

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 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, I experimented with a two credit version of this course, which allowed more time for practice but also involved introduction of certain topics that were perhaps too technical to be useful. I've cut it back to one credit, but of course that meant I found myself cramming too much material into each day. It remains hard for me 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 a topic seems too abstract – you can't figure out how it will be useful in practice – please raise the question.

“Advanced” in the course title signifies that we will not repeat the absolute basics and examples covered in Client Counseling.

As you may know, I am offering a CLE on August 21 (the day before the Advanced CLE and this course begin) that will cover material almost identical to that in Client Counseling. You are welcome to attend that day if you'd like the review, but you can't get credit for it.

This advanced course begins with a one day workshop on Friday, August 22, with co-participants who are lawyers enrolled in the second day of CLE entitled “Decision Analysis: Beyond the Basics”. I KNOW that having lawyers in the class will make it a richer learning experience for all. The goal of this advanced course 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.

In fact, 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 impose it on you? On the other hand, you MIGHT find some of it interesting.

My compromise is that I *may* present on some of the more technical concepts in class, if we have time. 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.

Please be assured that I will 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 Client Counseling). 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 (not engineering).

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 (\$45). *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!

Good news: Continental breakfast and box lunches will be served on the workshop day, Friday, August 22, because I have to provide them for the CLE lawyers and it just wouldn't seem right to feed them and not you! After the workshop day, we meet for four Wednesday mornings from 9:00 – 11:00, so food shouldn't be an issue.

Working with time

Guesstimates: The “topical syllabus” reflects guesstimates of how long it will take to get through certain material. 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.

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 miss the workshop day, I just don't see how you can pass the course. I am open to scheduling make up times ONLY if there are a few students with an irreconcilable class conflict (the IPS course, for example) and we've agreed upon alternative times before the course starts.
- 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.