

Best of Pioneers and Pathfinders: Nicole Morris

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Steve Poor

Hi, this is Steve Poor, and you're listening to Pioneers and Pathfinders.

With the school year just around the corner, we're going back to a great episode featuring Professor Nicole Morris of Emory Law. Nicole wears many hats. She's not only a professor, but also leads the TI:GER program, which brings together students from law, business, and engineering to turn ideas into real world innovations. Since we last spoke with her, she has become the Faculty Director of Emory's IP & Innovation Clinic, the only clinic in Georgia authorized by the US Patent and Trademark Office to allow law students to practice patent law. In our conversation, Nicole talks about how she found her way into legal education and why experiential learning is so essential for today's students. It's a must-listen as we gear up for the fall.

Thank you very much. We're back after the holiday with a new episode.

This week, we're joined by Nicole Morris, Professor of Practice at Emory University School of Law, where she is also the director of the innovation and legal tech initiative and director of the TI:GER program. More on that in a minute. Nicole has had a fascinating multifaceted career journey. After working as a chemical engineer for several years, she decided to go to law school. She then became a patent attorney at several large and mid sized law firms, and later worked in house, becoming a professor of practice at Emory. Nicole's focus includes patent law, patent litigation, IP licensing and strategy. She's director of the school's program technological innovation generating economic results known as TI:GER. TI:GER is an innovative program that brings together graduate students in law, business, science and engineering to work on ways to take innovative ideas from the lab to the marketplace. In our discussion, Nicole talks about her journey from chemical engineering to law the various elements of TI:GER and the importance of human skills in the legal profession. Thanks to each of you for listening in.

I'm talking today with Professor Nicole Morris of Emory University, law school. Nicole, thank you for joining. Thanks for making the time.

Nicole Morris

Thank you for having me. This is really a wonderful opportunity to talk about my work.

Steve Poor

Yeah, so let's start at the beginning. You didn't go directly to law school. You didn't have one of those dreams of, I always want to be a law professor. You were a chemical engineer by training masters and from Michigan, I think...

Nicole Morris

That's right.

Steve Poor

Before going to law school. What was it attracted you into the engineering profession, and what was it that caused you to change into the legal profession?

Nicole Morris

Yeah. So when I was in high school, this job was probably the last thing I would have listed being a law professor on my sort of careers in the future opportunity. I really enjoyed math and science and excelled in those subjects in high school, so decided to pursue chemical engineering, actually through a recommendation from my high school job. His daughter was a chemical engineer, worked for a government contractor on Long Island called Northrop Grumman. He said, if you if you like math and science, then and I really chemistry was the subject that I particularly enjoyed. He's like, You should do this. So I said, okay, and that was my declared major going into pursuing undergraduate studies. And I was a little nervous, because I would talk to people, and they would tell me how difficult Chemical engineering is, and...

Steve Poor

It certainly sounds, certainly sounds hard to me. I'm a political science major, and the sciences seemed really hard to me.

Nicole Morris

I tell you there that statement ignorance is bliss, really is true. Because if you know how difficult a task is going in, you're not you're not taking it on. So I had no idea. I knew it probably was no ... In my mind, it was no harder than the other options, but at least it involved things I enjoy doing and learning about. So the work is is taxing, but I'm doing work that I enjoy versus the work is taxing, and I don't really want to be here. So I was happily, or I guess, a willing participant in the pain, and I selected an undergrad institution where I thought, if I had to quit engineering, are there other degree programs? So my fallback was economics. So it also had more of a math emphasis in business. And I thought, well, if I don't like this engineering stuff, I'll just switch majors and study econ at Northwestern, and that'll be fine.

Steve Poor

It's good to have a fallback position, isn't it?

Nicole Morris

Yeah, you know, I have a high school a son who's in high school junior right now, and I feel like he's the opposite of me, which is I'm very troubled, given that's my child, but he's pretty much undecided about all things. And I thought, not only did I have a plan, but I had a backup plan. And I'm like, You have no plan. So we'll see how this works out.

Steve Poor

You know, he's more typical than you are for a high school junior.

Nicole Morris

I'm just rolling with it because I think it, it helps my anxiety, and at some point, I hope the universe steps in and will close the gap.

Steve Poor

I'm sure, I'm sure it will. I'm sure it will. But you then went on to after graduation, you went on and you worked for companies like 3M and Eli Lilly, before going back to get your master's at University of Michigan. At some point you made the decision to change and go to law school. What prompted that?

Nicole Morris

Yeah, so actually, I can. Considered law school at the completion of my engineering degree, but it was also more school. So I was at this crossroads where the engineering program was pretty theoretical at Northwestern I wasn't really clear on like, what does it mean to be a chemical engineer, but I was also fascinated with the idea of pursuing a law degree and becoming a patent attorney. So I had this notion of patent law when I was finishing up my undergraduate degree, but I really couldn't answer the question what it meant to be a chemical engineer, at least not well enough in my mind. So I chose to go work in industry for three years, just to sort of like, figure that out. And my job at Eli Lilly brought me in touch with a phase two clinical trial. So most people don't realize phase three, it's when we interface, or when the pharmaceutical company. We'll interface with the consuming public, and it will enlist volunteers take the sort of the drug to be approved by the FDA and understand the effects of it. Well, phase two is really testing out the rigor of the manufacturing process and what you need to do to optimize that. So I was working on a phase two clinical with some PhD chemists, and I was just like excited and fired on all neurons. And I was like, this is, like the most best part of my job I've ever had a chance to do anything with. And I thought, I want to become a PhD chemist. So I went back to school at that point, and being a PhD candidate, having sort of studied organic chemistry, like five years before, was the hardest thing I've ever done in my whole life.

Steve Poor

Oh, God, it sounds like it.

Nicole Morris

I was like, Oh my god. I can't believe I have so much memory loss. Like I used to be really good at this, so it was sort of like, not a wise move if that was something I really wanted to do, granny. You don't know these things. I was just a 20 something year old, you know, person at that time. So I thought, You know what, I don't think being a PhD chemist is something I want to do. And the, you know, the difficulty of the academic rigor was enough for me to say I need to make the best of this. So the best of it was a master's degree, and let's go back to industry and figure this out. So I did that, and I got a job at 3M. So, finished with the Masters, started working at 3m in their polymer chemistry group. That was really interesting. But then I really started thinking about career. So I think at the first, you know, four ish years, I was just really learning, like I was still, for me, it was still important, like, what am I learning and how am I doing well? And then at the moment, I started working at 3am I started getting some leadership roles and doing some other things. And it really sort of, I hit a moment in my professional development where I started thinking, Well, what do you want to do as far as a career? Like, now you

need to start thinking about management or subject matter expertise. But like, where do you see yourself? And for me, the company felt very daunting in terms of, there weren't very many people who looked like me in leadership roles in the technical community. So I took a cue from company culture to say, I can't imagine I'm the first black person who's been an engineer and chemist at this organization, or the first woman to do some of these things. Yet, when you look at the ranks of the senior leadership team in the technical departments or units, they were all white men. So I thought, I don't know if what they're projecting back to me as a person in my mid 20s, that's saying this isn't the company that will promote you to the positions you want. So I thought to myself, what degree can you acquire where you're given sort of this sometimes outsized credibility about knowing a lot that you may or may not know, but more importantly, you could be CEO. You can be president of United States. You can start your own business. And like the only degree program that read to my mind at that time was law right? And I thought about a law degree when I finished undergrad, and I thought, well, now I could totally be a patent attorney, because I've got all of this industry experience. I have a master's degree, I meet the requirements for the exam, and then if I get a law degree, then that's like the career path that I felt would be fulfilling, satisfying, and kind of hit all of the sort of checklist, you know, like satisfy my need side with the technology and science really do some interesting work on the legal side, in terms of answering questions, doing deals, representing people, I thought I might want to start a business so, like, it would help with an entrepreneurial work. If I needed to do contracts, and, you know, engage with other businesses, I would know how to do that for my legal training, so it sort of fit a lot of different boxes that I had laid out in front of me. So then at that point, I decided to go to law school.

Steve Poor

So, how did your engineering training and mindset help or hinder or a little bit of both in law school?

Nicole Morris

Yeah, you know, it's really true that first year of law school sort of like, is brain breaking and then reforming in some extent. I think of it now when I when I teach 1Ls, and in engineering school, you are working towards a or the answer, but law, it really is contextual, and often it depends, right? There is no answer. So once I understood that, it was more about the analysis, not so much so about the conclusion. Even though we say IRAC includes the conclusion, you're concluding based on your analysis, but you can conclude in the opposite direction as well based on your analysis. So once I understood that it wasn't about getting to a answer or the answer, and really the process in the issue, spotting and then analysis based on whatever rule framework law became a lot easier. So I think the engineering or my engineering experience or brain was looking for process like as an engineer, and I still think this way, we're very process oriented, right? So we study equations, we study sort of frameworks, and the law is actually well suited for that, because there is a legal process and there's a legal framework, and once your brain aligns with that, you see things quite clearly. It's almost like the movie The Matrix. It's just like, a bunch of numbers just scrolling down. And you're like, Oh, I understand how all this works. And you're given different legal disciplines and doctrines, and you're like, Okay, here's the rule. Or there's no bright line test, or it's a multi factor test. You're looking for this, and it's just all in the framework of how we analyze a given set of facts. So it took a little while to get to that understanding of this is how the law works. But once that sort of came into focus for me, it was actually fun. I enjoyed law school. So, you know, I decided to study things that I knew I would never practice,

like I took bankruptcy, and I was like, Oh, this is fascinating. You know, all the corporations courses. And I'm like, Ah.

Steve Poor

Yeah, that's amazing. You then went and practiced for a while, went in house for a while, before going into teaching at Emory, where you've been for the last eight or nine years. What caused you to go into academia?

Nicole Morris

Yeah, you know, I was in private practice, and the market was really churning at the time. So I was an adjunct here at Emory prior to coming over full time and having lunch with one of the other full time professors, and he mentioned that one of his colleagues was retiring, and there was this opportunity that they'd be hiring. And I was like, Well, what's this role? Because at this point, I was trying to find a more stable, sort of like legal position. Because I thought, you know, at some point between the law firm turnover or even within corporate, it's not as stable as one might suspect. And when I inquired about what the program was, which is the program I direct, the TI:GER program, which stands for technological innovation, generating economic results, which is a mouthful.

Steve Poor

But it abbreviates to TI:GER, which is cool.

Nicole Morris

It abbreviates to TI:GER. Yep, it's really about technology commercialization. So think the Technology Transfer Office at a university or at a research institution, or even within a corporate setting, where you have your product development teams, right? So you have your R&D department that comes up with the pure innovation, and then you have to translate that into something you can commercialize and monetize. So I wanted to explain what the program goals were in terms of bringing together law students. And this has now changed, but I'll tell you what the program was when I joined Emory: law students, business students and a PhD student, and they worked together in a team, sort of as a quasi startup, to commercialize the technology of the PhD student. So PhD students working on a thesis, whatever the thesis framework is, whether it's an engineering department, we've had some PhD students out of Emory in the chemistry immunology department, but they're working on some research problem, and they have a solution for that. And the question is, how can you sort of determine the value proposition of that solution? Who will pay for it? Why will they pay for it? How are people currently solving that problem today? Why will they move from their current solution to this proposed new product or solution that you are offering? So all of those questions are part of the sort of research protocols, so to speak, for the JD students and the business students to investigate. So I thought to myself, well, I was in a PhD program, so I know the rigors and the challenges for PhD students. My time in house taught me a lot about business framing, so I have a little bit of that. And my patent background, I knew all of the legal frameworks for the program. So I'm like, I don't know. I think I'd be great at this interview for the job. And needless to say, I was lucky enough to get hired.

Steve Poor

You said the program's changed. What is its current manifestation?

Nicole Morris

Yeah. So today, yeah. So today. So we were, and I think still are the only law school who partnered with not only a business school, but a business school and another institution. So the program was founded upon a National Science Foundation grant written by a PhD economist at Georgia Tech. Her name is Marie Thursby, so Marie, if you're listening, hello to you, and she had this idea that universities are squandering their resources essentially by having such great research but not really commercializing it well. And why not bring together graduate students? So you'd have an MBA student, a law student and a PhD student working together to help the universities commercialize their technology. So the NSF was in love with that idea. Grant was provided in 2002 and started as this really small program where we had like 12 law students working with like six to eight business students and about six PhD students, and they would work in teams and keep going. So fast forward now to 2022 that was pretty much the model we had going on with Georgia Tech. But in 2022, business school education and legal education looks totally different for what it looked like in 2002 three and four. So the business school wanted to do a little bit more with like an incubator and accelerator type programs, which tend to focus more externally on startups and legal education started getting more into legal tech, so that would be an opportunity, basically, for us to diverge our curriculum. So under the TI:GER program, with this joint school partnership model, we had the students in class together, so it's one curriculum, so you're teaching business students, JD students, alongside each other, and the PhD students would be in the classroom as well. It's actually really expensive to run that model for one primary reason, PhD students are here to do research for their PIs or principal investigators and advisors. The advisors, you know, we'd have to sort of coax and get the right set of advisors who saw the value in the program for their PhD student, because they're just like, This person needs me in the lab cranking out my experiments, not going to class for two, three hours a week. So, so that was one sort of infrastructure piece to it that was always intention with the program. For the number of years, had been involved, but we mutually decided that it was just in each of our institution's best interest to split and for Georgia Tech to continue, they actually are continuing a target program, doing stuff with the accelerator. They've worked with this entity called Creative Destructive Labs and keep going. And we the law school, we've partnered with the Department of Energy and the National Nuclear Security Agency, and now we get to work with all of the national labs. So, the Department of Energy is essentially the supervisory function of the government's research arm. So, if you've heard of like DARPA and other sort of military kind of applications. All of that work is funded by the US government, but it's done within sort of a research laboratory environment somewhere. So Los Alamos Labs, Livermore National Labs out in California, Sandia National Labs, which is New Mexico. There's Oak Ridge here in Tennessee. So we will work with the labs based on a call for proposals. So if there's a project within a lab where they're like, you know, we really like to investigate further how we can find the right licensing partners for this project, like where the value is and sort of the commercial sector, the law students will do that research, and it's kind of like a consulting style project. So if you think of the students as graduate consultants with the principal investigator or the innovator at the lab, there's usually a business person from the lab that's involved as well, someone who does like their technology transactions, technology licensing work, and we'll scope out a frame of work, how much you know they want us to investigate. They have some particular targets that they want us to look at, industry segments, and we'll do some research, do a report, have a presentation at the end of semester, and we provide recommendations. So we're continuing in that spirit of technology commercialization, now

working with federal labs. So it's really cool, because it's like real stuff. It's not like, oh, this could be a great technology. No, it is, and it's more complex. So if there's a pro and con, it's definitely more complex. But I've enjoyed our partnership with the Department of Energy in the sense that at the end of the day, there needs to be a way to translate complex technology so you can find the right licensing partner, and the labs have been great about giving us tutorials, so there'll be a technology description on the front end of the project, so we fully understand all of the inner workings, and we can get feedback from them during the course of the semester on where we're going. So that's what we've been doing since 2022

Steve Poor

Oh, that's cool. What are the skill sets the law students gain from this that they might not be getting in a normal law school curriculum?

Nicole Morris

Yeah. So this is part of what's called the experiential learning sort of courses at the law school. And every law school has some experiential courses. It's mandated by the ABA. So the skill sets that the students are deriving are really like client facing, type of skill sets where the client doesn't understand the legal issues you do as sort of the subject matter expert on that, but you need to figure out how to translate what they need into your work product and your final deliverable as the assignment and scope of work. So there's lots of communication skills that they're sort of honing or and or developing translational skills in terms of, if they're legal doctrines that will implicate how you can license certain technology, or if they're intellectual property barriers to licensing, how do you provide recommendations for the client? So it's more transactional in nature what we're doing in terms of the research and work product, but the skills are sometimes substantive on what the legal frameworks are, or the skills are dealing with the soft skills of client-facing client communication and then reporting out information back to the client in a way that they understand it and can do something with it.

Steve Poor

When you're looking for students to go into this program, do they need to have particular course prerequisites? I presume they need to have taken intellectual property, for example.

Nicole Morris

Yeah, you know, I take on them the mindset that, no, there's no prereqs, so there's no official prereqs. Does it help? Yes, but we can also provide so you can take the course, intellectual property course while you're in TI:GER. So that's one way to kind of manage that. But we also do so there's an academic sort of component to this. It's, of course, an academic program, but there's coursework that the TI:GER students must take to get the TI:GER certificate. So in the TI:GER course, fun is called fundamentals of innovation, I provide sort of content on what are the intellectual property questions that we're going to be focused on, how to manage those, how to do legal research with, you know, patents and things like that. And I bring in the patent librarian to kind of help educate on the databases and things that are available to them, so we can educate on the front end with that, or during concurrently with the actual project work, I get a mix of students. So my predecessor in this role sort of leaned more on students with an engineering background. And I like to think that engineers have a place, but they tend to be very close minded in their problem solving approach. So I've had students. I had a theater

major one time--she was an excellent candidate. I've had political science. I like to get students who have a business background coming into it, because they sort of understand the framing of like, why this might be important, and who, what would a license cease? Licensing really look like, or successful licensing arrangement look like? I've had communication people like, so I sort of get a mix of students. I try to get enough engineers so there are peer. It's also peer to peer learning. So there are enough engineers in the team so they can kind of transfer knowledge to their teammate, but not necessarily all engineers on the team I really look for interpersonal skills, right? So I call certain students in law school like lone wolf. And you know, law school is not a team sport, so they're not really built for working with others in a course, you know, there's moot court and things like that, where you're going to be arguing with a teammate, but you're not necessarily like responsible or dependent upon someone to contribute to the work product. So I tend to try to find people with interpersonal skills that they're going to do well on a team, like that probably is the number one skill set that I'm looking for.

Steve Poor

Is there part of the curriculum based on helping them develop this skill set? Is there coaching, or is there team building courses? Or do you take these soft skills as they're given to you by the people, or do you consciously help them develop them?

Nicole Morris

Yeah, you know, I don't do more of that. We used to do more of that. We used to have a team building exercise in the beginning of the semester, primarily with the business students and the law students. So when we had the two institutions, it was really helpful to get business students and law students together and do some team building, because they're vastly different sort of curriculum based programs. But, you know, I need to do that again. I think that there is, lately I've noticed that there's something about the students coming through where they're missing that piece of, how do I work?

Steve Poor

Do you think that's you think that's pandemic related?

Nicole Morris

It might be. So it's funny, you mentioned this to me because I'm noticing. I noticed it this year with my current students. I saw hints of it last year, but I think I'm going through that pandemic time window, like the students who spent a significant part of their learning on Zoom, and that is now showing so, yeah.

Steve Poor

Well, that's been predicted that the generation that went through a couple of years of remote learning, whether they're new entrants into the workforce or students, there's the social skills that they typically would have developed and didn't have the opportunity to develop.

Nicole Morris

Yeah, no, no, I'm seeing that play out in real time, and I had not connected the dots before you raised this question. So you know what? You brought me some new learning today, and I am greatly appreciative.

Steve Poor

As my grandmother would have said, count each day lost you do not learn something. So let's broaden the question a bit in the time we have left, you've spent a lot of time in legal tech and in technology and engineering. Where do you see the impact of technology being in the legal profession and particularly in law school education, I presume Emory is talking about it like most institutions are.

Nicole Morris

Yeah, we are. You know, it is here to stay, is my first thought. Unfortunately, I feel like as an industry legal, we are reluctant to change, right? So we are facing this interesting sort of storm, maybe I'll call it a storm where there are folks who really want to continue with the old way of doing things, but the technology is very disruptive to that. So, you know, I imagine when we went from all legal research happening in the library to like the Lexus and West Law, there was some, you know, this is not going to work. This is terrible. We're totally killing our profession. We're at that same sort of inflection point, I think, with technology, where people are really concerned about and rightfully so for some things with ChatGPT, but I think there's certain efficiencies we get from the technology that we can't ignore. And the struggle for legal education is, how do we train students to be lawyers with the technology? Because there are just aspects of the work that when they get into a law firm or into practice don't exist today. You know, when I was an associate at a law firm, we did doc review manually. We had boxes of documents.

Steve Poor

Trust me, I've been there, been there, done that.

Nicole Morris

Right? And then we went to sort of electronic documents, and you can search for things well, now we don't even have to do doc review. You can buy or work with a tool that will do all of the document review for you and just give you your relevant docs like there is no longer human labor component to that. And even you could go beyond that and say, it's going to give me the relevant docs. I don't even have to review it like I already know that document set is perfect. So the question becomes, how do we train students to do certain tasks that we know will be completely automated? But we can't skip the learning of learning how to do certain parts of either legal research or discovery, and if it's litigation related, and I think that's the challenge. I can't say we figured it out here at Emory. If someone who's listening to this podcast has the answer to that question, please email me, and I'd love to learn how you solve that problem. And I think the other part, and I know we're running close on time, but the other part that I've seen from my vantage point is not all law firms are built alike. So you have some firms that are embracing the technology and use of it within their associate practice or within the practice at the firms. So it's an easy transition. If I teach you how to use generative AI to do some legal writing, some research, some other things, I know you will elevate that when you get to the law firm, it's problematic when you're taught something in law school, and then you get to the firm, they're like, oh, Professor, we're not allowed to use those tools. And I'm like, Oh, well, how are you doing this work? Oh, we're still doing it, you know, whatever, whatever. You're like, Oh, dear. Okay, so I know that issue is still, there's still friction there, in terms of, not all law firms are built the same, and not everyone is sort of leaning into the technology in the same way. So we're, we're at, you know, we're at a storm, and I think we'll get through the storm because we have to, because clients are going to mandate it, right? Legal

departments don't have the constraints that law firms do. So they're, they're going to tell the firms, or they're going to use technology as they need to be more efficient. So we're just working out the kinks right now, I think.

Steve Poor

Yeah, what will be interesting is whether, and I'm interested in your view on this ... I think the human skills become more important than the just the task based skills, you know, judgment, wisdom, empathy and personal skills. Do you think the experiential learning like you're doing in TI:GER will become more important as we go forward to enhance those skills?

Nicole Morris

Absolutely. I think programs like the TI:GER program sort of the human skills with trial techniques and some of the other transactional or litigation based programs will definitely be what distinguishes good lawyers, people who are able to take difficult, complex situations where there aren't any good answers. We talked about the answer as we started this talk. It's all judgment. When you start to parse out, how exactly do I approach this situation? And to our point on the pandemic learning, you didn't have to do judgment based decision making if you were learning from your laptop or from a computer, and there are gaps in people's skill sets on that. So I think trying to make up for some of those gaps, and then also addressing the fact that with technology, we're taking away some components of being able to do that we're gonna have to solve for some of those problems.

Steve Poor

Yeah, we are, as you, as you said, we're in an interesting inflection point, aren't we?

Nicole Morris

Yeah, no, for sure. And I think people who have been in the before time we sort of see it, but it's amorphous in the way of like, Well, what exactly you know, where should I start? Right? What exactly do I need to do to maximize, how to sort of reduce its impact?

Steve Poor

Right? Absolutely. Well, Professor, we've run out of time. Thank you so much for chatting with me today. It's been great.

Nicole Morris

This is fantastic. I appreciate the invite. I look forward to hearing it in the finished form.

Steve Poor

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