

University of Cincinnati College of Law

Advanced Decision Analysis

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Welcome and Discussion of Practical Issues

Welcome!

I am delighted that so many UC Law students have elected to learn Advanced Decision Analysis. To me, it means that you enjoyed and/or valued the decision analysis material introduced in 2L Lawyering. As you no doubt have guessed, I am quite passionate about this methodology. I believe it enables the highest level of legal practice by facilitating rigorous analysis, strategic advice and resource allocation, and communication with clients and opposing counsel.

I was encouraged to develop this course by UC Law students who had the introductory piece in 2L Lawyering (in 2005 and 2006). Though lacking a comprehensive survey or on the topic, I'd be willing to bet that VERY few law schools in this country are offering such a course. I assure you that decision analysis has been alive and well in business schools and corporations for a long time. MANY fine lawyers and their clients see great value in this approach, particularly for complex cases. However, many other lawyers remain uncomfortable with taking a hard, rigorous look at their intuitive judgment, and many lawyers, law profs and law students are math phobic.

Last year's first time experience with this course convinced me to increase the time allotted and thus the credit hours. Last year's class did not get through nearly all of the planned material. It was (and remains) hard to know how best to present certain material for you to learn and feel comfortable applying it. I will look to you for guidance as we go. If an example is too easy, too obvious, please tell me. If a problem has too much detail, or requires background you don't have, tell me. If one week's assignment takes MUCH too long, email me (preferably BEFORE that class morning). If a topic seems too abstract – you can't figure out how it will be useful in practice – please raise the question.

As indicated above, preparing this course has caused me to explore decision analysis in more depth. I have read books that can only be described as FULL of statistics and math – extremely challenging for me – which set forth the underpinnings of the method and the software. For a time, I thought the word “advanced” in the course title obligated us to slog through this math together. Don't worry: in saner moments, I recognize that is *neither necessary nor desirable*. After all, I've been using this method and the TreeAge software as part of my practice since approximately 1988 and had never read the

statistical underpinnings before. Why require it of you? On the other hand, you MIGHT find some of it interesting.

“Advanced” in the course title signifies that we will not repeat the absolute basics and examples covered in 2L Lawyering. (I will conduct a review session on August 24 on exactly that, as promised.) You can’t get credit for learning same material twice. The goal is to make you more confident users of the method, relatively adept at the software, able to apply it for relatively more complex cases and decisions, and in more nuanced ways – in client interaction and strategic planning and resource allocation decisions in your legal practice.

So, I *may* present on some of the more technical concepts in class, if we have time, and if we have covered the topics of the day. Chances are that any students with math, science or engineering backgrounds will see all of this as simple, and former humanities students will see it as impenetrable. Don’t worry! I will certainly NOT require that *anyone’s final project* contain extensive mathematical formulae. There will be numbers, but these numbers will be based upon your inputs to one or more decision trees constructed with the TreeAge software (as was true in 2L Lawyering). The software will do any calculating.

My pledge remains that the course will be devoted to learning and working with decision analysis as a practically useful tool for sophisticated lawyering.

Practical Issues

Bring laptops with software

As you will see in the syllabus portion of this document, this course requires you to purchase and use the TreeAge software. The version you want is TreeAge Pro Excel, one year student license (\$40). *Please remember that you should bring your laptop, loaded with the software, to every class session.* The software is NOT just for homework. We will practice working through certain problems in class, using the software together.

Food Policy

Food is a good thing! Hunger is not. I have no desire to compete with low blood sugar and light heads. I want brains to cook in class and that requires fuel.

Given our late afternoon/early evening meeting times, I assume that people will want to eat, at least during breaks. Feel free to bring a sandwich, but please do NOT come late because you were out getting one.

Working with time

Guesstimates: The “topical syllabus” reflects guesstimates of how long it will take to get through certain material, particularly the material we did not cover last year. I am

committed to spending the time necessary for ALL students to understand each topic covered in each class and how to apply it in performing a decision analysis. If that hasn't happened before our scheduled end time, we will carry that topic over to the next week, and make appropriate adjustments in assignments, etc.

Hours, credit hours and ending early

The course description indicated meeting times of 4:45 – 7:45, with some weeks ending later and pledging to finish the course before or not long after fall break. I have been calculating classroom time and consulting the calendar and have come up with a schedule that involves starting with a three hour (4:45 – 7:45 session), then 4 ½ hour (4:45 – 9:15), then three, then 4 1/2... and so on. See the syllabus for the times and dates. We would do four 3-hour sessions and three-four hour sessions and end the week after fall break – October 22.

Please note that I have assumed a 15 minute break during the three hour class, and two 15 minute breaks during the four hour class. If people want a longer dinner break, we may have to add 15 minutes to the class. However, as noted above, I have no problem with people eating pizza or a sandwich during class. Thus, a 15 minute break for restrooms, slicing pizza, opening the sandwich, etc., may be sufficient. The class will work this out.

Finally, please note that I am open to discussion and tinkering with this schedule, if people REALLY want to push toward finishing before break. It will involve some marathon sessions, or scheduling one class at an alternative time.

Presence, absence and participation

Try to stay healthy! This is an aspiration for all, and particularly for members of this class. Because of the unusual class format, if you miss one session, you've missed a large percentage of the class time.

- Absences will only be excused for EXTREMELY good reasons (illness requiring medical attention or rendering one unable to function in class); death or serious illness of an immediate family member, etc. Job interviews should be scheduled so as not to skip class. (Be assertive, even with a future employer. Feel free to quote this memo to them as proof of your prof's inflexibility on this point. It will give you additional bargaining power.)
- If you have an excused absence of up to one class period, you will be required to make up the work (by arrangement with the instructor), but your grade will not suffer.
- If you have an unexcused absence of up to one class period, you will be required to make up the work (by arrangement with me) *and* your grade will be reduced by one "whole letter" or grade point. Failure to arrange to make up the work will result in a failing grade for the course.
- If you miss more than one class session (excused or not), you cannot receive credit for the course. Please talk to me about how best to deal with the consequences of

real family emergencies or health issues. There may be creative solutions to the problem. I will be far more likely to work with you if you are up front about it.

- Issues such as missing a significant portion of a class session must be for good reason and will be handled at my (reasonable) discretion.
- You will be in a better negotiating position if you tell me in advance, if possible, of the need to miss a session or any significant portion of a session, and of the reason.

Office Hours and Appointments

I am more than happy to meet with students before, during, or after the time period of this course. My office is Room 402. Email is marjorie.aaron@uc.edu. Phone numbers are: 556-0114 (office phone); 351-0227 (home phone); 253-4013 cell phone. I am generally in the office from 8:30 – 4:30 ish, except Tuesday afternoons, when I am teaching my negotiation course this semester. You are welcome to stop by anytime! If it is important to catch me, you should call or email to make an appointment, as I also occasionally work from home, mediate or have meetings out of the office. Students ARE welcome to call me at home ANYTIME BEFORE 10:00 p.m. If there is a problem, I would rather you track me down the day before than that morning in the office.