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Decision Making Models in 2/2 Time: Two Speakers, Two Models (Maybe)

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DECISION MAKING MODELS IN 2/2 TIME

Two Speakers, Two Models (Maybe)

SPEAKERS

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 - University of Arkansas School of Law
- Resource guide: <http://libguides.law.uga.edu/cali2017>

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WHAT DO WE MEAN BY DECISION MAKING MODELS?

- Thinking broadly
- Teaching skills
- Processes
- Strategies

WHY

- They will make life altering decisions for their clients
- Advise their clients in making decisions
- Avoid traps

PSYCHOLOGICAL TRAPS THAT UNDERMINE DECISIONS

- Anchoring – the mind gives disproportionate weight to the first information it receives
- Status-Quo – strong bias toward alternatives that perpetuate SQ
- Sunk-Cost – make choices that justify past choices
- Confirming-Evidence – seek out information that supports our POV/avoid contradicting information
- Framing – how a problem is framed influences the choices you make
- Estimating & Forecasting
 - Overconfidence – about accuracy of predictions
 - Prudence – overcautious
 - Recallability – overly influenced by dramatic events

TRAPS OUR STUDENTS FALL INTO

- Deciding “the issue” too soon
- Not adequately stating the issue
- Looking for cases, not the law
- Failure to consider alternatives
- Using just their favorite service/database
- Unable to separate pieces from the whole

DECISION MAKING PROCESS

1. What's important
2. Logical & consistent
3. Subjective & objective factors
4. Just the right amount of information
5. Gathering relevant information
6. Straightforward, reliable, easy to use, flexible

QUALITY DECISIONS

- Be clear about what to decide (Framing)
- Gather the facts (Useful information)
- Set the criteria for a successful decision (Values)
- Options (Alternatives)
 - Develop the options
 - Evaluate the options
 - Assess the risk for each option
- Make the decision (Reasoning)
- Follow through (Action)

DECISION TREE

IN THE CLINICAL SETTING

- Propositional
- Introduces a logical series of propositions as syllogisms
- Conversational

CLINICAL USES AND BENEFITS

- Protect clients and students from professional error
- Teach students about critical issues in legal analysis
- Assist clinical faculty in supervision
- Improve risk management
- Promote access to justice
- Foster judicial economy
- Rehabilitate and reclaim the image of lawyers

BENEFIT TO STUDENTS...

- Test analytical skills
 - Ability confirmed or corrected
 - Teaching students and protecting clients
- Benefits and risks associated with new technology

LEGAL MALPRACTICE

- Rising number of claims
 - Amount of recovery
 - Kinds of errors
 - Time lost resolving claims
- Image of the legal profession

BANKRUPTCY

- #5 legal malpractice area by number of claims
- Intersects with several other areas of law

NEGLIGENCE ERRORS

- Failure to know and apply the law
- Planning error
- Inadequate discovery/investigation
- Failure to file documents
 - No specific deadline

PROTOTYPE CREATION

- Question Crafting (Framing)
 - Analyze Code Provisions
 - Assess Relevant Case Law
- Website Crafting
 - HTML
 - Adobe Dreamweaver CC
 - WordPress

PROTOTYPE AREAS

- Four Key Areas of Analysis
 1. Filing Eligibility
 2. Exemption Eligibility
 3. Dischargeability
 4. Privilege Against Self-Incrimination

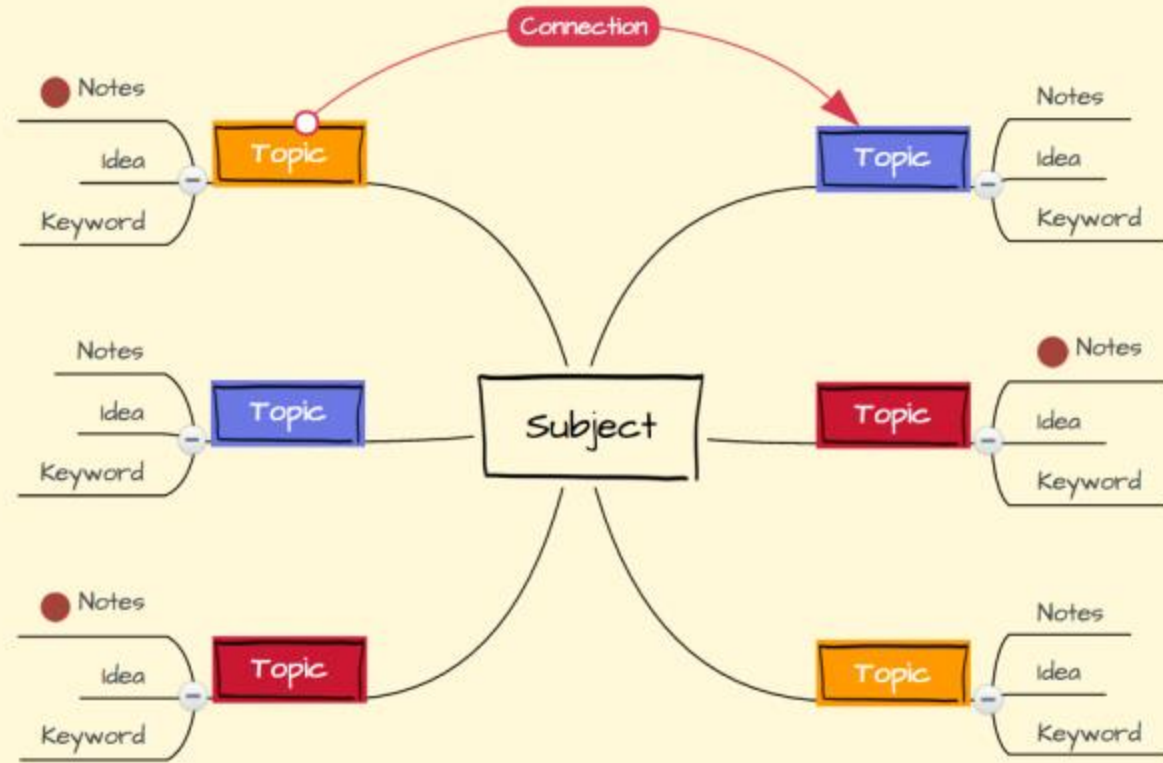
PROTOTYPE FEATURES

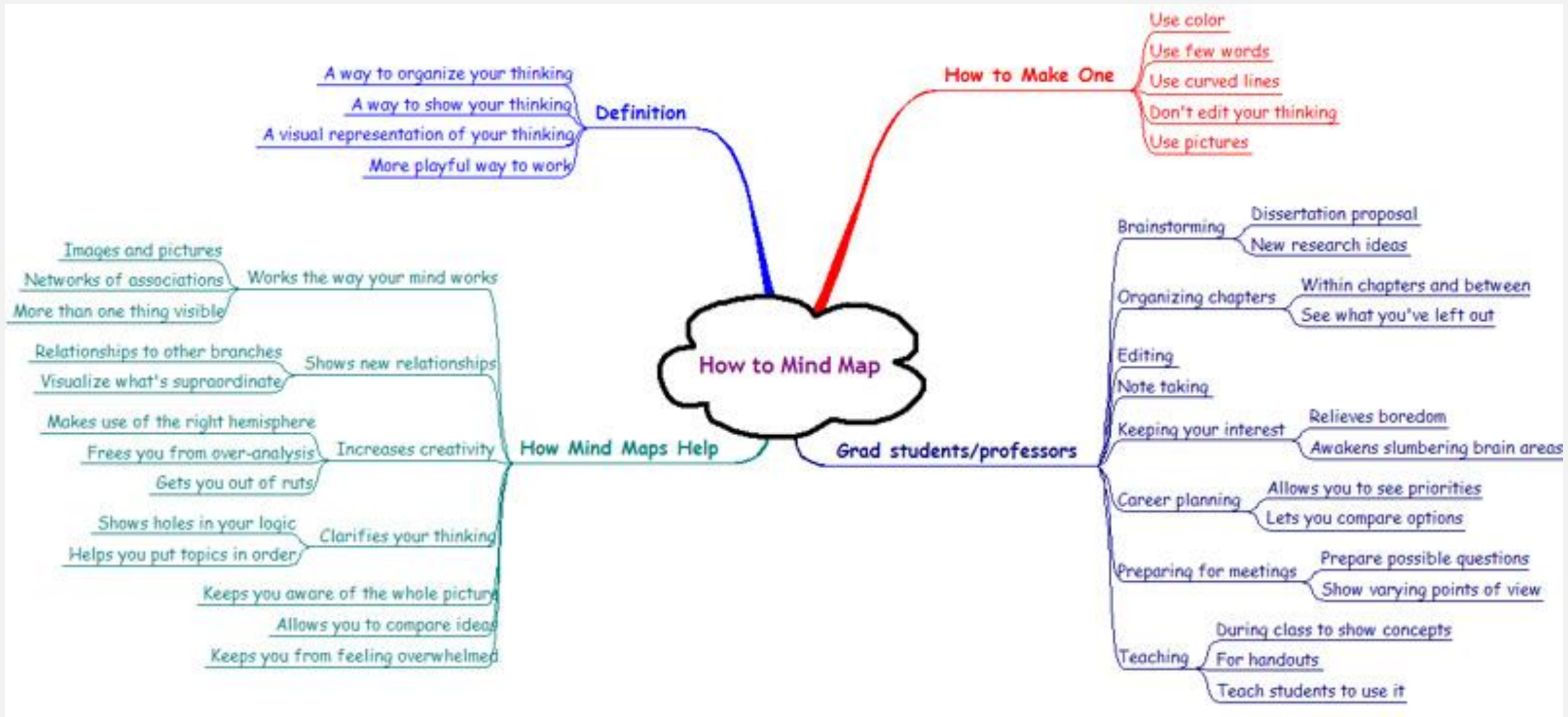
1. Linked Citations to Code Provisions
2. Practice Pointers
3. “For Example”
4. Identify Circuit Splits

PROTOTYPE MAINTENANCE

1. Citation Compilation
2. West's Drafting Assistant
3. Verify Changes/Updates in Law

MIND MAPPING





How to Mind Map

Definition

- A way to organize your thinking
- A way to show your thinking
- A visual representation of your thinking
- More playful way to work

How to Make One

- Use color
- Use few words
- Use curved lines
- Don't edit your thinking
- Use pictures

How Mind Maps Help

- Works the way your mind works
 - Images and pictures
 - Networks of associations
 - More than one thing visible
- Shows new relationships
 - Relationships to other branches
 - Visualize what's supraordinate
- Increases creativity
 - Makes use of the right hemisphere
 - Frees you from over-analysis
 - Gets you out of ruts
- Clarifies your thinking
 - Shows holes in your logic
 - Helps you put topics in order
- Keeps you aware of the whole picture
 - Allows you to compare ideas
 - Keeps you from feeling overwhelmed

Grad students/professors

- Brainstorming
 - Dissertation proposal
 - New research ideas
- Organizing chapters
 - Within chapters and between
 - See what you've left out
- Editing
- Note taking
- Keeping your interest
 - Relieves boredom
 - Awakens slumbering brain areas
- Career planning
 - Allows you to see priorities
 - Lets you compare options
- Preparing for meetings
 - Prepare possible questions
 - Show varying points of view
- Teaching
 - During class to show concepts
 - For handouts
 - Teach students to use it

PROS

- Organize
- Ease of adding
- Ease of shifting
- Flexibility
- Promote creativity
- Sharing
- Broad view
- Portability

& CONS

- Learning curve
- Costs
- Tied to a computer or tablet
- Switching if discontinued

QUESTIONS

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