THE GEORGE WASHINGTON UNIVERSITY SCHOOL OF LAW

READING GROUP: ECONOMIC/TECHNOLOGICAL INNOVATION FOR BUSINESS LAWYERS
LAW6351-17, 1 CREDIT HOUR
SPRING 2020

PROFESSORS:

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CLASS SCHEDULE:

The course will meet weekly on Thursday from 1:40-3:40pm on the following dates:

REQUIRED COURSE MATERIALS:

Required reading will be provided in a Course Pack and on the Portal. Additional reading that is not required will also be provided. Further material may be made available via the Portal.

CONTENT OF THE COURSE:

Business lawyers must have some appreciation of how economic and technological innovation works, both to better understand their business clients involved in disrupting existing industries or in dealing with the risk of being disrupted, and so that their own legal practices remain responsive to new opportunities and challenges that present themselves in the years to come. This Reading Group has dual objectives. First, by reviewing the limited number of past innovations that have had a transformative effect on economy and industry, it aims to provide some perspective on current and potential future technological innovations, as not all current innovations are likely to be as transformative as the most important past revolutions. However, because both the economy and legal practice are likely to change significantly (albeit in ways currently unpredictable) over the course of a current law student’s long career in legal practice, the second objective is to expose students to some thinking about how innovation takes place and can be encouraged, with the objective of better preparing students to practice and manage innovative thinking in their legal practices.
EVALUATION/GRADING METHODS:

This is a one credit reading group, graded CR/NC. There is no exam. The final grade will be based upon (1) completion and timely submission of all weekly writing assignments (reflection papers); and (2) class attendance and preparation/participation.

- **Weekly reflection papers:** For each of the six reading group meetings after the first, students will write and submit (to the Student Drop Box on the Portal page for the class) a reaction paper of 250 – 500 words (i.e., no less than one page of double-spaced text, no more than two pages), due by 5:00pm the day before a given reading group meeting. Papers will address a subject of the students’ choice relevant to the topic and/or assigned readings of the upcoming reading group meeting. Papers may also make reference to subjects addressed in previous reading group meetings. Timely submission of all weekly writing assignments is a requirement for successful completion of the reading group and will be responsible for 80% of students’ CR/NC grade.

- **Class participation:** Class participation will be responsible for the remaining 20% of the CR/NC grade.

CLASSROOM POLICIES:

- **Class Attendance:** As reflected in the GW Law School Bulletin, “[r]egular class attendance is required and is necessary for successful work. A student who is deficient in class attendance or participation will, after the instructor or Dean of Students Office attempts to communicate with the student, have a grade of No Credit (NC) entered on the record absent an excuse. (Here, as elsewhere in the Bulletin, email correspondence to a student’s official Law School email address is one fully acceptable means for student notification.) No excuse for deficient attendance or participation will be granted except by the Dean of Students Office and then only upon proof of unexpected serious illness, injury, or other emergency. A student whose excuse is accepted by the Dean of Students Office will be withdrawn administratively from the course.” (GW Law School Bulletin, p. 19 & 41).

- **Disability Support Services:** Any student who may need an accommodation based on the potential impact of a disability should contact the Office of Disability Support Services (DSS) at: 202-994-8250 located in Rome Hall, Suite 102, to establish eligibility. Once a student is registered and deemed for accommodation, he or she should then contact the Dean of Students Office at 202-994-8320 to coordinate reasonable accommodations (e.g. note-taking assistance, adaptive technologies, etc.).

For additional information, please refer to: http://disabilitysupport.gwu.edu/.

Law School examination protocol calls for anonymous grading. The disclosure of exam accommodations to a professor has the potential to breach exam anonymity. Students enrolled in interdisciplinary programs should be aware that protocols implementing
accommodations for a given course will differ based upon which GW Division is offering the course.

- **Academic Integrity Policy**: Students must strictly adhere to the GW Law School’s Academic Integrity Code (see GW Law School Bulletin, p. 47) and Law School publication “Citing Responsibly,” and the University’s Code of Student Conduct. At the time the examination is completed, each student must provide a signed Pledge of Honesty to the protector (or Records Office if it is a take-home exam).

- **Recording of Classes**: This course will follow the Law School’s “Class Recording Policy,” available at the Dean of Students Office website. Essentially, students may request class recordings when they will be absent for religious reasons, family emergencies, and other authorized absences. Requests for recording and questions about the policy should be directed to the Dean of Students Office.

**COURSE METHODOLOGY:**

The course format will consist of 1 one-hour introductory session and 6 two-hour sessions. Each session will include presentations by the professors, combined with class discussions about the topics to be covered, including any assigned reading materials for that class. Each presentation will include an overview of critical terminology and concepts that will complement assigned readings.

**COURSE LEARNING OUTCOMES:**

- A student who completes this course will have a basic understanding of selected episodes in transformative economic-technological innovation in U.S. history (with greatest emphasis on the period since WWII) and the broad implications of such revolutions for the organization (and thus the legal advising) of businesses. Students will also gain a broad understanding of contemporary thinking about the key components of regional innovation ecosystems (e.g., Silicon Valley). Finally, students will be exposed to a few frameworks for approaching individual business and legal problems innovatively and creatively (e.g., “design thinking,” generating business models for “lean” startups) and their recent intellectual history.

**SESSION TOPICS AND READING ASSIGNMENTS:**

Session 1 (Jan. 9, 1:40-2:40pm)

**Introduction**

- Meanings and types of innovation: industrial/technological “revolutions”; “disruption”; incremental. Different frequency of different types of innovation.
- Relevance to business lawyers: innovative clients, in legal practice, regional ecosystems, changes over time. Innovation vs. entrepreneurship.
- “Unteaching Uncreativity” (Rolf Faste) – engineers and lawyers as structured problem-solvers with specialized knowledge; creativity as counterbalance.
- Systems thinking, tacit knowledge and context, reflective practice, trial and error.
- Economic and intellectual history of innovation (in all its varieties) as spur to productive creativity, source of perspective, and antidote to hype.
- Plan for course

Required Readings:
- None

Session 2 (Jan. 16)
Speed review of past industrial/technological “revolutions” in the United States
1. The [British] Industrial Revolution (from late 18\textsuperscript{th} C)
2. Age of steam and railroads (from c. 1829)
3. “American system” of manufacturing (from c. 1850)
4. Age of electricity, steel and heavy engineering (from c. 1875)
5. Age of automobile with internal combustion engine, mass production and oil (from c. 1908)
6. Pre-war telecom electronics (Bell Labs) and WWII electronics (MIT RadLab)
7. [Covered in next session] Post-war electronics and age of information & communications technology (ICT) (from c. 1955 [transistor] or 1971 [microprocessor]) and the
9. “Second machine age” (from 2010s – ?).

Required Reading:

Additional Reading [corresponding to past industrial/technological revolutions as above]
5. excerpt of Chap. 5 of Gordon (2016), pp. 149-171.
Session 3 (Jan. 23)
Slightly Deeper Dive into the Information & Communications Technology (ICT) revolution.

Required Reading:

Additional Reading

Session 4 (Jan 30)
Some Key Concepts and Episodes re: the Understanding and Teaching of “Innovation”

Required Reading:
- Christopher Alexander, Goodness of Fit, Chap. 2 in Notes on the Synthesis of Form (1964)
- John Sharp and Colleen Macklin, Chap. 3. Iteration, in Iterate: Ten Lessons in Design and Failure (2019), pp. 43-58,
- Hal Gregersen, Better Brainstorming (HBR, Mar-Apr 2018)

Additional Reading
- Steven Spear and H. Kent Bowen, Decoding the DNA of the Toyota Production System (HBR, Sep-Oct 1999), 11pp.
Session 5 (Feb. 6)
‘Disruptive’ Innovation

Required Reading:

Additional Reading

Session 6 (Feb. 13)
Contemporary frameworks for encouraging innovative and creative problem-solving.

Required Reading:
- excerpt from Stanford d.school bootcamp bootleg summarizing design thinking (2013?), pp. 1-5.
- Natasha Jen, Design Thinking is Bullsh*t, video and transcript of 2017 99U Conference talk.

Additional Reading

Session 7 (Feb. 20)
Conclusion: Innovation for Future Business Lawyers

Required Reading:

Additional Reading:
- Rolf Faste, Un-teaching Un-creativity (talk given to the American Society for Engineering Education in the mid-1970s).