DRALE ONLINE: A COMPUTER MEDIATED COMMUNICATION ENVIRONMENT FOR TEACHNING LAW

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ABSTRACT

Dispute Resolution and Legal Ethics (DRALE) is a subject taught by Prof Martin Davies. All law undergraduates at the University of Melbourne must complete the subject in order to qualify for admission to practice law. The subject's aim is to give students the necessary background on the resolution of disputes, the ethical responsibilities of a lawyer, and the duties owed to the law, the court and the client. This involves practical things such as handling case files and communicating with other parties, including opposing law firms, senior partners, the client, the court, and other agencies. Students need to learn the mechanics of the dispute resolution process as well as the ethical issues involved in the process. For example, clients must be asked for direction at critical stages, and all documents which go out of a law firm should be signed by all partners in the firm.

DRALE Online is a system which has been developed to simulate this process in a web-based environment. This is not a distance learning unit. Students who study this unit also participate in face to face lectures and tutorials. Real case files have been modified to remove identifying information such as company names, and then placed on the system. Each student is assigned to a law firm with 4 other students. These firms are then made either plaintiffs or defendants, and matched with an opposing firm. When each student logs in, they have access to the appropriate case file – a set of documents as background to their case. They must read and understand their file, add their own documents during the course of the roleplay. Students have access to communications tools to which allow them send messages to the opposing firm and to their 'senior partner' (played by a tutor), to file documents with the court, or to serve documents as writs.

New documents from others appear in an inbox which reads like a 'To Do' list. The students can also see when another member of their firm is online when they log on. Documents which require authorisation have flags (using check boxes) to allow other members of the firm to approve or disapprove of the documents which are to be sent. At least 4 out of 5 in the firm must agree, with no disapprovals before a document can be sent.

244 Law students will use the DRALE Online for almost a full year, working with four different case files. 40% of their assessment for the subject will be based on the 'file notes' which they will produce within DRALE Online when they complete the roleplay for each file.

KEY WORDS

Computer-mediated-communication, law, simulation.

1. INTRODUCTION

Dispute Resolution and Legal Ethics is a new unit in the Faculty of Law at the University of Melbourne that replaces and combines the aims of two units, entitled Civil Procedure and Professional Conduct respectively. In order to be admitted to legal practice, students must successfully complete this unit or its equivalent. Previous experience shows that the two key aspects of legal practice in this unit are best learnt within context, and are typically difficult to grasp by only reading, hearing, and writing. Learning by doing gives a deeper understanding of the correct processes of communication within and between law firms, advisers, clients, and the court. It also enables a fuller understanding of the ethical considerations of legal practice, such as consulting with clients before taking action on their behalf, or obtaining the consent of legal partners before corresponding with opposing law firms.

It is possible to simulate such an experience by allowing the students to form mock firms of 5 students each, and then matching firms together in pairs, acting for a plaintiff and defendant. However, in order to engage in this sort of situated learning, there are a number of obstacles to overcome. Firstly, with a class of 244 fulltime students, the logistics of simulating such an experience are confounding. Figure 1 shows the complexity of the simulation proposed. Each student must have access to dozens of documents which make up each case file, and then create and send dozens more to exchange first with team members within the firm, and then to the opposing firm, or to the court. Multiple versions of each document must be managed as letters, writs or file notes are drafted and re-drafted. In order to give students the experience of taking on case files at various stages both acting for a plaintiff and for a defendant, over the course of one year four such cases should be covered. At times this would require students to manage multiple overlapping case files, as would be necessary in any normal legal firm.

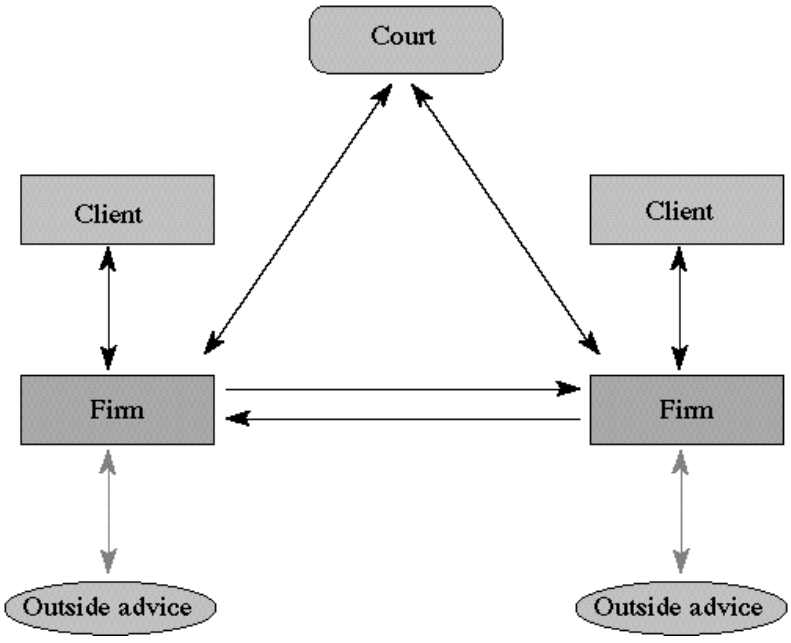

Figure 1: The connections to be simulated

Clearly to do this exercise on paper would be almost impossible, and much of the time spent by students would be controlling and exchanging large volumes of paper. A strategy was therefore sought which would allow the management of the case files in an electronic environment that would allow communication between students acting within firms. It was also necessary to allow students to contact teaching staff who would act as senior partners for the firms, or offer other advice as necessary. Finally students must have access to some means of lodging documents with the court, and consultation with clients, both of which would be more or less automatic but important processes during the simulation.

2. MEETING THE CHALLENGE

Funding was subsequently provided through a grant from the University's Teaching And Learning in Multimedia and Educational Technology (TALMET) program, and the Multimedia Education Unit (MEU) was contacted to undertake the project. A process of identifying the requirements of the project was initiated, and a decision was made to collaborate with Melbourne company Acumen Multimedia due to their experience in creating on-line learning environments of a similar nature in other discipline areas.

The project was to be accessed by students over the World Wide Web, and a number of key functions were soon established as necessary for the simulation to run effectively. Firstly, students must be able to enrol themselves quickly and easily over the web, and subsequently allocated firms and opponents. They would then need to log in using a password of their choosing, and the system should then recognise their role as acting for a plaintiff or defendant and allow them access to the appropriate case files and correspondence. It was decided that upon logging in, students should be shown a list of the other members of their firm as well as any unread messages. This was to be similar to a 'To Do' list, and would include any outstanding tasks added by the students themselves. In addition, students would need an area for accessing case file documents, an area for creating new documents, and an area for contacting members of their own firm as well as those of the opposing firm, or the teaching staff if necessary. An additional area called the 'Library' was created for storing documents related to the course, but not specifically related to a case file.

A further important function identified was that students must be able to collaborate on-line in the process of composing documents. Students must be able to draft letters or other documents for approval by other team members acting as partners in the firm. It was decided that no document could be sent outside the firm unless four of the five students had countersigned, and that any student should have the ability to say that the document should not be sent in its current state.

3. THE DESIGN PROCESS

Once the functional requirements for the project had been identified, the logical structure of the software could be outlined. It was decided that a database structure would be the most appropriate way to organise the case files, and that the software would need to deliver documents to the students in a dynamic way – that is, depending on their identity. Cold Fusion was chosen as the development platform for this reason, providing a seamless gateway between the database and the user's World Wide Web browser.

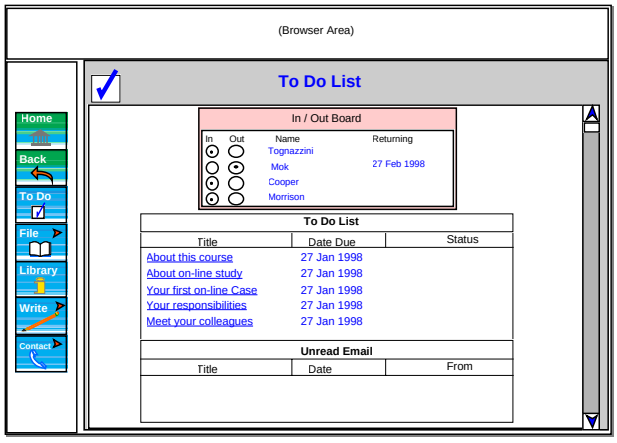

Figure 2: Schematic design of the To Do screen

Schematic drawings were made of each screen (see Figure 2 above), and the look and feel of the software was developed based on the sorts of things commonly found in a legal practice – papers with post-it notes, pink ribbons, in and out boards, and rubber stamps.

4. DRALE ONLINE

Actual case files were selected and then edited (or 'settled') to change the identities of the parties involved for privacy reasons. The first case file was made available to students during first semester of 1998. Students were asked to form groups of 5, and given instructions on how to use *DRALE Online* through a demonstration during lectures, and in a manual which was made available via the Web. Once students had nominated their firm, this information was placed on the database along with their student identities and other information. They were asked to enrol on-line, where students nominated a unique login and password. The program then allocated students to their pre-assigned firms, and matched firms in pairs of plaintiffs and defendants. This resulted in 48 firms, with some firms having an extra team member due to numbers. When the students log in, they are presented with a 'To Do' screen (much like that shown in Figure 2) which displays fellow members of their firm and the login status of each, as well as any unread items in chronological order. 'To Do' items are marked with due dates to encourage time management, and additional personal tasks can be added as reminders using a submenu item on the left of the screen.

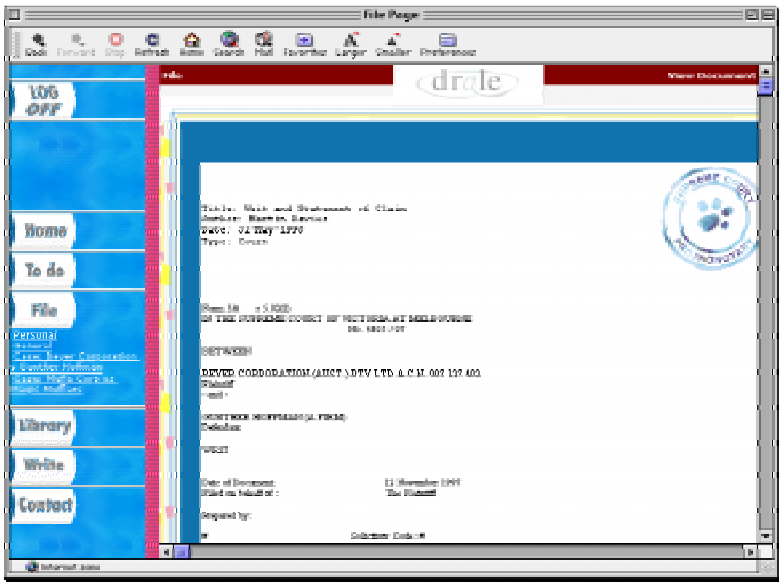

Figure 3: A Case File screen with a document authenticated by the Prothonatory

By clicking on a button labelled File, the student can move to an index of all documents relating to any case file. Submenu items list up to four cases so that documents do not get mixed in together. Each case document is listed in chronological order with title, author, creation date, document type, and status in rows. The student can click on a document title to view the document. Document types include court documents, file notes, letters, or miscellaneous (other). Each file document's status can be draft, authenticated, signed, received, or sent.

The status is determined by the document's author, or the system if appropriate. For example, a file note is typically written by a lawyer who is handing over a case to another lawyer, and will be signed. A writ which is to be served will be in draft form until four partners from the firm have agreed that it is ready to be sent. Each student receives the draft in his or her To Do list, where they have the opportunity to mark the document as 'OK to send' or 'Don't Send'. The default setting, 'No response', remains until one of these is selected. Once four of the five students has countersigned the document in this way, it becomes signed. It should then be sent to the court (through an office called the Prothonatory) for authentication before being served. This will change its status again, which is reflected in the file index as well as on the document itself. Figure 3 shows a writ which has been received by the Supreme Court Prothonatory as having an authentication stamp.

Students will continue to use *DRALE Online* during Semester 2 of 1998, and working with the remaining two of four case files during that time. In subsequent years these same case files will be used in different phases, so that students in future years will be focussing on different activities for the same case files. This will enable a 4 year use of the existing cases without the possibility of students re-using material from one year to the next. Students are assessed as a team on file notes produced with *DRALE Online*. The file note is a short written summary of the activity carried out during the course of the firm's involvement with the case, and each file represents 10% of the students' final mark for the course. The system tracks each student's contribution, including information such as when teams consult with their clients. This enables the lecturer to check that students are following correct procedures when they submit their file note.

In general, students have reported that the exercise has been useful to this point. A number of minor technical problems involved with the *DRALE Online* server appeared during the initial integration stage of the project, which resulted in frustration for those students affected. These problems have been overcome for the most part, and a second phase of minor improvements is taking place which will further improve performance. A formative evaluation of the project is also currently in progress, and will be followed by a formal summative evaluation at the end of the year.

5. CONCLUSION

Any project of the scale and nature of *DRALE Online* represents a significant change in tertiary teaching. While we await a full evaluation to assess the affect of such a change on student learning, initial observations indicate the enthusiastic engagement of most students in the simulation. Results of formative and summative evaluations will be used to further improve the software for use in subsequent years. A further grant has been received to produce phase two of the project, 'Building on DRALE'. Phase two is to be completed in 1998 in two main stages. Firstly, enhancements to the existing *DRALE Online* interface design and the incorporation of a new tutor services facility to automatically allow tutors to add, edit, and delete documents from within the *DRALE Online* environment will be carried out. Secondly, the *DRALE Online* concept will be applied to the area of international trade law. During this second stage, a partner university in South Africa or the United States will be selected to run the simulation at the same time and interact with students at the University of Melbourne.

6. ACKNOWLEDGEMENTS

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7. REFERENCES

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