Proposal for Future of Legal Education Conference

Law Practice Simulation

Tanina Rostain and David Johnson are developing a new form of online law practice simulation designed to give students exposure to the types of questions that arise in various types of practice, experience with decision-making under uncertainty, and opportunities to exercise judgment.

We plan to work with practitioners to develop modules tied to particular types of practice and particular sets of substantive skills.

Key design features include:

1. One screen at a time simulation – avoid combinatorial explosion problems by avoiding need to build a complex narrative.
2. Presentation of a “situation” – place the student/user in a concrete role.
3. Motivation to explore learning resources – rather than just presenting a lecture or reading and then testing, this approach presents the student with the need to make a decision, and provides optional material that enables the student/user to learn material that will enable making a better decision.
4. Multiple outcome descriptions – rather than offering a multiple choice test with one correct answer, the design can offer multiple plausible decision choices and then describe the “result” of any given choice, thereby enabling nuanced descriptions of possible consequences of decisions under uncertainty.
5. Impose cost for information gathering – to discourage students/users from just clicking on every possible resource, the design charges a “billable hour” for each click and adjust scores in light of resources used.
6. Aggregated ratings – the design calls for differential award of positive and negative points on ratings tied to client success, lawyer financial success, ethics, and the like. This encourages replay to build up a “career” success pattern.
7. Guide – the design makes available optional guidance from onscreen characters who bring specific perspectives (and humor) to bear on the situation.
8. Authoring system – an integral part of the design is an authoring system that will make it possible for faculty or practitioners to create new modules with limited expenditures of time.
9. Replay is encouraged – this is a fixed learning, variable time approach.
10. Specific pedagogical goals – the design of the system encourages the teacher/author to specifically identify a pedagogical goal in connection with each screen or module (collections of approximately 10 or 15 screens worth of interaction).

We plan to test these learning objects with students at New York Law School. (One first module deals with conflicts and will be assigned in connection with a Professional Responsibility class.) We hope to work with McGeorge Law School and the University
of Florida Educational Technology program to enhance the design. We plan to provide authoring tools to other faculty members.