

entire course is built around lawyering activities and the needs of a client.

The design of a simulation course is a challenging activity and it is necessary to ensure certain factors are considered. It is imperative that the goals of any simulation course be clearly defined before embarking on its design.

The format of a simulation encompasses the elements of the design. This includes the fact situation(s) to be used in the simulation. The role of the student must be determined: is the student playing the role of a litigator or an advisor to the client? Whether students should work as a team and the end product of the simulation exercise must also be considered in designing the course.

The amount of time devoted to the simulation exercise will depend on whether the course coverage is diminished by the simulation. Ways around this problem are to use the simulation to convey substantive material, use more efficient classroom learning techniques or adopt the attitude that no course ever completely covers its subject and that a simulation will not overly exacerbate the problem.

The course designer will generally be responsible for conducting the simulations. However, using practitioners and student assisted teaching is an option. The extent of research required to complete the simulation will depend on whether legal research is considered to be a goal of the course. The course designer must also make decisions on the amount of prior preparation students are to

do, the opportunity for students to reflect on the course, and how to measure student performance for assessment and grading purposes. Evaluation can be a direct assessment of performance, a subsequent assessment of the knowledge or skills acquired through the simulation, or both. The final consideration is the institutional context. This will involve the allocation of resources to the course, the suitability of the course in the curriculum as a whole and the concurrent demands on students' time.

Use of simulations in a first-year civil procedure class

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Simulations have long been used to teach civil procedure. The simulations described are designed to teach the content of civil procedure rather than to develop litigation skills. They are used to advance and enhance the presentation of the subject. They are low-maintenance vehicles, requiring no extraordinary commitment from the instructor or the students.

Most simulations involve members of two 'law firms' consisting of three-quarters of the class. The remaining students act as judges, bailiffs, judicial clerks and members of legislative committees. One group of simulations used concerns motions such as a motion to dismiss for lack of personal jurisdiction and a motion to compel discovery. A second group of simulations requires the drafting of a complaint. Students also participate in a simulation of a legislative hearing.

Most of the instructor's time is spent preparing the problems and simulations. In most simulations, only a few students participate and the rest play a central role in evaluating the performance. The simulations are designed around the prescribed text and research outside the text is unnecessary and in fact discouraged.

Student feedback is, on the whole, good, especially in relation to the settlement negotiation exercise. Many students comment that the simulations allow the rules to be put into context. One student described the need for contextualisation of the rules stating: 'It's like trying to understand basketball by reading the referee's manual.'

Simulations assist in framing the various topics within a course and enhance the course structure. Simulations offer an alternative to the traditional style of law school learning, thereby breaking the monotony created by a single teaching methodology.

Limited time simulations in business law classes

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A limited survey has indicated that simulations may use more class time than their effective learning value justifies, that they are less effective for substantive learning than they are for skills training and that they create administrative difficulties and require substantial preparation. However, these reservations will fade as teachers become more familiar with simulations. The author's use of simulations did not eventuate as a conscious effort, but out of a

conviction to enhance student understanding of substantive materials.

The simulations were used to teach corporations and securities regulation. In the corporations law unit students are required to take part in a directors' and a shareholders' meeting. The students are instructed to create a corporation and consider the social responsibility issues and financial problems. Some students act as shareholders and some as the incumbent management of the company, whilst another group attempts to overthrow the incumbent management.

An example of a social responsibility issue in one simulation involved a proposal to cease trading with South Africa (due to Apartheid), even though half of the company's business was with the South African government. In this exercise the separation of ownership and control of a company is highlighted.

As well as a simulation of a public company, a simulation of a closely held corporation is used. This simulation requires the students to interview other students who are playing the role of clients coming for advice on the best choice of business association for their purposes. This simulation also raises professional responsibility issues, in particular whether one lawyer can represent all three clients in the proposed association. Drafting simulations are used in the context of the close corporation by requiring students to determine if an irrevocable proxy is needed under the various statutes and, if so, to draft one.

The securities regulation simulations require students to conduct a due diligence investigation. A real-life prospectus form is used to indicate to students how certain parts should be altered in the light of the due diligence laws.

Long cases are dealt with in a quasi-simulation style. Students are assigned to either the plaintiff's side of the case or the defendant's and the remaining students sit in judgement. Written assignments are set. However, no grade is given until after the final exam has been sat. The combination of the exam and the written assignments determines the final grade. The simulations per-se are therefore not graded, but used solely as a tool for enhancing student learning.

Learning and learning-to-learn by doing: simulating corporate practice in law school

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Legal academics generally hold law practice and legal practitioners in disdain, especially corporate lawyers. Law professors shun corporate practice because it is not a 'serious subject', as it is not the stuff of legal science and theory which can be articulated using generally recognised legal paradigms.

What is therefore needed is a theory of professional expertise which explains why a senior partner is a better lawyer than a first-year graduate and how the first-year associate acquires the knowledge to become the senior partner. Continuous learning is the core of such legal expertise.

In law schools, students are often given the rules of recognition, that is, they are told what the rules are and how to use them. However, such rules offer little opportunity to develop the skills of situational problem-solving and intuitive innovation which characterise corporate legal expertise, and which come from experience, from learning by doing. Such doing creates an experiential base of learning and each experience adds to the next. Law students should be taught about legal practice through experience by presentation and demonstration in the form of simulations. Simulations provide a transitional experience in which students may apply theoretical knowledge within a context of practical relevance.

The author describes his Advanced Corporate Practice course, which is centred on a hypothetical leveraged buy out transaction. The goals in developing the course were to provide a simulated practice context to apply theoretical models to corporate practice, to give students an opportunity to examine corporate law from a problem solving perspective, to introduce students to teamwork and lawyering and to illuminate ethical and 'human' problems in client representation and teamwork respectively.

To set the mood of the class the early sessions included a talk from a corporate lawyer and a trip to a large law firm. The class then moved on to a simulation. The class was split into four groups, two representing the seller and two the buyer of a company. The tasks were to review a draft agreement and discuss issues and proposed