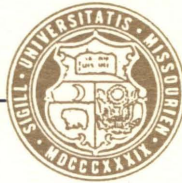


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## LAW REVIEW

Student Involvement in Improving  
Law Teaching and Learning

The Legal Educator's Guide to Periodicals  
on Teaching and Learning

*Gerald F. Hess*

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# THE LEGAL EDUCATOR'S GUIDE TO PERIODICALS ON TEACHING AND LEARNING

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## INTRODUCTION

Most legal educators have no formal training in teaching and learning. Instead, their Juris Doctor education involves legal theory, doctrine, and skills. Law teachers share this lack of formal training in teaching and learning with most of their colleagues in other departments of the university (with the exception of the education school). After all, professors of microbiology or literature have post-graduate degrees in Biology or English, not teaching and learning.

Fortunately, a vast collection of periodical literature on teaching and learning is available to college and university teachers. Most law teachers are familiar with the periodicals that focus on legal education, such as the *Journal of Legal Education*, *Clinical Law Review*, and *The Law Teacher*. However, few legal educators have encountered the myriad of other periodicals that address teaching and learning. Some of those journals contain articles reporting empirical research results that establish fundamental educational principles. Other journals have articles and essays that review the basic research and explore its implications for teaching and learning. Finally, a number of journals and newsletters contain classroom-tested ideas for teachers as well as reviews of books, articles, video tapes, and Web sites on teaching and learning in higher education.

The purpose of this Article is to make the education periodical literature more accessible to law teachers. It reviews twenty-one journals and newsletters which have much to offer law school teachers of all sorts, including academic support persons, clinicians, and classroom teachers.

This Article is not a comprehensive review of all of the education periodicals. Indeed, the *Current Index of Journals in Education* contains over 980 journals. Beginning with that large list, I excluded the following: journals that rarely address teaching and learning; journals with a primary emphasis on elementary and secondary education; journals that are no longer published; journals limited to any discipline (other than professional schools); and the three legal education journals mentioned above. Of the titles that survived my winnowing process, I chose a representative sample of the journals that are most helpful for law teachers.<sup>1</sup>

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1. For law teachers who want to explore particular teaching and learning issues in the education literature, the Educational Resource Information Center (ERIC) provides two excellent finding tools: CURRENT INDEX TO JOURNALS IN EDUCATION (CIJE) and the ERIC database. These finding tools provide both a citation and an annotation for each entry. The CIJE is a multi-volume set, updated monthly, that references articles and essays from over 980 journals related to education. Similar to the INDEX TO LEGAL PERIODICALS or the CURRENT LAW INDEX, it organizes the entries by subject and author. ERIC indexes hundreds of journals, papers presented at conferences, and unpublished dissertations. Best of all, the ERIC database is part of WESTLAW and can be accessed by any of the WESTLAW search methods.

This Article organizes education periodicals into six categories, described in the table below. Each periodical listing contains annotations of two recent articles, essays, or reviews chosen to illustrate the usefulness of the periodical to legal educators. The annotations are samples only, most of these periodicals contain many articles, essays, and reviews relevant to legal educators. The annotations were selected to inspire legal educators to review the journals themselves.

| <b>Category</b>                                             | <b>Periodicals Reviewed</b>                                                                                                                      |
|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Journals that focus exclusively on teaching and learning    | <i>College Teaching</i><br><i>Journal of Experimental Education</i><br><i>Journal of Instructional Psychology</i>                                |
| Newsletters that focus exclusively on teaching and learning | <i>The National Teaching and Learning Forum</i><br><i>The Teaching Professor</i><br><i>Cooperative Learning and College Teaching</i>             |
| Higher education journals                                   | <i>Change</i><br><i>Feminist Teacher</i><br><i>Innovative Higher Education</i><br><i>Liberal Education</i><br><i>Review of Higher Education</i>  |
| Professional education journals                             | <i>Academic Medicine</i><br><i>Journal of Social Work Education</i><br><i>Teacher Educator</i>                                                   |
| International journals                                      | <i>British Journal of Educational Studies</i><br><i>Higher Education</i><br><i>Studies in Higher Education</i>                                   |
| General education journals                                  | <i>Contemporary Educational Psychology</i><br><i>Education</i><br><i>Educational Research Quarterly</i><br><i>Review of Educational Research</i> |

## **I. JOURNALS THAT FOCUS EXCLUSIVELY ON TEACHING AND LEARNING**

All three of the journals in this category make important contributions to the literature on teaching and learning. Of the three, however, *College Teaching* is the most relevant and readable for law teachers.

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### *College Teaching*

This is the oldest American journal devoted entirely to teaching in higher education. It consists of short pieces on teaching at the undergraduate and graduate levels. The journal addresses teaching techniques and philosophy, evaluation of innovative programs, and ways to encourage and reward good teaching. Recent articles include subjects such as designing a syllabus, using short writing assignments, teaching styles, team teaching, and Socratic questioning.

*Steps for Active Learning of Complex Concepts.*<sup>2</sup> This article presents a model for teaching content and skills central to legal education, complex concepts, critical thinking, and problem solving. The model has four steps.<sup>3</sup> Step one is a lecture to provide basic explanations, definitions, and clarification of the topic.<sup>4</sup> Step two, individual learning, requires students to read a case-study and respond to questions, outside of class.<sup>5</sup> In step three, small-group learning, students meet in class in small groups and come to a consensus on answers to the case-study questions.<sup>6</sup> Step four is a whole-class discussion of the case-study questions facilitated by the teacher.<sup>7</sup> In addition to describing the model, the author discusses the theory supporting each step.<sup>8</sup>

*Walking on Eggs: Mastering the Dreaded Diversity Discussion.*<sup>9</sup> Cultural diversity presents challenges and opportunities for teachers and students at all levels of education. The premise of this essay is that multi-cultural education begins only when students of different culture, age, ethnicity, and sex interact with one another in the classroom. The author offers nine strategies to promote multi-cultural discussions.<sup>10</sup> Strategies include beginning the discussion with a powerful quotation and visual image of diversity, using paired readings that address an issue from two different perspectives, and asking students to describe their metaphors for America.<sup>11</sup> However, the author believes that many students and teachers fear the strong emotions and passionate debates that can occur in discussions of diversity.<sup>12</sup> Consequently, the author offers guidelines for teachers to deal with discussions that may evoke intense emotions and even produce racist, sexist, and homophobic remarks.<sup>13</sup>

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2. See Susan A. Stearns, *Steps for Active Learning of Complex Concepts*, 42 C. TEACHING 107 (1994).

3. See *id.*

4. See *id.*

5. See *id.*

6. See *id.*

7. See *id.*

8. See Stearns, *supra* note 2, at 107-08.

9. See Peter Frederick, *Walking on Eggs: Mastering the Dreaded Diversity Discussion*, 43 C. TEACHING 83 (1995).

10. See *id.* at 85-90.

11. See *id.*

12. See *id.* at 90.

13. See *id.*

### *Journal of Experimental Education*

This journal seeks to improve educational practice by publishing basic and applied research studies. Articles address all levels of schooling, including graduate and professional education in various educational contexts, including public and private education in the U.S. and abroad.

#### *Effects of a Mastery Versus Competitive Motivation Situation on Learning.*<sup>14</sup>

This study of college students' motivation investigated the relative influence of a mastery goal and a competitive goal on students' learning.<sup>15</sup> A mastery goal emphasizes the development of new skills while a competitive goal emphasizes performing better than others.<sup>16</sup> Students working toward a mastery goal situation demonstrated better performance and greater interest in learning than the students in the competitive goal situation.<sup>17</sup> This study has significant implications for legal education, which often fosters a culture of competition among students who contend for high grades and prestigious jobs.

*Self-Regulated Learning: The Interactive Influence of Metacognitive Awareness and Goal-Setting.*<sup>18</sup> This study examined the effect on student performance of two processes: goal-setting and metacognitive awareness (awareness of one's own learning).<sup>19</sup> The researchers found that the students who set goals for themselves and were aware of their learning strategies significantly outperformed students who did not set goals and had low metacognitive awareness.<sup>20</sup> Law teachers can help students by alerting them to the benefits of goal setting and metacognitive awareness, processes that can enhance not only law school performance but professional competence as well.

### *Journal of Instructional Psychology*

This journal publishes original research and reviews of research. Articles address instruction and learning issues. The journal includes articles relevant to a wide range of educational levels, including graduate school.

*Principles of Learning: A Review.*<sup>21</sup> Law teachers can improve their effectiveness in the classroom by understanding the basic principles of student learning. This article presents an overview of principles that researchers agree have substantial effects on learning. Thirteen principles are briefly discussed, including: "Learning under intrinsic motivation is preferable to learning under extrinsic

14. See David A. Bergin, *Effects of a Mastery Versus Competitive Motivation Situation on Learning*, 63 J. EXPERIMENTAL EDUC. 303 (1995).

15. See *id.*

16. See *id.*

17. See *id.* at 308-10.

18. See D. Scott Ridley et al., *Self-Regulated Learning: The Interactive Influence of Metacognitive Awareness and Goal-Setting*, 60 J. EXPERIMENTAL EDUC. 293 (1992).

19. See *id.*

20. See *id.* at 300-05.

21. See J. Michael Palardy, *Principles of Learning: A Review*, 21 J. INSTRUCTIONAL PSYCHOL. 308 (1994).

motivation;"<sup>22</sup> "Students learn better when they are challenged appropriately;"<sup>23</sup> and "[s]tudents learn better when they discover generalizations for themselves."<sup>24</sup>

*Revitalizing Classroom Assessment: Using Tests to Promote Learning.*<sup>25</sup> The final exam is a critical part of many law school courses. The final exam provides an incentive for students to synthesize the course and often serves as the primary means for the teacher to evaluate student performance. This article reviews the research on the use of tests as learning tools.<sup>26</sup> The research consistently shows that tests promote learning.<sup>27</sup> Furthermore, student performance at the end of the course is enhanced if the students have taken multiple, cumulative tests before the final examination.<sup>28</sup>

## II. NEWSLETTERS THAT FOCUS EXCLUSIVELY ON TEACHING AND LEARNING

Of all the periodicals in this Article, the three newsletters in this category are the most useful for many legal educators. They are an excellent introduction to the education literature because they are brief (eight to sixteen pages), written with a minimum of jargon, and specifically address higher education. The *National Teaching and Learning Forum* and *The Teaching Professor* contain one to four page articles on teaching and learning as well as reviews of books, periodicals, video tapes, and Web sites concerning pedagogy in college. *Cooperative Learning and College Teaching* also contains short articles, essays, and reviews but concentrates on small-group teaching and learning.

### *The National Teaching and Learning Forum*

*The Teaching Tribe.*<sup>29</sup> This article reviews a book by Robert Boice, entitled *First-Order Principles for College Teachers*. Boice developed ten "first-order principles" through observations and interviews of college teachers and students over a ten year period.<sup>30</sup> Boice's principles are not a tool kit of teaching tips; instead they focus on the inner rhythms of college teaching.<sup>31</sup> For example, Boice believes most faculty are not ready to benefit from the excellent body of literature on teaching techniques until they understand the importance of patience, pacing, and reflective self-awareness.<sup>32</sup> Boice calls for a change in the way faculty view

22. *Id.* at 310.

23. *Id.* at 311.

24. *Id.*

25. See Frank N. Dempster & Peggy G. Perkins, *Revitalizing Classroom Assessment: Using Tests to Promote Learning*, 20 J. INSTRUCTIONAL PSYCHOL. 197 (1993).

26. See *id.* at 198.

27. See *id.*

28. See *id.* at 199-200.

29. See James Rhem, *The Teaching Tribe*, 6(4) THE NAT'L TEACHING & LEARNING F. 1 (1997) (book review).

30. *Id.* at 2.

31. See *id.* at 1.

32. See *id.* at 2-3.

and live their lives.<sup>33</sup> He has valuable insights for law teachers seeking a new balance in their personal and professional lives.

*PowerPoint, No! Cyberspace, Yes.*<sup>34</sup> This article presents an interesting perspective for educators who are beginning to use technology in their teaching. The author compares two forms of technology, electronic communication (email and electronic conferencing) and presentation graphics (PowerPoint), in light of the author's teaching philosophy.<sup>35</sup> The author's philosophy includes the following principles: (1) "courses should focus on learning rather than teaching;" (2) "interaction with the material should be student-controlled;" and (3) students should get frequent feedback.<sup>36</sup> The author concludes that electronic communication has great potential for enhancing student learning while presentation software has little.<sup>37</sup> The author believes that electronic communication is student-centered (students actively synthesize the material while using the technology) while presentation software is teacher-centered and passive for students.<sup>38</sup>

### *The Teaching Professor*

*Participation: Research and References.*<sup>39</sup> This article is a valuable starting point for legal educators who want to better understand the impediments to, and incentives for, active student participation in the classroom. The author references three major research studies on student participation and summarizes the principal findings.<sup>40</sup> The reasons students give for failing to participate have remained constant over twenty years of research: their ideas are not well formulated; they do not know enough about the subject matter; and their reluctance to speak in a large class.<sup>41</sup> Teacher behavior that encourages student participation includes calling students by name, praising students, asking students to elaborate on their answers, and giving students enough time to respond to questions.<sup>42</sup>

*Enhancing Instructor-Class Communication.*<sup>43</sup> This article describes an interactive class journal that can improve communication between teacher and students.<sup>44</sup> Periodically, the teacher circulated a spiral notebook in class and invited students to offer constructive feedback on the course.<sup>45</sup> Students' comments addressed everything from the lighting in the room and the clarity of upcoming

33. *See id.* at 1.

34. *See* Tom Creed, *PowerPoint, No! Cyberspace, Yes*, 6(4) THE NAT'L TEACHING & LEARNING F. 5 (1997).

35. *See id.* at 6.

36. *Id.*

37. *See id.* at 6-7.

38. *See id.*

39. *See* Maryellen Weimer, *Participation: Research and References*, THE TEACHING PROFESSOR, Aug./Sep. 1996, at 3.

40. *See id.* at 4.

41. *See id.* at 3.

42. *See id.*

43. *See* Leslie Swetnam, *Enhancing Instructor-Class Communication*, THE TEACHING PROFESSOR, Mar. 1994, at 3.

44. *See id.*

45. *See id.*

assignments to the pace of the course.<sup>46</sup> The feedback gave the instructor the opportunity to correct misconceptions and shape the class to meet student needs. The students' comments also demonstrated that due to various learning styles, the teacher cannot please all of the students all of the time.<sup>47</sup>

### *Cooperative Learning and College Teaching*

*Guided Peer Questioning: A Cooperative Learning Approach to Critical Thinking.*<sup>48</sup> To succeed in their personal and professional lives, law students need to be able to think critically "by analyzing ideas, comparing alternate views, establishing relationships among ideas and principles, integrating ideas across topics, synthesizing concepts into something new, and creating possible solutions to problems."<sup>49</sup> The author offers Guided Peer Questioning as an effective way to help students develop these critical thinking skills.<sup>50</sup> The first step in Guided Peer Questioning is to teach students how to formulate questions that go beyond mere recall of facts and promote critical thinking; for example, questions that call for analysis, comparison-contrast, or evaluation.<sup>51</sup> Then, students are placed in small groups in which they ask and respond to the questions they have formulated.<sup>52</sup> The author found that students engaged in Guided Peer Questioning quickly learned how to generate critical-thinking questions and their small-group experience markedly improved their comprehension of course material.<sup>53</sup>

*Cooperative Learning vs. Small-Group Discussions and Group Projects: The Critical Differences.*<sup>54</sup> Some legal educators have begun to use forms of small-group learning in their classrooms, such as small-group discussions and group projects. Other teachers have experimented with cooperative learning (CL)—a carefully structured form of small-group learning in which students work on a well-defined learning task. This article describes six procedural elements that distinguish CL from other types of small-group activities: (1) the instructor forms CL groups based on predetermined criteria, such as gender diversity;<sup>55</sup> (2) CL groups meet regularly over an extended period of time;<sup>56</sup> (3) CL incorporates procedures to create responsibility among group members to promote one another's learning;<sup>57</sup> (4) students are graded individually rather than receiving group grades;<sup>58</sup>

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46. *See id.*

47. *See id.*

48. Alison King, *Guided Peer Questioning: A Cooperative Learning Approach to Critical Thinking*, COOPERATIVE LEARNING & C. TEACHING, Winter 1995, at 15.

49. *Id.*

50. *See id.*

51. *See id.* at 15-16.

52. *See id.* at 16.

53. *See id.* at 18.

54. *See* Joseph B. Cuseo, *Cooperative Learning vs. Small-Group Discussions and Group Projects: The Critical Differences*, COOPERATIVE LEARNING & C. TEACHING, Spring 1992, at 4.

55. *See id.* at 4-5.

56. *See id.* at 5.

57. *See id.*

58. *See id.* at 8.

(5) CL aims to develop interpersonal communication and human relation skills;<sup>59</sup> and (6) the teacher is a facilitator of the group learning process.<sup>60</sup>

### III. HIGHER EDUCATION JOURNALS

The five journals in this category address a range of issues in higher education, including teaching, learning, academic culture, and challenges facing colleges and universities.

#### *Change*

This publication often contains articles and essays on topics of interest to law teachers, such as technology, diversity, discussion techniques, service learning, and student evaluations. The articles and essays are mostly free of jargon and contain references to other works for those who want to explore in more detail

*Evoking the Moral Imagination: Using Stories to Teach Ethics and Professionalism to Nursing, Medical, and Law Students.*<sup>61</sup> This article describes the experiences of the authors, a law professor and a medical school professor, in teaching a course on ethics and professionalism to nursing, medical, and law students. The course materials were short works of fiction with medical or legal themes.<sup>62</sup> The article describes the benefits and challenges of teaching with stories, the use of student journals, the discussions among students from different professions, and team teaching between faculty of different disciplines.<sup>63</sup>

*What We Know About Cheating in College: Longitudinal Trends and Recent Developments.*<sup>64</sup> This article reports the results of two major studies of student cheating in college.<sup>65</sup> The studies, done in 1963 and 1991, involved over 11,000 students at more than 100 colleges and universities.<sup>66</sup> The results are quite disturbing for anyone concerned about higher education. Over 80% of the students surveyed agreed with the statement: "Under no circumstances is cheating justified."<sup>67</sup> Nevertheless, 82% of the students in the 1963 study and 84% of the students in the 1991 study admitted to engaging in at least one incident of cheating in college, including copying from another student on an exam, using crib notes, and plagiarizing written work.<sup>68</sup> Furthermore, 38% of the students in the 1991 study admitted to cheating routinely—more than three times on tests while in college.<sup>69</sup> The authors conclude that the most effective deterrent to student cheating is a

59. *See id.*

60. *See* Cuseo, *supra* note 54, at 8.

61. *See* Mark Weisberg & Jacalyn Duffin, *Evoking the Moral Imagination: Using Stories to Teach Ethics and Professionalism to Nursing, Medical, and Law Students*, CHANGE, Jan./Feb. 1995, at 21.

62. *See id.* at 22.

63. *See id.* at 23-24.

64. *See* Donald L. McCabe & Linda Klebe Trevino, *What We Know About Cheating in College: Longitudinal Trends and Recent Developments*, CHANGE, Jan./Feb. 1996, at 29.

65. *See id.*

66. *See id.*

67. *Id.* at 30.

68. *See id.* at 31.

69. *See id.*

campus environment where academic dishonesty is socially unacceptable.<sup>70</sup> Strategies to create such an environment include promoting student discussion of the value of academic integrity, encouraging faculty to discuss academic dishonesty in their classrooms, and involving students in the disciplinary process.<sup>71</sup>

### *Feminist Teacher*

This journal contains essays about feminist pedagogy. Some of the essays address women's studies courses, while others are concerned with student-centered teaching in a variety of courses.

*Secret Basketball: One Problem With the Student-Centered Classroom.*<sup>72</sup> In her courses, the author implements a student-centered philosophy.<sup>73</sup> She believes that teaching should empower students, that students should have control of their own education, that student learning is more important than teacher performance, and that students bring valuable knowledge and skills to the classroom.<sup>74</sup> In this essay, however, the author explores the problems that student-centered pedagogy can create for students when teachers are not clear about their own goals and agenda for the course.<sup>75</sup> The article demonstrates an important point for all teachers: B students learn more and perform better when their teachers are explicit about course goals and evaluation criteria.

*The Inclusion/Exclusion Issue: Including Students in Choosing Texts.*<sup>76</sup> This article is instructive for teachers who want to involve students in picking some of the material for the course. The author describes the process of students choosing the books to read in a Women-in-Literature course.<sup>77</sup> During the first few weeks of class, the students read texts assigned by the teacher.<sup>78</sup> The students also met in small groups to decide what material the group would like the entire class to read.<sup>79</sup> Each group agreed on the reading to assign to the rest of the class and explained their reasons for the assignment.<sup>80</sup> Each group then led a discussion on the material they assigned.<sup>81</sup> Both the teacher and students found that the process of students deciding what readings to include in the course was valuable, not only for motivating students to take control of their own education, but for examining multicultural perspectives as well.<sup>82</sup>

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70. See McCabe & Trevina, *supra* note 64, at 33.

71. See *id.*

72. See Lauren Smith, *Secret Basketball: One Problem With the Student-Centered Classroom*, FEMINIST TEACHER, Spring/Summer 1994, at 16.

73. See *id.*

74. See *id.*

75. See *id.*

76. See Christine Sutphin, *The Inclusion/Exclusion Issue: Including Students in Choosing Texts*, FEMINIST TEACHER, Fall 1992, at 31.

77. See *id.*

78. See *id.*

79. See *id.*

80. See *id.*

81. See *id.*

82. See Sutphin, *supra* note 76, at 32.

### *Innovative Higher Education*

This journal strives to package fresh ideas in higher education in a straightforward and clear fashion. Its main purposes are: (1) to present descriptions and evaluations of current innovations and provocative new ideas; (2) to focus on the effect of those innovations on teachers and students; and (3) to strike a balance between theory and practice.

*Student Interviews: A Vital Role in the Scholarship of Teaching.*<sup>83</sup> This article analyzes the effectiveness of faculty members interviewing the students in colleagues' courses for purposes of faculty development.<sup>84</sup> The aim of the interviews was to gather constructive feedback from students about the learning environment in the courses.<sup>85</sup> The authors concluded that the student interview process produced several significant benefits.<sup>86</sup> First, the interviews created a positive classroom atmosphere because the teachers' willingness to participate in the process signaled a deep concern for student learning.<sup>87</sup> Second, the interviews encouraged students to take an active role in their own education.<sup>88</sup> Third, the interviews gathered accurate feedback for the teachers.<sup>89</sup> Finally, the interviews enhanced the spirit of cooperation among students and teachers.<sup>90</sup>

*Validating Culturally Diverse Students: Toward a New Model of Learning and Student Development.*<sup>91</sup> For legal educators seeking to help diverse students succeed academically, this article offers insights and suggestions. The author reports the results of a study of college students from diverse racial, ethnic, and cultural backgrounds.<sup>92</sup> Two of the major findings were that: (1) minority students communicated more doubt about their ability to succeed in college than other students<sup>93</sup> and (2) even the students who express the most doubt in their abilities can be transformed into confident learners.<sup>94</sup> Students identified examples of faculty whose behaviors enhanced the students' belief in their capacity to learn, including faculty who demonstrated a concern for teaching, who worked individually with students in need of extra help, and who provided meaningful feedback to students.<sup>95</sup>

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83. See Jere W. Morehead & Peter J. Shedd, *Student Interviews: A Vital Role in the Scholarship of Teaching*, 20 INNOVATIVE HIGHER EDUC. 261 (1996).

84. See *id.* at 261.

85. See *id.* at 264.

86. See *id.* at 265.

87. See *id.*

88. See *id.* at 266.

89. See Morehead & Shedd, *supra* note 83, at 266.

90. See *id.*

91. See Laura I. Rendon, *Validating Culturally Diverse Students: Toward a New Model of Learning and Student Development*, 19 INNOVATIVE HIGHER EDUC. 33 (1994).

92. See *id.* at 34-35.

93. See *id.* at 37.

94. See *id.*

95. See *id.* at 40-41.

### *Liberal Education*

This journal contains articles and essays about current issues in higher education. It addresses undergraduate education in general and liberal arts in particular.

*Ethos: Its Influence on Student Learning.*<sup>96</sup> The premise of this essay is that every higher education institution has its unique ethos—the belief system widely shared by faculty, students, administrators, and staff. The author describes institutions with an ethos of learning. In those institutions, the sense of learning as the fundamental purpose of the institution pervades the classroom and out-of-class experiences.<sup>97</sup> Schools with a learning ethos share several characteristics: (1) “an educational philosophy which views students as whole persons;”<sup>98</sup> (2) high performance expectations of students;<sup>99</sup> (3) a campus culture that encourages students to take responsibility for their own learning,<sup>100</sup> (4) active student participation in “institutional governance.”<sup>101</sup> Students at universities with a learning ethos exhibit greater gains in learning and personal development than students at other institutions.<sup>102</sup>

*Communicating High Expectations: Effective Undergraduate Education.*<sup>103</sup> The basic assumption about student success or failure at most higher education institutions, including law schools, has changed from “look to your left, look to your right, one of you will not make it” to a belief that nearly all students can progress to graduation.<sup>104</sup> One key to student success is that students respond to high expectations of their performance and ethics.<sup>105</sup> To help students meet high expectations, educators should: (1) believe that all students can achieve success,<sup>106</sup> (2) provide a supportive classroom environment;<sup>107</sup> (3) communicate clear expectations of student performance;<sup>108</sup> (4) tailor assignments to meet individual needs and interests;<sup>109</sup> (5) provide feedback on work in progress;<sup>110</sup> and (6) celebrate success.<sup>111</sup>

96. See George D. Kuh, *Ethos: Its Influence on Student Learning*, LIBERAL EDUC., Fall 1993, at 22.

97. See *id.* at 25.

98. *Id.* at 26.

99. See *id.*

100. See *id.*

101. *Id.* at 26.

102. See Kuh, *supra* note 96, at 29.

103. See Robert A. Scott & Dorothy Echols Tobe, *Communicating High Expectations: Effective Undergraduate Education*, LIBERAL EDUC., Spring 1995, at 38.

104. *Id.* at 40-41.

105. See *id.* at 40.

106. See *id.*

107. See *id.* at 41.

108. See *id.* at 42.

109. See Scott & Tobe, *supra* note 103, at 42.

110. See *Id.*

111. See *Id.* at 43.

### *Review of Higher Education*

This journal, published by the Association for the Study of Higher Education, contains original research, essays, and reviews of literature on higher education.

*Epistemological Development in Graduate and Professional Education.*<sup>112</sup> The author describes "contextual knowers" as students who have the ability to critically evaluate information to determine its applicability in new situations.<sup>113</sup> The development of this critical thinking ability is a goal of most professional education. This study reports the perceptions of students who have become "contextual knowers" in post-graduate education.<sup>114</sup> Those students articulated five characteristics of post-graduate education that helped them become "contextual knowers": (1) the opportunity to explore and support the student's own ideas;<sup>115</sup> (2) the connection between knowledge and the student's life;<sup>116</sup> (3) the use of the student's knowledge and experience in teaching and learning;<sup>117</sup> (4) mutual respect between teacher and student; and (5) collaboration among peers.<sup>118</sup>

*Guests in Someone Else's House: Students of Color.*<sup>119</sup> Educators concerned about providing a supportive climate in higher education for diverse students will find important information and suggestions in this article. The author reports the results of a survey of students of color and the staff who work with them at a major research university.<sup>120</sup> Although the university provides programs and implements policies intended to serve students of color, the students describe the overall campus environment as unwelcome.<sup>121</sup> Based on comments from students and staff, the author offers recommendations for universities to improve the campus climate for students of color, including: "emphasiz[ing] cooperation, collaboration, and community;"<sup>122</sup> "increas[ing] [the] diversity of staff, faculty, and curriculum;"<sup>123</sup> and "creat[ing] . . . classroom environments that promote mutual respect among students."<sup>124</sup>

## IV. PROFESSIONAL EDUCATION JOURNALS

The three journals in this category may have special relevance for law school teachers because they address the education of professionals, physicians, social workers, and teachers, because they are concerned with graduate education.

112. See Marcia B. Baxter Magolda, *Epistemological Development in Graduate and Professional Education*, 19 REV. HIGHER EDUC. 283 (1996).

113. *Id.* at 284.

114. *See id.*

115. *See id.* at 290.

116. *See id.* at 292.

117. *See id.* at 295.

118. *See* Magolda, *supra* note 112, at 297.

119. *See* Caroline Sotello Viernes Turner, *Guests in Someone Else's House: Students of Color*, 17 REV. HIGHER EDUC. 355 (1994).

120. *See id.* at 357.

121. *See id.* at 359.

122. *Id.* at 367.

123. *Id.*

124. *Id.*

### *Academic Medicine*

*Problem Effectiveness in a Course Using Problem-based Learning.*<sup>125</sup> This article describes Problem Based Learning (PBL), an instructional technique with potential applicability to all types of professional education. PBL is designed to apply modern theories about teaching and learning to medical education.<sup>126</sup> Cognitive theory suggests that learning needs to be an active, constructive process that allows students to take responsibility for their own learning and to build upon what they already know.<sup>127</sup> In PBL, students are confronted with a situation that is similar to problems faced by physicians in practice. Groups of eight to ten students, guided by a tutor, discuss the problem and identify issues that need further exploration.<sup>128</sup> Students then engage in self-directed research to find information relevant to the issues the group identified.<sup>129</sup> In a second group session, students report what they have found, attempt to integrate the information each student presented, and propose solutions to the problem.<sup>130</sup> This study compares the issues students identified to the issues the teacher attempted to elicit when designing the problem.<sup>131</sup> Students identified about two-thirds of the issues that the teacher intended and other issues that the teacher did not contemplate but were relevant to the problem and the course.<sup>132</sup>

*Assessment Measures in Medical School, Residency, and Practice: The Connections.*<sup>133</sup> This special issue is devoted to one topic: What are the relationships between the performance of students in medical school and their behavior as physicians in practice?<sup>134</sup> The issue contains essays and empirical research studies that assess medical education. Although some of the articles focus on questions unique to medical education, the issue as a whole serves as a starting point for anyone interested in addressing a central question in the assessment of professional education: Does the course of study at the university produce high-quality professionals in practice?

### *Journal of Social Work Education*

*The "Taping Project": A Method for Self-Evaluation and "Informed Consciousness" in Racism Courses.*<sup>135</sup> This article describes and evaluates the effectiveness of a Taping Project, which is a method for student self-reflection on attitudes and values. During the first class period in a racism course, each student

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125. See Diana H. J. M. Dolmans et al., *Problem Effectiveness in a Course Using Problem-based Learning*, 68 ACAD. MED. 207 (1993).

126. See *id.* at 207.

127. See *id.*

128. See *id.*

129. See *id.* at 208.

130. See *id.*

131. See *id.* at 208.

132. See Dolmans, *supra* note 125, at 212.

133. See Supplement, *Assessment Measures in Medical School, Residency, and Practice: The Connections*, 68(2) ACAD. MED. Sviii (1993).

134. See *id.* at Sxi.

135. See Kathleen Hannigan Millstein, *The Taping Project: A Method for Self-Evaluation and "Informed Consciousness" in Racism Courses*, 33 J. SOC. WORK EDUC. 491 (1997).

is given an audio tape and a set of questions about racism.<sup>136</sup> Outside of class, students interview themselves by responding to the questions on tape.<sup>137</sup> During the second class, the teacher collects the tapes for safekeeping but does not review the tapes.<sup>138</sup> Toward the end of the semester, the tapes are returned to the students with another set of questions designed to help the students reflect on the changes, if any, in their attitudes and values during the semester.<sup>139</sup> Students then write a paper about the changes.<sup>140</sup> Although the Taping Project was used in a social work course on racism, it could be applied to any course in which student self-reflection and self-evaluation of attitudes, values, or skills is appropriate.

*Valuing the Individual Student: Using Single-Subject Design as a Tool for Evaluating Classroom Teaching Performance.*<sup>141</sup> Teachers who want to improve their teaching effectiveness and the quality of their students' learning need feedback from students throughout the course. The author presented a one-page evaluation/feedback form that students filled out regularly during the course.<sup>142</sup> The use of the form had several positive results: (1) it allowed the teacher to monitor teaching effectiveness and student learning, (2) it helped the teacher modify the course to address student needs, (3) it involved students in monitoring their own learning, and (4) it communicated to students that the teacher was concerned about their learning.<sup>143</sup>

### *Teacher Educator*

*I Never Saw That Before: A Deeper View of Video Analysis in Teacher Education.*<sup>144</sup> The author describes Deep Viewing, a method to improve teaching through the study of video tape of the instructor.<sup>145</sup> Deep Viewing involves the analysis of video tape based on six criteria.<sup>146</sup> For each criterion, the author suggests a series of questions to guide the analysis. Examples of the criteria and questions are: (1) "Action/Sequence" (What do you spend most of your time doing in the classroom? What do your students spend most of their time doing?); (2) "Sound/Discourse" (What words or phrases do you repeat? Do you use students' names when you address them?); (3) "Proximity/Movement" (Do you have objects between you and the students? When you speak, where do you look?); (4) "Culture/Context" (What cultural references do you make? How do you identify students' cultural points of view?).<sup>147</sup>

136. *See id.* at 493.

137. *See id.*

138. *See id.*

139. *See id.*

140. *See id.*

141. *See* James Patrick Mace, *Valuing the Individual Student: Using Single-Subject Design as a Tool for Evaluating Classroom Teaching Performance*, 33 J. SOC. WORK EDUC. 261 (1997).

142. *See id.* at 265-66.

143. *See id.* at 271-272.

144. *See* Ann Watts Pailliotet, *I Never Saw That Before: A Deeper View of Video Analysis in Teacher Education*, 31 TEACHER EDUCATOR 138 (1995).

145. *See id.*

146. *See id.* at 141.

147. *Id.*

*Self-Evaluation, Effective Feedback, and Goal-Setting: An Integrated Approach to Clinical Supervision.*<sup>148</sup> This article analyzes a five-phase approach to clinical supervision in the context of teacher education: (1) "Pre-observation conference," (2) "Classroom observation," (3) "Analysis and strategy session," (4) "Post-observation conference," and (5) "Analysis of post-observation conference."<sup>149</sup> The model could be useful in two law school contexts: clinical supervision of law students and peer observations of law faculty for teaching improvement.

## V. INTERNATIONAL JOURNALS

The three journals in this category contain articles and essays about education in the U.S., Canada, the U.K., Australia, and other countries. Many of the trends and issues that apply to legal education in the U.S. are facing educators abroad. The solutions and approaches of academics in other countries to those problems have much to offer American legal educators.

### *British Journal of Educational Studies*

This journal contains articles that deal specifically with higher education and essays concerning core issues that apply to all levels of education.

*Towards a Theory of Learning.*<sup>150</sup> The quality of legal education in the U.S. is the subject of ongoing concern for legal academics, professionals, and the public. In response to government reports criticizing British education, this paper considers the nature of learning and the role of schools in structuring learning.<sup>151</sup> It outlines learning as a process in which students develop as persons.<sup>152</sup> It advocates learning as the central concept on which to build fundamental educational and social change.<sup>153</sup> It describes the "learning school" in which institutional goals, curricula, and teaching methods are developed to facilitate learning and growth for students.<sup>154</sup>

*Crisis, What Crisis? Rhetoric and Reality in Higher Education.*<sup>155</sup> This essay demonstrates that the theme of crisis is prevalent in British and American higher education. It identifies ten major works in Britain and twenty in the U.S., published since 1949, which articulate "crises" facing higher education.<sup>156</sup> The author concludes that, although higher education has been faced with significant challenges, higher education since 1949 has experienced great success.<sup>157</sup> The

148. See Susan Peterson Miller, *Self-Evaluation, Effective Feedback, and Goal-Setting: An Integrated Approach to Clinical Supervision*, 30 *TEACHER EDUCATOR* 2 (1994).

149. *Id.* at 2.

150. See Stewart Ranson et al., *Towards a Theory of Learning*, 44 *BRIT. J. EDUC. STUD.* 9 (1996).

151. *See id.*

152. *See id.* at 13.

153. *See id.* at 12.

154. *See id.* at 20.

155. See Malcolm Tight, *Crisis, What Crisis? Rhetoric and Reality in Higher Education*, 42 *BRIT. J. EDUC. STUD.* 363 (1994).

156. *See id.* at 364.

157. *See id.* at 363.

author argues that supporters of higher education hurt themselves with exaggerated and misleading cries of "crisis."<sup>158</sup>

### *Higher Education*

This journal, subtitled "The International Journal of Higher Education and Educational Planning," contains original research, overview articles, comparative studies, and analyses of specific teaching and learning issues in higher education. Contributions come from many countries.

*The Purpose, Value and Structure of the Practicum in Higher Education: A Literature Review.*<sup>159</sup> "The practicum [clinical experience] constitutes an integral part of many professional courses in higher education."<sup>160</sup> This paper describes the different ways clinical experiences have been designed and implemented.<sup>161</sup> It also articulates the strengths and weaknesses of the practicum.<sup>162</sup> This article is instructive for anyone interested in clinical legal education.<sup>163</sup>

*Effects of Staff and Student Tutors on Student Achievement.*<sup>164</sup> This article concerns student learning in an undergraduate law course. In the course, small groups of students, led by a tutor, worked on sets of problems.<sup>165</sup> This study compared the academic achievement of students in groups led by upper-level student tutors with groups led by faculty tutors.<sup>166</sup> The researchers found no significant difference in the performance of the students in the different groups.<sup>167</sup> The results of this study have interesting implications for the usefulness of student tutors and teaching assistants in law school.

### *Studies in Higher Education*

This journal contains original research and essays. The central aim of the journal is to address effective teaching, learning, and course design.

*College Learning and Teaching: Struggling With/In the Tensions.*<sup>168</sup> The authors' premise is that many students in higher education seek learning because of external rewards, such as grades, jobs, or recognition.<sup>169</sup> The article explores ways college teachers can encourage more personal and passionate learning among their students.<sup>170</sup> The authors describe their experience in requiring students in the first

158. *See id.* at 371-72.

159. *See* Greg Ryan et al., *The Purpose, Value and Structure of the Practicum in Higher Education: A Literature Review*, 31 HIGHER EDUC. 355 (1996).

160. *Id.*

161. *See id.*

162. *See id.*

163. *See id.*

164. *See* Jos C. Moust & Henk G. Schmidt, *Effects of Staff and Student Tutors on Student Achievement*, 28 HIGHER EDUC. 471 (1994).

165. *See id.* at 474-75.

166. *See id.*

167. *See id.* at 476.

168. *See* Mark Child & David D. Williams, *College Learning and Teaching: Struggling With/In the Tensions*, 21 STUD. HIGHER EDUC. 31 (1996).

169. *See id.*

170. *See id.* at 32.

few class sessions to take a significant role in designing the course.<sup>171</sup> The authors demonstrate the benefits and tension created when teachers expect students to accept new responsibility for their own education.

*Fostering Self-Directed Learning in the University Setting.*<sup>172</sup> "Self-directed learning is a process . . . in which learners . . . tak[e] responsibility for planning, initiating, and evaluating their own learning efforts."<sup>173</sup> Self-directed learning is a central concept in the adult education literature, which values a learner-centered approach to education.<sup>174</sup> The adult education literature recommends that learning experiences for adults (1) actively involve learners in identifying their concerns and needs, (2) be characterized by supportive and collaborative teacher-student relationships, and (3) develop students' capacity for managing their own learning.<sup>175</sup> Self-directed learning is not only a potentially valuable tool for professional education, it is an important life-long skill as well.

## VI. GENERAL EDUCATION JOURNALS

The four journals in this category contain articles, essays, and reviews pertinent to all levels of education.

### *Contemporary Educational Psychology*

This journal publishes articles that apply psychological theory and science to education. Articles include reports of empirical studies and reviews of educational research.

*Research for the Future: Research on Cooperative Learning and Achievement: What We Know, What We Need to Know.*<sup>176</sup> This article is a worthwhile resource for law teachers interested in using small-group learning in their classes. The author reviews the substantial research on cooperative learning students working in small groups on well-defined learning tasks. Hundreds of studies have demonstrated that cooperative learning has a positive effect on student achievement.<sup>177</sup> The author reviews the theoretical and empirical bases for cooperative learning and suggests future research questions.

*Length of Wait-Times Used by College Students Given Unlimited Wait-Time Intervals.*<sup>178</sup> The length of time a teacher waits after asking a question in class plays an important role in promoting student thinking and active participation.<sup>179</sup> The education literature, based primarily on studies of elementary and secondary

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171. See *id.* at 33-4.

172. See Susan Wilcox, *Fostering Self-Directed Learning in the University Setting*, 21 *STUD. HIGHER EDUC.* 165 (1996).

173. *Id.*

174. See *id.*

175. See *id.* at 166.

176. See Robert E. Slavin, *Research for the Future: Research on Cooperative Learning and Achievement: What We Know, What We Need to Know*, 21 *CONTEMP. EDUC. PSYCHOL.* 43 (1996).

177. See *id.*

178. See Randy Ellsworth et al., *Length of Wait-Times Used by College Students Given Unlimited Wait-Time Intervals*, 16 *CONTEMP. EDUC. PSYCHOL.* 265 (1991).

179. See *id.*

students, recommends that teachers give students three to five seconds to think about the question before calling on a student to respond.<sup>180</sup> The results of this study suggest that for college students, longer wait-times are more appropriate, especially if the question involves higher-level thinking.<sup>181</sup>

### *Education*

Although one focus of this journal is teacher education in the U.S., it also contains articles on topics such as service learning, peer coaching to improve teaching, and multiple choice exams in upper level college courses.

*Effects of Expectation of Questioning Method on Education Majors' Preparation for Class.*<sup>182</sup> Many legal educators struggle with the issue of whether they should rely on volunteers to respond to questions in class or should call on students randomly. This study analyzes the effect of the type of questioning in the classroom on student preparation for class in an education school course. The researchers compared the levels of preparation for students who expected to be called on randomly in class and students who expected the teacher to rely solely on volunteers to answer questions.<sup>183</sup> The students who expected random questioning prepared better for class by reading more of the assignment and recalled more of the reading than the students who expected to participate only by volunteering.<sup>184</sup>

*The Instructional Practices of Televised Distance Education at Northern Arizona University.*<sup>185</sup> This article addresses the strengths and weaknesses of televised instruction, one part of a growing trend in higher education and distance learning. The authors report the results of interviews with students, teachers, and technicians. The major strength of televised instruction was that it enabled student access to courses without traveling to the classroom.<sup>186</sup> The weaknesses centered on the quality of communication between teacher and student.<sup>187</sup> Barriers to effective instruction included lack of audio/visual clarity, difficulties in transmitting course materials, and insufficient interaction between student and teacher.<sup>188</sup> The survey results suggest solutions to those problems.

### *Educational Research Quarterly*

This journal publishes original research articles which focus on educational policy, theory, and application to classroom learning.

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180. *See id.* at 265, 270.

181. *See id.* at 270.

182. *See* Dennis McDougall & Cheryl Granby, *Effects of Expectation of Questioning Method on Education Majors' Preparation for Class*, 117 EDUC. 349 (1997).

183. *See id.*

184. *See id.* at 354.

185. *See* Candace Wheeler et al., *The Instructional Practices of Televised Distance Education at Northern Arizona University*, 117 EDUC. 172 (1996).

186. *See id.* at 173.

187. *See id.* at 173-74.

188. *See id.* at 178.

*Self-Regulated Learning: Its Assessment and Instructional Implications.*<sup>189</sup>

A growing body of evidence suggests that a key factor in academic success in college is the degree to which the learner is self-regulating.<sup>190</sup> Self-regulated learners are intrinsically motivated, self-directing, self-monitoring, and self-evaluating.<sup>191</sup> Unfortunately, much of the classroom instruction at the university level not only fails to promote self-regulated learning, it often actually suppresses it.<sup>192</sup> The authors offer suggestions about how teachers can promote self-regulated learning.

*Ethnic Surnames.*<sup>193</sup> This study investigated whether teachers' perceptions of the quality of a textbook varied based on the surname of the author of the text. The results indicate that ethnic surnames are a potential source of stereotyping by teachers.<sup>194</sup> The education students at a university in the west generally rated most highly a text by an author with an Asian surname and rated lowest the same text when the author's surname was Hispanic.<sup>195</sup>

### *Review of Educational Research*

This journal contains articles that summarize and interpret original research on education. Topics include teaching effectiveness, learning, and faculty performance.

*The Relationship Between Research and Teaching: A Meta-Analysis.*<sup>196</sup> This article presents interesting information regarding the long-held assumption of many faculty members and administrators that excellence in teaching and research are closely related. The authors analyzed fifty-eight studies of the relationship between teaching and research in higher education.<sup>197</sup> The major finding of the analysis is that there is no relationship between the quality of research and teaching.<sup>198</sup> Thus, whether a faculty member is an effective or ineffective teacher has no relationship to whether the faculty member is a productive or unproductive scholar.<sup>199</sup>

*Cooperative Versus Competitive Efforts and Problem Solving.*<sup>200</sup> The authors analyzed forty-six studies to determine whether cooperation or competition produces better problem solving. The analysis shows that students in a cooperative situation produce higher quality problem-solving than students in a competitive situation.<sup>201</sup> "The results held for students of all ages," from preschoolers to college

189. See Reinhard W. Lidner & Bruce Harris, *Self-Regulated Learning: Its Assessment and Instructional Implications*, 16(2) EDUC. RES. Q. 29 (1992).

190. See *id.*

191. See *id.* at 34.

192. See *id.*

193. See Diana Mayer Demetrulias, *Ethnic Surnames*, 14(3) EDUC. RES. Q. 2 (1990).

194. See *id.*

195. See *id.* at 4.

196. See John Hattie & H.W. Marsh, *The Relationship Between Research and Teaching: A Meta-Analysis*, 66 REV. EDUC. RES. 507 (1996).

197. See *id.*

198. See *id.*

199. See *id.* at 529.

200. Zhining Qin et al., *Cooperative Versus Competitive Efforts and Problem Solving*, 65 REV. EDUC. RES. 129 (1995).

201. See *id.*

students, to older adults.<sup>202</sup> This article has significant implications for legal education in which students must learn problem-solving skills in a climate that is often competitive.

### CONCLUSION

Legal educators who want to increase their effectiveness in the classroom can obtain valuable insights from the periodical literature on education. To help law teachers access that literature, this article reviewed twenty-one periodicals that address teaching and learning. Those periodicals contain articles that report the results of empirical research on basic principles of education, such as student motivation and adult learning. The education periodicals also contain articles and essays that explore the implications of educational theory and research; for example, student participation in class and the design of clinical education. Finally, the educational journals and newsletters provide classroom-tested ideas on a variety of teaching and learning topics, such as small-group learning and critical thinking. In short, the education periodicals have tremendous potential to help legal educators improve their teaching and students' learning in law school.

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202. *Id.*