

**February 2019**

*The following items turn the spotlight on developing, maintaining and enhancing lawyer competence in the face of rapid change and some implications for continuing legal education and professional development professionals.*

## Marketing your programs - the power of video

Check out these stats on video marketing from Forbes:

- According to YouTube, mobile video consumption grows by 100% every year.
- Video is projected to claim more than 80% of all web traffic by end of 2019.
- Adding a video to marketing emails can boost click-through rates by 200-300%.
- 90% of customers report that product videos help them make purchasing decisions.
- 64% of customers are more likely to buy a product online after watching a video about it.
- According to Livestream, 80% of people would rather watch live video from a brand than read a blog, and 82% prefer live video over social posts.

These numbers show the importance of incorporating video into your digital marketing strategy in 2019\*.



*\*Thanks to Annette Buras, State Bar of Louisiana for compiling this information.*

## Computer simulations used in training lawyers

Global law firm Hogan Lovell has piloted a training program to train new partners in how to run a law firm.

Using a simulated model of a legal practice, participants were taken through a series of modules where the program simulated revenue of the business based on the inputs and decisions made.

Case studies were also developed to teach the new partners how to make decisions on resources and staffing, which had financial impacts on their firms.

Based on the feedback and outcomes, the firm plans to run the program again next year.

[https://www.legalfutures.co.uk/latest-news/top-firm-uses-computer-simulations-to-train-new-partners?utm\\_source=iContact+Weekly+Newsletter&utm\\_medium=email&utm\\_campaign=legal-futures&utm\\_content=](https://www.legalfutures.co.uk/latest-news/top-firm-uses-computer-simulations-to-train-new-partners?utm_source=iContact+Weekly+Newsletter&utm_medium=email&utm_campaign=legal-futures&utm_content=)

## Proposed specialist accreditation in class action law?

Specialist accreditation in class action law is one of the recommendations made by the Australian Law Reform Commission from its inquiry into class actions and litigation funding.

To be overseen by the Law Council of Australia, a strong emphasis would be on requiring ongoing education to identify and manage conflicts of interests and duties.

<https://www.lawyersweekly.com.au/politics/24906-lca-should-oversee-accreditation-for-solicitors-in-class-action-law-says-alrc>

**Learning while you sleep: new frontier for CPD or dead end?**

The neuroscience of learning endlessly interesting in theory but challenging to apply in practice in the context of learning by lawyers. Take for example two recent studies about how our brains listen and learn while we sleep. In one study sleeping brains were played recordings of gibberish in one ear and news and current events in the other.

Brain scans revealed the sleeping brains tuned out the nonsensical gibberish and listened to the sensical recording. The study findings suggest that parts of the sleeping brain remain alert for meaning and relevance such as threats. The study reinforces other studies where sleepers awoke at the sound of their own name, not other names, and to the cry of their own baby, not other babies. If the brain can listen meaningfully while we sleep then what about learning?

Sleep learning has a name “hypnopeadia” (good one for the trivia quiz!). The early poster child for hypnopaedia was language tapes under the pillow in the hope the sleeping brain would absorb new information. It didn’t work and where it appeared to, it was later found that sleepers had been roused to consciousness by sound of the tapes.

Roll forward to today, and several studies have found that exposure to sound and smell stimuli during sleep can indeed strengthen memory of information learned earlier. In one study participants learned the locations of objects on a grid. While learning the location of some objects participants were exposed to a smell such as odour of roses. Exposed to the odour of roses again during sleep produced better recall of the location of those objects compared with objects where there was no odour during learning or sleep.

A 2018 study has produced similar results with sound cues. The study involved learning two musical

sequences. Participants then took a nap and were played only one of the musical sequences while they slept. Retesting after sleep found participants were better at the cued sequence than the uncued one.

So here we are in 2019 with newly accepted wisdom that reminding the sleeping brain of previous learning with sound and smell cues can work to solidify memory. How might we use this neuro gem in our CPD programs? A sound for a section of legislation, a smell for a particular case? The mind boggles! There is a serious and whimsical side to all this – are we as CPD professionals keeping up to date with developments the neuroscience of learning and making any attempts to use them in our programs?

Let your imagination run free and post your thoughts to the [LinkedIn group](#). Find out more about sleep learning here:

<https://www.smithsonianmag.com/science-nature/how-sound-and-smell-cues-can-enhance-learning-while-you-sleep-180968180/#kpZKr7hr2h6Bp4aC.99>

**Uniform CLE in the US? Dream on!**

If we thought our CPD schemes were somewhat tedious to explain to our lawyers and to navigate ourselves, think again!

This reflective short piece by Ruta Stropus, National Training Manager with Katten Muchin Rosenman in Chicago illustrates the challenges faced by CPD providers in the US, especially those in national law firms.

<https://www.aclea.org/blogpost/1325312/307622/Uniform-CLE>

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**Artificial Intelligence snippets**

***AI - virtual lawyers***

Lawyers Weekly reports that an Australian legal technology company has created a prototype virtual lawyer. The “virtual lawyer” is a test for whether lawyers will eventually be replaced by robots and creates legal documents instantly, in the same way a human lawyer would do.

[https://www.lawyersweekly.com.au/newLaw/24824-virtual-lawyer-built-for-amazon-s-alexa?utm\\_source=LawyersWeekly&utm\\_campaign=16\\_01\\_19&utm\\_medium=email&utm\\_content=2](https://www.lawyersweekly.com.au/newlaw/24824-virtual-lawyer-built-for-amazon-s-alexa?utm_source=LawyersWeekly&utm_campaign=16_01_19&utm_medium=email&utm_content=2)

***AI - powered legal assistant***

If you’ve wondered about the role of this technology in our work then you will no doubt be aware of the robust discussion happening around the use of artificial intelligence in law.

Andrew Arruda, the CEO and co-founder of Ross Intelligence spoke at the ACLEA Portland Conference in August 2018. ROSS is an advanced legal research tool that harnesses the power of artificial intelligence to make the research process more efficient. In his presentation, Anthony demonstrated how Alexa and Google Home can now perform such advanced tasks as calling a hair salon and making an appointment based on the owner’s diary and location.

Anthony’s recent TED talk can be found here:

[https://www.ted.com/talks/andrew\\_arruda\\_the\\_world\\_s\\_first\\_ai\\_legal\\_assistant](https://www.ted.com/talks/andrew_arruda_the_world_s_first_ai_legal_assistant)

***AI – can use of algorithms lead to increased bias in the courts?***

Like all such technological developments, there are unknown downsides. Law enforcement agencies and courts have begun using technology to drive practices such as suspect identification and sentencing with some unexpected consequences. See below:

<https://wjlt.com/2019/01/21/algorithmic-injustice-the-increased-prevalence-of-biased-code-in-courts-and-law-enforcement/>

**Recognition for CLEAA associates in 2019 Australia Day Honours List**

Aside from High Court justices Michelle Gordon and Geoffrey Nettle and many lawyers, two CLEAA “friends” were recognised in the Australia Day 2019 Honours List.

Centre for Judicial Studies founding director **Dr Livingston Armytage** was appointed a Member of the Order of Australia (AM) for significant services to civil justice nationally and internationally.

A Medal of the Order of Australia (OAM) of was awarded to **Kristen Will** for services to the legal profession. Kris is know to many CLEAA members for her work with the Law Council of Australia and the Australian Legal Practice Management Association.

**REMINDER- CLEAA Membership – Half yearly membership available**

If you are considering joining for the first time, a six-month membership is available from 1 January to 30 June for only **\$37.50**. [Available for purchase](#) now.

For further information, please contact the CLEAA Secretariat at [secretariat@cleaa.asn.au](mailto:secretariat@cleaa.asn.au)

**Save the Date!**

**The CLEAA 2019 Conference will be held on Thursday 17 and Friday 18 October, Sydney**

The Conference Planning Committee is working on the program now so if you have any suggestions for speakers or topics, please email the Committee Chair, [Bali Kaur](#). Updates will be available via our [LinkedIn group](#), so join now.