

## Workshop 3A

# Games Law Teachers Play: Teaching Legal Thinking Through Interactive Games

*Kris Franklin*  
*New York Law School*

## Design Tips for Interactive Teaching Games

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### Why use games?

- Makes learning more experiential and creative.
- Can draw students' attention to parts of legal thinking that they might otherwise gloss over.
- Breaks up glasses and keeps them energized.
- Enjoyable competition can motivate students and create the kind of "functional stress: that activates learning rather than interfering with it.
- You'll have fun! (If you do it right, the students will, too. But frankly, either objective is good in my book.)

### How to create or adapt games for your class:

#### 1. *Define your objectives*

- Try to take the focus a bit away from the substance of what you need to cover – if your games are well-crafted your students will develop expertise with the subject matter in the natural course of playing with it. Instead, concentrate on what it is that the students need to *do*.
- Break down the skills your students will need into their smallest component parts. That is, articulate for yourself each step your students need to follow in reading, thinking, analyzing legal material, interacting with clients, etc. Which ones do students get stuck on, or which ones are so invisible that students may not even realize that they are important? *These* are the ones your game should focus on.
- Go micro. Trying to design a game to teach students "how to prepare for oral argument" will probably not be as successful as game focusing on "articulating the sorts of questions a judge might ask regarding the law cited in the students' briefs."

#### 2. *Build your games backwards*

- Consider what your students' work would look like if they had already learned what you were attempting to teach them. From there, build an exercise that will allow students, individually or in groups, to build what you're looking for as they try to outdo one another.

- Have the game itself rehearse and model good legal skills. *E.g.*, If you wanted to introduce students to the complexities of doing initial client interviews, it might be helpful to have teams compete to list as many things as possible that could (realistically) go wrong in the interaction. Determining the winner of such a game would inevitably lead to a class discussion of how a lawyer can minimize problematic interactions with clients, and intervene appropriately when they occur. But just by playing the game students would be likely to foresee, and perhaps head off, problems they might not otherwise have considered.

### 3. *Pay careful attention to the way you score your games*

- Don't be afraid to use competition to your advantage. Done in a lighthearted way it can spur student to do their best work, and will often allow them to enjoy the experience more.
- Try to a scoring or reward system that will allow you to comment on the work students are doing as your game progresses, so that they can continually improve their efforts. The conversations (and debates!) about scoring will often teach more than the experience of playing the game itself.
- Consider using fellow students as judges. They are often very astute about what constitutes a good effort and will almost always be harsher than you. You can always, disagree, overrule, or explain and amplify their decisions.

### 4. *Debrief thoroughly*

Even if the students seem to have understood intuitively what messages your games were conveying, it will still be important to explain explicitly what you were after, and exactly why the strongest parts of their work successes. Articulate for the students (or better yet, find ways to increase their scores if *they* can articulate) exactly why something is worth points or not, so that they can better regulate their own learning.

### 5. *Give good prizes*

For different class games and competitions I've used all of the following:

- Dinner at my house for the winning team(s)
- Course summaries/supplements that I had in my office
- Coffee shop gift cards
- Candy
- One or a few bonus points on an upcoming graded exercise

## Sample Succession Question

Ida Ciccione, a 79-year-old retiree, came to your law office yesterday hoping that you could prevent her from being evicted from the apartment she has lived in for 13 years.

When Ms. Ciccione's husband died in 1993 she began spending more and more time with her lifelong friend, Thelma Brogden, who was also a widow. To encourage her to "get on with her life," Brogden took the grieving Ciccione to Atlantic City on the second anniversary of her husband's death. There, the two had so much fun that they decided to travel together more often.

To make their plan financially viable the two decided to pool some of their financial resources and "laugh their way through old age." Ciccione sold her house and promptly moved into Brogden's rent-controlled apartment on 79<sup>th</sup> street. Half of the proceeds from the sale of Ciccione's house went into a trust for her own children, and the other half was deposited into a bank account that she opened up to pay for her household expenses and trips with Brogden.

Thereafter, the two were inseparable – referring to one another as "sisters by choice," they hiked in the desert southwest, gambled at Foxwoods, and visited each other's families in Virginia.

Brogden died quite suddenly last month, leaving three adult children and no will. Brogden's landlord has told Ciccione that she has no right to remain in the apartment, and that he would seek to evict her unless she moved out voluntarily.

Draft a memo assessing our likelihood of success if we defend Ciccione in the upcoming holdover proceeding.

# Summary of NY Law for Succession Question

## Statutes

1. Rent Stabilization Code §2523.5(b)(1): When a tenant has permanently vacated an apartment, any member of the tenant's family who has resided in the apartment for two years ... is entitled to be named as a tenant in a renewal lease.
2. Rent Stabilization Code §2520.6(o): Although no single factor shall be solely determinative, evidence which is to be considered in determining whether such emotional and financial commitment and interdependence existed, may include, without limitation, such factors as listed below ...
  - i. longevity of the relationship;
  - ii. sharing of or relying upon each other for payment of household or family expenses, and/or other common necessities of life;
  - iii. intermingling of finances ... ;
  - iv. engaging in family-type activities by jointly attending family functions, holidays and celebrations, social and recreational activities, etc.;
  - v. formalizing of legal obligations, intentions, and responsibilities to each other ... ;
  - vi. holding themselves out as family members to other family members, friends, members of the community or religious institutions, or society in general, through their words or actions;
  - vii. regularly performing family functions, such as caring for each other or each other's extended family members, and/or relying upon each other for daily family services;
  - viii. engaging in any other pattern of behavior, agreement, or other action which evidences the intention of creating a long-term, emotionally committed relationship.

## Cases

1. *West End Assoc. v. Wildfoerster*, 661 N.Y.S.2d 202 (App. Div., 2d Dep't 1997) -- Court upholds lower decisions denying tenancy to a surviving gay life partner on the grounds that there was "essentially no evidence" of a family relationship. The deceased tenant was an "intensely private" man who refused to acknowledge his impending death, leaving no will, joint finances or other documentary evidence of his relationship. A spirited dissent contends that testamentary evidence by the deceased tenants' family and friends was sufficient to establish a "close loving relationship", and that the majority focused disproportionately on the couple's finances and lack of a will.
2. *Lepar Realty Corp. v. Griffin*, 581 N.Y.S.2d 521 (App. Term, 1<sup>st</sup> Dep't 1991) – Appellant entitled to remain in apartment she had lived in with the named tenant even after their breakup, because prior to the dissolution of their romantic relationship the petitioner and the tenant had lived together as a family with their son. This conclusion was reached despite the fact that the named tenant had remained married to another women throughout the relationship with petitioner.
3. *Batsikis v. Ligouri*, 567 N.Y.S.2d 340 (Civil Court, Housing Part 1991) – Petitioner permitted to remain in the apartment he had been raised in by his now-deceased great aunt and uncle, because he had formed a parent-child relationship with them. There was no formal adoption, but the great aunt and uncle had raised him "as if he were their own son," and he referred to the great aunt as his "Grandmother."