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>> Morning everybody. Welcome, or welcome back. We have a bit of a smaller group this morning, but I'm hoping your ranks will swell as we continue and it's already a little bit later and I'm glad that people have moved up towards the front of the room. Thank you for doing that. So before I introduce the panel, just a few things about today. Actually I have a pleasure of making an announcement, you may have heard that yesterday it was announced that George Mason's university law school was going to be named after the late Judge Scalia and I'm pleased to announce today that after an anonymous 30 million-dollar gift, this is now the Rodger Toning School of Law. [Laughter] So if you wonder how that can happen, check the date on your calendars.

>> [Indiscernible]

>> Yesterday. Scarily, it's possibly true. So we had a great, I think a great day yesterday for those of you who were here, thank you for being here. Yesterday we focused on some of the core value, and the core roles of legal scholarship. Kind of some of the first principles of legal scholarship, and had a very, I thought,

stimulating and productive series of conversations and a couple of really interesting keynote speeches. Today we move into more of a forward looking, I think it's fair to say, segment of conference. We have three panels today looking at more particular aspects of legal scholarship, at least the first two panels are, from something of a forward looking perspective. So the first panel which I'm going to introduce in a minute, organized and moderated by Colin Starger, deals with emerging forms of legal scholarship. And actually you can see we're using technology for this panel, which is appropriate. The panel after that, organized and moderated by Garrett Epps, is looking at the interrelationship between legal scholarship, journalism and media. We then have a lunch and the lunch for those who have RSVP'd is going to be up on the 12th floor. I know the program says it's going to be down here, but it's actually going to be up on 12 at 12:15. And then in the afternoon we have some concurrent sessions starting at 1:30. Session D is going to be led by Mark Edwards of the Mitchell Hamline School of Law about Collaboration, Iteration and Design in Legal Scholarship. That's in room 803. session E is on Interdisciplinary Scholarship led by Eric Easton, Professor of Law, University of Baltimore School of Law in room 402. and session F is devoted to Library Support for Faculty Scholarship led by Adeen Postar, Director, Law Library, University of Baltimore School of Law. That's in room 403. And then starting at 3:45 or so back here, we're going to have our final session of the day, moderated by me. Sort of a capstone session where we're looking forward and asking our very distinguished panelists for their views on what legal scholarship is going to look like for the next generation or should look like for the next generation. So I think that takes care of everything that I need to say, so let me turn it over to our moderator of our first panel, Colin Starger.

>> Thanks, CJ. Good morning, everyone.

>> Good morning.

>> How are you feeling? I've had a couple of cups of coffee! So very excited this morning. We have a wonderful panel to discuss the emerging forms of legal scholarship. And I think CJ said it correctly, today we're casting our eyes forward and in so doing, I just want to offer a couple of very brief opening thoughts. In his address last night, Professor Balkan suggested that in the neoliberal era one of the kind of the base arguments or that standing back behind everything is TINA, there is no alternative. And I think sometimes we get stuck in that TINA way of thinking, not just when it comes to global economic orders, but also with forms of scholarship. And we think that there is no alternative to the current law review driven mode of distributing and thinking about legal scholarship but I'd like to offer another acronym which was very popular in the so-called, Battle in Seattle, when the forces of neoliberalism were directly confronted on the streets. And they said, AWIP, meaning, another world is possible. And I think what we're going to be talking about today is how that world might look, but not to be accused of only looking for analogies from the left, I would also look back to Professor Balkan's talk last night and I thought he had a very interesting observation about how the transition from what he called the New Deal Civil Rights kind of paradigm to the conservative paradigm was largely driven by the inside groups, in other words, if we want to change things, we have to change institutions. We have to build our own institutions. And we're thinking about another world of legal scholarship, we may need to take a cue from that wonderful insight and build our own competing institutions. And again that's something that we might really be talking about in

this panel. So we've gathered together a really fantastic group of people who are smart and involved in all kinds of interesting activities. We had some discussion yesterday about hierarchies and the problems of hierarchies within the legal academy and so I'm not going to reproduce those too much by giving long recitations of their really impressive biographies, I will very briefly introduce each of the speakers and really let them speak to you directly. But I want to let you know the way that we determined ahead of time to frame this discussion. So we're going to be starting with Professor Dan Katz who's at the Chicago-Kent College of Law. He's a real visionary in the world of legal technology and speaks really all around the world and advocates -- I think you're still, are you still at rotating the MIT School of Law?

>> Very much so.

>> Very much so.

>> MIT opens a school, I'm available. Let's just say that. I know it's being recorded. I don't think that as a terrible idea.

>> Absolutely.

>> I understand that I might have interest.

>> And after Dan, Jake Heller is going to be speaking. He's the founder and CEO of Casetext, one of the most exciting on-line platforms for legal research and kind of legal writing and blogging and many other things. It's an extremely innovative platform. Also knows the academic world having been the Editor-in-Chief of the Stanford Law Review. And to my right from the newly renamed Antonin Scalia School of Law is Professor Ross Davies who is just, he's a wonderful person and is the Editor of perhaps the most

Beloved legal publication that there is, which is the Green Bag. And he has distinct views which he's going to be happy to share with us, and it's fantastic. So I've asked the panelists to focus on three questions as we're looking forward and those three questions are this, what new forms is legal scholarship taking in response to technological advances and other factors? And then what benefits and risks do these emerging forms of scholarship present? And equally importantly, perhaps most importantly, what are the principles that should guide emerging forms of legal scholarship? Okay. And with those brief introductory remarks I'll turn it over to Professor Katz. And can we turn the lights down?

>> Don't do that yet, we'll do that in a second. Okay, well obviously some of what I'm going to talk about depends on the audience that everybody's trying to reach. I'm really interested in reaching the profession because I do a lot on the future of the profession, especially where technology and artificial intelligence and how it interacts with the work that the lawyers do. The audience that I care a lot more about is actually those folks than maybe other legal academics. As far as my citations, I probably get half of my citations from scientists, not from other law professors, which I take as a badge of honor, actually. I would at the outset, I might have different interests than you, just historically speaking. So I'm going to go through a few things. I just want to say, kind of, obviously academic have long been involved in sort of intellectual arbitrage or being intellectual entrepreneurs, so that's a kind of one version of what it, of how we've seen new and emerging forms of legal scholarship. So people say, you know, gee we're struggling with a problem and the tools we're using aren't particularly well suited to that problem. Here's this other discipline who's already done a lot of work,

let's obviously borrow from that. So I wouldn't characterize that our ideas have done a particularly good job of spreading the other fields. So if you look at physics and its effect on other fields, versus our field and its effect, we're very different. The only thing we're really getting reference from is sociology, economics and political science. I don't think it has to be that way. It just has been that way. But you know, we have a language and a methodology that is not well suited to those other fields so they look at us as just sort of being an odd duck that they don't want to engage with. I personally, I have physics papers so I spent a lot of time trying to sit in that arbitrage between the two fields, computer science and law, physics and law, and a bunch of other sort of stuff. The other thing that people, we've seen a lot of is people just take ideas in our discipline and then they remix them with other ideas of the discipline. And that's kind of the two moves that you'll see people make. If you just abstract what you see people doing, gee this other area in the law we do X. Here we don't do X. We should do X here. That's approximately 86% of law review articles. But beyond this sort of intellectual entrepreneurship there's sort of other forms of arbitrage that present themselves. New forms of legal tech was the question and benefits and risks so obviously the benefits/risks are all that we do is reproduce the same hierarchies in the new and emerging media. That sort of comes out. And as new technology has come out people have been able, who were sort of early movers, to scale their reach to audiences they otherwise would have had a challenge reaching under the existing order. And that's, whether you're going for general audiences, so like blogging is 2005 a bunch of people decided in law, let's do blogging of legal academics. And they were able to essentially raise their profile above where the other would have probably been

because they were able to reach a whole class of people that they didn't, that you know -- if they had just stuck in the let's write law review articles and somebody's going to figure out how clever I am, they would have taken a lot more time to sort of raise their profile than finding and leveraging this new technology to reach a lot more people. And the other thing that that's allowed for is, is people in the long tail to match on narrow interests. So those blogs are kind of general purposes and then we have, I would work in a very narrow of the law, let's say, whoever I am, it's hard for me to find and reach all of those people, so obviously the internet has been very successful on the long tail. This is Chris Anderson and so forth and so on. If you're interested in tax. So I have a blog, it's very narrow and it's focused on this particular law computation. So I've been able to sort of reach all of those people that are kind of dispersed all of the world because of this sort of platform effect. Otherwise I wouldn't even know who they were. So blogging's been around now for a decade and so I think, you know, a lot more established. And what have we done? Reproduced the same prestige hierarchy that we've done. With some people are able to sort of raise their stakes, relatively speaking, to where they were because they got a first move or manager early. So I think blogs, can, asterisks, can, no blog I've ever written can be characterized as scholarship, I'm just a curator of information on my blog. Which I think is useful, but I wouldn't say give me tenure because I curate cool articles on my website or something like that. The thing I have done is used it as a vehicle to highlight things I've been doing, which is a valid thing, but really that's just a special case of this. Social media is another way to reach a bunch of people and create a community of folks you wouldn't otherwise have. So this is me on Twitter. But I think all of this is just

a special case of a wider class of things that are happening in the world. So this is my thesis statement. Universities and media companies. What media companies? Your media company. Each of you are a media company. Now you might not be good at leveraging the best and new media, but some of your colleagues have and they've gotten sort of outside gains from that because of that. And so I just want to, if you start with that idea, that's kind of an operating thesis I have is I'll running a media company and I'm an intellectual entrepreneur so I want to bring new ideas to people in ways that I think are useful. And so you can sort of take the traditional tracts and I write traditional stuff too, but then use some of these digital media tools to sort of scale the number of people that I'm able to reach. So if you really want your stuff to actually matter, to actually affect the changes that you're looking for, these are the sort of vehicles to reach a lot more people and actually get to where you hope to go. So I think it's not an unfair thing to say that people haven't always done the best job of leveraging kind of new medias that have come on. So I want to highlight a few places and it depends on what you're doing. I can only speak from my own first person experience, so I'm going to go through that for what it's worth. So here are four things I want to talk about. I want to highlight as vehicles to reach different classes of people who might care about the types of things, you know, that I'm doing. We'd all like to believe that we're not just toiling away and nobody cares about it, but of course I suspect that a lot of times that's true, but the delusion that I allow my life to operate is that someone cares. So these on-line, I want to talk on-line scientific tools and I want to talk about code specifically and basically open source. Curating information and then Slideshare is where I want to finish. Slideshare have been incredibly effective

for me personally and I just, you know, this is just sort of free advice. Again, if you think you're running a media company and you're not taking these content that your developing and making it available, then that's not a particularly well, a good way to run a railroad. So have been running, when I was at Michigan State, I just recently switched to Chicago-Kent I ran a lab called Reinvent Law Laboratory. And we really meant it so I spent, I have a Polisci PhD and I spent three years doing complex systems at the University of Michigan, which is basically physics and thinking of everything as a physics problem. Okay. And the idea, that laboratory experience, working in a real lab was a very influential thing in my life and I thought in law we don't have labs, real labs. People say, oh we're running a lab, well what they mean is they're running a clinic. Nothing wrong with that, but it's not a lab. You don't really mean you're running a lab. I mean we're running. This was meant to be a real lab where people actually worked on problems. So I'm going to be launching a new one at Chicago-Kent called the Law Lab. So in a lab you have to build things. That's what people do. You have to do experiments. You have to build things. You have to bring science to bear on problems and I think science can help us in a lot of areas of law. No one would accuse a lot of what goes on here as really passing for science, some of it, but most of it isn't. That's okay. So I just want to show you an example, and this really dovetails with what Jake does. Now we can drop the lights and I'm going to see if I can get this to come up here. This is about using data to provide insights. I need this side. If we could get these ones off. Perfect. So this is a site, this is the first 35 years the United States Supreme Court citation. It's co-referenced with one another. This is just 90 seconds where you get a lot of insight about how this whole area of law developed.

Now this is all the books in the shelf and the way they co-reference one another. So we start in 1800 and here we have basically -- these are all cases. Every node's a case and every edge is a reference. So in this period of time the Supreme Court is citing forum and legal sources, the bootstrap American law. So first time we have a principle is saying well this is how it's handled in England. This is how it's handled. So this place and this other place. Once we have a precedence, there is no need to cite that stuff so we start citing our own law. And then we sort of build from there. But what's happening now is a lot of stuff is very peripheral. These cases are very peripheral. And you know we're just slowly developing a canon around lot of topics. The first time that basically we have people sort of remixing legal ideas is in these prize cases that happen in the 1816 and 1817 window. Through the vehicle of those cases we heard, there it is right there. That's sort of the big bang, if you will in the space. All right. This is the first time the Supreme Court heavily co-references itself and says here, this new idea is really the mix of this and this idea put together. And so this thing starts to get going and have yourself basically a canon. So that's 90 seconds and I provided a fair amount of insight of something that's been sitting on the shelves and it's hard to see exactly what's going on. If law, you have legal data you can use that to provide a bunch of insights that previously would not be possible. So Colin does a lot of that stuff in more modern sense by thinking about -- all of this is about how stuff everybody cares about, how certain ideas have given rise to other ideas. But here we can actually track all of that and really when we say, evolutionary law, we can do it in a rigorous sort of way. So that's just an example of something one might do in a lab. Here's a bunch of other, I just showed you that video, here's a bunch of

other stuff that, you know, that we've done. We have an algorithm that predicts Supreme Court cases, but you know what's better than that, a mixture of an algorithm, a crowd and a panel of experts. The meta mix model there beats any statistical model. And so we've been doing a lot of this in sort of lab context. And then, you know, the more, the next thing, beyond that is, in fact, if I can predict things then I can trace securities on that basis. So again, you know, there we go from there. So this is just, we have taken these ideas to a lot of other areas and trying to understand the way that judges, how judges become influential, that's what's up there on the left. This is a paper called the reproduction of hierarchy, which is kind of a quick paper with data. Imagine that. And then we've done a bunch of stuff with legal information itself, so trying to make various state codes, this is part of a national movement to digitize and make available for a bunch of other technology companies, the state codes of the 50 states. So when I was in Michigan, we know, you cleaned up the Michigan code. And then this is basically Google engrams for judicial cases. And we actually took it down because we're reworking it right now. So don't go on there, you won't find it. The other thing is, if this is academic science then you share things, you know, you should share things. GitHub is to me, now that is scholarship because this is, if we were an engineering department, you could get tenure on the basis of writing some sort of novel code, obviously, it's appended to a paper, but the code itself is a very valuable thing.

>> Jack, perhaps you should explain GitHub.

>> GitHub is a place where you can post code on-line for models that you have developed other, it doesn't have to be models, for our purposes, its models, but you know we have a bunch of, for example, very useful parsers. We have parsers for

parsing very particular types of cases so that you can digitize a bunch of stuff that you might want to do analysis on. So we have a bunch of that stuff there. We are, you know, cleaned up copies of the U.S. code that we've done a bunch of analysis on. We have the SC database, that's been done by LeAnn Epstein and Andrew Martin and others. We've done a bunch of analysis based on that. It's all on GitHub. The idea is, we push all out of code out and the next person that wants to write a paper doesn't have to start at zero, they can start with us and use what we've done and keep on going from there. And the idea is this is a scientific field than we try to build on one another. Not everybody has to do a one off starting at zero to get back to where they were. So GitHub is a vehicle, to basically not just write the paper, but actually make the stuff available on a kind of platform that people in this space would be able to use and understand. Another thing we've spent time doing is trying to be service curators. So people in our profession are very busy so they want to know what's going on in the industry, but it's hard for them to take the time necessary to learn about it, so one of the things we can do is serves a curators of information. So we sort of take in both this video channel, which is sort of, you can think of it as tab law. Now look I have tenure, so whether you think this is scholarship or not is really immaterial to me. I think, the point is, I think it's a benefit of the profession which I see as my personal obligation. We get a lot of people who watch these videos because they're trying to learn about, hey what's going on with this particular topic? What's going on with this particular topic? And so there's a bunch of videos there. I want to just say a few words about alternative models for delivering our ideas. So you spend all of this time writing these papers and then are you able to reach the people, I sort of put that has a

challenge, so if you think of yourself as a media company, are you using the best tools of digital media. I want to just highlight a couple of things. Slideshare is a vehicle for delivering slide deck. Now, I think it's, I haven't seen it heavily used in our field. It's heavily used in other fields and what's really nice about it is among other things is, if you give a presentation and you have a reasonably good slide deck, that's a way people can find the ideas that under line. So you can have your paper, but your paper is just one little point in the sea of information on-line. Here you are, when you upload a slide deck it will extract the text of the slides and make those into keywords that basically turn into a search engine and optimization so that when somebody Googles for what you're looking for, they can actually find, and you're probably going to be using language in a way where you'd be pretty specific set of keywords. So could relatively easily get on the first page of Google when people are trying to learn about an area, but you have to basically set up a storefront and that's Slideshare allows you to do. And so this has been very successful for me because I can tell you I'm not going to get 40,000 people reading that paper, but there's a lot of people who want the kind of, this is another form of digestible media of what the underlying content that's contained there. So this is sort of a lead in to maybe some subset of those people who will actually read the paper. So I'm just saying here, here's another vehicle, another media product to sell the paper. And so I've done, this is the Supreme Court prediction stuff. Not as popular as MIT School of Law. And this is a paper that I'm working on right now which is Fin(legal)Tech which is about the financialization of the law. But the idea is that the deck is done really good without even having the paper. So that's been good and I've got good response in the industry. You

get analytics, so you know, if you say, how can I measure what's going on here? Well you know on the internet, we can do that. We're past that at this point. So you know, this has been something like 15,000 people have been on the different decks that I have. That's not that, maybe about half a million people lifetime, this is just the last 12 months. The last thing I just want to say, by the way, is this can be a vehicle to deliver course content also. So if you don't worry so much about the four walls of your university and just say, look, I want to reach as many people as possible. And then maybe we extend brand or something like that by doing that. So I have these courses that a lot of people follow. This is just a basic statistics class for lawyers. This is machine learning for lawyers. And then this one I think is probably going to be our best one which is a course on business of law. Thinking of law as a business and I know some of you hate that, but the people in the industry, historically speaking, you know, a lot of people say, business of law, let me slide under the table and get out of here now. But the industry cares about all the things that are going on to it right now so they want us to serve as -- one of the things we can do is serve as a vehicle to help make sense about that so they can make decisions about how to order their affairs. So all of this is sort of different ways, emerging ways that you can compete in the market place for ideas. I do think that we're certainly, the benefits are that you can sort of hack the prestige hierarchy, but you're probably going to produce another prestige hierarchy, hopefully, with you at the top. It's all about your interests and goals. Like I said, I'm interested in primarily reaching academics outside of law, and industry stakeholders. Policy makers are less interesting, but perhaps in a legal academics, it's less. I'm Dan Katz from Chicago-Kent College of Law. Hit me up on Twitter and at

computationallegalstudies.com. Thanks.

>> Thanks, Dan.

[Applause]

>> There we are. Success. So I may be one of the only, or one of the very few people here who is not affiliated with an academic institution, so I'm going to take, in some ways, I think based on the talk I've heard so far, it might be a little bit of a different perspective review on legal scholarship. And in some ways actually, I think it echoes a lot of what's already been said at this conference, but again from a different perspective. And I will say that during the course of my presentation there might be a really interesting academic discussions about what is legal scholarship? What defines legal scholarship? And I don't know. So that's an interesting conversation for others to have, I think. But the way I'm referring to it now is just publications by people in the legal profession that are useful to practitioners and other academics in the pursuit of truth about justice. So a bit about me to give you some context of where I'm coming from because I think it's different from a lot of other people in this audience. I'm coming at this from a mix of a legal and technology perspective. So my legal background as Colin said is actually pretty conventional in some ways. I went to, you know, I did the law review thing, I was a clerk, I worked for the government and this law firm in Boston. But I also have this kind of weird aspect to me which is I'm a technologist as well. I grew up coding in Silicon Valley. My dad started an internet company in our garage which is like super stereotypical, right. But from there I started programming when I was 9. My first programming language was Basic. And I wrote my first code on a, on then the Atari. So way back when. I personally coded version 1 of Casetext,

the platform of which I'll be talking about today where a lot of these kind of observations come about, what I might be happening in the future of legal scholarship. And I was also very heavily involved and still am very heavily involved in an open source and open knowledge movement that Dan actually made some reference to when he talked about GitHub. So I'll be talking a bit more about that today. So before I dive into some kind of perspectives on where I think legal scholarship might be going and what I've seen running Casetext, I think owe you guys a brief introduction to what Casetext actually is. So in short the thing that we're building, Casetext is a publishing platform built specifically for the legal profession, that is to say, lawyers, law firms, law professors, to some degree law students, are publishing articles on Casetext. And as people write publications they annotate the law. So I'll show you a few slides on this, and I'll show you what it looks like live, which I think is really exciting. So here is co-panelist and moderator, Colin Starger and one of his articles he's written on Casetext the publishing platform where he's been able to write articles, and in some ways, almost blog posts. And I don't know if you know Colin's work, it's fantastic. It uses these awesome maps to drawback kind of the influence, for example, of even a dissenting opinion and how that's played out over time. And what, you know what impact that has on today's precedent. And as people write articles, I don't know if you can see this, but as people write articles on Casetext what ends up happening is it annotates the law. So we have a full legal research database that has, you know, 10 million court opinions, statutes, rules, regulations and etc... And as more and more publications get added to this site they start annotating the cases in our database. This is Colin's article which makes reference to Tennessee versus Gardener opinion, a very important 1985

opinion that says that cops can't shoot people as they run away. It's like a blanket matter. There used to be a rule in Tennessee that said that's totally cool, and apparently it's not. And what's been interesting about this is, it is now used by over 500,000 people every single month. And so as people do legal research on Casetext they come across these insights from the legal profession. And to show you briefly what that looks like outside of a slide deck and in action, if my computer can handle it. So here's another article I'm be talking about quite a bit, which is an interesting, an article about sex crime statistics and apparently one of the Supreme Courts, you know, key tenants in a sex crime case from 2002 was that sex offenders reoffend 80% of the time. You maybe even heard this before yourself. Sex offenders reoffend so often and therefore it's kind of okay to throw them in jail, you know, lock the door, throw away key, etc... And this professor had done some very interesting research that basically revealed the statistic comes from a single person in the 1980s quipping to Psychology Today that he believes that 80% of sex offenders reoffend. So now this made its way into a JOD report which made its way into a Supreme Court and then all of a sudden you find the Supreme Court citing over and over again in all of its sex crime cases that sex offenders reoffend 80% of the time, so there for they make decisions based on this mistaken view of reality. And as Professor Elmon published this on Casetext it now annotates these cases. So you're reading McKune v Lile, the first case to cite this offending statistic, and you can, as a practitioner pull up the article and say, that's really interesting. There's apparently an argument here I didn't really think I had in defending my client, for example, something I should probably check out. The other aspect of it too, so you saw what it looks like when it's published, we have a publishing platform for those

of you who are interested where you just click this pencil on the top right and say, new draft. And you can say, you know, I believe it's wrong, and it is in some ways almost like a regular blogging platform. You just write normally, or edit normally and you can add header and bullet points and whatever. We also have some really cool features that are built specifically for the law. For example, if you start an article while you're reading a case you pull up the full text of the case and right alongside you can hide it if you don't want to see it, but if you want to you can actually dump in language directly from the opinion as you write with the correct citation and the link back to the original case. And you can be assured that the citation will almost always be correct because I'm a law review editor and I was really anal about that stuff, and even to the point where if you have a quote over 50 words, then it will go into a block quote, but if it's under 50 words, then it will be a regular quote. [Laughter] and you see some really interesting things happening like for example, what you're able to do is find, as people write, as we're just hanging out with John last night, he wrote an article on this site when Obergefell came out, you can do some really interesting things like where articles quote within an opinion and highlight that section for the reader and say, if you're interested in this particular sentence of the law you can see the scholarship of the hundreds of articles on our site that discuss Obergefell, generally, if you're a researcher. You can say I want to see the one article that discusses this one sentence that I'm particularly interested in and dive right in there. And the other thing you see a lot of, especially for the biggest cases like King v Burrwell, a lot of people writing from a lot of different perspectives. So in this case you have 228 articles written from Ivy Gluck and James Bloomsteen to a partner at Wiggin and Dana LLP,

something I'm be talking about a bit. So that's the basic idea behind Casetext. Hopefully, you get what's going on. It's a legal research website annotated by publications from the legal profession. So here are a few observations from running this company and this kind of experiment, now two years in, what you see when you pair a publishing platform that allows professors, lawyers, and law students, to some degrees, law firms to a large degree, to write articles and connect directly with practitioners that are doing research. And you see few kind of very interesting things, I would say. The first is that, and this is a trend I think that started long before Casetext, especially with blogs, but scholarship is becoming useful and used by practitioners. And so one of the most interesting things, I mean the sex crime statistic paper that I referenced earlier, I don't know if this is at all readable on the screen, but it was read over 12500 times in a very, very short period of time. And it started, it sparked a conversation among practitioners very, very quickly people were saying, I'm going to use this in a brief. I'm going to challenge, I'm going to try to take on the Supreme Court. I don't know if any of that will work, but it's interesting that this scholarship got so directly reached by the people who doing research on Casetext, many for who it's worth are the kinds of people who may or may not be able to afford other websites. We're seeing a usership kind of divided between young associates at big law firms who are just looking for a cleaner cooler way to do research and are also looking for these insights from people, digestible insights, especially from other law firms, to be honest, but also from law professors where they can get kind of the download on an issue. We're also seeing a lot people who say, I just, I run a small practice, I represent people who are, I believe are falsely accused of committing a crime or who I want to defend. Or

people who are in a domestic violence situation trying to get out of it. People who are not the crevasse of the world, but are solo practitioners and they are using our system and getting a lot benefit, I would say, out of these kinds of insights. And that's the 500,000 people that you're reaching when you publish on Casetext, often it's at that end of the spectrum. We also see publications influence things really quickly. One of the articles I'm most proud of is a piece by a Climenko Fellow at Harvard and she wrote this article, "Circuit Splits and Original Writs" about which she correctly viewed as a circuit split whether or not this case called, Johnson, that came out I think last term where it applied retroactively the courts disagreed. And this young scholar who may not have been able, A, to get this published in a mainstream publication because she's young, or B, may not be able to get that thing published fast enough, something I'll touch on later, especially from my experience in legal academic publishing, publishes on Casetext and very quickly thereafter followed a practitioner who was defending a client who was arguing that Jonathan should in fact apply retroactively. And citing very heavily to this article on Casetext in the petition to the Supreme Court and the case got taken up. So you these publications having a real impact, which I think is really cool. So the other thing that you're seeing is that scholarship, or again I don't really know if it's scholarship or not, which is another interesting debate to be the here, is being produced outside of the academy. And increasingly by a number of viewpoints for a number of different incentives. So on the one hand you already have law firms and law professors and etc., law firms in this turns out, outside of the academy, writing blogs. And as Dan pointed out, that's been happening for at least a decade. So you see, you know, when I practiced at Ropes and Gray I relied very heavily on

Cindy Austin's original source false claims blog. The authoritative on false claims issues. The exciting mattered, which I did a lot of litigation on when I was a practitioner. So you also see people like Anthony Oncidi who writes a lot about California employment law issues, but we're also seeing this kind of new group of people who I think didn't necessarily have platforms before, but who are interested in sharing their views, whether it to be to build business for themselves or to have an influence on the course of the law. One person on Casetext is a fellow named Josh Lee who is an Assistant Federal Defender now in Colorado who has written some really fantastic articles. One that came out just two days ago is called, "Coddling Prosecutors", an analysis of a recent Supreme Court case on the matter and I think it's awesome. So definitely worth checking out. And I think it's an interesting trend where you're seeing people who weren't traditionally empowered to write say, law review articles, but may have an interesting or worthwhile perspective, like assistant public defenders and are finding avenues to publish their opinions and thoughts on the courts of the law. Josh Lee also wrote a number of articles on the death penalty that I think are also very worthwhile to read. And you see this actually happening a lot across our database of publisher. The thing you're seeing is scholarship coming out a lot faster and I think this is also true, or was true with blogs. So this is not necessarily truly unique to Casetext, although I think you're seeing it extremely rapidly happening on Casetext. When I was the president of the Stanford Law Review we would get an article, and then maybe a year and a half later it was published. And I'm sure all of you guys have gone through this. And I think that skews what actually get published in law reviews, right, because you're not going to publish something that's so timely that it might change in a year, because

by then it won't, it's not, I think there's actually a space and I'm very proud of some of the articles I was able to work on in the law review, but there's this space for this deep academic work and I think it's very, very worthwhile. But it's at the same time, it's very slow. What we saw when cases like Obergefell and King came out last term is that people reacted very, very rapidly and you have these shorter, yes, maybe less deep thought kind of pieces, but still very timely very pieces come out on Casetext and other platforms. This one is maybe a little bit more controversial, but I think that you're seeing the quality of scholarship being judged and determined by other forms. So on Casetext for example we have an uploading and views mechanism. So they only got 34 uploads while some professors you may have never heard of are getting many more uploads and views as judges and practitioners are reading it and saying this something that is worthwhile to read. And I think you're seeing this already, before Casetext on things like SSRN where download counts are being used, potentially in even tenure decisions, I've heard. I don't know nearly as much about this kind of stuff as you guys, but at the very least to judge the quality of scholarship. And I saw this before even on platforms like Stack Exchange or GitHub which are meant mostly for mathematicians and etc... And my dad was saying these are platforms where open source knowledge is being shared. Stack exchange is a question and answer website and people will, professors will answer these really tough math questions and they'll get uploaded or downloaded by their peers and the rumor I've heard about these is tenure decisions are being made based on your answers on math exchange, one of the communities, these question and answer communities. And the final thing that I'm seeing, at least through Casetext and this punch is the access to scholarship and whatever you want to call these

publications, is being vastly democratized. Again I trend that I think started with the blogs, but you're seeing, I mean I'm seeing it in kind of the first row view of this too. We're now at a point where 500,000 people are using us every single day. About 600,000 at this point, publications have been published on Casetext over the last two years. Most of which have come basically from very big law firms trying to reach potential clients or who are law council who do a lot of research on Casetext as well, which is I think part of the incentive structure. You're also seeing, I don't know if it's legible on this slide, but we have these communities where people can follow particular areas of interest and if you can actually click to see who are the followers of these communities and it's a mix of professors, practitioners, citizens who are kind of asking to get updates about things published in areas like criminal law, business law, civil procedure, etc... Criminal law for example has 20,000 followers. So everything that's published there in a daily digest gets pushed out to 20,000 people. This is just a different scale and a different type of publication and scholarship than you've seen in the past. I know all too well from my perspective at the law review that some of the things you publish don't get 20,000 reads, I'll just say that much. And so are my five kind of takeaways so far two years in from running Casetext and potentially a slightly different view into the world of academic publishing and legal scholarship. Thank you.

[Applause]

>> So Colin has something you may not have seen in a while. This is called a handout. Dan is right, I think.

>> Oh I like this already. This is the best talk of the day.

>> I think we're done now. That we in the law schools are a working for media

companies but if you think about what that means I would suggest that you think about what media companies think they're in the business of. What's the highest margin business for the Star Wars franchise? They're called action figures.

>> Yes.

>> Even media companies live in two worlds. They live in an electronic world and they live in a physical world.

>> That's true.

>> Just as all of us do. And as we think about how to improve our scholarship we need to think about the ways in which the people who consume it do consume it. And so if I can just walk you quickly through this sheet of paper, it will take you through just very brief look at some of the way things are now, mostly in the media world of which we are a part, and it will end with a punch line that involves Ford Motor Company and bobble head dolls, actually. One of the things that is going to result, that is already resulting from the kinds of work that Dan and Jake are doing is that we are going to get higher quality scholarship. Here's how it's going to work. Start with some of the problems and then move to some of the new forms that are part of the collision. Authors working in our age, all of us, have good intention to put out quality work and I offer you on the first line a redacted e-mail or part an e-mail that I received from an author in my capacity as the editor of the Green Bag. Hi Ross, I see that my article is up on the web. How fun. It's always exciting to have your stuff out there, isn't it? Thanks, for publishing it. I also see two typos. I'm sure my own. Very tactful, and sort of helping me with the embarrassment of having missed them. Could they be fixed on the website? No. Why not? Because what's on the website, it's a PDF of what's going to appear in print. What appears

in print is the authoritative version. We can't have, Green Bag can't be in the business of having all sorts of different final versions of the things we publish out there. We'll come back to that problem in a moment, but that is a real problem for scholars. On the one hand we want to be authoritative. Our letters want to be authoritative. And yet we make mistakes and traditionally the law reviews, our standard platforms have no easy mechanism for dealing with improvement. The second e-mail which I won't read in its entirety is a passage from an apologetic e-mail that I received from an author when he grossly mischaracterized a piece of my work and I sent him an e-mail saying I liked his email but he could have done a little bit better with his treatment of me. And he ends this, his message by saying, of course it's already in print, but maybe I can get SSRN to fix it or Alexis or West Law, in fact nothing ever happened. Yet at the same time these outlets, the Green Bag, or SSRN or West, because we have complete control we are tempted to use that control. What does absolute power do? Yes. I have been corrupted. But so has SSRN come corresponding with one of the authors who published with us said, you know, if the publisher holds copyright, just reformat it as a draft and we'll publish it anyway. That does not leave me with a lot of confidence with what SSRN is putting up as an authoritative version of anything. So SSRN, useful, great outlet, trustworthy as an authoritative outlet for my work or anyone else's, not so sure. Yet at the same time, open source like Wikipedia suffer from a different set of problems. What you have here, under the word Wikipedia is a tiny snippet from the pages and pages and pages of recent revisions to the Merrick Garland Wikipedia entry where what we have is someone saying, no you can't have a reference to unprecedented response to his nomination to which someone says, no I'll putting it back because

anyone who disagrees with me is fringy, to which the response is, this isn't about fringe, this is about verifiability. Back and forth, over and over and the Wikipedia page keeps moving around. Doesn't mean Wikipedia is bad, it does mean it's a moving target in a field where we want authoritative sources. So what happens? What happens is that sophisticated consumers like for example, Nate Silver who knows that the New York Times, deeply committed to its own fallibility, sometimes does something called, back editing. Now a cautionary note on this, don't Google back edit. Why? Because it's the same letters and the same sequence as backedit which was a platform commonly used for crowd funding projects. So just food for thought. Minor technical thing. It was a glitch in my own research on this. So we don't know who to trust. Perhaps the most striking example is Dick Fallen at Harvard put out a paper about a year ago that the Supreme Court often refines its opinions after they are posted and historically did not voluntarily publically those improvements. Great deal of excitement. They pop up and start announcing to the social media worlds whenever there was a problem. Now the blogs are not a solution to all of this, as we've found, in part because of the way traditional hierarchies respond to them. They're not scholarship, etc., etc... So what are we going to do with this fantastic resource, the internet, that should be providing us with chances to upgrade things, to improve things, but doesn't? Flip the page, please. Well, some institutions, deep pocketed ones are taking matters into their own hands. In October of 2015 SCOTUS Servo posted its final tweet. So this happened. What happened? What happened was the Supreme Court announced that it was going to become in one small area of its operation, transparent. It now live tracks, basically does complete version control of its opinions on the website. The Supreme Court dot gov website. Put SCOTUS Servo

out of business, temporarily, but I think it will come back as Harvard Law Review Servo or something else Servo, but there will be other opportunities for the code that was invested in this to be used. Meanwhile, web entrepreneurs are in some ways doing much the same thing, pursuing models of transparent updates and improvement, in this case, for example, Casetext. This is an unpaid endorsement of Casetext, but what Casetext is doing for cases will work and soon I predict will be working, I have no idea whether this is true, I haven't talked to Jake about this, but I think the demand will be there and the receptivity will be there for giving the same thing to law review articles because what Jake is doing is a kind of curating that Wikipedia is not equipped to do and for other reasons, the New York Times is not equipped to do. And that is he curates participants. You're allowed in, how many contributors do you have right now, Jake?

>> 30,000.

>> But it's not a right.

>> No.

>> Roughly speaking, Casetext is only get good knowledge competent people work there and contribute to Casetext. And there is also an editorial function at Casetext so if things get out of hand or something's done wrong it can be fixed. Now imagine your old law professor and Casetext has reached some sort of arrangement with the Harvard Law Review and everything from the Harvard Law Review is now on Casetext? What do you wish for? I suggest you wish for, in this order, the following. You wish for positive comments and citations. Then you wish for negative comments and corrections. What you really don't wish for is silence. And that can be something that Dan is going to work with because five or ten years from

now when Casetext is giving the Casetext treatment to legal scholarship, you're going to be able to tell which law review articles are actually being read and are engaging other scholars because it's all going to be right there. At the same time that this is going on there is a nice new controversial platform out there called, News Genius, which is open to anyone and let's anyone flag or comment on anything on the internet. There are exceptions, but as more legal scholarship appears on-line and in html in its various forms, we're going to see more and more web genius kind of commentary as well. And finally some flaky people are trying to do similar things in print. This last box is from a recent issue of the Green Bag where we published an author's correction of his work and also a reader's correction of the same work. And the idea there are to facilitate the same kind of thing happening in print. And part of the reason for all of these things from first to last being on this page is, and this is the back to Ford Motor Company, long before I was a lawyer I worked in the auto industry. This was back in the early 1980s when Ford was going down the tubes and was casting around for ways to make itself relevant to the market that buys cars. And what they latched on to was, at least at its core, a fellow named Edwards Dunning who wrote at length and frankly, if you go back to the original stuff, impenetrably about graduate improvement, continuous improvement in small increments and the accountability that comes with the next person down the line seeing the new version and tinkering with it a little bit and the next person doing the same thing and over and over and over. And I think that's what all of these creatures on page 2 of this sheet have in common is they're taking material in forms that are unlikely to disappear. Statutes are not going to be written in plain English any time soon. Court opinions are not written in plain English, but Casetext is taking those things

and making them a little bit more useful, a little bit more comprehensible, bringing them up to date. Telling the world that this nonsense about 80% repeat sex offenders is nonsense, and all of a sudden the world changes. That's going to happen more and more as Casetext gets more material into its grip. I'm not sure what the word is. And we as scholars are going to welcome this because it's going to become the way we engage with the real world. Meaning not just our own, but practitioners, courts, policy makers, students and so on and so on. So I would suggest that the, maybe the most important form of emerging, at least traditional scholarship is going to be in the same old law review articles, but it will be the same old law review articles coming on annotated version controlled forever, which will make us more relevant, make us more useful and give Dan vastly more material to turn into cool videos. So I think we have a bright future sort of rising over the horizon right now.

[Applause]

>> CJ, how much time do we have for questions?

>> Quite a bit, actually. Yes, so you're supposed to go for another 45 minute.

>> Fantastic. So I think we'd like to open it up for questions. And one observation that I would make, just from the beginning and as folks come up to ask whatever questions they might ask, the panelists can react to it, is that it seems like we're seeing, because of the possibility of much more dynamic and iterative changes and kind of crowd sourcing as a way of validating and a way of testing things that go on, that we might be entering an era in come collaboration becomes more and more essential whether it's cross-disciplinarian, the kind of work that Dan does. And I'm wondering what your thoughts are about the possibilities of a more

collaborative era of legal scholarship? Just throw that out, but I'm in a way just waiting for folks to come up and grab the mic and ask their own questions.

>> Two questions for Jake. I've never used Casetext and it looks fantastic for both clinical practice and scholarship. You mentioned that it's into the democratization of scholarship, does that mean it's free? And then how do you support it? How do you get to be a contributor of an article on a brand new case?

>> Great question. So the first question is, is it free? And the answer is, yes. So what is free on Casetext is all of the law. All cases, rules, regulations, etc., and all contributions are going to be free, are free right now, will be free forever. And there is a social reason for this, which is this something that I, the reason I started Casetext to begin with is I thought it was unjust that certain practitioners could afford no more than 20 minutes of Lexus Nexxus a day and you can imagine what kind of representation these practitioners were able to give with that kind of representation. But also from a business perspective, the true value of what we're building is multiplicity of viewpoints and annotations on the law and we'd be really hurting ourselves if we put either the annotations or the law itself that allows the annotations, behind a pay wall. So it's never going to be charged for. The natural second question is, well how in the heck do you make money? And the short answer, with all of this information in our database, with these hundreds of thousands of contributions and thousands of people, and hundreds of thousands of people researching every month we have some pretty cool things that can help legal researchers who want an edge and want really good information they need the win. And so actually it's probably to even show this than it is to talk through it. I wonder if I can put this guy up. But the short is there are a number of advanced

legal research features, they are actually currently free, but very soon are going to be expensive for researchers, if they want to pay for them. So things like, we know now because of all the people who write about this case and all of the cases that site to McKune V Lile, we know certain information about it. For example, of all the 60 pages in the case, which one page is the most important? This may be the place where the holding is or the place where the key fact, you know, kind of turned on it. We call this thing the heat map and you can jump right down to it by looking at the most dark blue part of the opinion. And the way that this is used in practice most of the time Arizona you scan through a case you'll see this window to where you are will move and practitioners we've noticed will slow down a lot when they reach the most dark blue part because they're being warned, everybody else is talking about this, don't you think this might be important? And that's just one example of the really cool things you can do with data, along with generating summaries of this case. Like what is the holding so you don't have to read 50 pages before you get into it? What are the key sentences? We know that because it's talked about the most by other articles. Etc., etc., etc... We call it researcher super powers, which is kind of cheesy, but these are things that are part of the premium subscription, so to speak. And so, we're taking a very classic Silicon Valley approach, which is called freemium. Make a lot of the value free and for a small subset of users who are your "power users" who want to get extreme value out of the product, that's who you ask to pay whether it be big law firms or academics, you're going to pay \$50 to \$75/month to get that kind of stuff.

>> I should just add, this was never intended to be a panel just about Casetext. Jake had never wanted it to be that way. There are other platforms out there that

do legal research, some free and some not free. So raval's a big mover out there.

>> We just did a deal with one of the law libraries to basically scan the entire place. Historically speaking.

>> So yes, check that out. It's very cool what they're doing.

>> And one thing, unfortunately they initially called that project the Free the Law Project, which is terrible because there's another group that I work with very closely which is called Free Law Project, which is entirely open source, another way of pulling things in. So there's a lot of different research kind of helpers, facilitators. Casetext is certainly unique, but I wanted to let folks know there's a couple different players in town, which actually keeps people lean and trying to do different things.

>> I think that, I'll be very brief on the last one. The final question about how to become a publisher on Casetext. Anybody can write on Casetext and publish. And the difference is, maybe I shouldn't say this because it's not obvious from the usage of the site, but when you publish on Casetext it looks to you as you're logged in as you published the entire site. And you're like, great, I'm done, I published to everybody. The truth is behind the scenes we have a number of moderators who are going to prove you as an author behind the scenes. And if you get the thumbs up, then your content gets pushed out to everybody else. And after that happens, things are ranked by the social signals like how many reads does it get, how many thumbs does it get, how many uploads does it get. So sometimes things make it through our moderator process, but never get an upload or thumbs up. Kind of like never getting a citation as a legal scholar article. And as a result, of the thousands and thousands of things published it will be at the bottom of the list and nobody

will ever read it, essentially. We've taken this from Reddit or Cora or Stack so if you've used those sites in the past, very similar model.

>> Hi. So this is a question, I think for Jake and Dan. So one of my concerns, as Dan mentioned, there are going to be some people, maybe some of us who are not techy oriented who are left behind, so how do you make this, how do you sort of expose sort of the broader academic law professor, lawyers, law students to all of these resources out there? And then the question for Jake it's sort of interesting because I teach [inaudible] and I'm a little scared that they're going to find to Casetext and they're going to jump to that one page where the whole opinion and they will never learn to read cases on the their own, which is a really important skill. So I'm a little bit worried and I'm concerned that many of us are just not aware that this, these services are actually out there, so I'm concerned sole practitioners or smaller firms might be disadvantaged and I think you students performing in law school so that they'll have the advantage of knowing the information is out there and they will help them when they're preparing their moot for court and other students who are not aware of it will be at a disadvantage. So what do you think about that?

>> Well, I teach a polytechnic track, basically, did at Michigan State and will at Illinois Tech, and so my whole, part of my mission in life is to try to level set and again, my students essentially, this is a very prestige driven profession already and I'm trying to give them tools to compete against other people in the labor market and obviously to help our school kind of have a niche that is a growing part of the world, which is this law and technology, not what are the optimal policy rules for technology, but actually using technology to be better in the delivery of legal services. So I do see, my goal, and why I put that all that content up

for free, is to cut through that and say here it is, whether you're my actual student or just anybody who can making that connection, I'd like to try to, I guess that's a bit of a radical idea, because I suppose an institution would try to lock that down and say, it can only be delivered through this particular process. And I guess for your students, you're worried about the disadvantages, I would and do have a funeral for the world that's going away. That's always what people do. Let's think about how you can, first of all, expose as many of your students as possible, because Jake's going to exist whether you like it or not and there's a lot of Jake's out there. There's at least 500 venture back startups right now and there was 15 about five years ago. So there's a whole bunch of people doing a whole bunch of things and some are going to be successful and some are not. But I don't think it's a useful thing to say, gee, our views don't matter, that's what it is. Try to help your students, that's what I try to do. And I think the tools that Jake's offering are, they'll be an advantage for a while and then what will happen is as people, it's just like everything arbitrage thing, once people realize it's a thing, then there's no advantage to be garnered, that's just how people will do thing.

>> Yes. People already started a community platform where people are publishing, etc... so it's catching on, I guess. So a few other quick reactions. You were worried about, or you express concern about people not being able to find and use these tools and so some people being advantaged because they found it and some people being disadvantaged because they didn't find it, on the other hand, being worried that when you do find it you will use it inappropriately. The way I look at it, there are some things that are my job as an entrepreneur and there are some things that are your guy's jobs as professors. My job as an entrepreneur is I have

a deep incentive for everybody to use this thing and get on the platform and for some of these people to convert to premium users and other people to be publishing on the platform and make it a valuable place for people to come. And also I have an incentive to make it as dumb and easy as possible so that even the least tech enabled people can find it. Like the iPhone. Like find it user-friendly, etc.. So I view it as my role and my job to make it job to make it easy and discoverable. And that's part of what making it free is about. That's part of what hiring designers from places like Google and Amazon and IBM and engineers from those kinds of places too to build an easy awesome product that even the least tech enabled people can use. And we're not there yet. On the other hand, you're worried that people might use it inappropriately like use the heat map to skip the important parts of the case. I would say this, that's where your role comes in. What we encourage our users to do is read the whole dang case, because as a practitioner myself I would be lost without reading the facts section, before I get to the holding. But, ultimately, if information's out there people can use it well or misuse it, and I think it's all of our jobs, I would say, to guide them in the right direction. And I think the same is true on others, Colin mentioned this really cool tool, ravel log. They use visualizations to help you kind of crawl through discovering new cases and on the one hand it's a great information advantage to be able to pinpoint the most important case on a topic by using their visualizations, on the other hand it can be totally misused in the wrong way. So you have to guide people, don't just look for the biggest bubble in this representation, look at the other bubbles too because they represent important things too.

>> I would just like to echo that a little bit and say that information literacy

is a particular kind of literacy in an age of massive information and something that we really have to do dedicate ourselves to involving ourselves and students with. So I see, when I create some of these maps that I create or Supreme Court precedent, I see it sitting out a reading list for students to look at or for people to who want narrative to read, but you can't do the reading or the visualization can't do the reading for you and teaching principles like that, and involving students with how do you deal with the fact that information is so cheap and so easy to access. You have so much of it, what are the strategies you use to get through it.

>> One other point of this, for some assurance, your libraries are teaching your 1Ls about this anyway.

>> The genie's out of the bottle, I think it's fair to say. Speak of the devil.

>> My name Adeen Postar, I'm the law Library Director here. Casetext is coming. They will come at noon on the 8th to talk to us. If we get a big response, we'll move to a bigger room. But one of the things I wanted to respond to is, you know it's up to us to look around and be open to these new technologies. You have to subscribe to blogs, you have to read them. You can't ignore them when they come across your e-mail. Legal skills blog. Tax blogs, although not so much. And there are kinds of these sources and you have to experiment and you have to look out there. And as for students, being afraid that students won't read cases, I've been a librarian for a really long time, that's what people did with manuals back in the dinosaur days. So I would say this is a vast improvement on the old outlines on the law. I do worry a lot, for students but also for faculty when they often at the end when they're doing their scholarship is the authoritativeness of some of these platforms. I teach my students to evaluate everything they look at and the

more this free access law becomes available, no matter how carefully you moderate people's postings, they are still someone's opinion. And you have to realize what you're talking about. And it's more than just the footnote, it's a feeling of what is real, what is very good insight and what is someone's advocacy. And we all are have to remember that when we do our own scholarship and when we work with faculty doing scholarship. Thank you.

>> I just wanted to say one thing about what Ross said earlier about, really what all of this is about is trying to build better legal information infrastructure, that's what a lot of these companies are trying to do. And so I just want to say, there is one technology here that I really does pair with what a lot of are interested in and that's the block chain. Because we want to say, this is a trusted version of this item and now some changes need to be made and here's version 2 and then you can maintain version control, but it's not just version control, you actually can see the legacy, but again, you have that Wickipedia page, but you actually said Harvard Law Review has signed off on this, and there's a hash that says that each of those changes is -- and people are making blog changes a lot, most notably in real estate, they show changes of title and try to get rid of our 17th century title system. But it's just our version of that idea, which is that we want to have documents, authoritative documents in a way to have a ledger that's transparent so that I know that this is the current version of this item, or I can just switch the version on SSRN, but again the authoritative version hasn't been changed. I think the block change could solve lot of those problems and maybe that might be something Casetext or somebody else does. It's a way to say, this is version 1, version 2, version 5, version 7, whatever. What have you. So I just wanted to throw that out

there. That is the technology that would enable a trusted copy to exist.

>> And if I may, on the same subject, oh you -- oh go. We'll get carried away.

>> So I was actually going to ask a question. It may be related a little bit, but it was prompted a little bit by Colin's comment, and it's not meant to be a softball question to you Colin, because I would never want to help you, but it does relate to something you've written about which is, thinking about the future of scholarship and democratization of scholarship and we're talking about an explosion of sources. And I'm curious as to sort of the challenge of sifting and I know Colin you've written about this whole question and you sort of alluded to it just before. What does it mean, sort of the forward the future of how we research? While there are great tools now, the challenge is no longer to find something that speaks to an issue, but rather to sift through thousands of articles on it and as scholars, it seems like promotion of our scholarship has become a huge portion of what we think about rather than just the ideas themselves. And then finally as you mentioned --

>> That's always been true, by the way. It's just there's a lot of other mechanisms one can employ in a deeply unfair system.

>> What I would say, the hierarchies that are perhaps problematic are always the ways in which we were able to sift, so I wonder if there's something inevitable about hierarchy that will help us with the sifting that is likely to occur?

>> Yes. Those hierarchies are inevitable. Those who do not sit on the top of them probably want to try to find a way to hack them, right. Of course all we're trying to do is put ourselves at the top of that hierarchy. I have to be honest about what the nature of the exercise is, but you know what I mean. I have a paper that just basically shows why do bad ideas propagate? Well it's because half of

the law professors went to two law schools. So if a bad idea propagates there, it just becomes truth. And again, historical institutionalists have spent a lot of time deconstructing a bunch of those. One of my old professors, in the sort of reconstruction area did some cases, but there's a whole slew of those things out of there. And I think what Jake is doing is great. We can actually identify these things like the statistics about the sex offenders that is patently false and not allow it to propagate and become truth. And I think when we really examine what those historians have done, the amount of untrue facts that are taken as true in our field is pretty, it's pretty stark, actually. And so once you see that you don't, that's why I'm not in love with what goes on right now, I'm actually perfectly prepared to kind of try to blow it up. But that's just me.

>> One other small thought which outside, sitting outside the world of Casetext and other websites you guys may or may not use, that your students are definitely using, one Reddit.com, one called Cora.com and there are a number of websites like these that have figured out the way to getting to distribution and what to highlight first? How do you sift through the mass amount of iteration on the internet, and it's a way that I like, and as you can probably tell I'm a cross checking fanatic. And these are one way of sorting the weak from the chaff, or however you want to look at it, in a way that I think is just awesome. Which is on Reddit, they call it the front page of the internet. People submit links to the internet and there are literally billions and billions of pages on the internet, so how do you sift through the best stuff on the internet? And the answer there are they have very simple mechanisms where the users who have read it either vote up or vote down to the things that are submitted. And the more up votes it got the higher it goes and

the more down votes it got the lower it goes. And what happens overtime is you find, if you go to Reddit.com and if you are the population that Reddit is trying to target, mostly 17 to 23-year-olds, but also apparently me sometimes, is you find amazing stuff every single day. Like the funniest animated gif you'll see all day or the funniest video or the most interesting article or the most interesting thing happening in the politics goes to the top immediately. And that to me is impressive. And they've figured out this algorithm essentially by determining on the crowd's views. We're not perfect at Casetext right now, we're trying to do something similar where we have peers, other attorneys, professors, etc., there's only, there's no down vote on Casetext, there's only up votes. Down votes turned out to be terrible for some people who loved to stay permanently. So it's only up votes, but comparatively speaking, the more up votes you get, the higher ranked it becomes and the more people it reaches and the more people get access to it and there's kind of a peer validation aspect. And like a website like Cora you can actually see who are the uploading the article? Are these sorts that I trust? Before I even read this thing, a lot of people will click the up votes count to see if it's people that they, oh, if professor so-and-so says it's good. So in some ways this is reinforcing hierarchies that exist but in some other ways I think we've found a bunch of solos, criminal defense practitioners, whatever it is, upload your article and it got very widely read. There's something kind of cool about that, which is you've stood out now because of other peer validation, essentially. And that's one way to sort through the weak from the chaff, I guess.

>> It's the modern condition, is the problem of volume and sifting through it and I'm stuck with the image from one of yesterday's session of the 8,000 law review

articles swimming upstream to spawn. I'm not sure how many of you were there.

>> Just one thing, have you been on Reddit? It is very transparent, isn't it? It's very honest about what it is. It's just a ranking. It's a sophisticated ranking and you can customize the kind of ranking you see, but it's specifically tailored to a community that chooses to choose what to read based on what a community says about it. Rather, and this is to Dan's mission in life, they are not coded by Harvard crimson and Yale blue. So you don't get to know, in a sense, whether it really is John Smith Hall Katz Davis the 17th, family attending Chops since 1702. Right.

>> Lord Grant thinks this is a good article so we should go with it.

>> Right. So what you're seeing with these 17 to 23-year-olds in a sense, and I would suggest should give Dan great hope is they don't give a darn about that. They give a darn about the thumbs on Reddit and that is one of the most revolutionary things I think about the way our average age current student is consuming news.

>> I start my day every day by reading Hacker News which is Y combinator. Basically the same sort of thing. Things are voted up, things are voted down and you know, and I'm prepared to live my life by letting the crowd direct me towards a set of things. What I often see is articles that get posted there often get repackaged and end up on mainstream media outlets about two to five days later. So it's like a canary in the coal mine for news. Reddit has a very similar property.

>> And then two weeks later you get a link from one of your in-laws about the story in the New York Times about this fascinating thing.

>> It's like, yes, I already know about that. I've been on that for 14 days, but thanks, for sending that along.

>> One more question.

>> Well you've already addressed this issue, but I was just going to bring up the long-term historical example of the gloss of tours in the Middle Ages when you talk about the continuing revision of the law and so you have the gloss on the gloss on the gloss on the gloss and you've addressed to this took some extent, but I think in the important to think about how you keep this continuing revision thing from becoming an echo chamber and you're just talking to yourself.

>> Yes. It's a very important and I think another point, we wouldn't want to replace the hierarchy of Harvard and Yale being the arbitrators of everything with a kind of the rule of the mob.

>> The pendulum is so far the other way, I think if we went one click away from that --

>> I think that is precisely what we want, but we have to have some awareness that a simple up or down vote, that doesn't reflect a concerned view of it, rather than your graphic is cool. But I some of what we're talking about is really about building a community where there are people involved in the conversation that you respect their opinion. And bringing those together. And there's some, I think tremendous potential for collaboration and building community that can be built with the technologies that we have now that can cross geographic space, it can cross institutions and I think the power to undermine some of these current, let's say, hated hierarchies is extremely very much there. And as we said, it's happening. It's just happening. There's no way around it.

>> So Ross made allusion to the old adage that absolute power corrupts absolutely. As the master mind, as the Dean called me yesterday, of this event,

I have absolute power in this room so I'm going to use that absolute power to make one final comment on your panel and not give you the chance to respond. [Laughter] that is this, just to --

>> I'll say something on Twitter.

>> Right. Oh god, I have no defense. It seems to me that there are three related concepts, many concepts that you were talking about, but three interrelated distinct concepts that it might help us to keep distinct. One of them is authenticity. So this is when we're talking about version control, we're talking about is this is the authentic version of a document? The real version? The bona fide version? Another one is popularity, right. So when we're talking about number of thumbs we're essentially talking about popularity of a particular source or blog post or cat video or whatever it is. And the third is, for its authoritativeness. And when we're talking about authoritativeness I think in the true sense, it may be related to those other two things, but it's distinct. It is the extent to which it is justifiable to rely on that source as valid evidence of a particular proposition or something of that nature. These are three distinct concepts and it may be helpful I think to keep those in mind as we think about the way that legal scholarship, among other things, is going in the next, well in the next 30 days, much less the next 30 years. So can we get a round of applause for a terrific panel and for our panelists? [Applause] So we're going to start again with the next panel in 10 minutes in this room on legal scholarship, journalism and new media.

[End of Video]

[Event concluded]

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