



Night Court

One night.

One case.

One unforgettable experience.

It is 7:45 p.m. on a chilly Wednesday in February.

And the entire class of 2002 is in court.

Tonight, the courtroom is the classroom as 68 students witness an annual event at the medical school and become part of a unique learning experience— the mock trial.

Virtual Reality

In an era of digital technology and flat-screened communication, virtual reality takes a new meaning at SIU's mock trial, a night when fourth-year medical students witness a live re-enactment of a landmark court case.

"Our goal is to create the most realistic presentation of a trial that we can possibly achieve," says Theodore LeBlang, J.D., professor and chair of medical humanities, who, along with retired Illinois Supreme Court Justice Ben Miller, conceived the mock trial experience 25 years ago. "We recognized the importance of physician participation in the administration of justice," LeBlang says.

Justice comes to life in courtroom 7D at the Sangamon County Courthouse as real attorneys and judges play themselves while presenting the case of *Darling v. Charleston Community Memorial Hospital*. The stately courtroom, the skill of the attorneys and the authority of the judge invigorate the three-and-a-half-hour mock trial, making it a more memorable — and more enjoyable — experience for the students.

It's also an interactive experience, as 14 medical students are chosen to be jurors and alternates, while the rest of the class studies the courtroom presentation with the same intensity they use when observing physicians treating patients. In fact, the mock trial echoes SIU's teaching philosophy of learning by experience, mirroring training devices such as standardized patients, in which actors and actresses pose as patients so medical students can practice their clinical skills in a problem-based learning lab made to simulate a patient exam room.

With the mock trial, the courtroom becomes a different kind of problem-based learning lab. The smell of the courtroom's dark wood, the deft physical movements and cunning

intellectual skill of experienced trial attorneys and the prestige of the judge maintaining order all familiarize students with the practice of law. "During the mock trial, students observe the differing strategies and tactics of outstanding lawyers," LeBlang explains. "Students get a broad and diverse sense of the profession, just as they do with medical practice, watching different physicians handle cases in different ways." The formality of the surroundings further draws them into the drama of the landmark case. — And it's a compelling, dramatic case.

The Case

In November 1960, Eastern Illinois University student Ken Darling broke his leg playing football. He was taken to the local hospital, Charleston Community Memorial Hospital, where his leg was set in a cast. For two weeks, his condition worsened, and he was transferred to a St. Louis hospital. His condition continued to deteriorate,

and his right leg became gangrenous. Eventually, it was amputated below the knee.

Charleston Community Memorial was sued for negligence. The court ruled that hospitals — not only physicians — have responsibilities in regard to patient care and treatment, despite the hospital's claim to the contrary. The Illinois Supreme Court affirmed the verdict in favor of the Darlings.

Interactive Analysis

As students witness the details of the jury trial, they are required not just to understand the facts and legal issues of the case but also understand the viewpoints of participants. Sitting either in the hardwood benches as courtroom observers or in the softer chairs in the jury box, the students take themselves out of the role of medical student and assume the perspective of an actual trial participant: the judge, one of the four lawyers, Darling or his father, the hospital



Theodore LeBlang, J.D., professor and chair of medical humanities, coaches a potential juror before the mock trial begins.

administrator, an expert witness, or a juror, thereby becoming a part of the action, not just a passive observer.

“We want the students to describe what they’ve seen from the perspective of that individual,” LeBlang says. “It makes them a virtual participant.” This perspective, summarized in a written analysis, is the basis upon which students are evaluated.

Jeremiah Anders (MSIV) chose to view the trial from the perspective of the hospital administrator, played by Paul Rockey, M.D. “The hospital was on trial, but he represented the hospital, so he had a vested personal interest in the case. It was as if he was the defendant, since he was representing the entire hospital. He took it personally, and I thought that was interesting.”

Anders sees much benefit in the mock trial. “Having a better understanding of the legal system and its role in medicine will help me, as a physician, help the legal system toward its ultimate goal of justice.”

Staci Young (MSIV) had never been in a courtroom before the mock trial. “It was intimidating at first,” she admits, adding that she felt a little apprehensive when she was chosen

as a juror, but didn’t let herself get too influenced by the tragedy of the case. “I had to realize that yes, malpractice was proven, but also think about the facts of who was responsible.” She was impressed being “inside the trial”

SIU faculty members who have enacted the roles of plaintiffs and defendants, making the mock trial a community effort over the past 25 years.

“The physician who understands, rather than fears the law, will make clinical decisions with greater confidence.”

and says it shed new light on the legal profession. “I’m glad I didn’t go to law school!” she says. “But now I know what to expect when I’m on the witness stand answering questions.”

A Community Effort

Many attribute the success of the mock trial to the community effort.

In years past, Associate Provost Phil Davis, Ph.D., enacted the role of Kenneth Darling, Jr. With the ongoing success of the mock trial over the years, Dr. Davis now plays the senior Kenneth Darling.

Dr. Davis is just one of numerous

Five judges and 18 community attorneys have generously given their time for this project. “Judges have taken different approaches with respect to how they have presided over the trial, and community attorneys energize the experience with varied strategies in their opening and closing statements and direct and cross examinations,” LeBlang says, adding that some attorneys have prepared large exhibits to illustrate their points. “The generosity of these community leaders over the past 25 years has been extraordinary, especially those who have been involved from the very beginning.”

David Drake is one such participant. An attorney who almost exclusively represents physicians and other medical providers in malpractice cases and Department of Professional Regulation cases, Drake notes that in his experience, many physicians are strangers to a courtroom, and that can affect the impression they make in court. “The mock trial is a good teaching mechanism,” he says. “It gives young physicians guidance and an idea of what they can expect.” LeBlang adds that after the mock trial, students will be more confident and more comfortable in court, and that will help them testify.



Far left, Dr. Robert Gordon, '99, has played Ken Darling Jr. in recent years, a role Phil Davis, Ph.D., (second from left) played in the early days of the mock trial. Dr. Davis now assumes the role of Ken Darling Sr.

Attorney Tom Londrigan also has been involved since the mock trial's first event. "I've always been interested in teaching and coaching, so I enjoy working with the medical students at the mock trial," he says. "From an academic perspective, it's a good thing to explain the law and how it works."

Why Not Read John Grisham?

But how necessary is all this legalese for a physician committed to healing, not litigating? Like it or not, physicians will be called into court, says LeBlang, whether as an expert witness, witness on behalf of a patient, or a party to a lawsuit, and they can't understand courtroom procedure by just reading a courtroom thriller.

"The mock trial meaningfully and positively influences physicians' attitudes toward law and the legal system. It fosters a productive working relationship among physicians and attorneys that benefits the system of justice and advances the needs of patients," says LeBlang. "It also informs students about a variety of issues that arise at the interface of law and medicine."

He continues, "The physician who understands, rather than fears the law will make clinical decisions with greater confidence and will participate more knowledgeably in the administration of justice."



Theodore J. LeBlang, J.D., discusses the mock trial script with Judge Sue Myerscough.

To help physicians understand the law, SIU medical students are required to complete a comprehensive program of legal education. Among other things, students learn about rights and responsibilities in the physician-patient relationship, issues of malpractice, informed consent and confidentiality, legal aspects of medical practice, forensic psychiatry and forensic pathology, and the roles physicians play outside the clinical office as expert witnesses. The mock trial culminates the program.

"It would have been more difficult to keep up with the trial without the seminars," Anders says. LeBlang notes that "SIU was an early leader in legal medicine programming, and we continue to be one of the recognized leaders in legal medicine education throughout the United States.

"The more students are immersed in this type of learning, the more they see it as valuable in enhancing their skills as clinicians," says LeBlang, adding that some students have described the mock trial as one of the best learning experiences at SIU School of Medicine.

Says Anders, "I like the hands-on approach to teaching, and the mock trial comes off more real than I expected."

Keeping it real is the goal of the mock trial, and for 25 years it has been giving young physicians an edge to understanding the practice of law and its role in medicine.

And who knows? With such a useful crossover, maybe one day legal students will be witnessing standardized patient care. ■



The mock trial in action.