NYLJ Innovation Award:
Mark Berman,
Partner, Ganfer Shore Leeds & Zauderer LLP

"Join forces with like minds, try different angles, and speak with others who have the resources and connections to move technological ideas forward."
October 06, 2021

By Mark Berman

What are some of your proudest achievements from the past year? I created, designed and ran through the New York State Bar Association (NYSBA) and Hofstra University's Law School and School of Engineering a virtual Innovation Tournament for New York state law students. The mission of the Tournament was for law students to: (1) design computer "applications" that would seek to help the unrepresented in solving their everyday legal problems without the need for an attorney, and (2) create "apps" that would seek to improve virtual dispute resolution processes. Law student teams worked virtually to design the "apps" with over 30 dispute resolution practitioners and access to justice professionals, as well as over 20 computer scientists from Hofstra, in breakout rooms over Zoom. One winning "app" seeks to match unrepresented litigants with attorneys who can help them with their legal problems and the other "app" seeks to assist unrepresented with paying their bills and dealing with debt collectors. Now the students are working with Hofstra's computer scientists to bring those "apps" to life so they can be marketed. But most importantly, it is this type of innovative thinking that the future generation of lawyers' needs.

During the pandemic, I also came up with the idea, identified the authors, and designed the first virtual lawyering book for a bar association in the United States. The over 300-page NYSBA e-book titled "Virtual Lawyering: A Practical Guide" from conceptualization to publication took just eight weeks to complete during the summer of 2020 when New York lawyers needed it the most. In 2021, seeing a need for further guidance in this area, I originated a Virtual Lawyering column for the NYLJ.

I designed the only bar association-taught full-semester technology course in a law school in the country titled "Technology and the Legal Profession." It is this type of class that law students need to properly integrate into our new world of digital lawyering. In 2020, I taught the course virtually at Albany Law School.

What, if any, obstacles stood in the way of your innovation, and how did you overcome them? Lawyers are risk adverse and not comfortable with change. However, they can be convinced. Recruiting respected judges, academics, technologists, and senior attorneys to back your ideas, with well-written and documented reports supported by data, was successful in changing lawyers' mindsets about technology. Demonstrating to attorneys that the use of technology can reduce costs, minimize risk and increase profits helped to convince them of the benefits of technology. With lawyers, you must repeat yourself over and over again, and attorneys will ultimately listen and follow well-supported ideas.

What is the best advice for younger attorneys looking to advance their own innovative ideas or visions? Open your eyes, be willing to take some risk and be creative. Young lawyers look at problems differently than more seasoned lawyers, and a young lawyer should not be discouraged if a more senior lawyer does not fully appreciate, let alone understand, one's ideas on technology. Join forces with like minds, try different angles, and speak with others who have the resources and connections to move technological ideas forward. Participating in programs like the Innovation Tournament is a great way to meet people who can help bring innovative ideas to market.