

INTRODUCTION: REENVISIONING DISPUTE RESOLUTION, CLINICAL EDUCATION, AND LEGAL PRACTICE IN A CHANGING WORLD

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The legal profession is in a unique moment in time to envision legal education and legal practice. The explosive growth of artificial intelligence (AI) and Legal Tech,¹ the revised American Bar Association law school accreditation standards regarding experiential learning and professionalism,² and the NextGen Bar Exam set to debut in July 2026³ all greatly impact legal education and legal practice. This confluence of major changes demands attention, reflection, and perseverance from law school faculty—including clinicians and dispute resolution academics—as well as legal practitioners to address these issues with vision, fearlessness, and fortitude. This volume, *New Directions in Dispute Resolution Clinical Education, and Legal Practice: AI, Legal Tech, and Beyond*, takes on these changes alone and together.

This volume continues an evolution of cutting-edge scholarship in the fields of dispute resolution, clinical education, legal practice, and access to justice published by the *Washington University Journal of Law and Policy* in collaboration with the Washington University School of Law Negotiation

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1. See generally Neil Schoenherr, *Changing the Future of Law and AI*, WASHU MAG. (Dec. 3, 2025), <https://source.washu.edu/2025/12/changing-the-future-of-law-and-ai/> [<https://perma.cc/J2LA-E7MU>].

2. STANDARDS AND RULES OF PROC. FOR APPROVAL OF L. SCHS. § 303 (A.B.A. 2024), https://www.americanbar.org/content/dam/aba/administrative/legal_education_and_admissions_to_the_bar/standards/2024-2025/2024-2025-standards-and-rules-for-approval-of-law-schools.pdf [<https://perma.cc/RS9Z-BJZ2>].

3. The NextGen Bar Exam will now test a broad range of foundational lawyering concepts and skills, incorporating new focuses on client counseling and advising, negotiation, and dispute resolution theory and practice. See *NextGen Bar Exam Research and Development*, NAT'L CONF. OF BAR EXAM'RS, nextgenbarexam.ncbex.org [<https://perma.cc/QSE7-UWSG>] (last visited Dec. 8, 2025).

& Dispute Resolution Program and Clinical Education Program. Over the past fifteen-plus years, the *Journal* has become a leading publisher of scholarship in these key areas and has published important timely articles by almost 200 top dispute resolution experts, clinicians, legal educators, and practitioners.⁴

This volume is the eleventh in this series, which includes the following prior groundbreaking volumes: *New Directions in Clinical Education*;⁵ *New Directions in Dispute Resolution and Clinical Education*;⁶ *New Directions in Restorative Justice*;⁷ *New Directions in Negotiation and Dispute*

4. Academics and practitioners whose work addresses dispute resolution and/or clinical education previously published in the *Journal* (with apologies for unintended omissions) include Sunday Kenechukwu Agwu, Jane Aiken, Jess Alberts, Marilyn Peterson Amour, Jim Anaya, Margaret Martin Barry, Gordon Bazemore, Todd Berger, Warren Binford, Tamara Birkhead, Kristen Blankley, Beryl Blaustone, Frank Block, Brenda Bratton Blom, Sarah Boonin, Juliet Brodie, Susan Brooks, Jennifer Gerarda Brown, Martha Brown, Deborah Burand, Catherine Greene Burnett, Bridgette Carr, Natalia Martinuzz Castilho, James Cavallaro, Luke Cole, Kim Diana Connolly, Nancy Cook, Charles Craver, Scott Cummings, Michael Diamond, Anna deDufour, Noam Ebner, Yael Efron, Kimberly Emery, Kenneth Feinberg, Sarah Jane Forman, Kenneth Fox, Lynda Frost, Diane Galatowitsch, Martin Geer, Michael Geigerman, Jeff Giddings, Sara Gold, Toby Golick, Leigh Goodmark, Danny Greenberg, Elayne Greenberg, Toby Treem Guerin, Martin Guggenheim, Isabelle Gunning, Michael Haber, Maureen Hackett, John Haley, Carol Harding, Carolyn Copps Hartley, Norrinda Brown Hayat, Kristin Henning, Luz. E. Herrera, Randy Hertz, Holly Hills, Bill Ong Hing, Art Hinshaw, Paul Holland, Elizabeth Hubertz, Carmen Huertes-Noble, Emily Hughes, Jonathan Hyman, Carol Izumi, Dipika Jain, Eric Janus, Mike Jenuwine, Susan Jones, Peter Joy, Ann Juergens, Helen Kang, Catherine F. Klein, Christoph König, Amanda Kool, Kate Kruse, Robert Kuehn, Heather Kulp, Ved Kumari, Jacqueline Lainez, John Lande, Karen A. Lash, Julie Lawton, Michelle, LeBaron, Janet Lessem, Wilma Liebmann, Leslie Levitas, Antoinette Sedillo Lopez, Rachel Lopez, Kerri McGowan Lowrey, Bobbi McAdoo, Angela McCaffrey, Kim McLaurin, Peggy Maisel, Mary Medcalf, Carrie Menkel-Meadow, Deborah Jones Merrit, Olinda Moyd, Abhayraj Naik, Karlee M. Naylon, Mary Anne Noone, Kimberly Jade Norwood, Charles Ogletree, Lola Akin Ojelabi, Deanna Pantin Parrish, Michael Perlin, Jean Koh Peters, Carrie Petrucci, Alicia Plerhoples, Jeffrey Pokorak, Sharon Press, Bill Quigley, Mae Quinn, Mizanur Rahman, Asha Ramgobin, Spencer Rand, Jennifer Reynolds, Kathryn Rimpfel, Richard Roe, Deborah Ruggs, Geetha Sant, Daniel Schaffzin, Mara Schiff, Taysa Schiocchet, Dina Schlossberg, Maged Senbel, Sandra Simkins, Samuel Stragand, Paul Tremblay, Dina Schlossberg, Andrea Kupfer Schneider, Zachary Schmook, Sunny Schwartz, Robert Seibel, Ilene Seidman, Sandra Simkins, Sukhsimranjii Singh, Abbe Smith, Brenda Smith, Stephen Sonnenberg, Jane Spinak, S.I. Strong, Bianca Sukrow, Nina Tarr, Tony Thompson, Karen Tokarz, Paul Trembley, Jeffrey Trueman, Mark Umbreit, Adrienne Volenik, Rose Voyvodic, Lode Walgrave, Mohammed Wattad, Brenda Waugh, Anita Weinberg, Ian Weinstein, Erika K. Wilson, Steve Wizner, and Scott Young. All volumes of the *Journal* are freely available at *Issues*, WASH. U. J.L. & POL'Y, <https://journals.library.wustl.edu/lawpolicy/issues/> [<https://perma.cc/Z8AD-6W88>] (last visited Dec. 8, 2025).

5. See generally *New Directions in Clinical Legal Education—Law for the People*, 28 WASH. U. J.L. & POL'Y (2008).

6. See generally *New Directions in ADR and Clinical Legal Education*, 34 WASH. U. J.L. & POL'Y (2010).

7. See generally *Beyond Retribution: An Integrated Approach to Restorative Justice*, 36 WASH.

Resolution;⁸ *New Directions in Global Dispute Resolution*;⁹ *New Directions in Community Lawyering, Social Entrepreneurship, and Dispute Resolution*;¹⁰ *New Directions in Public Policy, Clinical Education, and Dispute Resolution*;¹¹ *New Directions in Domestic and International Dispute Resolution*;¹² *New Directions in Dispute Resolution and Clinical Education in Response to the COVID-19 Pandemic*;¹³ *New Directions in Dispute Resolution and Clinical Education in the Post-Pandemic World*.¹⁴ The *Journal* has also published a series of volumes entitled *Access to Justice*, several of which address dispute resolution, clinical education, legal practice, and community lawyering.¹⁵

Dispute resolution advocates, clinical faculty, and public interest lawyers—like those featured in this volume—are changing legal education and legal practice as they teach, write, and work in the community. They are increasingly engaged in diverse and innovative approaches to legal education and practice through new and creative forms of advocacy, dispute resolution, and legal technology that bolster (and sometimes replace) traditional litigation. Dispute resolution mechanisms which occur largely outside the courts (but increasingly within the courts), including negotiation, conciliation, ombuds, mediation, and arbitration, have become the principal modes of legal dispute resolution in virtually every legal field and in virtually every country in the world.¹⁶

The authors in this volume insightfully explore progressive

U. J.L. & POL'Y (2011).

8. See generally *New Directions in Negotiation and ADR*, 39 WASH. U. J.L. & POL'Y (2012).

9. See generally *New Directions in Global Dispute Resolution*, 45 WASH. U. J.L. & POL'Y (2014).

10. See generally *New Directions in Community Lawyering, Social Entrepreneurship, and Dispute Resolution*, 48 WASH. U. J.L. & POL'Y (2015).

11. See generally *New Directions in Public Policy, Clinical Education, and Dispute Resolution*, 51 WASH. U. J.L. & POL'Y (2016).

12. See generally *New Directions in Domestic and International Dispute Resolution*, 63 WASH. U. J.L. & POL'Y (2020).

13. See generally *Reenvisioning Community Lawyering*, 68 WASH. U. J.L. & POL'Y (2022).

14. See generally *New Directions in Dispute Resolution and Clinical Education in the Post-Pandemic World*, 70 WASH. U. J.L. & POL'Y (2023).

15. See generally WASH. U. J.L. & POL'Y, *supra* note 4 (volumes 1, 4, 7, 10, 11, 12, 14, 16, 19, 20, 22, 25, 31, 37, and 38).

16. See, e.g., Karen Tokarz & M.R.K. Prasad, *Advancing Social Justice through ADR and Clinical Legal Education in India, South Africa, the United States, and Beyond*, in *THE GLOBAL CLINICAL MOVEMENT: EDUCATION LAWYERS FOR SOCIAL JUSTICE* 253 (Frank Bloch 3rd ed. (forthcoming 2026)).

developments in dispute resolution, clinical education, legal practice, and legal technology that signal new and different roles for lawyers, dispute resolution advocates, and those teaching about law and lawyering. These authors are at the forefront of innovative teaching, scholarship, and practice in the changing legal world.

Most law schools in the United States and elsewhere now offer multiple courses and clinics in dispute resolution and public policy, as well as courses addressing AI and Legal Tech.¹⁷ Some law schools now require first-year students to take a problem-solving, negotiation, or dispute resolution course. The Washington University School of Law has required an Introduction to Negotiation & Dispute Resolution course to graduate for 15 years.¹⁸ Many law schools offer upper-level courses and clinics involving negotiation, mediation, community lawyering, and other forms of non-litigation advocacy.

Many new dispute resolution clinics are community-based and/or partnered with community-based legal providers, like the legal services programs from which a host of early clinical law teachers came.¹⁹ And, more and more of these new clinics are interdisciplinary in which faculty and students collaborate regularly with professionals from other disciplines and many include exploration and usage of AI and Legal Tech.

Looking forward, many legal educators and practitioners believe dramatic curricular reforms are essential if we are to prepare graduates to practice in a legal world in which lawyers are equipped to resolve disputes more fairly and efficiently, to influence law and public policy inside and outside the courtroom, and to manage the explosion of AI and Legal Tech. Both new and experienced law faculty and practitioners (including those whose work is featured in this volume), are committed to a better understanding of what is needed in legal education and legal practice today

17. The Washington University School of Law offers courses in Advanced Privacy Law, AI Law, AI & the Judiciary, AI & the Entertainment Industry, ALR: Analytics, Commercial Lease Drafting & Negotiation with AI, Digital Civil Liberties Seminar, Information Privacy Law, Introduction to Geospatial Law, and Law Tech Seminar. Notes on file with the author.

18. *Juris Doctorate Program Requirements*, WASHU L., <https://law.washu.edu/academics/jd-program/jd-requirements/> [https://perma.cc/Q269-38S4] (last visited Dec. 8, 2025).

19. See, e.g., Karen Tokarz, *Introduction: Revisioning Community Lawyering*, 68 WASH. U. J.L. & POL'Y i (2022); Karen Tokarz et al., *Legal Education at a Crossroads: Innovation, Integration, and Pluralism Required!*, 43 WASH. U. J.L. & POL'Y 11 (2014); Karen Tokarz et al., *Conversations on "Community Lawyering": The Newest (Oldest) Wave in Clinical Legal Education*, 28 WASH. U. J.L. & POL'Y 359 (2008).

to best prepare creative, competent, ethical lawyers.

This volume contains essays and articles that address today's pressing curricular and practice concerns, authored by prominent faculty and practitioners engaged in progressive legal education and practice. Like others across the country and the world, these authors are reexamining what has been taught for decades, and rethinking what is and is not, what can and cannot be, and what should or should not be taught and learned about law, justice, dispute resolution, advocacy, public policy, and technology.

One of the authors in this volume shares recent developments in clinical legal education to use AI to enhance the delivery of legal services in housing conflicts in an already over-burdened legal system while expanding access to justice and educating students (and lawyers) about ethical obligations.²⁰ Another author explores the use of clinical education to use an ODR platform in family law matters such as uncontested divorces to increase access to legal services and justice while preparing future lawyers for the changing profession.²¹

Another advocate explores the promise and limitations of AI in dispute resolution through the use of Real Practice Systems (RPS) theory, concluding that RPS can enhance but not replace human judgment.²² While recognizing that empirical studies have found generative AI can negatively affect the performance of both students and practitioners, another author proposes reforms in the structure of legal education and practice, building on time-tested techniques used in England and incorporating modifications needed to take the unique features of generative AI into account in a logical and responsible manner.²³

One author explores using AI Bots to serve as trainable teaching assistants for negotiation and mediation courses to guide students through the dynamic behavior of effective legal negotiators while recognizing the tendency of Bots to default to cooperativeness and transparency.²⁴ One set

20. See generally Conrad A. Johnson, *Generative Artificial Intelligence with a Human Touch: Building HANA*, 79 WASH. U. J.L. & POL'Y 107 (2026).

21. See generally Christopher Gibson, *ODR Systems to Settle Divorces: How Clinical Legal Education Can Play a Role Using Online Technologies*, 79 WASH. U. J.L. & POL'Y 61 (2026).

22. See generally John Lande, *Promoting Better Dispute Decision-Making with an AI Tool Built on RPS Theory*, 79 WASH. U. J.L. & POL'Y 135 (2026).

23. See generally S.I. Strong, *Responsible Regulation of Artificial Intelligence in the Legal Profession Through a Split Bar: Implications for Legal Educators*, 79 WASH. U. J.L. & POL'Y 167 (2026).

24. See generally Dwight Golann, *An Essay on Whether We Can We Train Bots to Become*

of co-authors endorses an Integrative Law Approach to Negotiation course designed to frame negotiation as a relational and values-based practice; aimed to enhance the development of professional identity as endorsed by the ABA guidelines.²⁵

Another set of co-authors examines the duty of mediators to ensure parties have the capacity to participate in mediations, especially in cases where the Americans with Disability Act may be at play, providing practical tools for mediators to stay within ethical boundaries and ensure quality participation of parties in all mediations.²⁶ Another set of authors explores ‘hybrid warfare’ in current legal practice, requiring lawyers to stand ready with negotiation and mediation skills to manage cyber-attacks, disinformation campaigns using AI, the use of courts to suppress reporting or shield bad actors, and more. They suggest that “as the world changes, as methods of combat evolve, and as client needs change accordingly,”²⁷ lawyers must change their skills to competently and ethically represent their clients and achieve access to justice.

Each piece in this volume draws upon the authors’ experiences with individuals, institutions, communities, and the public at large in advocating for increased legal curricula and legal practice reforms. The scholarship in this volume is a superb example of why dispute resolution and clinical scholarship is vitally important to improvements in law and justice; why faculty in these areas should and must publish; and how this work significantly benefits the academy, the legal profession, the courts, and society across the world.

The eight articles in this volume focus on transformations and innovations in the world of legal education and legal practice, with various overlaps as to philosophy and values among the articles. We extend thanks and appreciation to all who contributed to this important, groundbreaking volume—*New Directions in Dispute Resolution, Clinical Education, and Legal Practice: AI, Legal Tech, and Beyond*.

Virtual Teaching Assistants? And What Do We Learn as We Do?, 79 WASH. U. J.L. & POL’Y 95 (2026).

25. See generally Malin Stearns Johnson et al., *Embodied Negotiation: Preparing Future Lawyers Through Integrative Practice*, 79 WASH. U. J.L. & POL’Y 183 (2026).

26. See generally Dan Berstein & Kristen Blankley, *Can I Ask That? Helping Well-Meaning Mediators Prevent Common Capacity Assessment Pitfalls*, 79 WASH. U. J.L. & POL’Y 27 (2026).

27. See generally Cynthia Alkon & Andrea Kupfer Schneider, *Law, Conflict, and Hybrid Warfare: A Teaching Imperative for a Changing World*, 79 WASH. U. J.L. & POL’Y 7 (2026).