

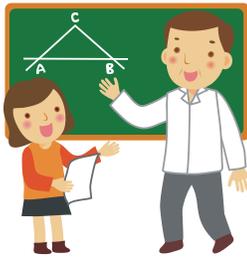
Why Use Audience Response Methods?

- ✚ Students love them
- ✚ Appeals to three main learning styles—visual, auditory, and kinesthetic
- ✚ Satisfies at least four of the seven principles for effective teaching and learning¹

1. Encourages active learning



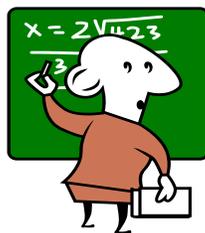
2. Gives prompt feedback



3. Encourages cooperation among students



4. Communicates high expectations



¹ Paul L. Caron & Rafael Gely, Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning, 54 J. Legal Educ. 551, 552 (2004) (citing Symposium, Seven Principles for Good Practice in Legal Education, 49 J. Legal Educ. 367 (1999)). The remaining three principles include encouraging student-faculty contact, emphasizing time on task, and respecting diverse talents and ways of learning. Id. For additional resources about audience response methods, see www.uchastings.edu/infotech/teach-tech/clickers.html.

Using Flash Cards in the Classroom

- ✚ Great for multiple-choice and true-false questions
- ✚ Great for asking questions based on one fact pattern or for having students spot issues within a legal document, such as citation errors or persuasive techniques
- ✚ May be used in doctrinal and skills-based courses

✚ **Steps for Professors:**

1. Make laminated flash cards
2. Assign students into groups of two or three (change groups during the semester)
3. Post a question for students
4. Tell students to collaborate in their groups and to look up when ready
5. Say, "show your answers," and each group holds up the flash card corresponding to the correct answer
6. Discuss results with class

✓ **Encourages active learning?**

- Promotes friendly competition and creates a fun atmosphere
- Encourages students to attend class and engage in the discussion
- Promotes deeper level of understanding when students must orally articulate the reasoning for their answers
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✓ **Gives prompt feedback?**

- Provides instant feedback to students, which allows students to self-assess and motivates them to stay engaged
- Provides instant feedback to professors; if most of the class answers incorrectly, then professor knows to review that topic in more detail
- Debunks assumption that most other students understand the materials
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✓ **Encourages cooperation among students?**

➤ Provides students with opportunity to work on a team to solve problems and to persuade peers

➤ Builds unity among students



✓ **Communicates high expectations?**

➤ Ask hard questions and have students provide detailed reasoning for their answers

➤ Shows students that a rule may be simple but the application of the rule to certain facts may be complex



✓ **Other benefits?**

➤ Low cost

➤ No technology needed



⇓ **Potential Pitfalls?**

➤ Can be overused and then become boring



Using eClicker (Original App) in the Classroom

- ✚ Two different Apps available for professors: (1) eClicker Host (original), and (2) eClicker Presenter (new)
- ✚ Create multiple-choice or true-false questions with corresponding images
- ✚ May be used in doctrinal and skills-based courses
- ✚ Professor must use iOS device (iPhone or iPad) to post questions during class
- ✚ Once students connect to the same wireless network as the professor, the questions will appear on their iOS devices or laptops
- ✚ Shows graphical representation of students' responses
- ✚ Limited to 64 laptops or 32 iOS devices
- ✚ **Steps for Professors:**
 1. Download eClicker Host (\$10.00)
 2. Draft questions
 - a. May prepare questions on your iOS device or home computer
 - b. If using home computer, must first create an account by going to settings on the eClicker Host App; then log onto your account at <https://editor.eClicker.com>
 - c. May give students between 15 seconds and 5 minutes to answer each question
 3. Connect to school's wireless network with your iOS device
 4. Tell students to follow the steps listed below
 5. Select the question set and post questions to students by touching the ">" button
 6. Discuss results with class
- ✚ **Steps for Students:**
 1. Connect to school's wireless network with iOS device or laptop
 2. If using iOS device, download eClicker Client (free); if using laptop, open any web browser
 3. Go to host address on iOS device or laptop (professors: when eClicker Host is open, you will see the host address by touching "Clients" at the bottom of screen)
 4. Enter your name (or remain anonymous)
 5. Wait for question to appear on screen

✓ **Encourages active learning?**

- Similar benefits as flash cards
- Requires each student to answer each question (not necessarily true for Socratic method)
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✓ **Gives prompt feedback?**

- Similar benefits as flash cards
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✓ **Encourages cooperation among students?**

- Similar benefits as flash cards
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✓ **Communicates high expectations?**

- Similar benefits as flash cards
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✓ **Other benefits?**

- Students like new technologies
- May use images with each question to stimulate interest and explain concepts
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⇓ **Potential Pitfalls?**

- Need wireless network and students need iOS devices or laptops
- Students may surf the web and social media sites

- The App sometimes crashes
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Brainstorming Session: Practical and Creative Ideas for Using Flash Cards and eClicker in the Classroom

- ✚ State a rule, present a hypothetical, and question students on the application of the rule
- ✚ Review materials from prior class
- ✚ Use during an entire class or sporadically during a class
- ✚ Save time by obtaining questions from various sources, including the Examples and Explanation series, the Questions and Answers series, and CALI lessons, and then tailor questions to your needs
- ✚ Award students for good performance, such as \$5.00 gift cards or extra points



QUESTIONS FOR FLASH CARDS

Property Question: Standing on her back porch, Sally sees a fat squirrel sitting in a tree in the back yard of her neighbor, Stan. Sally picks up her rifle and fires a shot at the squirrel. The bullet misses the squirrel and flies harmlessly between two branches of the tree. If Stan files suit against Sally, the result will be which of the following?

- A. Sally is liable for nuisance, because she has interfered with Stan's right to exclude.
- B. Sally is liable for trespass, because she has interfered with Stan's right to exclude.
- C. Sally is not liable, because she caused no compensable harm.
- D. Sally is not liable, because the doctrine of *ad coelum* has been partially abrogated.

Torts Question (from CALI): Ben was the owner of a used car. It was his first car, and he did not know very much about it. Ben heard others talking about getting traction with good tires, so he took a look at his tires. He was pleased with what he saw. His tires had rubber on the side, but had strips of metal mesh showing through the rubber on the parts of the tires that would be directly on the road. Ben convinced himself that the metal mesh would help him get good traction. Several days after inspecting the tires, Ben's tires blew out, and he had an accident. The other car owner sued Ben, alleging that Ben was negligent for not maintaining good tires on the car. Ben's response will be that he thought the tires were in very good shape. Ben will probably:

- A. Lose. People who own cars must have them inspected and owe a duty to have tires in good condition.
- B. Lose. People of Ordinary Prudence would realize that the tires on Ben's car were in bad condition.
- C. Win. Ben will only be held accountable for what he actually knew.
- D. Win. Cars are complex, and most people are not expected to understand how they work.

Civil Procedure Question: Which of the following cases may be removed to federal court?

1. Abel, an Alabama citizen, sues Mabel, a Mississippi citizen, in Mississippi state court on a state law breach of contract claim for \$200,000.
2. Abel, an Alabama citizen, sues Mabel, a Mississippi citizen, and Murphy, an Arkansas citizen, in Mississippi state court on a state law breach of contract claim for \$200,000.
3. Abel, an Alabama citizen, sues Mabel, a Mississippi citizen, for violating the federal Age Discrimination in Employment Act, 29 U.S.C. §§ 621–634 (2006 & Supp. IV 2010). Abel files the suit in Mississippi state court.

4. Abel, an Alabama citizen, sues Mabel, a Mississippi citizen, on a state law claim for negligence. Mabel counterclaims against Abel for violating the federal Americans with Disabilities Act, 42 U.S.C. §§ 12101–12213 (2006 & Supp. IV 2010).

- A. 1 and 2 may be removed.
- B. 1, 2, and 3 may be removed.
- C. Only 3 may be removed.
- D. Only 4 may be removed.

Civil Procedure Questions: An owner of a Nissan Murano has sued Nissan North America for breach of warranty for its failure to replace without charge a defective transmission. Answer the following two questions on discovery.

Does Nissan North America need to disclose the existence of relevant, non-privileged documents that relate to its defenses in its initial disclosures?

- A. Yes. The documents are relevant and not privileged.
- B. No. The Murano owner must first request those documents.
- C. Maybe. It depends on whether Nissan intends to conduct discovery (unless solely for impeachment).
- D. Maybe. It depends on whether Nissan will use those documents to support its defenses (unless solely for impeachment).

The Murano owner wants to obtain information from the local independent Nissan dealer regarding Nissan North America's payment for similar warranty claims. Which of the following can the Murano owner use to obtain information from the Nissan dealer?

- A. Depositions and requests for production of documents.
- B. Interrogatories and requests for admission.
- C. Only requests for production of documents.
- D. Interrogatories and requests for production of documents.

QUESTIONS FOR eCLICKER

LRW Question: Paula Corbin Jones, Plaintiff, versus William Jefferson Clinton and Danny Ferguson, Defendants. This case was decided by the United States District Court for the Eastern District of Arkansas, Western Division, on July 29, 1999. It appears in volume 57, page 719, of *Federal Supplement, Second Series*.

- A. Jones v. Clinton, et al., 57 F. Supp. 2d 719 (E.D. Ark. 1999).
- B. Jones v. Clinton, 57 F. Supp. 2d 719 (E.D. Ark. 1999).
- C. Jones v. Clinton, 57 F. Supp. 2d 719 (E.D. Ark. 1999).
- D. Jones v. Clinton, 57 F. Supp. 2d 719 (E.D. Ark. July 29, 1999).

LRW Question: Choose the sentence that best paraphrases this quote: "It is also the correct rule that the owner or operator of premises is under a higher duty with respect to children who are invitees to protect them from dangers about the premises because of their youth and inexperience and inability to appreciate a condition of danger which might be obvious to an adult." Cotter v. Novak, 261 P.2d 827, 828 (N.M. 1953).

- A. Property owners do not have a duty to others; they have a duty only to children.
- B. It is correct that property owners have a "higher duty" to protect children because of their "inexperience and inability to appreciate" a dangerous condition that an adult would appreciate.
- C. Property owners have a "higher duty" to protect children because of their "inexperience and inability to appreciate" a dangerous condition that an adult would appreciate.
- D. Property owners have a higher duty to all children than others.

LRW Question: Which of the following would be binding authority if you are before the Supreme Court of Alabama on a state law issue.

- A. The holding from the Eleventh Circuit applying Alabama state law.
- B. The holding from the United States Supreme Court applying Alabama state law.
- C. A prior holding from the Supreme Court of Alabama on state law.
- D. Choices A through C are all persuasive, but not binding.

LRW Question: Which of the following would be binding authority if you are litigating before the United States District Court for the Southern District of Ohio on an Ohio state law issue.

- A. The holding from the Supreme Court of Ohio on state law.
- B. Language from a decision by the Supreme Court of Ohio.
- C. The holding from the Sixth Circuit Court of Appeals on state law (Ohio is located within the Sixth Circuit).
- D. Choice A and possibly choice B

Torts Question: Which of the following is false?

- A. Intentional infliction of emotional distress does not always require proof of "intentional" conduct.
- B. Nominal damages may be presumed when there are no actual damages.
- C. Offensive language is usually an insufficient basis for a viable assault claim.
- D. Battery requires proof that the defendant acted with the motive to cause harmful contact.

Torts Question: To prove causation for a negligence claim, an injured party needs to prove only that the defendant was the proximate cause of the injury.

- A. True
- B. False

Torts Question: A defendant cannot be the proximate cause of the injury if another actor is the intervening cause.

- A. True
- B. False

Evidence Question: Charlie Brown testifies, "I read in the newspaper that Lucy said, at the scene, "I just saw Snoopy fly!" Is the testimony admissible over hearsay objection?

- A. No, because the newspaper report is hearsay.
- B. No, because Lucy's statement is inadmissible.
- C. Yes, because hearsay exceptions apply to both statements.
- D. No, because the statement is not credible.