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# Looking at the Initial Client Meeting through an Interdisciplinary Lens: Applying Lessons from the Medical Profession to Law Teaching and Practice

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### Recommended Citation

Lisa Radtke Bliss, Looking at the Initial Client Meeting through an Interdisciplinary Lens: Applying Lessons from the Medical Profession to Law Teaching and Practice, *Law Tchr.*, Spr. 2010, at 12.

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SPRING 2010

## Promoting the science and art of teaching

The Law Teacher, Volume XVI, Number 2

*The Law Teacher is published twice a year by the Institute for Law Teaching and Learning. It provides a forum for ideas to improve teaching and learning in law schools and informs law teachers of the activities of the Institute.*

*Opinions expressed in The Law Teacher are those of the individual authors. They are not necessarily the opinions of the editors or of the Institute.*

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ISSN: 1072-0499

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## INSTITUTE FOR LAW TEACHING AND LEARNING

### Team-Based Learning – An Overview

By Sophie Sparrow, Franklin Pierce Law Center

Imagine teaching classes where students are almost always actively discussing complex problems in class, arguing with each other about nuanced rules, reading closely for relevant facts, and choosing to consult readings to support their positions. These are fun classes to teach. If you want your students to take responsibility for their learning, engage in applying their critical thinking skills to complex material, and learn course material at deeper levels, try using team-based learning. I have been using team-based learning in required and elective courses for three years. I am still learning how to use teams more effectively, but am more convinced of this teaching strategy's ability to transform learning than any other I have seen or tried.

### What is team-based learning?

Team-based learning is a learner-centered teaching strategy designed to promote active engagement and deep learning. Educators have applied the principles of team-based learning for over 30 years, using it in 23 countries in a range of disciplines, including medicine, business, sciences, and the humanities. They have used team-based learning

effectively in classes of nine to more than 199. Teachers using team-based learning have found students' performance improves when compared to traditional teaching. In addition to improving their ability to apply important concepts, students also learn skills essential to succeeding in a job – working well with others. And all this happens without sacrificing course coverage.

### What are the core principles of team-based learning?

Larry Michaelsen, who first designed team-based learning in the 1970s, and has written and presented extensively on the teaching strategy, identifies the essential principles as follows: "1. groups must be properly formed and managed; 2. students must be made accountable for their individual and group work; 3. group assignments must promote both learning and team development; 4. students must get frequent and timely performance feedback." The principles are straightforward; the challenge is in applying them effectively. As with any new teaching method, start small and learn from your mistakes.

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# TEACHING AND LEARNING NUGGET

If you ask students hypotheticals during class discussion, consider disclosing a significant percentage of your hypotheticals in advance of class. By insisting that students analyze legal issues within a few seconds of first hearing them, we are: (1) training them to commit malpractice (no lawyer would answer such questions on the spot), and (2) decreasing the likelihood that students' answers are thoughtful, complex, reflective, and good.

## Team-Based Learning — An Overview

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### What is the role of the teacher in team-based learning?

Because the focus on team-based learning is about what the students are learning — all of them spending almost all the class time applying concepts — the teacher's role is to plan the course and the individual classes, then coach students through the learning process. To the outside observer of a team-based learning class, the teacher may appear not to be really "teaching." This is deliberate; the focus of the class is *on what the students are doing*, not what the teacher is saying. The teacher, however, has done significant work in advance to harness the power of student learning teams.

### What is the role of the students?

In a team-based learning course, students spend the vast majority of class time engaging in team discussions and solving problems in their groups. Working in permanent diverse teams of five to seven students, they can collectively draw on their perspectives and understanding to solve more complex problems than they would individually. Think of this as "five brains" are better than one, or as a group of lawyers working together to solve clients' problems.

Having students work together is only effective when all students are prepared; one of the biggest complaints about group work concerns "social loafers." Social loafers are those students who poach on teammates' work without contributing any work of their own. In team-based learning, students assess their teammates' contributions to the team (usually 5-15% of the grade). When students are not prepared or contributing, their grades suffer. They are thus accountable for being prepared and participating in their teams for every class.

### How do you plan a team-based learning course?

At the most fundamental level, you need to take four steps: 1) identify core learning objectives — what students should be able to DO as a result of taking the course? 2) break the course into four to seven learning units; 3) determine how to create diverse student groups; and 4) design a series of formative and summative assessments over the semester to engage students at increasingly higher levels of thinking. For most teachers, the hardest and most time-consuming aspect of using team-based learning is designing the series of quizzes — one per learning unit — and problems that are appropriately challenging for a group of students to solve. There is no question that using this teaching strategy involves a steep learning curve and a ton of work at the beginning, but the value is well worth it.

Fortunately, many helpful resources are available. Websites, videos, books, and listservs can be accessed at <http://teambasedlearning.apsc.ubc.ca/> and [www.TBLCollaborative.org](http://www.TBLCollaborative.org). Those of us using it in law school classrooms love helping our colleagues try it out. If you're interested, don't hesitate to contact me.



Sophie Sparrow

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*Sparrow will be discussing Team-Based Learning at the 2010 Summer Conference in collaboration with Margaret Sova McCabe, Franklin Pierce Law Center, and Barbara Glesner Fines, University of Missouri-Kansas City School of Law. See insert for more information.*

# The “Other Minority”

By Sabah Carrim, KDU College in Malaysia

The rule of the majority is the offspring of the doctrine of utilitarianism or the “principle of maximum happiness.” In response to its growing attractions, John Stuart Mill came up with a concept in the 18th century to point out the blatant weakness of this doctrine. He pinned down the danger in using the rule indiscriminately to manage a democratic society. He said it would undermine the interests of the minority. He called this form of injustice “The tyranny of the majority.” This invaluable observation is relevant to my role as an educator. I am conscious of these five words whenever I walk into class. As a lecturer I can’t focus on the needs of the minority at the expense of the majority.

I have identified a new category of student in my classes who appears every new semester. I have singled him out because he presents me with the same dilemmas. I must speak about him because he is well-known to all trainers, motivational speakers and educators- in other words, he is familiar to those who have had to accept that the system is just a system, an artificially contrived man-made formula with its own share of strengths but also glitches and deficiencies. Yet this student has been neglected far too long to his own detriment and the literature about him is scant.

Why has he been neglected? Perhaps because the formulators of the system knew that no system is perfect and that a portion of “victims” would inevitably be produced. In other words, he is a necessary evil.

Who is this student? What is he like?

He is the “other” minority.

This student is extremely bright, suffers from a low self-esteem, and can’t stop asking many questions in class although he tries very hard not to due to the disapprobation of his rule-following classmates. He is also very unsure of whether he is studying the right subject. He suffers from attention deficit disorder.

This student is highly intelligent. I determine this through the questions that he asks and his ability to identify the problems in diverse areas, without having studied much beforehand. He is born with the talent of understanding

“He always asks what Mahatma Gandhi singled out as being the most dangerous word in the English language: “Why?””

the breadth of a problem with the vision of an eagle. Due to this, he is marked out as such right away by any lecturer. His is the name we learn first. He asks intelligent questions. He always asks what Mahatma Gandhi singled out as being the most dangerous word in the English language: “Why?”

When he asks questions, a few lecturers tell him: “What you are asking is unnecessary, we don’t have to go so deep” or “It’s not relevant to our syllabus” or “This is how it is, you must accept it this way.” This is the student whose questions are never really totally answered.

He has a perpetual frown on his face because he is more unsatisfied than satisfied with the ways of the world. After all, he is quick to judge and dismiss something as unreasonable, illogical. Even if you tell him that he is right in questioning the law as it stands, his moment of introspection will consist in wondering why if it is so illogical, the

law has not progressed in a more logical manner. He seeks unity, coherence in anything that he lays his hands on. I am not saying he is neat and clean. I am saying he is orderly in his thoughts.

He suffers from a low self esteem because wherever he has gone he has been marked out as being very intelligent. They have expected him to show proof of excellent results but he has barely grazed the pass mark. He sometimes just gets enough marks to pass his exams. He is neither a system-player nor a rule-follower. It’s not that

he doesn’t want to, but he can’t. He can keep on trying really hard and he never really gets there marks-wise. Why? It is probably because

the current system of assessment or examination is not tailored for students such as him. He engages in self-condemnation because he feels stupid, slow, dumb even because he believes firmly that the system is honest and is a reliable indicator of potential. He gives up faster than he ought to and lags behind. His performance level drops drastically over the years because he stops fighting that cognitive dissonance where he is constantly praised on one hand and then given those looks of disappointment later on the subject of his academic performance.

He always wants more when he reads, when he listens. He has never gotten his fill, and so impatience and restlessness have become a characteristic trait, hence the ADD.

There is no place for him in this world yet. He is not recognized. His potential or intelligence is untapped. If he wants to make it later on in the world he must do so before being overwhelmed and

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# The Socratic Method Outline

By Kelly A. Moore, University of Toledo College of Law

Most law school courses are built around a questioning approach. Whether a professor follows the strict “Socratic Method” in questioning students, relies upon problem sets in case books (as I do in my tax-related courses), or employs some other modified Socratic/hypothetical-based approach, law students are bombarded with questions in an attempt to train them to “think like lawyers.” In my eight years of teaching J.D. and LL.M. students, recruiting law students from other J.D. programs to an LL.M. program, and counseling law students, I have heard hundreds of students decry these pedagogical approaches. “What’s with all the ‘damn’ questions?” they ask, somewhat ironically.

I explain to the students what their professors already know. The Socratic Method is a process of analysis dependent on incrementally questioning underlying facts and assumptions to move toward an ultimate conclusion. Although many teachers have adopted questioning approaches other than the pure Socratic Method, I explain that questioning approaches are used because learning the logic of law requires such approaches. Given the frequency with which this topic arose whilst counseling students, a question occurred to me: Do I properly explain the objective of my pedagogical approach to my students? I concluded that I could do better by explaining the value of the Socratic Method Outline.

Student confusion regarding the pedagogical approach of law schools manifests itself in student outlines. Just as the classroom experience is different from the past experiences of entering law students, law school exams also provide most students with an experience

inverse to their undergraduate testing. Whereas most undergraduate exams pose questions to the students seeking an answer, law school exams provide facts—often in jumbled prose—requiring the student to provide the question(s) as part of an analytical model. This is sometimes daunting, but it is precisely the approach the pedagogical choices of many professors are designed to impart. Upon entering practice, the student will find that clients, too, present statements of fact—sometimes in jumbled utterances—to which the newly minted

“...[I]f students outline in a questioning format, they will hoist the professors on their own petards come exam time, which is exactly what professors want them to do.”

lawyer must apply questions in order to counsel the client properly.

I explain to students that their professors’ questioning approaches are designed to aid them in constructing their own questioning method, not just of the extant material, but for greater legal reasoning skill development, as well. I explain further, that if students outline in a questioning format, they will hoist the professors on their own petards come exam time, which is exactly what professors want them to do.

Instead of a questioning approach, a great number of students see outlining as a method to answer questions, rather than ask them. Many outlines take on tome-like dimensions as students attempt to anticipate every possible question the professor could ask and then, in turn, create ready-made answers to those questions. This is a wonderful way to learn the material, but I urge students to instead develop analytical models of the subject matter, outlining and/or diagramming the questions

necessary to analyze jumbled facts in search of contracts, torts, remedies, etc.

For instance, I tell them not to merely write a statement, such as, “A valid contract requires an offer, acceptance and consideration.” Instead, outline the necessary inquiries: To determine if a valid contract has been made, you will need to ask first, “Has an offer been made,” then, “Has the offer been accepted,” and finally, “Has adequate consideration been provided?” Of course, each of these primary questions

may require a subset of questions be asked. Only after answering the primary and necessary sub-questions, is it possible to answer the fundamental question of whether a contract

exists.

I label this outlining approach the “Socratic Method Outline.” It mirrors my teaching approach, in which I guide the students through the creation of an analytical model sequencing the primary inquiries involved in the course material, and building the sub-questions that inform the answers to the primary questions. Socratic Method Outlining is an extension of the Issue Rule Analysis Conclusion (aka: IRAC) approach taught in some first year legal researching and writing courses. Whether a memorandum involves interpreting a statute with or without precedent, a fact based scenario, or question of law, the first requirement to writing effective memoranda is to define the issue. The issue only becomes clear when the question set relevant to an inquiry has been developed and applied. This pre-drafting analysis is designed to isolate the legal issue at hand, such as, “Is there a contract?” For instance, if a person comes to you claiming his

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# The Socratic Method Outline

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neighbor will not return the lawn mower he loaned him because he considers the lawn mower a gift, you will need to ask whether the person intended the item as a gift, how the item was accepted, and the manner of delivery of the item. After answering those questions and the associated sub-questions, you will be able to advise a course of action.

I often give partial hypotheticals to my classes, asking them, "What more do you need to know to evaluate this fact pattern?" If they have outlined in a questioning manner, they will know the proper inquiries. If not, they may not be able to properly analyze.

All students eventually master the art of tracking case holdings, but many do so in a passive manner. A passive case holding outline may contain entries such as:

*Lennon versus Estate of Dogma: This case held that a testator's will was not validly executed because the formal will was not signed by the testator in front of two witnesses.*

*Sharpey versus Estate of Rich: This case held that a will was a valid holograph because, although there weren't any witnesses, the material portions of the dispositive provisions were in the testator's handwriting, and the testator signed the document.*

A Socratic Method Outline may be structured thusly:

*If a fact pattern involves a deceased individual, make the following inquiries:*

- 1) *Was the document signed by the testator?*
- 2) *If not, there is an execution flaw; if yes, was the document signed by two witnesses?*
  - a) *Did the witnesses also fulfill an observatory function (meaning they actually witnessed the will signing process)?*
  - b) *If not, there is an issue of the will's validity; if yes, did the witnesses sign in the presence of the testator?*

Both outlines contain key legal concepts. The Socratic Method Outline, however, is built as an analytical tool. Of course, this questioning approach may lead to the creation of flow charts, particularly for visual learners. Also, I recognize that this simplistic example belies the complexity of the subject matters of law courses. The point is that, if students are taught why their courses are structured in questioning formats, they will know to emulate the style in their studies and beyond. If a student outlines in this manner, there is nothing their professor can throw at them which the student won't be able to evaluate.

Although more difficult to create, the Socratic Method Outlining process is an active process, further immersing students in the framework of any given course. The pedagogical approach of their professors calls for this level of effort, though students don't always appreciate this until it is too late. Issue spotting demands this level of thought. Policy discussions require this level of understanding of the rules of a course. The Socratic Method, though perhaps not the best teaching method, remains the best approach for mastering legal concepts by students.

The active development of the outline provides students with a robust appreciation of the material and a greater appreciation of the pedagogical approach of their professors. At a minimum, if professors explain their pedagogical choices to students, students will know the reasons for all of the "damn" questions asked in class.

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# The "Other Minority"

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crushed by a low self esteem for the reasons mentioned above. He has to come up with something original, a work of art or anything involving creativity. That would be the sole proof of his intelligence which everyone has spoken laudably of...but for just too short-lived a moment.

So should we sit back and look at the "other" minority, shake our heads pitifully and console ourselves that he is fortunately just a "minority" and that he represents the necessary error that all man-made systems must comprise?

We know that there can't possibly be a system of "no-system". We also know every system carries its own margin of error, imperfection. What we must therefore do is to mitigate the damage. That's how our role as educators increases in importance. We have to single out the 'other minority' and reassure him that one day, when he shifts to a world where there are fewer rules, he will stand greater chances of being recognized.

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# Student Self-Assessment Book (SAB): Reflective Thinking and Journaling in Law School

By Mary Dolores Guerra, Phoenix School of Law

The Self-Assessment Book (SAB) is a tool that teaches my students to use reflective thinking in their educational lives, and their future professional lives, by writing in a journal. The SAB gives the students an opportunity to reflect on their learning, my teaching, and the direction they want to go in their lives. The students also use the SAB in class to work out problems from our case book and to take quizzes that I give on an impromptu basis.

## The Birth of the SAB

I have used reflective journaling since I was eleven years old (we called it a diary then). I spent \$5 for the diary and my mom wasn't happy that I had spent so much. It was pink with small flowers and it had a little key that guaranteed that what I wrote would remain for my eyes only. My journaling evolved over the years and I have taken courses on journaling. I was grateful that I had this tool when I went to law school. As I prepared to write this paper, I read a journal that contained entries from my first semester of law school. The entries revealed that I was scared, confused, and worried if I would pass with high enough grades. I wrote about being in class and not wanting to raise my hand, the friends I made, what I was learning, and how much I missed home. I journeled about whether I belonged in law school. I would not have remembered many details of my law school experience if I had not documented them in my journals. I'm grateful that I had this document to remind me of what the first year of law school was like for me.

After practicing law for several years, I returned to school to pursue a PhD

in education. In that program, I took a creative writing class that included writing in a journal on a daily basis (G. Lynn Nelson, *Writing and Being: Embracing Your Life through Creative Journaling* (Rev. ed. 2004)). When I began teaching, I wanted to incorporate some of the techniques I had learned in that class and from my experience journaling because I found them to be helpful to me professionally and personally. During my first year teaching, I read an

“Professor, I hated the SAB,” a student stated as passionately and kindly as possible, “and I hate to admit it, it helped.”

article about the benefits of professors keeping a reflective journal (Gerald Hess, *Learning to Think Like a Teacher: Reflective Journals for Legal Educators*, 38 Gonz. L. Rev. 129 (2002-2003)), and I found the article both interesting and helpful. I wanted to devise a way to allow my students to get the benefits of journaling too. While I was at the AALS New Teacher Conference in the summer of 2007, I heard Dean David Hall speak about the “Spiritual Revitalization of the Legal Profession.” at our luncheon. (David Hall, *The Spiritual Revitalization of the Legal Profession: A Search for Sacred Rivers* (2005)). His keynote solidified my belief that law schools not only needed to change but also were in the process of changing. I wanted to be part of that change. I discussed the idea of incorporating the use of a reflective journal in my classes with a new friend and new teacher, Lydie Louis-Pierre. She thought it was a good idea but vehemently discouraged me from calling it a journal. I listened and agreed that calling it a “journal” didn't

sound professional and was “too soft” for law school. She suggested that I call it a “Self-Assessment Book.” I agreed enthusiastically. Thus, the SAB was born.

## The Evolution of the SAB

I teach Business Associations and Commercial Law and the thought of getting students to do reflective journaling about these topics was daunting. Would they do it? Would the administration support me? The first year, I asked students to use the SAB only in class to work on problems or for in-class quizzes. The students resisted the SABs, but I soon began to see that students understood the material better and were better prepared than the previous year's classes. I also discovered that their grades were higher than the year before. That was a nice surprise.

After two semesters, I stopped using SABs because of the feedback I received from the student evaluations; many students thought that the SABs were not helpful and a waste of time. Most of the students hated writing in long hand. Moreover, reading the SABs was an additional, substantial time commitment for me as the professor. So the following academic year (2008-09), I decided not to use the SABs in my Commercial Law and Business Associations classes. Interestingly enough, I noticed after midterms and finals that the students' comprehension was lower than when they had used the SABs.

During the summer of 2009, I taught two sections of Interviewing and Counseling and decided to resurrect the SAB. I had the students write reflective entries

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# Student Self-Assessment Book (SAB)

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in their SABs in and out of class. Again, I found the SABs helpful to the students' comprehension of the material. Most of their entries were thoughtful and showed me that they understood the material. When I asked students to write about the "value" they received from the SAB assignment, they gave the SAB a mixed review. But I enjoyed reading the many new insights discussed by students' in the SAB and I liked that the students were writing in a different way than traditionally mandated in law school.

I used the SABs again in fall 2009 in both Commercial Law and Business Associations. I told the students at the beginning of the semester that students "hate" writing in their SABs, but that I saw an improvement in their scores so I was willing to "take a hit" on my evaluations because I believed that the SAB helped their understanding of the material. In addition to having the students write in their SABs for in-class quizzes and casebook problems, I also asked the students to respond to the following each week:

**Self-Assessment Book (SAB) Entries:**  
*You are required to write a weekly reflection entry in your SAB, one-three pages. Date each entry (by week) to get full credit for your SAB points. Please reflect upon the classes for each week and indicate the key points you learned from the classes and readings, what the professor did that you found helpful or if you didn't find it helpful write about it and if you can think of an alternative way of presenting the material write about it. Discuss what you are doing to prepare for class and how what you are doing is helpful. The entries should be concise and thoughtful rather than rambling. Let me know if you have any questions.*

The students' comprehension level of the material improved and their midterm and final exam scores rose.

I collected the SABs once during the semester and at the end of the course. I answered any questions my students posed and also brought to class any common questions. Having my TA's help was invaluable. She also read each SAB and made comments regarding the entries. Since many students worked out casebook problems in the SAB, I returned their SABs before the final exam.

In spring 2010, I added a weekly reflection question that tapped into their creative and intuitive side. I gained the courage to do this from attending AALS's Section on Balance in the Legal Education panel. In that program, I heard about "humanizing legal education," which resonated with me — that is why I became a law professor and in particular a law professor at Phoenix School of Law.

The first week I said, "When you first applied to law school you prepared a 'personal statement.' Please locate it, read it and explain how and if your ideals and ideas about law school have changed." The following week, I instructed my students: "Do the following: Set a timer for two minutes, start writing your answer to the following question (don't worry about spelling or structure, just write for the 2 minutes): If you could do any job that you wanted to, without worries about money or time, what would it be? After you have written your response, reread it and answer: What does this response tell you?" I also have asked students: "Please listen to a piece by Mozart. Write your response to this music. What piece did you listen to? What did you think? What did you feel?" I usually have students "pair, square and share" to discuss their

answers and reactions at the beginning of class, and I'm always amazed that the students have so much to say about their experiences with the topics. I have fun reading their responses to these questions and activities. I also have fun creating the questions and activities; it allows my creative side to have an expression too. I also have started a blog that in part answers the same questions and activities that I pose to my students. (The blog can be accessed at <http://profguerra.blogspot.com/>). I have enjoyed answering the questions and posting them on my blog.

As I used the SABs, the grading system evolved: three percent of the total grade the first time I used the SABs, then five percent, and now ten percent. I raised the total to ten percent because of the amount of time and effort the students put into the SABs. For the students to receive full credit, they have to complete their weekly reflections and the in-class quizzes and reflections.

## The Benefits of the SAB

As I reflect on using the SAB, I realize that not only do the students benefit in a number of ways, such as improved class scores, new found insights, and camaraderie with their peers, but I also benefit from reading them. I am able to learn more about my students, what worked for them, and what didn't, so I can adapt and change during the course. Most importantly, I connect with my students in a way that I haven't been able to do. When I sit and read a student's SAB, it's like sitting with a friend and listening to their story. It warms my heart.

One entry that the students wrote was especially touching. I had experienced two major losses that semester and felt that I wasn't as present for my students as I wished I could have been because

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I was dealing with the losses. A friend suggested that I use this opportunity as a “teaching moment.” At my next class, I asked the students how would they respond if they were faced with a major loss and had to get to an important meeting or to a court date; I also asked them to think about how they would respond to an opposing counsel’s request for additional time or postponement of hearing or meeting if the opposing counsel needed to attend to a personal matter. The responses were heartfelt. One of my students, who had been an officer in the FDNY, a “first responder” on 9-11, and a survivor of Tower One’s collapse, wrote, “I made it my mission to live life to its fullest, never neglect the ones I love and fulfill the accomplishment that had somehow eluded me throughout the years. This is the primary reason why I’m in law school today, and yes I would rather spend time addressing an issue with my family than to spend time working or studying. I also [would] try to be understanding of others’ needs in this regard.” I had no idea that I roamed among heroes.

Using reflective writing allows students to pause and think about what they are doing and why they are doing it. It gives them a space to put their thoughts and ideas down on paper, to try to make sense of the material. This past semester, most of the students wrote in their SAB that they thought that it helped them. One student wrote, “I’d like to say a few words about the use of the SAB. While keeping a journal of our activity during the semester is not easy and something that I had not experienced in law school until this class, I have to truthfully say that I think it was truly an asset to my learning experience in this class.” While another student stated, “I have enjoyed learning some of the intricacies of Commercial Law. I have not been a big fan of the SAB, however. Time is

just too constrained.” Another student wrote, “I liked the SAB assignment.... I like the idea of having some freedom to express my thoughts, but the assignment provided structure.... I appreciated being required to do this. I think I should do this for all of my classes.”

In closing, I want to share a poem that one of my Commercial Law students wrote:

Giving my students a safe place to write their thoughts, likes, and dislikes has been my ultimate goal. Based on their responses, I believe I have accomplished it. Thank you for listening to my story.

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*Mary Dolores Guerra is an Assistant Professor at the Phoenix School of Law. She can be reached at [mguerra@phoenixlaw.edu](mailto:mguerra@phoenixlaw.edu).*

Learning as I did about Article Nine  
I understand the value of being first in line.  
A security interest must be perfected  
Properly filed so lender is protected.  
Now I understand my credit card debt,  
Easy to obtain, but hard to collect.  
Assuming my education is not a success,  
I do not have a job and my finances are a mess.  
No money coming in and my debt is still growing,  
Inability to pay doesn’t relieve me from owing.  
My assets are scattering, but the lender’s pursue  
Capturing the collateral, then a big fight ensues.  
Who will be paid when they sell all my things?  
Will depend on which creditor has a proper filing.  
How grateful I am this is only a fable  
My future is promising, and my finances are stable.  
I have learned much about the laws and commercial lending  
But just like this semester my story is now ending.



# Teaching Law Practice Across the Curriculum



WASHBURN UNIVERSITY  
SCHOOL OF LAW

## Institute for Law Teaching and Learning Summer Conference June 17-18, 2010 Washburn University School of Law, Topeka, Kansas

*The Institute's summer 2010 conference, "Teaching Law Practice Across the Curriculum," features 23 workshops and a plenary session that explore techniques for teaching skills and professionalism across the law school curriculum.*

*The conference will be June 17-18, 2010 at Washburn University School of Law in Topeka, Kansas.*

### Benefits to Participants: Improve Teaching and Learning

During the conference, participants can expect to encounter many new ideas about teaching law practice skills in law school. In addition, the conference is intended to facilitate informal interaction among creative teachers who love their work with students.

Participants should leave the conference with the inspiration and information to integrate skills and professionalism in the courses they teach next fall. The ultimate goal of the conference is to help the participants improve their teaching and their students' learning and to further their school's efforts to realize the promise of *Educating Lawyers* and *Best Practices*.

### Conference Structure: Tailor the Conference to Suit Your Interests

The conference includes six workshop sessions. During each session, four workshops will run simultaneously.

Participants will be able to tailor the conference to fit their individual interests by choosing which workshop to attend during each session. The workshops will deal with:

- Innovative materials
- Alternative teaching methods
- New technology
- Ways to enhance student learning in all types of courses
- Means of restructuring legal education to foster practice-ready lawyers.

Each workshop will include materials that participants can use during the workshop and when they return to their campuses.

The workshops will model effective teaching methods by actively engaging the participants.

### Optional Teaching Lab

*Wednesday, June 16, 2010 — 9:30 a.m.-3:00 p.m., Lunch provided*

Arrive a day early and work on your personal teaching issues.

Interested participants can take part in an optional Teaching Lab on Wednesday, June 16, in which they work on an aspect of their teaching, working in small teams with a teacher-coach. When you register for the lab, be sure to rank the topics on which you would like to focus during the lab.

Depending on participant interest, possible teaching topics for the lab may include: reviewing and discussing videotapes of participants' teaching, designing one or more class session(s) to achieve particular goals, creating simulations, planning a course, creating opportunities for practice and feedback without killing yourself, designing exams and paper assignments, or finding ways to bring real life into law teaching.



## Registration and Deadlines

Attendance is limited to 100 participants to facilitate small-group experiences. The roster will be filled in the order that the Institute receives the registration form and conference fee:

- \$425 for non-presenters
- \$225 for presenters.

The following separate fees are for the June 16 Teaching Lab:

- \$75 if attending conference
- \$125 if not attending conference

Make check payable to Washburn University or provide Visa/MasterCard information on the registration form.

## Refunds

Attendees must notify the Institute to receive refunds. If notice is received on or before May 23, 2010, a full refund will be provided. No fees will be refunded if notice is received after May 23, 2010.

## Meals

Meals are included in the registration fee.

- Thursday, June 17: Light breakfast and lunch, and reception.
- Friday, June 18: Light breakfast and lunch.

## Welcome Reception (Optional)

We invite participants to pre-register and begin getting acquainted at the law school during a meet-and-greet from 4:00-6:00 p.m. on Wednesday, June 16.

Afterward, please feel free to explore Topeka and its great dining options, either individually or in groups.

## Lodging and Conference Room Rates

Participants are responsible for their own travel arrangements. A limited block of rooms has been booked at the Capitol Plaza Hotel, approximately 1 mile east of Washburn University School of Law at 1717 SW Topeka Boulevard ((800) 579-7937 or (785) 431-7200).

For reservations, call the Capitol Plaza Hotel and request the special Washburn University School of Law conference rate. This rate is guaranteed until May 26, 2010.

Other hotels attendees may wish to consider for accommodations:

Topeka Courtyard by Marriott  
2033 SW Wanamaker Road  
(800) 321-2211  
(785) 271-6165

Holiday Inn Express  
901 SW Robinson Avenue  
(888) 465-4329  
(785) 228-9500

Fairfield Inn  
1530 SW Westport Drive  
(785) 273-6800

Comfort Inn  
1518 SW Wanamaker Road  
(785) 273-3365

Days Inn of Topeka  
1510 SW Wanamaker Road  
(785) 272-8538

## Transportation To and From Topeka

All major airlines serve Kansas City International Airport (KCI), conveniently located approximately 75 miles and 75 minutes east of Topeka.

- The major rental car companies provide service at KCI.
- All rental car companies share a gray rental car shuttle that stops at marked shelters at terminal medians.
- Shuttle service to Topeka is provided by KCI Roadrunner.

## Session 1 Workshops

Thursday, June 17, 2010 – 9:00-10:15 a.m.

[A]

### Ebooks As Social Media, Courses As Communities Of Practice

*John Mayer, Center for Computer-Assisted Legal Instruction (CALI)*

The very word “ebook” evokes the simple transformation of the paper bound casebook or textbook into a nearly identical electronic analog that is delivered on a website, computer, iPhone or ereader device, but there is so much more to the idea of ebooks than this uncomplicated characterization. In this workshop, the presenter will demonstrate gadgets (Kindle, iTouch, iPad, and Nook), compare capabilities and appropriateness to task for legal education, and talk about the new freedoms that faculty now have when constructing their courses.

[B]

### Integrating Courtroom Practice With Classroom Theory: Merging the Academy, Bar and Bench to Create a Collaborative Legal Learning Community

*Myra E. Berman, Touro Law Center*

Touro Law Center’s Collaborative Court Program is a three-year curricular innovation that incrementally moves from Court Watching (a 1L Court Observation Program), to Court Studying (a 2L series of integrative courses), to Court Participation (a 3L program of advanced court internships, externships, and student clerkships). During the first half of this workshop, the presenter will describe the conceptual framework of the program and its components. The second half of the workshop will consist of brainstorming sessions in which small groups will be encouraged to explore ways of replicating Touro’s court program into their own law school’s curriculum.

[C]  
**Incorporating Practical Exercises to Develop Students' Consultation Skills**

*Mareesa Kreuser, University of Pretoria Law Clinic; and Anneke Smit, University of Pretoria Law Clinic*

Are you searching for new innovative and fun exercises as a tool to teach your students? If so, you will find this session rewarding. During this workshop attendees will be actively engaged as students. A consultation skills exercise will be used to illustrate certain practical teaching methods which include: role plays, simulations and assessments. Attendees will leave with a copy of the power point presentation on consultations skills, a script of the role play with a list of do's and don'ts, simulated set of facts and assessment forms to incorporate into their course material.

[D]  
**What on Earth Could They be Thinking? Designing and Using Electronic Surveys to Find Out**

*Paula Manning, Whittier Law School*

If you wonder what your students think about class, the syllabus, the textbook, their learning, your teaching or just about anything else, electronic surveys are an easy and effective way to find out. They can help you communicate and collaborate with students before, during and after your course, as well as regularly and easily assess learning, teaching and the classroom environment. The session will feature hands-on practice: you will design and create an electronic survey – and no prior experience or success with technology is required.

## Session 2 Workshops

*Thursday, June 17, 2010 – 10:45 a.m.-12:00 p.m.*

[A]  
**The Transfer of Learning in Legal Education: Using Schema Theory to Connect the Curriculum**

*Tonya Kowalski, Washburn University School of Law*

Research in the field of cognitive psychology called “transfer of learning” offers tools to help students encode knowledge in such a way that they know better when and how to retrieve it for later use. This presentation offers a comprehensive approach to the transfer of learning across the curriculum. In particular, I will demonstrate how law schools can use schema theory to help students encode knowledge and skills for future transfer, as well as to conceptually integrate their courses. Participants will receive a sample schematic system and will also work on developing schema for transfer within their own courses.

[B]  
**Teaching the Mystique of Rule-Drafting and the Underlying Structure of Legal Analysis: Music, Math, and Magic**

*J. Lyn Entrikin Goering, Washburn University School of Law; and Richard K. Neumann, Jr., Hofstra University School of Law*

One of the least understood skills in the legal academy is rule drafting. This workshop will demonstrate how to use rule diagramming and other graphic techniques to craft workable rules from complex legal doctrines. In addition, we will experiment with reverse-engineering the process as a method of teaching how to interpret and apply abstruse statutory and regulatory language. Our goal is to illustrate how the analytical process and structure of rule drafting offers an effective way to teach legal analysis, and how learning to draft rules can help our students think more clearly and analytically about legal principles.

[C]  
**Putting the Counsel back in Counselor: How to Implement Theories of Law and Social Work in a Law School Setting**

*Carrie A. Hagan, Indiana University School of Law; and Stephanie K. Boys, Indiana University School of Social Work*

Our students enter law school to become attorneys, but may leave without practical skills that go beyond general legal knowledge. In this session we will focus on incorporating several social work theories of client interaction that can be introduced in a variety of settings, to ensure students leave with a better knowledge of how to interview and counsel their clients. The session will be made up of scenarios, theoretical background and general discussion. Lawyers who learn interdisciplinary techniques to achieve professional goals have shown an improvement in decision-making skills, making this workshop an important tool for all educators to use.

[D]  
**Find Them on Facebook: Using Facebook to Reach Students Where They Already Go**

*Courtney G. Lee, University of the Pacific, McGeorge School of Law*

This workshop will help those unfamiliar with Facebook (or with using social networking websites in the academic arena) strengthen their teaching and support of students by implementing Facebook into their classes and/or other student groups. Attendees will learn how to set up a Facebook account and create groups to effectively communicate with and support students. Facebook groups and their various features may be tailored to work with specific classes, clinics, campus organizations, alumni, bar applicants - the possibilities are endless. I will also address issues of privacy protection and how to avoid the awkwardness that often surrounds student-professor social networking relationships.

## Session 3 Workshops

Thursday, June 17, 2010 – 1:15-2:30 p.m.

[A]

### Games Law Teachers Play: Teaching Legal Thinking Through Interactive Games

*Kris Franklin, New York Law School*

Participants in this session will sample games designed to teach legal reasoning skills. Together we will demonstrate some of the kinds of games that can be used as learning exercises and discuss how they can be used most effectively in the classroom setting. We will explore the theoretical underpinnings of designing interactive games and interactive exercises, then collaborate to create a new game that participants can use in their own teaching. A playful spirit is an absolute prerequisite.

[B]

### Principles in Practice – Applied Ethics and Professionalism in Negotiations

*Franciscus Steyn Haupt, University of Pretoria Law Clinic; and Lourens Botha Grové, University of Pretoria Law Clinic*

When teaching practical law and applied consultation and negotiation skills in clinical settings, students make certain mistakes, regardless of theoretical lectures. Students often inadvertently breach principles of ethics and professionalism. Therefore exercises were developed to address these problems. For the purposes of this workshop, the focus will be on negotiation skills, and attendees will play the role of students and thus also experience the exercises from a student's perspective. Some potential (and encountered) problems, considerations and recommendations regarding the use of these exercises will be discussed. Attendees will be supplied with a set of notes, exercises and an adaptable teaching methodology.

[C]

### Best Intentions, Worst Results: The Pitfalls and Rewards of Innovative Teaching

*Nancy Soonpaa, Texas Tech University School of Law*

This workshop is built around a cautionary story that a frustrated colleague shared when her attempts at innovative teaching were not well received. The purpose of the session is to discuss some of the potential pitfalls and ways that innovative teaching may fall short of its intended mark and how to either manage those pitfalls and ways or minimize/eliminate them. The workshop will identify four to six examples of teaching innovations and discuss how to anticipate and help to prevent problems with their implementation. The audience will then work as a group to share ideas.

## Plenary Session

Thursday, June 17, 2010 – 3:00-4:15 p.m.

### Using Team Based Learning to Teach Collaborative Practice Skills

*Sophie Sparrow, Franklin Pierce Law Center; Margaret Sova McCabe, Franklin Pierce Law Center; and Barbara Glesner Fines, University of Missouri-Kansas City School of Law*

Team-based learning is “group work on steroids” and is an exciting and effective teaching strategy for not only engaging students but also for teaching them an essential professional skill: collaboration. Through video clips and interactive exercises, this session focuses on how to design courses and classes that enable students to become self-regulated powerful learning teams. Because it applies the best practices about teaching and learning, team-based learning can be used across the curriculum to help students achieve deep understanding and mastery of doctrine, skills, and values.

## Session 4 Workshops

Friday, June 18, 2010 – 9:30-10:45 a.m.

[A]

### Self-Assessment Book (SAB): Reflective Thinking and Journaling in Law School

*Mary Dolores Guerra, Phoenix School of Law*

This workshop will introduce the participants to the Self-Assessment Book (SAB), which is a reflective journal that requires students to write in class and out of class, putting pen or pencil to paper. The presenter will discuss the evolution of the SAB, the application of using the SAB in law courses, and the benefits of the SAB to law students and professors. The presenter also will share her experience in using the SAB in upper level courses and how she thinks it can be used in all level courses. The presenter has added a “Balance in Legal Education” component to her classes, which she will discuss and will demonstrate how she has incorporated the SAB into this component. Handouts will include samples of students' writings, in addition the presenter will handout exercises that she uses for the student writing assignments. Participants will have an opportunity to answer and write out their answers to some of these exercises in their own SAB and share-pair-and-square with other participants (one of the ways that students share with one another in the presenter's classes). Participants are encouraged to bring a blank hardback book (lined or unlined) to the workshop (also known as a “journal”).

[B]

### Race, Class and Sex: A Winning Combination for a Cross-Curriculum Problem

*Bridgit Lawley, John F. Kennedy University School of Law*

In 1998, a white, working class woman from Staten Island walked out of a Manhattan fertility clinic with two successfully implanted embryos. Only one embryo was hers, the other belonged to a middle class African-American woman from Teaneck, N.J., and she wasn't happy. In the fullness of time, two children and three lawsuits were born. Initially, grouped by subject matter, participants will discuss integrating this

case into their disciplines (Torts, Property, Evidence, etc.). Through reporting back to the whole group, participants will demonstrate how this case resonates across the curriculum. Finally, in larger, more random groups, they will formulate plans to present this cross-curricular problem at their own institutions.

[C]

**Beyond the Black Letter: Promoting the Learning Process through Continual Assessment in the First-Year Curriculum**

*Mary Margaret Giannini, Florida Coastal School of Law; and Jana R. McCreary, Florida Coastal School of Law*

Too often, law schools provide first-year students with only one opportunity—the final exam—to assess how well they have mastered the material. However, for some students, a single final exam is too little and too late, limiting the students’ opportunities to evaluate what and how well they are learning. Professors Giannini and McCreary will discuss and demonstrate ways professors can efficiently integrate into first-year courses continual assessment tools such as writing assignments, peer review exercises, briefing assignments, clicker quizzes, and group projects. These tools help students master the law but also help them evaluate and enhance their learning efficiency.

[D]

**Appreciative Inquiry: Discovering and Learning From Our Strengths as Teachers**

*Emily L. Randon, UC Davis School of Law*

My goals are simple: I want to help you learn from your best teaching moments and assist you in creating your ideal learning environment. As educators, we often view “assessment” as negative; as if every problem (or even we ourselves) will be scrutinized under a microscope, and deficiencies found and documented. This interactive session will use the Appreciative Inquiry (AI) model of organizational assessment to provide participants the opportunity to identify, share and capture their own best teaching practices and to take an active role in shaping their professional development. Participants will receive binders to extend the inquiry back home.

## Session 5 Workshops

*Friday, June 18, 2010 – 11:15 a.m.-12:45 p.m.*

[A]

**Building a Bridge to Everywhere: Improving Transfer of Learning from Legal Writing Programs to Other Contexts**

*Aida M. Alaka, Washburn University School of Law; and Tonya Kowalski, Washburn University School of Law*

Research in “transfer of learning” offers the legal academy tools to help students “bridge” their newly-acquired legal writing skills throughout their law school experience and beyond. This workshop will draw from the relevant educational literature and the presenters’ own experiences in putting theory into practice and provide workshop participants hand-on experience in developing appropriate techniques for their own classrooms. After an introduction to transfer of learning theory, workshop participants will design a plan to increase transfer, focusing on problems they believe are important in their own classrooms or institutions.

[B]

**Teaching Representation, Strategy and Problem-Solving in an Interactive Class**

*Kenneth R. Margolis, Case Western Reserve University School of Law; Jean M. McQuillan, Case Western Reserve University School of Law; David Benjamin, Case Western Reserve University School of Law; and Michael Babbitt, Case Western Reserve University School of Law*

Is it possible to offer students meaningful client representation and case development experience short of a real client clinic or externship? We think so! In Strategic Representation and Communication (part of the CaseArc Program) we build on previous courses about basic skills and immerse our students in a complex simulated legal problem representing one client. We will share the problem-solving model we use to organize their work. You will participate in the experiential methods we use to teach students to interact and communicate with clients and opponents and participate in the development of

a case from initial contact to negotiated resolution.

[C]

**Formative Assessment: Successes and Difficulties in Giving Feedback**

*Beryl Blaustone, CUNY School of Law*

The feedback process is an essential part of legal skills education and professional development. Feedback is a form of reflective practice. Feedback difficulties increase when the teacher and student differ vastly in approach, background, values and perceptions. This highly-interactive workshop will examine our differing frameworks for the use of feedback in supervision of legal skills instruction. The session will start with a discussion of a video portraying a feedback session in clinical legal supervision. Each attendee will then be asked to reflect on their individual experiences in giving feedback. We will then examine the feedback experience from the perspective of the recipient law student. Finally, we will brainstorm suggestions for establishing effective, efficient reflection habits about our feedback practice.

[D]

**Not Your Mother’s Rhetoric: Rhetorical Teaching Across the Curriculum**

*Linda Berger, Mercer University Walter F. George School of Law; Suzianne D. Painter-Thorne, Mercer University Walter F. George School of Law; and Karen J. Sneddon, Mercer University Walter F. George School of Law*

Rhetoric isn’t a bag of tricks or a ball of empty theory. This workshop will demonstrate that rhetoric is fundamental to law school teaching because it leads to effective legal reading, persuasive legal writing, and productive legal imagination. The workshop teachers will explain how they use (1) rhetorical tools for interpretation, (2) rhetorical methods for composition, and (3) rhetorical lenses for invention. They will involve the audience in applying these rhetorical toolkits to Advanced Persuasion, American Indian Law, Trusts & Estates, and other courses across the law school curriculum.

## Session 6 Workshops

Friday, June 18, 2010 – 1:30-2:45 p.m.

[A]

### **Getting a Grip: Frameworks for Assessing Instructional Mastery**

*Nelson P. Miller, Thomas M. Cooley Law School; Heather Garretson, Thomas M. Cooley Law School; and Tonya Krause-Phelan, Thomas M. Cooley Law School*

Are you concerned about new outcomes-based accreditation standards? You may find them satisfying. Law professors face varied input demands from many constituent interests. Shifting assessment from teaching to learning can help define and document both subtle and broad student success. Using patterned rubrics, workshop participants will complete exercises in guided discussion groups, to move from teaching-assessment frameworks to learning-assessment frameworks. The workshop's goal is that participants identify constituent interests, curriculum aims, and broad learning outcomes, and then articulate them into frameworks for measuring and demonstrating instructional mastery from both input and outcomes perspectives.

[B]

### **Herding Cats: How To Achieve Faculty Cooperation In Teaching Lawyering Skills Across The 1L Curriculum (Without Infringing On Academic Freedom)**

*Suzanne J. Schmitz, Southern Illinois University School of Law; R.J. Robertson, Jr., Southern Illinois University School of Law; and Alice Noble-Allgire, Southern Illinois University School of Law*

Participants will learn a model for integrating skills exercises and writing-across-the-curriculum assignments in traditional doctrinal 1L courses. In this model, each 1L professor designs an exercise that fits the course and coordinates with other 1L faculty, including Lawyering Skills faculty, to sequence exercises from basic IRAC to complicated multi-issue problems. Students receive formative feedback on each assignment as to their progression toward competency-based standards. Participants in this workshop will receive

examples and discuss challenges and ways to overcome those challenges at their school.

[C]

### **Teaching Law Students Using SIMPLE (SIMulated Professional Learning Environment)**

*Deb Quentel, Center for Computer-Assisted Legal Instruction (CALI)*

Simulations are an effective, alternative method to traditional law school teaching and can achieve some of the teaching objectives and deficits noted in the Carnegie Report. A well-written simulation can hone a single skill, reinforce the mastery of a single concept or yield a more complex "capstone" learning experience for students.

This workshop will introduce faculty to SIMPLE (SIMulated Professional Learning Environment), a software tool designed to allow faculty to create, assess and monitor a simulation for students.

Working together we will focus on the hands-on and intellectual tasks necessary for the planning and initial development of a SIMPLE simulation.

[D]

### **Modeling Success in Every Law School Class**

*Douglas Wm. Godfrey, Chicago-Kent College of Law, Illinois Institute of Technology; and Mary Rose Strubbe, Chicago-Kent College of Law, Illinois Institute of Technology*

Learning theory research teaches that skills need to be demonstrated to students before they can master those skills. Medical schools have long operated under the rubric "see one, do one, teach one." Similarly, teaching practice skills across the curriculum is becoming more urgent for law schools in light of the Stuckey and Carnegie reports. Accordingly, each presenter will demonstrate a skill he or she views as vital to young lawyers that he or she has incorporated into a casebook course. We will then divide into breakout groups led by the presenters, with the goal that every participant in each group will identify a skill, and a method of teaching that skill, she can model in her class.

**Registration Form**  
**Teaching Law Practice Across the Curriculum**  
**Institute for Law Teaching and Learning**  
**Summer Conference — June 16-18, 2010**

Name: \_\_\_\_\_  
Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
School: \_\_\_\_\_  
Address: \_\_\_\_\_  
City/State/Zip: \_\_\_\_\_  
E-mail: \_\_\_\_\_

Circle letters for the workshops you wish to attend (only one per session):

Workshop Session 1: A B C D

Workshop Session 2: A B C D

Workshop Session 3: A B C D

Workshop Session 4: A B C D

Workshop Session 5: A B C D

Workshop Session 6: A B C D

Plenary Session: Yes No

Thursday evening reception at Brown v. Board NHS Yes No

Conference price includes breakfast and lunch on Thursday, June 17 and Friday, June 18.

\$\_\_\_\_ Attending as non-presenter (\$425)

\$\_\_\_\_ Attending as presenter (\$225)

\$\_\_\_\_ Attending Teaching Lab (\$75 if attending conference)

\$\_\_\_\_ Attending Teaching Lab (\$125 if not attending conference)

\$\_\_\_\_ TOTAL

Subject order of preference for Teaching Lab. Please rank:

\_\_\_ Reviewing and discussing videotapes of participants' teaching

\_\_\_ Designing one or more class session(s) to achieve particular goals

\_\_\_ Creating simulations

\_\_\_ Planning a course

\_\_\_ Creating opportunities for practice and feedback without killing yourself

\_\_\_ Designing exams and paper assignments

\_\_\_ Finding ways to bring real life into law teaching

\_\_\_ Other, please specify: \_\_\_\_\_

\_\_\_ Enclosed is a check payable to Washburn University

\_\_\_ Please charge to my \_\_\_ Visa \_\_\_ MasterCard

Card No: \_\_\_\_\_ Expiration Date: \_\_\_\_ / \_\_\_\_

Print name (as it appears on card): \_\_\_\_\_

Return this form with your check or credit card information to:

Institute for Law Teaching and Learning

Washburn University School of Law

Attn: Donna Vilander

1700 SW College Avenue

Topeka, KS 66621

For information, contact Donna Vilander (donna.vilander@washburn.edu; (785) 670-1105).





Summer 2010 Conference  
Teaching Law Practice Across the Curriculum

Wednesday, June 16, 2010				
9:30 a.m. - 12:00 p.m.	Optional Teaching Lab			
12:00 - 1:30 p.m.	Lunch			
1:30 - 3:00 p.m.	Teaching Lab, continued			
4:00 - 6:00 p.m.	Welcome Reception (optional)			
Thursday, June 17, 2010				
8:00 - 8:30 a.m.	Registration and Breakfast			
8:30 - 9:00 a.m.	Opening			
9:00 - 10:15 a.m. Session 1 Workshops	[A] Ebooks As Social Media, Courses As Communities Of Practice	[B] Integrating Courtroom Practice With Classroom Theory: Merging the Academy, Bar and Bench to Create a Collaborative Legal Learning Community	[C] Incorporating Practical Exercises to Develop Students' Consultation Skills	[D] What on Earth Could They be Thinking? Designing and Using Electronic Surveys to Find Out
10:15 - 10:45 a.m.	Break			
10:45 a.m. - 12:00 p.m. Session 2 Workshops	[A] The Transfer of Learning in Legal Education: Using Schema Theory to Connect the Curriculum	[B] Teaching the Mystique of Rule- Drafting and the Underlying Structure of Legal Analysis: Music, Math, and Magic	[C] Putting the Counsel back in Counselor: How to Implement Theories of Law and Social Work in a Law School Setting	[D] Find Them on Facebook: Using Facebook to Reach Students Where They Already Go
12:00 - 1:15 p.m.	Lunch			
1:15 - 2:30 p.m. Session 3 Workshops	[A] Games Law Teachers Play: Teaching Legal Thinking Through Interactive Games	[B] Principles in Practice – Applied Ethics and Professionalism in Negotiations	[C] Best Intentions, Worst Results: The Pitfalls and Rewards of Innovative Teaching	
2:30 - 3:00 p.m.	Break			
3:00 - 4:15 p.m. Plenary Session	Using Team Based Learning to Teach Collaborative Practice Skills			
4:15 p.m.	Adjourn			
4:30 - 6:30 p.m.	Reception at Brown v. Board of Education National Historic Site			
Friday, June 18, 2010				
8:30 - 9:00 a.m.	Breakfast			
9:00 - 9:30 a.m.	Re-Opening			
9:30 - 10:45 a.m. Session 4 Workshops	[A] Self-Assessment Book (SAB): Reflective Thinking and Journaling in Law School	[B] Race, Class and Sex: A Winning Combination for a Cross- Curriculum Problem	[C] Beyond the Black Letter: Promoting the Learning Process through Continual Assessment in the First-Year Curriculum	[D] Appreciative Inquiry: Discovering and Learning From Our Strengths as Teachers
10:45 - 11:15 a.m.	Break			
11:15 a.m. - 12:30 p.m. Session 5 Workshops	[A] Building a Bridge to Everywhere: Improving Transfer of Learning from Legal Writing Programs to Other Contexts	[B] Teaching Representation, Strategy and Problem-Solving in an Interactive Class	[C] Formative Assessment: Successes and Difficulties in Giving Feedback	[D] Not Your Mother's Rhetoric: Rhetorical Teaching Across the Curriculum
12:30 - 1:30 p.m.	Lunch			
1:30 - 2:45 p.m. Session 6 Workshops	[A] Getting a Grip: Frameworks for Assessing Instructional Mastery	[B] Herding Cats: How To Achieve Faculty Cooperation In Teaching Lawyering Skills Across The 1L Curriculum (Without Infringing On Academic Freedom)	[C] Teaching Law Students Using SIMPLE (SIMulated Professional Learning Environment)	[D] Modeling Success in Every Law School Class
2:45 - 3:00 p.m.	Break			
3:00 - 3:30 p.m.	Closing			
3:30 p.m.	Adjourn			

# Seeking Your Contributions to TECHNIQUES FOR TEACHING LAW 2

**D**o you have practical ideas and classroom-tested methods that enhance your teaching and your students' learning? We are confident that you do. Please submit contributions to our forthcoming book, *Techniques for Teaching Law 2*.

## What is *Techniques for Teaching Law 2*?

This book is designed for legal educators who want to improve their teaching and their students' learning. Each chapter will contain two types of text: (1) a four- to six-page introduction summarizing basic principles that underlie the topic and (2) practical ideas, exercises, material, and methods (one to two pages each) contributed by the co-authors and other legal educators. The co-authors are Steve Friedland (Elon), Gerald Hess (Gonzaga), Michael Hunter Schwartz (Washburn), and Sophie Sparrow (Franklin Pierce).

## What topics will *Techniques for Teaching Law 2* include?

1. Basics on teaching and learning – across all domains
2. Audience perspectives: deans; students; and alumni
3. Materials: texts, supplements, resources, handouts, props
4. Using technology in teaching: PowerPoint, clickers, laptops
5. Classroom dynamics and learning culture
6. Learning outside the classroom

7. Questioning and discussion techniques
8. Collaborative, cooperative, group, and team learning techniques
9. Experiential and service learning – relating law school to practice
10. Writing across the curriculum
11. Professional skills across the curriculum
12. Professional values and identity
13. Feedback to students during the course
14. Evaluating students
15. Faculty development and inspiration
16. Favorite resources

## How can you contribute to *Techniques for Teaching Law 2*?

We are seeking contributions of 300-1000 words that fit any of the topics above, broadly interpreted. Each contribution should briefly describe the idea, exercise, method, or material. For example, these articles from the Spring 2010 edition of *The Law Teacher* would be appropriate contributions:

- Lisa Radke Bliss, *Looking at the Initial Client Meeting through an Interdisciplinary Lens: Applying lessons from the Medical Profession to Law Teaching and Practice*.
- Kelly A. Moore, *The Socratic Method Outline*.

Send potential contributions to Robbie McMillian, the Program Coordinator for the Institute for Law Teaching and Learning at [rmcmillian@lawschool.gonzaga.edu](mailto:rmcmillian@lawschool.gonzaga.edu).

## When is the deadline for contributions?

We aim to complete the manuscript for *Techniques for Teaching Law 2* over the next several months. The deadline for contributions is the end of May 2010.

## Questions?

Each of the co-authors would be happy to discuss the book or your potential contributions. You can reach us at:

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# Teaching State Criminal Law to 1Ls

By Chad Flanders, Saint Louis University School of Law

How should criminal law be taught to first-year law students? Professors preparing their classes for the first time, and even veterans of many semesters of criminal law, find themselves facing a dilemma. On the one hand, the common law is no longer good “law” in nearly every state; it has been superseded by statute. Even states that leave a significant role for the common law usually have a combination of common law and statutory law. On the other hand, there is no uniform code that actually exists as law in all fifty states. While the Model Penal Code (“MPC”) may serve as a useful stand-in for such a uniform law, few if any states adopt the MPC in its entirety, and most have made interesting changes in it. The result is that, as James Gordon has put it, criminal law professors are presented with the choice of teaching common law crimes “that haven’t been the law anywhere for more than 100 years” or the Model Penal Code “which is not the law anywhere today.”

Unfortunately, the current approach to teaching criminal law employed by many casebooks – and consequently, by many law professors – simply reproduces the above dilemma. Casebooks compile a hodgepodge of statutes of various states (usually only excerpted in a footnote to the case assigned, or put, in the manner of a laundry list, at the beginning of a chapter) and the Model Penal Code, placed at the back of the book, apparently for ‘handy’ reference (but also easily ignored). Occasionally, some very old and sometimes very confusing common law cases are thrown in. This “solution” is simply to punt on the dilemma of what law to teach. Casebooks end up not teaching any of the laws of one state in detail, and create at most the illusion of depth and of learning a “real” code by assigning

sections of the Model Penal Code. Our casebooks attest to our being in what Orin Kerr has called a “transitional moment” in the criminal law, where “a common-law field became a statutory field.” The result is that “we’re stuck in a weird state of confusion over whether to teach the course as common law or statutory, and if statutory, what statutes should apply.”

Yet there is a way out of this “transitional moment,” and it is to focus on one state’s criminal code, and to read cases from that state which interpret its

Criminal law for the most part is state law, and it is time we started teaching the subject the way it is actually practiced.

statutes. Using this approach, students are exposed to a consistent and actual existing body of law to master – rather than one state’s law for one case, another state’s law for the next, and a discussion about a proposed set of laws (the MPC) and its commentary. Nor are students forced to learn the arcane and confusing language of the common law, which has almost everywhere been superseded by statute. Criminal law for the most part is state law, and it is time we started teaching the subject the way it is actually practiced.

Over the course of the fall 2009 semester, my colleague Professor Anders Walker and I both employed this “state-focused” teaching strategy. In addition to using Joshua Dressler’s Criminal Law casebook, we assigned the Missouri Criminal Code as a separate text. Also, throughout the course, students read Missouri cases which, we believed, provided good examples of the law in action in our state. For each class, students would read several cases in Dressler as well as the Missouri statute for the particular crime or defense. In future courses, I plan to use mainly

Missouri cases, and not to use a casebook at all, having students instead read the relevant chapters of Dressler’s extremely useful hornbook on *Understanding Criminal Law* alongside the cases and the statutes for that unit.

There are several advantages to such an approach. Let me list the two main benefits before proceeding to some drawbacks.

An overwhelming advantage of the state-centered approach is that it gives students experience in digging into

the statutes of one state. In the introduction to the class, I am able to say that we will be looking at the “real law on the books in Missouri” and that, to a large

extent, the book of statutes will be their “answer key” for the class. (Of course, it is not a self-interpreting answer key, and sometimes the answers it gives will be puzzling. Students have to learn how to “crack” the state code.) Students are expected to know, even to master, the statutes assigned to them for each class and to bring their copy of the criminal code to class every day. This way, students are able to gain familiarity with the laws of one state, rather than just jumping around and learning bits and pieces of the laws of several states.

A second advantage of focusing on state criminal law contrasts nicely with the sometimes spectral quality of the MPC. While the MPC is not really law in any jurisdiction, the criminal code of Missouri indisputably is. And this gives the criminal law – already an intrinsically interesting and popular topic – an additional appeal to students. When students are studying crimes that took place near them or in the town next door, and dealing with the law as it is actually practiced in the jurisdiction

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where they reside, the law takes on an immediacy that older cases from foreign jurisdictions cannot give. I can testify to the different feel teaching Missouri cases give the class: we become more interested in where the crime occurred, who was arguing the cases, and who the judges were. There is a strange sort of thrill in knowing that the facts of the crime are not just a strange backdrop, but descriptions of a place nearby.

There are some drawbacks to this approach. There is an added cost to faculty who must look for appropriate cases to teach from the state's various appellate courts, a cost that many junior faculty may be unwilling or unable to pay. That said, I was able to benefit from Professor Walker's research and to use some of the cases he used (he had been teaching the class this way for several years). But I also spent many hours staring at Westlaw trying to find appropriate cases. Many cases are simply too cut and dried to be of any use in teaching (one has to find a balance between giving students cases that are clear and cases that are simply boring because they are so straightforward). In addition, one comes to appreciate the art of casebook editing: cases that include extraneous issues can only lead to confusion, especially early in the semester and especially when first-year students are involved. A class may be lost trying to deal with questions about

procedure or evidence that are covered in a cursory way in the case, without ever getting to the substance of the crime. In sum, putting time into finding the right Missouri cases, even if one is using them only as a supplement, can amount to the work of constructing a casebook.

Work aside, there is also the worry that a focus on a particular state's law is too narrow. What about the students in our classes who won't be practicing in Missouri, but who will go on to work in Illinois or Kansas, or clerk for a judge in Mississippi? How will teaching Missouri law prepare them for those jobs? And how will teaching students about Missouri legislative history prepare them for the odd mix of common law and Model Penal Code law that pervades the multistate portion of the bar exam? Indeed, teaching students only Missouri code may simply confuse students when they turn to bar studying – leaving them unprepared in areas where Missouri has gone a different way than other states or the MPC.

This last consideration may be all important to some teachers. Depending on where one is teaching, it simply may not be palatable to one's students to focus just on Missouri law or just on Nevada law. If the demands of your students are truly heterogeneous, then perhaps it is best to teach a mutt-like selection of laws from various states, as

can be found in most casebooks. (This will especially be the case for those who teach in D.C. who literally have no state's law to teach.)

But I urge that, even in a situation like this, law teachers should at least consider the advantages of selecting one state (most likely the state in which the law school is located or where most of your students will go on to practice) for pedagogical emphasis. The best approach at first may be simply to try adding some state specific cases to the usual casebook assignments, in order to gauge student reaction, and to see how the abstractions of the Model Penal Code become real in the criminal code of an individual state. Eventually, you may wish to move, as Professor Walker and I are tending to move, in the direction of simply teaching the criminal law of one state. Such an approach has the benefit of being both more pedagogically fruitful as well as more practical and "real-world." It has worked for me, and I commend it to you.

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## TEACHING AND LEARNING NUGGET

Try this experiment: For one class session, find the insight in each student's answer to one of your questions and reinforce the student for having that insight (even if you also need to correct any error on your own or with the help of a second student). You will discover that even student answers that are incorrect or incomplete usually reflect interesting insights and intelligence, and your students will feel encouraged to contribute more in class.

# Looking at the Initial Client Meeting through an Interdisciplinary Lens: Applying Lessons from the Medical Profession to Law Teaching and Practice

By Lisa Radtke Bliss, Georgia State University College of Law

As a clinical law professor, my work involves teaching law students skills that they will apply in their professional life as lawyers. The skills they must learn to transition from students of the law to practitioners of the law are complex and diverse. Teaching in the context of an interdisciplinary clinic gives me an opportunity to think about the practice of law more broadly. I interact frequently with medical and social work professionals. I also train and observe the training of medical residents and medical students.

These experiences enhance my teaching and my understanding of other professionals and how they communicate.

By viewing professional relationships through the medical training lens, I have gained insight into law practice and the development of lawyering skills. Some of the insights I gained while attending training for medical residents are particularly relevant to the beginning of the lawyer-client relationship.

The context for my teaching is the HeLP Legal Services Clinic at Georgia State University College of Law. The HeLP Clinic is an interdisciplinary clinic, which is part of the educational component of the Health Law Partnership, a medical-legal collaboration between Georgia State University College of Law, Children's Healthcare of Atlanta, and Atlanta Legal Aid Society. Students enrolled in the clinic represent families of children with serious illness in a variety of matters, including Children's SSI disability cases,

consumer issues, housing issues, and access to health care and public benefits. Clinic students attend classes with third year medical students at Morehouse School of Medicine and the clinic is an elective for fourth year medical students from Morehouse School of Medicine. Residents from Emory University School of Medicine join clinic students at case rounds where the students engage in interdisciplinary problem solving for the benefit of clinic clients. Clinic students also have opportunities to learn by visiting the hospital campuses,

Emory School of Medicine are taught how to prepare for this patient meeting and to consider what information to share with a potential new patient. Dr. Gardner's lecture underscored the significance of the first encounter with a patient and things that a professional can do at the start of a relationship to create mutual understanding, manage expectations, and lay the foundation for a successful experience for both the physician as well as the patient.

The beginning of a new professional relationship sets the tone for how

the parties deal with one another throughout the life of the relationship. Doctors and lawyers both recognize the importance of this, yet because of

time pressures and other constraints, both may omit simple steps at the first meeting. Taking the time to communicate with the client at the beginning helps set expectations for the relationship and can contribute to a positive lawyer-client relationship. In the current economic climate, getting students to think about the building client relationships is important. Borrowing some ideas from the medical profession is the perfect way to ensure a healthy first encounter.

As I listened to the physician, I realized that much of what she had to say could be applied to the initial lawyer-client meeting, and that doctors and lawyers, when working with their patients or clients, have many of the same concerns.

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The beginning of a new professional relationship sets the tone for how the parties deal with one another throughout the life of the relationship.

shadowing physicians on rounds, and learning from professors who teach for both medical school partners.

## Learning How Physicians View the Initial Patient Encounter

As part of my own interdisciplinary education, I attend many lectures and meetings with our hospital and medical school partners. One lecture I attended was given to medical residents by Dr. Lynn Gardner, Assistant Professor of Pediatrics at Emory University School of Medicine. Choosing a pediatrician is an important step in getting ready for a new baby and some expectant parents will speak to several before making a choice. This type of "Prenatal Visit" is so common that pediatric residents at

# Looking at the Initial Client Meeting through an Interdisciplinary Lens

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## The Initial Meeting: An Opportunity to Set Expectations

A pediatrician has several goals when first meeting with an expectant parent or a new patient. The physician wants to make sure that the parent is compatible with the doctor and his or her philosophy of care, wants to establish rapport, and wants to take the opportunity to educate the parent about how the doctor's practice operates. Lawyers meeting new clients want to do the same thing. By the end of the first meeting, clients should understand how the lawyer's practice operates. For example, is it the kind of practice in which the client can expect to deal regularly with a paralegal or other office assistant for routine matters and only deal with the lawyer when the lawyer's services are required? Is it the kind of practice where the lawyer returns messages at a predictable time of day?

At these first encounters, both parties are seeking information. It is not just the lawyer interviewing the client, but the client is interviewing the lawyer. Taking the time to share information about how the lawyer's practice works helps reduce the client's anxiety and helps establish realistic expectations about how the client will be treated. Both parties should obtain enough information in the initial meeting to confirm that the relationship is a good "match."

## The Importance of taking the Client's History

Physicians usually begin their examination with a new patient by taking a history and physical. This helps the doctor put the patient's current

symptoms and overall health into context. Likewise, taking a client's "legal history" can be a useful way for a lawyer to understand a client's legal condition, and his or her level of experience and sophistication. This information will help shape the way the remainder of the interview is conducted. Before having a conversation about office procedures and the retainer policy, both lawyer and client should have some context for understanding.

A lawyer will not be able to properly diagnose the client's problem without some context as well, so I emphasize to students the importance of taking the client's history, including his or her legal history. Taking the time to learn about a client's prior experience with the justice system can yield important information about the client. Such information influences how the lawyer views the problem for which the client seeks assistance, and may help the lawyer better understand the client.

Clients rarely seek legal attention for preventive consultation and people do not visit their lawyer once a year for a check-up. Lawyers have the chance to practice "preventive law" if they ask the right questions, but generally clients seek advice to address a specific legal need. Many lawyers, especially those practicing health law, have adopted a "Legal Checkup": a series of questions to discern whether a client may have other problems in addition to the one that prompted their visit to a lawyer. Taking this preventive approach, and screening new clients for multiple legal issues can give lawyers a better understanding of their client's personal context. This understanding can allow for a more holistic approach to solving the client's problems.

## Concluding the Visit

The first visit to a physician or a lawyer should end the same way: both parties should leave with an understanding of how and when they will communicate with one another and what will happen next. For a patient, the doctor may prescribe medication or order tests. A physician may need to follow-up to see how the patient is responding to treatment or to report test results and recommend a course of treatment. A lawyer's follow-up is related to the need for communication and lawyers have an ethical duty to keep clients reasonably informed. Keeping a client informed is not hard to do, but more importantly, helping the client understand the process of how and when he will be informed helps manage expectations.

## Conclusion

My ongoing experience with interdisciplinary teaching and learning continues to inform how I view the practice of law and the teaching of law students. The more time I spend with medical professionals, the more I learn about their training and their approaches to patient care and problem-solving. Often, when comparing two things, the first thing one notices are the differences. I have learned much from looking for the similarities our professions share in order to help our mutual patients and clients.

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# Bringing Lawyers Back on Campus: A “Modest Proposal” for Change

By Steven C. Bennett, Jones Day in New York

For many law students, receipt of a diploma at graduation is their last significant contact with law school (other than continuing payments of student loans, and annual appeals to alumni for donations). The separation between law school and the profession is nearly complete. Students too often view law school as a way station on the road to practice, a necessary credential to be gathered before beginning the “real” business of law. Although many schools have made admirable strides toward greater skills and professionalism training, pure legal academics can reinforce this separation, concentrating on research and writing about the theory of law, but imparting relatively little wisdom about the profession, career choices, or the practical skills required to become a successful lawyer.

But the times, they are a-changin’ (as Bob Dylan so famously sang). Several recent major efforts, while emphasizing that law schools do a fine job in imparting analytical skills to law students, have pointed the way toward development of expanded professional skills training, necessary for success in legal practice (Carnegie’s *Educating Lawyers*, CLEA’s *Best Practices for Legal Education*, and NITA’s *The Future of Legal Education*). In a severe economic downturn, moreover, clients and law firms have begun to demand that even the most junior lawyers provide efficient and high-quality service. Law schools (and law students) can no longer assume that law firms will provide remedial education to recently-minted lawyers, through on-the-

job training. Indeed, graduates who lack basic professional skills risk long-term unemployment, or under-employment in contract and part-time positions, at depressed wages and with very limited prospects for growth and advancement.

The economic downturn threatens the financial system that has supported law schools in the modern era. If law students are not assured of good jobs upon graduation, then acceptances of

“Practicing lawyers can support law schools in many ways that have little to do with fund-raising.”

high tuition (and high student loan debt) may appear risky. Students thus may either avoid law school entirely, or begin to make choices among schools based on predictions as to which schools offer the best training and connections for future employment.

For law schools, “business as usual” may no longer be an option. This article briefly outlines a solution that some schools may choose, as a means to weather (and perhaps even thrive) in the current environment: the reintegration of law schools and the profession, as a means to make legal education more relevant, but also as a way to enlist the support of lawyers (often alumni) who are eager to support legal education.

## Alumni: The Untapped Resource

Practicing lawyers can support law schools in many ways that have little to do with fund-raising. Indeed, the support could encompass virtually every aspect of a law school’s operations.

- Lawyers could be enlisted to speak to prospective students about the legal profession and about the merits of a particular school.

- Lawyers could provide presentations during the orientation of new students, to give them some sense of how the law school experience relates to the practice of law and to answer questions from students about the profession.

- Lawyers could serve as teaching assistants for classes, especially those that involve practical skills. Lawyers can

offer examples of real-life problems and solutions, distribute samples of pleadings and other forms that junior lawyers must quickly come to know, and participate in classroom discussions, especially when focused on “how to” issues.

- Lawyers can be matched as mentors to law students, offering career counseling and insight as well as an entrée into their professional networks.

- Lawyers can conduct practice job interviews with students, offering them pointers on how to highlight their skills and enthusiasm.

- Lawyers can conduct periodic, informal lunches with students, to answer questions as they develop during the course of a law school career.

- Under supervision, lawyers can arrange internships and part-time employment that can supplement and enhance the law school experience.

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- Lawyers can co-sponsor on-campus debates and symposia on topics of interest to the law school community.
- Lawyers can support moot court, mock trial and law review activities.
- Appropriately qualified lawyers may serve as adjunct professors, offering courses that are not otherwise within the ken of full-time academics at the school.
- Lawyers can provide assistance in preparation for the bar examination. Recent graduates who have taken the bar, for example, might offer suggestions on effective means to study and reassurance that diligent, focused students almost always can pass the examination.
- Lawyers can offer career counseling insights. Practitioners in a particular subject arena could conduct roundtable discussions with students who are beginning to develop similar interests in the profession.

The list above is far from exhaustive. The possibilities for involvement of lawyers, judges, politicians, business people and many others with law backgrounds are endless. The barriers to bringing lawyers back on campus are mainly matters of vision. Yet, the promise of free (or extremely low-cost) support for the school may prove attractive to many.

## Implementing A Program

Legal academics often resist change. Indeed, any change that threatens to pile cost and time burdens on top of the already substantial burdens of teaching, scholarship, and service almost certainly will encounter resistance. For an alumni involvement program to succeed, the faculty at a law school must be presented with a program that can be easily implemented, with minimum burden, and with maximum opportunities for collaboration to the benefit of all constituents—students, faculty,

practitioners and the public at large.

Fortunately, a well-run program can take much of the burden away from faculty. A few key steps are outlined below:

- Create an alumni involvement board separate from the school's general board of trustees, and with no responsibility for fund-raising. The mission of the board should be to study ways to increase alumni and legal community involvement with the school. The board should review current programs of involvement, and solicit advice on extensions and new initiatives. The board also should begin to identify "champions" within the alumni and legal community as well as faculty, to the extent that support for the program already exists. These champions may eventually form task forces to work on particular programs.
- Create an effective alumni and legal community network and communication system. Consider providing students and alumni with permanent email addresses, which they can use to receive law school announcements, no matter where they move after graduation. Study the possibility of using social networks for communications. For more senior alumni, make sure that the alumni magazine offers regular reviews of opportunities for involvement with the school, as well as guidance on how to use more modern means of communication with the school's alumni organization. Create an electronic bulletin board, listing upcoming events and potential assignments for lawyers to consider.
- Develop a theme for the program. "It's your law school." "Everyone can help." "Life-long learning." These kinds of messages can confirm for alumni that they can contribute to the school, and benefit from involvement with the school, in ways that are not limited to gift-giving.

- Keep score regarding alumni participation in the school. How many alumni have participated in some way with the school over the past year? How many have been back on campus? How many express satisfaction with their experience as an alumnus? Begin to set goals for improvements on these and other measures of the value of these programs. Gather student, faculty and alumni feedback.
- Hold faculty and administrators responsible for doing their fair share. Include involvement in alumni and legal community programs as one measure of success, for purposes of faculty evaluations.
- Tout the program's accomplishments. Use it as a recruiting tool for attracting capable, caring students. Highlight the program for prospective employers, stressing the benefits it provides in creating graduates with practical preparation for participation in the profession.
- As with all new programs, start slow and focus on immediately achievable goals. Seek opportunities that are essentially costless to the school. Some alumni may be willing to provide administrative support for the program at no cost – helping create a networking database, for example. Some may have technical and marketing skills. Almost all will have personal networks that can be tapped to support and extend the program.
- After some experimentation, determine which elements of the program provide the most "bang for the buck" and are most easily sustained. Where success appears in one facet of a program, look for additional ways to capitalize on that aspect. Popular on-campus lectures or

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symposia, for example, may become annual events, and additional activities, such as student/alumni lunches, may benefit from the large attendance at a successful event.

## Reward Lawyers for Participation

Although many lawyers may wish to help the school on purely altruistic grounds, the best means to ensure widespread participation in a program of this kind is to make it fun, easy and rewarding. Law schools have a wide array of non-cash assets, which they can use to reward lawyer participants in the program.

- The school can offer recognition of various kinds: special awards, certificates of participation and notices in alumni and other publications.
- For certain programs (such as on-campus teaching, or participation in post-graduate on-campus training), lawyers may receive CLE credit. Many CLE programs can provide two-for-one CLE credits for teaching.
- Lawyers may be offered the opportunity to audit courses or individual lectures, especially in areas where they find themselves practicing but for which they never took the class while in school. Distance participation, via microphone in the classroom, and video and virtual blackboard hook-up, could make this form of participation particularly easy.
- Offer continuing career counseling to all graduates.
- The school can facilitate public service opportunities for lawyers.
- Note lawyer and law firm sponsorships for programs, in program announcements and fliers, on participant tee-shirts, in program playbills and elsewhere.

- Offer free or low-cost mini-courses in single days, on weekends, or other convenient times, for lawyers in transition who wish to develop a new career focus. A one-day seminar on how to start a solo or small-firm practice, for example, could be of great interest to many practicing alumni and a significant number of law students as well.

- Create a “master” lecture series, where extremely well-qualified speakers (especially alumni) may be recognized for their achievements, and invited to campus to share their experiences and insights. For topics of broader interest, such as the recent collapse in the financial service industry, create “master panels” to share their views on a particular industry or a developing legal trend.

- Raise the public profile of the program. Invite the media to events, where appropriate. Issue press releases on new initiatives. List initiatives on the school’s website, and in disclosures to prospective employers.

- Seek the involvement of the judiciary, government agencies, bar associations and public service and minority advocacy groups. Determine whether pro bono credit or some other forms of recognition from the bench and bar associations may be offered as part of the program.

- Avoid the temptation to make every event into a fund-raising pitch. Make gift-giving information available, but do not sabotage the program with the implicit message: “if you attend an event, you will be asked for a contribution.” If the school must charge for an event, keep fees as low as possible. Consider waiving fees for recent graduates.

- Keep topics relevant. The alumni board should focus on ensuring that programs for lawyers and alumni are valuable to practitioners. Poll audiences and use alumni networking systems to develop new, relevant programs.

- Consider longer-term arrangements with alumni. Some universities have begun to explore retirement community arrangements, to affiliate former students with the campus during their retirement years.

- Explore the possibility of linking several schools together, for combined reach and resources. Law schools in a single geographic area might offer programs for all alumni, and for the legal community as a whole. Law schools might adopt “sister school” programs so that, for example, alumni in California might attend programs at a local school, even though they graduated from a New York school, and vice versa.

- Consider the creation of sub-groups of alumni and lawyers in particular practice areas, who may benefit from enhanced networking by participating in programs specifically linked to their practice.

Some schools also offer specific financial benefits to their graduates: reduced fee credit cards, life insurance and even hotel rewards programs. These kinds of programs, while perhaps attractive to some alumni, should be approached with caution. Schools may have little real control over such features, and may find themselves competing with bar associations and other groups that offer similar benefits. The message from a law school, moreover, may be diluted or distorted by such programs. “We want you back on campus” is hardly the same thing as “join up to get cut-rate services.”

## Involving the Faculty and Administration

A program to increase involvement of alumni and the legal community in a law school does not necessarily require an inordinate commitment of resources and time from the school’s faculty and administration. In theory, a well-run alumni board could oversee

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and implement much of the program. But certainly active support of school insiders can help ensure a program's success. The following steps may help obtain "buy in" from the faculty and administration.

- Clearly communicate that no faculty member is required to implement any aspect of the program in their courses. For those who do not see a role for alumni in law school courses, academic life will continue as usual.
- Note, however, that American Bar Association standards have changed in recent years to emphasize skills and professionalism training. Thus, a program of this nature may help maintain the school's accreditation and reputation.
- Solicit the involvement of one or more faculty members and administrators who already work in related areas: fund-raising, career counseling, the judicial clerkship committee, or the public service committee. Clinical and adjunct faculty may be natural allies. Those who teach courses on Professional Responsibility, who previously practiced law or served in government and public service positions for more than a few years, and those who have been involved in previous efforts to promote professionalism training within the

school—all may have an interest in helping to champion these programs. One or more such faculty and staff can be designated to work with the alumni advisory board, not necessarily to generate and implement programs, but to ensure compliance with school policies, and coordinate any use of school resources.

- Provide recognition to faculty and administrators who provide meaningful assistance to the program. An annual alumni/faculty recognition program or some more formal award might be appropriate.
- Make sure that the program has visibility within the law school community. Provide notices and announcements of events. Put them on the school's web-site. Make sure that faculty and administrators are aware of principal contacts with the program and the means by which they can participate.
- Explore the possibility of other forms of collaboration between academics and legal practitioners. "Reading groups" of practitioners, for example, might be employed to vet and comment upon research and articles prepared by academics. Academics and practitioners might also be encouraged to co-author scholarly pieces or to comment jointly on pending legislation and rules initiatives.

## Closing the Gap Between Law School and the Profession

Research and analysis on the need for reform in legal education has consistently pointed to the gap between the purely analytical skills traditionally imparted through legal education and the professional skills that junior lawyers must develop to survive and thrive in practice. Tolerance of that gap may at last be ending. Law schools can capitalize on the resources and talents of their alumni and the broader legal community. Those that do so may, in time, gain competitive advantages over their peers. In the process, such schools may begin to change the nature of legal education itself.

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