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I used John Lande's will contest simulation over several weeks in LAW II, a second semester legal writing course for first year law students at the Moritz College of Law. I was looking for a problem that would help me teach lawyering skills, such as interviewing and counseling, as well as research and writing skills. I was interested in providing my students with a more realistic sense of the tasks involved in representing a client. I asked two third year law students who were pursuing the certificate in dispute resolution to play the "clients". This approach differs from John's simulation but made sense for me because I wanted everyone in the class to experience the problem from a lawyer's perspective. Half of the class prepared for and interviewed their client; then the other half of the class prepared for and then interviewed the other party to the lawsuit. Next, each student was paired with a student who represented the opposing counsel. They had "coffee" with each other without clients present so that they could begin to develop a relationship. At the same time, each student was researching the legal issues in the case, attempting to assess the likely legal outcome of the dispute. Each student drafted a short memorandum on the topic. Following the research/memo writing stage, the "lawyers" met with each other to negotiate a potential settlement. This step I took directly from John's simulation. I believe that all of the lawyers were able to settle the case and found it helpful to have engaged in relationship-building prior to negotiation.

The next stage in our class was the mediation of the dispute. I asked the students to read materials related to mediation (they also read materials related to interviewing and counseling, as well as negotiation). I told them more about mediation in class and then had them counsel their clients about what to expect in mediation. I asked another upper-level student to act as the mediator and picked two students to represent the clients in the mediation during class. The case settled, but only after the students were able to observe the mediation process in action. By the time the parties mediated, everyone in the class had settled the case, including the two students who were representing clients in the fishbowl mediation. As a result, I think that the case settled more quickly than it otherwise would have. While this is a downside of including both the negotiation and mediation stages, I am going to do it this way again because I want the students to see what mediation looks like and how it is different than, as well as similar to, their negotiation experience. Finally, while the two students selected to represent clients during the mediation prepared, each student wrote a letter to their client, discussing the legal issues in the case and how the student/lawyer intended to approach the case going forward. I received very positive feedback on this exercise. I achieved my objective, which was to teach the students about interviewing, counseling, negotiation and mediation as it might occur in a real case – over multiple weeks. In addition, the students practiced research and writing skills by researching the legal issue, drafting a memorandum and, ultimately, turning that memorandum into a client letter. The ability to integrate research and writing with other legal skills was, I think, very useful to the students. I plan to use the exercise again in spring 2015 with a new set of LAW II students.