**Looking through the Looking Glass:
The Digital Legal Horizon
for Solo Practitioners**

*Digital Knowledge:
Print, E-Publishing, & Digital Rights*

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SOLO PRACTICE UNIVERSITY®
the 'practice of law' school

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Overview

- The Context & Statistics
- Digital Publishing
- Digital Publishing Issues
- Digital Libraries
- Digital Search (Power of Google)
- Digital Education
- Digital Workforce Development

The Context

THE WALL STREET JOURNAL.

Turning a Page: Newsweek Ends Print Run

December 31, 2012
#LastPrintIssue

The Context

"Digital publishing has certainly brought important changes in the way readers consume content as well as providing new tools to bring publications to live and distribute them in different platforms." ~ 3D Issue 2012 Report

"With the spread of digital technologies, dictionaries have become a two-way mirror, a record not just of words' meanings but of what we want to know. Digital dictionaries read us." ~ Jennifer Howard, The Chronicle of Higher Education, 2013

The Statistics

Association of American Publishers (AAP):
- 2011 E-Book sales $970 million
  - 18.6% overall
  - 27% adult market
  - 13% children's market

http://publishingperspectives.com/2012/10/looking-at-us-e-book-statistics-and-trends/

The Statistics

Economist Group 2012 Statistics:

- 112.5 million US adults are expected to own a table by 2016. (Forrester Research, 2012)

- 56% of tablet owners use their devices for reading news (Pew State of the News Media 2012)

- 77% of The Economist subscribers have never had a print subscription (The Economist Group customer database, 2011)

The Statistics

Economist Group 2012 Statistics:

- 45% respondents in Association of Magazine Media survey report they spend 1-3 hours per week reading magazines on their mobile devices (2011)

http://www.economistgroup.com/leanback/new-business-models/12-stats-that-matter-to-digital-publishing/

The Statistics

Insights Now 2012 Survey:

What do smartphone owners use their smartphones for:
- 46% "ME-time"
- 19% Interactive with Other People
- 12% Shopping
- 11% Accomplishing: Managing Finances, Health, & Productivity

http://www.3dissue.com/ebooks/publishingstatistics/

The Statistics

APTARA Survey of Publishing Professionals, 2011

- Publishing Companies:
  - 62% currently producing e-books
  - 22% not currently producing e-books but plan to do so in the future

- Sources of Sales of e-books
  - Amazon.com 38%
  - Own eCommerce Site 25%
  - iTunes 3%

The Statistics

APTARA Survey of Publishing Professionals, 2011

- Devices:
  - Apple iPad 25%
  - Amazon Kindle 18%
  - Apple iPhone 9%
  - Barns & Noble Nook 6%

The Statistics

APTARA Survey of Publishing Professionals, 2011

- Challenges:
  - Content Format & Device Compatibility Issues 30%
  - Distribution Channel Issues 21%
  - Quality of Converted Content 16%
  - Digital Rights Management 16%
  - Overall Cost of Book Production 8%

http://thecontentwrangler.com/2011/12/06/infographic-ebooks-publishing-industry-statistics/

Why Important for Solo Practitioners?

This is how many of our clients today and the majority of our clients in the next 5-10 years will increasingly be getting their information, including legal information and answers.

- Are we communicating with them the way they need us to?

- What new legal liabilities will emerge because of this transition to digital distribution of information?

Digital Publishing?

Electronic Publishing: the business of producing books, magazines, or newspapers that are designed to be read using a computer.

http://www.ldoceonline.com/dictionary/e-publishing

Digital Publishing?

The process of creating and disseminating information via electronic means including email and via the Web is **electronic publishing**. *Electronically published materials may originate as traditional paper publishing or may be created specifically for electronic publishing.*

- It's not really the method of creating the material that makes it electronic publishing. It's the method of disseminating the material.

http://desktoppub.about.com/od/glossary/g/Electronic-Publishing.htm

Digital Publishing?

- *Distribution of written-information digitally through diskettes, CD-ROMs, DVDs, portable document files (PDF), or online over the internet or other networks.*

http://www.businessdictionary.com/definition/electronic-publishing.html#ixzz2SnmdKI3K

- *Publishing information in an electronic form. This includes publishing CD-ROMs as well as making information available through online services.*

http://www.webopedia.com/TERM/E/electronic_publishing.html

Digital Publishing Issues

Data Collection
- Privacy (invasion of privacy class action lawsuits)
- Storage (cloud, account termination, etc.)

Data Integrity
- Accuracy
- Data Maintenance
  - Security/Risk Management
  - Breach (confidentiality)

Digital Publishing Issues

Digital Content Rights

- IP Online (licensing fine print)
- Digital Rights Management (DRM)
- Data Visualization of Content
- Digitization of Content
- Web Linking for Content
- Digital Distribution/Reseller Arrangements

Digital Publishing Issues

Kirtsaeng v John Wiley & Sons (2012-2013)

- Student had family in Thailand purchase textbooks at a low price.
- Student would then sell them in US for a profit.
- Textbook publisher sued: citing that under the US Copyright Act it is illegal to import copyrighted works acquired abroad w/out
- Permission from the copyright owner.
- Student won under First Sale Doctrine.

Digital Publishing Issues

Sales v Licensing

- Software Yard Sale Case
- iTunes TOS
- Will that mean that nothing will truly belong to us anymore because we can not determine what can be done with it?

Digital Publishing Issues

LICENSE OF MAC APP STORE AND APP STORE PRODUCTS

The software products made available through the Mac App Store and App Store (collectively, the "App Store Products") are *licensed, not sold,* to you.

http://www.apple.com/legal/internet-services/itunes/us/terms.html#GIFTS

Digital Publishing Issues

Digitization of Content

- Economic Rights of Authors
- Moral Rights
- Orphan Works

Digital Publishing Issues

Online Review Attacks

"Untouchable: The Strange Life and Tragic Death of Michael Jackson" by Randall Sullivan

v.

Michael Jackson's Rapid Response Team to Media Attacks

http://www.nytimes.com/2013/01/21/business/a-casualty-on-the-battlefield-of-amazons-partisan-book-reviews.html?pagewanted=all&_r=0

Digital Libraries

"Contemporary libraries have shifted from warehouses of books and materials to become participatory sites of culture and learning that invite, ignite and sustain conversations."

~ Buffy J Hamilton, NY Times, December, 2012

Digital Libraries

"We still need spaces for making knowledge and sharing change, and some of those, surely, we will continue to call 'the library.'"

~ Matthew Battles, NY Times, December, 2012

Digital Libraries

"Across the nation libraries are the No. 1 access point for people without Internet at home, school or work."

~ Luis Herrera, NY Times, December, 2012

Digital Libraries

What function will libraries have in 5-10 years if everything is moving digital?

- The future of reading?
- A bookless library? Bexar County, Texas (2013)
- There is still the haves and have-nots.
- Will this be resolved in 5-10 years?
- Will our clients be part of the haves or the have nots?
- Will they replace book stores?

Digital Search

The Power of Google
- The Auction House of Language: Google Adwords & Trademarks
- Linking News

Learning via YouTube
- Liability of misinformation?

Digital Education

How does the digital change the curriculum?

Is cursive dead? NY Times, 2013
The Student Cy-borg?

How does the digital change assessment, grading, testing?

Digital Education

CourseSmart ebooks

Offer teachers and professors a dashboard where they can monitor individual's student engagement. (Privacy Concern)

Not a textbook but Personalized learning experience.

Digital Education

ebooks

Students still like print.

Cost savings – illusionary as pricing "bundle" keeps getting smaller –
> *"Service to offer e-books on a per-page charge basis"* 2012.

Digital Education

Technology:

- MOOC's (Massive Online Online Courses)
  - Accessibility/ADA
- Bill of Rights and Principles for Learning in a Digital Age (Constitutional Law concerns)
- DegreeCompass (helping students select courses)
- Tablets
- 3-D Printing

Digital Workforce Development

Connected to National Security

http://www.dhs.gov/shaping-future-cybersecurity-education-and-workforce-development

Digital Workforce Development

Ten Skills for the Future Workforce
- Sense-making
- Social Intelligence
- Novel & Adaptive Thinking
- Cross-Cultural Competency
- Computational Thinking
- New Media Literacy
- Transdisciplinarity

Digital Workforce Development

Ten Skills for the Future Workforce (cont.)

- Design Mindset
- Cognitive Load Management
- Virtual Collaboration

http://marciaconner.com/blog/ten-skills/

Digital Workforce Development

Do we as solo practitioners have these skills?

Do we need them?

How do we get them?

Digital Workforce Development

Gamification/Training
- New skills to learn the new skills required?
- Who is responsible?
- Privacy of employee scores?

Questions??

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