

TECHNIQUES  
FOR  
TEACHING  
LAW

GERALD F. HESS  
&  
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# Techniques for Teaching Law

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## Chapter 12

# Teaching and Learning Environment

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*The classroom is . . . a communicative and social space where student ambitions and teacher expectations meet . . . . Your responsibility as the instructor is to take that space—wherever you meet your students—and then turn it into a dynamic site for learning. — Timpson and Bendel-Simso*

The teaching and learning environment of a law school class is an invisible but ever-present component of the classroom dynamic. Day in and day out, the students plop their books down at their seats, chat with the person sitting next to them, and ready themselves for class. The teacher walks to the podium, perhaps writes on the board, and the class begins. Yet, the teaching and learning environment that filters into the background of cases, Socratic dialogues, and legal analysis is profoundly important to the quality of the class. Whether noticed or not, the environment of legal education greatly impacts a course.

The teaching and learning environment can be divided into two components: the physical plant and the interpersonal environment. The physical structure of the class includes the books; the seating arrangement; the lighting; the height, size and shape of the classroom; the acoustics; and so on. This physical context is concrete, impermeable, and solid. The interpersonal environment comprises the way the students interact with each other (if at all), the way the teacher interacts with the students during a Socratic dialogue or during discussions about hypotheticals or policy, the way the students interact with the teacher when asking questions in class, the interactions during office hours, during question-and-answer sessions outside class, via e-mail, and so on. The interpersonal environment further includes the way the teacher and students collectively deal with problems, such as noise distractions, a lack of preparation or attendance, or “life” challenges such as family illness or other significant events outside law school. This environment is ethereal, permeable, and penumbral.

## A. The Physical Plant

People notice the physical environment of a law school almost immediately. There are urban schools in high-rise buildings and rural schools with sprawling campuses. Within these schools is a mosaic of interiors. Some classrooms have fixed seating in elevated rows; other classrooms are flat, with moveable tables and chairs. Yet, once class begins, the physical environment fades into the background for both teachers and students, and the cases, hypotheticals, and legal reasoning rise to the forefront.

It is only when something goes wrong during a class that the physical plant returns to center stage. Problems and challenges—for both teachers and students—can arise from every aspect of the physical environment. The acoustics, seating arrangement, room design, lighting, size, and proximity to high-traffic areas can pose difficulties.

How a teacher uses the physical space makes a difference in the way students learn in the class, so teachers should devote time and attention to the difficulties posed by the physical plant. For example, if podiums or boards are moveable, then they should be relocated for their best use. If no board is available, the teacher can substitute a flip chart or overhead projector and screen. Teachers should make sure the students in the back of the class can see the board. Seats and tables should be added to overcrowded classes, and students in under-crowded classes should be asked to move up to the front. To overcome acoustical problems, teachers should ask students to repeat their comments with vigor or rearrange seating so students can hear one another.

## B. The Interpersonal Environment

The interpersonal environment is less noticeable yet more important than the physical plant. How students relate to each other or the teacher's way of conducting class are seldom-discussed intangibles and often constitute an unconscious backdrop, visible to those outside the experience but not to those who are living it. For example, even without a seating chart, students may regularly take the same seats, may routinely raise their hands (or never do so), or answer in a similar manner to a variety of questions. Teachers may use repetitive speech patterns, ask predictable questions about cases, and have other habits clearly visible to the students, but hidden from the teacher.

With attention and effort, teachers can create an interpersonal environment conducive to learning. The teaching and learning literature em-

phasizes several means of creating an effective classroom environment. Teachers show respect and concern for students by learning the name of each member of the class. Also, students respond favorably to teachers who demonstrate enthusiasm for teaching the course. Teachers enhance the learning environment by communicating high expectations and clearly informing students of what they can do to succeed in the course.

Large changes in the learning environment may result from modifications in the teacher's class policies, such as how the teacher treats students who are late, unprepared, talking to neighbors in class, answering questions inadequately, etc. These and other policies help to shape the classroom dynamic, and changing the policies can go a long way towards changing student perceptions of the class. One effective technique to improve the classroom environment and to motivate students is to give students a voice in determining classroom policies.

Teachers often create their own class history and traditions. First-year civil procedure teachers may have an "Erie" day, in which students recreate the famous Erie Railroad case, *Erie R.R. Co. v. Tompkins*, 304 U.S. 64 (1938). Torts teachers may do the same with *Palsgraf v. Long Island R.R.* Some teachers become known for playing guitar and singing on the last day of class or a phrase or mannerism that becomes imprinted in students' memories. All of these traditions contribute to an effective class experience.

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## Specific Ideas for the Teaching and Learning Environment

### #1: Family Day

For many law students, law school becomes an all-consuming enterprise, and it is often difficult for family (broadly and loosely defined as

parents, spouses, significant others, children, and close friends) to appreciate fully the law school experience. Indeed, many family members have not spent time at (seen?) the law school and have little idea as to what transpires in the law school classroom. Out of a desire to bridge this gap and ease the tension that often exists between school and family, I developed “Family Day.”

Family Day can take place in first-year and/or upper-level courses and works equally well (although differently) in either setting. On Family Day (which is announced well in advance to enable guests to plan), each law student can invite a member of his/her family to attend class. I tell the law students that I will teach a “regular” class so everyone (guests included) will have an assignment and will be called on in class (more on this momentarily). The only requirement in terms of guest selection is that if a child is invited, he/she must be able to read. Over the years, about 70% of the students invite a guest which means class size swells considerably on Family Day! (There are students who do not invite anyone (travel can be a problem for those attending school far from home) or for whom keeping law school separate from family is important.)

Law students and their guests are provided with a duplicated reading assignment two weeks in advance. For example, in Family Day in Contracts II in 1995 (spring semester of a year-long course), we addressed the topic of unconscionability, and everyone was asked to read *Williams v. Walker Thomas Furniture Co.* (the District Court rather than the Circuit Court opinion) and *Vokes v. Arthur Murray, Inc.* Both cases are edited so the reading totaled three typed pages. The cover sheet to the assignment asked everyone to read the cases and familiarize themselves with the facts. Then, the assignment sheet provided: “In thinking about the cases, ask yourselves whether the results seem fair. Are the cases consistent? Is there a single principle that links these cases together? Would you have decided these cases the same way if you had been the judge?” I also give the law students several added cases to read in their text and Section 2-302 of the UCC.

Law students can volunteer a guest to be called on by giving me the name in advance (designating their relationship with this individual if they so choose). I tell students that they can tell the guest they will be called on or I can surprise them. I explicitly tell my students that no guest will be embarrassed or humiliated by the experience — no matter what the guest answers. Before class, I prepare a list of the guests (trying to balance age and relationship) and students I plan to call on for Family Day. I always invite a member of my family (who participates as well).

Family Day has always taken place first thing in the morning. The law school has provided a continental breakfast which is a good ground-breaker

and nice for everyone. I arrive in the room early so I can meet family members and guests and chat informally. Then, I go to the front and teach as I usually do.

During class, I call on people—both adults and children; I also take volunteers. The first person I call on is always a family member. That is a tense moment but I usually add some humor about being singled out, and I chat briefly about how hard it is to speak in front of so many people and how no one wants to say something foolish in front of strangers. (In other words, I explain the law school experience and the pros and cons of the Socratic method.) Historically, everyone has been remarkably prepared and willing to participate. Indeed, one unanticipated side benefit of the event is that it has appeared to me that the students and their guests have spoken about the cases (and unconscionability) at some length before class, itself a useful exercise.

I always try to bring in some materials the students and guests have not seen in the readings. In the above Contracts example, I showed the actual cross-collateralization clause from *Williams* on an overhead projector, and we worked on a hypothetical involving several purchases to see how the clause functioned in reality. I also discuss the Circuit Court opinion in *Williams* by Skelly Wright. The discussion of the cases addresses the “tests” for unconscionability and the difficult policy issues of the doctrine (paternalism, certainty, and judicial activism among others).

After class, I answer questions and speak to family members. The reaction of guests and law students over the years has been consistently favorable. And, I think it has helped law students break down the barriers between home and school—which is, above all else, the point of Family Day.

Karen Gross  
New York Law School

## #2: Personal Statements

*I can see now that as I read even these words they have a much different tone than those of my personal statement. Words such as compartmentalize, organize, function, and efficient would never have been used to describe my life, yet they seem quite appropriate now... I learned early in my first-year training that emotions or feelings for the people involved in the cases would be only a hindrance and take my focus away from spotting the issue and applying the relevant rule. Thus the people I was reading about took only a two-dimensional nature because they didn't seem real—I had no emotion for them. It is this emotion that I long for, that I need to make me whole.*

Students submit as part of their law school application a personal statement that explores life-changing events, describes the influence of key people, and explains why the applicant wants to become a lawyer. With the

admission decision hanging in the balance, applicants craft their words very carefully. Indeed, the essay represents many hours of self-study, revealing priorities and personal goals. Yet for all of its potential value toward sustaining academic discipline and improving legal pedagogy, it is used by the admissions committee principally to verify writing ability and to promote diversity in the entering class. Having served its purpose, it is filed away.

Revisited effectively by the law teacher, a student's personal statement can be an excellent motivational tool and a powerful educational resource. In the former capacity, it keeps the student mindful of original ideals; in the latter role, it prompts the law teacher to turn diverse life backgrounds into a new source of instructional material.

*Reading through my personal statement for the first time [in three years] left me feeling both empty and complete. The emptiness I felt was for the person I was before law school, the idealistic individual who wanted to make a difference.... Looking back my first reflection was that law school robs or strips people of these goals. The whole first year of law school I felt beat down, confused, and lost.*

You have probably wondered, as I have, what more we can do to help second- and third-year law students, often appearing jaded and cynical, to reclaim the initial excitement they felt for legal study. Where is a match to reignite "fire in the belly"?

On the first day of class, I ask students what factors contribute to the optimal learning experience. Students are quick to cite natural intelligence as a key factor, but they soon add that discipline and motivation are just as important. Being smart is a big plus, they say, but no more so than the will to excel and good study habits. Pressing on, I ask whether there was a time when they were convinced that becoming lawyers mattered so much that they were prepared to give unrelenting commitment to legal education. As they ponder that question, I tell them the answer is "yes" and that I can prove it *in their own words*.

Puzzled looks turn to surprise and then sheepishness as I inform the class that I have reviewed each of their personal statements and have with me a copy of their essays. I read excerpts, many of which speak eloquently to the denial of justice and the need to press forward in the struggle for equality. I recite from their papers the pervasive theme that the study of law will benefit not only themselves but their "people," their family and friends. I remind them of the zeal they once had to make a positive difference in race and gender relations, to stop the shaming of the poor and outcast, to lend an ear to the unpopular voice.

I then jolt them by announcing that I will distribute to them a copy of their personal statement and that the first paper assignment is to write an

updated personal statement. They are to carefully examine the discrepancy between how they imagined law school would deal with their ideals and what in fact law school has done in that regard. As they critically reflect on written promises they made to themselves, would the person they once were recognize the person they have become? Why have they gone back on their word—and at what price?

*[T]he applicant I once was would recognize me because she was hopeful and good. Conversely, I no longer recognize the applicant's positive [outlook], idealism, and hope for change. Perhaps this is merely the result of maturation . . . . [T]he legal educational process does engender cynicism, disillusionment, the baseness of human nature, and intellectual and emotional exhaustion from constantly conforming to the status quo.*

Students report that engaging in this introspective exercise is so unexpected and strange that they do not know how to proceed initially. They tell me that they feel disoriented, as though pulled away from a myopic focus on legal rules to once again behold a broad social vision. Taking this sobering look at where they are in light of where they thought they would be, most students discover that they would apply themselves eagerly to academics were deeply felt convictions at stake instead of mere concepts. They would study harder and take classes more seriously were law school instruction tied to something more important than a final course grade.

*In some ways my personal statement . . . show[ed] my strong idealistic convictions . . . I assumed that such aspirations were worthy and valuable to the law school community. "Not so!" said my first year of law school. "The only worthy aspiration for a law student is top-ten grades, law review, and an important and lucrative job with a large firm." I suppose I was and am a little disillusioned with the law school culture.*

*I have felt a tugging between my intrinsic convictions of wanting to really make a difference and the use of [legal] knowledge to help people, with the more selfish extrinsic conventions of what "success" really is. I don't understand at this point what I want. I don't understand where I fit in and where I will be satisfied with my personal aspirations . . . . My first year tended to tear me down in many ways.*

At this point, revisiting the personal statement becomes a double-edged sword. Once students are challenged to summon and strengthen their heartfelt resolve to become excellent attorneys, the attention shifts to the law teacher. Is the professor prepared to take full educational advantage of students' profound and diverse reasons to excel? Will the instructor do what is necessary to sustain motivation, reforming law school pedagogy to affirm and integrate the beautifully worded aspirations recorded in the personal statements?

This brings us to the second day of class and the use of the personal statements as an educational resource. Students arrive with their newly revised personal statements in hand. The mood swing from the first hour is dramatic. With the instructor looking into their faces, it is as though their first-day expressions—pensive, at best, withdrawn at worst—are now alert and bright, as though a new source of light were shining upon them. Students use other similes, such as it feels like a tightly shut window has been pried open and a fresh breeze has blown in, reinvigorating parts of them that had fallen asleep.

*[O]ne year of law school has actually made me feel less confident...push[ing] my deepest emotions toward discouragement, fear, and intimidation...But when I ponder the many other people (particularly family) who are counting on me...I persist and work harder. My life has become a pattern or example for my younger siblings and other [minority] children in the community... My personal statement stands as it is and as it was written.*

I inform the class that we will engage in an exercise with their updated personal statements that makes plain the limitations of conventional legal study, sheds light on additional problem-solving skills that are otherwise neglected, and sets into motion an instructional pattern that will improve learning relationships among them. In other words, I broaden the purpose of their critical reflection, saying that they revisited their personal statements not only to reinvigorate motivation but moreover to set the stage for our learning adventure together.

I begin the exercise by asking students to list the problem-solving skills that law school training is sharpening. They note such “left-brained” abilities as analytical dissection of facts, spotting of relevant legal issues, selection and application of legal rules, logical argument over the relative merits of a legal position in light of the facts, advocacy of policy considerations, and so on. I then ask whether there has been similar development of other, “right-brained” methods of processing disputes, especially those relying on intuitive, creative, empathic, relational, and spiritual strengths.

*In revisiting my Personal Statement, I am amazed at how optimistic I was about what I could do with my law degree and how I could “make a positive difference”... As for my first year of law school... I was exposed to a “how can I help me and me only” type of world rather than the “how can I learn to help myself and others” type of world that I was expecting. To put it mildly, this stunned me.*

I asked students to consider whether the diverse aspirations recorded in their personal statements, especially healing social divisions, could be attained using only logical/intellectual aptitude. Invariably, they realize that to meet the career goals set forth in their personal statements they will need to expand traditional law school problem solving (i.e., theoret-

ical expertise and rights-based advocacy) with far better training in critical reflection, active listening, mediation, goal setting, coalition building, delegation, supervision, accountability, evaluation, and other interactive skills to manage group conflict.

To this end, students in pairs introduce each other to the class as a whole, one asking the other what it felt like to revisit the personal statement. They are expected to convey accurately what was shared, and classmates are motivated to listen, echo sentiments, and offer support. They find themselves pledging to turn law study in a more healthy direction. "Our dreams will no longer be ignored," they say, resolving "to do justice to ourselves and to each other as our first clients. If we were committed to 'doing the right thing' in law practice, let's prepare ourselves now, not just intellectually but interactively."

*[T]hose who are the most respected, and consequently can do the most good, are not separated but connected to everyone else. I need to remember to reach for great heights while at the same time not just visiting those below. I must be with them and take them with me to higher levels.... The simple reading of my Personal Statement has helped return me to my prior course.... I am excited about the chance to continue to do some introspection to make those necessary adjustments in my course to allow me to be an influential lawyer and to become a better person.*

As a finishing touch, I challenge students to remain true to their newfound resolve. Specifically, I ask them to consider preparing a videotape at the end of the term that responds to the following questions: Were they chosen to address the entire law school community, what would they say regarding the law school curriculum and educational process? Would they be able to say that they were in danger of losing their connection to their deepest concerns but then recovered, redeeming their ties to ancestry, family, gender, race, economic class, nationality, and other loyalties? Would they look back and take pride in reclaiming aspirations expressed in their revised personal statements?

The personal statement exercise jump-starts a semester-long commitment to integrate student ideals into the learning enterprise. We continue capitalizing on their diverse capabilities by building on the first two days of class, adding such other interactive experiences as interviews, team assignments, videotaped negotiations, teaching on campus and in the community, and other forms of fieldwork.

At the start of this fall semester (1997), I was even more ambitious. I asked students whether they would favor a law school campaign to persuade faculty members and fellow students of the motivational and educational value of the personal statement. In light of our just-completed exercise with their own essays (all excerpts in this article are quoted from students this semester), they could see how our first week turned typical classroom relations into the beginnings of a healthy, integrated commu-

nity. I asked the 19 students to vote on whether they wanted to be “counted in” the larger campaign, “counted out,” or were not sure. Fifteen wanted in; three were not sure; and one was torn between “not sure” and “count me out.” Hence, we are now exploring ways to extend the personal statement exercise to those outside our classroom. Dealing honestly and constructively with our diverse, even opposing agendas and perspectives, we hope to model a compelling vision of the optimal law school learning process.

**David Dominguez**  
**Brigham Young University Law School**

### **#3: Class Preparation Policy**

I borrowed a technique for inducing class preparation and attendance from my colleague Steve Marks (who developed it for his upper-level students). It worked marvelously in my contracts course over the past three years.

For years I have tried every system I have heard of or could imagine to create an incentive for and reward class preparation: from unprepared notes before class (way too demoralizing for me) to a requirement of universal preparation in which grades of unprepared students are subject to being lowered (too intimidating for them and creates an incentive to skip class when unprepared).

Now I do the following: Before each class I come a few minutes early and place on the front desk two clipboards with dated photocopies of the seating chart (one for the left side of the room and one for the right) along with red pens. Students who are prepared for class that day come up and check off their names. (Believe it or not, this takes less than three minutes for a 95- to 105-person class once students get accustomed to finding their names on the sheet.) Students who check their name are subject to being called on that day; those who do not are immune. I am strict about not letting students who forgot to sign their names do so after class. I tell them that though they may have been prepared they did not (however inadvertently) put themselves “at risk” of being called upon and therefore were ineligible for the bonus. This rationale also has been well accepted and students soon stop forgetting.

After class each day, my secretary then compiles the list of prepared students and retains the original sign-up sheets in case a student later questions the calculation. In my one-semester course, every student who signed up prepared for class at least 80% of the time will have their grade raised by one-half (e.g., B to B+; the only exception is that I will not raise an A to an A+) regardless of whether they were ever called on. In my two-semester course, I did the same for those who signed up either 80% in each semes-

ter, 85% for the entire year, or 90% in the spring semester only. (This was an attempt to minimize the drop-out rate over the course of a year-long class and it seemed to work.)

I announce to students at the beginning of the term that if they check off their name as prepared and I call on them and find that they are not, I reserve the right to lower their grade by one-half. While this serves to penalize a student for falsely indicating that they are prepared more than a student who simply does not sign up prepared for the requisite number of classes, I think this penalty is more than warranted on a number of grounds I need not elaborate. Fortunately, I have had only one clear-cut case of an unprepared student checking off his or her name and afterwards she could not have been more apologetic, not to mention thoroughly prepared throughout the rest of the course. Although I do not advertise it, I would allow an unprepared student who checked their name to redeem themselves by being called on in subsequent classes and being prepared.

If I discern that a student has really read the material (however well they understood it or are able to discuss it), I exact no penalty. When I am unsure from their responses whether or not the student has really read the material (i.e., he or she is bluffing), I put a question mark on my seating chart and make it a point to call on him or her again soon. This has happened only perhaps two or three times so far (over the course of three contracts courses) and, given that I quietly allow subsequent redemption, I have yet to lower anyone's grade for unpreparedness.

Given the varying numbers of students who check off their names on any given day (and their occasional questions to me about, for example, how far we will get in the material that day) I have found that the students police themselves quite honorably. Indeed, the only drawback I have noticed is that some students hold themselves to a higher standard of preparation before they sign up than I do. For example, I recently inadvertently called on a student who had not checked her name off as prepared. (I apologize to the class in advance for ever doing this and tell students that they definitely should bring my error to my attention should it occur.) She did quite well in response and after class asked if she could check her name off since she had been called on. I told her she certainly could, expressed my regrets for calling on her, but also commented that in my view she was entirely prepared and I was surprised to learn that she had not checked her name. She told me that she had not been feeling well that day and just didn't think she was up to being called on. Clearly, she was a normally prepared student who was using one of her permitted "unprepared" days to take the pressure off a particular class.

Given our mandatory grading curve and the fact that perhaps upwards of 90% of the students qualify for the bonus, this policy has the obvious effect of penalizing those who are unprepared but, though they realize this

as well as I, it has nonetheless been received very positively by the students. Indeed, far more positively than any other system I have tried. A “reward” for which nearly everyone can qualify is simply much more favorably perceived than is an explicit “penalty” (a lesson for law-and-econ folks). And before each class I am presented with a gratifying line of prepared students (and a sheet full of red checks) rather than a depressing pile of notes from the unprepared.

Moreover, this policy amounts to a *de facto* attendance bonus as well, since only those in attendance for the requisite days are eligible for the bonus and it has eliminated the need for any independent attendance requirement which in the past I have found necessary to counter legal writing and moot court assignments. This policy also encourages students to come to class on time rather than have to go to the front of the room to sign the sheets after class had begun. (I do permit this, though others may not wish to.)

Most importantly, of course, preparation (and attendance) levels have been uniformly excellent (even during legal writing and moot court seasons) without the need for any hectoring by me. Students can come to class without fear on days when they are unprepared; those few who are simply too fearful of being called upon can opt out and accept the *de facto* penalty, while experiencing the class without “terror.”

Randy E. Barnett  
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## #4: No Notes

Here’s a teaching tip that may improve your classroom performance and impress your students: Use no notes (not even the assigned course book) in class sessions *for the entire semester*.

This simple idea offers several advantages for the professor who walks into class empty-handed for some forty-plus hours of classes in a semester:

- *It gives you freedom.* You’re not anchored to the podium or table where your lecture notes or coursebook would be located. You can move about and use the blackboard more freely. You can speak more extemporaneously as you are forced away from both exact words and established organization fixed by your notes or coursebook. You can have more eye contact.
- *You’ll impress students.* Students observe virtually every other law professor carry substantial materials (notes or coursebook) into their classes and follow those materials religiously, and they will notice that you’re not saddled with those mate-

rials. They are impressed that you have such a mastery of the material that you can teach an entire course without notes, or they appreciate that you prepare so diligently that you can do so.

- *You'll put students at ease.* The idea here is that if the professor can teach the course without notes or a casebook, then students should certainly be able to comprehend it with the help of the coursebook, classroom lectures, and study aids. Students are more likely to view your relationship with them as non-adversarial if they see that the subject is manageable. This approach does not mean the course will be less rigorous, because the professor still must demand thorough preparation and full understanding from the students.
- *You'll be forced to go out among the students.* One of the big advantages of this teaching trick is that it gets me away from the podium and out into the classroom, because there are regular occasions when I need to use the exact words of a statute, a case, or whatever. When this happens, I just go out into the class and read from the coursebook with one of the students over his or her shoulder. Often, I stay there and continue a dialogue with the class from that location. Reducing the distance between the prof and the students seems to be effective. Students tend to warm up to you, and they seem less intimidated.
- *You'll enhance your classroom preparation.* Although we all prepare diligently for all of our classes, I think you must be even better prepared to guide the class without coursebook or notes at your side. Incidentally, if I have a case or statutory citation, or any other item of detail, that does not appear in the assigned reading and that I want to share with the students, I simply scribble it on a scrap of paper, put it in my pocket before class, and retrieve it at the appropriate moment in the lecture. Again, students are impressed; they see that I have prepared for that particular class.

Michael L. Closen  
John Marshall Law School

## #5: Teaching Statutory Analysis

For some years I have taught a section of Civil Procedure in the first-year and upper-level electives in environmental law. All my courses are “statu-

tory” (the Federal Rules of Civil Procedure are, for teaching purposes, the functional equivalent of statutes). The federal environmental statutes are lengthy, complex, and (as one court has stated regarding a particular statute) “mind numbing.” A colleague and I have developed a new first-year course, *Sources of Law in the American Legal System*; one of the objectives of the course is to develop some skill, and comfort, in analyzing statutes.

Before offering some thoughts on teaching statutory analysis, I wish to offer some background observations that affect how I view the task. First, I believe that almost all new law students have a strong aversion to reading statutes. (I remember that I was one of those students.) Many new students may enjoy reading cases because of their story value and because, in discussing common law decisions, they can talk about principles of justice and fairness. Second, I think that, with a significant number of students, the aversion to statutes develops into a phobia. These students will avoid statutory courses or, if they are unable to do so (because of curriculum requirements), they will never confront the statutes themselves but will look instead for summaries or explanations of the statutes (from the instructor or from study aids). Many of these students develop the belief that “I’m not good with statutes” — a statement that is reminiscent of the undergraduate’s statement that “I’m not good at math (science).” Third, I think that some students may believe that it is beneath their dignity to undertake a close reading of a statute. These students believe that they came to law school to study theory and principles of justice, not to engage in unintellectual verbal nitpicking. Finally, I believe that, in the present legal world (a world, to borrow Calabresi’s term, of “statutorification”), all lawyers must be able to attack and dissect complex statutes and regulations; ideally, they should enjoy the task.

Here are some ideas for teaching statutory analysis.

- (1) My primary objective is to get the students to read the statute carefully. I do not move to discussions of legislative history, intent, purpose, etc., until there has been a careful (some might say nitpicking) dissection of the statutory language.
- (2) I have come to believe that, in a classroom (especially when there is a large number of students), students will not confront the precise language of a statute unless the relevant statutory language is visually presented on a screen. Even if students have a statutory supplement before them, they resist looking down at the statutory language. If the language is presented on a screen (with an overhead projector or a computer projector), the students, I believe, are more likely to look carefully at the language. Also, the projection of the language on the screen makes the task of statutory analysis more of a com-

- munity effort. (For example, I often stand at the back of the room and ask students to go up to the projector and underline the statutory language that they consider important.)
- (3) I try to give the students a few basic tips that make it easier to analyze lengthy and complex statutory provisions:
    - (a) Put brackets around the dependent clauses and then ignore them until you have analyzed the main clause. Students are sometimes overwhelmed by numerous “except” and “when” clauses and focus upon these clauses before they understand the main clause.
    - (b) There is an exception to tip (a)—“dependent” clauses that begin with “if” or its functional equivalent. These are “triggering” clauses and, though “dependent” in the grammatical sense, must be examined first because they “trigger” the application of the main clause.
  - (4) Finally, I reward (verbally) the student who identifies an ambiguous word or phrase—especially if the student can explain why the word or phrase is ambiguous and how the word or phrase could be changed to eliminate ambiguity. I absolutely gush over the student who suggests that I have misread some word or phrase.

John Hyson  
Villanova Law School

## #6: Teaching Law, Learning French

I’ve been teaching law for twelve years. In struggling to keep myself and my students interested, I have read, reflected, and experimented, diagnosed, and evaluated.

I’ve talked with students, practitioners, other professors, and, on occasion, myself. All of these activities have been useful. Quite fortuitously, however, the best thing I’ve done was to audit a course in introductory French.

For the teacher like myself whose own law school memories have begun to dim, who (finally) has gotten to the point where she feels she has mastered her subject matter and technique, and for whom the classroom has become a comfortable place that holds no terror, I recommend a temporary exchange of roles.

Put aside the persona of the confident professor, with years of teaching and practice experience, and become, for three hours a week, the student. And not the dean’s list student, either. Study something that has always

interested you, but at which you don't excel. For me, speaking French was a long-time dream. When I began to study it, I realized that a thick tongue and a tin ear were not exactly assets.

Traveling between my professor and student roles gave me a much greater insight into the feelings and behavior of my students. I thought I understood, even sympathized, with students who sit in the back row, avoid eye contact, want to say the answer but aren't sure they understand the question.

In my French student role, I, the formerly "A" student from kindergarten on, found myself dismayed when the chairs in the room were arranged in a semi-circle so as to eliminate the back row. I rehearsed my answers in my head before I raised my hand and, when I didn't know the answer, was relieved when the professor's eyes looked to the other side of the room. Most of all, despite the fact that I have come to think of myself as an adult person who does not require approval to sustain her well-being, I was ecstatic when the professor smiled, nodded, or, wonder of wonders, said "Good!" after I uttered "C'est moi."

Back in my own classroom, my sympathy turned into empathy. Feeling ridiculously like Bill Clinton, I wanted to say "I feel your pain" to the students who tried hard to look elsewhere when I asked a question. I, too, knew what it was like to be called on, have someone speak in a foreign language, and want an answer. While I had never seen myself as being stingy with positive reinforcement, I had gained a heightened awareness of how powerful a simple nod of the head can be. Moreover, I had experienced that awful, difficult-to-admit-to comparison of myself to others, who, it seemed to me, probably dreamed in French and had the conditional and imperfect tenses for breakfast.

A couple of things saved me. One was that nothing important rode on the quality of my performance. I was, thank God, already happily employed. I was there in the most voluntary of senses, purely for the fun of it.

But I wondered: What if I had been, like most of my classmates, 18 or even 21 years old? What if I felt as if my fate were inextricably bound to achieving in a course in which my answers were more often wrong than right?

For those who would like to skip the pain and, upon reading this, might say to themselves that they can imagine all of these feelings without signing on for the rigors of becoming an actual student, I say I once thought so, too. Imagining the feelings and experiencing them are two entirely different things, however. Drawing from my insights from clinical teaching, it's the difference between imagining how a lawyer might feel conducting her first deposition and actually doing it. My advice is that you don't cheat yourself out of the authentic experience.

Susan B. Apel  
Vermont Law School

## #7: Storytelling

Do you tell stories in the classroom? I do. My suspicion is that most of us do in one form or another.

In order to establish what I am about, it is necessary to digress a bit and talk about several of my experiences with storytelling. (By the way, the digression is one of the main elements of a type of storytelling that I find quite compelling. It has been raised to a high level by a colleague who tells stories about law, and everything else, in the western campfire tradition, with baroque twists and turns that after perhaps hours of digression turn back on themselves to somehow support the main story line.)

My first experience with storytelling goes back to my law school days. My Contracts professor spent (I swear!) the whole year talking about the facts in *Hawkins v. McGee*, 146 A. 641 (N.H. 1929). You remember that case: the infamous hairy hand, where the doctor was held to his “promise” to make the hand 100% when the result was a hairy palm. Now, this case can be abstracted to stand for an important proposition about the objective theory of contract formation. See John D. Calamari and Joseph M. Perillo, *Contracts* § 2-6, at 33 n. 51 (3d ed. 1987). But it obviously served a much more important purpose in that class, becoming instead a vehicle for discussion of the whole nature of the contracting process. To me, what is important is that I still remember the story of the hairy hand 25 years later, and with but a small effort can reconstruct a good deal of the law of contracts. It only occurred to me a few years ago that my recall of contract law was dependent on the power of the story.

Another experience I had with storytelling (and still continue to have, with variations) is that of listening to students champion adjunct teachers (always practicing lawyers) because they tell such good “war stories” — teaching their subjects by reference to “real events.” In my younger days, I rolled my eyes at such encomiums because they seemed to be nothing more than praise for a pedagogy that avoided the hard stuff of “teaching the law.” I do not roll my eyes anymore. (At least as much.)

My last experience is again more personal. I teach Administrative Law. For a good part of the time that I have taught, *INS v. Chadha*, 462 U.S. 919 (1983) has been a part of all the casebooks. It is important doctrinally in the separation of powers context, but I have found myself over the years using the compelling facts in *Chadha* first to tell Chadha’s story and then to retell it at many points during the course. Chadha’s story serves, in my thinking, as an important reminder of basic human dimensions in administrative law. (If you are interested in the story, see Barbara Hinkson-Craig, *Chadha: The Story of an Epic Constitutional Struggle* (1988).)

So, what is my point? It is that storytelling, with “thick” elucidation of the facts, may be an important teaching technique that has not been very

seriously explored in the setting of the “ordinary classroom” (the phrase is borrowed from Roger Crampton for a purpose). I am aware of the explosion of interest in the use of storytelling (coming out of developing feminist theory) for consciousness-raising and as a way to counter traditional (and arguably masked) ideologically based and illegitimate theory. I find that movement illuminating. (I also recognize that I may entirely misunderstand those storytellers’ points of view. I intend to educate myself on that point more thoroughly, but, as the saying goes, that is another story.)

**James M. Vaché**  
Gonzaga University School of Law

## **#8: Students’ Need to Translate Ideas**

A student says, “Excuse me, professor. I did not understand that.” The professor then repeats the statement in a louder voice, enunciating all the words more clearly.

Sometimes a louder repetition is exactly what students need. More often, students’ questions indicate that they have not been able to connect the concept to something significant for them. If so, they need different words to make the professor’s communication meaningful. They need words that touch their knowledge base and experience.

Recently, a student made this point by telling me that one of her professors routinely explained every concept in two different ways. The professor’s first explanation was often like a foreign language to the student, but the second explanation, usually more experientially based, was more comprehensible. The student made it a practice to write down both explanations and to put an equal sign between them so she could work on learning the terminology and meaning of the first explanation from her understanding of the second. She described her experience as “translating.”

### **Why “Translate”?**

One reason for the need to “translate” is the inherent difference in starting points between an expert and a novice. For an expert who has already put together a framework or mental map of an area of law, concepts have context and fit within a larger picture or pattern of relationships. This “seamless web” is a reflection of the integrated knowledge of the legal expert.

Students, however, start as novices, bringing only their interest in learning and whatever experiences and knowledge their lives and academic

backgrounds provide. Instead of the multidimensional, intricate pattern of the expert, law students must sort through a variety of mental maps developed for other academic disciplines or created to help them function in life situations. They scan their information base for similarity of content or pattern to connect this new concept their teacher is presenting with their own past knowledge and experiences. Only on identifying a match or partial match between what they know and what the teacher seems to be saying can they begin constructing simple frameworks for new concepts.

The difference between a teacher and another expert is the teacher's willingness to stop and make "seams" or entry points that help the novice. The expert may try to reach back to recall early experiences with legal concepts, but while important, this will still be limited because the expert cannot easily erase current insights or complex connections and the expert may have discarded as inaccurate or incomplete the original construct that allowed the expert to move from a novice state to an expert status. For example, in modernizing an old building one might use extra supports while connecting the new to the old, but when the building is finished these connectors are either unnecessary and discarded or incorporated into the design and not distinguishable as separate from the new structure. Additionally, there are many learning factors that impact the ways a person moves from being a novice to being an expert.

### ***Variety of Learning Styles***

The teacher's particular experience is but one of many possible processes for learning the same material. For the teacher, this explanation may be the clearest, easiest way to understand: It worked for her or him! However, many students will require different methods and metaphors. The need for other ways to cognize material is prescribed by past experience and learning style, not intelligence. Even when the student develops a complex, integrated pattern of understanding, it will not exactly match the professor's. However, if learning is accurate, the pattern will have the same basic elements, similar relationships, and corresponding application outcomes.

In any class, there probably are more students who learn in ways different from the professor than students who learn similarly to that professor. How do teachers bridge the gap? How do students cross the bridge? In fact, most students do make that leap, sometimes because of the teacher, sometimes in spite of the teacher.

I believe good teachers invite students to participate in a joint project as equal partners with different resources and responsibilities. To ascertain what students need, we should look to them to give us clues about how to build the bridge. What are they doing to translate, understand, integrate, and

apply the material? How can we use this information to improve our communication with students?

### ***Translation Aids***

Students who use commercial or “grapevine” study aids may provide one clue. Many students use these materials to help them identify basic vocabulary and simple relationship patterns, or to help them sort major concepts. The teacher who believes students who use study aids are lazy overlooks the reality that many students need resources to consult that reinforce or clarify their understanding from a different perspective and in different words.

In my experience, students may benefit from using study aids as a tertiary source, to confirm or illuminate their understanding of the material or the process of analysis that they encounter in reading for class and in class discussion. It often helps to see something simplified so that the primary elements are identified more easily when they are applied to another context or in another problem. An outline, flow chart, or diagram provides insight by helping separate the main points and analytic relationships from the minor points and examples. Going over the terminology and concepts in a somewhat different form also provides a review. A discrepancy between their professor’s presentation and these other materials motivates students to learn more in order to clarify or resolve the contradiction.

### ***The Process of “Translating”***

However, for some students who need to translate, study aids are not effective. I recall one student who tried a number of study aids at the urging of his study group, but he succeeded only when he started analytically flow-charting his courses. Another student came to see me because she was having difficulty outlining. She needed to have a visual image of analyses. She loved to flow-chart. In fact, it was so much fun for her to use that process that she assumed it was wrong. Everyone she knew was working on outlines, and all the organizational models she had seen were in outline form, so she thought she needed to work harder to make outlines. When she could visualize the material through creating a flow chart, her grades shot up.

In the classroom, visually oriented students need to take the professor’s oral message and translate. For these students, charts or visual schematics showing the relationship of the different elements of a concept can be helpful. Encouraging students to work through the development of a flow chart or decision tree in class can reinforce concepts. Asking them to apply their visual structures to hypotheticals will help them to refine their conceptual framework.

Other students learn better auditorially. A useful translation aid for these students is to let them tape-record classes. For this type of learner, taking notes interferes with the learning process, but without a record of what happened in class, they cannot do the next important step of learning: re-viewing. Handing out an outline of important class points at the beginning of class also can free students to use their auditory learning by listening with their full attention. Having space on the outline for students to add notes allows them to insert their own insights, making the outline a richer tool.

A realistic problem method makes the material more useful and concrete for many students. They learn by using and applying the material. These learners usually want to be able to see how something works. They want to know when and how it is used. They like to draw from their experiences, so increasing their bank of relevant experiences increases their learning. Problems, role-plays, and small-group tasks help these students to translate.

### ***Other Ways to Facilitate “Translating”***

Some students need a framework or overview to have a context within which to put details. Their process of translating involves relating cases to the big picture. Without the big picture for reference, they are often confused and have a difficult time sorting through all the information. Giving an overview and assigning materials that provide a brief synopsis of the material to be covered and its relationship within the course are beneficial for these students.

Other students find overviews so shallow as to be meaningless without the factual situations that give the general principles depth. Providing a summary when finishing a section helps them bring the material together to develop their own big picture. Without the encouragement to look for the larger themes and patterns, these students may collect much information about individual cases and miss the ways these data illustrate strategies and tests for new or different factual situations.

### ***“Translating” for Exams***

I have found that students who need to translate what a professor has said in order to make it meaningful within their context need to be careful about accuracy when translating back on exams. Not surprisingly, those students with the greatest need to “translate” often find themselves hard-pressed to get this process accomplished within the time limits imposed by most exams. Also, their class preparation often includes translating into their understanding, which takes more time than just reading the next day’s assignment.

The more congruent the student's learning style is with the professor's, and the more the student and professor have in common, the more likely it is that the student will share and understand the professor's constructs and examples. The challenge in a diverse classroom is finding ways to communicate with students who have dissimilar experiences, interests, and learning styles. Bridging that gap requires teachers to learn and discover new ways of perceiving and translating their knowledge. The satisfaction of accomplishing this successfully is a significant reward of teaching. What teachers can learn from students through this process of translating is the fertile soil for new insights and increased expertise.

Martha M. Peters  
University of Florida College of Law

## #9: Cultural Legends

The Republic of Palau, a small island nation in the Western Pacific Ocean, has a population of 15,122 persons. The country has been independent since October 1, 1994. From 1994 to 1995, I worked as Court Counsel to the Palau Supreme Court. I also volunteered to help Palauan students who were learning English at the Palau High School. Using one of the legends of Palau, I created mock trials for the high school students. The legend was the sacrifice of Surech and Tulei.

Surech was a beautiful woman from a village in Ngiwal on the large island of Babeldaob. Tulei, her handsome boyfriend, was from Ngkeklau village in Ngaraard. Tulei was also the nephew of the great chief Mad ra Ngebuked. Hearing Tulei speak of Surech's beauty, the chief said, "Bring me her face so I can see it." Tulei was horrified by his uncle's request. For Tulei, these words had three possible interpretations. First, the chief could have wanted simply to meet the beautiful Surech. This, however, seemed too easy. Second, the chief might have wanted to see Surech in case he wanted her for himself. The chief had the right to have the most beautiful woman; if he demanded, Tulei would have to give her up. Third, the chief might have wanted Tulei to cut off Surech's head so that he could see only "her face." Tulei knew that the chief kept a collection of the heads of his enemies.

Tulei took Surech to a remote island, where he remained silent for several days. Surech asked Tulei to explain his strange silence. He told Surech of his dilemma: The chief either wanted her head or wanted to steal her from him. Surech asked sorrowfully, "How long have you been keeping this to yourself?" Surech sadly began to weave a basket. When Surech finished, she bent over the basket, and Tulei used his machete to cut off her head.

Tulei took the basket to the chief, who then banished Tulei from the village.

We used a courtroom at the Palau Supreme Court to put Tulei on trial for the murder of Surech. The Palauan students assumed the roles of prosecutors, defense attorneys, witnesses, judges, and court clerks. The classes discussed whether Tulei was acting on the chief's orders (the Nuremberg defense), whether by weaving the basket Surech consented to be killed (and whether a person can "consent" to be killed), whether the possibility that the chief would steal Surech would justify her murder, and whether Tulei had any factual defenses to the crime. In presenting their cases, the students were especially proud of their use of scientific evidence and lawyering techniques they learned from broadcasts of the O.J. Simpson trial on the Palauan television.

The exercise was important for these students. Because judicial proceedings in Palau are conducted in English rather than Palauan, the students gained familiarity with the procedures, language, and translation process used in their own courts. They transcended the language barrier that bars access to the courts. (The situation is similar to that in Haiti, where the courts use French rather than Haitian Creole.) If enough Palauan students become interested in law, the need for American lawyers may someday subside as Palauan lawyers and judges bring the Palauan language into the Palauan courts. The alternative would be to lose the rich Palauan language.

Also, the students gained familiarity with the court proceedings and with career opportunities they may not have considered previously in this country which has no law school. And the students learned a Palauan legend that, sadly, few of them knew. The tradition of teaching legends to children may fail when there are distractions such as broadcasts of foreign murder trials on television.

Teaching a Palauan legend to Palauan students made me realize that here in the United States there must be hundreds of local legends of which I am unaware, and which might provide useful classroom hypotheticals while preserving the important tradition of oral history.

Mark Wojcik  
The John Marshall Law School

## #10: Kinetic Classroom

One student, the driver, is riding piggy-backed on another, who is a motorcycle. Careening around the classroom, they unfortunately collide with another motorcycle. Both drivers fall to the floor, while a fifth student, a police officer, gestures animatedly at the scene.

One motorcycle continues to roll and eventually crashes to a stop in a corner. Several other students, bystanders all, shake their heads. One moves to drape an arm around a driver, while the others compete to tell the police officer who is at fault and why.

John Rassias, professor of French at Dartmouth College, leaps from his seat in the front row, and assuming the role of Fellini in this fantastical sequence, shouts, "Cut!" It is early in the morning, and it is a typical beginning of French class.

I became intimately familiar with the Rassias method when I enrolled in his French course. His teaching techniques are unique, and have been captured on film by television shows like *Good Morning America* (which filmed the above scenario) and *60 Minutes*.

As I experienced the Rassias method, I became particularly intrigued with the use of physical movement in the classroom. Like Professor Rassias, I noticed how I, too, move around, gesture, use my hands while I speak to my students. The difference in our classrooms was that in his, students moved as well. The picture of my own classroom started to appear out of balance. Why was I in almost constant motion, while the students sat, and continued to sit, and sit some more for over an hour, their physical movements limited to a raised hand and moving lips?

Sitting, I have come to believe, and more importantly, *having the expectation that one will not be called upon to do anything else*, made it possible for students to disengage more easily. There is a quietness, a security of physical attachment to a desk that allows one's eyes to wander to the window. Most obvious is that a sitting student can sleep, physically or at least mentally; a moving student, or a *potentially moving student*, cannot.

I do not recommend that one's class be turned into an aerobics course. Too much, and non-purposeful, movement might cause its own set of problems. But now I try to structure interaction in the classroom that moves beyond the verbal. Previously, I have made use of buzz groups, breaking larger classes into smaller groups to discuss a particular point. Now I include an activity. For example, the last time I used buzz groups, I asked them to present their conclusions on a flip chart, which required them to physically gather around the paper and write.

Other examples are perhaps more novel. In past years, I have always begun my Family Law class by having students reflect, through a class discussion, on the meaning of family. Last year, I divided students into small groups, and asked each group to come to a consensus on one feature of the definition or function of family. Instead of orally reporting their discussion, they put together a short skit (one minute or less) exhibiting the characteristic upon which they had decided. As an example, one group of students stood up and demonstrated that they shared the same address. Another group explained pooled resources as a feature of family life by

tossing their money into a pile and then withdrawing certain sums for various group expenses. Another showed the concept of nepotism by inventing a skit in which one individual was pressured by other family members to hire a relative. My favorite was a group of two whose presentation involved one standing up and nagging the other.

I've illustrated the need for the Uniform Child Custody Jurisdiction Act by having students physically grab and abduct baby dolls or stuffed animals from one another, running to various corners of the room that represented different jurisdictions. In another exercise, ten students role-played various pieces of marital property. They stood in the front of the room while other students physically moved them into varying configurations to demonstrate equal and equitable distributions.

Some of this is, of course, flash, a break from the ordinary that keeps students interested. But I think it is more than that. Watching movement itself is stimulating; moving oneself is even more so. However, even if only one or two students are moving in the room, it presents the possibility of movement to the remainder. Simply put, if one feels that one may be called upon momentarily to get up and do something, one's mental faculties cannot afford to slump. Additionally, movement seems to have created better memory. When I try to weave things together by referring to past classes, some students remember what one or the other said about whether it is equitable to split the shares of stock 50/50 or award them all to one party. More students remember the specter of a student, role-playing the stock, standing in front of the room while two of the students, one on each side in the roles as lawyers, make the "stock" the object in a physical tug-of-war.

For the unconvinced, a simple and low-risk experiment can begin by monitoring one's own movement in the classroom and then purposefully doing something else. Generally, I pace back and forth across the front of the room. Should I decide to move differently—for example, stroll down the center aisle—the student reaction is subtle but definitely detectable. Heads move in a different direction; depending on where they sit, students perceive me moving closer or farther away from them than is usual. Their postures change. Something unexpected has happened, which means that something *else* unexpected could happen, for which they don't want to be caught unaware.

A variation of this experiment is one that most teachers have already used. If your students normally sit while they speak in class, ask one to stand up, or to move and stand in the front of the room while speaking. Eyes turn to catch the movement and ears and minds open.

My teaching has been a torrent of words, sometimes written on hand-outs or on the blackboard, more often simply auditory, my own voice speaking to students as they listen and speak back to me, and sometimes to each other. I've experimented with many different forms of verbal com-

munication, from free-flowing discussions to buzz groups to pairs and circles, all of which have contributed to my classrooms. Movement, as its own form of communication, or as an adjunct to words, or as a momentary respite from the speaking/listening barrage, offers unexplored but promising possibilities.

Susan B. Apel  
Vermont Law School

## #11: Voices

The reason we're here is because someone important once listened to us. Not because someone once told us something.

Janet Emig, English professor, to a group of teachers; quoted in Peter Elbow, *What is English*

That's what teaching *should* be about but isn't: discerning the gift. Too often the central activity of our discipline is judging. The major thing we have learned to do in life is to assign grades.

Mary Rose O'Reilley, *The Peaceable Classroom*

The first goal of education—if we think it has anything to do with values—is to bring students to a knowledge of the world within: its geography and anthropology, depths and heights, myths and primary texts. . . . Our second goal should be to help the student bring his subjective vision into community. . . . The classroom, then, must be a meeting place for both silent meditation and verbal witness, of interplay between interiority and community.

*The Peaceable Classroom*

Human beings, no matter what their background, need to feel that they are safe in order to open themselves to transformation. They need to feel a connection between a given subject matter and who they are in order for knowledge to take root. That security and that connectedness are seldom present in a classroom that recognizes the students' cognitive capacities alone. People often assume that attention to the emotional lives of students, to their spiritual yearnings and their imaginative energies, will somehow inhibit the intellect's free play, drown it in a wash of sentiment, or deflect it into realms of fantasy and escape, that the critical and analytical faculties will be muffled, reined in, or blunted as a result. I believe the reverse is true.

Jane Tompkins, *A Life in School:  
What the Teacher Learned*

Stories are the most basic way we have of organizing our experience and claiming meaning for it.

James Boyd White, *Heracles' Bow*

The plural of anecdote is data.

Deborah Rhode, *Gender and Professional Roles*, FORDHAM L. REV.

Conventional classroom hierarchies encourage extremes of both unreflective passivity and aggressive competition. The structure of professional control over the content and evaluation of the learning process discourages independent thought and encourages participation more designed to impress than to inform.

*Gender and Professional Roles*

A class doesn't get to know itself until it has been let go. People's personalities won't be visible, their feelings and opinions won't surface, unless the teacher gets out of the way on a regular basis. You have to be willing to give up your authority, and the sense of identity and prestige that come with it, for the students to be able feel their authority. To get out of the students' way, the teacher has to learn to get out of her own way. To not let her ego call the shots all the time. This is incredibly difficult. But I think it is a true path for a teacher.

*A Life in School*

Argument can be... a form of violence. We pile up evidence as the kids in my neighborhood used to pile up snowballs, each with a rock in the middle, on the rims of their winter forts. If the other side has more rocks, we concede.

*The Peaceable Classroom*

War begins in banality, the suppression of the personal and idiosyncratic. By contrast, "[a] language that takes our emotions seriously and gives them real weight in our lives encourages us to think and be and act differently... [A]t Harvard... the first thing they learn is not to say 'I.' That is forbidden... In learning the language of domination these students learn to give up their subjectivity, their emotionality, their range of experience, their partisanship." Such education feeds the purposes of authoritarian structures, governmental and religious... fostering "a compulsive need for order, a fear of confusion or chaos, a desire for clarity and control... a culture of obedience."

Dorothy Soelle, Theologian,  
quoted in *The Peaceable Classroom*

Our capacity to resist has nothing to do with our intelligence but with the degree of access to our true self.

Alice Miller, *For Your Own Good: Hidden Cruelty in Child-rearing and the Roots of Violence*

What we are taught is not as important as the *method* by which we are taught. We may forget algebra and second year Latin, but we remember how to obey orders, suppress our own experience, and think like everyone else.

Jerry Farber, *The Student as Nigger*,  
in *The Peaceable Classroom*

When I look back at my schooling today, I see... a person who was taught not to feel... When I look at my undergraduate students, I see how their schooling is forcing them into the same patterns I have struggled to overcome: a divided state of consciousness, a hypertrophy of the intellect and will, an undernourished heart. I see how compartmentalized the university is, with the philosophy department at one end of the campus, the gymnasium at the other. I see how conditioned the students are—though not terminally so—to keep their own experience out of the learning process.

*A Life in School*

Still, I may as well confess that the most startling debasements of character I have ever observed... have taken place during the three years of law school.

Wayne Booth, *The Vocation of a Teacher: Rhetorical Occasions*

I would like to meet the concern about turning the classroom into “some kind of therapy group”... by observing that good teaching *is*, in the classical sense, therapy: good teaching involves reweaving the spirit. (Bad teaching, by contrast, is soul murder.)

*The Peaceable Classroom*

There are an infinite number of approaches to every concept. One can only wonder at the risks involved in grabbing a single way of looking at a topic and presenting it as a lesson.

Vivian Paley, *The Boy Who Would Be a Helicopter*

What we usually call “historical consensus” all too often reflects the judgment calls of people in power, usually men; critical canons are formulated by winners; what is and what is not an important question is determined by those with the most clout. The women in my classes, by contrast, tend to raise issues of people on the edges: issues of racism, sexism, homophobia, violence, problems that the powerful have not felt in their bodies and hence dismiss as “unimportant.”

*The Peaceable Classroom*

The powerful man worries about what he doesn't know, about the information that could hurt him, never realizing that his success has already hurt him. I thought of the powerful people I knew: my mother,

now dead; magazine editors, a corporation president, an investment banker, any number of movie directors; some famous critics and university professors — yes, especially them, the professors. At a panel discussion they would complain of the exclusion of minorities and women from the culture of the past in a thick-textured jargon, whose precise function was to exclude anyone whose mind worked differently from theirs. They were great at seeing everyone's power needs but their own. I had rarely met a powerful person who knew himself. Or herself. Women were no different in this regard. How could they see everything and remain what they were? You cannot have complete self-recognition and continue to be a public man or woman, an authority, a lawgiver, a benefactor. Blindness was *necessary* to the powerful, who fight an upheld mirror as if it were the devil himself; they know that self-recognition can destroy them.

David Denby, *Great Books*

How a community treats its outsiders is the mirror of its moral landscape.  
*The Boy Who Would Be a Helicopter*

If research universities . . . are going to become places where people like to come to work in the morning, where the employees have a stake and feel they belong, then they will have to model something besides an ideal of individual excellence. By the way they conduct their own internal business, they'll need to model our dependence on one another, our need for mutual respect and support, acceptance and encouragement. If the places that young people go to be educated don't embody the ideals of community, cooperation, and harmony, then what young people will learn will be the behavior those institutions do exemplify: competitiveness, hierarchy, busyness, and isolation."

*A Life in School*

[E]very effective teacher owes to students to teach them the arts of reflecting on the personal and social meaning of what they are being taught.  
*The Vocation of a Teacher*

Teachers teach what they are as much as what they know.  
Peter Elbow, *What is English*

The longest journey a person can take is the twelve inches from the head to the heart. Who is helping our students to make this journey?  
*A Life in School*

Mark Weisberg  
Queen's University Faculty of Law, Kingston, Canada

## #12: Tributes

In an effort to change the pace in my classes (which generally proceed through cases, statutory analysis, questions, hypotheticals), I have introduced *tributes*. Generally speaking, the tributes are an opportunity for me to speak about someone related to the course (more on this momentarily). The idea of tributes was inspired by Professor George Priest who gave such a tribute in a commercial law course when he taught at the University of Chicago Law School. I try to give a tribute in at least one course a semester.

The tributes are usually unannounced and, to the extent possible, I relate them to current events. Several examples are useful. When Justice Thurgood Marshall died, I delivered a tribute to him in my Bankruptcy class based on his bankruptcy jurisprudence. (Before I did the tribute, I did not even know if Justice Marshall had a bankruptcy jurisprudence.) In the year Mary Joe Frug died, I gave a tribute to her in my Contracts class. I have given a tribute to Karl Llewellyn (on the anniversary of his birthday). Once, I gave a tribute to the author of my Contracts casebook (it must have been a slow year). When we read *Wood v. Lady Lucy* in Contracts, I give a tribute to Lady Lucy.

These tributes have several functions. First and foremost, they provide a different kind of intellectual exercise. They break the flow and allow a class to think about material in a different way. Indeed, I tell students to put away their pens, papers, and books for the day and just to listen and reflect. Second, they expand the nature of the legal enterprise. In a tribute, I commonly refer to material outside the course itself and use non-legal sources. This moves us away, at least for a day, from purely legal and doctrinal issues. Third, the tributes are humanizing. They always contain important personal stories of the individuals involved. They provide a context for the legal issues we address. In other words, tributes are a form of storytelling, and they frequently touch students, particularly if I am moved or inspired by the subject of the tribute.

There are several upsides and downsides to tributes. (Not surprisingly, they are related at some level.) Not all students like or appreciate the tributes. They sometimes remark that they are irrelevant. Some students respond as follows: Why spend time on material that will not be tested? Why waste the time, they say, when we are already so pressed for time in class to cover the material in the text? I have several responses to this. I accept the reality that tributes will not be appreciated by all. Although some students may come to appreciate them in the future, others never will.

However, tributes are an opportunity for exposure to context (namely people and the lives they lead). And, the arbitrariness of law school categories and studying material in isolation is worth noting because law prac-

tice is, after all, about intersecting categories. But, perhaps most important for me, tributes have been a way to capture the interest of students who otherwise may have been turned off partially or completely to the law school approach. In a tribute, these students suddenly see and feel something that they had not experienced before. If a single class can do this for some people, then the class is worthwhile. The latter point has been brought home to me because every year some second-year students ask if they can come back to Contracts I and hear the tribute to Lady Lucy. This has made tributes something of a tradition in my classes. The idea of tributes has taken hold at a deeper level.

There is also one other feature of tributes worth observing. They take a good deal of preparation time and, for those tributes that cannot be repeated, this is troubling. I have to say that, despite the work, the tributes have provided me with other benefits. I transformed the Thurgood Marshall tribute into a speech and, shortly thereafter, an article. In other semesters, with less “noteworthy” tributes, I have found it useful just to think about and read other materials for class. Putting away the text, statutes, and class notes has freed up my mind as well. So, the tributes provide a breath of fresh air for students and teacher that hopefully lasts beyond the day that they are delivered.

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### #13: Students Adopt a State

Trust and Estates classes at Loyola University Chicago are upper-level, elective, large classes, with an emphasis on rules, lots of old rules, and virtually all of them are about dead people—not exactly a winning combination from a student’s perspective. About four years ago, as I began switching my own thoughts from teaching to learning, I tried something new. Each student in my three-hour Estates class has the casebook as well as a copy of the Illinois statutes on intestacy and wills. In addition each student must choose, by a posted sign-up sheet, another jurisdiction and thereby becomes the class expert in that jurisdiction’s probate code. I require that all jurisdictions must be chosen once (except for Louisiana) before duplicates can be chosen.

The students are to copy their relevant statutory materials and have them in class at all times. As we discuss cases in intestacy and wills, students include insights from what the other jurisdictions’ statutes provide. Discussion may be prompted by an individual student volunteering or by my taking a poll, e.g., “How many of your jurisdictions limit the pretermitted child/heir statute to after-borns?”

Our discussions move easily among three venues: (i) the relevant law of the particular case which we all have in common, (ii) Illinois law which we all have in common, and (iii) each student's law which is not common to all. Thus we get practice in analyzing a particular court's interpretation of relevant laws, moving the fact pattern to the Illinois statute and discussing this transition in common, and finally the student's individual assessment of his or her jurisdiction's statute to the fact pattern.

This approach is limited, I think, to the intestate and will provisions (the first half of course) because the materials thereafter on trust, powers, and future interests are based less on statute. The involvement, however, does not die at spring break. About that time, I hand out to the class the first question of the final exam (20% of grade). That question requires the students to choose a section of the Illinois statutes (or their particular jurisdiction) and compare/contrast it with the relevant statute, if any, from their jurisdiction (or Illinois). The paper cannot exceed two typewritten pages. They may do research or choose not to do it. They may do the question in advance or choose not to do it in advance. Papers are handed in with the final exam. Grades are based on the choice of topic (5 points), writing style (5 points), and legal analysis (10 points). There is no reason why students cannot do well on this question. In fact, the majority of students do fairly well, some not so well—very few fall in between.

Overall these are the benefits I have seen with this technique:

1. Each student has ownership of unique material—therefore is a stakeholder for class discussion. This is especially useful in a large-class situation where passivity could be an issue.
2. Very easy to generate discussion—even from reticent students who are “just” reporting.
3. An easy way to stay on top of new statutes and to get a sense of majority/minority positions.
4. Shows that these “rules” are not divine immutable truths, but manmade, and could be reformed.
5. Likewise, shows amazing similarity and common origin of these rules.
6. Great exercise in statutory reading, interpretation, and drafting, especially when we try to rewrite an Illinois statute.
7. Gives a modest research/writing/library exercise.
8. A great way to show differences in outlooks and philosophies (although Louisiana can overwhelm students).
9. Built-in exam question.

**Anne-Marie Rhodes**  
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## #14: Hollywood Squares

I taught Torts last year. As part of a review we played the game “Hollywood Squares.” As you may recall, this T.V. game show was quite popular at one time. In my version of the game nine students, selected at random, are called down to be part of the “expert panel.” They are seated in three rows, with three in a row. Two players are selected to start the game. A tic-tac-toe grid is drawn on the blackboard.

I have prepared questions; each player selects a question and then calls upon one of the “experts” to answer the question. The expert gives a response. The response may be correct or false. As is true of the original version of “Hollywood Squares,” if the expert does not know the answer to the question she may make up an answer in hopes of tricking the player. The player must indicate whether she believes the response given by the expert is true or false. Although I know the correct answer, I have the rest of the class determine whether the choice made by the player is right or wrong.

How does the class designate the right choice? The students remaining in their seats clap and cheer with great enthusiasm if the player made the right choice. The right choice earns the player an “X” or “O” on the board. The player then places the “X” or “O” strategically on the board, in hopes of winning the game. (I’m the game show host so I’m the one who actually writes on the blackboard.)

If the class believes the answer given is wrong, they are to exhibit a definite “lack” of enthusiasm. No mark is earned for a wrong answer.

Play continues until one of the players gets “tic-tac-toe.”

Two new players are selected for each round. If time permits you could also replace the nine experts.

The day after the game, we discuss the questions and the correct answers. The correct answers could be typed up and distributed to students.

Pamela McKinney  
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## #15: Considering Audience: Using A Writing Concept to Enhance Legal Learning

An exciting aspect of teaching law is to discover how many ideas from other areas of teaching can enrich the law school classroom. Relating law school classes, by either substance or pedagogy, to students’ previous learning experiences helps them to begin to see the relationships that bind law to so many facets of life. I offer here one example developed from my experience teaching composition and business/technical writing.

A basic concept in teaching writing is to encourage student writers to consider the audience that might be reading a particular type of writing. A personal narrative about a high school escapade would look quite different when written for a teenage audience, a parents' group, and a close friend. A complaint letter to a business should seem reasonable from the perspective of the business owner, not the righteously indignant customer. These considerations of audience extend naturally and logically to teaching law, whether in the doctrinal, legal writing, or clinical classroom.

### 1. The doctrinal classroom.

Using the several audiences that are present in any case (plaintiff, defendant, judge/court, practitioners, society), teachers can encourage students to explore the many views present in cases. For instance, student 1 could be asked to articulate the arguments of the plaintiff in a case, student 2, the defendant. Student 3 could represent the judge hearing (or the court deciding) the case. The professor could ask the following questions of the students:

For students 1 and 2:

- As the attorney trying this case, what is the first best argument that you could anticipate the other side making?
- How would you shape your arguments in anticipation of the other side's arguments?
- What arguments will the (pick one party) find hardest to counter? Easiest?
- What arguments have no corollary argument? Are those strong or weak arguments?
- How were any of your arguments treated by the court in its opinion? What does that tell you about the expectations of that audience?
- What types of argument are most effective?
- What (pick one party) arguments are the easiest for you to counter?
- What societal goals or interests could be affected by the outcome of the case?
- How would you structure an argument to support the interests of (pick a special-interest group affected by this legal issue)?

For student 3:

- Which party's arguments were more persuasive? What kind of arguments were they?
- What are the characteristics of a legally sound argument?
- To what extent does a court consider precedent?
- To what extent did the court consider policy?

- What level court decided the case? Relate that court to the type of argument that it considered favorably in deciding the case.
- How would another court (higher, lower, in a different time frame or jurisdiction or whatever) have considered this same issue? Would its concerns have been the same or different? Would it have found the same arguments persuasive?
- (If reading included opinions at more than one level) How did the courts' approaches differ? Why?
- What are the implications of this opinion on the practicing bar?
- What special-interest groups will be affected by the court's opinion?

Using the multiple-audience approach is especially useful for students who can only see one side of an issue or who have difficulty understanding what arguments judges find to be persuasive or to have legal merit.

## 2. The legal writing classroom.

Because legal writing is simply a specialized form of writing, the concepts that apply in other writing situations apply in the legal writing classroom also. Whether the students are working on a client letter, an objective memorandum, an appellate brief, documents, or discovery materials, putting themselves in the position of their audience is imperative for clear and effective writing. Here are some sample questions:

- Who would be reading this document? Who else? Who else?
- How much time will those readers have to study this document?
- What are the interests of those readers? Are they seeking information? Providing input? Making a decision based upon the document? Responding to the document?
- What is the attitude of the reader to the document? Friendly? Skeptical? Critical?
- What specific ways have you drafted/revised this document to fit those interests and attitudes?
- What information have you glossed over/left out because you as the writer think that it's obvious? Re-examine that information. Do your assumptions about its obviousness apply to every foreseeable audience?
- Have you explained the relationships between ideas clearly based upon the knowledge level of the audience(s) who will be reading it?

Discussing these questions helps students to shape their writing for the reader, rather than producing written work that can be understood only by its drafter.

### 3. The clinical classroom.

In clinical work, students are often so concerned about dealing with their first clients that they approach the experience in a self-centered fashion. These questions can help them to broaden their approach.

- What do you know about your client outside of the legal issue that brought you together? Consider education, living arrangements, ethnicity, socioeconomic status, etc.
- What words will you use to speak with your client? Can you explain the law without using jargon? Would you have understood your explanation of the legal problem before you started law school? Before you started college? Before you started high school?
- What processes have you mentioned to your client (e.g., petitioning the court, filing a motion)? Did you explain how each step worked? What knowledge did you assume that your client “must be aware of”?
- Have you considered how your client can be presented effectively in contact with any other audiences in the case—opposing party, judge, social services representatives, etc.?
- How do you think your client will perceive you? How are you presenting yourself—attitude towards client, attire, confidence level?
- What does your client think of the legal system? Is it a sure thing, a crapshoot, corrupt, inefficient?

Because students tend to be so immersed in the learning process themselves, they often need a little help to see the world through someone else’s eyes.

In conclusion, this introduction to using the concept of audience demonstrates how helping students to see the law, their writing, and their clients from perspectives other than theirs can enhance learning, communicating, and practicing law.

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## #16: Thoughts for the Day

I often send pieces of paper out to students, such as revisions of the syllabus, reflections on the last class or block of materials, study questions for the next class or series of classes, and so on. When I do I often accompany them with what I call my “thought for the day.” In the best of situations, I try to remember or find a quote from some luminary that re-

lates to what I have written or will be saying. I use these thoughts to provoke, amuse, or (I hope) encourage deeper thinking by the students. I have a variety of sources and collect “thoughts” as others might collect stamps. I use sources such as the collected writings of various people, including Martin Luther King, Holmes, Learned Hand, Shakespeare, Plato, Bertrand Russell, and so on. I also clip quotes from various sources. One of the richest veins to mine is THE CHRONICLE OF HIGHER EDUCATION. Letters to the editor and the end page essays are good sources. In addition, various editions of *Bartlett’s* and *The Oxford Dictionary of Modern Quotations* are good sources. Finally, some of my favorite books, such as *Zen and the Art of Motorcycle Maintenance* and the *Tao*, provide inspiration.

Here are some examples of what I might do in several teaching situations.

In discussing the relationship between ethics and professional responsibility, and dealing with the inevitable observation that abstract moral theory has little place in the world of making a living, I might offer Brecht’s thought in *Threepenny Opera*: “Food comes first, then morals.” Or I might use that one, and then add Socrates’s (Plato’s) observation in the *Apology* that “the life which is unexamined is not worth living.”

One of the themes that also emerges from many of my professional responsibility students is that the rules cannot make lawyers act morally. This is a specific reflection on the generally held view that one cannot legislate morality. I might respond in a “thought for the day” with Martin Luther King’s observation, made to the National Press Club in 1962 (and elsewhere as well): “It may be true that morality cannot be legislated, but behavior can be regulated. The law may not change the heart, but it can restrain the heartless.” (Source: *A Testament of Hope: The Essential Writings of Martin Luther King, Jr.*, James M. Washington, editor.)

Teaching administrative law allows one countless opportunities to bring the observations of good writers to bear. A couple of examples:

In discussing the role that government should play, as a prelude to close examination of the bureaucratic state:

John Maynard Keynes: “The important thing for Government is not to do things which individuals are doing already, and to do them a little better or a little worse, but to do those things which at present are not done at all.” Source: *The Oxford Dictionary of Modern Quotations*.

In discussions of entitlement, I might ask the students to think about the role of government in dealing with poverty, in part because I don’t think one can understand the entitlement cases without thinking about the transformation in expectations brought about by social changes in the last 60 years. Long ago, I found a comment from William Penn on this matter:

“It is a reproach to religion and government to suffer so much poverty and excess.”

I also from time to time reflect with the students on some of my ideas about learning and teaching. Two favorites:

From the *Tao Te Ching*, translated by Stephen Mitchell: “The more you know, the less you understand.

From Pirsig’s *Zen and the Art of Motorcycle Maintenance* (This one takes a little background information. Phaedrus is talking to a friend about the friend’s frustration in trying to put a bar-b-que together by following the instructions that come with the kit).

“What’s really angering about instructions of this sort is that they imply there’s only one way to put this rotisserie together—their way. And that presumption wipes out all the creativity. Actually there are hundreds of ways to put the rotisserie together and when they make you follow just one way without showing you the overall problem the instructions become hard to follow in such a way as not to make mistakes.”

Now, two final comments. One risk in doing this is that students will find your quotes to be a reflection of a particular mind set, ideology, etc. I plead guilty to this charge, but do try to balance my temptation to be one-sided by finding counter positions. I also invite the students to submit their own, or comments to mine, and then distribute those to the class as well. A second risk is that you will seem pedantic or patronizing by referring to literature or other sources with which the readers might be unfamiliar. I respond to this in two ways. I try to indicate that I am not always familiar with the work from which the quote is taken, most often by citing to the compilation where I found it. I also prick myself with a little irony:

Again from the *Tao*: “True words aren’t eloquent; eloquent words aren’t true.”

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## #17: Student Conferences

When I was in law school, I seldom met with my professors outside class. When I did, these conferences were not always helpful. As someone who has always had a “problem” with authority figures (I respect and revere them too much), I was often too intimidated to effectively concentrate while conferring with a professor.

During a conference, I would nod my head profusely as the professor responded to one of my prepared questions. I would ask very few follow-up questions for a number of reasons: I did not always fully understand what

my professor was saying, I did not want my professor to realize I did not fully understand what he was saying, I wanted to show the professor I respected his elevated status and his brilliant intellect, and I did not want to take up too much of my professor's time.

As a law teacher, I try to avoid having my students feel that sense of inferiority I often felt when conferring with a professor. I try to create an environment where my students and I are on equal footing. In this article, I will suggest a few ways to level the "balance of power" to make student conferences as effective as possible.

I teach legal research, writing and oral advocacy courses ("legal skills" courses). My suggestions, however, can be applied to courses in all areas.

### ***Know Something Significant About the Student***

To avoid any student feeling unrecognized and insignificant, I make sure I know a student's name and background *before* that student walks through my office door. During the first class of the semester, I have students complete an information sheet that requests such facts as prior education, professional work experience, prior writing experience, and interests outside law school. Additionally, to help attach names to faces, a photo of each student is put on my seating chart. (At Cal Western, a photo is taken of each student at registration for fall classes.)

I spend a significant amount of time at the beginning of the semester reviewing the names, photos, and backgrounds of my students. Also, if a student has signed up in advance for a conference (which I encourage but do not require), I review that student's information again before the conference.

I try to make the most of relevant background information. Although I never hesitate to talk with a student who brings up an interesting aspect of her background, I also try to relate a student's background to matters being addressed in our conference. For example, I might mention to a student who was a journalist for a few years, and who is frustrated by her performance on a legal skills assignment, that we will need to work together to help her make the transition from writing as a journalist to writing as a lawyer.

### ***Make the Student Feel at Home***

Before we even begin to confer, I try to relax a student and level any imbalance of power. To the surprise of some students, I greet them by their first name as they come into my office. I offer the student one of the two chairs in front of my desk. I then get up from behind my desk and sit next to the student. More than a few students have commented that sitting next to me, rather than across from me, is much less intimidating.

I often do something else that surprises students: I ask if they would like a cup of coffee. I make numerous trips to the coffee pot in the faculty lounge, and it is never a problem to bring back another cup for a student. Even if a student does not want a cup, this simple gesture can be a very powerful tool for putting a student at ease and putting us on more equal footing.

### ***Make the Conference Your Top Priority***

I always try to remember that students pay my salary and are my biggest and most important client. They are entitled to the same significant, undivided attention that I would give to a client meeting with me for legal advice.

Prior to a conference, I move all my work to the side of my desk so I can give the student my undivided attention. During our conference, I try not to let anything divert my attention. As I would do with any law client, if the phone rings during our meeting, I do not pick it up. If my computer beeps to tell me I have an e-mail message, I disengage the beep without looking at the message.

I also try to listen carefully and patiently to what a student is saying. Like law clients, students come to my office because they need to get questions answered and problems solved. Important work must be done during the conference. Minimizing a student's concerns or rushing a student out before fully and comprehensibly answering her questions is an abuse of power (would you treat your faculty colleagues in such a manner?). In a balanced relationship, the student's understanding of the subject matter should be as urgent and important to you as it is to your student.

Leveling the balance of power also means allowing a student to complain and vent during a conference. One of the "joys" of teaching legal skills courses is returning graded assignments to students *during* the semester. I have had my share of students (especially first-semester students who have not received any other grades) challenge their grade and my teaching ability.

For some students, the sheer cathartic effect of speaking their mind to a professor is enough to make them feel better (at least temporarily). I have seen, however, other students' angry reactions turn into sobbing. As a friend who is a psychiatrist once told me, these students were able to cry because they felt relatively safe and unthreatened during our conference.

### ***Let Students Know They Are Not Alone***

I tell students that although writing is an individual struggle I am their coach and colleague and will work with them as a partner to develop their writing. As their partner, I significantly increase my office hours and con-

ference times during the busiest parts of the semester: before writing assignments are due and after assignments are returned.

During these busy periods, I sometimes do student conferences on a Saturday or a Sunday. Additionally, I usually extend my office hours if there are people outside my office waiting to see me after my last conference. Finally, I encourage people to call my voice-mail and leave a message; I check and return messages over the weekend if an assignment is due early the following week.

Although not all students need to see or talk with me over a weekend, students greatly appreciate my availability. My availability and concern over their assignments help to convince students that we are partners on projects they are completing and that I am willing to make some sacrifices to be an effective partner.

### **Conclusion**

Obviously, law teachers have many different styles and approaches to conferring with individual students. I do not know whether my approaches will work for you. Nonetheless, if a simple gesture helps a student get more out of your conference (and your course), it may be worth considering.

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