

claim.

Each student was an "associate" in my "firm." I took the role of "partner." Our firm represented the defendant company. As partner, I doled out assignments and gave constructive criticism.

Students completed certain tasks commonly associated with pretrial employment discrimination litigation: reviewing the complaint, identifying and researching legal issues, articulating a strategy, communicating with the client, interviewing witnesses, preparing an answer and affirmative defenses, drafting and answering written discovery, participating in a mediation, preparing the alleged "perpetrator" for his deposition, and taking the plaintiff's deposition.

The students also prepared weekly timesheets. Prior to each assignment, we discussed techniques, applicable rules and potential resources.

I graded student work on a scale of one to ten. Ten meant great associate work. Seven signified work appropriate for an associate's experience.

Six or under indicated that the associate inexcusably had fallen short and the partner was annoyed.

The students interacted with real people. If the client, mediator, alleged perpetrator and co-employees resembled my friends or family members, well, that was for a good reason. (Thanks, guys).

I snagged one of my colleagues to play our "mediator," which he did graciously and well. These "actors" took their roles seriously. I was surprised at the realism of each interaction.

Things did not always go perfectly. Issues arose that I hadn't anticipated. Sometimes I wrongly assumed that my "associates" knew certain things.

Occasionally our "witnesses" said something that made little sense in the context of the litigation. These "errors" often provided rich teaching (and learning) opportunities.

After all, when does litigation proceed exactly as expected? The purpose of the class was, moreover, not to teach the students everything about litigation.

Rather, the intent was to expose them to the variables of litigation. Students got an idea of what working as an associate might feel like.

They had to use common sense people skills for communicating successfully with the partner, witnesses, opposing counsel, and clients.

I also emphasized the importance of reading the applicable rules, of seeking clarification from the partner, and of always submitting the best work - not the first draft.

The students say that having completed the simulation, they feel more confident about going out into the real world.

They now have some experience with many pretrial litigation tasks which, up until now, they had none. If this decreases their rookie anxiety even a little, the module will have served one of its purposes.

I believe, moreover, that the experience — and the resulting confidence boost — will make these students more competent as new attorneys. In the real world, I would be happy to work with any of them. Hopefully, law firms will too.

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