



GONZAGA UNIVERSITY

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Values and Lawyering Skills

By John Capowski

Law school classes may effectively teach how values influence policy decisions and the role of values in the management of law as a profession. Apart from reflective clinical experiences, however, they are ill-equipped to show the effect that personal values will have on students in their daily work as attorneys. This article describes an exercise that, along with other lessons, demonstrates how students' personal values will influence the character and quality of their representation of clients. I developed the exercise to serve as a vehicle for teaching students about the importance of client decision-making in the counseling process. In using the exercise, I have found that it teaches much more and may be used in a wide variety of skills courses, clinical courses, professional responsibility offerings, and other courses in which the instructor is interested in teaching about the effect of values upon lawyering skills.

The Exercise

At the beginning of the exercise, I tell the students they will need to play two roles. For one role I ask them to imagine they are all partners in a small law firm looking for a *pro bono* project. As partners, they will listen to potential clients present their cases. They will not be able to ask the clients questions, but, after hearing the clients' stories, they, as the firm's partners, will have to decide upon one client to represent. They are to assume that none of the clients can afford an attorney or arrange to have the case handled on a contingency basis.

In addition to having the students play firm partners, I assign each student to a client group. In a class of about twenty, the groups are usually made up of two or three students, and each group is to plan on how best to present the client's case to the firm. They must also decide on one or more students in the group to role-play the client before the firm. Each client group is given a written description of less than a page outlining its client's problem.

A wide variety of client cases may be developed for the simulation, and faculty members might create some in their areas of substantive law interest. In my simulation, one of the clients is a married couple with a young child. A neighbor made an abuse complaint to the state's child protection agency, and a social worker from that agency removed the child. The agency has not yet scheduled a hearing. The parents want to require the state to hold an immediate hearing, and they wish to get the child back.

Another client is a single mother with three young children. She and her children receive public assistance. In the past the father of two of the children has given her some money, but he no longer does. The department of public welfare, apparently aware of the father's past contributions, is terminating the family's public assistance. The client's only income now is public assistance, and she doesn't know how she'll get by without it. Other client cases I have used include a man who has been charged with battering his wife and needs representation, researchers who have come up with a drug they believe will block the development of AIDS but cannot afford to fight the Food and Drug Administration on licensing, and a group of women who have been discriminated against in hiring and promotion by a large local employer.

The class proceeds as I call upon the various groups to present their clients' cases before the firm (full class). After all the groups have presented their cases, I ask the full class to decide which client the firm will represent.

Observations and Lessons

While the class decides on a client to represent, I take copious notes on the decision-making process, focusing on how students who have played various clients behave when their clients' cases are discussed. Following the role-play, I make some observations about student behavior during the exercise and the effect of values on that behavior. I try to do much of this through questions, but I resort to comments when appropriate or needed.

Although the order in which I handle topics will vary from class to class, I usually try to cover points on client behavior, advocacy, decision-making, and how the students' values affected their behavior during the exercise. I consider the observations and conclusions about how values affect advocacy to be the most important lesson that students can learn. Students whose values support taking the case of the client that they have played in the exercise

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Values and Lawyering Skills

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will most often be strong advocates for that client after switching to the role of firm partner. Those students whose values would oppose taking the case of the client they played will disassociate from that client in the firm role. A student, for example, might yell out during the decision process, “Get rid of the child abusers.” The association and disassociation that occur in the exercise mirror that of the practicing bar. Real-life lawyer-client identification and disassociation are often more subtle, but they are no less real. Many of us who have practiced have seen lawyers sabotage their clients’ cases by allowing their own views of right and wrong to damage the chance for a positive outcome. We have also seen lawyers blinded to opposing positions by myopic allegiance to their clients’ cause. By having students experientially come to understand the effects that values can have on a lawyer’s performance, I hope they will be able to anticipate these effects in their own practices and correct for them. This is the main lesson of the exercise, but there are others as well.

One very positive aspect of the exercise is that an instructor neither needs to nor should make judgments about the relative importance of the values expressed. An implicit lesson may be that it is important to respect, within certain limits, others’ values and not be overly critical because of these differences.

Another lesson for the students is in understanding client motivations and behavior. The students, in having to put themselves in the roles of clients, are in a better position to understand client behavior in the interview process. Some students, in playing the client roles, omit facts that may result in their cases not being accepted by the firm. Others exaggerate the facts to ensure that their cases get accepted. In general, this form of advocacy exists mostly with students who sympathize with their assigned client. I hope that by seeing how some students playing clients will stretch the truth, the class members overall will have more understanding of their own future clients’ willingness to do the same thing. Students may also find that simply having played the client may cause a student to develop a loyalty through the association, albeit a fictional one. This behavior mirrors that of the practicing attorney, who, having spent time with a client, will begin to develop a similar kind of loyalty.

Another lesson concerns the types of arguments that lawyers make. This fundamental lesson is an implicit part of many law school classes. It is possible, though, through the exercise to provide students with an explicit understanding by discussing how, as clients, they appealed to the law firm decision-makers and how, as law firm partners, they advocated having the firm accept a particular client. Students may discuss advocacy points including the need to evaluate the decision-maker and the use of emotional appeal, detail, posture, and self-interest. Taking detailed notes, including quotations, during both parts of the exercise makes it easier to lead a discussion afterward on the types of arguments that students made and to provide specific examples of arguments and their effectiveness.

During the decision-making process, students may

discuss the appropriate role of *pro bono* cases and the factors attorneys should consider in deciding whether to take them. Occasionally, students weigh in heavily with points about how a case will require minimal effort, might bring the firm helpful publicity, or not be troublingly controversial. Other students invariably argue against considering these factors, and some will even declare them inappropriate.

During the decision-making process, students inevitably make assumptions about the clients and the clients’ cases. For example, students have suggested that the welfare termination case will be easy. They have suggested that both the man accused of domestic violence and the couple whose child was removed are culpable. Another point that can be raised during the discussion of the decision-making process is about our willingness to make unwarranted assumptions. While working hypotheses are needed, relying upon untested assumptions causes incorrect decisions and poor advocacy.

Applications in the Law School Curriculum

Used in an interviewing and counseling course, the exercise highlights why attorneys need to foster client-centered decision-making. As students discern how their values have affected the ways they select particular *pro bono* cases, they become more aware that attorneys must not impose decisions upon clients who may have different values. In alternative dispute resolution courses, the simulation can help mediation students see both why they need to determine what is of value to the parties and why the outcome they, as mediators, might want to impose may not be best for the parties involved.

Professional responsibility is another course in which the exercise might be used to foster the lesson of client-centered decision-making. The simulation could lead to a discussion of how dissonance between a professional responsibility requirement and attorney values may affect behavior.

The exercise could easily become a part of the classroom component for a clinical course. Having taken students through the simulation, a clinical professor could more easily address issues raised when they come up in clinic cases; for example, a student’s failure to pursue a client’s case aggressively when that student’s values are in conflict with the client’s behavior or desired remedy.

The exercise may help some of our students avoid the flaw Gerald Brenan ascribed to intellectuals. “Intellectuals are people who believe that ideas are of more importance than values. That is to say, their own ideas and other people’s values.” (E.F. BRENAN, THOUGHTS IN A DRY SEASON, *Life*.)

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Ask Your Students

By Louis J. Sirico, Jr.

Several years ago, as I prepared to teach my Torts class, I decided to include some recent cases on the deprogramming of converts to controversial religions. In these cases, the courts generally find no false imprisonment on the part of individuals who capture the converts and attempt to change their newly formed convictions. I expected to conclude that the converts had the right to make their own decisions about their lives, even if most people considered those decisions to be foolish.

In class, it occurred to me to ask my students if any of them had been involved with new religions. One student immediately volunteered that her family had arranged to have her brother deprogrammed. The class sat perfectly silent as she told the story of how her brother's personality had radically changed after joining a religious group and how her family's anguish had led it to take such dramatic action. Needless to say, my class took an unexpected turn that day as we heard a personal perspective on a controversial issue.

My Torts class would have learned less that day if I had not asked the students to contribute their experiences. Although this teaching technique is an obvious one, I have wondered why it took me so long to discover it. Perhaps because we see ourselves as teachers who both impart knowledge and control the class, we hesitate to invite students to share these roles with us. Yet, by taking a fairly small risk, we can add immeasurably to the classroom experience.

Here is another example. In a Land Use Planning course, I was teaching *Pennsylvania Coal Co. v. Mahon* and *Keystone Bituminous Coal Assn. v. DeBenedictis*, two famous cases concerning the Fifth Amendment's restriction on taking property. In these cases, Pennsylvania tried to prevent coal companies from mining in a way that would cause homes and towns on the surface to collapse. One student told us that her grandfather had died in a mining disaster. When the coal company recovered his body, its employees dumped it on his front porch and left. This poignant story illustrated two points: how dangerous mining can be and how impossible it must have been for the state to negotiate some sort of agreement about mining practices with such insensitive companies.

Even when students offer less striking stories, they can add much to a class. Asking students about landlord and tenant problems guarantees a wealth of woeful tales of lost security deposits, difficult roommates, contentious neighbors, and harried and harrying landlords. This year, I am taking one more step by inviting one of my students from last year to discuss her summer experience in an office serving low-income tenants.

I regularly ask my class if any of them have been the subject of a deposition or cross-examination. A few students always volunteer and describe unpleasant experiences. Without these stories, most students have no idea what it is like to be a client or witness in litigation. Most of the traditional classroom discussion on the subject is quite bloodless. Moreover, the portrayal that students receive from television and movies is so overdramatized that it does not give a fair picture. For example, students have no idea how exhausting it is to be deposed or how nervous clients get anticipating the ordeal. As a result of the students' narratives, the rest of the class gains some sensitivity to how clients and witnesses may feel and why negotiation or mediation is often worth pursuing.

Students are also helpful in contributing factual information. For example, in my Property class, I often teach cases that took place on the West Coast. I regularly ask students if they have any firsthand knowledge about the town or area where the controversy occurred. Students often relate interesting facts and insights unknown to me and to other Easterners at my Pennsylvania law school.

Asking students to contribute their knowledge and experiences has proven to yield great rewards. The writer Norman Brown declared, "What education does is to put a series of filters over your awareness so that year by year . . . you experience less and less." By making education more of a shared experience, we remove some of those filters.

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Submit articles on teaching and learning to *The Law Teacher*

The *Law Teacher* encourages readers to submit brief articles explaining interesting and practical ideas to help law teachers become more effective teachers. Articles should be 500 to 1,500 words long. Footnotes are neither necessary nor desired. The deadline for articles to be considered for the next issue is September 5, 2001. Send your article via email. After

review, all accepted manuscripts will become property of the Institute for Law School Teaching.

Send manuscripts, comments, and letters to: Institute for Law School Teaching, Gonzaga University School of Law, P.O. Box 3528, Spokane, WA 99220-3528, E-mail: ilst@lawschool.gonzaga.edu.

For more information, call (509) 323-3740.

A Contracts Drafting Challenge

By Ron Brown

Five years ago, I was looking for a hook to get the students interested in Contracts on the first day of class. How could I show new 1Ls that Contracts really was as interesting as Criminal Law or Torts? The only thing that might interest them more than the blood and guts was, of course, themselves and surviving law school. So the very first thing I did was to write on the board in very big letters, “If you do exactly what I say, then you will get an ‘A’ in Contracts.” After introducing myself and briefly reviewing the syllabus, I asked them to read what was on the board. Then I asked them, “Will you be able to force me to give you an ‘A’ in Contracts based on what is on the board?” What followed, after a little prodding, was a spirited discussion that revealed their preconceptions about contracts. It was information that proved helpful and interesting to me.

Then I told them that the rest of the semester would be devoted to answering that question; that question was what contracts was all about. That stimulated more questions. A quick trip through the casebook’s table of contents revealed that the subject covered the creation of obligations and the remedies available to enforce them. I brought up the problem a few times during the semester as we completed sections of the book. Each time, they seemed interested in the possibility that a valid contract might guarantee them an “A.”

Three years ago, I decided to incorporate a drafting exercise into the Contracts course. I wanted the exercise to be something they would want to do. Of course, they would want a contract that would get them an “A.” So I built on the first-day hypo to create a challenge they would find irresistible. I decided to make it an extra-credit opportunity, rather than an assignment, in hopes that would stimulate a more positive attitude. Since it was irresistible, they would all do it anyway. So, during the second class I presented them with the following:

Professor X wrote on the board, “If you do exactly what I say, you will get an ‘A’ in this course.” He hoped that would motivate students to approach the course in a way that would maximize their learning experience. Unfortunately, he has learned that the students don’t take what he’s written seriously. Your task is to write an educational contract that Professor X can use with his students. You must produce a valid and enforceable contract. The contract is to be written in plain language, not “legalese.” You are also to write a memo to accompany your contract. In that memo, you are to explain your contract and address the relevant issues raised by each chapter

in the casebook. This is not a research project; you need not go beyond the casebook and hornbook. You may discuss the issues in general with classmates and the professor, but you are on your honor to do all the writing without consultation of any kind with any other person. You may not have any person review what you have written. Your project must be turned in to Student Services, identified by only your exam number, no later than the beginning of the final exam in this course. A successful project may earn you enough extra credit to raise your grade to the next grade level (e.g., from a “C+” to a “B”).

I specified that the memo should consider the issues raised by each chapter in the casebook to promote a

thorough examination of contracts doctrine in a practical setting. The setting is one they can all easily understand; they are not distracted by and do not waste time trying to figure out the transaction or the parties’ expectations as might occur if I used a real estate sales contract or a construction contract. I pointed out that working on the project should improve their understanding of the doctrine on which they will be tested at the end of the semester, so doing the project would provide them with

a triple benefit: 1) a drafting experience, 2) extra credit, and 3) the likelihood of a higher grade on the exam. How could anyone resist?

One obstacle, of course, would be time. Students might worry that the project would take too much time in a semester, their first in law school, when time seemed in very short supply. To address this, I encouraged the students to work on the project over the course of the term rather than leave it for the end. Approached in this way, the time required each week would not be too great. To encourage them during the term, I make it a point to discuss the drafting issues raised by the cases whenever possible.

I have now used this project in my last two Contracts classes. I must admit that a significant number of students were, somehow, able to resist its allure. However, a more significant number did take part. Based on anecdotal evidence, it appears that it did provide students with the benefits promised because they did well on the exam and felt the experience was highly beneficial.

So the very first thing I did was to write on the board in very big letters, “If you do exactly what I say, then you will get an ‘A’ in Contracts.”

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Assessment, Feedback, and Evaluation

Eighth Annual Summer Conference of the Institute for Law School Teaching

The Institute for Law School Teaching will present **Assessment, Feedback, and Evaluation** at its eighth annual summer conference on July 13-14, 2001, at Gonzaga University in Spokane, Washington. The conference will feature innovative methods and creative ideas related to the assessment, feedback, and evaluation of law schools, teachers, and students.

In the context of this conference, "assessment" is the process of articulating the specific competencies (skills, knowledge, values) that students should gain from a course or from three years of law school and the means to measure how well students have learned those competencies. "Feedback" includes ways teachers can provide developmental feedback to their students throughout the course and means for teachers to get feedback from students and peers to improve their teaching effectiveness. "Evaluation" encompasses the methods of appraising student learning (tests, papers, performance, and portfolios, to name a few).

Structure of the Conference

In addition to four plenary sessions, the conference will include six workshop sessions. During each workshop session, four workshops will run simultaneously. Each workshop will include materials that participants can use during the workshop and when they return to their campuses.

Benefits to Participants

Participants will experience a variety of active teaching/learning methods. In addition, the conference is intended to facilitate informal interaction among creative teachers who love their work with students. Participants should leave the conference with the inspiration and information to apply the ideas discussed at the conference in the courses they teach next fall. In short, the ultimate goal of the conference is to help participants improve the quality of assessment, feedback, and evaluation in their courses and at their schools.

Registration and Deadlines

Attendance will be limited to fifty participants (in addition to the presenters) to facilitate small-group experiences. The roster will be filled in the order that the Institute receives the registration form and conference fee (\$350; checks only; payable to Gonzaga University). *Refunds:* Attendees must notify the Institute in writing to receive refunds. If notice is received on or before June 20, 2001, a full refund will be provided. No fees will be refunded if notice is received after June 20, 2001.

Meals

Breakfast, lunch, and dinner on Friday, July 13, and breakfast and lunch on Saturday, July 14, are included in the registration fee. The Friday dinner will feature wine-tasting and a Pacific Northwest menu at Arbor Crest Cliff House with a panoramic view of the Spokane River valley and surrounding mountains. Because of hazards at the site, minors will not be permitted at Arbor Crest Cliff House.

Lodging and Transportation

Participants must make their own travel and lodging arrangements. WestCoast River Inn, adjacent to our campus, is offering a limited number of rooms for attendees at a reduced rate (\$75 (single or double); \$85 (triple or quad)). To take advantage of the rate, participants must make reservations before June 12, 2001. For reservations, call 1-800-325-4000 or (509) 323-2574

and request the special rate for the Institute for Law School Teaching. Shuttle service is available from the airport to the River Inn.

Pre-Conference Event (Optional)

We invite participants to tour our new Law School building from 5:00 to 6:00 p.m. and get acquainted during a complimentary, casual dinner from 6:00 to 7:00 p.m. Steve Friedland (Nova) will host fun and games at the Law School from 7:00 to 9:00 p.m.

Plenaries & Workshops

Plenary I

Taking Law Student Evaluation Seriously (Steve Friedland, Nova)

The subject of law student evaluation has been widely overlooked. Upon closer scrutiny, it is apparent that evaluations play a powerful, influential, and disproportionately pervasive role in the legal education process. This plenary explores how to take the subject of evaluation more seriously, first, as a feedback tool during a course and, second, as a valid and reliable measuring device.

Plenary II

Tools for Promoting Vocational Integration in Law Students (Laurie Morin, District of Columbia)

This session will explore ways to teach law students to become "fully functioning" attorneys. In addition to teaching excellent communication and analytical skills, law school should help students integrate qualities of sound judgment, commitment to values, individual integrity, compassion, and regard for humanity. Professor Morin will demonstrate feedback and evaluation tools that have been effective in helping students cultivate these qualities, including guided journal assignments, an on-line discussion group, and production of a video project. Participants will brainstorm ideas to try in a variety of law school settings and will go home with handouts to adapt for their own purposes.

Plenary III

Outcomes Assessment for Law Schools and Individual Teachers (Greg Munro, Montana)

Professor Greg Munro will discuss assessment of institutional outcomes in law schools. He will talk about achieving excellence in the school by developing a clear mission, a plan to achieve that mission, and the capacity and willingness to measure the institution's success or failure. His talk will cover the faculty's role in developing student and institutional outcomes and devising and implementing sound methods to assess student learning and institutional effectiveness. Professor Munro is the author of *OUTCOMES ASSESSMENT FOR LAW SCHOOLS*, the first book to offer a comprehensive discussion of these important topics.

Plenary IV

Implementing Conference Ideas (Steve Friedland, Nova; Laurie Morin, District of Columbia)

What assessment, feedback, and evaluation ideas are you inspired to use in your courses in the fall? How can you turn that inspiration into action? What resources are available to help you?

WORKSHOP SESSION 1

Using Nonlegal Contexts to Help Students to Prepare for and Take Essay Exams (C. Calleros, Arizona State) [A]

This workshop will simulate a class in which the instructor leads students through an overview of case analysis and synthesis, outlining, and essay exam-taking. It will feature a short videotape in which a mother and daughter act out “cases” that form the basis for incremental parental rule-making. In this nonthreatening, nonlegal setting, students can focus their attention fully on the analytic skills that they later can apply to legal problems, helping to allay some of the anxiety produced by approaching examinations. (For a related workshop, see Kirkland & Sparrow in Workshop Session 3.)

Evaluating Student Presentations in the Internet Age (D. Istl & P. Lysaght, Detroit Mercy) [B]

Technology is rapidly increasing access to legal information and providing new ways for lawyers to communicate. Law students need opportunities to use and assess these new technologies. With that goal in mind, the presenters designed a unit of study involving the Convention on Contracts for the International Sale of Goods that requires students to resolve a legal problem using Internet resources and to communicate their analyses through a software presentation. Workshop participants will receive materials to assist students in becoming proficient users and evaluators of technological resources.

In the Moment: How to Teach LIVE Lawyering Skills (D. Schmedemann, William Mitchell) [C]

Professor Schmedemann will present findings from her interviews with fifty lawyers from various practice settings about the skills, attitudes, and values needed in their professional lives. Then the workshop will focus on the teaching of live lawyering skills, such as counseling and negotiating. Professor Schmedemann will provide a framework for learning about live performance, present an overview of learning cycles, invite participants to engage in brief simulations, and elicit discussion of techniques used at other schools.

Day-to-Day Feedback for Students and Teachers (N. Schultz (Chapman) & L. Sirico (Villanova)) [D]

Our goal is to explore ways to give students and teachers feedback on a day-to-day basis. With respect to student feedback, we will discuss four methods that can work even in a large doctrinal class: (1) student self-testing; (2) virtual group discussion; (3) individual and small-group discussions; and (4) student-to-student feedback. With respect to teacher feedback, we will discuss a wide range of methods that derive from observing the performance of students. We also will discuss two additional ways of gaining feedback: (1) reflective papers that students write about the details of their learning experience and (2) midterm evaluations.

WORKSHOP SESSION 2

The Trial Advocacy Model of Mastery and Feedback in a Substantive Course (L. Carter, McGeorge) [A]

The goal of this workshop is to explore the use of traditional trial advocacy teaching techniques of simulated trial scenarios, small-group participation, and immediate group evaluation in a substantive law course. We will try a simulated exercise designed to teach elements of selected evidence rules. Volunteers will demonstrate planning their performance in teams of two, acting out their roles in a trial setting, and critiquing the mastery of the evidence rules. We will evaluate the techniques as a tool for the mastery of substantive law and for feedback to students and teachers.

Assessment of Skill-Based Learning Using Technology (A. Johnson, California Western) [B]

Have you ever tried something new in your class, felt good about it, but been unsure whether it was effective for student learning? This hands-on workshop will focus on how to assess learning outcomes for new techniques and strategies for teaching when

using interactive technology. Professor Johnson has developed web-based interactive modules known as “Cyber Workbooks” that integrate skill-based learning into substantive courses. Cyber Workbooks target four sets of higher-order learning skills: reading comprehension, critical thinking, applied reasoning, and creative problem solving. These skills will be defined, demonstrated, and assessed.

Bloom’s Taxonomy: What Is It and How Can It Help Me Draft Assessment Tools? (P. Ferber, Vermont) [C]

Would you like to feel more confident that your grades reflect students’ relative depth of knowledge? Would you like a systematic way to prepare exams and grade outlines? Bloom’s Taxonomy of Educational Objectives is a tool to do those things and more. This workshop will describe the Taxonomy’s six categories of learning behavior, along with law school examples. After discussing ways teachers can use the Taxonomy, we will break into groups to review and/or develop exam questions, or other assessment tools, to assess particular levels of student learning. At the end, participants should have another tool for preparing student evaluation techniques that will provide a basis for distinguishing the levels of student development. Bring a copy of exam questions to review!

Assessment of Student Performance in Corporate Law Role-Playing: A U.K. Experience (M. Ottley, Greenwich (U.K.)) [D]

The Boardroom Game is an interactive learning tool for students of U.K. Company Law. It was pioneered two years ago as a means of addressing the difficulties often associated with teaching Company Law. It places students in a fictitious company where they adopt roles as directors, shareholders, employees, contractors, etc. They act out an outcome based on the scenario to which accepted Company Law principles have been applied. The purpose of this workshop is to consider alternative ways in which student performance could be evaluated.

WORKSHOP SESSION 3

Describing the Ball: Enhancing Learning and Fair Grading With Rubrics (K. Kirkland & S. Sparrow, Franklin Pierce) [A]

Participants will use and design rubrics (elaborate grading criteria) to make grading easier, fairer, and an opportunity for further teaching. Participants will evaluate exercises, student writing assignments, and exams with and without rubrics—and will collaboratively develop rubrics for particular assignments. The presenters will show how these instruments can be used to improve consistency in grading, highlight skills that need more attention, communicate expectations and grading criteria to students, and assess an exam’s or assignment’s effectiveness as an evaluation tool. (One exercise is based on Charles Calleros’ rules for teenagers. See Calleros in Workshop Session 1.)

Using Instructional Design Principles to Articulate Objectives (M. Schwartz, Western State) [B]

A list of skills and knowledge is a crucial starting point for creating instructional objectives, but developing effective instruction also requires knowing the steps needed to achieve the instructor’s ultimate objectives and the knowledge and skills underlying those steps. Participants will learn how to conduct an “information processing analysis,” which decomposes an instructional goal into the steps involved in performing that goal, and a “prerequisite analysis,” which breaks down steps into their underlying knowledge and skills. Performing these analyses will allow participants to expand their objectives to include all the skills and knowledge students must develop.

Dealing With Deals: How to Evaluate Students in a Transactional Skills Workshop (J. Lipson, Baltimore) [C]

This workshop will focus on the difficult issues of assessment, feedback, and evaluation that arise in a transactional skills course in which students plan, negotiate, and document three related transactions: (i) a stock purchase agreement, (ii) a product

development and licensing agreement, and (iii) a secured loan in connection with a strategic acquisition. If time permits, we may try our hands at a small drafting or negotiation exercise, which we will then grade.

Learning from Ourselves: Strategies for Self-Assessment (M. Weisberg, Queen's (Can.)) [D]

Typically we rely on our students and occasionally on our colleagues for feedback on our teaching. While these methods are valuable, we also can learn about our teaching by using ourselves as resources. This workshop will introduce strategies for reflecting on your own teaching, both alone and in conversation with colleagues. Along with resources for reflecting, you should leave this workshop with a more developed sense of who you are as a teacher, as well as some ideas for realizing your goals and building on your strengths.

WORKSHOP SESSION 4

Classroom Assessment of Learning (B. Glesner Fines, UMKC) [A]

How do you know if your students are learning? Traditionally, faculty rely on observation of classroom recitations by a few students (which tells us too little) and performance on summative examinations (which tells us too late). In this session, participants will explore other assessment devices that are: (1) Formative, designed to discover what students are learning while they are learning; (2) Efficient, taking little time to plan, administer, and review; (3) Flexible, easily tailored to the needs of the instructor or students for particular types of feedback; and (4) Effective, improving teaching and learning in the class.

Strategies for Writing Seminars (K. McMunigal, Case Western) [B]

This workshop will address strategies for writing seminars. One part will deal with the traditional research seminar aimed at producing a paper modeled on the law review note. Strategies for this sort of seminar include use of a one-page thesis statement, student editors, and a grading scheme to encourage student investment of time and effort early in the semester. Another part of the workshop will deal with a seminar aimed at producing several shorter pieces modeled on the types of writing students are likely to encounter in practice, such as an opinion letter, a short brief, a judicial opinion, or a rule and accompanying comments.

Using Multiple-Choice Questions for Assessing Higher-Level Skills (G. Sergienko, Western State) [C]

Multiple-choice questions have many advantages over essay exams. Instructors can grade multiple-choice questions easily and accurately and use them to assess a range of skills, case- and rule-reading and analysis. Multiple-choice questions offer insights into sources of student error not readily available from other forms of assessment. Unfortunately, multiple-choice questions that test higher-level skills are hard to draft. This presentation will demonstrate a technique for quickly converting essay questions into sets of multiple-choice questions that assess a variety of skills.

The Problem Method (W. Slomanson, Thomas Jefferson) [D]

When the Socratic method is the only mode for providing feedback, the classroom experience limits the promotion of student understanding of course expectations. While a variety of non-Socratic methods may probe student digestion of assigned materials, this Web presentation will focus on the "Problem Method." The oral tradition is emphasized in the classroom—especially in large, first-year sections, where many students have limited opportunities to anticipate, participate, and explicate. For many of them, the lion's share of their course grade is derived from the written tradition. The Problem Method can bridge this gap.

WORKSHOP SESSION 5

Incorporating Writing and "Real-Life" Context into Substantive Courses (A. Curcio, Georgia State) [A]

This workshop's goal is to help participants identify how they may modify their courses to enhance students' ability to learn the substantive material and lawyering skills. We will discuss how to find and use materials that help students put legal rules into a "real-world" context and how contextualizing the material develops lawyering skills and substantive knowledge. We will also look at ways professors can help students develop their knowledge of law, enhance their writing skills, and get feedback—all without greatly increasing the professor's workload.

Customizing Standardized Evaluation Devices for Assessing and Improving Student Legal Practice Skills (R. Goncalves, Professional Legal Training Course (Can.)) [B]

This workshop will review Skills Guides used by the Professional Legal Training Course in Canada to test student competence in legal writing, drafting, advocacy, and interviewing. Using actual student assignments, the presenter will illustrate how Skills Guides can be used as testing devices and as vehicles for feedback that help students understand and acquire the key elements of each skill. Participants will review and discuss three samples of student writing and the Skills Guides for each.

Identity and Purpose in the Commenting Relationship: Who Am I and What Am I Doing Here? (N. Soonpaa, Albany) [C]

This workshop is designed to achieve two goals. First, it will encourage teachers to think critically about their role (and related responsibilities) in a commenting relationship between teacher and student. Second, it will help teachers to make conscious choices about the types of comments that they make to students at different stages in the feedback process, in light of the different goals that exist when commenting on a work-in-process and a finished product. The workshop will include lecture, discussion, and individual and small-group exercises.

Criterion-Based Grading in a Law School Elective Course (J. Vaché, Gonzaga) [D]

One problem with the standard law school grading process is that students' focus on the grade warps their willingness to engage in thoughtful preparation and discussion, in part because they limit their serious attention to what they think will be tested. This semester I am trying criterion-based grading. Each student is allowed to choose what grade they wish to earn. I identify the activities and measures that will show the student made each grade. I am using a variety of means, including papers, journals, summaries of readings, and student-taught class segments. This workshop will explain criterion-based grading, report on students' performance (and reaction to the method), and ask participants to evaluate the method.

WORKSHOP SESSION 6

Exams: What Class Were You In? (J. Kirchmeier & D. Nadvorney, CUNY) [A]

This workshop will focus on the familiar problem that occurs when students' exam performance does not correspond with what the professor thought she taught in class. We will examine the relationship between teaching objectives and exams, focusing not only on the use of tests as evaluative devices but also as diagnostic tools. We will look at designing effective exams as well as giving and getting feedback during the course so that students are not surprised by the final exam and professors are not surprised by the exam answers.

A Comparative Approach to Assessment, Feedback, and Evaluation (M. Kende, Montana) [B]

This workshop will focus on how South African law faculties have different student assessment, feedback, and evaluation practices than American law faculties. It will look at how South Africa's transformation is changing the country's educational philosophy. After a presentation focusing on the South African context, participants will break into small groups and discuss what the law faculties of these two very different nations can learn from each other's practices. One major goal of the workshop will be to think about whether American law schools can produce graduates who have a greater commitment to social justice by developing more just assessment, feedback, and evaluation tools.

Combining Skills and Substance: Arguing Cases in First-Year Contracts (M. Pollack, Northern Illinois) [C]

When can a student stand up and argue? First-term contracts is not too soon. This workshop demonstrates a relatively unthreatening method of harnessing student enthusiasm for oral argument as a motivating force for learning contracts—and for learning the legal importance of facts, facts, facts. Students are

given a group assignment to prepare and deliver closing argument suitable for a bench trial. Each member of the group receives the same grade. Each student is also graded for two individually written, very short opinions for the court on cases argued by other groups. The rest of each student's grade is based on class participation and on an in-class, short-answer final exam. This feedback and assessment system rewards students with disparate skills and allows rapid preparation of final grades.

ExamSoft Testing: Take a Byte Out of Grading Essays (S. Rice & J. Wasson, Gonzaga) [D]

Professor Speedy Rice and Julie Wasson will present a demonstration of the ExamSoft test-taking software, used in several law schools as well as in a few states for the essay portion of the bar exam. Attendees will witness the building of an exam, including multiple-choice, true/false, and essay questions; demonstration of the exam situation; and automatic grading of multiple-choice and true/false questions through the printing phase. There will be discussion and demonstration of the pros, cons, and quirks of the program and an explanation of the circumstances under which ExamSoft can be used most effectively.

Conference Schedule

Thursday, July 12 *Optional:* Pre-conference Event

Friday, July 13

- 8:00-8:45 a.m. **Registration** and continental breakfast buffet (at Gonzaga Law School)
- 8:45-9:00 a.m. **Introduction** (Gerry Hess, Director, Institute for Law School Teaching)
- 9:00-9:45 a.m. **Plenary I: Taking Law Student Evaluation Seriously** (Steve Friedland, Nova)
- 10:00-11:15 a.m. **Workshop Session 1**
- 11:30 a.m.-12:45 p.m. **Workshop Session 2**
- 12:45-2:00 p.m. **Lunch** (at Gonzaga Law School)
- 2:00-3:15 p.m. **Workshop Session 3**
- 3:30-4:15 p.m. **Plenary II: Tools for Promoting Vocational Integration in Law Students** (Laurie Morin, District of Columbia)
- 4:20-5:00 p.m. *Optional:*
 - (1) Informal discussions of participant-identified topics of interest
 - (2) Video on teaching students how to take a law school essay exam
- 6:00-9:00 p.m. **Dinner** (at Arbor Crest Cliff House)

Saturday, July 14

- 7:00 a.m. **Fun walk/jog** along the Spokane River
- 8:00-9:00 a.m. **Continental breakfast buffet** (at Gonzaga Law School)
- 9:00-9:45 a.m. **Plenary III: Outcomes Assessment for Law Schools and Individual Teachers** (Greg Munro, Montana)
- 10:00-11:15 a.m. **Workshop Session 4**
- 11:30 a.m.-12:45 p.m. **Workshop Session 5**
- 12:45-2:00 p.m. **Lunch** (at Gonzaga Law School)
- 2:00-3:15 p.m. **Workshop Session 6**
- 3:20-4:00 p.m. **Plenary IV: Implementing Conference Ideas** (Steve Friedland, Nova; Laurie Morin, District of Columbia)
- 4:00 p.m. **Conference adjourns**
- 6:00 p.m. *Optional:* No-host dinner

‘Assessment, Feedback, and Evaluation’

July 13-14, 2001

Name: _____

Phone: () _____ Fax: () _____

School: _____

E-mail: _____

Address: _____

City/State/Zip: _____

Courses You Teach: _____

Check the boxes for the workshops you wish to attend (only one per session):

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Enclosed is a check for \$350.

Return this form and your check (payable to Gonzaga University) to:
Institute for Law School Teaching, Attn:P. Prather, Box 3528, Spokane, WA 99220-3528

Creative Problem Solving

By Mark Broida

While it is essential that we teach students the skills necessary to practice law, we should also teach that there is more to practicing law than simply being a good technician. At my law school, the home of the William J. McGill Center for Creative Problem Solving, we introduce students to the very concept for which the center was named. In this article, I discuss how I use an employment discrimination hypothetical to introduce and engage my first-year legal skills students in how to find creative solutions.

At the beginning of class, I review “Joan’s” story. Joan’s goal during her final year of law school is to find a position with a small- to medium-sized San Diego law firm where she can practice employment law exclusively. At the beginning of the fall semester, Joan interviews at the offices of Putz and Bonehead, a small San Diego employment law firm. Her interviews with the first three attorneys go well. Her final interview is with the senior partner Bob Bonehead. Bonehead tells Joan his colleagues are very impressed with her knowledge, attitude, and accomplishments and “if she were a man” he would hire her in a second. He explains, however, that many of the firm’s clients are traditional labor unions, such as the Teamsters and the Longshoreman, and those clients would be uncomfortable with a woman handling their collective bargaining negotiations and other matters. Bonehead ends the interview by telling Joan he is convinced she will be a success with a firm that is a “better fit.” Joan is disappointed and angry. She wants to file an employment discrimination claim against Bonehead’s firm.

After describing Joan’s situation, I ask students to play the role of “Pat,” an experienced attorney in San Diego. Joan wants Pat to file a discrimination claim on her behalf and to be as aggressive as possible in litigating the claim to make sure to “teach a lesson to that sexist swine.” I then distribute a handout that identifies five important steps to creatively solve client problems. (This handout, as well as some of the ideas expressed in this article, were initially developed by my colleagues, Professors Janeen Kerper and Jamie Cooper.) I briefly introduce each step and tell students that we will be using these steps to evaluate Joan’s problem.

1. Obtain an initial description of the problem

The goal of the first step is to impress upon students that lawyers must carefully listen to their clients and ask the right questions to help clients fully and accurately describe their problem. Clients often come to lawyers with a limited or inaccurate understanding of their problem and whether they have a legal claim.

I assume the role of Joan and give students five minutes to ask additional questions. Most students ask relevant and reasonable questions that strictly relate to the potential legal claim. But as we proceed with this exercise my goal is to get the students to expand their view of Joan’s problem beyond her need to take legal action against Bonehead.

2. Identify underlying needs, goals, and objectives

This step demonstrates that the problem the client

presents is not always the real, underlying issue. To get to the real problem, a good interviewer should be cognizant of both legal and non-legal concerns.

Again as Joan, I have the students ask questions to understand Joan’s underlying concerns, questions such as: “How would your life be different if this problem were solved?” and “What would you be able to achieve if this problem were solved?”

Joan’s answers make clear that although she would like to take some action to discourage the type of discriminatory behavior engaged in by Bonehead, her underlying, broader, and more significant concern is to find an employment law job in San Diego. She also explains that she is not interested in a court forcing Bonehead to hire her. Additionally, she has not really thought about alternatives to filing a lawsuit or what effects her lawsuit might have on her job search. Based on our role play, most students begin to see that Joan’s real problem involves finding a job.

3. Reframe the problem more broadly

Narrowly framing a problem (as Joan initially did) can limit available solutions. I ask the students to reframe Joan’s problem in a broader manner than merely wanting to take legal action against Bonehead. Reframing the problem is particularly dramatic and important. I say: “If you were the hiring partner for another San Diego law firm and you knew that Joan had sued Bonehead, would you interview and hire Joan?”

Many students now begin to realize that Joan’s narrow solution of immediately suing Bonehead not only limits her alternatives, it might work against solving her broader and more significant problem: finding a job.

4. Brainstorm solutions

This step has students identify non-litigious, less confrontational solutions that may apply to the reframed problem. To encourage students to think as openly and creatively as possible, I list their suggestions on the board without editing or critiquing them.

5. Evaluate solutions in light of broader needs, goals, and objectives

The goal of this last step is to teach students to evaluate the proposed solutions. I have the students compare how the proposed solutions correspond to the client’s underlying needs, goals, and objectives. They rate the proposed solutions based on their knowledge of the client gained from the client interview.

First, students have reasoned that Joan probably needs more money, time, and energy to improve the quality of her life. Immediately filing a suit against Bonehead appears inconsistent with these broader needs. While there is no assurance that Joan can win her case or extract a favorable settlement, she can be assured that the financial and emotional costs of time-consuming litigation will be significant.

Second, students considered that Joan wants an employment law job in San Diego. Immediately filing a lawsuit or a complaint with the local bar or publicizing

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Creative Problem Solving

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Bonehead's discriminatory remarks in a local newspaper would appear to go against Joan's broader job interest.

Third, students considered Joan's desire to discourage discriminatory behavior without jeopardizing her job search. She could alert her school's career services office to Bonehead's behavior so the school may decide to no longer permit the firm to interview on campus.

After comparing and rating the proposed solutions, students devised a more measured approach to Bonehead. Joan could write thank you notes to the lawyers she met in the firm, telling them how impressed she was with the firm and how disappointed she is that they will not hire her because she is a woman. This might encourage firm members to investigate what Bonehead said to Joan and, perhaps, reconsider the firm's actions. At the very least, Bonehead firm members may feel obligated to help her job

search by recommending her to their employment law colleagues around town.

Conclusion

It is important to make students aware of how they can use creative problem solving to assist clients. The hope is that when students become practitioners they will demonstrate to their clients and other attorneys the advantages of thinking carefully and creatively before filing a lawsuit.

[Editors' Note: Mark Broida died recently. He was a good friend, and we will miss him. Mark taught at California Western School of Law.]

The Student-Driven Syllabus

By Joel Atlas

The responsibility for developing a course syllabus falls squarely on the teacher, not the students: it is, of course, the teacher, not the students, who possesses the knowledge and expertise in the field and who thus should construct the syllabus. Student input, however, can—and ought to—contribute substantially to the development of a course as an academic year progresses. Indeed, the teacher may wish to view a course syllabus as an evolving work-in-progress that, through close monitoring of the skills and knowledge of students in the course, is tailored to the specific needs of those students.

The teacher interested in such a model should, at the outset of a course, create a syllabus that includes all the fundamental substantive, procedural, and practical components of the course. For instance, in my first-year, lawyering-skills course, I developed the curriculum first by considering the skills that I employed regularly as a practicing attorney, such as writing, research, oral advocacy, and client counseling, and next by creating lectures, simulations, and exercises that developed those skills. Students in the course cannot at the outset contribute to the core curriculum because they do not know which skills are necessary to be an effective lawyer, nor do they have the expertise necessary to create class sessions and assignments that would develop those skills.

Yet, the teacher can amend the syllabus regularly, mid-course, to account for the revealed strengths and weaknesses of students in the course. If, for example, on a written assignment, students demonstrate widespread deficiencies in basic writing skills, the teacher should ensure that the substantive difficulty of the next writing assignment not draw students' limited time away from the area in which they need to focus. Likewise, if the teacher finds that students in a practical skills course adeptly handle one aspect of a certain professional skill (for example, the interpersonal-relations component of an interviewing simulation), the teacher should add new challenges to subsequent simulations—perhaps by adding facts to or

increasing the substantive difficulty of the hypothetical. By regularly implementing modifications of this sort, the teacher can develop a syllabus that best meets the learning needs of the particular students in the course.

Gathering the information needed to amend a syllabus mid-stream is not always simple. Classroom sessions present only a limited sample from which to assess students, and the skills or comprehension of students who have participated in the classroom may not represent those of the class at large. Fortunately, however, a teacher can often acquire a credible sense of trouble spots by individually engaging and listening to students. It should be usual, not aberrant, for a teacher to meet with students individually to ask them which of the subjects or skills covered in the course causes the most difficulty. I have found both that students are forthright in this regard and that the information they provide is greatly useful to me in altering the syllabus.

Obtaining students' input about the course curriculum not only aids the teacher to develop a more individualized course but also enhances learning further by motivating students. Students uniformly appreciate a teacher's effort to enlist their aid in suiting the course to their needs. Indeed, I have found that, when I seek and consider students' views, students take a more active role in class sessions and work harder in the course. I have also been pleased to discover that most students accept fully their role as providers of suggestions rather than of directions and, thus, that there appears to be little risk of alienating those students whose ideas are, in the end, not implemented.

In short, students' input into a course syllabus is a far too valuable resource to leave untapped.

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Teaching Active Reading

by Sheila Simon

To be able to understand law, students must first be good legal readers. For a teacher to understand how the student is reading, the student's case brief is a good place to start.

My colleagues and I at Southern Illinois University School of Law spent our first two class sessions in the fall discussing briefs that the students turned in for our Lawyering Skills class. We wanted to make sure our students were reading carefully and accurately. One of my colleagues, Melissa Shafer, referred us to an article by Laurel Currie Oates about successful reading strategies of lawyers and law students, *Beating the Odds: Reading Strategies of Law Students Admitted Through Alternative Admissions Programs*, 83 Iowa L.Rev. 139 (1997). Melissa summarized it for us and noted that the successful readers were actively involved with the text. Sue Liemer, the director of our program, incorporated the discussion of active reading into our lesson plans.

I looked at my list of questions for the students. I would encourage them to ask themselves what court decided the case, in what year the case was decided, who sued whom, how much money was involved, what grudges were involved, whether the holding could be predicted, and what words signaled important parts of the case. Finally, I would ask the students to create a mental picture of the case. I imagined a moment of silence when the students would create that mental image—but that seemed more like Lamaze class than legal writing—so I found a better way.

I asked my class to cast the movie of the case! Our case included a pair of inept buyers who agreed to purchase a tavern with a sagging, stained ceiling. The sellers discouraged—but did not prevent inspection—and a plumber finally discovered roof problems. The students

eagerly took up the task of casting the movie of *Smith v. Ethell*, 494 N.E.2d 864 (Ill.App.4th Dist. 1986). It was agreed that Gene Hackman could play any role in the movie. Suggestions for the pair of buyers included Meg Ryan and Woody Harrelson, and Laurel and Hardy. Suggestions for the sellers included Marlon Brando, with a note as to what girth would be appropriate, and the characters Edith and Archie Bunker from the television show "All in the Family." The plumber who saves the day for the unsuspecting buyers was to be played by either John Goodman or George Wendt, known better as Norm from the television show "Cheers."

We had all that fun casting just the factual drama. In a case with complicated procedural issues we could cast the lawyers and judges for the law office and courtroom scenes as well. And why not take it further? At the end of the semester we could vote on and present Academy Awards for best plaintiff, best supporting lawyer, and best-written opinion. (I hope my sequined gown will be back from the cleaner in time!)

As the year moves on the students will see the value of reading like a lawyer, noting the court, the date, and important signals in the case. They will develop their abilities to synthesize while reading. But I am positive that after our casting session, in the second week of law school, they have mastered one way to be an active reader—visualizing a case.

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You Could Be Reading This Issue Online

The Institute for Law School Teaching has been building its Web site to provide information about teaching and learning law. From our home page menu (<http://www.law.gonzaga.edu/ILST/ilst.htm>) you can link to several issues of *The Law Teacher* going back to the fall of 1996. We are continuing to put back issues online.

In addition to *The Law Teacher*, our Web site provides information about most of the Institute's resources for law teachers. For example, you can read about our conferences, both upcoming and past. You can find out about Seven Principles for Good Practice in Legal Education. If you browse the pages on Publications and Other Resources, you will find information about faculty colloquium materials, monographs, videotapes, annotated bibliographies, conference materials, and more. You'll find descriptions of TECHNIQUES FOR TEACHING LAW (Hess and Friedland) and OUTCOMES ASSESSMENT FOR LAW SCHOOLS (Munro).

We invite you to take a look at our Web site and give us feedback. Give us more than that, too, please. Tell us about other Web sites you have found that are useful for law teachers. In the future we will be adding links to sites that pertain to legal education and that provide information about how adults learn. E-mail Paula Prather (pprather@lawschool.gonzaga.edu) anytime you come across a particularly helpful or interesting Web site.

Every Case Has Two Stories

by Sue Liemer

It is the first week of fall semester and a roomful of 1Ls are staring at you as nervous as deer in the proverbial headlights. You know many of them consulted Black's Law Dictionary until the wee hours of the morning, trying to fathom meaning in the one case you assigned. Yet they still seem hopelessly lost. Perhaps you are not trying to play Kingsfield, and you are wondering if there is a kinder, gentler way to help students learn quickly to read and brief cases.

Try telling them this: "Relax. It's really very simple. Every case has two stories." And then, without the need for any high-tech equipment, you can have a visual aid just by holding up two fingers.

Two fingers. Two stories. What could be easier? Everyone loves a good story. And every case by definition is a little human drama, complete with settings, characters, tensions, plots—well, two plots actually, the two stories.

The first story (hold up the first finger again) is the story of what happened in "real life." What happened in the world to get someone so upset he or she wanted to sue someone else? Did someone slip on a banana peel in the produce department? Did someone steal bananas from the produce department? You get the picture—what was the real-life dispute, what happened up until the time someone filed a lawsuit? All of those details are the facts of the case.

Tell the 1Ls that is what they should tell you if you ask them to recite the facts of the case. That's what they should write under "Facts" in their case brief. If you want to hear facts and they veer off into the law or other areas, it's easy enough to chide them with a curt, "Just the facts." Just the real-world story.

The second story (and here you get to hold up a second finger) is the story of how the lawsuit wound its way through the courts. Tell the 1Ls that in law we call this second story "procedure." Sometimes they may hear it referred to as the procedural history or procedural posture of a case. The first story is facts, and then the second story is procedure.

This second story, how the case wound its way through the courts, is what they should write under "Procedure" in their case brief. It's what they should recite if you ask for the procedural posture of the case. And above all, it's what they should focus on when studying for that befuddling course called Civil Procedure. It's what their Civil Procedure professor will be focusing on. Professors in other courses are likely to put the focus elsewhere. Inevitably, some brand-new students will arrive at Contracts class clear on the standards for personal jurisdiction or they will come to Civil Procedure class more concerned about an intentional tort. The two-story approach should help them focus their efforts more productively right from the start.

So that's all there is to it. There are two stories for every case. The first is facts; the second is procedure.

I realize this two-story approach has its limits. It ignores any subtleties in determining exactly what triggers commencement of a lawsuit. It also delays for another day application of the axiom, "There are two sides to every

story," a key element of legal training, of course. But in the first week of law school, the two-stories-per-case explanation preempts a lot of potential confusion among 1Ls.

You could hold up two fingers and explain this difference between facts and procedure during an orientation talk on briefing cases, during a first class in Legal Methods, or during the introduction to Civil Procedure I. I use this explanation in the first week of Legal Writing class, and it feeds well into coverage of writing a statement of facts a few weeks later.

I always see light bulbs go on when I explain to students that every case has two stories. In minutes they are confidently volunteering first the facts of the case, then the procedural posture. I write their contributions verbatim on the board under the appropriate headings, so they can see their efforts affirmed and feel encouraged to volunteer more. In the beginning, two stories makes for one easy way to start learning to read cases.

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The Law Teacher

Volume VIII, Number 2

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Opinions expressed in *The Law Teacher* are those of the individual authors. They are not necessarily the opinions of the editors or of the Institute.

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