

# THE POWER OF NAMING: THE MULTIFACETED VALUE OF LEARNING STUDENTS' NAMES

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*The modern day Australian law school is expected to educate and engage law students. Ideally law school will instil a sense of passion (or at least appreciation) for the law, promote a positive professional identity, foster a sense of community, and provide general support to law students. Collectively, the Australian legal academy is struggling with these goals. Significant numbers of students feel isolated, disconnected and unengaged throughout their tertiary legal education. Teaching students from increasingly diverse backgrounds, who spend less time on campus and less face-to-face time in class, many law academics feel ill-equipped to respond to the challenge of engaging law students in time and cost efficient ways. Intentionally learning and using student names has potential to humanise the law school experience, build community, and positively impact upon the wellbeing of students and staff.*

## I INTRODUCTION

*You want to go where you can see,  
Our troubles are all the same;  
You want to be where everybody knows your name.<sup>1</sup>*

Law school provides both opportunities and challenges for law students. As students transition into higher education,<sup>2</sup> they build a foundation for future educational experience.<sup>3</sup> Early core topics allow for encounters with substantive law, and bring students into (sometimes unexpected) contact with the hidden curriculum of academic culture, convention and expectations. Students enter their legal studies with big questions: Who am I now that I'm studying law? How do I

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<sup>1</sup> Gary Portnoy and Judy Hart Angelo, *Theme from Cheers (Where everybody knows your name)* (1982).

<sup>2</sup> Sally Kift, Karen Nelson, (2005) 'Beyond curriculum reform: Embedding the transition experience' in *Higher education in a changing world* (Proceedings of the 28th HERDSA Annual Conference, Sydney, 3-6 July 2005), 225-235.

<sup>3</sup> William M Sullivan, Anne Colby, Judith Welch Wegner, Lloyd Bond, Lee S Shulman, *Educating lawyers: Preparation for the profession of law*, (Jossey-Bass, 2007) 3.

fit into this new community? Will I measure up to what's expected of me?<sup>4</sup> At best, their time at law school involves a series of 'aha moments' going beyond 'simple encounters with threshold concepts,' and resulting in 'changes in identity that extend beyond [students'] understanding of a discipline.'<sup>5</sup> Such moments confirm study choices, affirm and strengthen anticipation of future goals, and deepen a sense of engagement. For others, law school is more difficult. Isolated, intimidated and confronted,<sup>6</sup> they feel the pressure of a highly competitive environment acutely. Do they fit? Are they accepted? Will they recover from a law school failure? Will they succeed and make it in the end? It can be easy to feel alone, unnoticed and unvalued. As they progress to later years of study and begin transitioning into their careers, students start to ask similar questions about their identity as future professionals: What does it mean for who I am, now that I am a law graduate? How will I fit into this new professional community? Will I measure up to what will be expected of me?

Interactions that students have with staff during the early semesters can be critical for encouraging retention, and in supporting high quality learning outcomes.<sup>7</sup> In later years, these interactions can also be instrumental in forming professional identity,<sup>8</sup> welcoming junior colleagues to an academic and legal professional community, and in transitioning from hierarchical to peer relationships.

Learning and development has been shown to improve when students have opportunities to contact academics – particularly beyond class, when such contact is academic rather than administrative in nature, when interactions extend beyond the formal curriculum into more general intellectual territory, and when academics can engage with the learner as an individual.<sup>9</sup>

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<sup>4</sup> Alf Lizzio, 'Designing an orientation and transition strategy for commencing students' (Griffith University: First Year Experience Project, 2006), 4. <[http://www.griffith.edu.au/\\_\\_data/assets/pdf\\_file/0008/51875/Alfs-5-Senors-Paper-FYE-Project,-2006.pdf](http://www.griffith.edu.au/__data/assets/pdf_file/0008/51875/Alfs-5-Senors-Paper-FYE-Project,-2006.pdf)>.

<sup>5</sup> Marnie Hughes-Warrington, 'Which first year and whose transition? Transforming academic teaching models', (keynote address presented at 13th Pacific Rim First Year in Higher Education Conference, Adelaide, 27-30 June 2010).

<sup>6</sup> Molly O'Brien, Stephen Tang and Kath Hall, 'Changing our thinking: Empirical research on law student wellbeing, thinking styles and the law curriculum,' (2011) *Legal Education Review*, 173-175.

<sup>7</sup> Hamish Coates, 'Engaging students for success', (Australasian Student Engagement Report Australasian Survey of Students Engagement, 2009) 20 <[http://www.acer.edu.au/documents/aussereports/AUSSE\\_Australasian-Student-Engagement-Report-ASER-2008.pdf](http://www.acer.edu.au/documents/aussereports/AUSSE_Australasian-Student-Engagement-Report-ASER-2008.pdf)>; Nick James, 'How dare you tell me how to teach!: Resistance to educationalism within Australian law schools' (2013) 36(3) *University of New South Wales Law Journal* 779.

<sup>8</sup> Rachael Field and James Duffy 'Using reflective practice assessment in the first year of law to encourage a positive professional identity and promote law student well-being' in Rachel Mortimer (ed) (Proceedings of the 15th International First Year in Higher Education Conference, Brisbane, 2012), pp. 1-9; Rachael Field, James Duffy and Anna Huggins, 'Supporting transition to law school and student well-being: the role of professional legal identity' (2013) 4(2) *The International Journal of the First Year in Higher Education* 15.

<sup>9</sup> Coates, above n 7, 20.

Law students are now known to be at high risk of suffering psychological distress, particularly during their first year of university study,<sup>10</sup> with rates of psychological distress in law students and lawyers well documented in both the US and Australia. Acknowledging the need to humanise law school, and make it more interesting, engaging, and less isolating<sup>11</sup> is an important response to these levels of distress, but what practical steps can be taken immediately? What qualifications, training or resources are needed to tackle this problem? Is there something that can be done right away, without necessitating curriculum changes or dumbing down learning standards?

In this article, we suggest a surprisingly simple, practical first step: *learn law students' names*. Although it may sound naïve or minimal, learning student names has been called the 'single most important thing a [law] teacher can do to create a positive climate in the classroom.'<sup>12</sup> Cynics may ask, 'Why should I bother? What are the substantive benefits?' Past law teaching paradigms, like that modelled by the fictitious Professor Kingsfield in the 1973 movie, *The Paper Chase*,<sup>13</sup> were confronting and intimidating. Today, successful law professors learn everyone's names and more.<sup>14</sup> Teachers who do not know students' names may seem remote or unapproachable. But when a teacher engages students in conversation, by name, a nonverbal message goes out that the student is respected and valued. A classic win-win situation, both teacher and students prosper when names are known.

In fact, learning names brings multiple benefits to students, to the class, to the law school community, the learning environment, and to teachers. It can make a profound difference - that students notice. Two recent nominations of law teachers for separate excellence awards written by students included reference to the importance of teachers knowing their names:

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<sup>10</sup> Massimiliano Tani, and Prue Vines, 'Law students' attitudes to education: Pointers to depression in the legal Academy and the Profession?' (2009) 19(1&2) *Legal Education Review* 3-39; Norm Kelk, Georgina Luscombe, Sharon Medlow, and Ian B Hickie, *Courting the Blues: Attitudes towards depression in Australian law students and legal practitioners* BMRI Monograph 2009-1, (Sydney, Brain & Mind Research Institute, 2009); Council of Australian law Deans Legal Education Project <[http://www.cald.asn.au/docs/Law\\_Report\\_Website\\_version\\_4\\_May\\_09.pdf](http://www.cald.asn.au/docs/Law_Report_Website_version_4_May_09.pdf)>; Molly O'Brien, Stephen Tang and Kath Hall, 'Changing our thinking: Empirical research on law student wellbeing, thinking styles and the law curriculum,' (2011) 21 *Legal Education Review* 149; Wendy Larcombe, Ian Malkin, and Pip Nicholson, 'Law students' motivations, expectations and levels of psychological distress: Evidence of connections', (2012) 22 *Legal Education Review*, 71-98; see Wendy Larcombe, Letty Tumbaga, Ian Malkin, Pip Nicholson and Orania Tokatlidis, 'Does an improved experience of law school protect students against depression, anxiety and stress? An empirical study of wellbeing and the law school experience of LLB and JD students' (2013) 35 *Sydney Law Review* 407-432.

<sup>11</sup> Lawrence S Krieger, 'Psychological insights: Why our students and graduates suffer, and what we might do about it' (2002) 1 *Journal of the Association of Legal Writing Directors*, 258-265.

<sup>12</sup> Gerald F Hess, 'Heads and hearts: The teaching and learning environment in law school,' (2002) 52 *Journal of Legal Education* 75, 88.

<sup>13</sup> *The Paper Chase*, Dir. James Bridges (20<sup>th</sup> Century-Fox, 1973).

<sup>14</sup> Joan Catherine Bohl, 'Generations X and Y in law school: practical strategies for teaching the MTV/Google generation' (2008) 54 *Loyola Law Review* 775; Paul Ramsden, *Learning how to teach in higher education* (Routledge 2003).

She takes the time to learn all of the names of the people in her tutorials. By week four she had learnt most of our names.<sup>15</sup>

[I]f you want to know how much [XX] cares about her students all you have to do is walk into any of her tutorial rooms, I bet she can name every student in the class. I know this because she could name every student in ours and took the time to get to know us as individuals, demonstrating to us how much she genuinely cared about our education and wellbeing. ... [XX] ... has been the first and only lecturer to take time in a tutorial and lecture to wish us the best with the rest of our course but also with our careers and did so in a way that genuinely cared; not your generic 'thanks, goodbye, good luck, good riddance' that often comes from people who barely know you. I put this down to the fact that [XX] didn't see us as a cohort but as individuals, studying the same topic which happened to be her passion.<sup>16</sup>

In the pages that follow, we will discuss the benefits of naming, give examples from some of our own experiences including our difficulties learning names, and explore some unexpected outcomes. Because learning student names requires effort (and because most teachers do not take the time),<sup>17</sup> we will also set out a few methods to learn students' names.

Given the practical rather than theoretical nature of this article, we have not explicitly focussed upon a theoretical *justification* for our pedagogical strategies. Basic psychological needs theory from the discipline of psychology (with its focus on autonomy, competence and relatedness)<sup>18</sup> implicitly underpins many of the comments and suggestions we make throughout this article. Simply put, learning and using student names creates relationships between staff and individual students, and promotes relationships between students. Basic psychological needs theory explains that experiences of relatedness contribute to the satisfaction of an individual's innate needs and consequently promotes psychological well-being.<sup>19</sup>

## II NAMES MATTER

Humans have an impulse to name everything as a way of making it known. The Biblical account in Genesis describes God tasking Adam with the responsibility of choosing names for all creatures.<sup>20</sup> Scientists in the process of naming species may say there are only a certain number of "known" species of organisms when they really mean that there are only a certain number of named species. There is apparently both considerable disagreement and competition over who has the right to name a star.<sup>21</sup> Hurricanes and cyclones are given names rather than

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<sup>15</sup> Education Excellence Award Nomination 2013, copy on file with Molly Townes O'Brien.

<sup>16</sup> Tyler Marie Jaensich, Nomination submitted to 2013 LexisNexis Lecturer of the Year competition <[https://www.facebook.com/LNCampus/app\\_317355118338012](https://www.facebook.com/LNCampus/app_317355118338012)>.

<sup>17</sup> Simon Handy, 'Learning student names,' in 32:8 *The Language Teacher* (August, 2008)<[jalt-publications.org/tlt/2008/08\\_2008TLT.pdf#page=29](http://jalt-publications.org/tlt/2008/08_2008TLT.pdf#page=29)>.

<sup>18</sup> Christopher P Niemiec, Richard M Ryan and Edward L Deci, 'Self-determination theory and the relation of autonomy to self-regulatory processes and personality development' in Rick H Hoyle (ed), *Handbook of personality and self-regulation* (Wiley-Blackwell, 2010) 169, 176-7.

<sup>19</sup> *Ibid.*

<sup>20</sup> Genesis 2:19

<sup>21</sup> See for example

<<http://www.iau.org/public/themes/naming/#stars>>

numbers, according to policies of local meteorological authorities.<sup>22</sup> After all, “200 Dead as Number Three Slams Ashore” is not nearly as interesting a headline as “Charlie kills 200.”<sup>23</sup> From a more commercial perspective, business owners prefer searchable names (known as vanity URLs) to number locators, so as to increase traffic to social media and webpages.<sup>24</sup>

Naming creates a relationship even at its very beginning. Hours of deliberation can precede the birth of a child, and names bestowed on children by their parents may carry layer upon layer of careful meaning. Names invite hospitality and are usually the first piece of information shared when someone is introduced to another person. They are used to honour and revere, provide recognition and acknowledgement.<sup>25</sup> Conversely, names can also be the basis for stereotypical assumptions and perceptions, with research among children suggesting that classmates with unique names were more often disliked, and ‘more likely to be discriminated against both socially and academically.’<sup>26</sup> Preconceptions about names can be used to reinforce class distinctions.<sup>27</sup>

In some prisons, people are deprived of names. Victims of the Nazi concentration camp at Auschwitz, tattooed with identity numbers, were dehumanised by the refusal to acknowledge their names.<sup>28</sup> More recently in Australia, detainees at immigration detention centres have been known by numbers assigned to them, rather than by their names.<sup>29</sup> Members of the stolen generation and those in state institutions have recently given evidence of the trauma they endured as a result of being referred to by number rather than name.

Cuban author Wendy Guerra recently said, ‘[t]hat which ceases to be named ceases to exist.’<sup>30</sup> Knowing the names of others acknowledges their humanity and their right to exist. Students’ names are indicative of the richness they bring with them to class, representing their diversity, cultural heritage, family hopes and dreams.<sup>31</sup> This ‘mark of identity’<sup>32</sup> is a powerful symbol, and using students’

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<<http://www.nameastarnasa.com/>; <http://www.sydneyobservatory.com.au/star/>>.

<sup>22</sup> George Carlin, *Brain Droppings* <<http://www.goodreads.com/quotes/tag/names>>; see for example Australian Government Bureau of Meteorology Tropical Cyclone Names <<http://www.bom.gov.au/cyclone/about/names.shtml#policy>>.

<sup>23</sup> Ibid 21.

<sup>24</sup> Shawn Farner, *How to get a Facebook link to a page with a name instead of number*, <<http://smallbusiness.chron.com/facebook-name-instead-number-28915.html>>.

<sup>25</sup> See for example the renaming of South Africa’s Union Buildings on 10 December 2013 as the Nelson Mandela Amphitheatre <<http://mg.co.za/article/2013-12-10-zuma-renames-union-buildings-amphitheatre-to-honour-madiba>>.

<sup>26</sup> Tracy N Anderson-Clark, Raymond J Green and Tracy B Henley, ‘The relationship between first names and teacher expectations for achievement motivation’ (2008) 27(4) *Journal of Language and Social Psychology*, 94.

<sup>27</sup> Barbara Ellen, *The Guardian* <<http://www.theguardian.com/commentisfree/2013/jul/07/name-calling-middle-class-prejudice>>.

<sup>28</sup> United States Holocaust Museum, *Holocaust Encyclopaedia*, Tattoos and numbers: The system of identifying prisoners at Auschwitz <<http://www.ushmm.org/wlc/en/article.php?ModuleId=10007056>>.

<sup>29</sup> Personal observations made by Tania Leiman during attendance at Woomera Detention Centre in 2000.

<sup>30</sup> Wendy Guerra, as quoted by Jon Lee Anderson in ‘Private Eyes,’ *The New Yorker*, 21 October 2013, at p70.

<sup>31</sup> Anderson-Clark et al, above n 26, 94.

names recognises their individual worth. Not doing so sends an implicit message to students that their humanity is not relevant to or important in their understanding of the law. By knowing each other's names, we become human to each other.

### III BUILDING A LAW SCHOOL COMMUNITY

A recent report on the first year university experience notes that fewer and fewer students feel that their teachers know their names.<sup>33</sup> In Australia, this figure has decreased from 66 percent in 2004 to 58 percent in 2009.<sup>34</sup> Students are spending less time on campus, less time in class and more time online, resulting in significantly less face-to-face time with academic staff.<sup>35</sup> Whilst commencing students (especially those coming straight from school) expect fewer personal interactions than they were accustomed to in other educational settings, there is still a significant gap between their expectations and their disconnected university reality. In the post Bradley Review era, Australian university student demographics have diversified significantly, with many more first-in-family students having very limited knowledge of how to initiate appropriate staff-student interactions or out of class engagement. There is no reason to think that law students are any different from other university students.

In this context, creating a sense of community can be challenging. According to Alf Lizzio, a '[s]ense of connectedness' which 'depends on the quality of their relationships with peers, with staff and their feelings of identification or affiliation with their School or University' is one of five areas relevant to students' success at university.<sup>36</sup> Parker J Palmer argues that good teaching is an act of hospitality, and that the learning 'space should invite the voice of the individual and the voice of the group.'<sup>37</sup> He suggests that as academics, 'one of the great tasks of our time' is to 'hear people', and he notes 'our students want to find their voices, speak their voices, have their voices heard.'<sup>38</sup> Using their names can allow us to more fully hear our students. Learning student names is a critical first step in forging a connection with students and in creating a community. It is doubtful whether a group of un-named students could form a community. Indeed, it would be odd to use the word "community" to refer to a group of people who didn't know each other's names. Students long for community, and a sense of belonging, collective endeavour and shared identity. One student pleaded to a US law professor:

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<sup>32</sup> Ibid.

<sup>33</sup> Richard James, Kerri-Lee Krause and Claire Jennings, 'The first year experience in Australian universities; Findings from 1994-2009,' *Centre for the Study of Higher Education*, (The University of Melbourne, March 2010) <[http://www.frp.qut.edu.au/qcrweb/FYE\\_Report\\_1994\\_2009.pdf](http://www.frp.qut.edu.au/qcrweb/FYE_Report_1994_2009.pdf)>.

<sup>34</sup> Ibid, 2.

<sup>35</sup> Sally Varnham and Wenee Yap, 'The student experience: The holistic law student' in Sally Kift, Michelle Sanson, Jill Cowley and Penelope Watson (eds), *Excellence and innovation in legal education* (LexisNexis Butterworths, 2011) 363, 365.

<sup>36</sup> Lizzio, above n 4, 2.

<sup>37</sup> Parker J Palmer, *The courage to teach* (Jossey Bass, 10<sup>th</sup> anniversary edition, 2007) 78.

<sup>38</sup> Ibid, 47.

Make it more of a community because we're here for three years. It's a long time for us, and it's a time we'll remember the rest of our lives. Let's be a community and maybe we'll learn a bit more because of it.<sup>39</sup>

#### IV LEARNING, TEACHING AND NAMING

How both students and teachers identify themselves and their role is significant, and the use of names can affect how academic staff may view themselves. Research amongst vocational teachers revealed that 'the act of naming oneself as a learner is a complex one, which opens up issues related to position, recognition and power.'<sup>40</sup> How academics talk about and to their students may be illustrative of their views of those learning relationships.<sup>41</sup> They may be viewed hierarchically, with power and authority residing in the teacher, or instead as mutual membership of a shared learning community.<sup>42</sup> Where teachers only know their classes as groups of "students", they implicitly project a sense of hierarchy. Speaking of and about students as an amorphous anonymous mass may more readily encourage staff to view their teaching and learning interactions through a 'student deficit' lens, where all members of a class are seen as indistinguishable, and the failings or problems of particular students are effectively assigned to all others.

Learning names can help to move staff from viewing their teaching practice and their mass cohort of students through a 'student-deficit model' lens to a perspective that begins to understand the importance of different personalities and learning styles.<sup>43</sup> Engaging in activities where students become known as individuals can be a catalyst for that shift. A fundamental feature of the effective facilitation of learning is to make students feel that they are valued as 'separate, unique individuals deserving of respect.'<sup>44</sup> Harnessing the power of 'naming' brings greater connectedness and is profoundly important in establishing learning relationships. A teacher who believes that students can learn most effectively when they feel acknowledged, included and secure will learn their names. Learning names treats individuals as 'very much worth knowing.'<sup>45</sup> Introductions also present opportunities for exchange, allowing a teacher to let himself or herself be known, creating a mutuality that supports engaged learning. In that environment, students can construct their own understanding of materials and

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<sup>39</sup> Hess, above n 12, 83.

<sup>40</sup> David Boud and Nicky Solomon, "I don't think I am a learner": acts of naming learners at work', (2003) 15(7-8) *Journal of Workplace Learning* 326, 326.

<sup>41</sup> Self-determination theory focuses specifically on relatedness. Edward L Deci, and Richard M Ryan, *Handbook of self-determination research*, (University of Rochester Press: Rochester, NY, 2002).

<sup>42</sup> Ibid, 327.

<sup>43</sup> Kennon M Sheldon and Lawrence S Krieger, 'Does legal education have undermining effects on law students? Evaluating changes in motivation, values and well-being' *Behavioral Science & Law*, 22, 261-286; and Kennon M Sheldon and Lawrence S Krieger, 'Understanding the negative effects of legal education of law students: A longitudinal test of Self-Determination Theory' (2007) *Personality and Social Psychology Bulletin*, 33, 883-897.

<sup>44</sup> Hess, above n 12, 87.

<sup>45</sup> Julia Glencer, Erin Karsman, Jan Levine, and Tara Willke, 'The fruits of hope: Student evaluations,' 2010, 48 *Duquesne Law Review* 233, 239.

content. Students know whether their teacher knows them and respects them, and if they know that you do not, ‘you will fail as a teacher.’<sup>46</sup>

Teaching is not a spectator sport. It is interactive. A teacher, who knows the names of the students in class, can interact with them, be challenged by student intellect and imagination, and learn from them.<sup>47</sup> When teachers move beyond knowing names to knowing their students individually, the importance of employing different approaches to the material becomes apparent. Students bring not only a variety of personalities and learning styles with them to the class, they also bring a wealth of experience and insight. Where teachers know their students as people, they are free to incorporate student experience into the class discussion. This can humanise each student. As one student commented:

When you raised your hand, it was not “you in the back” or “you with the shirt,” it was “Ms. So-and-So” or “Mr. So-and-So.” And it absolutely made you feel like “All right, the focus is on me and this professor wants to hear what I am about to say.”<sup>48</sup>

To know student names and treat them with respect is to create an environment where they will feel comfortable and validated.<sup>49</sup> A student who is anonymous in class can ride out the class time as an observer. But students never wish to remain anonymous. Students have identities and want to be recognized as individuals.<sup>50</sup>

Indeed, even those who profess a desire to hide from questioning because of extreme apprehension do not want this to remain a permanent state of affairs throughout law school or even throughout a particular course. Further, quite apart from student preferences, a teacher really cannot conduct or orchestrate class discussion without knowing each of the players, and this knowledge always begins with mastering their names.<sup>51</sup>

The student who is aware that the teacher knows him as a person and could ask a question of him at any time is more likely to spend the class time listening. While listening, the student is more likely to become engaged and even enthusiastic. A law teacher once heard a student say that he worked hardest in the law school course where the professor knew his name. Overhearing that statement caused the teacher to embark on the project of memorizing seating charts.<sup>52</sup> That teacher now knows and uses his students’ names both in and out of class. He has noticed that it causes the students to work harder – ‘almost as if they have a more personal stake in your course.’<sup>53</sup> Similar sentiments were reflected in this recent nomination for teacher excellence where the fact that teachers knew their students’ names was also a key ingredient:

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<sup>46</sup> Hess, above n 12, 87.

<sup>47</sup> David Becker, ‘Teaching teachers about teaching students’ (2010) 87 *Washington University Law Review* 1105, 1112.

<sup>48</sup> Hess, above n 12, 88.

<sup>49</sup> *Ibid.*

<sup>50</sup> Becker, above n 47, 1112.

<sup>51</sup> *Ibid.*

<sup>52</sup> Douglas Whaley, ‘Teaching law: Advice for the new Professor,’ (1982) 43 *Ohio State Law Journal* 125, 135.

<sup>53</sup> *Ibid.*, 135.



From showing students that she cares, [XX] has an effect on students that not many lectures can, she can evoke guilt. If we rocked up to a tutorial or lecture and hadn't done the required readings, usually we wouldn't care, but not when [XX] was our teacher. Given that [XX] put so much care, thought and passion into our classes and our education, the fact that we failed to do that even if for one class brought on a whole new level of guilt!<sup>54</sup>

More importantly, where the teacher uses student names during class, students will be assisted to learn each other's names as well, and begin to recognise each other when they see each other outside class. When standing in line at the bookstore, or when waiting for a coffee, students will know their classmates by name and may talk to each other. Increasingly large law school classes involve students stuck passively in forward-facing seats. These classrooms can be very intimidating environments in which to get know your peers. There is often a lack of meaningful dialogue among students. One teacher noticed that year after year groups of students in the same class did not know each other's names:

I am continually struck by the fact that nine months is a sufficient gestation period for the development of human life, yet within that same time period, the majority of law students do not have adequate time to develop human relationships with more than a few other students.<sup>55</sup>

Students rarely forget their connection with teachers who knew their names. Student requests for references or invitations from them to attend prize giving ceremonies, sometimes issued years later, are regularly accompanied by wistful comments such as 'I felt you were the only person in the law school who actually knew who I was.'<sup>56</sup>

The positive socio-emotional climate created by knowing students' names has been called 'the first step toward developing, maintaining, and communicating high expectations.'<sup>57</sup> It may contribute to the warmth of the learning environment, and help to create and maintain a learning environment that depends 'less on grand gestures and pronouncements than on teachers' and students' doing many little things consistently well.'<sup>58</sup> Time on task may be improved. When the teacher knows something about the students, the students may contribute to the class from their own experience. One student commented:

We have a lot of life experiences that we are bringing in. In some ways we know more of what should have happened in a given contracts setting or torts setting because we've been out in fields where these things happen. And some professors are really great about honoring that and seeking out students that they know have worked in a field to get their input.<sup>59</sup>

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<sup>54</sup> Jaensich, above n 16.

<sup>55</sup> Paula Lustbader, 'Walk the talk: Creating learning communities to promote a pedagogy of justice' (2006) 4 *Seattle Journal of Social Justice* 613, 624.

<sup>56</sup> Personal email correspondence from students to Tania Leiman held on file.

<sup>57</sup> B Glesner Fines, 'The impact of expectations on teaching and learning' 2003, 38 *Gonzaga Law Review* 89, 110.

<sup>58</sup> Hess, above n 12, 87.

<sup>59</sup> *Ibid.*, 89.

## V LEARNING NAMES – THOUGHTS AND TECHNIQUES

If you teach in large classes, you may think that learning the students' names will be difficult or impossible. There are many techniques you might want to try. You might, for example, use nametags, or seating charts, or photographs, or birthday songs.<sup>60</sup> You might try repeating the students' names to yourself before class. You might ask each student to create a class passport with their photo and name on a card.<sup>61</sup> You might divide the students into groups and learn one group each class. Encourage students to add their photo alongside their student name and ID on your institution's learning management system, so that everyone enrolled in your topic can put a face to a name more easily. You might try several of these tactics at the same time. Our hope is that these examples, from three different academics at different universities across Australia, might be transferable to other law schools across the country. We each adopt a number of specific techniques in the first weeks of classes, designed to enhance students' overall academic, social and cultural experience.

### A Molly – Australia National University College of Law

I welcome students to the very first class with a quality visual presentation and a high energy icebreaking activity that requires students to interview and introduce the person sitting next to them to the class. Before they conduct their interviews, I tell them to be sure to find out about the person's connections with the class subject. I also tell them to make a note of some strange fact, like '*I sometimes walk my dog after midnight.*' After two or three minutes of classroom conversation, I stop the interviews and introduce myself with a short, humorous introduction. Then I turn to the first student for her introduction. Each student in the class has someone to introduce, and knows their connection with the subject, and has an interesting fact in their life. The introductions are fast, no more than thirty seconds each. They are also often funny or provide good insight into why the student is in the class. When I am teaching Criminal Law, I am often surprised by the introduction of a person who became interested in law after visiting their uncle in gaol or after helping their grandfather work on an appeal, or after working in a women's shelter. The introduction exercise gives every student an opportunity to speak. It may also give them something to talk to each other about later. It also creates an enthusiastic, interactive and energetic environment from the very beginning of class. Because I believe that learning the names of all students is a key to enhancing their engagement with learning and the law school community, I try to make sure that by the end of the first class, I know every student's name. I explicitly encourage the students to learn the names of their peers. I sometimes ask a student to name every student in the room. Surprisingly, even when there are sixty or seventy students in class, most of the students remember every one. When there are more than seventy students, I bring name cards for the students to put on the front of their desk.

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<sup>60</sup> Teacher Vision, *Learning Students' Names Quickly*  
<<http://www.teachervision.fen.com/teaching-methods/classroom-management/6708.html>>

<sup>61</sup> Handy, above n 17, 27-28.

I have had students tell me that in my class, in their fourth year of law school, they finally began to feel like they belonged in law school. Their sense of wellbeing, sense of belonging and community were enhanced. Being anonymous undermines the sense of community and wellbeing. Naming is humanising, personalising and community building. It also opens the door to hearing about student experiences. I have often had a student come forward in class with a personal experience that helped illuminate a difficult point.

*B Tania – Flinders Law School, Flinders University*

I usually begin my first year tutorial workshops with a game of ‘People Bingo’, a ‘speed dating’ exercise that requires students to meet and exchange names with as many different people as possible in a short time. Usually I reward the student who has met the most people with a chocolate bar. I explain to students at the very beginning of that class that I place a very high value on learning names and so will be making every effort to do so, and encourage them to do likewise. I challenge myself to learn every student’s name in each of my tutorial workshops by the end of the first class, and do this by very deliberately taking the roll and making notes about appearance, preferred names, etc. After the roll is completed, I try to go around the class and repeat back each student’s name without consulting the roll. Making mistakes here is half the fun, and reinforces for all class members that it takes time and effort to get to know each other. Throughout the rest of the class, when students are working in small groups, I wander the room checking that I can place every name to a face. If needs be, I interrupt group work briefly to check with students that I can correctly identify them.

I encourage ‘the practise and practice of ... socio-cultural skills’ that students will need to succeed in their studies.<sup>62</sup> I provide students with a small welcome postcard for them to fill out and return to me at the end of the class. They can choose how much if any information they include. The postcard invites them to complete the following:

Hi Tania, my name is...

Some things I would like you to know about me are ....

In this topic I am hoping for....

In this topic, I am worried about....

In order to ‘normalise’ interacting with academic staff, seeking help and asking questions, I invite all students to a “Chat with Tania” within the second week of semester, via booking a 10 minute slot on a hard copy booking sheet or via Doodle poll or equivalent, and indicate that I expect to see everyone at some point. Whilst this is a time consuming process, for me the hours I set aside for these interviews are a worthwhile investment. When attending these appointments the following week, students often comment that this is the first

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<sup>62</sup> Marcia Devlin, ‘Non-traditional university student achievement: Theory, policy and practice in Australia’, (keynote address presented at 13th Pacific Rim First Year in Higher Education Conference, Adelaide, 27-30 June 2010).

time they have ventured into this part of the law school or that they got lost on the way to my office. I congratulate them on finding me, welcome them to my office, give them an informal opportunity to tell me about themselves or share any relevant information, and ask any further questions. Students can choose not to chat at all, and I am very clear that their obligation is fulfilled simply by demonstrating they can find my office. This 'chat' forms a solid basis for subsequent interactions with that student, both within and outside class. Students have shared personal life stories, hopes, fears and expectations ranging from the mundane to the intimate. I have found this to be very effective in equipping particularly older, less confident or non-traditional students with the confidence to broach the gulf between student and academic. It confirms to students that asking questions and seeking help contribute to the development of 'university socio-cultural competency'.<sup>63</sup> It is also a chance to alert students individually to other potential resources that are available to them to assist their study. Materials from the Student Learning Centre, books and study guides that provide support for university study, and for surviving law school in particular, are available for perusal, discussed and explored in conversation with each student. Many students have been surprised that such resources are available, and very grateful to have them identified and their use emphasised and encouraged so early in their studies.

Acknowledging my own 'narrative' as a law student and lawyer allows me to be open with students about the way this influences and grounds my teaching practice.<sup>64</sup> Many students arrive at law school apprehensive and anxious. I invite questions about who I am, my journey in the law, and readily share my personal and professional experiences with students. By 'entering empathetically into their world,' I 'teach to their fearful hearts' to empower and motivate their learning.<sup>65</sup> Numerous students have reflected that in allowing myself to be transparent in this way, I have inspired and encouraged them to persist in their own journeys with the law.<sup>66</sup> Being approachable and readily available for consultation, both in person and online, demonstrates my ongoing commitment to building these empathetic relationships with students. Using students' names continually during the semester reinforces a sense of individual worth and identity, and develops a sense of belonging. Many students have reflected at that time or in later years (and sometimes much, much later) how important it was to them that I knew their names.

I seek to model professional and compassionate behaviour in the way I communicate to students. Email communications can be cold and harsh, unless careful thought is given to tone, structure and layout. I explain to students that their professional communications should include names, both of the person to whom the email is addressed, and also of the sender. I include suggestions about email etiquette in my topic guide for students to follow. I use names when providing written feedback, addressing my comments in letter form to the student who submitted the work. I am beginning to use audio feedback on electronically submitted assignments, and the dynamic of speaking personally to the student in

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<sup>63</sup> Ibid, 6.

<sup>64</sup> Hughes-Warrington, above n 5.

<sup>65</sup> Parker J Palmer, above n 37, 46.

<sup>66</sup> Ibid, 17.

this way, using their name regularly, has been much appreciated by students so far.

*C James – Queensland University of Technology Law School*

The importance I place upon learning law student names is driven in part by my own educational history. I was fortunate enough to be taught by an amazing secondary school mathematics teacher who knew everybody's name, and was unfortunate enough to attend a law school where virtually no academic knew, or was interested in knowing my name. I learn student names because I remember how good it felt when a teacher I respected so much knew my name and a little bit about me. When I walked into this teacher's classroom, I felt 10 foot tall and bullet proof. I can't remember exactly how she taught, or what it was that she said, but in the words of Maya Angelou, you bet I can 'remember how she made me feel.'<sup>67</sup> Comfortable. Confident. Special.

Learning law student names seems such an obvious first step to engaging with someone and establishing rapport. The best law lecturers don't teach subjects. They don't teach classes. They teach students.<sup>68</sup> To teach a student, you have to know their name and establish a connection. According to Pattison, Hale and Gowans, '[m]ost [academics] want to connect with students and treat them respectfully, but a problem arises with identifying behaviours that communicate respect.'<sup>69</sup> If you were to take a step outside of a law faculty and ask a member of the public how best to engage with a person and develop a relationship, answers would arguably be fairly simple and uniform. Learn their name, ask them a little bit about themselves and convey a genuine sense of warmth and interest towards them and what they have to say. It seems confusing then that such obvious social courtesies do not automatically translate into the classroom. Worse still, is when such courtesies are discounted or overlooked because 'that is not the domain of the law teacher – they are there to teach, not to make friends.'

To me, learning student names represents a beautiful flattening of hierarchy. Students come to law school with uncertain expectations surrounding the academic-student relationship. It is completely within my control to perpetuate a sense of power imbalance and hierarchy with my students, or to reduce it. Because I cannot see the upside in 'elevating myself' as an academic above my students, I learn their names to decrease the sense of hierarchy which does accompany the teacher-student relationship. In a tutorial of 20 students where the students know the law teacher's name, but the law teacher has not learned their name, hierarchy is implicit. The law teacher who learns their students' names has the potential to change the classroom dynamic – away from a 20:1 student/staff ratio - towards 20 one-to-one relationships. The rise of massive online open courses (MOOCs) and online legal education generally, requires law schools to focus upon the human relationships that underpin the education process. It is this human, teacher-student dyadic relationship that cannot be replicated online or in

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<sup>67</sup> Maya Angelou, 'I've Learned...' in Bob Kelly (ed) *Worth Repeating: More Than 5,000 Classic and Contemporary Quotes* (Kregel Publications, 2003) 263.

<sup>68</sup> Patricia Pattison, Janet Riola Hale and Paul Gowans, 'Mind and Soul: Connecting with students' (2011) 28(1) *Journal of Legal Studies Education* 39, 39.

<sup>69</sup> *Ibid.*, 43.

mass numbers. Our increased knowledge of law student psychological distress similarly calls for us to know our students.<sup>70</sup> We should not underestimate how knowing a student's name may impact upon their well-being. To the law student who is feeling insecure (about their academic ability or otherwise), isolated, or overwhelmed, being individually acknowledged and known by staff faculty can mitigate some of these known stressors.

My personal approach to learning student names and establishing rapport is aided (in part) by technology. The Queensland University of Technology has an online platform called *QUT Virtual*, which amongst other things, is a repository for student ID photographs, student details and academic histories. When a student enrolls into a particular tutorial, a class list of ID photos is generated for that tutorial. Law staff members have access to these class photos and the ability to print them out. This allows me to match faces to names before I even walk into the first tutorial of a semester.

During the first tutorial, I will let students know that this "class photos" resource is available to me as a staff member, and that I have already used it in an attempt to learn names. After explaining the structure and assessment of the unit I am teaching, I take an initial roll, telling students that by the end of the first tutorial, I will know all of their names by heart (which is often met with grins and scepticism). I immediately have students working in groups of 4-5 and ask them to introduce themselves to each other before they begin working. As students work through a series of questions in groups, I have my class list of photos in front of me and silently practice naming every student in the class. At the end of the first tutorial, I say to my students, 'You now know my name and my contact details. I'm really looking forward to the semester ahead with you. Let me prove that I know who you are.' I will then go around the room naming each individual student. It has never failed to get the semester off to a great start. It is one of the simplest, yet most effective things I do as a teacher. Symbolically, with such a simple act, I get to say to my students, 'I have learnt your name, because you are very much worth knowing.'

## VI CONCLUSION

The more we know about each other, the more comfortable we feel working with each other. Learning student names and actively discovering something about each student does not create a pathway to a problem-free class. It does not create a guarantee of an excellent teacher evaluation or of enhanced student learning. It is, however, a positive step toward humanising and personalising law school. Given the rise of online learning, and our increasing awareness of law student psychological distress, we have all the reasons we need to humanise legal education. To humanise another person, we first learn their name. Students who are high achievers often need to be recognised and acknowledged. Learning a student's name tells that student that they are seen as important. Students

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<sup>70</sup> Rachael Field and James Duffy, 'Better to light a single candle than to curse the darkness: Promoting law student well-being through a first year Law' (2012) 12(1) *QUT Law and Justice Journal* 133; James Duffy, Rachael Field and Melinda Shirley 'Using student engagement strategies to promote the psychological wellbeing of law students' (2011) 36(4) *Alternative Law Journal*, 250-254.

struggling with uncertainty about whether they really belong at law school can have that affirmed when they realise teaching staff know who they are. It is such modest action. From that first step, transformation can occur. We can foster many one-on-one relationships throughout the semester. We can celebrate student successes and commiserate with their failures. We can teach with warmth, and through a cumulative collection of positive learning encounters and dialogue, we can make our students feel good about themselves and what they are learning. They are more than *seen as important*; they are *important, seen*.<sup>71</sup> If learning law student names is a modest first step, the result can be anything but.

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<sup>71</sup> With credit (and apologies) to Patrick Rothfuss, author of the Kingkiller Chronicle, for playing with his words and using them out of context. See Patrick Rothfuss, *The Name of the Wind* (DAW Books, 2007).