the growth of the AEDI, which is the CLE program’s course for attorneys with a more advanced knowledge of eDiscovery.

Center reflected on the last 10 years of the AEDI, acknowledging that the program has grown pedagogically and in terms of sophistication. In the AEDI’s infancy, the program was composed of plenary sessions for two straight days in which the participants sat in the same room and received the same education from an expert or a panel. The program has expanded in complexity by introducing many breakout sessions so that students can craft their own educations.

“Students want to be able to put together their own handpicked curriculum, so for much of the AEDI we have three sessions be conducted at the same time in different rooms,” Center said.

In terms of sophistication, Center mused that though the program was called the Advanced eDiscovery Institute even in the earlier years, many of the sessions were not taught at an advanced level. The ability to ensure sessions are now pitched at an advanced level is partially due to the school’s relationship with judges from all over the country. Center says the relationships that the program has with those judges is one of the AEDI’s brands.

“We don’t do a cookie cutter program,” Center said. “We have a rigorous planning process that we put together with a planning committee of about 12 individuals, who meet weekly from February to June to plan out the entire program from scratch.”

Center said the planning committee reverse engineers the curriculum. Instead of asking what they want to cover, the committee members determine what they want students to learn. This year, information governance is on the radar for the curriculum. The AEDI is offering a three part panel on the topic, akin to the panel on technology-assisted review that was presented last year.

Information governance is a new area of emphasis within the legal profession, Center explained. He reached out to lawyers about the possibility of starting an additional information governance summit program as well. Center explained that at the most recent AEDI board meeting, there was a clear disagreement about whether information governance should stand on its own or whether it is part of eDiscovery. Center hopes to convene an invitation-only forum in the fall for in-house counsel, to speak with them about information governance, and to find out if there is need for a stand alone program on the topic.

“The theme of the 2013 program is ‘Applying the Lessons of the Last Decade to the Challenges of the Next’” Center told BNA. “This is our 10th anniversary so we will start off with a panel that looks back at where we were 10 years ago, how the field has changed and grown, and where we might be in the next five to 10 years.”

Center predicted that eDiscovery will become a part of the standard law school curriculum, so that law students all over the country will be able to take courses on the topic. He also said the bar exam may have questions on eDiscovery as well.

“The growth of the eDiscovery profession and the way we have been able to educate people around the country has been one of the most rewarding aspects of my career at Georgetown CLE,” Center said. “We started from scratch, and here we are 10 years later with a reputation as the leading eDiscovery law school in the United States.”

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Full program and registration information for all of Georgetown’s CLEs is available at http://www.law.georgetown.edu/continuing-legal-education/programs/index.cfm