

Knowledge Based System Aided Legal Instruction for Creative Legal Mind

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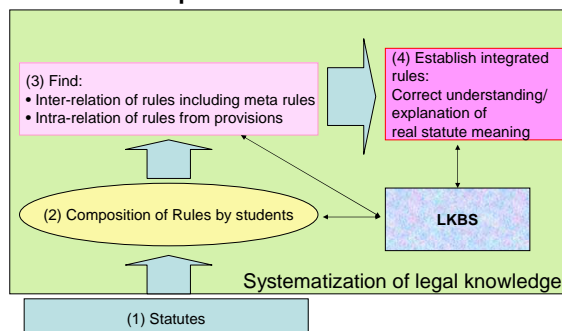
1 Introduction Back ground

- This century requires Japan to have many smart lawyers.
- Japan has just changed legal education system introducing graduate law schools to produce many “good” lawyers.
- “Good” lawyers must have creative legal minds.
- It is important to educate students to have creative legal minds.
- We have, therefore, established a project on “the development of legal education method for creative legal minds”.

Basic idea

- Japanese traditional legal education
 - Lecture method
 - Top down implantation of legal knowledge
- New approach
 - Integration of Problem, Socratic, Interpretation and discussion methods
 - Bottom up developing legal knowledge
 - Use of Legal Knowledge Based System (LKBS)

Develop rules from statutes



Creative Legal Mind

- CLM is the thinking ability to solve legal problems properly by **creating** new legal rules.
- CLM includes not only proposing new legal rules but also **constructing** a new logical structure in a lawyer’s brain.

2 Legal Knowledge Based System (LKBS)

- Current Legal Knowledge Based System
 - Legal Expert System LES5 (1998)
 - [Legal Expert System LES6](#) .
- Target domain: United Nations Convention on Contracts for International Sale of Goods (CISG)
- A rule based system
- A short demonstration of [LES6](#)
- Application of the current system to legal instruction for creative legal mind is the present task.

3 Applicability of LKBS for CLM

1. Acquisition of fundamental knowledge/skills of law
 1. [Understanding general logical structure of legal knowledge](#)
 2. Understanding general structure of legal reasoning
 3. Understanding concrete knowledge structure of positive law
 4. Understanding the structure of reasoning of legal problem solving
 5. Simulation of legal reasoning and legal problem solving
 6. Training of writing answer sheets
2. Promoting Creative Legal thinking
 1. Comparison of theories or cases through problem solving
 2. Simulation of hypothesis generation and falsification
 3. [learning of systematization of legal knowledge](#)

3-1-1 Understanding general logical structure of legal knowledge

- Unit structure of legal knowledge
 - Fact proposition and Rule proposition
 - $f(a)$ $f(X)$ $g(X)$
 - Legal object proposition and legal meta proposition
- From these units, law can be constituted.

3-2-3 Learning of Systematization of Legal Knowledge

- Legal mind to systematize law
 - to have legal knowledge not separately but in systematic association..
 - to be able to perform reasoning for deductive justification.
- Instruction method
 - to make knowledge explicit.
 - to apply the knowledge to legal problem solving
 - [to systematize knowledge on students' own.](#)
- Use of LKBS is effective in and , and construction of LKB is effective in .

4. Example of Training of Ability in Legal Systematization

- Target domain: International Convention on Contracts for International Sale of Goods (CISG)
- Problems 1, 2 and 3.
- Learning example of legal systematization by a student applying CISG to the problems

Articles of CISG

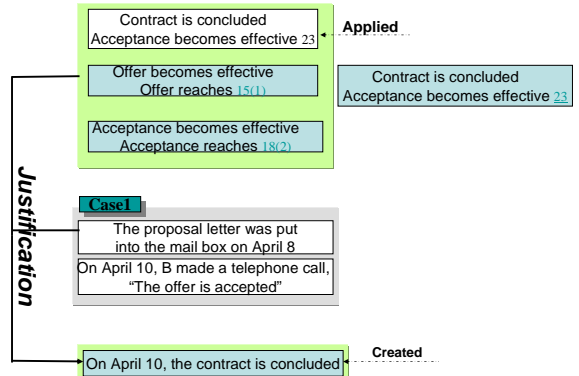
- Article 23
A contract is concluded at the moment when an acceptance of an offer becomes effective
- Article 15
(1) An offer becomes effective when it reaches the offeree.
(2) An offer ... , may be withdrawn if the withdrawal reaches the offeree before or at the same time as the offer.
- Article 16
(1) Until a contract is concluded an offer may be revoked if the revocation reaches the offeree before he has dispatched an acceptance.
- Article 17
An offer, ... , is terminated when a rejection reaches the offerer.
- Article 18
(2) An acceptance of an offer becomes effective at the moment the indication of assent reaches the offeror

Case 1

- On April 1, A sent B a proposal letter that A was to sell B a farming machine for \$10,000.
- On April 8, the proposal letter reached B.
- On April 10, B made a telephone call to A, "The offer is accepted."

Is contract concluded? If so, when is the contract concluded?

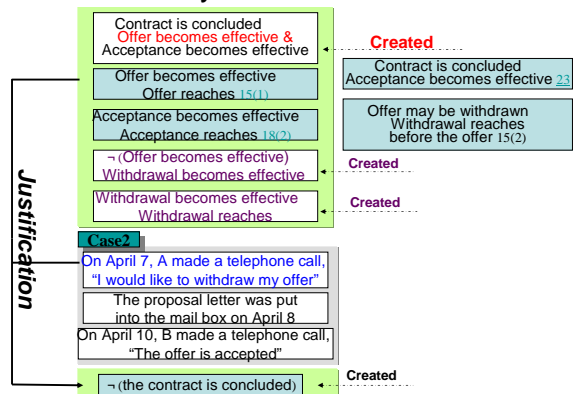
A Student's Systematization 1 to Case 1



Case 2

- On April 1, A sent B a proposal letter that A is to sell B a farming machine for \$10,000.
- On April 7, A made a telephone call to B, and said "I would like to withdraw my offer."
- On April 8, the proposal letter reached B.
- On April 10, B made a telephone call to A, "The offer is accepted."

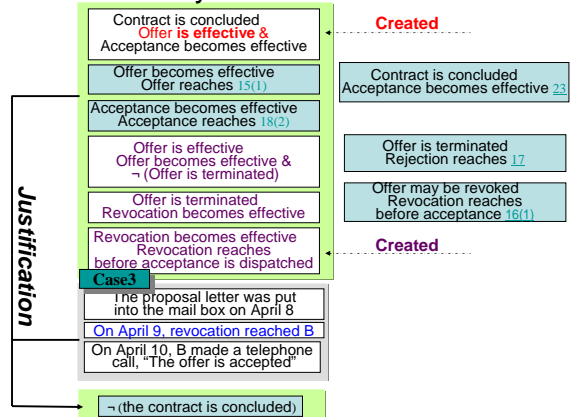
A Student's Systematization 2 to Case 2



Case 3

- On April 1, A sent B a proposal letter that A is to sell B a farming machine for \$10,000.
- On April 7, A sent B a notification by posting mail, "I would like to withdraw my offer."
- On April 8, the proposal letter reached B.
- On April 9, the notification A had sent on April 7 reached B.
- On April 10, B made a telephone call to A, "The offer is accepted."

A Student's Systematization 3 to Case 3



5. Conclusion

- The traditional legal education has been to give the professor's systematization to students on top-down way, mostly unsuccessfully.
- In the present approach using LKBS, students can learn and develop creative systematizing thinking, from statute provisions, through problem solving of various cases, on bottom-up way.
- We have applied this approach to the class "Legal Method" in MGU graduate law school. Students reactions have been positive.

Finally

- Thank you very much.

Implications for Further Researches

- Analysis of generation process of a principle rule from cases and development of LKBS based education method for creative legal mind.
- Utilization of Socratic Method Support System for law
- Utilization of Legal Debate Support System
- Implementation of Reasoning System of Generation and Falsification of Hypothetical Rules, and Its Application to Legal Education