Chair's Message

by Kristine H. Smith, Esq.
Director of Employer and Student Services
Adjunct Faculty
Liberty University School of Law

My name is Kristine Smith, and I am the Chairperson for the Board of Governors for the Virginia State Bar's Section on the Education of Lawyers. Thank you for this opportunity to tell you about our section.

Our section was formed after the uniting of the work of the former Committee on Legal Education and Admissions to the Bar and two former conclaves on the Education of Lawyers in Virginia. Ours is the first of its kind in the nation. Our board is comprised of members of the bar, law school professors and deans, and members of the judiciary, and we seek to improve every phase of legal education in Virginia.

For the past several years, we have partnered with other sections of the Virginia State Bar to present CLE programs at the VSB Annual Meeting. This year, we have partnered with the Construction and Public Contracts Section, the Litigation Section, the Young Lawyers Section, and the Conference of Local and Specialty Bar Associations to present a program entitled Recipes for Resolution at the Annual Meeting. We are excited about this presentation and grateful for these partnerships, the work of their section members, and the phenomenal speakers for this program. We look forward to seeing you all at the Annual Meeting on May 29 – June 1, 2024, in Virginia Beach.

Our section is also involved in several other programs on an annual basis. Each spring, we host the Legal Writing Workshop, an intensive writing course facilitated by judges, professors and practicing attorneys, intended to make all attendees more confident legal writers. This year the workshop is scheduled for Friday, April 26, at American University Washington College of Law. Registration information can be found on Page 4. Our section also works with all eight law schools to present the Professionalism for Law Students program each year. Members of the bar and the judiciary speak to each law school's first year students about the importance of professionalism, and then review hypothetical situations with the law students in smaller break out sections, followed by a reception with the panel and the law students.

As this year's chairperson, I am working to increase student membership in the Section on the Education of Lawyers. I enjoy involvement in bar activities and hope to pass on the benefits of these activities to the future members of our profession. Students may join our section at no cost by visiting this link. The Education of Lawyers section is also monitoring the progression of adoption of the Next Gen bar examination, beginning in 2026 in several states. You may read about the Next Gen bar examination at nextgenbarexam.ncbex.org.

If you have any questions about our section and our projects, or ideas about mentorship of law students or other issues involving the legal profession, please feel free to contact me. Additionally, if you are interested in joining our section, please sign in to your Member Portal from the top right corner of any VSB webpage to join any VSB section through your Member Participation tab. Finally, please encourage law students and new attorneys to join our section, mentor law students when possible, and continue to make the practice of law in Virginia an enormous and enjoyable privilege.

Kristine H. Smith
Section Chair, 2023-2024

Teaching Law Students to Use ChatGPT for Legal Writing – One Skeptical Professor's Adventure

It seemed extraordinarily presumptuous to teach a class on a topic I had only heard about a few months prior. However, this past fall, I found myself teaching a class called *Incorporating ChatGPT in Legal Writing* at William & Mary Law School. I have taught first-year law students legal research and writing for more than a decade, so I had a good foundation in at least one aspect of the subject. However, I was daunted by teaching a class based on a rapidly changing product that can produce a different result each time you use it. I knew some of my students would be much more experienced in generative AI. I also knew that my "technological prowess" could be summed up as (barely) "able to

B. Keith Faulkner Receives 2024 Leadership in Education Award

B. Keith Faulkner, President of Charleston Southern University, former Dean and President of Appalachian School of Law, and former Dean of Liberty University School of Law, has been named the recipient of the William R. Rakes Leadership in Education Award from the Section on the Education of Lawyers in Virginia.

Faulkner was nominated by Kristine H. Smith, Director of Employer and Student Services, and adjunct faculty, at Liberty University School of Law.

Says Smith, "Keith Faulkner is an exceptional leader, communicator, team motivator, and visionary, and has a remarkable record of enhancing communication, cooperation, and meaningful collaboration among the three constituencies of the legal profession."

Read more about President Faulkner's achievements and his dedication to legal education in Virginia.

The Leadership in Education Award will be presented to Faulkner on May 31, 2024, at the VSB Annual Meeting in Virginia Beach.

use PowerPoint" and "mostly capable of calling an Uber."

As I delved into the world of generative AI and ChatGPT, my initial skepticism was mixed with a strong sense of curiosity. When used wisely, the power of this tool was apparent, but the challenge was figuring out the "right" way to use it. Frankly, I wanted to take a course myself, but no classes met this description. And so, I took the plunge to create the course I wished existed.

Fortunately, I work at a law school that embraces challenges. The Dean, A. Benjamin Spencer, was enthusiastic about tackling this area, noting that "by exploring the intersection of AI and legal writing, we are preparing our students for the practice environment they will face after graduation."

Course Structure

I capped the course at 20 students, hoping that I might get half that number. Stunningly, the course filled up within five minutes of opening registration, a hint of the demand law schools will likely see for guidance on generative AI. The topics covered included prompt engineering, ethics, editing, overcoming writer's block, and the strengths and weaknesses of ChatGPT.

Generative AI changes at a breathtaking speed, so planning this course felt akin to building a house on quicksand. Thus, I focused the course on timeless questions: How can generative AI like ChatGPT aid lawyers in an ethical and efficient practice? What are the inherent limitations for lawyers using this technology? And, of course, how does one avoid becoming a lawyer who goes viral for citing cases utterly made up by ChatGPT?

I assigned homework designed to force students to wrestle with the most pressing questions: Should you use ChatGPT for research? (No, definitely not.)[*] Can ChatGPT help you overcome writer's block? (Yes, quite well.) Can ChatGPT help you generate

questions for witnesses? (Yes!) Can ChatGPT reliably "issue spot"? (Sometimes—if you know how to give it the right information.) We discussed our findings in each class, and then I used multiple in-class assignments for each session. Because ChatGPT generates entire memos within seconds, I could assign a surprising amount of work with numerous variations.

For the assignments and final paper, I asked students to work with ChatGPT to draft traditional legal writing products, such as memos and briefs, and then answer reflection questions on the process. The reflection questions were designed to force students to think about their work process and evaluate what they could reliably use ChatGPT for in the future.

Reactions to the Course

I discovered several things during the semester that I did not anticipate. First, there is significant educational value in having dozens of students simultaneously run the same problem in ChatGPT and then discuss the results. In doing so, we discovered how small shifts in prompt wording could yield wildly different results. Second, students are deeply concerned about how to use AI as ethically and productively as possible. Third, ChatGPT helped several students rethink how they approached their own learning and writing as they began using AI as a study partner and editor. Several students said they felt like they had a new tool to help them study.

Feedback from students was enlightening. One student wrote, "I think many people were skeptical of ChatGPT because they were afraid to use it, yet this class has been eye-opening to how useful it can actually be. I would never have explored ChatGPT without this class because I think we fall into the echo chamber of how negative it is simply because we did not know what to do and are afraid it was going to 'outsmart' us."

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[*] Together, the students and I concluded that ChatGPT was not helpful for legal research (even though we all used ChatGPT-4, the most advanced subscription version available). It continues to hallucinate cases and statutes. Even when used for its most reliable research task—helping to outline a research plan—it was inefficient. Users have to spend so much time verifying and second-guessing ChatGPT that our class concluded it was simply not worth their time to use it for this task.

Another student reflected, "This class is not only useful, but I believe that we are only a few years away from it being mandatory material to either be covered in its own class or as a part of legal writing. I appreciate the foresight involved with offering it now."

One graduating student noted, "All of us know that AI will have an impact on our careers, and it's important that our education is not blind to that fact. Taking a course that walks us through not only how to use ChatGPT, but what it really is (a predictive language model), what it isn't (a lawyer), and the questions that come up ethically put us in a position not just to handle these tools in the real world but master them to our advantage."

By the end of the semester, I was impressed with how helpful ChatGPT can be in the hands of a knowledgeable user. I surveyed the students about their takeaways from the experience. Ultimately, the students and I agreed with the following sentiment from Danny Tobey, DLA Piper's AI and Data Analytics Chair: "AI will not replace lawyers. But lawyers who use AI will replace those who don't use AI. And lawyers who use AI well are going to be the ones that deliver a reliable product."

Laura Killinger
Director of the Legal Practice Program and Clinical Professor of Practice of Legal Writing
William & Mary Law School

Law Student Writing Competitions

The Sections of the Virginia State Bar offer several exciting opportunities for Virginia law students to earn monetary prizes through annual and semi-annual writing competitions. The competitions listed on this flier are detailed in depth on each of the sections' individual websites.

General inquiries can be sent to vsbsections@vsb.org.

Virginia CLE®

6th Annual Legal Writing Workshop 2024

April 26, 2024
American University Washington College of Law
Washington, DC

This intensive legal writing course, facilitated by judges, legal writing professors, and experienced attorneys will focus on the following:

- Basic grammar and writing strategies
- Understanding and implementing roadmaps and transitions
- Tailoring your legal writing to your audience and purpose
- Ethical considerations and professionalism in legal writing
- Effectively writing a discussion or argument section of a memo
- The importance of persuasive characterization and fact emphasis
- The differences between oral and written advocacy and advice on to how to effectively engage in each type of advocacy
- The use of generative AI in legal writing

Pending CLE: 7.5 credits, including 1.0 ethics
Regular Registration: $375
Section Members pay: $350

View Course Info and Register

The Virginia State Bar Section on the Education of Lawyers, Virginia CLE, and the American University Washington College of Law Legal Rhetoric Program are pleased to cosponsor the Legal Writing Workshop.

Friday, May 31
Hilton Garden Inn
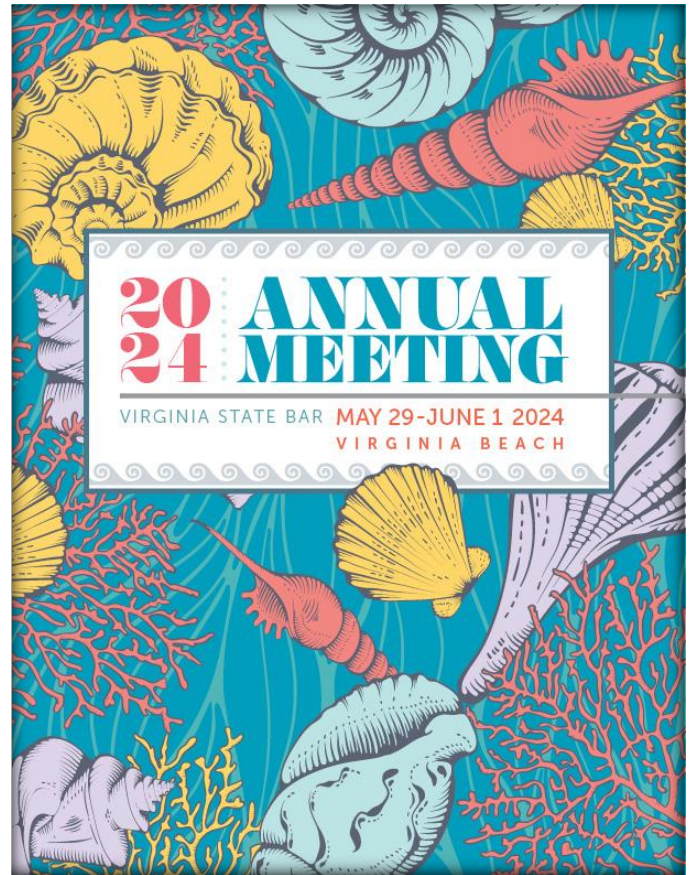**2:00 – 3:00 p.m.**

Recipes for Resolution

A panel discussion on the Recipes for Resolution geared toward providing perspectives attorneys can use to prepare a matter for successful resolution using mediation, settlement conferences by state or federal judges, or collaborative law.

1.0 hour CLE (pending)

Speakers:

- James W. Barkley, The McCammon Group, Charlottesville
- Hon. Douglas E. Miller, Magistrate Judge, USDC, ED Va., Norfolk
- Justice Jane Marum Roush (ret.), The McCammon Group, Dartmouth, MA
- Dillina W. Stickley, Attorney and Counselor at Law, Bridgewater

Sponsored by the VSB Education of Lawyers, Litigation, and Construction Law Sections and the Young Lawyers Conference and CLSBA

2024 ANNUAL MEETING

VIRGINIA STATE BAR   MAY 29-JUNE 1 2024
VIRGINIA BEACH

Annual Meeting
Registration & Info

Cultivating Advocates:
The Center for Global Justice Human Trafficking Clinic at Regent Law School

Effective human rights advocacy is not possible without the rule of law and competent lawyers who are willing and able to advocate for the voiceless. Simply put, laws on the books mean nothing without a culture of the rule of law and lawyers to enforce those laws. This is why Regent Law started the Center for Global Justice (CGJ) in 2010. The CGJ's mission is to equip Christian advocates who will promote the rule of law and seek justice for the world's downtrodden—the poor, the oppressed, and the enslaved—and to serve and support those already engaged in such advocacy. Students participating in the CGJ receive hands-on legal training by performing pro bono legal work and completing on-site internships for human rights organizations around the globe. Our students' work has led to the convictions of violent criminals, the rescue of victims, and the advancement of the rule of law in nations around the world.

This year, the CGJ expanded its work by launching a new clinic specifically geared toward offering pro bono representation to human trafficking survivors in obtaining criminal record relief. The CGJ Clinic has been years in the making, and it stands as a

symbol of the principle that laws without effective advocacy mean nothing. For over two years, CGJ students and professors, in partnership with other advocates in Virginia, advocated for a criminal record relief law. In 2021, the Virginia General Assembly finally passed Virginia Code § 19.2-327, "Petition for Vacatur," which specifically allows trafficking survivors to vacate misdemeanor prostitution offenses. Like many advocates, the CGJ celebrated this huge success, and rightfully so. Virginia had taken a critical step in helping human trafficking survivors achieve lasting healing and freedom. But passing a law is not enough. Survivors need a voice—an advocate. And sure enough, for two years following the enactment of the law, *not a single petition for vacatur was granted (or perhaps even filed)*! This is why Regent Law started the CGJ Clinic. In July 2023, the Clinic had the honor of representing our first client in obtaining the first-ever petition for vacatur under § 19.2-327 in the Commonwealth.

As with any law school clinic, the CGJ Clinic provides opportunities for students to take what they learn in the classroom and apply it to real-life scenarios. By enrolling in the Clinic course, students participate in real cases and develop key legal skills like client interviewing and counseling and fact development and analysis. Students also gain insight into the workings of the court system, learn the legal framework for combatting trafficking at the federal and state level, and learn how to be trauma-informed lawyers. Most importantly, the Clinic gives students—future advocates—a small taste of the joy of seeking justice for the oppressed by helping survivors move forward in life without the hindrance of a criminal record.

The work of the Clinic will also focus on advocating for amendments to § 19.2-327. As laws get enforced, gaps become apparent. And the current vacatur law certainly has gaps. In short, the Clinic's cases demonstrated that the current law provides insufficient relief to human trafficking survivors. Trafficking victims have many more offenses on their records than prostitution offenses—and most often, these offenses occur as a direct result of their trafficking. Justice demands that trafficking survivors be given the chance to have these offenses vacated too.

For the rule of law to be effective, future advocates must be taught how to enforce *and* shape the laws needed to seek justice. The CGJ Clinic is seeking to do just that.

Margaret "Meg" P. Kelsey
Assistant Director, Center for Global Justice
Adjunct Faculty
Regent University School of Law

S. Ernie Walton
Associate Dean of Administration and Admissions
Assistant Professor
Director, Center for Global Justice
Regent University School of Law

The Digital Democracy Lab at William & Mary Law School: Reinforcing Democracy in the AI Age

The rapid development of AI brings extraordinary opportunities and challenges, and William & Mary Law School is seizing those opportunities in legal education and facing the challenges head on.

"The concern is that AI can be used to replace original analysis, becoming a shortcut around thinking for oneself and developing the analytical muscles that mature into wisdom and deep insight," said A. Benjamin Spencer, Dean and Trustee Professor at William & Mary Law School. "Professional education needs to ensure that students receive an education that emphasizes ethics and professional standards."

The Law School's Digital Democracy Lab, led by Margaret Hu, Taylor Reveley Research Professor and Professor of Law, is responding to this call. By offering courses and programming that encourage students to consider appropriate responses to various technological challenges, including disinformation campaigns that sow discord and undermine faith in

democratic institutions and automated decision making that can threaten due process and equity rights, the Lab helps students to sharpen their analytical approaches to problem solving by considering appropriate legal, technological, and policy solutions, centered on reason, the ethical use of law, and humanist and democratic principles.

William & Mary Law School launched the Digital Democracy Lab in August 2023 to support two of the core pillars of Vision 2026, the university's strategic plan: data and democracy. Its mission is inherently interdisciplinary, recognizing that increasingly complex legal issues require a range of prescriptions beyond traditional legal responses. By studying how existing and future laws and regulations might treat the use and abuse of data while preserving democratic stability, equity, individual autonomy, personal dignity, and expressive and associated freedoms, the Lab aims to contribute to ongoing conversations about reinforcing democracy and the rule of law.

In August, the Digital Democracy Lab held its first event, "AI Ethics and Democracy: Futureproofing 2076," a policy workshop in Washington, D.C., sponsored in tandem with the Global Research Institute, the Data Science program, and the Democracy Initiative at William & Mary and co-hosted by the Center for Democracy & Technology and the PILOT Lab at Pennsylvania State School of Law and School of Engineering. The event brought together experts from industry, civil society, government, and the academy to look ahead to 2076, the 300th anniversary of the signing of the Declaration of Independence. The goal, as Professor Hu explained, was "to envision the AI governance structures that might be required for futureproofing democracy and to start discussions around cross-disciplinary strategic planning."

Students at William & Mary are a critical part of these discussions. For example, this fall, together with the university's Democracy Initiative, the Digital Democracy Lab launched a Data & Democracy Seminar. Cross-listed between the Law School and the Data Science program, the seminar offers an opportunity for law and undergraduate students to work together to explore the legal, policy, and technological challenges posed by foreign and domestic threats to U.S. elections. During the semester, students research and present

final papers that deepen the dialogue on the intersection of technology's impact on democracy. Each paper is approached as a potential opportunity for publication and a chance to engage in wider dialogue with policymakers and regulators, industry leaders, and future colleagues in their respective fields.

The Digital Democracy Lab, along with the Law School's Center for Criminal Justice Policy and Reform, also hosted a lunch panel for students in September to explore these topics at the Law School. The panel, "Election Subversion: Accountability or Politics?" discussed the Final Report of the Select Committee to Investigate the January 6th Attack on the United States Capitol as well as recent high-profile indictments of more than a dozen individuals for engaging in a criminal conspiracy to undermine electoral processes. As panelists discussed, the Report revealed repeated instances in which disinformation campaigns had been deployed to undermine faith in the electoral process. Among the participants was Casey Lucier, a partner at McGuireWoods, who served as an investigator on the Committee.

The event was co-sponsored by student organizations with a particular interest in these topics. John Thayer and Katie Von Schaumburg, Co-Presidents of the Election Law Society at the Law School, stated, "We were excited to cohost a panel discussion that explored the range and impact of multiple measures that have been taken after the January 6 attacks and why it is important to consider those accountability measures." Jeremy Bloomstone, President of the Data Privacy and Cybersecurity Legal Society at the Law School, had a similar view. "A critical part of the investigations into the January 6th attacks focused on tracking how information flowed across different platforms and channels, and leveraging that evidence to hold specific actors accountable," he said. "So as an organization focused on the legal issues surrounding information security and data privacy, we were excited to promote this important conversation."

The Digital Democracy Lab is also dedicated to encouraging students to consider how technology can retrench inequities across racial, gender, and socio-economic groups. In October, the Lab helped coordinate a conversation at William & Mary's Washington Center that explored the impact of the

White House Office of Science and Technology Policy's Blueprint for an AI Bill of Rights one year after its release. The event was hosted in partnership with two think tanks, Data & Society and the Center for Democracy & Technology, and co-sponsored by several units across the university, including the Data Science program and the offices of the President and the Provost. Panelists included two of the Blueprint's team of co-authors at the Office of Science and Technology Policy, Sorelle Friedler and Dr. Suresh Venkatasubramanian, as well as Lisa Rice, President and CEO of the National Fair Housing Alliance, and Professor Hu. "Multiple technological and policy developments had occurred since the release of the Blueprint," Professor Hu said. "It was exciting that the Lab had the opportunity to cohost this event to explore the potential of the Blueprint to shape future policymaking and legislative action."

Emma Battin, a second-year law student at William & Mary Law School, attended the event in Washington, D.C. She said, "On the one-year anniversary of the release of the Blueprint for an AI Bill of Rights, it was a privilege, as a William & Mary Law student, to able to participate in a conversation on its principles and its impact."

The Digital Democracy Lab will continue to convene conferences and events to help students consider how best to reinforce democracy and the rule of law in a rapidly evolving technological landscape. In March 2024, for example, the Law School will cohost a conference on AI and national security together with William & Mary's Whole of Government Center and others. "William & Mary Law School students, in line with our citizen lawyer tradition, are interested in addressing the types of digital and AI challenges that have the potential to make our democracy more fragile, such as algorithmic discrimination and disinformation campaigns," said Professor Hu. "The Lab encourages students to consider their present and future role in addressing those challenges." As Dean Spencer explained, "The work of the Lab is important to legal education and the future practice of law. As the first law school in the nation, instilling the important role each law graduate can play in reinforcing democracy is a priority for us at William & Mary Law School. We are proud to launch this Lab and support its impactful research and

innovative pedagogical developments. It represents the best of our strengths."

Margaret Hu
Taylor Reveley Research Professor
and Professor of Law
William & Mary Law School

Bar Association Membership and Involvement Benefits for Law Students

Many attorneys are aware of the benefits of membership and involvement in bar associations. But are law students aware of these benefits? The Virginia State Bar's Section on the Education of Lawyers offers free membership to law students, as do many state and local bar associations. Law students obviously have many demands on their time – classes, journal membership, student organization activities, trial team and moot court competitions, studies, time with family – the list is endless. However, as the director of Liberty University School of Law's career services office, I highly recommend that students invest some time in joining and participating in bar association activities during law school. Here's why:

Networking

Law students will be joining the legal profession after graduating and passing the bar exam. However, law students begin seeking internships and post-graduate positions in their first year of law school. Bar associations offer networking opportunities with members of the legal communities. Attorneys at all stages of their careers, and in all types of practice areas, attend bar meetings, luncheons, CLE programs and community service activities. At bar association events, students can meet attorneys, ask questions, seek guidance and membership, and observe members of their professions both professionally and socially.

As a mentor of mine once said, success in obtaining a legal position is in "the friends you make and the hands you shake." Bar association activities offer

multiple opportunities to shake hands and make connections with many attorneys. Students can learn of internship and post-graduate job opportunities and new developments in specific areas of practice, while generally observing the interactions of attorneys outside of the courtroom and classroom. When they meet attorneys and establish genuine connections, law students grow their own networks, and gain access to the network of each attorney they meet. Investing in these connections while in law school will pay off, perhaps not immediately, but in multiple ways in the future, including assistance with job searches, potential practice area changes, client referrals and practice development.

Positive Influences

Attorneys active in bar associations serve as positive role models for students. In daily routines at law schools, students benefit from the positive influence of the law school deans, faculty and staff, and bar association activities simply expand the circle of attorneys providing these positive influences. Interaction with attorneys in practice areas and geographical areas will make students more confident, comfortable and prepared for practice after graduation. Often, students meet attorneys specializing in practice areas not yet considered, which broadens their academic experience, class selection, and future job searches. Students can feel like they are a part of the profession while in law school, making the often-distant graduation date seem well worthwhile.

Continuing Legal Education Programs

Local and specialty bar associations often present relevant, timely and easily accessible CLE programming. I have been a member of the Lynchburg Bar Association, the Virginia Bar Association, the Virginia Association of Defense Attorneys, and the Defense Research Institute over my decades of practice and received valuable and relevant CLE programs through these local and specialty bar associations. The time invested in learning new information at the CLEs saved me time later (and likely helped me avoid potential mistakes). As noted above, students can obtain additional education in their areas of interest, and exposure to new areas which could broaden their career opportunities. This habit of life-long learning can only benefit students, helping them to see how their

legal education fits into the world every day, in actual practice.

Practical Benefits

We all enjoy investing time activities that provide practical benefits. Students who include bar membership and activities on their résumés show employers that they are aware of the importance of networking in referrals, professional development and community activities. In addition to social events and CLE programming, bar associations offer connections with wellness programs, law students from other law schools, and resources for community service opportunities. Finally, bar associations often produce newsletters and other written resources, offering students opportunities for practical learning and publication.

The Section on the Education of Lawyers offers free membership to law students, and sincerely seeks to hear the students' perspectives, provide mentorship to students, and keep its members involved in improving legal education across the Commonwealth. Student involvement will help us accomplish these goals, while helping students connect meaningfully with practicing attorneys and members of the judiciary before graduation and the start of their practices. Students, we encourage you to join our section and welcome your input. We also kindly ask the members of our profession to welcome law students, learn from them, and mentor them as they prepare to become future colleagues.

Kristine H. Smith, Esq.
Liberty University School of Law

Know a law student looking for an excellent summer internship opportunity?

The VSB has an opportunity for a rising 2L or 3L law student. Check it out. Interns will research, write, and analyze legal documents while learning about the legal profession from the agency that regulates Virginia's lawyers.

Application Deadline is March 15

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Get involved! If you wish to serve on the Board of Governors of the Section on the Education of Lawyers or would like to learn more about available positions, please email Mallory at mralston@vsb.org.

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