

The Ideas

A selection generated by collaborating every week for 13 weeks

1. Students Up Front

Each week's class begins with a review of the previous week's material. For this exercise, students lead that review. At the start of class, announce that you'll select three students at the end of class to lead the review the next week. Because all students know that they could be presenters the following week, they have another incentive to pay close attention during class. And presenting the review gives students practice in both summarizing material and public speaking.

2. Role Play: Attorney and Client

Over three class periods in Contracts, students learn a variety of avoidance doctrines. At the end of the third class, every other student receives a fact pattern that involves several avoidance doctrines. Students with the fact pattern are clients; students without the fact pattern are attorneys. Clients and attorneys meet for 15 minutes. The student attorney attempts to get the facts from the student client. The fact pattern involves the client hitting a neighbor's mailbox, the parties executing a release for \$200, and then the neighbor getting a bill for an additional \$400 in damages that the parties did not know about when they signed the release. The client needs advice. The exercise sparks a discussion about avoidance doctrines (is the release enforceable?) and about the differences between what could be done and what should be done. The client—but not necessarily the attorney—knows that client and neighbor are friends and that all the neighbors get along well. After the exercise, discuss the legal doctrines and the importance of being a counselor. A good conversation between the student attorney and student client should include how to resolve the issue and maintain the neighbor's friendship and the harmony of the neighborhood.

3. Au Revoir to Ambiguity

Split students into two groups and give both an ambiguous provision of the Social Security Administration's Medicaid eligibility rules (pick a provision by throwing a dart at the code). Each group takes a side to redraft the provision and advocate for its correct interpretation for their elderly clients. This teaches students to identify ambiguity, to fix it, to collaborate, to speak publicly, and to advocate.

4. Help or Hinder

After students negotiate the terms of a settlement agreement between two parties, ask students to think about and identify what they saw happening during the negotiation. Write each item on the white board. After creating a list, ask whether each item on the list helped (positive) or hindered (negative) the negotiation process. Label each item with a + or - sign. Then ask students to focus on the negatives and determine whether each is professional or unprofessional conduct in real-life practice. Move down the list and label each item *P* or *U*. This process shows that negative behavior is most often unprofessional, too.

5. A, B, C, or D?

Instead of giving a short lecture at the top of each class for a weekly review, give students a practice multiple-choice question. Ask them to silently choose the correct answer. Then call on students to explain why the wrong answers are wrong and why the right answer is right. This allows you to introduce first-term students to multiple-choice questions, deductive reasoning, and legal analysis.

6. Excited Utterances

(Inspired by Odyssey of the Mind's Spontaneous Competition) Use an exercise to give students the opportunity to think and perform under time constraints as part of a weekly "loopback" review. Divide the class into two teams. Then assign a topic to each team based on the material covered the previous week. Students must outline the topic in two minutes, with each team member articulating a substantive point of law about the assigned topic. The team members must give responses in order of assigned seats. They cannot skip over a student, repeat an answer, or help each other. As students respond, write their answers on the whiteboard in outline format.

7. Negotiate, Settle, & Draft

Break class into two litigation teams, give them time to confer, and then let the negotiating begin! Each team picks two lead attorneys who come to the front of the class and sit across from each other. During the negotiation, if any other member of the litigation team has something that he or she wants to add, that person passes a note to the lead negotiators. The negotiation takes about 45 minutes.

8. Breaking News

To give first-term students the opportunity to compare what they learn in class to real-world criminal law, challenge them to find news items relating to crimes, criminal trials, or sentencing issues. Ask students to explain why they selected the item, what issues and crimes they thought the case involved, and whether the news report matches what they've learned in class. To get your students started, give them this news link:

<http://www.switched.com/2008/11/14/why-you-should-never-try-to-steal-a-law-students-laptop>

9. Groups On!

Research & Writing draft conferences have always been individual. Try group conferences for a closed memo. Schedule each conference for an hour with groups of five to six students (use the writing groups assigned at the beginning of the term). Tell students to bring their drafts or outlines of the memo and their questions.

10. Less Me, More You

On the first day of class, ask students to fill out index cards stating their names, hometowns, and a fun fact about themselves. This exercise accomplishes two things: One, you'll get a fact that will help you remember a student's name (he's the student with a lute), and two, you'll get a way to connect with students. After class, read the cards and throughout the term make connections. For instance, if a student is from your hometown, send an e-mail acknowledging your similar roots. Or if a student has never set foot into the state until law school, send an e-mail recommending the best pizza place. These are quick, easy ways to make connections at the beginning of the term.

11. The Forest or the Trees

In a drier upper-level course (let's be honest: Negotiable Instruments), give students index cards mid-semester and ask them to answer two questions: Why are you here in law school, and why are you here in this class? Reminding themselves of a bigger purpose (I'm in law school to become a public-interest attorney) helps students see the forest for the trees. The materials in code-heavy classes can bog students down. Taking time to reflect on the bigger purpose is helpful. It's also interesting to see why they are in the specific class. Often this leads to discussions of students' previous careers and their plans after law school--as well as biases they brought with them to class and whether those biases remain.

12. In the News

Students are more engaged when they identify the relevant material or at least have some ownership over what is being discussed. And it's not just the headline-grabbing topics (torts/criminal law) that make the paper. So whatever you teach, in the middle of your term ask students to bring a news item that involves a concept covered in class. Having students share their news items breaks up the monotony of class, and students see interesting stories about concepts they learned out of a boring book. And you might be able to say, even more than once, "See, Negotiable Instruments is relevant!" Students don't often see that.

13. A Living Contract

(With thanks to Paula Franzee, Seton Hall, and the book *Teaching the Law School Curriculum*) The living contract uses a student to demonstrate the parol-evidence rule. The class pretends that a student volunteer is a contract. Decide if the contract is partially or fully integrated—based on the student's appearance. This is a concept important to parol evidence, and the student will be—unless meticulously put together—partially integrated. Then add random things—such as an umbrella, a fishing hat, a baby blanket—and ask students if the new term (thing) contradicts the contract. This provides a great visual on how parol evidence allows additional consistent terms into a partially integrated contract. Students love it because it breaks up how to think about parol evidence. But there can be no photos (no cell phones) because, by the end of the exercise, the student volunteer looks ridiculous.

14. Supreme Court Smack Down

Share a piece of a Supreme Court argument transcript where the arguing attorney—a University of Michigan law professor—used the word *orthogonal* and received a verbal smack down from several of the Justices. Then follow up with a big word vs. little word exercise: say a big word or a wordy phrase (*in the event that*) and ask students to give a short, simple, and better alternative (*if*).

15. Typo Fetch

Students fetch a grammar or punctuation mistake that they find out in the world: a picture of a sign or a billboard, or one from any print source (a book, blog, newspaper, magazine, etc.). Then quickly share these finds with the class on the overhead.

16. Music & Lyrics

To energize the learning in an upper-level writing class, have the students bring in songs—with printed lyrics—that capture a feeling or tell a story well. After the song, have the students identify the strong verbs and familiar nouns in each song. Students enjoy the change, and the music does the job for you: emphasizing the power of brevity and storytelling.

17. One Across, Five Down

For each substantive unit, give students the opportunity to create a crossword puzzle. To correctly create the clues for the crossword puzzles, students must understand the basic elements, rules, and concepts associated with the substantive topic. This allows students to review material and creates a deeper understanding of the relevant topics. <http://www.puzzle-maker.com/CW/>

18. Wake-Up Call

To grab students' attention in a criminal-law class, play a segment of Maroon 5's music video, *Wake Up Call*. The song lyrics and most of the segment deal with murder, manslaughter (imperfect privilege), and self-defense. Play approximately the first minute and a half of the video in class before covering the relevant topics. Then ask students to analyze the facts presented in the music video by applying what they have just learned.

19. Say It with a Song

In the class about domestic violence (such as *Defending Battered Women*, for example), start the first class by playing songs with lyrics about domestic violence. While the songs are playing, scroll the lyrics on PowerPoint slides. The songs vary in message, genre, and point of view. Afterward, the class discusses the various ways that media, society, and art reflect attitudes about domestic violence. It's a powerful introduction.

20. My Topic Sentence

At the very beginning of the very first legal-writing class, ask students to write a topic sentence about themselves. Explain the importance of a topic sentence and its purposes. Talk about sentence length (short: 25 words or less). Write yours on the whiteboard as one example (Professor S. has been a professional writer throughout her three careers.) Students learn what makes a good topic sentence. The students quickly see how dull and uninformative a sentence that repeats name and status ("in law school") can be. They get interested in each other. They revise on the spot after they hear a few examples. They laugh together. And when they do the second week's assignment, a resume and cover letter, they try hard to make the first sentence of the letter something special.

21. Pass the Edit

This is like the game "hot potato." Pass a page of writing around the room. Each person must make an edit or correction. The exercise is timed, so they must work fast. The two sides of the room can compete with each other. The side that makes the most good edits, using the most students, wins. The students learn to recognize problems and correct them. And they learn that writers can always cut more.

22. Free Writing at the End

In the last 12 minutes of class, students put away their materials and have three minutes to free write about a topic written on the board. Do this with four different topics that you've covered in that class and the previous class. After it's over, tell them that this is a personal study tool. If they did not have three minutes worth of material to write about on each topic, they have more to learn about it. Ask them to review their writings to determine if they see the differences in the topics and how the topics relate to each other. Students like this exercise because it shows them how much they know or don't know about a topic.

23. Free Writing at the Start

At the beginning of class, ask students to do a five-minute free writing with a purpose: to think about what they've learned so far, to identify what they're not sure about, and to ask follow-up questions. Then, at the end of class, ask some students to read their questions. Discuss and answer them. Remind students that this is not the end of the exercise; it is their responsibility to get their questions answered.

24. Free Writing with a Purpose

Give students 10 minutes to free write. Kill two birds with one stone by writing this topic on the board: **Professionalism in the classroom**. Then write: **Professionalism in practice**. Force students to see and discuss the connection.

25. Peer Reviews

Students get a writing assignment at the end of class that requires them to apply concepts taught that class. They bring their written answers to the next class and exchange answers with their peers. Students use a rubric to grade each other's answers. Writing helps them understand the concept, and knowing that their writing will be reviewed by peers encourages students to create meaningful work.

26. Peer Writing Groups

(With thanks to Peter Elbow and *The Teacherless Writing Class*). Students learn from one another. And it's easier for them to take criticism from their peers than from a teacher. So divide students into groups after the first week of class. Each group is five to seven students. Place students in the groups after a short diagnostic test; put a mix of writing skill (very good to poor) in each group. The groups review and "workshop" the second assignments (cover letter and resume). The groups meet four to five times throughout the term for various exercises during class. Students grow in confidence from giving and taking criticism. They develop their social, reading, and writing skills.

27. Game On

Create teams of 10 people each; each team gets a bell. Ask questions, and a team rings in; choose the person who answers for the team. That way, everyone must collaborate on an answer, and everyone must know the answer before their team can ring the bell. The team that rings the second bell has a chance—if answer one is incomplete—to flesh out the answer and steal the point. Candy to the winning team.

28. You're the Next Contestant

To put the “fun” in functional, conduct either part of a class or a review session in a game-show format. For example, model the exercise after *Family Feud*, *Jeopardy*, or *Are You Smarter than a Fifth-Grader*.

29. The “I can edit” Game

This is based on the old *Name That Tune* game show. Students wager that they are the best editor. They commit to cutting a number of words in a limited amount of time: “I can edit (how many?) words out of that paragraph.” Then they do it, standing up and live, while the clock ticks down. Beginning law students write way too much. Their prose is full of “for the reason that’s” and “in order for’s” and long, long sentences. Using this game, they become ruthless in cutting out extra words, phrases, sentences, even paragraphs!

30. Punctuation Pig Out

Set a big bowl of candy at the front of the room. Split the class into four or five teams, and have each team pick a team name and spokesperson. Hand out 35 sentences that are improperly punctuated or missing punctuation. Give the teams 20 minutes to complete all the sentences. Write each team name on the whiteboard, and have each team give their final answers on how to properly punctuate each sentence, in order. In the end, the team who scores the most points gets to eat their winnings.

31. Profiles in Punctuation

Write each mark of punctuation on a separate slip of paper, and put them all in a hat. Students then pick a punctuation mark from the hat. Each student must give a polished 10-minute presentation on their punctuation mark at the beginning of one class. Do these student punctuation presentations each week for the remainder of the term. Post the presentation schedule so students know when it’s their turn. And encourage students to be as creative as possible with their multi-media presentations.

32. Six-Word Stories

Brevity is hard to teach and often hard to learn. To practice extreme brevity, borrow Hamline Law School’s Six-Word Story contest (see also The Six-Word Memoir project, and Ernest Hemingway’s famous six-word story: “For sale: baby shoes. Never worn.”) Students describe the first term of law school in six words. For an upper-level writing course, give students five minutes to write a six-word story about their second-to-last term of law school. Each student comes to the front of the class to share these brief—and often funny—six-word law-school stories.

33. Top-Five Reading Tips

Students often skim through the assigned readings without slowing down to ask themselves: What is this about? What new things am I learning here? So each week, have students write five tips from their reading that strike them as interesting or helpful. Have them bring the list to class. Ask each student to share one tip. This encourages them to slow down, breathe in the material, learn it, and retain it.

34. The Daily Edit

Give your students a three-to-five-minute grammar and punctuation exercise when they come into class. A weekly quiz is ideal, but every other week is good, too. And try a weekly edit: give students a paragraph from a case opinion, a newspaper article, a letter, etc., and have them spend ten minutes editing it.

35. Get to Know Your Library

Students don't go to the library. In fact, most have never been in the library before they take their first legal research and writing class. So take them in before the start of the final research memo and give them a working tour. First, divide students into groups and give them a hypothetical case with several issues. Each group must design a written research plan (this is after class discussion on a sample plan). Then go to the library. Give the groups different assignments, on the spot, based on the steps in the research process. For example, one group does preliminary analysis in treatises, another group searches for codified law in code books, and so on. Regroup to compare results, and then go to the reporters and find cases together.

36. Goal Hit List

For an advanced writing class, ask students to write down three skills they hope to learn or develop. Explain that you will review each list and come back next week with a compilation of the top three goals. This will become your class "Hit List." Then keep those goals posted in class each week. Summarize at the beginning of each class how the class will hit upon each goal that day. Then at the end of class, sum up how the material covered and the work done that day move the class toward the goal.

37. Hey Batter, Batter!

To demonstrate the concept of an attempted crime, have a student volunteer (preferably someone with baseball or softball experience) to show the stages of batting. A "hit" is the crime being attempted. First, the student shows what he or she would do in the on-deck circle to get ready for his or her "at bat." This illustrates the concept that mere preparation to commit a crime is not a crime. Next, the student shows what he or she would do when entering the batter's box. This allows the class to compare mere preparation to an actual attempt. Next, the student performs a "check swing." Again, this highlights the amount of conduct required before a person has committed an attempt. Finally, the student demonstrates "breaking the wrist" to show the conduct that makes a complete attempted crime.

38. The Feds vs. The States

Students have trouble understanding that federal and state law exist at the same time, on the same legal issue, but that one or the other might not apply. Or that both might apply at the same time (e.g., state statutory and common-law trademark law and the federal Lanham Act). The abstract concept of different court systems is very difficult for first-year law students. So give the class a research assignment; half the class does it in federal law, and the other half does it in state law. Students may use any source and any method; some go to the library, and others use their laptops. Then the class returns to the classroom and decides together which courts will review what precedent, and what's likely to happen in each.

39. Can You Pick The Criminal?

To illustrate the problems with identification procedures, use a PowerPoint demonstration to conduct a photo array. First, show students a composite sketch of a suspected rapist. Then provide a simultaneous photo array. Ask students if they can identify the rapist. Don't tell the students whether they selected the right person. Reshow the photo array sequentially. Ask the students again if they can select the rapist. Then tell students that the rapist was not in the photo array. This supports a discussion about effective methods for identification, related psychological and scientific issues, and the inherent unreliability of identification procedures that can lead to misidentifications.

40. Bus Stop

To help students understand the dynamics of a seizure, ask them to act out the facts of an assigned case. Students set up chairs to recreate the interior of a passenger bus. Students place themselves where the defendants were sitting. Other students stand where the drug interdiction officers stood (front, middle, and back of the bus). This provokes a spirited discussion whether the defendants were "seized."

41. Explain It, You Know It!

Ask students to write an explanation to a lay person of common-law larceny. Or any legal subject. When a student explains a complicated legal concept to a lay person—especially in writing—the student deepens his or her understanding of that concept.

42. Teaching with Failure

The first memo assignment in the first-year legal-writing course is the first time that students attempt to write a synthesis of case law on their own. Most of them solve this problem by not doing it. They can give the legal rules that they've found in the cases, but when it comes to real synthesis (finding a theme or common thread in a series of case holdings), they simply don't try it in the first assignment. So after they turn in the first memos, have them get into their writing groups. Each group reads one case together, writes down all the holdings in that case, and chooses the holding that is relevant to their first-memo case. Then the entire class comes back together, synthesizes all the holdings, and together writes a one-sentence synthesis.

43. You Write, We Edit

If you teach a doctrinal class, give one mandatory writing assignment that is graded by the research and writing class. Give the writing class the question and a rubric. Knowing it will be peer reviewed encourages students to put forth a good effort. And writing the assignment helps students to learn the concepts that it involves. This also gives writing students the opportunity to apply the editing skills they're learning.

44. Writing Makeover

Ask students to bring in (1) a piece of writing that they consider good writing and (2), a piece of their own writing. Each should be limited to a page. Explain that neither piece needs to be legal—each can be any non-fiction writing about any subject (e.g., sports, history, art, science, philosophy, religion, a current event, a person, etc.). Explain Justice Scalia’s theory that there is no such thing as good legal writing; rather, good writing is good writing, no matter the subject. Have students write the four reasons why the piece is good. Then pair them up to share their favorite writing and their four reasons. Next, have students read their own writing, identifying those same four characteristics as either present or missing from their writing.

For the next class, students should rewrite their pieces, incorporating the four characteristics that they’ve identified, and bring clean typed copies of both originals and redrafts to class. Then do a “Writing Makeover”: have students exchange with partners both pieces—their original writing and its edited version—and see if each person can identify the piece that has undergone the makeover. Keep a class tally of right and wrong guesses and discuss what makes good writing good.

45. Redrafting Fun in Unexpected Places

Late one evening, a drugstore clerk refused to sell the four boxes of Tylenol cold medicine that a tired mom had carefully selected (different flavors, each chosen to suit each kid’s taste). The clerk told her to read the sign posted nearby. She tried to read the sign. But the sign was incomprehensible. Something about ephedrine and pseudoephedrine salts and isomers and corresponding quantities that were “limited for sale.” It was a single sentence—90 words long. The tired mom bought the limited quantities of Tylenol and took a copy of the sign home to show to her advanced legal-writing class.

Find your version of the Tylenol sign (maybe a confusing statute), and have your students break it down into coherent sentences, divide it up into logical parts, and rewrite it from gobbledygook into plain English. Then have several students share their redrafts on the overhead to discuss and improve.

46. Citation Station

During class, in the week before student papers are due, pick 5-10 students to come to the white board. Ask each student to write a citation for a case used in their papers, one after the other, in a straight line. (Consider having them include the citation rule, too.) Tell them that the object is to see how far along the citation “train” they can get without making any mistakes. Once they’re finished, review each citation with the class to see how far the students made it before a mistake caused a derailment. This helps students who struggle with citation to see proper form and the corresponding rules in action. And it assures them that they’re not alone: citation is tedious and time consuming for everyone.

47. Student Draft

When covering particularly thorny areas, ask students to write multiple-choice questions that the class can use for review. Call on students the next week and put several multiple-choice questions that they drafted on the overhead. As we know from creating exam questions, to write a good question you must understand the material. Having students develop questions about the material reinforces their understanding of the material. And in drafting answers that sound right but are not, students will better understand a concept.

48. Quiz a Week

Research-and-writing students listen to a set of interactive tapes in the library to learn the legal-research process. A schedule posted in the course syllabus gives weekly tape assignments. But many students don't follow the schedule; too many cram it all in at the end of the term. And many don't retain the information through the end of the term. To solve this problem, create and post online, a series of short quizzes that test students on the taped lesson for that week. Don't grade them, but give the answers. Students assess their own knowledge.

49. File, No Book

(With thanks to last summer's ILTL conference and the seminar about using a case file rather than a case book) This is a great new way to present the material in a doctrinal class. Give students a fact pattern by using real-life documents. Then give them the law, and have them answer a hypothetical using the facts, the documents, and the law.

50. A Real Contract--and It's Not Very Good

Give students a boilerplate contract, such as a lease. Their job is to edit the contract, to use only the necessary words. This shows students that they have contracts in their own lives—and those contracts are often poorly written. Cutting the legalese and redrafting to plain language shows students that much of what's included in many contracts is not necessary. Giving them editing power shows them how much they understand about contracts. They need confidence to edit contracts they receive, to believe in what they know to be the law, and to avoid simply signing what someone gives them.

51. Classifieds: Poor Writers Need Not Apply

Share current job classifieds, newspaper articles, and web articles showing that most employers in law or law-related fields seek candidates with solid writing skills. With the class, peruse any legal paper's print or on-line classifieds. The writing-skill requirement will occur so often, it will make your point for you. This shows students the real-world and immediate importance of mastering writing skills. It adds credibility to "take my word for it."

52. Give It to 'Em Straight

Ask criminal-law students to prepare criminal jury instructions for murder, self-defense, and manslaughter. Then separate the students into prosecution and defense groups to draft and present closing arguments for a case, based on the jury instructions they drafted. This exercise helps students to understand the relationship between accurately crafted jury instructions and a lawyer's ability to effectively argue the case.

53. Crime and Punishment

Divide a criminal-law class into four groups: probation officer, prosecutor, defense lawyer, and crime victim. Give each group two files: a common case file and some facts known only to that group. Give the groups ten minutes to prepare for the sentence hearing. With the professor as presiding judge, the groups conduct a sentence hearing. Students must not only present their prepared arguments, but they must also react to the unknown facts as they're disclosed by the other students.

54. Sexual-Assault Trial

When studying rape and criminal sexual conduct, students struggle with the the relationship between the elements of force and lack of consent. So divide the class into four groups: prosecutor team, defense team, jury, and gallery. Using a case from the reading assignment, instruct the prosecution and defense attorneys to prepare and give closing arguments to the jury. Select six students to serve as jurors. The jurors sit in the front of the classroom and deliberate the case in front of the entire class. Once the jury reaches a verdict, the gallery asks the prosecutor, defense lawyers, and jurors about their respective arguments and deliberations. The jury deliberations highlight the moral, stereotypical, and prejudicial undercurrents present in many sexual-assault trials. And the exercise helps students to understand the relationship between the elements of lack of consent and force. (Adapted from an exercise presented in Dressler, Joshua, *Cases and Materials on Criminal Law*, 5th ed., Teacher's Manual, Chapter 8: Rape, pp. 8-6 through 8-9).

55. Draft the Indictment

To give students an opportunity to work on both writing skills and substantive analysis, ask them to prepare a federal conspiracy indictment. This helps students to understand more deeply the elements of conspiracy and the ways prosecutors use facts to draft and support formal charges. Give students a sample indictment to use as a model.

56. Time Management

The final research memo is the big assignment of the research and writing course; it's worth 40% of the grade. And it's the first time students do legal research on their own. The assignment is typically posted mid-term; the assignment is due on the last class of the term. To help students plan, post a suggested schedule for the memo: i.e., what to do week-by-week (research plan, research, research outline, first draft, second draft, etc.). Students report that they find the schedule very helpful.

57. E-mail Like a Lawyer

After receiving e-mails from students beginning with "Hey," writing professors decided to emphasize the importance of content and tone in professional e-mails. So they asked students to share their e-mail horror stories. And they shared Wayne Schiess's article in the *Scribes Journal*, "Email Like a Lawyer," to emphasize the importance of appropriate e-mail content and etiquette. The article reminds students that professional e-mails should read like printed letters. You can discuss the permanence of e-mail and the importance of proper mechanics. Teach salutations (and the difference in formality that a colon versus a comma denotes), sign-offs, descriptive titles in subject lines, short and concise paragraphs, and numbered items and headings.

58. Rewind and Playback

Working with a local circuit-court judge, find DVDs of actual sentence hearings. During class, have students watch the lawyers advocate and the judges rule and impose sentences. These videos serve as a starting point for discussion about effective sentencing advocacy, substantive sentencing law and procedure, and the sentencing guidelines.

59. Cover Letter and Resume Workshop

Use peer writing groups for this assignment. Each student brings a hard copy of a cover letter and resume that he or she prepared for a “dream” law job. Make copies for each group member. Then the groups get together (during class time; in the classroom and other available spaces). The writer reads the letter out loud to the group. Then the group writes comments and suggestions on the paper copy. And finally, each student gives verbal feedback to the writer. The rules are simple: feedback must start with a positive comment, and the writer cannot disclaim or explain. The writer must listen but is free to ask questions later after everyone has had a turn. This gets students thinking early about their legal careers and how to plan. It exposes students to many readers. And it improves their letter writing and resumes. Students love doing this. And they really begin to figure out what they need to do to meet their goals.

60. Pardon Me

In the class *Defending Battered Women*, one of the cases that students read is Judy Norman’s. The case presents the conflicting moral, social, and legal issues presented when a battered woman kills her husband while he sleeps. Divide the class into two groups. Have the first group draft a pardon request, outlining the mitigating facts and legal analysis that support a pardon. Have the second group respond to the pardon request, outlining the aggravating facts and legal analysis that support denial. Let students submit their pardon request to the governor. This exercise gives students the opportunity to hone their analytical skills, prepare legal arguments, draft legal documents, and respond to opposing arguments.

61. Stop/Start/Continue

Put three columns on a piece of paper: one labeled *Stop*, the next labeled *Start*, and the last labeled *Continue*; make copies for your students. Then give them to your students after you’ve covered a particularly sticky topic. Ask them to put at least one thing in each column: i.e., what should the professor start doing, what should the professor stop doing, and what should the professor continue doing. This gives you immediate feedback that you wouldn’t otherwise get about a week’s material. It also gives feedback much more quickly than if you waited for the same information from class evaluations. Another benefit: students feel that their opinions on what works and what does not are valued. They appreciate the opportunity to say what is effective for their learning and what can be scrapped.

62. What’s Clicking—What’s Not

On an index card, each student writes down one thing learned in class that will help the most in practice. Next, each student writes down one thing that is fuzzy or doesn’t make sense. This helps them assess their own skills. And it helps the professor identify focus areas for the remaining weeks of the term.

63. Do You See What I See?

It is one thing to have a coach, professor, or another team member give constructive criticism about oral or trial-advocacy skills, but it is quite another to evaluate your own performance. So record your school's national team members as they perform their oral arguments (moot court) or their examinations, opening statements, and closing arguments (trial team). Students watch their performances and write a constructive critique of their presentations. Then meet to discuss their performances and their self-evaluations.

64. How 'Ya Doin'?

At mid-term, ask the clinical externs to give feedback about (1) their preconceived expectations, (2) their actual experiences to date, and (3) their ideas to improve their experience for the remainder of the term. This allows the externs to take responsibility for augmenting or improving the externship experience.

65. Quick Quiz

At the start of a class, review the last week's material with a quick quiz. Then have your students grade each other's quiz. This is a good, quick way for students to see if they have an intelligible grasp of a concept. It's also a good discussion starter because, when the quizzes are returned to them, students often have questions about their wrong answers.

66. In-class Attack Outline

After reviewing a specific topic (e.g., third-party beneficiary), put a fact pattern on slides and give students five minutes to do an attack outline for a 25-point essay. After the five minutes, write your grading rubric on the board (so it can't be passed on to other students). The rubric shows how each idea is worth five points. This exercise forces students to organize their thoughts; they should not start writing an essay without thinking about it first. And it shows them that outlining really is beneficial to organization. Going over the rubric also shows them how points match concepts. It's much easier for them to see if they hit the ideas that were point worthy or missed them.

67. Revisit Problems

Keep track of any writing assignments (short essay answers to hypothetical Contracts I problems, for example) that are particularly vexing for students. Edit the assignments. Then revisit them and do an in-class exercise on the top three most difficult assignments. Give the revised assignment on a slide, and give students three minutes to try again by creating an attack outline.

68. Take Their Pulse

Give your students a “pulse sheet” in the last three minutes of class. Tell them the reasons to fill it in: it will help them focus on what they need to do about concepts they don’t understand, and it will help you understand what to do in class to clear up these concepts.

The Pulse Sheet reads this way: (1) The topic I understood the least today is _____; (2) I am going to _____ to better understand the topic in (1); (3) It would be helpful if _____ was done in class to better my understanding of the topic in (1); (4) The topic I understood the best today is _____.

Students fill out the sheets in class but keep them until the next class because one entry involves what students will do throughout the week to better understand the topic. At the start of the next class, ask students to take out their pulse sheets. Then ask them who did what they said they would do, and have a short discussion. Collect the pulse sheets and review them for ideas about how to teach the topic in the future.

69. Self-Guided Sentencing

To give students the opportunity to compare what they learn in the classroom to what actually happens in the courtroom, require them to attend a sentencing hearing. After watching the hearing, students write a summary of their observations.

70. The Private Memo

Students write a memo to themselves about their first memo assignments, on their first memos, before they hand them in. They make notes in the margins and at the end. They label the parts of the memo. They criticize their work. They pose questions and ideas for improvement. Thoughtful criticism and comments are rewarded and factored into their grades. This exercise helps students see writing as a process, and it encourages rethinking, rewriting, and revision.

71. Pass the Class with P.A.S.S.*

Throughout the course of the term, give criminal-law students the opportunity to participate in mini-essay exercises. The exercises are structured around various theories, crimes, or defenses. The exercises are elective. The week after the assigned essay, host a review session and go over the model answer. Give students a rubric to evaluate their written answers.

*Phelan’s exercises to Analyze, Scrutinize, and Synthesize

72. The Biggest Loser

At the beginning of the second-to-last class, have each student jot down the worst writing habit that they’ve lost through the term. Then have each student come to the front to share their 14-week victories. Celebrate each victory with the students; consider giving appropriate prizes (e.g., all those free text books that writing professors receive or copies of *The Scribes Journal of Legal Writing*) after, students vote for the biggest losers.

73. Punctuation Improv

Have students come up and draw a punctuation mark (commas, semi-colons, dashes, colons, apostrophes, quotations and quotation lead-ins, etc.) from a hat. Then give the student two minutes to talk about the rules and purpose of that punctuation mark without identifying it. It can be as dazzling or straightforward as the student wants to make it. And have the rest of the class guess which punctuation mark the student has described. This gets students up and thinking on their feet, and it punches up learning punctuation rules.

74. Cabin in the Woods

Put two versions of a famous sentence from Thoreau's *Walden* up on the document camera: (1) the real one: *I went to the woods because I wished to live deliberately, to front only the essential facts of nature, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived.* And (2) an edited version turned into the passive and littered with nominalizations (nouns instead of verbs, e.g., *decision*, not *decide*; *existence*, not *exist*; *death*, not *die*). Ask students to vote for their favorite versions and explain why they liked each. Then reveal which version Thoreau wrote and explain that three simple but key things make it good: (1) it is written in the active voice (Thoreau is in every part of the sentence—*I went, I wished, I came*); (2) it uses simple, familiar—not inflated—nouns (*woods, nature*); and (3) it uses active verbs (*went, wished, front, see, learn, die, discover.*)

75. Resume Redux

Ask your students to write a second resume: the one that represents what they will be doing ten years after they graduate from law school and pass the bar. This exercise will get them wishing, hoping, and dreaming about their lives as lawyers. It will require them to write a second resume (after the class or writing group has critiqued the first version), which is always good practice. And it will force them to think about their goals—and make plans to reach them.

76. Mud Cleaning

(A variation on the muddiest-point index-cards exercise) Pass out index cards to the class. Then have students write on the card what they think is the muddiest point of the material covered (either in today's class or to date). Collect the cards. Then pass them back to the class, mixing them up so students don't get their own cards. The recipient of a card now writes, on the reverse side, a clarification of the muddy point on the other side. At the start of the next class, collect all the cards. Read some of the muddy points and the clarifications on the flip side.

77. Research Flash Mob

Break students into groups of three to four people. Give them a basic research question to get their feet wet, such as the proper standard of review for a state or federal appellate brief. Assign each group a different research medium—Google, Westlaw, Lexis, and the books. Release them to the library and have them find the answer. Challenge them to find it as quickly as they can. They then report back about what they found, how they found it, and how long it took them. This gives students a chance to see and discuss the advantages and challenges of using various on-line and book sources.

78. Real-World Apps

Challenge students to view a recently learned concept from the perspective of a real participant. Ask them to identify when this concept appeared in their lives (e.g., everyone has signed a contract or experienced a tort). After students share these experiences, give them a problem from a real case, and ask them to resolve it. After they've read the facts, give them time in groups to identify the issue and to predict the outcome. Because the problem comes from a real case, you can then give your students the case opinion and compare how they applied the law to how the court did.

79. Demonstrate Collaborate

About three weeks into a term, have a professor from another class come in to your class and talk briefly about what he or she teaches and how it dovetails with what you're teaching. Students tend to think in issue silos; they don't see, for example, that a contracts case may also have tort issues. For example, inviting legal-writing professors into your classroom is always good for a doctrinal class. Have the writing professor give an overview of the four tools for coherent writing (thesis paragraph, topic sentence, transition words, signposting). Students appreciate seeing that professors collaborate and that we share the same goal: giving them a great legal education.

80. If You Show Them, They Will Learn

Coordinate with your school's national trial team or trial-advocacy students and give them a case that your first-term students read. Have the advocacy students prepare closing arguments based on the facts; then have them present the closing arguments to your first-term students. Quiz the first-term students by having them write the elements of the crime, tort, or legal principle and the facts that prove or disprove those elements. This gives first-term students a jumpstart on developing their analytical and legal reasoning.