

# William & Mary's Hi-Tech Courtroom Widens Its Aim to Include Legislative Hearings

by Gordon Hickey

Here's the situation. You're a Canadian lawyer interested in climate change and cleaning up our environment, so you get invited to a meeting of like-minded environmental activists. You learn there that they plan to take a ship into international waters off the west coast and dump a large quantity of iron filings into the ocean in an experiment intended to increase plankton growth and remove harmful carbon dioxide from the air.

In January, 2013, the environmental group—the Pacifica Marine Life Preservation Foundation—does just what they said they would do. They sail out of Vancouver, British Columbia, and begin dumping the solution of iron filings and sulfuric acid, an activity known as iron fertilization. But a U.S. Coast Guard cutter has gotten word of the experiment and stops the dumping, though not before about 2/3 of the solution, or about 250 metric tons, is poured into the ocean.

This didn't really happen—but it could. Iron fertilization is real, and in 2012 a group really did dump 200,000 pounds of iron sulfate into the ocean in an effort to reverse climate change.

The fake dumping by Pacifica Marine Life Preservation Foundation was invented as part of the latest exercise in international communication by the Center for Legal and Court Technology at the College of William & Mary Law School. The center was started in 1995 with the goal of exploring how technology can be used to help resolve legal disputes. The dumping scenario wasn't exactly a legal dispute, but it was an international incident requiring discussions involving representatives from the United States and Canada.

That's where the center fits in. Fredric I. Lederer, chancellor professor of law at William & Mary and director of



U.S. Coast Guard Lt. Kristen Byers was among the witnesses during the mock hearing at the Center for Legal and Court Technology at the College of William & Mary Law School. Acting as commissioners were Rebecca Green, professor of the practice of law; Michael J. Connolly, director of Federal Relations; and Melissa Conner, adjunct professor of law.

the center, said the center usually invents scenarios that would lead to trials and treats them as if they are real. It then uses the technology available at William & Mary's McGlothlin Courtroom to help the student lawyers resolve the case. In this instance, the technology involved linking Canada and the U.S. for a live hearing on March 22 involving members of the fictional "Bilateral Commission on Oceanic Geoengineering." The hearing included three commission members at the University of Montreal's Cyberjustice Laboratory in Canada and three in Williamsburg. Testimony was taken in each location and from the lawyer in Vancouver. The goal of the inquest was to provide recommendations to the prime minister of Canada and the president of the United States.

The center has conducted many trials over the years, Lederer said, but "this

is the first time we ever took a shot at legislation."

The trials are conducted to showcase how technology can be used to more efficiently, transparently, and quickly solve the problem. In this case, the problem was, "how can Canada, the United States, and the state governments work better through the use of technology," Lederer said. "Our dilemma is, we don't know what the Congress or Canadian Parliament have done in any given hearing. ... They have never combined the technologies we used." In addition to the links between the United States and Canada, the documents presented during the hearing were on a server in Australia. The technology allowed any commissioner in the U.S. or Canada to view the documents—

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including photos, maps, and satellite images — during the hearing and share them with any other commissioner. The commissioners could also see each other on large screens in the courtrooms, and the entire proceeding, including audio, video, documentation, and text transcription was available to anyone online.

Testimony established what happened, where it happened and when. A Coast Guard officer testified to what she and the crew of her vessel found when they boarded the ship that was dumping the solution. Scientists at William & Mary talked about the value of iron fertilization of the ocean for removing carbon dioxide from the atmosphere and its potential harm to marine life. A lawyer at the Montreal Cyberjustice Laboratory spoke to its legality in the United States and Canada and whether it violated United Nations conventions or the Law of the Sea. In her opinion, it did.

In the end the commissioners reached no conclusion, offered no report. But that wasn't the point. Instead, the exercise demonstrated how this array of technology could be used to further legislative needs. Hi-tech courtrooms are becoming more prevalent throughout the world and in Virginia. The Fairfax County Courthouse, for example, has eighteen hi-tech courtrooms and the Fairfax Bar Association offers CLE courses to interested lawyers. "There are federal courts that are almost entirely hi-tech these days," Lederer said. In fact, his center at William & Mary designed the first such courtroom in Fairfax and has designed similar courtrooms all over the world.

The motto of the McGlothlin Courtroom at William & Mary is "where the past combines with the present to produce the future." The center's primary mission is "to improve the world's legal systems through the appropriate use of technology." The exercise in March may lead to an expansion of that mission to include improving the legislative process.

## Fastcase Now Flags Reversed or Overruled Cases

Fastcase has added a new component to its Authority Check feature to show where courts have noted that a case has been reversed or overruled on any grounds. The Bluebook requires that courts indicate negative history of cases cited within opinions. The new Fastcase feature, "Bad Law Bot," uses algorithms to find negative citation history. Bad Law Bot then flags those cases that have negative citation history and provides links to the cases.

Bad Law Bot finds negative citation history by taking all the cases that have cited to a specific case — in this instance, let's say *Roberts v. Ohio* — and examining how they've cited to *Roberts*. If a court has negatively cited to *Roberts*, Bad Law Bot will link that case.

Bad Law Bot determines negative case history by using algorithms, and

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Bad Law Bot is a part of Authority Check, so it's already included in subscriptions.

For more information on Bad Law Bot, visit: [www.fastcase.com/badlawbot](http://www.fastcase.com/badlawbot). A short video explaining Bad Law Bot is available at <http://youtube/ZsKu7FoO2Ns>.

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