

Realizing the Promise of eEducation

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Summary: I will demonstrate a number of unique interactive computer-based educational projects. The eEducational universe is vast and expanding. Before showing the programs I will put them into a context, describing that universe in a way that makes sense to me.

I. A framework for understanding and developing electronic education

A. The educational dimensions of the technology

1. Distance: electronic technology throws off the limits of place, “place-shifting”

| Face-to-Face Remote |

2. Time: electronic technology defeats the lockstep of time, “time-shifting”

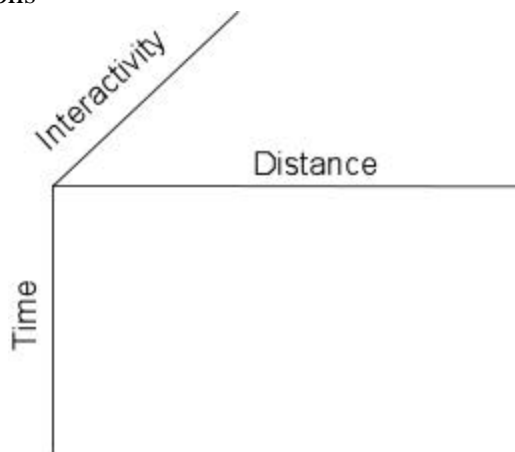
| Synchronous Asynchronous |

3. Interactivity: electronic technology delivers highly interactive learning

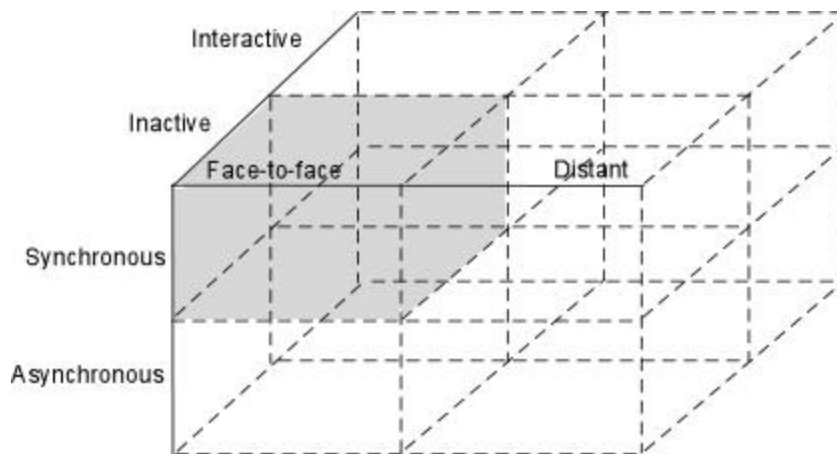
| Inactive Interactive |

B. Visualizing the framework

1. The three dimensions

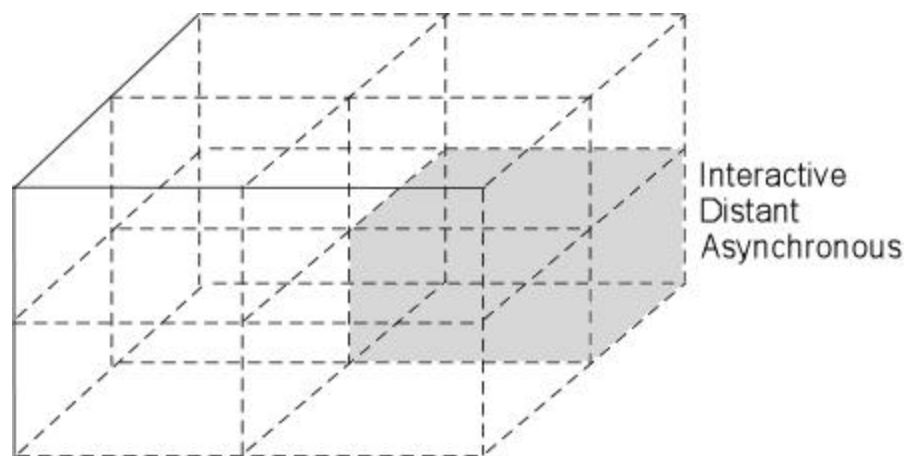


2. The matrix as a whole. Each sector presents unique opportunities to create teaching and learning methods.



The gray area is the location of the presentation—face-to-face, synchronous, and inactive, unless there is time for me to answer questions or to engage in disputation. Face-to-face is the traditional context for learning, but even it has been substantially altered by the addition of public address systems, video projectors, tape players and the like.

3. The focus of my demonstration: Learning media that are highly interactive, operate at a distance and at the convenience of the learner.



I want to focus on the opposite corner of the matrix because I think that it offers the greatest potential for development. Here lies educational media which, because they are independent of time and space, put control into the hands of the learner. The challenge lies in generating an interactive learning experience that operates at a distance in time and space.

That challenge is particularly difficult because “interactive” in legal education means interaction between people, not between people and things. A medical student may have a meaningful interaction with a virtual corpse, but to provide

meaningful legal education the corpse must be alive and talking. Making verbal interaction happen over asynchronous electronic media is not easy.

II. Demonstrating highly interactive, asynchronous, distant eEducational media.¹

A. **Fatal Dive**; Hugh Gibbons

Role: Enhancing face-to-face education.

Fatal Dive, a CD-ROM-based program used in Torts, consists of more than 200 video clips that present four characters in a simulated case intake scenario. A woman's husband has died in a SCUBA diving incident and she approaches you, the player, wondering if she has a plausible cause of action for his death. Two members of the dive team and the helmsman of the vessel that ran over the decedent are willing to talk. All four people, however, have sensitivities which, if provoked, may lead to erroneous answers, or to premature termination of the interview.

The students then use the information about the incident as the basis for a "memo to the partner" evaluating the case against six potential defendants and making a recommendation. Because of the heavily branching nature of the program, it is almost impossible for any student to glean a complete picture of the incident. The result is differences between students that result from different concepts of the event.

B. **Products Liability Analysis**; Hugh Gibbons

A "guided analysis" type of expert system that assists the lawyer (law student) in analyzing the facts of a potential products liability claim, presenting at the end of the session a list of legal theories triggered by the lawyer's answers to the questions presented by the program and a list of facts that the lawyer must gather before a confident assessment can be made of the case.

The program is available to the students as they study products liability cases to compare the theories suggested by the program with the resolution of the case by the court. It is used in class to lay out explicitly the process of analyzing a products liability case, question by question. With the bones of legal reasoning thereby on display, students can see explicitly that which is usually left to intuition.

C. **State v. Gilmore**; Giovanna Fessenden

State v. Gilmore presents a standalone evidence lesson covering the admissibility of character evidence. The facts of a criminal case are presented and a series of

¹ All of the programs demonstrated in this session were created using Shell Drake Developer, which is available at www.shelldrake.com/Developer.

evidentiary questions are presented to the student. Video clips of the evidence professor are presented that explain or expand upon issues raised by the facts.

D. **Erectodioxum**; Reagan Allen, Elizabeth Hochberg, Andrew Mierins

A role-playing simulation created by three first-semester law students as an extra credit assignment in Torts. Three simulated interviews with corporate executives set out the facts of a dispute over the injurious actions of two of the companies toward a third. The analytical phase of the simulation then looks for a plausible cause of action by the injured company. Interference with contract, interference with prospective economic advantage, deceit, unfair competition, and intentional infliction of emotional distress are all explored in a fevered attempt to find a theory that offers some prospect of success.

E. **Courtroom One**; Christopher Hennessey

This project, done by a second year law student for the state judiciary, presents the history of New Hampshire's oldest courtroom. It includes physical and historical tours of the facility, reflections by people who worked and heard cases in the building, and the story of two of the courtrooms most famous cases. The presentation is in the "pictures-with-voiceover" style made popular by Ken Burns. The project will be distributed to schools and libraries throughout the state as part of an effort to educate schoolchildren about the judiciary.

F. **Dating Autumn**; Hugh Gibbons, Sabrina Nawalrai, et al.

This experimental project aimed to test the limits of meaningful role-playing simulation. The structure of many forms of legal interaction (e.g., trial, negotiation, intake interview) is so substantial that creating a realistic simulation of the situation is not particularly difficult. The aim here was to take an unstructured situation, albeit not a legal one, and see how realistic a simulation could be made. The result is a three-part scenario in which the player may, through a measured selection of the statements presented for his choice, succeed in taking the Autumn on a dinner date.

III. Learning by doing: eEducation as legal education for a different era in law

During the period, say, until World War II, when law was largely a matter of resolving disputes between people who knew how to act, though they had failed to do so in a variety of ways, little effort was made to teach lawyers to educate their clients—if the clients knew right from wrong, they didn't need their lawyers to be lecturing them.

But as law has increasingly been used to shape human behavior, to tell people how to behave in contexts where intuition provided little or no guidance, there has emerged a great demand for lawyers to take on the role of educator. How is a hospital to comply with patient privacy regulations, or a company to respond satisfactorily to a claim of sexual

harassment, or a school to act within the strictures of the copyright law? How are we to educate in law those who have no interest or ability to show up in a law school?

As lawyers are cast increasingly in the role of educators, as an ever greater part of the practice is dedicated to the prevention of violations, lawyers need more powerful ways to deliver legal education to non-lawyers. The FPLC Media Lab is an attempt to train lawyers to use electronic technology to deliver effective legal education in a powerful, though cost-effective way. Indeed, law schools are increasingly delivering legal education to non-law students. Their need for education tailored to their other obligations has put the focus upon electronic delivery. The aim of the FPLC Media Lab is to satisfy the needs of non-lawyers for legal education through the creation of lawyers who are adept at the use of eEducation.