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PRINCIPLES  
FOR  
ENHANCING LEGAL EDUCATION

Materials and Videotape

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# Principles for Enhancing Legal Education

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# I. INTRODUCTION

## OBJECTIVES

In the past several years, interest in and literature about how to improve law school pedagogy's effectiveness have been increasing, especially given the changing demographics of law students. These written materials and the videotape *Principles for Enhancing Legal Education* have been created to provoke reflection and generate discussion about how faculty and teaching methods affect students and their learning.

## THE VIDEOTAPE

### Who Participated

Seventy-two students from seven law schools (Brooklyn, Gonzaga, Hastings, Iowa, New Mexico, North Carolina, and Seattle University) were filmed in 1997 and 1999. These schools were selected to provide a cross-section (geographic, public/private, demographic, size, etc.) of experiences in legal education. A coordinator from each institution selected students who varied in age, ethnicity, gender, learning styles, physical and learning disabilities, race, religion, sexual orientation, socioeconomic status, year in school, and class rank. Most students were filmed in group discussions; however, a few were filmed in individual sessions. All of the students were asked to respond to the following questions: "What occurred in the classroom that interfered with your ability to learn? What occurred in the classroom that enhanced your learning?" Eighteen hours of videotape were edited into this 28-minute videotape.

Some of the students in this videotape are single, others are married, and some have partners of the same or different gender. There are mothers, fathers, single parents, and individuals with no children. Some of the students are Asian or African American, some are Caucasian or Hispanic or Native American, and others are multiracial. Some of the students have physical or learning disabilities. Included in the film are students who are in their 20s, 30s, 40s, and 50s, Some of them are in their first year of law school, others are in their second year, and others are in their third or fourth year, depending on whether they attend a full-time or a part-time program. There are students who, before entering law school, had just graduated college and others who had successful careers. The students have different learning styles – some learn best by writing, others by collaborating, and others are experiential learners. Some of the students have grades that place them in the top of their class; others have grades that place them in the middle of their class or in the bottom of their class. There are students who have received honors

and students who have been disqualified or are on probation. In short, the students in this videotape are the students in our classes.

## Outline of the Videotape

### **Principles for Enhancing Legal Education**

Introduction

Promote student-faculty contact

- In class
- Out of class

Articulate clear, high expectations

Use time effectively

Respect differences among students

- Include diverse students and perspectives
- Teach to diverse learning styles

Foster cooperation

- Classroom environment
- Value of cooperation

Provide prompt feedback

Encourage active learning

Conclusion

## **H. DEVELOPMENT OF THE PRINCIPLES FOR ENHANCING LEGAL EDUCATION**

The principles for enhancing legal education are modeled on a set of principles of good practice in undergraduate education. The undergraduate principles were derived from decades of research on teaching and learning in college. This video applies the principles to legal education, explores their implications, and describes practical methods to implement them in the law school classroom. The principles, which are not ranked in order of importance, establish that effective learning environments:

- Promote student-faculty contact;
- Articulate clear, high expectations;
- Use time effectively;
- Respect differences among students;
- Foster cooperation;
- Provide prompt feedback; and
- Encourage active learning.

Development of Seven Principles for Good Practice in Undergraduate Education.'

During the early 1980s, concern about the quality of instruction in colleges and universities gave rise to a series of events that culminated in the development of seven principles for good practice in undergraduate education. In the mid-1980s, the American Association of Higher Education (AAHE) published several reports and sponsored a series of conferences on the improvement of undergraduate education. A task force of scholars who had contributed much of the research on college teaching and learning developed a statement of principles to guide the quest for quality undergraduate education.

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Two books address the Seven Principles of Good Practice in Undergraduate Education. These monographs describe the development of the principles and they describe research that forms the basis for the principles. Both books also contain the Faculty Inventory and Institutional Inventory.

ARTHUR W. CHICKERING & ZELDA F. GAMSON EDS., APPLYING THE SEVEN PRINCIPLES FOR GOOD PRACTICE IN UNDERGRADUATE EDUCATION (1991).

SUSAN R. HAMMILL ED., THE SEVEN PRINCIPLES IN ACTION (1995).

The final version of the Seven Principles for Good Practice in Undergraduate Education was published as the lead article in the March 1987 issue of the AAHE Bulletin.<sup>2</sup> During the next eighteen months, over 150,000 copies of the Seven Principles were ordered. Subsequently, a group of educators developed the Faculty Inventory, Student Inventory, and Institutional Inventory, instruments to provide teachers, students, and administrators the means to assess how their courses and campuses reflect the Seven Principles. Tens of thousands of copies of the Inventories have been distributed during the last decade. Numerous conferences and faculty development programs have addressed the implementation of the Seven Principles in undergraduate classrooms. Books and journal articles review the research behind the Seven Principles and their practical application in college. In short, the Seven Principles have set an agenda and established a path for the improvement of teaching and learning in college.

### Why Apply the Principles to Legal Education?

The Seven Principles were developed in the context of undergraduate, not graduate or legal, education. Why should legal educators apply the Principles in the law school setting? For a simple, but powerful, reason – law teachers who understand and implement the Principles and law schools that reflect the Principles can significantly improve the quality of teaching and learning in legal education and the personal satisfaction of faculty and students as well.

The Principles are student- and learning-centered. Much of the research that forms the basis for the Principles is concerned with questions such as: How do students learn concepts and skills? What motivates students to work hard in their courses? What relationships and experiences have the greatest impact on students? Based on the results of empirical research directed at those and similar questions, the Principles set out basic precepts of effective learning. For example:

- Frequent student-faculty contact, both in and out of class, is a critical factor in student motivation.  
Good learning, like good work, is collaborative and social, not competitive and isolated.  
There are many roads to learning – students bring different talents, perspectives, and styles of learning to school.  
Clear, high expectations are important for everyone – for the poorly prepared, for those unwilling to exert themselves, and for the bright and motivated.

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<sup>2</sup> Symposium, *Seven Principles of Good Practice for Legal Education*, 49 J. LEGAL EDUC. 367 (1999).

The Principles offer faculty a conceptual and practical framework for improving the quality of their teaching. Consider the following:

- Students must talk about what they are learning, write about it, relate it to past experiences, and apply it to their daily lives.
- Students need frequent opportunities to perform and receive suggestions for improvement.
- By sharing their own ideas and responding to other's thoughts, students improve their thinking skill and deepen their understanding.
- Students need the opportunity to show their talents, share their perspectives, and learn in ways that work for them.

An effective teaching and learning environment can increase personal satisfaction for students and teachers. The Principles address a number of negative characteristics that contribute to student and faculty frustration in and out of the classroom. The characteristics of unsatisfying education include distant, impersonal connections between teachers and students; competitive and isolated relationships among students; passive teaching/learning methods; lack of ongoing feedback on teachers' and students' performance; and low expectations. The Principles can help teachers and students create an environment of mutual respect and fulfillment. When students succeed in that environment, faculty share in that success because they help create the conditions that allow both students and teachers to reach their goals.

#### Adapting the Principles to Legal Education

Although the Seven Principles were developed in the mid-1980s and enjoyed wide distribution in undergraduate departments at colleges and universities during the 1990s, most law teachers remained unaware of the Principles and Inventories. To bring the Principles to the attention of legal educators, the Institute for Law School Teaching sponsored a conference in the summer of 1998, entitled "Seven Principles for Good Practice in Legal Education." The conference participants explored four topics:

- The research basis for each of the principles,
- The adaptation of each principle to the environment of legal education,
- Barriers to implementing the principles in law school, and
- Strategies to overcome those barriers.

In 1999, the *Journal of Legal Education* devoted most of an issue to a symposium on the Seven Principles for Good Practice in Legal Education.<sup>3</sup> The issue contains nine articles, one for each principle, as well as a brief history of the principles and a conclusion. The authors of those articles have done traditional and innovative classroom teaching, developed and directed legal writing and academic support programs, taught in clinical settings, and served as law school administrators. It is an excellent resource for those who want to learn more about the Principles and their application in law school.

### Other Principles of Good Practice for Legal Education

The principles of good practice for legal education illustrated in the video are not the only important principles for legal educators. Different faculty, teaching diverse courses, to various groups of students, at schools with distinctive cultures, may decide that other principles are more relevant in their educational context. Productive faculty effort could be devoted to generating and discussing other principles of good practice for legal education. This videotape is intended, in part, to provide a starting point for that discussion.

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<sup>3</sup> Symposium, *Seven Principles of Good Practice for Legal Education*, 49 J. LEGAL EDUC. 367 (1999).

## **M. DESCRIPTIONS AND PEDAGOGICAL IMPLICATIONS OF THE PRINCIPLES**

This section contains a one-page description for each of the Principles for Enhancing Legal Education. Each Principle is adapted for application in law. The importance of each principle is explained with practical ways to implement it.

Promote Student Faculty Contact. Frequent student-faculty contact in and out of class is the most important factor in student motivation and involvement. Faculty concern helps students get through rough times and keep on working. Knowing a few faculty members well enhances students' intellectual commitment and encourages them to think about their own values.

### **Importance of Principle.**

Why is student-faculty contact important? Research suggests that quality student-faculty contact in and out of the classroom has significant benefits for students:

- Establish the basis for a teaching/learning environment built on mutual respect;
- Influence students' educational aspirations and career choices;
- Improve students' satisfaction with their educational experience; and
- Increase students' commitment to their education.

### **Methods of Implementation.**

How can faculty enhance the quality of student-faculty contact?

- Learn students' names.
- Learn about students' experiences, perspectives, and professional aspirations.
- Attend student events.
- Be willing to act as a mentor for students.
- Create a classroom environment that welcomes students' ideas and perspectives.

Articulate Clear, High Expectations. Expect more and you will get it. Clear, high expectations are important for students and teachers — for the poorly prepared, for those unwilling to exert themselves, and for the bright and motivated.

### Importance of Principle.

Why are clear, high expectations important?

- Clear, realistic, high expectations motivate most students.
- Clear, realistic, high expectations for all students help create a respectful teaching/learning environment.
- Low or unrealistic expectations decrease students' motivation and achievement.

### Methods of Implementation.

How can faculty demonstrate clear, high expectations?

- Be a model for students by setting and achieving high expectations for the teacher's own performance.  
Clearly articulate expectations to students for each class and the course as a whole.  
Involve students in setting expectations.  
Make student learning a priority.  
Provide feedback on students' performance so they understand the expectations.  
Celebrate student success in the classroom.

Use Time Effectively. Time plus energy equals learning. Allocating realistic amounts of time means effective learning for students and effective teaching for faculty. How an institution defines time expectations for students, faculty, administrators, and staff can establish the basis for high performance for all.

Importance of Principle.

Why is effective use of time important?

- Students, faculty, administrators, and staff face time pressure in legal academia.
- Student learning takes place both inside and outside the classroom; students need to use time well in both settings.
- Effective time management is a critical skill for legal professionals.

Methods of Implementation.

How can faculty manage time effectively and help students use their time well?

Exemplary teaching takes significant faculty time; other faculty and administrators need to encourage and reward good teaching.

Effective use of time in class depends in part on student preparation; teachers facilitate student preparation and effective use of time outside class through realistic assignments and clear directions.

Faculty should model time management by starting and ending class on time, keeping office hours and appointments with students, and promptly reviewing and grading student performance.

Faculty can maximize the effectiveness of class time by articulating clear goals for the class and choosing methods to achieve those goals.

**Respect Differences Among Students.** There are many roads to learning. People bring different experiences, perspectives, talents, and styles of learning to law school. Students need opportunities to share their perspectives and learn in ways that work for them.

Importance of Principle.

Why is respecting difference important?

- Students come to law school with a variety of personal and educational backgrounds that affect their goals and experiences in legal education.
- The encouragement of difference is part of a safe, effective learning environment.
- Students learn best in different ways (reading, listening, speaking, writing, doing, working alone, working with others).
- Effective legal professionals deal successfully with diverse clients, lawyers, and judges.

Methods of Implementation.

How can faculty teach effectively to students with diverse backgrounds and goals?

Include material and assignments that reflect diverse perspectives on the law.  
Create opportunities for students to share their perspectives.  
Build on students' prior knowledge and experience to learn new content and skills.  
Use a variety of teaching/learning methods (Socratic dialog, lecture, discussion, writing, simulation, experiential).  
Assess student achievement with a variety of evaluation tools (essay tests, objective tests, papers, performance of skills).

Foster Cooperation. Learning is enhanced when it is collaborative and social, not competitive and isolated. Working with others often increases involvement in learning. Sharing one's own ideas and responding to others' reactions improve thinking and deepen understanding.

### **Importance of Principle.**

Why is cooperation among students important? Why should students work collaboratively?

- Many students achieve deeper understanding of concepts when working with other students.
- Collaborative learning is effective to help students acquire professional skills, such as interviewing, counseling, negotiating, advocating, and mediating. Small group work is an effective means for students to encounter and understand others' perspectives. Effective legal professionals work well alone and as part of a team.

### **Methods of Implementation.**

How can faculty facilitate cooperative, collaborative learning?

Have students work together on exercises in class (brief discussions in small groups, short writing exercises with pairs of students).

Structure out-of-class team projects (drafting a statute, making an oral argument, preparing a panel to lead a discussion).

Create opportunities for teams of students to engage in *pro bono* work.

**Provide Prompt Feedback.** Knowing what you know and don't know focuses learning. Students need frequent opportunities to perform and receive suggestions for improvement. At various points during law school, students need chances to reflect on what they have learned, what they still need to know, and how to assess themselves.

Importance of Principle.

Why is prompt feedback important?

As students encounter new content, they need to be able to measure the depth of their understanding and see what they are missing.  
To acquire lawyering skills (analysis, problem solving, negotiation, advocacy, etc.) students need to practice, get feedback, and shape their behavior.  
Effective students and legal professionals assess their own learning and performance and grow from their experience.

Methods of Implementation.

How can faculty provide prompt feedback to students in large classes?

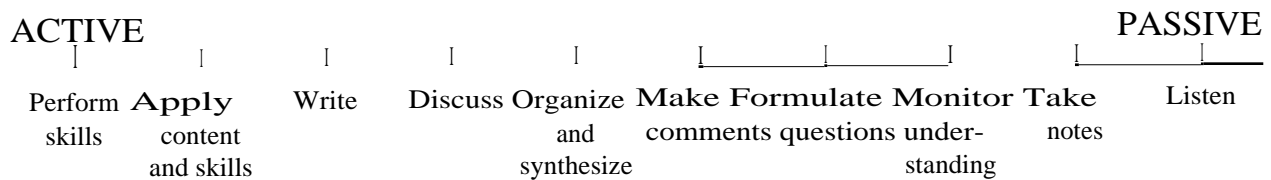
- Essay questions (mock or graded) — model answer, sample student responses, score sheets, discuss answers in class.
- Objective questions (mock or graded) — post answers and reasoning on course Web site, discuss responses in class.
- Short writing exercises in class — discuss responses and reasoning in class.
- Out-of-class writing assignments — clear grading criteria and score sheet so students can assess their own performance, peer edits.
- Clear positive feedback in class when students demonstrate analytical skills (synthesis of a line of cases, articulating policy underlying judicial opinions, statutory analysis).

**Encourage** Active Learning. Students do not learn much just sitting in classes and listening. They must talk about what they are learning, write about it, relate it to past experiences, and apply it to their daily lives. They must make what they learn part of themselves.

Importance of Principle.

What is active learning and why is it important?

Learning methods can be placed on a continuum from passive to active. Effective teachers choose methods appropriate to achieve class and course goals.



Active learning promotes:

- Higher level thinking (analysis, synthesis, criticism).
- Professional skills acquisition.
- Content mastery.
- Student motivation.
- Appreciation of other perspectives.

Methods of Implementation.

What active learning methods are appropriate for law school?

- Questioning (Socratic dialog)
- Discussion (large and small group)
- Problem solving (short hypotheticals, mock exams)
- Simulation (role-playing that lasts a few minutes, exercises that take several classes)
- Writing (short written responses in class, reflection essays, journals, research papers)
- Experiential learning (documents in class, field trips, externships , clinics)

#### IV. REFLECTION QUESTIONS

The Reflection Questions are designed to enhance understanding and application of the issues raised in the videotape. In this section, there are General Questions first and then specific questions relating to each Principle.

## General Questions

1. Identify two principles of good teaching.
  - Define the principles.
  - List some examples.
  - Why is each principle important?
2. Compare your principles with those articulated in the videotape. In what ways are they similar and how do they differ?
3. With which Principles do you feel most comfortable and why?
  - Define the Principles.
  - List some examples.
4. With which Principles do you feel least comfortable and why?
  - Define the Principles.
  - List some examples.
5. Select one (or more) of the Principles.
  - What does this Principle mean to you?
  - Why is it important?
  - Describe ways to implement the Principle.
  - Describe obstacles to implementation.
  - Identify ways to overcome the barriers.
6. What did you learn from the videotape/during this session that will help you be a better teacher?
7. What are two things you plan to do as a result of the videotape/this session?

*Promote Student-Faculty Contact*

1. List the various roles you assume by being a teacher. Why is each important?
2. Why is learning about your students' backgrounds and experiences helpful for creating an effective learning environment?
  - List ways you can obtain this information.
  - How can you use this information to improve your students' learning?
3. What can you do that will convey respect to your students? What can your students do that will convey respect to you?
4. How can you solicit questions and insights from students who do not speak in class?
5. List four fun teaching methods you can use with students.
6. Describe all the reasons students might want to interact with you outside class.
7. What are the advantages and disadvantages of relating to students outside class?
8. List ways to connect with your students outside class.
  - What are some obstacles to interacting with students outside class?
  - How can you overcome some or all of the obstacles?

*Articulate Clear, High Expectations.*

1. What knowledge, analytical skills, and non-analytical skills are needed to succeed:

- as a lawyer?
- as a student in your law school?
- as a student in you class?

2 At the end of your class, what are the three things you most want your students to:

- have learned?
- remember?

3. What are your expectations about the students based on? Describe.

4. List ways to evaluate whether your expectations regarding your course content, assignments, and grading are:

- effective.
- clear.

*Use Time Effectively.*

1. Define what effective use of time means:
  - during class.
  - outside class.
2. To assist in effectively using time during class, what can be done beforehand by:
  - the students?
  - the professor?
  - the law school?
3. Describe the relation between clear, high expectations and effective use of time.
4. List ways to evaluate whether time was used effectively during and outside class.
5. What is a lesson plan?
  - Why is it important?
  - Describe all the things you would include in a lesson plan.

*Respect Differences Among Students.*

1. Who are your students? What are their backgrounds?
2. Identify all the reasons students are attending your law school.
  - What are their goals and aspirations?
  - Why are these reasons, goals, and aspirations important to your teaching?
3. List all the traditional and non-traditional ways students at your institution can distinguish themselves.
  - What knowledge, analytical skills, and non-analytical skills are needed for students to distinguish themselves in the ways you listed?
  - Do you have biases in favor of or against students based on how they have distinguished themselves?
  - Do you have biases in favor of or against students who have not appeared to distinguish themselves?
4. To what extent are issues relating to age, ethnicity, gender, learning styles, physical disabilities, learning disabilities, race, religion, sexual orientation, and socioeconomic status addressed in your teaching or content of your course?
  - What are the advantages of doing so?
  - What are the obstacles to doing so?
  - List ways to overcome some or all of the obstacles.
5. How can you include students with different backgrounds and experience to assist in teaching your course?

*Foster Cooperation.*

1. Describe a group setting in which you participated where the leader or participants were disrespectful to each other.
  - How did that make you feel?
  - What did the leader do to contribute to the environment?
  - What did the participants do to contribute to the environment?
  - What could have been done to improve the situation?
2. Describe a group setting in which you participated where the leader and participants respected one another and worked well together.
  - How did that make you feel?
  - What did the leader do to contribute to the environment?
  - What did the participants do to contribute to the environment?
3. How can you create a professional, respectful classroom environment?
4. What can be done when students are disrespectful to:
  - the professor?
  - other students?
  - content included in the course?
5. List all the work performed by lawyers in pairs or in small groups.
6. What knowledge, analytical skills, and non-analytical skills are necessary to be successful in pairs or in small groups?

*Provide Prompt Feedback*

1. Why provide feedback in a timely way?
2. Describe different forms of feedback.
  - What are the advantages and disadvantages of each type?
  - What are the obstacles to providing feedback?
  - How can some or all of the obstacles be overcome?
3. List different ways to provide feedback by involving:
  - other students.
  - the professor.
  - the individual him/herself.
  - other resources in the law school, university, or community
4. At what point in the semester should feedback be given and in what form?
5. How can you elicit feedback about the course and your teaching?

*Encourage Active Learning.*

1. List all the tangible examples you can bring to illustrate ideas covered in class.
2. Ask students to bring tangible examples to illustrate ideas covered in class.
3. List various teaching methods you would like to use in your course and why.
  - What are the advantages of each of the methods?
  - What are obstacles that might interfere with implementing each method?
  - What are ways to overcome some or all of the obstacles?
4. Consider how you would incorporate the following teaching methods into one or more of your courses.
  - role-playing
  - presentation (individual or group)
  - writing exercises and assignments
  - small group discussion
  - field trip
  - short problems
  - guest speaker or movie
5. Who in your law school, larger university, alumni base, and community could help improve legal education at your law school?
  - What can s/he do to help?
  - How can these individuals become involved in improving legal education at your school?

## V. SUGGESTIONS FOR USING THE VIDEOTAPE AND MATERIALS

Individuals could view the videotape and materials as part of their reflection on their teaching. However, many of the issues are complex and require a fuller discussion than the video alone can provide. Therefore, we encourage the use of this videotape in conjunction with a colloquium for teachers alone or for students and teachers.

### Individual

An individual can select those reflective questions that address his/her initial reasons for seeing the video. Afterwards, s/he may want to focus on other questions that relate to issues newly raised by the video. We encourage people to create their own questions and exercises and invite you to share those with us.

Alternatively, you may want to watch the videotape with one or more students and gain their perspectives on effective teaching methods in your own institution. Relevant Reflection Questions from Section IV can serve as a springboard for discussion.

### Group

If a group session, like a faculty colloquium, is planned, our best advice is to apply the Principles for Enhancing Legal Education to your session.

### Contact

Consider whom you want to include and why. Your goals and expectations, discussed below, will influence which constituencies you may want to invite. Then consider the best ways(s) to get those people to actually attend. For some, a formal invitation from the dean may help, while others may attend because of a friendly visit to their office. Early surveys asking for suggestions may also encourage people's participation. What is the appropriate room size for the meeting and will the chairs move? Do you want to provide food or beverages? During the session, how can you create an effective, respectful learning environment? What are ways to solicit questions and insights from participants who are reticent about speaking in this environment?

### Expectations

Consider why you are having the session(s) and what you hope to achieve. What are your goals and expectations? Some goals may be narrow, such as focusing on how to teach a specific topic or skill in a given class. Others may involve broader objectives, like transforming the learning environment across the entire curriculum at your institution. Once your goals are established, articulate them. They will influence whom you want to invite and who should be involved in planning and implementing the session.

**Time**

Will there be a series of sessions or just one? Consider at what time during the year the session(s) should be offered as well as the length of the session(s). Do you want to distribute material beforehand? Will you circulate a summary of ideas/exercises or follow-up survey afterwards? How will you divide the time during the session to enhance learning?

**Differences**

Like our students, the participants will have different backgrounds, goals, perspectives, learning styles, etc. Who are they? How can you create an environment where different and similar opinions can be heard? What teaching methods will give voice to conflicting and complementary perspectives? What do you need to do in this session to model the very Principles you are addressing for classroom use?

**Cooperation**

Use of pairs and small and large group work is particularly appropriate for this session. Based on your goals, consider dividing people randomly; geographically; by subject; mixing clinical, legal writing and doctrinal professors; teachers of first year courses or specialty areas, etc. Have clear roles for individuals in the group and tasks that require their collaboration.

**Feedback**

During the session, structure time and create exercises for summarizing participants' ideas and perspectives. Design ways to solicit constructive comments from the group. Two examples are having the speaker summarize the last speaker's point before presenting his/her point and pairing/small group exercises requiring each person to help another solve a problem.

**Active Learning**

Participants will learn the most when they are actively engaged in the session. Consider using a variety of exercises (including role-playing, free-writing, discussion, problem solving, small groups, etc.) to model the points raised in the video. You may want to collect beforehand or have participants bring sample syllabi, class exercises, or lesson plans that will be focused on during the session. Tasks involving group presentations using overheads, blackboard, or paper also work well for exploring these issues.

**Final Thought**

Our most valuable tip for individuals and group participants is to have fun with the videotape and use it to reinforce and create ideas about teaching.

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