

Appendix 8-1: Definition of Exceptional Learning

Definition of "Exceptional Learning" in Legal Education

Michael Hunter Schwartz, Gerald F. Hess, Sophie M. Sparrow,

WHAT THE BEST LAW TEACHER'S DO, 35–36 (Harvard University Press, 2013).

Exceptional teachers produce exceptional learning. Exceptional learning has two main components: exceptional intellectual development and exceptional personal development.

Exceptional intellectual development includes:

- gaining deep, nuanced understanding of a sizeable body of legal doctrine, theory, and policy;
- developing general lawyering skills (e.g., legal analysis and reasoning, case reading, legal research, legal writing, policy analysis and synthesis, critical thinking);
- developing specific law practice skills, such as drafting legal documents (e.g., contracts, pleadings, briefs and memoranda) and interactive skills (e.g., negotiation, client counseling, oral advocacy, mediation, arbitration, trial advocacy, fact investigation); and
- acquiring professional judgment, asking sophisticated questions, and applying concepts and skills to new problems, law practice, and life.

Exceptional personal development includes significant growth in:

- understanding one's self (one's history, emotions, dispositions, abilities, insights, limitations, prejudices, assumptions) and what it means to be human;
- gaining confidence and intrinsic motivation to grow beyond one's own expectations and to pursue lifelong learning;
- developing a sense of responsibility to one's self and others (including moral development);
- enhancing the ability to understand emotions and exercise compassion; and
- developing professionalism and professional identity (e.g., values of the profession, purpose, and the thirst for justice).

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Appendix 8-2: Public Comment Assignments and Classes

The public comment assignments could take place in any course with a substantial component of administrative law. The assignments could be structured in many different ways and the class sessions could be face-to-face or on line. The handout below is based on the following assumptions:

- The course is Environmental Law with an enrollment of 25 upper-level students;
- Assignment 1 is designed to take approximately 30 minutes of a face-to-face class session;
- Assignment 2 is an entire class session, which takes place on-line;
- Assignment 3 is designed to take approximately 30 minutes of a face-to-face class session.

Public Comment Assignments Handout

Portions of our three classes next week will focus on the public comment process on proposed agency actions. The learning objectives for this section of the course are that students will be able to (1) articulate the purpose and requirements of the process, (2) critique the process, and (3) identify characteristics of effective public comments.

Assignment 1

The second half of our class on [date] will begin our work on the public comment process. The first part of the reading assignment is attached [approximately 10 pages including statutory provisions, agency regulations, and a case addressing the opportunity for public comment on proposed agency actions]. The second part of the reading assignment is sample public comments on a proposed action by the United States Forest Service posted on our course webpage. Brose these comments. Be prepared to discuss in class purposes, legal requirements, strengths and weaknesses of the public comment process.

Assignment 2

For our e-class on [date] you will make public comment in a proceeding relating to a portion of environmental law covered in this course; for example, a proposed rule, a permit application, or an Environmental Impact Statement. This assignment and e-class involves four steps.

Step 1. Locate and read about a proposed federal agency action dealing with the environment. The action could be a proposed rule or any other proposed agency action. You could start with www.regulations.gov, which is a site designed to facilitate public comments on proposed agency actions. For example, you could select proposed rules open for public comment with "EPA" as the key word. That search turns up many proposed environmental rules open for comments. Other searches will work as well. Or you can find proposed agency actions on the websites of federal agencies or interest groups.

Step 2. Submit your public comment. Submit your comment to the agency.

Step 3. Post your comment on TWEN. Go to the TWEN page for our course. Click Forums. Click Public Comments. Click Add Topic. In the subject line, put your name. In the message box, cut and paste (1) the text of your public comment and (2) a paragraph with your reflection on what you learned from the public comment process. Click Post the Topic. Complete this step by [time and date].

Step 4. Read my reply to your TWEN posting. I'll reply to each of your public comment postings. Go to the TWEN page for our course. Click Forums. Click Public Comments. Click on the topic you posted. My reply will appear below the text of your posting.

This assignment is worth 10% of your participation grade in this course. You will receive full credit for this assignment if you comply with the four steps above.

Assignment 3

The first half of our class on [date] will focus on critical assessment of the public comment process. Read at least two of your classmates' public comment postings on our course website. Based on your experience making a public comment, your review of my feedback on your public comment, your reading of public comments to the United States Forest Service's proposed action, and your review of classmates' postings, be prepared to discuss the strengths and weaknesses of the public comment process and the characteristics of effective and ineffective public comments.