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CASE reading, structuring and analyzing decisions by judges

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Abstract It is essential for law students to acquire knowledge about the applicable legal rules of law. A major source of applied legal rules within the Dutch legal system is, next to statutes, the category of decisions by judges. Law students experience difficulties with finding, reading and comprehending these decisions. CASE (Case Analysis and Structuring Environment) is an instructional environment developed to support students in finding, reading, structuring and analyzing decisions by judges. CASE provides the student an environment in which he can practice with finding, structuring and analyzing a decision in order to determine in what way this decision adds to the body of applicable legal rules. CASE can be used by law teachers to test selected decisions by judges and to add key words and by law students to search, structure and analyze decisions by judges.

Keywords: Instructional Design, Coaching Systems, Legal Problem Solving

1. INTRODUCTION

The law that applies in a legal system such as the Dutch legal system consists of general rules that are determined or acknowledged by authoritative bodies. The two most important authoritative bodies within the Dutch legal system are the legislator and the judge. While it is obvious that the legislator determines the general rules that apply in general cases, it has to be noted that the judge is also the one who determines the general rules that apply in individual cases. This is done by the judge in a decision, which is a legal act by which the judge decides on the basis of the facts of the case and the applicable legal rules. The case is in fact the body of applicable rules in the legal system. Legal practitioners and legal assistants need to have knowledge of the general rules that apply in the legal system. This involves both the knowledge of the legislation and knowledge of the decisions by judges that function as general rules of law. Law students preparing themselves for the legal profession also need to acquire knowledge about the role of decisions by judges in the legal system and they need to understand the two categories of decisions by judges. A student has to have knowledge about knowledge about both of these categories in order to comprehend the role of decisions by judges in the legal system. The role of a decision is in fact the task of reconstructing the problem situation (consisting of a reconstruction of both the facts and the conclusion). The rule constructed by the judge to decide the case is the task of reconstructing the problem situation. It is not to be confused with the decision. The rule constructed by the judge is the task of a judge or a legal professional. The decision is that task that the judge has to decide on the basis of the facts of the case and the applicable legal rules. The major point that has to be noted is that the decision is not the task of a judge or a legal professional, but it is the task of the student. The role of the judge is to decide on the basis of the facts of the case and the applicable legal rules. The role of the student is to decide on the basis of the facts of the case and the applicable legal rules. The role of the judge is to decide on the basis of the facts of the case and the applicable legal rules.

In order to be able to decide on the basis of the facts of the case and the applicable legal rules, it is necessary to analyze the task. What is structuring and analyzing a decision? In order to answer this question and to design an environment to support law students in finding, reading, structuring and analyzing decisions to indicate and understand the legal meaning of a decision, it is necessary to analyze the task. This task can be analyzed in two different perspectives: a theoretical component and an empirical component.

2. A MODULE TO STRUCTURE AND ANALYSE DECISIONS

In essence a database containing a collection of text units for legal education. The law student can do a search (they need and/or full-text) for a specific decision or a set of decisions. Decisions can be added to the database and key words can be indicated for each decision by the teacher. This module can be used separately or in combination with the second module.

3. ANALYSIS

What is structuring and analyzing a decision? In order to answer this question and to design an environment to support law students in finding, reading, structuring and analyzing decisions to indicate and understand the legal meaning of a decision, it is necessary to analyze the task. The study of the task leads to the conclusion that the task raises a number of questions, of which the main one is: What is the task of reconstructing the problem situation? This question can be divided into two parts: first, what is the task of a judge or a legal professional, and second, what is the task of a student or an instructional system? The task of a judge or a legal professional is to decide on the basis of the facts of the case and the applicable legal rules. The task of a student or an instructional system is to decide on the basis of the facts of the case and the applicable legal rules. The task of a judge or a legal professional is to decide on the basis of the facts of the case and the applicable legal rules. The task of a student or an instructional system is to decide on the basis of the facts of the case and the applicable legal rules. The task of a judge or a legal professional is to decide on the basis of the facts of the case and the applicable legal rules. The task of a student or an instructional system is to decide on the basis of the facts of the case and the applicable legal rules.
All of this means that the student has to reconstruct the process and the product which involves keeping track of intermediate results. To support the student in performing these tasks, the following remedies are proposed;

- Present the student a structure to help her to reconstruct the decision;
- Support the management of information and
- Engage the student in structuring and analyzing the decision by having her actually carry out these tasks.

This is realized by presenting the student with both the full text of the decision and a framework which visualizes the elements in a decision necessary to reconstruct the decision in order to determine the legal significance of the decision. These are no applications available that support law students in structuring and analyzing a decision using the Continental legal system. For the Anglo-American legal system, the CATO application is available (Aleven 1997). In CATO the student is trained to construct arguments with cases.

4. ARCHITECTURE AND MODULAR DESIGN

The aim of the CASE project is to realize an environment in which law students are supported in structuring and analyzing a decision. This means that both the decisions at hand has to be presented to the student, as well as the framework for analysis. The student must be able to select text fragments from the decision and paste these within the correct cell in the relevant table for the framework. Since finding cases is also part of the training of law students search facilities have to be available in the environment. The functionality of searching for a decision is implemented in the first module. The functionality of structuring and analyzing a decision is implemented in the second module. Other basic requirements are maintenance and recovery. It should be possible to make changes to the system and its content without simply copy and alter. Errors in code and content should be easy to trace and correctible. It must be possible to add and delete content without causing problems elsewhere in the system. Transparency of the architecture and tools are therefore design goals, as it may facilitate maintenance.

The system has functions for adding decisions, adding key words to decisions and preparing decisions for analysis. System functionalities are attributed to a user on the basis of his status: administrator, editor, teacher or student. The database module holds the decisions and allows for search and retrieval of cases and allows teachers to prepare cases for use in the analysis module. Students can see the database module to locate cases on the basis of key words and/or full text search to find specific decisions. When the student wants to structure and analyze a decision she can select one of the reported decisions. The decision and the analyzing framework are then made available to the student. The student can start structuring the decision by selecting text fragments in the decision and pasting these in the correct part of the frame.

5. PLATFORM AND IMPLEMENTATION

CASE is implemented using a web-based server-side application model. The user interacts with the system using a standard web browser, such as Netscape Navigator, Apple Safari or MS Internet Explorer. CASE is developed using Open Source Software, MySQL (4.1.14) and PHP (4.3.2) and Javascript. The MySQL database backend contains a number of tables, the most prominent ones being a text fragment table, a solution table and a table storing the student's activities. CASE's primary component is the server-side application implemented in PHP (4.3.2). The application handles form processing, storage and retrieval of information from the various tables in the database and generating the HTML pages that are output to the user.

A small number of single functions are implemented using client-side JavaScript. CASE offers extensive support for administrative, editing-, browsing-, tracking- and educational tools. Using the same portal, administrators can add, remove and change users and users, editors can add keywords to cases and prepare the solution framework of a case for use, teachers can use the interface to teach the results of students, previewing the solution framework and for browsing and searching the database, and students can browse and search the database, and test their analysis skills.

The search engine allows for both Boolean keyword- and free text search in combination with metadata fields such as: date, name, court etc. The principal concept in CASE is that a precedent can be seen as an ordered set of text fragments, each of which can be labeled according to their place in the solution template. The student can select a text fragment and place it in a specific position within the solution framework. Text fragments can be as short as a single sentence, but in other cases, they are as long as a paragraph. The text fragments are stored in a database along with metadata such as a reference to their position in the solution. Although a text fragment as described is the basic building block, these fragments can have one or more sub-fragments (such as single words) which can also be selected by the student. For instance, the text fragment

"Op het beroep van Ronald G, geboren te Amsterdam op 6 aug. 1954, wonende te Amsterdam, req. van cassatie tegen een bij verstek gewezen arrest van het Hof te Amsterdam van 12 dec. 1977, waarbij in hoge beroep een vonnis van de hiernamae..."

contains the sub-fragment "Ronald G", the accused. In some cases the student needs to select the whole sentence, and in others only the sub-fragment. The solution framework consists of a number of tables, such as parties, facts, claim and the argument structure before the Supreme Court. Each table is two dimensional and contains a small number of cells, e.g. facts as presented by the initiator, and facts presented by the opponent.

Each cell in the solution, therefore, can be designated by three coordinates: table, row and column. These coordinates are used to mark the proper location of text fragments within the solution framework. They allow the student's solution to be tested against the solution defined by the teacher; the cell in which the student places the fragment has to match the cell in which the teacher places the same fragment. Despite the use of metadata, the properly placed fragments are not automatically placed in their correct position within the solution framework. Problems can arise when the teacher has not placed a fragment in the correct position. For instance, the text fragment

"Op het beroep van Ronald G, geboren te Amsterdam op 6 aug. 1954, wonende te Amsterdam, req. van cassatie tegen een bij verstek gewezen arrest van het Hof te Amsterdam van 12 dec. 1977, waarbij in hoge beroep een vonnis van de hiernamae..."

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6. A SESSION WITH CASE

An example case is the appeal of Ronald G, born in Amsterdam on August 6, 1954, living in Amsterdam, requesting cassation against an arrest of the Court of Amsterdam of December 12, 1977, whereby in higher appeal a decision of the High Court...

The next step is the preparation of the decision for use. The prepare tool offers an interface that mimics the regular analysis interface: the editor needs to place pieces of text in the correct position within the solution framework (see figure 1).

Next, she visits the metadata editor page. Here she finds a list of the decision (name, publication date, court etc.) and with copy-paste actions she adds the text of the decision to the database.

Once, she visits the metadata editor (see figure 3).

![Figure 1: Metadata editor](image)
Where the regular interface checks whether the correct text is in the correct position by consulting the database, the prepare tool writes the action of the editor to the database. Note that the editor does not have to add feedback to the database. Feedback is provided to the student in a case-independent way. When the teacher only wants part of the text fragment to be part of the solution, the editor can simply mark those smaller parts. This results in a text fragment with colour coded sub fragments that can be placed in the solution table (e.g. Mr. Funke in figure 3). After the editor has finished the above steps, the decision is ready for use by both teachers and students. The teacher is not allowed to change the information or the solution framework of a decision. However, he can add students to the CASE user database, and preview the correct answers (the prepared solution framework) for each decision. More importantly, the teacher has access to a student tracking facility to analyze student behavior. This way the teacher can determine whether a student came to his or her end result by simply trying every option, or by purposefully placing fragments in the solution framework.

Students can search the decision database using the search interface (see figure 3). This interface allows for metadata search (i.e. on publication date, publication place, court type, court location) but also supports Boolean keyword search and Boolean full text search. The student can also browse through all decisions in the database. The search result page offers support for associative search because key words and other attributes of the cases found are shown. The student can click on any of these to start a search on this attribute. Thus, for example, searching on all decisions with the same keyword of one of the decisions that were found by the original search is done by simply clicking on that keyword in the results page. From the same page, the student can print a decision or open it for structuring and analysis.

The structuring and analysis interface, shown in figure 4, is divided into three frames. The left frame shows all text fragments of the decision at hand. The top right frame contains the tables of the solution framework. The bottom right frame provides feedback to the student’s actions. A text fragment is placed in a cell of the solution table by first selecting the cell, and then selecting the fragment to fill the cell. Once placed, the application will check the combination of cell and fragment and provide a feedback message from the database in the feedback frame. Text fragments can be removed from a cell by clicking the ‘x’ button in the table. Once the student has placed all correct fragments in a specific table, she is notified of this through the feedback frame.

7. SUMMARY AND FUTURE WORK

Learning the law involves reading, structuring and analyzing decisions to be able to indicate the legal significance of the decision. Law students experience difficulties especially with determining what the decision adds to the body of applicable rules in the legal system. Within the current curriculum there is not enough time to read and analyze decisions in the presence of a teacher who may provide immediate feedback. Law students are also not presented with models that may guide them in the process of reading and analyzing decisions. In learning the law it is essential to know how to structure and analyze a decision.

CASE was designed to present the law student with an instructional environment in which she is able to structure and analyze decisions in such a way that the structure is made explicit and the legal meaning can be extracted. CASE is implemented as a web-based server-side application model using open source software. CASE is easy to maintain and re-use and can be made available in different languages. At the moment we are working with a CASE 2.0 version in which some administrative functionalities have been improved. The claim that law students are supported by CASE in structuring and analyzing a decision in such a way that they are able to grasp the legal significance of the decision should be tested in depth. A first small test with first year law students shows that it is necessary to extend CASE with a knowledge model (Muntjewerff, 2012b).

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BIBLIOGRAPHY


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