Best Practices for the Law of the Horse: Teaching Cyberlaw (and Law) with Online Role-Playing Simulations

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Judge Frank Easterbrook once mocked Cyberlaw as "the law of the horse," a subject lacking in cohesion and therefore unworthy of inclusion in the law school curriculum. This Article responds squarely to Easterbrook's challenge and concludes that Cyberlaw is a course that can be taught particularly well in law schools when learning occurs through live, online role-playing simulations. These techniques have been successfully used by the author for the past three years, casting students as lawyers in realistic simulations that unfold on the live internet. Unlike other Articles responding to Easterbrook, this Article bypasses a doctrinal or theoretical approach, avoiding (for now) the longstanding debate between Cyberlaw exceptionalists and unexceptionalists. Because Easterbrook's attack is ultimately educationally rooted, the Article takes a pedagogical approach, concluding that Cyberlaw presents a *unique* opportunity for holistic and experiential legal education that combines doctrine, theory, skills, and values in a highly engaging manner. Accordingly, in light of the recent studies *Best Practices in Legal Education* and the *Carnegie Report*, the Article explains how the author came to develop such a course and outlines how such a course might be structured. The Article concludes with a response to Easterbrook's existential ("surface") and normative ("illumination") attacks on Cyberlaw, concluding that both are without merit.

Navigating the Uncharted Waters of Teaching Law with Online Simulations

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The internet is more than a place where the Millennial Generation communicates, plays, and shops. It's also a medium that raises issues central to nearly every existing field of legal doctrine, whether basic (such as torts, property, or contracts) or advanced (such as Intellectual Property, Criminal Procedure, or Securities Regulation). This creates tremendous opportunities for legal educators interested in using the live internet for experiential education. This Article examines how live websites can be used to create engaging and holistic simulations that tie together doctrine, theory, skills, and values in ways impossible to achieve with the case method. In this Article, the author discusses observations stemming from his experiences teaching law courses using live, online role-playing simulations that cast students in the role of attorneys. The Article concludes that such simulations have significant benefits for law students, and surprisingly, can also benefit scholars who use simulations proactively to deepen the synergies between their teaching and scholarship. However, the resources required for simulations may also exacerbate long-standing systemic tensions in legal education, particularly regarding institutional resources as well as the sometimes conflicting roles of faculty as teacher-scholars. Because the American Bar Association will almost certainly, and appropriately, require law schools to expand their simulation offerings, the benefits and tradeoffs of simulations teaching must be addressed now.