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CASE reading, structuring and analyzing decisions by judges

Antoinette J. Muntjewerff


Abstract: It is essential for law students to acquire knowledge about the applicable general rules of law. The major source of applicable 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 presents the student an environment in which she can practice with finding, reading, 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 store 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 legal system consists of statutes, case law and legal doctrine. Law students have to acquire knowledge about both general rules of law and specific rules within one or more case law categories. CASE is developed using the principled and structured design approach as described in the HYPATIA project (Muntjewerff, 2002a, Muntjewerff, 2002b). A short description of this approach is followed by an analysis of the learning task, the knowledge engineering perspective and a knowledge engineering perspective.

2. MODULES TO COMPILE AND STORE DECISIONS

In essence a database containing a collection of cases used in legal education. The law student can do a search (key word 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 added for each decision by the teacher. This module can be used separately or in combination with the second module.

3. MODULE TO STRUCTURE AND ANALYZE DECISIONS

This is an essential instructional environment for learning to structure and analyze a decision to determine in what way it adds to the body of applicable rules in the legal system. This module builds on the first module. It presents the student the text of a selected decision, paragraph by paragraph. The student can then analyze the text and with the help of the computer can determine the legal significance of the decision. The student can determine in what way the decision adds to the body of applicable rules. This module can be used by teachers to store selected decisions by judges and to add key words and by students to search, structure and analyze decisions by judges.

4. PRINCIPLED AND STRUCTURED DESIGN APPROACH

The HYPATIA project (Muntjewerff, 2002a, Muntjewerff, 2002b) aims at designing and developing electronic materials for law students to learn the law. Law students experience difficulties with finding, reading and comprehending these decisions. The HYPATIA project uses the principled and structured design approach. The approach taken in PROSA is reusable for a variety of applications for learning the law. The legal case solving research within HYPATIA has been realized and reported in detail (Muntjewerff, 2000, Muntjewerff and Franken, 1994, Franken et al., 1991, Henket and Hoven van den 1999, Jansen 1999, Scholten 1974, Soeteman and Wolthuis 2003, Stolwijk and Bosch 2002).

The legal sources that were examined to model the task of reading and comprehending decisions all describe a series of steps to be taken by the student when reading a decision to determine the legal significance (Bos 2003, Eemeren van et al., 1996, Franken et al., 1991, Henket and Hoven van den 1999, Jansen 1999, Scholten 1974, Soeteman and Wolthuis 2003, Stolwijk and Bosch 2002).

(1) An empirical component where empirical studies are varied out or acquired insight in the way legal practitioners and legal students handle legal knowledge in general and in carrying out specific legal tasks. In this case, law students are studied how they handle and use legal knowledge to perform a specific legal task and what difficulties they experience.

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Therefore, it is necessary to identify the legal meaning by translation of actions into words (Muntjewerff, 2000). A method is in fact empty; explaining content is much more ‘substantial’ and therefore easier. The somewhat paradoxical situation is that novices have to learn to determine the legal meaning by instructing a method. Law students experience difficulties with finding, reading and comprehending these decisions. The legal sources that were examined to model the task of reading and comprehending decisions all describe a series of steps to be taken by the student when reading a decision to determine the legal significance (Bos 2003, Eemeren van et al., 1996, Franken et al., 1991, Henket and Hoven van den 1999, Jansen 1999, Scholten 1974, Soeteman and Wolthuis 2003, Stolwijk and Bosch 2002).

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6. A SESSION WITH CASE

“This indeed is one of the parties in the dispute, but unfortunately it is not the opponent.” To get a basic idea of the functionality of the system we now describe a session with CASE. This indeed is one of the parties in the dispute, but unfortunately it is not the opponent.

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 (4.0.11) 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. 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 screen. The application is written in PHP and MySQL and is free from external libraries. A small number of simple functions are implemented using client-side JavaScript. CASE offers extensive support for administrative, editing-, browsing- and educational tools. Using the same portal, administrators can add, remove and change users; editors have access to editing-, teaching- and student facilities; and the administrator user has rights to do everything the other users can, plus adding, removing and changing users, and removing cases from the database. This section describes a number of important features of CASE.

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 decision 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 into the correct cell in the relevant table in 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 security. It should be possible to make changes to the system and its content without impairing how it works. It should 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 metadata editor interface is used to add or change metadata of a decision and, more importantly, to add new keywords, or remove existing ones. After completing this procedure, the decision can be searched for using the search interface. This section describes a typical process for preparing a decision for analysis in CASE. After login, the editor is presented with a menu containing multiple options. Once the editor recently came upon a decision relevant for law students, she decides to add it to the CASE database. The editor’s menu gives access to the add decision screen. Here the editor fills in a form about the decision (name, publication date, court etc.) and with copy-paste actions she adds the text of the decision to the database.

Next, she clicks the metadata editor (see figure 1).
7. SUMMARY AND FUTURE WORK

Learning the law involves reading, structuring and analyzing decisions to be able to indicate the legal significance of the decisions. Law students experience difficulties especially with determining what the decision adds to the body of applicable rules in the legal system. Within the current curricula 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 a decision 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 is now available in different languages. At the moment we are working with a CASE 2.0 version in which new 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 may be necessary to extend CASE with a knowledge model (Muntjewerff, 2012b).

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