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INSTITUTE FOR LAW TEACHING AND LEARNING

The Challenges of 'Innovative' Teaching

By Hillary Burgess, Charlotte School of Law

In my experience, law professors want to be good teachers and want students to succeed at learning. Despite the call for reform in legal education, law professors often struggle to modify their teaching methods, with good reasons. With a background of teaching Academic Support, Skills, and Writing, I am aware of how teaching in a different style than other professors can feel risky and isolating, even when the material demands different teaching methods. Currently, I am blessed to teach at a school that values best practices in teaching and rewards innovation. Even so, as I finish my first year of teaching "doctrinal" courses, I am reflecting on how challenging it is to teach differently than other professors. I face these challenges despite implementing teaching methods grounded in educational research that address some of the most common student complaints and calls for best practices. The challenges innovative teachers face result from the current culture about teaching and learning from other disciplines in the legal academy.

Many of the challenges I discuss here were addressed by Michael Hunter Schwartz in his article "Teaching Law by Design" (38 *San Diego Law Review* 347 (2001)) and by Judith Wegner and others in *Educating Lawyers*, but the challenges bear repeating. I add additional thoughts and experiences, though I am sure I am not the first (or the last) person to have these "revelations."

Learning Challenges

One of the biggest obstacles to meeting best practices in teaching is that law professors are traditionally given no formal instruction on teaching and learning theories. Additionally, many law schools do not offer significant teaching mentorship programs, especially with mentors who have been trained in the art and science of teaching. As such, new professors are left with modeling the legal instruction they received from professors who faced a similar lack of training about teaching. I am fortunate to teach at a school that provides extensive training on teaching methods through monthly hour-long in-services and multiple opportunities during the year to attend training sessions from one to four days long. Some of these sessions are conducted by educational psychology experts. However, given the time between trainings along with the different foci of each training, it is difficult to create a comprehensive and cohesive curriculum.

Although substantial, the existing literature on legal pedagogy has many

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TEACHING AND LEARNING NUGGET

Preparation is a prerequisite to successful teaching, learning, and professional practice. Effective teachers prepare in two ways: (1) they acquire a deep understanding of the concepts and skills they plan to teach and (2) they thoughtfully design each class session to maximize student learning of the relevant concepts and skills.

The Challenges of 'Innovative' Teaching

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limitations. Articles often either focus shallowly on many broad topics or deeply on a narrow topic without an overarching framework on teaching and learning. Thus, the professors who are well read on legal pedagogy still have pockets of information without an overall foundation or framework to create expert law teachers.

To find more comprehensive sources of pedagogical theory, a law professor must look beyond the legal academy to education research, educational psychology, cognitive psychology, and neuroscience. However, few law professors have the time or training to digest even a small portion of the vast literature in these fields, nor do they know the scope and relevance of material in each of these fields enough to develop a comprehensive and coherent reading list.

Moreover, education and psychology have controversial topics and competing theories with evidence for contrary positions. Without formal training in research methods involving human subjects, it can be difficult for law professors to determine which theories are best supported by the body of evidence.

Finally, most of this vast body of literature does not discuss innovative teaching in law school. It can be difficult for a professor to translate teaching methods for the generic university classroom into the law school contexts while maintaining the integrity of the original theory or practice.

Time Challenges

Even for a professor who overcomes these hurdles, planning innovative teaching strategies takes much more time than planning a lecture or a Socratic dialogue. Changing lesson plans takes a lot more time than following previous lesson plans. This activity takes time away from scholarship, which for many professors is the primary measure by which they will be judged for promotion and tenure. Innovative teaching can also take time away from individual student mentorship, which is one of the most

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Institute for Law Teaching and Learning – Alert Service

The Institute has established an alert service in order to provide our colleagues with teaching and learning ideas throughout the year.

To sign up for this free resource go to: http://lawteaching.org/getalerts/

The Institute will use the service to distribute:

- A teaching and learning idea (monthly);
- A review of and link to a noteworthy article about legal pedagogy (monthly);
- Periodic updates and links to additional information and resources available on the ILTL website;
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Members of the alert service can expect to receive an e-mail message from the ILTL about every two weeks. The service is distribution only; a number of law teaching and learning discussion lists already exist and the ILTL does not wish to duplicate these efforts.

We hope that you will enjoy this new Institute service. To register, please go to: http://lawteaching.org/getalerts/.

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rewarding aspects of being a law school professor. Finally, innovative teaching takes time away from family and community.

Many innovative lesson plans are not portable from 1L to upper-level courses. Carefully constructed lesson plans should move students from the level of learning they can master through their own preparation to the learning objectives for the unit or course. Upper-class students can master many more of the learning objectives than 1Ls can master through their own preparation for class. Consequently, many of the types of teaching methods that would be most appropriate for 1Ls would not be appropriate for upper-class students and vice versa. Developing different levels of exercises is quite time consuming.

Political Challenges

Other faculty might see different teaching methods as a threat or an insult. Other faculty might see spending time on teaching as undervaluing scholarship. Innovative junior faculty members might need these same faculty members' support for promotion and tenure.

Additionally, when professors make even minor changes to the way other faculty teach, students can react strongly. Students develop expectations based on the sum of their classes, so if only one professor teaches in an innovative way, students may resist and complain about the innovative methods, even if they ultimately learn the material better. If students react negatively, the new faculty member risks demerit on promotion and tenure applications. If students react very positively, the new faculty member again risks alienating other faculty. Therefore, it is safest for new faculty member to conform to standard teaching methods.

Moreover, when implementing a new teaching method, most professors experience a learning curve. The best laid plans often fall short in practice. A reflective professor will address the shortcomings before a subsequent implementation of the new teaching method. However, the failings from the initial attempt can detract from the professor's reputation and student evaluations.

Psychological Challenges

Professors have to overcome the emotional barriers of changing their teaching techniques. It might feel insulting to teach using different methods than a mentor whom the professor admired when she was a student. For law professors with teaching experience, incorporating innovative teaching techniques might mean admitting that the instruction they have been providing is insufficient or does not meet their own standards.

Practical Challenges

Finally, creating lesson plans that match the level of learner in the classroom is challenging. In part, the challenge comes from correctly identifying what students know and what they don't know. Additionally, as Dr. Kalyuga discusses in "The Expertise Reversal Effect" (38 *Educ. Psychol*. 23 (2003)), experts in the field often think about the topic in the reverse order than a novice learns about the same topic. Thus, lesson plans that seem crystal clear to us, as experts, often leave novice students feeling lost and confused. However, reverse engineering lessons to fit novice students often feels counter-intuitive and confusing to us.

Because most law professors excelled in law school, they are often unaware of what it is like to struggle with the material in ways that many of their students do. The teaching and learning techniques the law professor experienced as a student could be less than optimal for students who progress less rapidly from novice law learning to advanced (or expert) learning.

Closing Thoughts

We would consider it malpractice for a lawyer to practice law in an area with nothing more than having once been a client in that area as a credential, especially if the lawyer did not research the law in that area. Yet we routinely let law professors teach with no more teaching credentials than having been a law student. We do not require, nor even encourage in many instances, professors to research good teaching methods before entering the classroom.

I have yet to meet a professor who is not passionate about being a good teacher. To further our teaching skills, we encourage our professors to become experts in the topic that they teach, acknowledging that law is a profession worthy of thought, training, and research. At the same time, we dismiss the literature from education research, educational psychology, cognitive psychology, and neuroscience, despite empirical studies validating these fields. In essence we are saying that our individual and collective intuition and tradition about teaching outweighs the vast empirical data from education-related fields. How would we react if other disciplines treated practicing law with the same disregard for our training and expertise?

It is easy to confuse content and process, thinking that since what we teach is different than other disciplines, how we teach must be different as well. No doubt, if we are to become expert law teachers, we will need to develop discipline-specific empirically tested teaching methods over time. However, even before we tackle the inherent challenges of empirically validating the application of teaching methods to our unique field or developing a strategy for law professors to master the vast literature on teaching and learning, the legal academy must actually want to master and develop this literature.

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Via Video: Making Instructions Memorable

By Sue Liemer, Southern Illinois University School of Law

The best uses of technology extend our reach as teachers, making us both more efficient and more effective. Now that video technology is easy to afford, access, and use, any law professor can use videos to deliver what otherwise is the driest subject matter: course instructions. Moving pictures naturally capture the eye's attention and show a story that helps the brain store information. After all, there's a reason major airlines use videos to show safety instructions. To record video instructions, you can delegate much of the work. Teaching assistants and research assistants familiar with YouTube have an intuitive grasp of what makes short movies successful.

Almost any operating procedures you would like students to follow can be communicated via a video clip. Some possibilities include:

- Ground rules for class discussion;
- Your attendance policy;
- Requirements for a written assignment;
- Logistics of a simulation exercise;
- Protocol for an online discussion forum.

A video clip can break up the classroom dynamic and help students pay attention. Then you can post it online, so students can access the information for accurate recall later.

Here's an example: I expect my legal writing students to come to conferences with two printed copies of a draft paper and a written list of questions. If they arrive unprepared, they waste both their time and mine. This year I asked my teaching assistants to create a video to convey my conference requirements. I suggested they show what happens in a conference when a student arrives unprepared. I volunteered my office for the setting, cleared my desk, informed the tech department, and then stepped back. I let the TA's control every aspect of the production, including the script. The result was brilliant.

When I showed the "bad writing conference" video to my 1L legal writing students, the moment the video appeared on the classroom screen, all eyes were glued on it. The TA's video was far more entertaining and memorable than anything I could have conjured up. The students laughed loudly and seemed to appreciate hearing from their more experienced peers.

As a result, most of my students arrived for conferences well prepared this year, with drafts and questions ready. Some volunteered that they "didn't want to be like the student in the video." Some who appeared with a section of the paper missing apologized, referenced the video, and explained the reason—often legitimate—why they were unable to complete that part. The conferences were very productive, because the students complied with the requirements.

I spent no more class time than usual conveying conference instructions, and now I have a video to use for years. I hope you will consider creating a video to give your instructions to your class. If you would like to see my TA's "bad conference" video, I will gladly respond to e-mail requests.

Sue Liemer is an Associate Professor and Director of Lawyering Skills at Southern Illinois University School of Law. She can be reached at sliemer@siu.edu.

Submit articles to *The Law Teacher*

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The Law Teacher encourages readers to submit brief articles explaining interesting and practical ideas to help law professors become more effective teachers.

Articles should be 500 to 1,500 words long. Footnotes are neither necessary nor desired. We encourage you to include pictures and other graphics with your submission. The deadline for articles to be considered for the next issue is October 7, 2011. Send your article via e-mail, preferably as a Word file.

After review, all accepted manuscripts will become property of the Institute for Law Teaching and Learning.

Please e-mail manuscripts to Robbie McMillian at rmcmillian@lawschool.gonzaga.edu. For more information contact the co-editors: Gerald Hess (ghess@lawschool.gonzaga.edu) and Aïda M. Alaka (aida.alaka@washburn.edu).

The Little Lies We Tell Ourselves and Our Students:
Seven Commonly Held Myths about Law School Teaching and Learning

By Michael Hunter Schwartz, Washburn University School of Law

For the past ten years or so, I have had the incredible opportunity to speak to law faculties and, in a few instances, law students at a wide variety of law schools about various topics relating to teaching and learning in law school. By and large, those experiences have been wonderful; most of those who have attended my workshops have been engaged, thoughtful, open-minded, and fun. However, I also have heard a number of assertions that are so lacking in support they can only be characterized as, well, crap. Here are the seven most disturbing things I have heard law teachers assert.

Myth #1: (usually said to students by professors who administer closed-book, closed-notes exams) "Don't memorize for my exam."

This assertion is a bit like telling humans they shouldn't breathe. Telling students not to memorize for exams reflects critical misunderstandings about how humans learn skills and knowledge. On the skill side, this statement reflects confusion because humans master skills only once they have stored the process of how to perform those skills in long-term memory. The optimal process for internalizing a skill, such as legal reasoning, is different from the optimal process for memorizing a body of knowledge, such as the law of contracts or torts. The goal is also different; with knowledge, the goal is recall; with skills, we want students to master the skill so deeply that they have developed what educational experts call "automaticity." A person has developed automaticity when she no longer needs to consciously think about the steps involved in performing the skill and, instead, just performs it when necessary to do so. For example, most people no longer need to consciously think about the steps of reading or driving a car.

On the knowledge side, if students actually followed the directive that they not memorize the law, most would fail their exams. A closed-book, closed-note exam requires students to identify legal issues, articulate the relevant doctrine, and apply the doctrine to a particular legal problem. Without knowledge of doctrine, this task is impossible. In fact, the research on experts has found that experts possess enormous stores of what might be called "mere knowledge." Not only do experts know more but their knowledge is highly structured and is organized in multiple mental hierarchies. I think what law teachers who say "Don't memorize" really mean is that memorization is a necessary but insufficient prerequisite to success on law school exams. Mere recall of the words of a rule or case holding is not enough to succeed on law school exams. Students also must understand what the words mean and how courts have applied those rules and holdings to resolve disputes. Finally, students need to develop the skill of marshalling doctrine, cases and policy arguments to analyze a legal problem.

> "... unless you actually teach your students how and when to use a wide variety of learning strategies, you are not teaching how to learn in the field ..."

Myth #2: "I don't teach _____ [insert a doctrinal category, such as Contracts, Civil Procedure, Constitutional Law]; I teach how to learn in my field."

For most law teachers, this assertion is an expression of wishful thinking. Only a very small percentage of law teachers, most of whom teach academic support, actually teach students how to learn. If you teach using traditional, law school, Socratic-style teaching, you may be encouraging your students to learn the material for themselves, but you are not teaching them how to learn. At best, your conduct prompts some of your students to learn the material on their own; most of your other students are just using a secondary resource. If you mostly lecture or engage in what I call "disguised lecture", where you ask short answer questions and then use the students' answers to launch into long monologues, you are not even arguably requiring your students to learn for themselves; you are just transmitting knowledge. Most importantly, unless you actually teach your students how and when to use a wide variety of learning strategies, you are not teaching how to learn in the field.

Myth #3: "Don't take notes in my class. Just listen and participate in the class discussion."

This assertion is no better than suggesting that your students dress like you do. This myth reflects a more global error frequently made by law teachers; they assume that whatever worked for them as students will also work for their students. While some people can learn merely by listening and talking, most people benefit from taking notes. To quote the 10-year-old son of a former student of mine (who whispered this statement to his mother after I asked my Remedies students to write in response

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to a prompt) "Mommy, writing is learning." The act of translation and reflection involved in taking notes the right way (and I agree that a surprising number of new law students need guidance about how to take notes) is a critical step towards understanding. Optimal note-taking involves translation because the student is communicating what she is learning in words that make sense to her. Optimal note-taking involves reflection because the best note-takers reflect on their learning, noting areas of confusion and generating questions and examples of the concepts as they take notes.

Myth #4: "I would provide practice and feedback to my students, but I cannot do so because my class has 75 students (or 50 or 90) and I have scholarly obligations."

This assertion reflects a common misunderstanding; law professors assume that unless they provide individualized feedback, the exercise is meaningless. There are many ways to provide meaningful practice and feedback without killing yourself. You can have the students peer- or self-grade their efforts using a grading rubric; in my experience, students often feel they learn more from using a rubric to mark a peer's work than from a professor's commentary on a practice exam. You can mark five or six or even just one paper as an example. You can have students work in teams of five or six so that you only have to mark 15 or so papers. At the very least, you can have a class discussion of the analysis of a practice problem. Finally, while I concede that providing individualized feedback to 75+ students does take work, I am less sanguine about its impossibility – I know dozens of law professors who administer at least one mid-semester assessment and many of those also are very productive scholars.

Myth #5: "Professors who 'teach to the test' are pandering and lack rigor."

This assertion strikes me as an accusation leveled against more successful law teachers and is therefore particularly perverse. It reflects confusion about the purposes of teaching and assessment. A fundamental criterion of effective education is congruence among the teacher's learning goals, teaching, and assessment methods. Learning goals reflect what you want your students to learn in a class. Teaching should focus exclusively on helping students achieve those learning goals. Likewise, assessment should evaluate whether students are learning what the teacher designed the course to teach them. In fact, instructional design experts characterize teaching that does not focus on helping students acquire the skills, knowledge and values articulated as a teacher's learning objectives as "deadwood." If it brings you comfort to say so, try adopting the wording that my friend, Professor Hillary Burgess of Charlotte Law School, uses. She says we should replace the phrase "teaching to the test" with the phrase "teaching to the objectives."

Myth #6: (said to an individual student or to an entire class or to a peer about an individual student or class) "I can't believe you [they] forgot _____. I told you _____ [insert a legal principle, an argument technique or a common student error] three times!"

This assertion confuses telling with teaching. No student can remember everything her teacher has said in class. If we want our students to remember something we said because it is important, we need to do something to make that point memorable. There are many ways to do so. A recent study reported in *The New York Times* concluded that testing is a tool for making information memorable. Thus, for example, when I am teaching a body of law for which memorization of technical terminology is critical (such as conditions law or third party beneficiary law or assignment and delegation law), I start the first day by administering a closed-book test on the terminology. My students now know to expect these tests and prepare accordingly.

Myth #7: "The faculty at _____ [insert the name of a law school] really care about teaching."

Assertions about commitment to teaching are ubiquitous in law schools' recruitment materials and presentations. Alas, they are rarely backed by evidence. At most, law schools make assertions about "open-door polices" or the like. Evidence of a commitment to teaching would include:

- The percentage of faculty members who regularly attend teaching conferences or workshops on teaching;
- The percentage of faculty members who regularly review their teaching on video with a colleague or expert or who keep a teaching journal (or at least know what a teaching journal is);
- The percentage of faculty members who read and reflect on their teaching evaluations every semester;
- Whether the law school rewards teaching excellence as generously as it rewards scholarly attainment;
- Whether faculty members regularly visit each others' classes;
- The degree to which teaching (and not merely adequate student evaluations) really is a prerequisite for tenure;

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Developing Students' Professional Interpersonal Skills

By Sophie Sparrow, New Hampshire School of law

"Being willing to admit when you are wrong."

A 3L named this as one of the most important attributes of people who were good at working with their classmates. She'd been surprised to find that the ability to admit mistakes and apologize were more important qualities than academic prowess or hard work. Having a solid work ethic, competence, and integrity were certainly important for professional collaboration, but these she considered minimum standards. What made her classmates truly desirable as collaborators was their humility.

We know from surveys of the bench and bar that the ability to work with others is important for practice. One large international law firm names "Citizenship—developing self and others, teamwork and collaboration" as one of the four most important skills associates should develop. Most students know how to behave as professionals. We can help our students learn and practice professionalism skills by harnessing their experiences and knowledge. Below is one way I have facilitated the development of these skills.

Method

In each course I teach, whether large, small, required, or elective, I enlist students' collective wisdom in identifying the attributes of professionalism and the ways to promote it. During the course, students get feedback on their performance as professionals, and "professional engagement" becomes a portion of their grade for the course, usually 10 to 20%. Attaching a grade to the professionalism component is important for two reasons. First, I want students to understand that this is an important part of their learning in the course, and second, I want students to pay attention to professionalism. As others have said, "people pay attention to what you inspect, not what you expect."

Setting Professionalism Goals and Consequences

Within the first two weeks of the semester, students have three minutes to work in small groups to identify at least three important professional behaviors they want their classmates to use. Calling on one group at a time, I elicit one new attribute until all are listed on the board. The students almost always identify everything that I consider important professional behavior. Their classmates should show respect, listen, contribute, not dominate, be prepared and on time, and communicate well. As a class, we agree that these behaviors are the criteria for evaluating their professional engagement. I explain that every letter of recommendation I write will include information about a student's ability to act as a professional.

Working again in small groups, students have three minutes to identify a consequence for a student who fails to engage as a professional. Some groups recommend that students should lose professional engagement points, but others come up with creative alternatives. As a class, we agree on the consequences. One semester, for example, we adopted a student's suggestion that students arriving late to class had to dance to their seats, resulting in very few students being late that term. Perfection is not the goal. As in practice, there are times when we get stuck in traffic or are less prepared than usual because of conflicting demands. If these are rare events, they are forgiven, particularly if we communicate and take responsibility for our lapses. Students receive full professionalism points at the beginning of the course; these points are theirs to lose.

Promoting Professional Engagement during the Semester

During the semester, I publicly thank students for being well prepared and engaging in the identified professional behaviors. In doing so, I note how students' positive interactions are connected to practicing law effectively. Pointing out when students are acting professionally usually helps their classmates who aren't. For example, after I noted in class how well one small group had worked together—they had all moved close together, took turns speaking, made eye contact, encouraged each other, and referred to authorities—all the other small groups adopted the same behaviors. When those cues don't work, or when students' behavior is extremely unprofessional, I have talked to them in private, asking them to tell me about their experience in class. Every student has started by apologizing for the unprofessional behavior before I have said anything. Usually a student has tremendous regrets and we discuss ways to remedy any problem or prevent its recurrence. In class, we talk about stress and how it hinders our ability to act our best.

I keep notes on students' highly professional interactions and their lapses throughout the semester. When students have been in class for about one-third to one-half of the semester, they get feedback on how well they are doing as professionals. Based on the professionalism criteria identified at the beginning of the course, I will let them know of any lapses that threaten their ability to earn full professionalism points. Alternatively, when students have been working within the same small groups, those in their groups provide them with feedback. This feedback is not graded. It is designed to

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help them see how well they are meeting professional criteria and to provide notice of areas they need to improve. It also serves to open a discussion if their professionalism self-assessment differs from their classmates' or mine. The goal is that everyone who has received constructive feedback will improve; the assumption is that everyone can still earn full professionalism points.

Evaluating Professionalism

As with mid-semester feedback, at the end of the semester I review my notes on students' performance in class and allocate points. The vast majority of students earn full professionalism points. All of the students who earn lower scores have had feedback and multiple opportunities to improve. While it is disappointing when students do not act professionally, it is important to remember that this is part of their development, and it is heartening to hear later when they have learned from their mistakes. As a 3L student said, "I regret nothing as much as the way I behaved my first semester. I acted like a jerk and have been working for two years to get over that reputation." I was happy to be listed as a reference for him.

Sophie Sparrow is a Professor at University of New Hampshire School of Law and the Consultant for the Institute for Law Teaching and Learning. She can be reached at SophieSparrow@law.unh.edu.

The Little Lies We Tell Ourselves and Our Students

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- The degree to which scholarship of teaching and learning counts as legitimate scholarship and is supported and encouraged;
- Data showing that the law school's students are better prepared for practice;
- The kinds of assessments used throughout the curriculum.

Absent such policies and data (and I am sure I left out some possible indicia), the assertion that a law school faculty either uniquely or passionately cares about teaching cannot be taken seriously.

I offer these final thoughts. Some of my myth quotations are deliberately exaggerated, and many of the comments are intentionally tongue-in-cheek. All the myths quotations do, however, reflect things I have heard at least a few law professors say over the years, and I am concerned about some law professors' resistance to learning theory and research. If *Best Practices for Legal Education* and *Educating Lawyers* are to have any meaning, we need to move beyond thinking about teaching from a perspective my colleague Professor Vernellia Randall of Dayton calls the "I studied my navel and here's the teaching idea I came up with" approach.

Michael Hunter Schwartz is a Professor of Law and Associate Dean for Faculty and Academic Development at Washburn University School of Law and Co-Director of the Institute for Law Teaching and Learning. He can be reached at michael.schwartz@washburn.edu.

IDEAS OF THE MONTH

http://lawteaching.org/ideas/

- Bringing Real-Life into the Classroom (March 2011)
- Teaching Consultant Colleagues (February 2011)
- Finding Balance (January 2011)
- Make Semester's End Meaningful (December 2010)
- Prepare Students for their Final Assessments (November 2010)
- Bringing Real Attorney Work Product into the Classroom (October 2010)

ARTICLES OF THE MONTH

http://lawteaching.org/articles/

- Greg Sergienko, New Modes of Assessment, 38 San Diego Law Review 463 (2001). (March 2011)
- Ruthann Robson, The Zen of Grading, 36 Akron Law Review 303 (2003). (February 2011)
- Beverly I. Moran, Disappearing Act: The Lack of Values Training in Legal Education - A Case for Cultural Competency, __ Southern University Law Review __ (2011) (January 2011)
- Tonya Kowalski, True North: Navigating for the Transfer of Learning in Legal Education, 34 Seattle University Law Review 51 (2010). (December 2010)
- M.H. Sam Jacobson, Paying Attention or Fatally Distracted: Concentration, Memory, and Multi-Tasking in a Multi-Media World, 16 Journal of the Legal Writing Institute 419 (2010). (November 2010)
- Andrea A. Curcio, Assessing Differently and Using Empirical Studies to See If It Makes a Difference: Can Law Schools Do It Better, 27 QLR 899 (2008). (October 2010)

Self-Guided Field Trips and Interviews

By Gerald Hess, Gonzaga University School of Law

In every course I teach, an important goal is for students to apply the content and skills from the course to real life, not merely to learn the material in the abstract. Consequently, experiential learning plays a role in my required first-year courses (Civil Procedure, Litigation Skills and Professionalism Lab) and upper-level electives (Environmental Law, International Environmental Law).

Field trips and interviews are experiential techniques that promote student learning outside of the classroom. These techniques can be structured to facilitate students' application of course skills and content to real-life law practice. Field trip and interview exercises can be carefully arranged by the teacher. For example, the teacher can set up a court field trip and meeting with a judge or lawyer. On the other hand, the teacher can assign students to arrange their own field trips and interviews.

Self-guided field trips and student-arranged interviews can result in significant student learning with a minimal amount of teacher time to manage the experience. These assignments work best if students receive clear instructions and if student reflection follows their real-life experience.

Below is an example of a field trip/interview assignment in Environmental Law. This format can be adapted easily to many other courses.

Field Trip/Interview Assignment

By the 12th week of the course, complete a self-guided field trip or an interview related to Environmental Law. After your field trip or interview, produce a one-page, single-spaced paper about your experience. Your paper is due at the beginning of class on . . .

Interview. The purpose is to report on an interview with a person involved with some portion of the environmental law covered in this course. For example, the interview could feature an environmental lawyer, a regulator, or a person subject to regulation. The paper should describe the person's views of environmental law in practice and include your reflections on what you learned from the interview.

Field trip. The purpose is to see an industry, business, governmental facility, or site affected by the environmental law covered in this course; for example, a wastewater treatment facility, industrial facility, or a farm. The paper should describe how the site or facility is governed by some aspect of the law we covered in this course and your reflection of what you learned from the trip.

Early in the course and again in the middle of the course, I spend a couple of minutes of class time reminding students of the field trip/interview assignment and answering their questions. I encourage students to work in pairs or small groups to set up interviews or trips. The day that the papers are due, I devote 30 minutes or so of class time to this assignment. I have students trade papers so that they can read about one-another's experience and reflections. Then, sometimes, I have students discuss their experiences in small groups or I may have each student summarize what they learned from the experience in a 30-second presentation to the class. After class, I read and make brief comments on the students' reflection papers. That feedback process takes me about five minutes per paper.

The self-guided field trip or student-arranged interview assignment provides tremendous "bang for the buck." Students have a personal experience with the course skills or content applied to real life. They interact with professionals in the field. Students reflect on the insights they gained from the experience. My investment is 30 minutes of class time and five minutes per student paper. I'll take that deal every time.

Gerry Hess is a Professor of Law at Gonzaga University School of Law and Co-Director of the Institute for Law Teaching and Learning. He can be reached at ghess@lawschool.gonzaga.edu.

The Forest and the Trees–An Argument for Training Students in Tax Return Preparation

By Dan Subotnik, Touro College, Jacob D. Fuchsberg Law Center

Many years back, I got a phone call from the mother of a student. Right at the outset, she began scolding me because her daughter, after taking my income tax course, was unable to prepare the family's income tax return. Mom saw no reason why senior family members should have to use a tax preparation service; the family was, she insisted, of only modest means, particularly after paying the daughter's tuition. What was it that I was doing in class, she wanted to know. The only defense that came to mind was that I had higher ambitions for my class than tax return preparation and that "teaching to the forms" was (and is) not common practice in tax law teaching. Quickly realizing the spuriousness of my response—long before the *MacCrate Report* was emphasizing the importance of skills training—and determined to avoid tensions with future students' mothers, I have made it a practice ever since to require completion of an income tax return.

I believe I know why tax teachers have ignored the tax return in legal education. A tax return is required of all Americans, not just lawyers. It seems that many law professors, moreover, think that we are a breed above our business school brethren (in which class I must also count myself, having taught in both law and business schools). They are the number crunchers, we are the theoreticians. Tax returns are just not within our jurisdiction.

There is something—though not as much as we think—to this distinction in the way that tax is taught in business and law schools. Law students learn primarily by reading opinions and examining the logic and rhetoric thereof. When we use problems, we play with arguments for and against the taxpayer's desired goal. We are especially interested in the frictions that policies and rules generate. Business school professors, by contrast, almost always work with problems having a clear answer.

In law school, we might struggle with the ultimately unanswerable question of where the law should and does draw the line between compensation and gift, for example, as where a father pays a $50,000 bonus to his daughter who works for him. Or whether business meals should be deductible, given the tenet of not allowing deductions for personal expenses. The focus of a business school text, by contrast, is almost entirely on the quantitative, i.e., how much tax will an individual pay who has a $30,000 salary and a $25,000 long term capital gain taking into account the alternative minimum tax?

> Tax law students simply cannot have a holistic view of the system if they learn by taking one tree at a time as we do now ...

The distinction between the training of tax lawyers and tax accountants, however, is, in an important respect, an unrealistic one. Whatever accountants need to know for successful practice, lawyers must be able to see the forest, the big picture, even if only rarely do we prepare income tax returns, our own included. Tax law students simply cannot have a holistic view of the system if they learn by taking one tree at a time as we do now: what is income?; when can you deduct an outlay?; how do you combine capital gains and losses, short term and long term?; and so on. They need to see how all the pieces of the system fit together.

To this end, I ask students on the first day of class to print the basic forms. I make reference to these forms as we go along so that students can follow the flow of tax information visually. At the end of the semester, I give students a serious tax problem and require that they turn in a completed tax return on the next to the last day of class. I allow them to do the problem in groups of up to three persons. Yes, students will groan, "I came to law school because I was not good in math." But we spend the last day going over the problem and when this is done students emerge with a real sense of accomplishment. Next year I plan to go further and give students a completed tax return at the beginning of the semester. That way they can see where the trees are positioned as they move through the forest.

Ideally, my tax return assignment should be done by hand and this is what I used to require. In recent years, fearing a student revolt, I have accommodated myself to the modern age. I now have TurboTax installed in the school library and allow and even encourage students to use it. They are comfortable with inputting information into the computer and, through the questions TurboTax poses, they re-learn what is relevant.

A side benefit of requiring tax returns is that students see clearly that the computer has been a mixed blessing for the public and the tax system. On the one hand it spares taxpayers from the calculations involved in integrating and processing the many pieces of information that are required. On the other hand, this very attribute works at cross purposes with the oft-promoted goal of simplifying the Internal Revenue

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Making Classroom Drama Work

By Vickie Williams, Gonzaga University School of Law

Two years ago, we implemented a major curriculum reform at our law school. Among other curricular changes, all of our first-year doctrinal classes that had been taught as two-semester, five-credit classes became single-semester, four-credit classes. This past fall, I taught Civil Procedure for the first time in the new, four-credit, single-semester format.

While preparing to teach the class, I became concerned about how I would continue to include the rich back stories and historical information that I believe is so important for the students to understand the doctrine that we teach them. I was concerned that the loss of the second semester and the extra credit's worth of class time would force me to cut not only some doctrinal material (which had been shifted to a new, laboratory-style first-year class), but the time-consuming, participatory teaching methods that make the students active participants in their own learning.

For example, in the past, I had spent a full class period introducing the students to some of the major schools of legal theory, as part of their introduction to the Erie doctrine of first-year Civil Procedure, through a lengthy small group exercise. How could I continue to provide my students with an understanding of the sociological conditions that give rise to major changes in the law, and still finish teaching all the doctrine in one semester? Why would they care about the Erie doctrine if they didn't understand the tug-of-war between proponents of natural law theory and the legal realists that went on for years prior to the Erie decision? And what fun would it be to teach this stuff if there was no time to explain the extraordinary confluence of circumstances that found lawyers of impeccable establishment pedigree begging for a stay against struggling young Depression-era lawyers to whom they would not normally have given the time of day, in front of a black-velvet-clad Justice Cardozo in his bedroom slippers? (This description is taken from Edward A. Purcell Jr.'s article, "The Story of Erie: How Litigants, Lawyers, Judges, Politics, and Social Change Reshape the Law," in Civil Procedure Stories (Thomson West 2d ed. 2008).)

I turned to drama. I decided that anything that I might have to say about this to a passive group of listeners could better be conveyed by themselves as actors, in about the same amount of time as it would take to lecture or have a Socratic dialogue. I figured that writing a short play or skit for my students to perform would get them invested in the social conditions of the time before Erie, would get them out of their chairs, and would let them hear other voices besides my own and the students who routinely participated in class. It also had the added benefit of providing me with a creative outlet that I rarely get to use in my professional life.

I gave the students a week's advance notice that we would be doing a skit in class, and asked for volunteers to take on large or small parts (I did not reveal the nature of the parts). I got a robust response from the class, and a number of students who had said very little in class to that point volunteered to act in the skit. I wrote a 15-minute skit, putting in as many parts as I could, to illustrate the social and legal conditions that gave rise to the Erie doctrine. (The skit appears beginning on page 12.) I incorporated humor, and threw in the ghost of Oliver Wendell Holmes (a student who really took the role to heart took the part; he made Holmes sound like Jacob Marley's ghost from Dickens' A Christmas Carol). I gathered a few props, brought them to class, and handed out the roles at the beginning of class.

The skit was a resounding success, and I am sure that the students remember that material better than almost anything else that was taught in the class that semester. The skit took less time than a lecture, Socratic dialogue, or small-group exercise, and conveyed at least as much context and background for a legal doctrine that is among the most important of federal civil procedure.

Next time, I will provide the students with their parts a few days ahead of time, so they can get more fully in character. I will probably also invest more time in finding props. I fully intend to write a few more skits for next year's class, and I also think I may have come up with a fun and worthwhile project for my next sabbatical.

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The Forest and the Trees

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Code. The tax law as we know it could never have been created if taxpayers—or professional preparers—were forced to do the work by hand.

The benefits of preparation of a serious tax return accrue not only to those who become tax lawyers. As one of only two tax teachers on the faculty, I regularly get calls from students in our family law clinic. Representing a party to a divorce, they are called upon to make sense of tax returns, often the only reliable evidence available of alimony-paying ability. Many of these calls come from clinic students who have not seen the forest.

Dan Subotnik is a Professor of Law at Touro College, Jacob D. Fuchsberg Law Center, and has taught at the University of Illinois, Chicago Circle, and at the University of Chicago Graduate School of Business. He can be reached at dsubotnik@tourolaw.edu.

Skit: *Bennie, Grant the Stay*

By Vickie Williams, Gonzaga University School of Law

Cast of Characters

Narrator
The Ghost of Oliver Wendell Holmes

Lawyers for Plaintiff Harry Tompkins:
Bernard Nemeroff
Bernard Kaufman
Aaron Danzig

Lawyers for Defendant Erie Railroad:
Theodore Keindl
Nameless Associate

Justice Benjamin Cardozo

Populist No. 1
Populist No. 2

Corporate Lawyer

Scene 1

Outside of the United States Supreme Court

Narrator: In order to truly understand Erie, you must travel back in time; back to a time when the federal courts were not seen as the saviors of the downtrodden, discriminated against, and oppressed, but when they were the darlings of large corporate interests. To a simpler, more trusting time, when federal judges were considered to be so learned, so wise, that they could just pluck the correct law for a case out of thin air, doing justice as they saw fit, regardless of what lowly state court judges said about the same issues. A time when federal judges, not accountable to the electorate of any state, used their power to create and enforce pro-corporate general law, and the right to remove a case to federal court was a liberty cherished by the wealthy and powerful corporations.

Populist No. 1: Boy, did I get hosed in my negligence case against the factory that employed me. I sued the factory in the state court in my home town, where everybody knows about the unsafe working conditions in the factory, including Judge Jones. I knew I would get some money from the court here. But the factory is incorporated in another state, so the owner was able to get the case into federal court through some mumbo-jumbo mechanism that my own lawyer, Joe down the block, doesn't understand. Joe didn't even know the rules that apply in federal court, and the federal court is 200 miles away. It was going to cost me a fortune to litigate it, so Joe advised me to settle for 10% of what we both knew the case was worth, and said he wouldn't represent me if we continued the case. It's so unfair!

Populist No. 2: Yeah, everybody knows that federal judges are in the rich folks' pockets. Eat at the same clubs, go to the same parties, and make up the law that works for the rich guys, no matter what our local courts say. I wish somebody would do something about those guys!

Corporate Lawyer: Ah, how I cherish and value my right to remove my clients' cases to federal court, where the judges and I speak the same language [pulls out some money and waves it around]. Ha, Ha, Ha.

Ghost of Holmes: Oh, woe is me! This is wrong, wrong, wrong! The federal courts should not be making law by using a Ouija Board. There is no transcendental body of law, no brooding omnipresence in the sky (and I should know, because I am dead), no general law to be plucked out of the ether. I will haunt the chambers of the Supreme Court until I get a majority of justices to listen to me! Woe, woe, woe is me !!!!

Scene 2

The Offices of Nemeroff and Kaufman, Lawyers for Harry Tompkins

Nemeroff : Bernie, put down that pastrami sandwich and listen to this! A gold-mine came in here today. A guy told me that he was walking along a path next to some railroad tracks in Pennsylvania, minding his own business, when along came a train. Next thing he knew, he had a new nickname, "Lefty." Something protruding from the train took off his arm. Poor guy's got a wife and a 3-year old daughter, too. Sounds like a great case!

Kaufman: Bernie, stop waving that pickle at me and calm down. Which railroad was it?

Nemeroff: The Erie.

Kaufman: Darn, it would have to be that one. Not only are they on the verge of bankruptcy, they are incorporated in New York! No matter where you file it, those guys will move your case right into the federal court, and you know how friendly federal courts are to guys like Tompkins.

Nemeroff: Look, Bernie, the rent is due, there's a Depression on, and pastrami is up to 25¢ a pound. If you want to keep the doors of this place open, and keep eating these lunches, we have to try to get some money out of this one. Let's get Aaron to work on it, he's a cracker-jack researcher for a lowly Columbia law student. And he can only use one arm, also. What a coincidence!

Narrator: Two days later:

Nemeroff: Aaron, stop eating that chicken soup and tell me what you found regarding the Tompkins case.

Danzig: Well, Bernie, we've got trouble. Pennsylvania would treat Tompkins as a trespasser, and the railroad wouldn't be liable for his damages even if it was negligent. So even in state court in Pennsylvania, you would lose.

Kaufman: Bummer. So we have no hope.

Danzig: Wait a minute, don't give up so easily. The Pennsylvania law is not the general rule. Most courts have would hold Erie liable for its negligence, even most federal courts. So if we file the case in federal court, we have a shot.

Nemeroff: Wait a minute, you're saying that we might actually have a better chance in federal court than in state court?

Danzig: Yes. But I think we should file it in federal court in New York, because the federal courts in New York are more likely to apply the rule in Swift, you know, that ridiculous theory which allows the federal courts to make their own law in diversity cases, regardless of what the state court in the same state might have said.

Kaufman: I don't know, Aaron. We usually try to stay away from federal court on claims like this. Those judges don't like guys like Tompkins, you know. And they love railroads.

Danzig: Well, it's your only option. Take it or leave it. And if you leave it, you'd better start brown-bagging it, because we won't be able to pay for pastrami next week. [Nemeroff, Kaufman, and Danzig look at each other. Nemeroff shrugs, and Danzig starts drafting the pleadings].

Scene 3

The Offices of Davis, Polk and Wardwell, Lawyers for Erie Railroad

Keindl: Well, lookie here, what just landed on my desk? A complaint from some no-name lawyers against the Erie Railroad, based on injury to some trespasser on the railroad's right-of-way in Pennsylvania. Looks like I'm going to have to put down this caviar and cucumber sandwich and figure out how to handle this.

Associate: [Reads the complaint] – Boss, this guy Tompkins is a pretty sympathetic character. Maybe we should recommend that Erie just pay him a settlement.

Keindl: What? Never! Pennsylvania loves its railroads, and this guy has no claim under Pennsylvania law. Even if Tompkins manages to get some sympathy from the jury, it'll never stick. Draft an answer, and while you're at it, take my clothes to the dry cleaner and shine my shoes.

Associate: Yes, boss.

Scene 4

On a Train Headed to Mamaroneck, New York

Associate: Boss, I'm confused. We got our butts kicked at trial, and the appeals court wouldn't even give us the time of day. I know we can settle this case for less than the $30,000 the jury awarded Tompkins. Why are we on this hot train headed to the house of an old, sick Supreme Court justice to ask for a stay of the decision?

Keindl: Well, those sneaky lawyers of Tompkins have advised him not to take any settlement, and they are actually hiding him somewhere on Long Island, so he can't get advice from anybody else, not even his wife. Erie doesn't have the $30,000, and wants to delay paying as long as possible. We're going to Mamaroneck.

Associate: Well, okay, then why aren't we planning to make our best argument, that there is no federal general common law, and that the federal court had to apply Pennsylvania law? Why haven't we made that argument anywhere in this case? I think it's a winner.

Keindl: You nincompoop! Do you think that Erie and our other corporate clients want the federal courts to lose the beautiful ability to make federal general common law? Who usually wins cases when courts apply federal general common law?

Associate: Well, we do, boss.

Keindl: Right. Do you really want to win the battle in this case and lose the war for all of our other clients in all of our other cases? Of course not. We will argue that in this case only, the court made a mistake by applying general law, because it is essentially a "local" Pennsylvania action. Not that there is no general federal common law. I can't believe we hired you. You are certainly not the brightest bulb on the porch, are you, sonny?

Associate: I guess not, boss.

Keindl: When we get to Justice Cardozo's house, just keep your mouth shut, will you?

Associate: Yes, boss.

Scene 5

In Justice Cardozo's House

Justice Cardozo: Gentlemen, it certainly is warm in here. Please sit down.

All Lawyers: Thank you your honor.

Nemeroff: Your honor, this is a simple tort case, involving an uncomplicated issue of law. There is no need for the Supreme Court to hear this case, and therefore no need for the stay. The New York district court properly applied the Swift doctrine and correctly discerned the general federal law, which favors compensation to persons injured by negligence. The federal courts have done justice here, and there is no need to disturb their rulings.

Keindl: Sir, although the federal courts can apply general law to transitory matters, this was a local matter that involves only Pennsylvania, and therefore, the New York district court should have applied Pennsylvania law. Pennsylvania law bars the recovery, and that is that. The district court committed clear error. You should grant the stay and let the Supreme Court correct this error.

Ghost of Holmes: [whispering in Cardozo's ear] – Bennie, this is our big chance. Grant the stay. We've got the numbers on the Court. We can finally get rid of this ridiculous Swift doctrine.

Cardozo: Mr. Keindl, what if I don't grant the stay? Will you continue to seek certiorari at the Supreme Court?

Keindl: Your Honor, my clients have instructed me to carry the case no further if the stay is not granted. So no, we will not continue.

Ghost of Holmes: [whispering in Cardozo's ear] – Grant the stay, Bennie, grant the stay. Don't let this one get away.

Cardozo: [brushing at his ear as if swatting a fly] – Mr. Nemeroff, if I don't grant the stay, the case is over. I think the whole Court should have an opportunity to rule on the petition. I'm going to grant the stay. Now if you will excuse me, I'm really not feeling well. Good day.

[Ghost of Holmes claps and cheers]

Narrator: And the rest was history. Swift was no more. Federal judges put away their Ouija boards and started reading what state courts said about state law issues. Nemeroff swore he would never litigate another case (he lied, and founded his own firm). Erie Railroad declared bankruptcy, and then rebounded strongly during World War II. Keindl continued his distinguished legal career, becoming a name partner four years later.

Poor Harry Tompkins retreated to Hughestown, Pennsylvania, to live out his life scrambling to make ends meet. He became known for his skill in baiting a fishing line using his mouth and feet in place of his missing right arm. He died in 1961, at the age of 54. His brief death notice did not mention his connection to the United States Supreme Court, which cost him so dearly.

END

TEACHING AND LEARNING NUGGET

The last class of the course is special. Ideally, the last class provides a sense of closure and leaves a good final impression. Together with our students we can review the highlights of what we have learned, prepare for a final exam, tie the course to real life, or simply say "good bye" to one another.

INSTITUTE FOR LAW TEACHING AND LEARNING

Engaging and Assessing Our Students

Summer Conference of the Institute for Law Teaching and Learning

June 1 -3, 2011 | New York Law School, New York, NY

The Institute's summer 2011 conference Engaging and Assessing Our Students features plenary sessions on Engagement and Assessment by educational leaders, and over 50 workshops exploring techniques for engaging and assessing law students across the curriculum.

Why Attend: Improve Student Engagement and Assessment

During the conference participants will encounter new ideas about ways to engage students in and out of class, to involve students in a range of experiential and simulated learning exercises, and to help students gain knowledge, skills, and values. Consistent with the recommendations of Educating Lawyers and Best Practices for Legal Education, participants will also learn about techniques to engage students in self-assessment and reflection and to conduct multiple sustainable formative and summative assessments, including collaborative assessments. In addition, conference participants will have opportunities to meet and work with other creative law teachers who love working with students. By the end of the conference, participants will leave with concrete ideas and materials to bring back to their students, colleagues, and institutions.

Who Should Attend

This conference is for all law school teachers and administrators who seek to improve student learning and seek to enhance techniques for assessing student learning outcomes.

Conference Structure: Plenaries, Break-Out Sessions, Workshops

The conference opens with a welcoming reception for all participants on Wednesday evening, June 1. For each of the next two days, Thursday, June 2 and Friday, June 3, the conference will start with an opening plenary session, which will be followed by a series of simultaneous workshop sessions (five sessions on Thursday, four on Friday). Dinner, A Taste of NY, will be provided Thursday evening; continental breakfast and full lunch will be provided both Thursday and Friday. The conference ends at 3 p.m. on Friday.

Registration

Registration will take place online at the conference website: https://nyls.wufoo.com/forms/institute-for-law-teaching-and-learning/. Registration includes all conference materials, events, and meals. The registration fee for the event is $450, and for conference presenters is $200.

Accommodations

Participants are responsible for their own travel arrangements. A limited block of rooms within walking distance of New York Law School has been reserved at the Duane Street Hotel. Guests must make reservations by April 30, 2011 to secure group rates. Information about securing conference rates, as well as additional recommended hotels, is available on the conference website.

WEDNESDAY, JUNE 1

6-8 p.m. Registration and Opening Reception

THURSDAY, JUNE 2

9-10 a.m. Plenary: Engaging Our Students

Allowing Relational, Social and Legal Issues to Intersect in Legal Education

Peggy Cooper Davis, New York University School of Law

Law schools have moved – steadily, albeit sometimes tentatively — to more experiential teaching and learning methods. The shifts from top-down lectures to Socratic questioning and the expansion of simulation and clinical offerings have allowed students to go beyond passive receipt of instruction in the law to active engagement with the reasoning, communication and problem-solving techniques that expert lawyering requires. Professor Davis will address pedagogical, social and psychological implications of these changes in law schools' functioning and lawyers' professional development.

10-10:30 a.m. Plenary Follow-up Sessions

Engaging Students In and Out of Class

Charlotte van Sittert, University of Pretoria

Ever thought field trips were only for science students? You might be surprised! The main goal of this workshop will be to identify techniques and activities that can make out-of-class learning experiences particularly effective in teaching important principles in the curriculum of the Clinical Legal Training Course. Participants will leave the workshop with a copy of the PowerPoint presentation and a checklist of important aspects to consider when planning an out-of-class learning experience.

How (Not) to Present the Most Boring Lecture in the Curriculum

Franciscus Haupt, University of Pretoria

The presentation will focus on techniques as well as audio and visual aids that can be used to engage students when the lecturer presents what is perceived to be boring or complex subject matter. Come and learn more about the history, structure and organization of the UP Law Clinic, and at the same time, about engaging students in a fun way.

Teaching First-Year Contracts with Case Files

Arthur S. Leonard, New York Law School

This workshop will give participants a first-hand experience in a Contracts class taught through the case file method (as opposed to the casebook method). The distinguishing feature of this method is that each class is taught through a client-problem hypothetical, with the intention of developing student skills of applying doctrine and making legal arguments. Professor Leonard has taught Contracts this way for more than a decade.

The iPad Goes to Trial

Tom Gear, Irving, Texas

The iPad from Apple is not the fruit of a poisonous tree but a new twist on the legal pad/clipboard model that can capture the fleeting attention of students while improving their productivity. Conference attendees who would like to get a hands-on introduction to the iPad and find out about its potential uses to engage students preparing for mock trial would benefit greatly from investing their time in this workshop. If you have law students who are digital natives, fluent in computers, software, applications and games, cross over the divide. Learn enough to speak "tablet." Your students will thank you.

Long-Distance Engagement: Using eLearning to Enhance the Study Abroad Experience

Bruce Carolan, Department of Law, Dublin Institute of Technology

This workshop will provide examples of eLearning Resources (wikis, threaded discussions, e-mail, ePortfolios) that can be used to enhance the study-abroad experience before, during and after the physical exchange. This will be done against a backdrop of the ABA requirements for study abroad by U.S. law students. Examples of what worked — and what didn't work — will be examined, with participants invited to share their own experiences. The presenter has more than ten years' experience in study abroad for U.S. law schools, and has designed, directed and/or taught on study abroad programs in Dublin, Belgium, Geneva, Spain, and Argentina.

10:30-10:45 a.m. Break

10:45 a.m.-Noon Session 1 Workshops

A Five-Lesson Framework for Reaping Dividends from Spontaneous Classroom Controversy

Patti Alleva, University of North Dakota School of Law & Laura Rovner, University of Denver College of Law

Although potentially diverting or disruptive,

spontaneous moments of classroom controversy often present unique opportunities to foster learning about the integrative character of professional judgment, precisely because of their student origin, unexpectedness, impact, contextuality, and complexity. Intentionally mining the synergistic potential of these multi-faceted moments can help students to cultivate the integrative awareness at the core of professional being. To show how, we offer a five-point framework through which to capitalize on the knowledge, skills, and values lessons inherent in such moments and will explore, through interactive exercises and a hypothetical moment of controversy, various strategies to actualize those lessons.

Student Grading of In-Class Quizzes

Diane J. Klein, Stetson University College of Law

The workshop will mimic a guided, in-class exercise used in my Trusts & Estates class. Students first take a short essay quiz, based on a half-page fact pattern; they then grade one another's just-completed quizzes, using a scoring rubric I have prepared in advance. We work through all of the issues as a group, with students encouraged to ask questions about the sufficiency of the answer they are grading on any particular issue. They see one another's exam-type answers, and see the "judgment calls" inherent in grading — two things students are rarely exposed to. The workshop will address both the pedagogical and the logistical dimensions of this evaluation tool.

Connecting the Dots: Stimulating Law Students to Love the Law

Tonya Krause-Phelan, Thomas M. Cooley Law School

Many law students struggle to understand the connection between what professors require for content preparation, classroom performance and course assessment and the knowledge, skill and performance they must exhibit as lawyers. By engaging students with innovative teaching methods and collaborative assessment tools, professors can guide students' ability to understand the connection. In this workshop, participants will have the opportunity to engage in Socratic dialogue followed by breakout exercises designed to draft opposing legal arguments. In addition to group assessment, the presenter will provide assessment through the use of court documents, jury instructions, previous exams and other relevant information.

Make Someone Happy! Developing Optimistic Learners and Learning Environments

Rebecca Flanagan, University of Connecticut School of Law; Russell McClain, University of Maryland School of Law; Paula J. Manning, Western State University College of Law; & Cori Rosen, Arizona State University Sandra Day O'Connor College of Law

Come play "Make Someone Happy! The Happiness Game Show." It's the fun and entertaining way to learn concrete and practical ways to support students' autonomy, help students to be more optimistic, and ultimately do things inside and outside of the classroom that will help your law school produce healthier and happier law students and lawyers — and all in a completely interactive format.

Self-Assessment, Metacognition and Portfolios

Olympia Duhart, Nova Southeastern University Shepard Broad Law Center & Anthony Niedwiecki, The John Marshall Law School

Because lawyers are constant learners, it is critical to improve the learning skills of our students. Engaging students in developing the metacognitive skills of self-reflection and self-assessment helps them deepen their learning and transfer it to new situations. During this presentation, participants will learn about concrete methods they can utilize to help students sharpen their learning in both doctrinal and skills-based courses. Presenters will share several tools that can empower students to plan, monitor and evaluate their learning more effectively. Participants will be actively engaged in learning about self-assessment surveys, self-assessment tools, portfolios, and feedback sessions.

12:10-12:45 p.m. Session 2 Workshops

Redirecting Laptop Users' Attention: Lessons from the Field

Kim Novak Morse, Saint Louis University School of Law

What are law students really doing behind those laptops? Is it as bad as we think? In an IRB-approved study, I captured the actual extent of law students off-task laptop behavior over the semester. Later, I correlated their off-task use with final course grade and LSAT scores. The findings are rich with implications. Besides unexpected patterns of use, we learn students re-direct their attention back to class in consistent ways that, we as teachers, can orchestrate. This workshop offers concrete ways to re-direct students' attention away from their laptops for more meaningful engagement.

Engaging Students with Havruta Style Learning
Barbara Blumenfeld, University of New Mexico School of Law
Havruta teaching manages to excite students and engage them in the learning process. This traditional Jewish technique of using pairs to study text, while similar in some aspects to other collaborative learning, has key distinctions in both its methods and underlying philosophy. Its focus on process, along with its format of dispute and resolution, make it especially well suited to law study. It is an approach that makes students active participants in their learning. This presentation will give an overview of the method and discuss ways in which it can be used in a variety of law school settings.

Reflecting Well: Guided Journaling to Improve Transfer of Learning
Jodi S. Balsam, New York University School of Law
Reflective journaling can be used in law school settings to help students foster their own learning and transfer it to new situations. This workshop will draw from the relevant educational literature and the presenter's own experiences in using guided interactive student journals to provide an overview of reflective journaling as a tool to help students become more aware of what they are learning and thus more able to build on accumulated knowledge and skills. Workshop participants will then collaborate to design appropriate journaling exercises they can use in their own teaching.

The Law Classroom of the (Near) Future
April Barton, Villanova University School of Law
Through creative uses of technology, the classroom of the future can fully engage our students and teach leadership principles that are normally not taught in the law school classroom. This session will discuss three learning styles achievable through high-tech tools: (1) Experiential Learning; (2) Social Learning; and (3) Mobile Learning. Such pedagogical elements must be found in the classroom of the future in order to effectively embrace our digital natives' learning style. Participants will be invited to brainstorm applications in their areas of teaching expertise while considering the larger conceptual issues the presentation raises.

Electronic Card Game: An Innovative Method for Teaching Relevance and Weight of Legal Authorities
David Epstein, Kirk Burkhalter & David Johnson, New York Law School
This workshop will demonstrate an electronic card game designed to help students with the skills required to evaluate the results of their research: determining which authorities are on point and the weight of those authorities. The workshop will include brief presentations concerning the development of the card game and the presenters' experiences using it. Those in attendance will spend a significant segment of the workshop actually playing the game. After they have played the game, the participants will have an opportunity to discuss their reactions and consider the uses of similar games in their own teaching.

Integrating Mindfulness Theory & Practice into Trial Advocacy
David M. Zlotnick, Roger Williams University School of Law
Trial lawyers notoriously suffer from early career burnout, or alternatively, grow into insufferable egotists from whom all reasonable people flee. Similarly, in law school, would-be trial lawyers can be hampered by performance anxiety, or conversely, adopt inflated, conflict-oriented self-conceptions drawn from television and movies. In this workshop, we will explore how integrating mindfulness theory and practice into a basic Trial Advocacy course can help students develop a more humane and sustainable trial practice. The presentation will ask participants to engage in a brief mindfulness exercise, and will include a short video excerpt from a prototype of this course.

Integrating the Three Apprenticeships in an Insurance Practice Course
Paula Marie Young, Appalachian School of Law
This workshop will describe and illustrate active learning techniques used to give students a contextual exposure to handling a complex insurance claim in an upper-level practicum on insurance law and practice. The workshop will provide one example of how professors can integrate in a doctrinal course student learning about: 1) the skills of the expert practitioner [whether as a litigator, negotiator, mediator, or arbitrator] in the context of a real case file; 2) professional behavior, identities, and purpose; and 3) a variety of dispute resolution processes.

12:45-1:45 p.m. Lunch

1:45-3 p.m. Session 3 Workshops

How Engaging Students Outside of the Classroom Will Engage Students Inside the Classroom

Amy R. Stein & J. Scott Colesanti, Hofstra University School of Law

This workshop seeks to inspire participants to spend more time with students outside of class, because doing so will motivate their students to be more active participants in class. The ideas and strategies to be discussed have broad application to all law teachers in classes of all sizes. The presenters will discuss ideas they have used outside of the classroom to improve the in-class experience, and will also solicit input from attendees on successful techniques that they have used. Through role-playing, the presenters will brainstorm with the group different scenarios for student meetings and a range of effective faculty responses.

Engaging Students for Transactional Practice

Dana M. Malkus, St. Louis University School of Law; Scott Stevenson, Lewis & Clark Law School & Paulette J. Williams, University of Tennessee College of Law

This workshop presents several in-class exercises and simulations designed to challenge our assumptions and promote student consideration of lawyering perspectives such as client-centeredness. The workshop panelists will demonstrate how they use exercises to teach specific lawyering skills such as interviewing and drafting. Attendees will not only participate in the exercises in the role of students, but will also engage in discussion with the workshop panelists about the purposes and design of the exercises, what makes an effective exercise, and ideas for exercises they have used or plan to use in their own teaching. The goal of the workshop is to promote brainstorming and collaboration among attendees on how exercises can promote student engagement, active learning and the exercise of specific lawyering skills.

Make It or Break It: Taking Assessment to the Next Level

Frikkie Grobler & Carika Keulder, University of Pretoria

Students do not possess precisely the same talents. Some might be fluent orators while others are better in writing opinions. This is the underlying reason the University of Pretoria's Law Clinic has a 360° approach when assessing students. This workshop will provide a brief overview of our assessment methods, which strive to cover the full range of competencies assessed by as many as possible assessors using a wide variety of assessment tools. The focus of the discussion will be assessment by clients, and the end-of-term oral examination.

The Sustainable Lawyer: Using Collaboration in the Law Classroom to Prepare Students for 21st Century Legal Practice

Andrew S. Greenberg &Aliza Milner, Syracuse University College of Law

Polyculture is an agricultural practice that maintains multiple crops in the same place, imitating the diversity of natural ecosystems. We use this concept in the classroom by creating collaborative exercises that require students of different courses to work together. Our presentation will replicate this student-classroom experience. Can we teach not just locally, but also globally? If carrots love tomatoes, could inter-planting nurture our students' growth? Learn answers to these questions and explore why individual skills are good, but fruitful collaboration is better.

Self-Assessment, Millennials, & Learning Portfolios

Denise Platfoot Lacey, University of Dayton School of Law & Mary Largent Purvis, Mississippi College School of Law

When students build a learning portfolio — a purposeful collection of student work and reflection that documents growth and achievement — they compile evidence of their efforts, progress, and attainment of professional knowledge, skills, and dispositions. In addition, when students engage in self-reflection and self-assessment, they begin to examine and consider ways that they can develop successful learning habits. Participants attending this workshop will examine portfolio assignments and materials, and will discuss how to apply them to their classes and how to use self-assessments to motivate millennial students.

3-3:15 p.m. Break

3:15-5 p.m. Session 4 Workshops

Autonomy, Mastery, & Purpose: Enhancing Critical Educational Goals

Beryl Blaustone, CUNY School of Law & Catherine Klein, Columbus School of Law

This workshop will first review the psychological literature of motivation, and its relationship to legal education. We then will focus on how legal education may support or undermine goals of student autonomy

support. We will address the considerable challenge of moving students to some sense of mastery of skills and substance necessary for lawyering within the constraints of an academic semester, as well as helping students to feel they are working with a sense of purpose that motivates rather than frustrates and leads to unhealthy stress. The workshop will use a video presentation and a combination of small group and large group discussion.

Introducing Ethical Skills Exercises in First-Year Courses

Miriam Albert &Jennifer Gundlach, Hofstra University School of Law

One challenge in trying to incorporate The Carnegie Report's emphasis on integrating ethical training, lawyering skills, and knowledge of doctrine into traditional law teaching is how to break free of the doctrinal pigeon holes of "contract law" or "ethics" so we can show our students multi-layered stories within our fact patterns (real and simulated). We will demonstrate an application of the doctrine of fraud within the context of a simulated client's situation to introduce students to both the ethical rules that are implicated with client fraud in transactional settings and the lawyering skills of client counseling, problem solving, and synthesis of law and fact.

Are My Innovations Improving Student Learning?

Andi Curcio, Georgia State University College of Law

This workshop is designed to help those who want to study whether their teaching or assessment methods help their students learn, with an eye toward both publishing their study results and using the results to further refine their teaching. Using a participant's teaching innovations [e.g., clickers, having students summarize key concepts before exams, engaging students in self-reflective exercises, etc.], we will walk through how to develop a study, addressing issues such as: 1) Narrowing the question to one which can be measured; 2) Deciding how to measure it; 3.)Basic design issues; and 4) Implementation issues. After working through an example, participants will collaborate in small groups on studies they may want to develop collectively or individually.

Gaming in the Classroom

Bari Burke & Hillary A. Wandler, University of Montana School of Law

Explore how playing games can generate student enthusiasm and active engagement in the law classroom. In this session, you will play part of a game we created for a first-year doctrinal course, learn the process we went through to create games for first-year courses, and brainstorm ways you could use games in your classroom. You will also learn how to use the Create a Board Game assignment to encourage students to think about your course objectives from a new, fun perspective.

Using Pop Culture to Teach Legal Research

Kate Irwin-Smiler, Wake Forest School of Law; Julie Graves Krishnaswami, Vermont Law School; & Deborah Schander, Georgia State University College of Law

I'm Just a Bill. Marcia Clark being schooled during the OJ trial for not Shepardizing. Pop culture is full of examples of legal research both successful and not. Speakers will provide examples and demonstrate best practices for integrating video clips, songs, comics and other pop culture references into your legal research lesson. This session will address how using pop culture and humor can humanize teachers to students, encourage student participation in what many see as a "boring" class, foster collaboration among instructors and be an effective tool for peer instruction. Speakers will also discuss avoiding common pitfalls of using this technique in the classroom.

Adding Collaborative and Formative Feedback Opportunities to Your Classes: How Grading by Design and Working Together Save the Day

Anna Hemingway, Dionne Anthon &Amanda Smith, Widener University School of Law; and Jessica Clark & Christy DeSanctis, George Washington University Law School

Effective assessment requires providing students several opportunities to practice what they have learned and then applying clear evaluative criteria to their work. The use of both collaboration and rubrics can simplify the grading process. Collaborative work allows professors teaching large classes to provide multiple assignments and feedback on those assignments without sacrificing coverage or control. In addition, developing and implementing clear grading criteria (rubrics) enable professors to grade numerous assignments consistently and fairly. Join us to learn how to incorporate collaborative assessment opportunities for your students and to explore the tools and considerations necessary for designing and applying grading rubrics.

6:30-8:30 p.m. Dinner: A Taste of NY

FRIDAY, JUNE 3

9-10 a.m. Plenary: Assessing Our Students

Assessment is Coming! What the New ABA Accreditation Requirements Mean for Your Classes and Your Law School.

Barbara Walvoord, PhD, University of Notre Dame

New drafts of the ABA Accreditation Standards call for the law school to "define learning outcomes," "conduct ongoing assessment," and "use the results...to improve its curriculum and delivery with the goal that all students attain competency in the learning outcomes." (Student Learning Outcomes Subcommittee Draft for Jan. 8-9, 2012 meeting.) Professor Walvoord, author of the best-selling Assessment Clear and Simple, will draw on her experience helping more than 400 institutions and their faculty with assessment. She will explain how you can address the dangers of assessment and fulfill the requirements in a useful, practical, and sustainable way.

10-10:30 a.m. Plenary Follow-up Sessions

Formative Assessment Protocols: An Empirical Report from a Property Course

Fernando Colon-Navarro, Anthony Palasota &Yu-hsieng Huang, , Texas Southern University Thurgood Marshall School of Law

This workshop discusses the conceptual framework of instructional design that led to the formation of the Teaching/Learning Excellence Program, and how assessment protocols and Pre/Post Appraisals of Skills are used to track the progress of students across the law school's curriculum. In particular, this session reports on how formative assessments have been used in a Property course to engage students and bring a greater number of them to the desired outcome at the end of the instructional period.

Using Rubrics to Assess and Engage Students

Marisa Cianciarulo, Chapman University School of Law; Mary Lynch & Connie Mayer, Albany Law School; Michele R. Pistone, Villanova University School of Law

Drawing on Zedeck and Shultz' work on lawyer competencies, this fast-paced and dynamic workshop will be focused on using rubrics to enhance student engagement and provide formative and summative assessment in a wide range of courses. Working in small groups, participants will be given a sample incomplete rubric to complete and then provide feedback on. The conversation will continue after the workshop online through a newly created wiki site where law professors can post rubrics for others to share, adapt, and expand upon.

Formative Madlibs Assessment Tools

Hillary Burgess, Charlotte School of Law

In this session, we will discuss ways for faculty to expose students to and have them practice good legal discourse. By using the techniques introduced in the workshop, professors can provide multiple assessments that incrementally increase the difficulty level of doctrine, thinking, and discourse skills. We will discuss techniques for creating extensive writing opportunities without increasing professor grading.

Assessment Challenges in Clinics: A South African Experience

Riëtte du Plessis, University of the Witwatersrand Johannesburg School of Law

This workshop will illustrate how clinical students are assessed when faced with typical South African challenges, such as consulting with less-educated clients whose problems often arise as a result of a conflict between applicable law and traditional beliefs. Scenario: an elderly Zulu man consults with an English-speaking white female student. He paid money, which he can ill-afford, to a traditional healer (witch doctor) for traditional medicine (muti), which did not have the required effect. He wants his money back, but does not trust the law. He wants the student to endorse his planned vigilante efforts.

Training Teaching Assistants to Provide Assessment Feedback

Rogelio Lasso, The John Marshall Law School

We know that the learning loop requires multiple opportunities for students to receive prompt individual feedback. We also know that providing such individual feedback is time consuming. Using teaching assistants allows students to receive needed individual feedback throughout the course and allows teachers to reduce the time required to provide the feedback themselves. But for the teaching assistants to provide effective feedback, they need to be trained to use detailed evaluation sheets. This workshop will help participants develop methodologies to train their teaching assistants to provide meaningful feedback to students.

10:30-10:45 a.m. Break

10:45-Noon Session 5 Workshops

Teaching Lawyer Effectiveness Across the Curriculum

Kenneth R. Margolis, Case Western Reserve University School of Law &Robert F. Seibel, California Western School of Law

Throughout legal education, we are experiencing renewed enthusiasm for producing "practice and profession ready" law graduates. Marjorie Schultz and Sheldon Zedeck's 26 lawyer effectiveness factors can be used as the focal point for that effort. In this workshop, we will engage the participants in two queries: 1) What are the best learning environments for teaching the lawyer effectiveness factors; and 2) How can we assess how well students have mastered those factors? We will help participant's select effectiveness factors that they wish to emphasize, and to develop concrete methods for assessing their success.

Capturing the Interest of Civil Procedure Students Through Real-World Exercises

Michael B. Mushlin, Pace Law School & Judge Lisa Margaret Smith, Southern District of NY

Professor Michael Mushlin and United States Magistrate Judge Lisa Margaret Smith have spent four years developing a method for teaching civil procedure to first-year law students using real-life exercises which illustrate how the Federal Rules apply in actual cases. Their presentation will highlight the value of using the joint experience of a law professor who was a practicing lawyer and a federal judge to demonstrate the rules in hands-on ways that are rarely used in introductory classes. The presentation will include the exercises developed and used by the presenters, and participants will try their hand at an exercise.

A Day-in-the-Life of a Transactional Lawyer: Negotiation, Ethics & Professionalism

Susan M. Chesler, Arizona State University Sandra Day O'Connor School of Law; and Patrick Longan & Karen J. Sneddon, Mercer Law School

To engage students in a robust discussion about ethics and professionalism, the presenters have produced a series of professional quality vignettes that feature realistic interactions in the day-in-the-life of a transactional attorney. The presenters will showcase selected scenes and lead the audience through an interactive dialogue to analyze the issues, spot the potential ethical problems, and discuss appropriate lawyer responses. These scenes address a variety of issues including the attorney's role in the negotiation process, models of negotiation, and client responsibility. Each participant will receive a digital copy of the vignette, scripts, selected discussion questions, and suggested talking points.

Lessons in Civic Engagement and Cross-Campus Collaboration from Interdisciplinary Clinical Programs

Paula Galowitz, New York University School of Law; John C. Lore, Rutgers School of Law-Camden; Beth Lyon, Villanova University School of Law; Adriana Merino, Villanova University; & Kevin Murphy, Federal Public Defender's Office

This workshop will enable participants to consider and undertake cross-departmental and interdisciplinary collaboration in their own service learning coursework. Interdisciplinary service learning programs allow collaboration between faculty, pre-professionals and professionals in a wide range of fields. The opportunity to integrate services across the university or community with intentional reflection individually, with other students, and with faculty provides exciting and challenging learning opportunities. Presenters will briefly discuss their individual programs and work with participants to generate ideas for collaborative programs that meet the needs of their own program, home institution, and community. The workshop also will explore the different pedagogies of these programs, and the potential political and institutional challenges.

Rethinking "Thinking Like a Lawyer": Towards a New Paradigm

Robin Wellford Slocum, Chapman University School of Law

Paradoxically, our strategy of teaching students to "think like lawyers" by appealing solely to the analytical mind limits our effectiveness in teaching students to "think like lawyers." Modern neuroscience reveals that the "emotional" brain is so intertwined with the "thinking" brain that we literally cannot think or problem-solve without it. Using a short YouTube clip related to the wrongful rape prosecution of three Duke Lacrosse players, I will conduct a mock class demonstrating how we can help students counteract the emotional brain's hidden agendas that often sabotage efforts to think clearly and dispassionately.

12:10-12:45 p.m. Session 6 Workshops

Law Teaching in Three Dimensions: Integrating Doctrine, Procedure, and Skills through the Lens of Rule-Drafting

J. Lyn Entrikin Goering, Washburn University School of Law & Richard K. Neumann, Hofstra University School of Law

Rule-drafting teaches students to integrate legal doctrine, procedure, and skills. The presenters will describe how they successfully incorporate rule-drafting in two doctrinal courses: Legislation and Contracts. Statute-drafting engages students and deepens learning by integrating constitutional doctrine, legislative procedure, and statutory interpretation. Translating complex public policy into legal rules teaches sophisticated legal analysis about how laws govern human behavior. Similarly, contract drafters must learn to express rules clearly and precisely. By redrafting contract clauses, students learn the doctrine of duties and conditions, how to express each of them unambiguously, and how to create rules that encourage desired results.

Early Intervention: Teaching Students How to Swim Instead of Throwing Them In and Hoping They Don't Sink

Katherine Silver Kelly, University of Akron School of Law

A student's lack of success the first semester of law school does not necessarily predict whether that student can or should continue through law school. Early intervention strategies provide struggling students the opportunity to identify the gap between what they know and understand and how that should have been demonstrated on an exam. Workshop participants will take on the role of students and participate in activities such as essay forensics, "life" self-assessment, and using IRAC with multiple choice questions. Added bonus: Akron Law students will Skype in to share their experiences and answer questions.

The Conscious Teaching Assistant

Jennifer North, Charleston School of Law

Many legal writing programs have teaching assistants, but do they use them effectively? This workshop will explore techniques for getting your teaching assistants involved and active during and between classes. It will also provide sample programming ideas that will focus on honing the skills of your teaching assistants and giving them a realistic experience in academia.

Teaching an Integrated Course with a Hybrid Text

David Thomson, University of Denver Sturm College of Law

For many years, legal education has been criticized for not teaching its students enough of the practical skills they need to function effectively as lawyers. A law professor today wanting to respond to this criticism and teach in a more practice-focused way will discover that the materials available to teach from are mostly casebooks, or are otherwise not designed to support this kind of teaching. Fortunately, this is beginning to change. This session will demonstrate examples of emerging practice-focused teaching materials, in both print and online forms, and engage the audience in a discussion of how they might develop and use similar teaching materials.

Engaging Students Through Culture

Tonya Kowalski, Washburn University School of Law

All of the recent, ground-breaking studies on legal education identify cultural literacy as a core skill. Learning theory shows that students learn well by viewing a problem through multiple perspectives, and experience shows that cross-cultural examples can serve as particularly fascinating, revealing comparative models for learning core material. Those examples can also reduce feelings of marginalization among diverse students. In this workshop, participants will share ideas for incorporating cross-cultural examples into classroom discussions and problem design. We will also discuss the dangers and rewards of raising cultural perspectives that are not our own. Participants will develop a sample lesson using a narrative or comparative example from another culture.

YouTube Pedagogy: A Practical Guide

John F. Murphy, Texas Wesleyan School of Law

Video podcasts are a powerful teaching tool, but producing your own videos can be a daunting task. In this workshop you will learn both the "why" and the "how" of using videos to teach. The workshop will focus on producing short, high-quality teaching videos quickly and easily using tools you already have or can obtain for free. During the workshop, we will actually produce, edit, and post on YouTube a short video that combines live action and "screencasting" — all within the 35-minute session!

Motivating Students to Succeed

Tracy Turner, Southwestern Law School

"Optimism is the faith that leads to achievement. Nothing can be done without hope and confidence." — Helen Keller. In our quest to teach students content, we sometimes overlook the most fundamental skill our students need to succeed: motivation. Students often focus on the grade they desire, and we need to redirect them to a focus on learning. In this session, after exploring the strong link between attitude and success, we will work together to identify specific methods for instilling long-term motivation in our students.

Pouring Skills Content into Doctrinal Bottles

William Slomanson, Thomas Jefferson School of Law

A thousand flowers will bloom during the coming renaissance in legal education. By acknowledging the 800-pound gorilla— draft ABA. Standard 302 — even Professor Langdell will be augmenting doctrinal legal education with fresh strategies for preparing students for entry-level practice positions (beyond what clinicians, Legal Writing, and skills-oriented faculty members have been doing for years). One can introduce varying amounts of skills content into a doctrinal class, without having to create a discrete skills course — thereby introducing a healthy dose of reality and enthusiasm. Professor Slomanson will provide some practical insight into how to "skillsify" a doctrinal course.

12:45-1 p.m. Lunch Pick Up

1-2:15 p.m. Working Lunch and Session 7 Workshops

The Greeks Go Back to Law School: A Guide to Integrating Collaborative Learning

Heather J. Garretson, Thomas M. Cooley Law School & Kelly Kinney, SUNY Binghamton

Dear Socrates, you don't have to go it alone. The Greeks modeled the teacher as intellectual adversary, using the Socratic method to test the mettle of students' argumentative skills. Our interactive workshop puts a twist on this model, demonstrating how teachers can be argumentative interrogators and collaborative coaches. Our presentation offers small group activities for large-lecture courses, mock questions for essay exams, and malleable grading criteria to help students self-assess their writing. Coupling the Socratic method with pedagogies associated with contemporary rhetoric and writing studies results in students learning skills that translate into any class and well into practice.

Student-Centered Assessment: How to Include Student Voices in Shaping Pedagogical and Curricular Choices

Susan Brooks, Jennifer Knighton & Emily Zimmerman, Drexel University Earle Mack School of Law

This workshop will be co-facilitated by an Associate Dean for Experiential Learning who oversees a significant part of the curriculum, a tenure-track professor whose research focuses on pedagogy, and a third-year student with experience in empirical methods. We will engage participants in an interactive discussion about ensuring that assessment — both at the micro-level of the classroom and the macro-level of the overall curriculum — is genuinely "student centered." The goal of this workshop is for participants to learn about different methods of student-centered assessment and share concrete ideas for implementing student-centered assessment in their individual classrooms and at a programmatic level.

Using Outcomes Assessment to Develop and Measure Acquisition of Practical Lawyering Skills

Docia L. Rudley, Cassandra Hill & Tau Kadhi, Texas Southern University Thurgood Marshall School of Law

What foundational skills do students need to become practice ready lawyers? How do we know if students are acquiring these skills? How can we effectively measure student progress? How can the practicing bar assist us? In this thought-provoking session, the presenters introduce us to an innovative pilot project that uses multiple levels of assessment to measure student progress in acquiring practice-oriented lawyering skills in a unified writing program. Presenters will discuss the project and engage with participants in activities that utilize assessment protocols from the initiative: developing learning outcomes, aligning outcomes with teaching and assessment, reflective learning, and group norming.

Teaching Law with Online Role-Playing Simulations

Ira Nathenson, St. Thomas University School of Law

Live websites provide a dynamic "sandbox" for role-playing simulations that cast students as lawyers acting for fictional clients. Such simulations, initially crafted for a Cyberlaw class, can also be used in a wide variety of other courses. This provides a highly configurable platform for the immersive and holistic learning of knowledge, skills, and professional identity, including realistic fact-finding, advocacy, negotiation, ethical traps, and much more. The workshop will first provide background on relevant technology and methodology. We will then move to a mini role-playing exercise using the live Internet, followed by a discussion of the benefits and challenges of online simulations.

Integrating Real Life Practice, Micro-Lawyering, and Simulations

Jason K. Cohen and Harriet N. Katz, Rutgers School of Law-Camden & Alyssa DiRusso, Samford University Cumberland School of Law

Engaging students in simulations provides great predictability and control over what students learn, but removes students from the real-life implications of their work and their personal connection to the material and outcomes. Using simulations, micro-lawyering, and the middle ground between real experience and pure simulation can provide students and teachers with the best of both. Participants in this workshop will explore how to develop and implement these methods in the clinical setting, skills classes, and traditional doctrinal courses.

2:15-3 p.m. Closing Plenary