

ADVANCED DECISION ANALYSIS

Fall 2007

TEACHER: Marjorie Corman Aaron

CREDITS: 2

PRIMARY BASIS FOR GRADE: Completion of complex decision analysis and accompanying client report (based upon hypothetical which will be supplied). Students will be required to complete certain short “problem sets” during the course, but these will not be graded.

PREREQUISITES: 2L Lawyering: Skills

ENROLLMENT: Limited to 20, 3L’s only

TYPE OF COURSE: Traditional, but will be offered Mondays, 4:30 pm - 7:30 pm over only part of the semester to conclude at fall break or shortly thereafter. Some meetings may be an hour or two longer with a dinner break.

COURSE DESCRIPTION:

In 2L Lawyering, the class of 2008 was introduced to the “basic how-to’s” of decision analysis for case evaluation and client-counseling in simple cases. This course would NOT repeat the basics.¹ It would move to sophisticated applications in complex cases, where attorneys use decision analysis to think through litigation management and strategy, and to communicate with opposing counsel and (particularly corporate) clients. In-house counsel increasingly require the use of decision analysis for settlement and litigation decisions. Students completing this course could claim a reasonable degree of proficiency in decision analysis for legal practice. The following topics will be covered:

- Issue-mapping for complex cases
- Methods for estimating probabilities
- Sensitivity analysis
- Analyzing outcome distributions and their significance
- Client-based utility analysis
- Assessing and integrating risk aversion and risk tolerance
- Valuing additional information
- Analysis for resource allocation and litigation management

Students will be required to purchase a one year license for decision analysis software and to use it for the course. (The student rate is approximately \$45, perhaps lower with a group discount.)

¹ I do intend to offer a quick review session before this course begins for students who might fear they are a bit rusty on the basics taught in 2L Lawyering. The review session will be entirely optional, and the hours spent in that session will not count toward hours for this course.