

INTRODUCTION TO THE THIRD ISSUE OF NOVA LAW REVIEW'S FORTY-SEVENTH VOLUME

This issue includes two of the articles that were presented at the 2023 *Nova Law Review* Annual Symposium. One goal of the 2023 *Nova Law Review* Symposium: Advancing Advocacy was to delve into the storied past of advocacy and its application to the legal profession.

Advocacy exists at the very heart of the human experience. From prehistoric hunter-gatherer discourses in listening circles to the pontifications of ancient philosophers—and from countless rousing speeches to innumerable oral arguments thundering across courtrooms, advocacy has sustained human self-determination. History has also demonstrated how written or printed words, especially those that capture their author's fervor, can be just as electrifying and persuasive as fiery oratory. Today, we find ourselves at the most developed point of persuasive human expression—the cutting edge of advocacy. Concurrently, American society remains at the vanguard of an enduring and constantly evolving technological revolution.

Legal advocacy is underpinned by English common law, the American adversarial approach to client representation, and the ever-evolving ethical principles within the American Bar Association Model Rules of Professional Conduct. Advocacy at NSU Law benefits from the wealth of experience—both inside and outside the courtroom—of the faculty. Indeed, the faculty's expertise is one of the reasons that NSU's advocacy program is ranked in the top twenty percent of American Bar Association (ABA) approved law schools.

Another goal of the Symposium was to peer into the future of advocacy—laden with dynamic policy advocacy platforms alongside the prospect of robot lawyers wielding artificial intelligence. In doing so, *Nova Law Review* endeavors to apply NSU Law's inexorable spirit of perseverance as the legal profession charges toward the technological frontier of legal advocacy.

The Honorable John G. Browning explores that frontier in *Advocacy in the 21st Century: The Duty of Technological Competence and Today's Trial Lawyer*. He discusses the indispensable role that technological competence plays in a trial attorney's practice while

surveying the multitude of pitfalls that could befall the technologically unskilled at any moment. Importantly, Justice Browning quells the silent fears shared by countless attorneys of a robotic lawyer “lurking in the shadows” by reminding readers that “[c]ourtroom advocates must adapt to the changing needs of society and must be conversant in the technology relevant to the day-to-day practice of this specialty.” The future of advocacy, however, contains more than solely technological novelties.

Substantive novelties, such as the availability of a new Policy Advocacy Model to foster attorneys’ success in policy-related efforts, also comprise the frontier of advocacy. In *Advancing Policy Advocacy: A Policy Process Approach*, Professor Brian K. McNamara discusses how advocates who seek to engage in public policy work would be best equipped if they would do so with an awareness of its distinction from trial advocacy. The real possibility of regular interactions with non-attorneys is a key feature of policy advocacy. Skillfully maneuvering such interactions is one of the keys to successful policy advocacy. Further, anticipating and accounting for the non-linear and often unpredictable progress and pace of policy work is another key to successful policy advocacy. Additionally, policy work exposes advocates and their resources to sometimes chaotic external forces such as “[b]udget demands, routine election cycles, and emergent events” causing strain seldom encountered in a courtroom. Viewing such work through the powerful lens of Professor McNamara’s model could help even seasoned trial lawyers adapt to the sometimes tempestuous nature of policy advocacy.

It was truly an honor for *Nova Law Review* to host a Symposium about a topic so integral to NSU Law’s spirit. From its very beginning, NSU Law has incubated and promoted a courageous willingness to dive into an uncertain yet promising future. From its rigorous journey to inception to spirited exchanges during its first faculty meeting to finally holding its first classes, persuasive expression has played an enduring and prominent role at NSU Law. Those hardy roots spawned a tradition of excellence that endures to the present day. NSU Law currently hosts two advocacy organizations that regularly compete and excel nationally. Just this school year, the NSU Trial Association, with a focus on trial advocacy, sent a student team to the prestigious Buffalo-Niagara Mock Trial Competition who returned as national champions. Also this year, the NSU Moot Court Society, with a focus on appellate advocacy, sent a student team to the preliminary rounds of the ABA Moot Court

Competition who returned as regional champions. That team will compete for the ABA Moot Court National Championship later this year. Much like the present, the future of NSU Law and the advocates it fosters remains bright and promising. Thank you all for your generous and abundant support. It is truly the fuel that lights our beacon, illuminating NSU Law's progress into the ever-evolving future.

In addition to the advocacy-based articles, this issue includes an essay by Professor Robert M. Jarvis describing Nova University's decision to open a law school. Had the University chosen a different path in 1974, the law school we now call the Shepard Broad College of Law would not exist.

Best Regards,
The Editors