

BACK STORY

THE VIRTUAL ATTORNEY: ACTING AS COUNSEL IN A VIDEO GAME

The following provides a look at how the trial process plays out in a popular videogame. The characters are works of fiction and the trial is not based on actual cases or judicial processes.

**BY MATTHEW CARLYON, ESQ., ASSISTANT BAR COUNSEL,
STATE BAR OF NEVADA (AND RECREATIONAL GAMER)**



Our intrepid virtual attorney, Phoenix Wright.

OK lawyers, while we've all been worried about Als like CaselQ and Kira Systems, there's been a much more prolific virtual attorney after our jobs since the golden age of 2001. This upstart collection of electrons goes by the name of Phoenix Wright, and in the virtual video-game world in which he practices, he styles himself an "Ace Attorney." Let's take a look at one of Wright's cases and see if his skills in the computerized courtroom are something we need to be worried about, or just one more soon-to-burst computer bubble.

In "Phoenix Wright: Spirit of Justice," a video game released in 2016 (the 10th in an ongoing series), Wright travels to the far-off country of Khura'in to visit his former assistant, Maya Fey. But disaster strikes when Wright's tour guide, Ahlbi Ur'gaid, is accused of stealing a sacred Khura'in treasure from a temple and murdering a guard. Wright immediately volunteers to defend Ahlbi from the charges.

So how's our virtual attorney doing so far? Well, I'm not familiar with the all the fictional laws of the fictional Khura'in, but if they have any kind of statute on the unauthorized practice of law, it's likely that Wright is already in some hot water with the Khura'inese bar association. So that's -1 point for violating the Rules of Professional Conduct. However, Wright apparently takes cases out of the goodness of his pixelated heart and doesn't seek financial compensation from his clients. That's a rate we flesh-and-blood attorneys are going to have a hard time matching, so it's +1 to the computerized counselor.

Ahlbi takes the stand and, surprise, he doesn't want Wright there at all! Guess I'll have to take away that point from earlier. Turns out Khura'in has what they call the "defense culpability act" under which the attorney for the accused shares

the same fate as the defendant after a conviction. In this case, that means Wright is facing the death penalty! I'll bet right about now he's wishing he'd gone to virtual medical school like those guys from "Surgeon Simulator."

Alhbi's testimony is predictably worthless. The kid's about 15 years old, and his entire story consists of "I didn't do it." (Totally unhelpful, kid.) But the prosecutor, with the unfortunate name of Gaspen Payne (I can only imagine the childhood bullying), calls his next witness: a spirit medium who conjures the last images seen by the victim before he died! The last thing the dead man saw was Alhbi standing over him, arms raised as if to strike. Slam dunk, case closed: Mr. Payne can take the rest of the day off to golf. Wright doesn't even attempt a hearsay objection; I'm docking him another point.

But our assimilated associate doesn't give up that easily.

Like any good defense counsel, he goes to work attacking the prosecution's evidence. Alhbi's hands weren't holding a weapon, the guard was killed by a blow to the back of the head, and Alhbi was standing in front of him. Whatever, Wright, nobody is buying it.

Fine, we'll have one more witness before we end this farce. The prosecution calls Pees'lubn Andistan'dhin, the high priest of the temple, who sings his entire testimony while playing a mandolin; he was the only other person around when the guard was killed, and he holds the only key that can open the treasure box where the missing treasure was stored. Gee, I wonder how this is going to turn out? It takes Wright two hours of gameplay to figure out that ol' Pees'lubn has a brand-new mandolin—because he smashed his old one over the guard's head so he could kill him and take the treasure.

Wright did a fine job after all the initial bungling, but the real problem here is the client, Alhbi. Really kid? You couldn't include the part about Pees'lubn being the murderer in your testimony? You were like two feet from the whole thing when it happened. Final verdict? I don't think we have to be worried about Wright taking our jobs anytime soon. But in the meantime, do some legal research before you take on a new case: make sure there's no Defense Culpability Act. **NL**

For a look at more law-related video games, check out <http://www.openlawlab.com/project-topics/learning-law-better/>.



The virtual courtroom.