

# Using a Faculty Inquiry Process To Examine Student Responsibility for Learning

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*The growth of any craft depends on shared practice and honest dialogue among the people who do it. We grow by trial and error, to be sure—but our willingness to try, and fail, as individuals is severely limited when we are not supported by a community that encourages such risks.*

Parker Palmer, *The Courage to Teach*, 1998

In January of 2009, the Thomas M. Cooley Law School Faculty Center extended an invitation to all full-time faculty to participate in a community “where conversations about learning would take place, where innovations in curriculum and pedagogy would be examined, and where questions and answers about teaching would be exchanged, critiqued, and built upon.”<sup>1</sup> The topic of this community would be “Building Student Responsibility for Learning.” Nine faculty members responded to the invitation. This article outlines the process used by the community as well as the results of each member’s classroom inquiry.

## I. The Process

### *What is an “Inquiry Group Process”?*

The Carnegie Foundation for the Advancement of Teaching<sup>2</sup> endorses the inquiry group process and describes its goals as follows:

- Create professional communities in which educators can share what happens in classrooms;

1. Carnegie Foundation, Faculty Inquiry Toolkit, available at <http://specctoolkit.carnegiefoundation.org/how-figs-work/>.
2. *Id.*

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- Articulate and negotiate the most important outcomes for student learning;
- Use the tools of classroom inquiry to understand the experience of students more deeply;
- Share insights and findings;
- Examine a wide range of evidence, from examples of student work to campus-level quantitative data that describes patterns of student performance;
- Invite and offer critical reflection and peer review;
- Collaborate in the design of curricula, assignments, and assessments;
- Build trust as an essential component of ongoing improvement;
- Support professional identity and responsibility among educators.

### *The Phases of a Faculty Inquiry Group Process*

While many law school faculty members understand the nature and merit of student motivation and responsibility for learning, others of us struggle with how to design our instruction in ways that foster such qualities. Participants in this inquiry group recognized this struggle and sought to move from “knowing about” the issue to “knowing how” to foster increased motivation and responsibility in their classrooms.

Inquiry group participants approached this task 1) through the investigation of current literature; 2) the implementation of their findings into classroom practice; 3) assessing the effectiveness of that practice; and 4) making recommendations to peers based on their findings. Below are the findings of this group in each phase of the inquiry process.

#### Phase 1: Investigating

Utilizing various methods (review of current literature, discussion, etc.), this inquiry group gained new and enhanced insights and understandings related to their chosen topic including:

We, as law faculty, often believe that because we practiced law, we can teach it.

Faculty often lack concrete instructional outcomes by which to design instruction and/or measure whether students are learning.

Moving away from a teacher-centered approach and toward a learning-centered approach alters and enhances the design of instruction.

Teaching and learning formats not only must be properly structured, but also properly implemented.

The pillars of student motivation are 1) instructor support, 2) opportunities for engaged and active learning, 3) accountability through required demonstrations of learning, and 4) the continual pressure by the instructor to enhance student understanding.<sup>3</sup>

Faculty does matter. Students report higher levels of engagement and learning at institutions where faculty interact with and academically challenge students through active and cooperative learning.<sup>4</sup>

### Phase 2: Implementing

The inquiry group participants were continually encouraged to reflect upon the examined literature and how it transferred to their individual teaching and what occurred in their classrooms. Such considerations prepared inquiry group members for the next step in the process: implementing the findings of their investigation into their individual classroom teaching.

Each member identified a teaching format to incorporate into their teaching. Their course content and question for classroom inquiry included:

- **Tax Course & Business Organizations Course Inquiry:** Do students develop “better” critical thinking or problem-solving skills when course content is learned through small group discussions as opposed to a primarily lecture format? (See Part II, Section A below.)
- **Contracts I Course Inquiry:** In a large lecture course, does the practice of requiring students to summarize key points for their peers have a significant effect on students’ level of engagement and / or their responsibility for their own learning? (See Part II, Section B below.)
- **Elder Law Clinic Inquiry:** Does the use of outcome measures and tools such as rubrics help students learn to self-evaluate professional performance? (See Part II, Section C below.)
- **Criminal Law Course Inquiry:** Will the use of out-of-class exercises with self-assessment rubrics and instructor feedback increase student responsibility for learning? (See Part II, Section D below.)
- **Torts I Course Inquiry:** If a professor makes course objectives as explicit as possible to students through a variety of means including gross distribution, individual depiction, specific assessment, and frequent review, will student responsibility and engagement increase? (See Part II, Section E below.)

3. Jere E. Brophy, *Motivating Students To Learn* 203 (Lawrence Erlbaum Associates, Inc. 2004).

4. Paul D. Umbach, & Matthew R. Wawrzynski, *Faculty Do Matter: The Role of College Faculty in Student Learning and Engagement*, 46 *Res. in Higher Educ.* 153, 153-184 (2005).

- **Externship Inquiry:** Will remote externs' bar passage rates be improved through structured engagement with other externs within their geographical area? (This classroom inquiry project is in the second of a three-term timeline. Findings are not yet available and have, therefore, not been included in this article.)

#### Phase 3: Assessing

It was essential for each group member to identify ways of gauging the effectiveness of their classroom inquiry. Members identified a well thought-out strategy for measuring what, if any, changes the newly implemented teaching strategy would make toward the effort of building student responsibility for learning. Group members documented their findings, not only for their own understanding, but also to share with other group members and the broader faculty community as well. This process allowed the group's findings to be linked to larger conversations about teaching and learning within the law school.

#### Phase 4: Sharing

The "Building Student Responsibility for Learning" inquiry group chose to share their findings and inquiry group experience in the following ways:

- A poster presentation at the 2010 AALS Clinic Conference held in May in Washington D.C.;
- A panel presentation at the Cooley Law School All-Faculty Meeting in October, 2010; and
- Publication of this article in a recognized journal of teaching and learning.

## II. The Classroom Work of the Inquiry Group Participants

**Inquiry: Do students develop "better" critical thinking or problem-solving skills when course content is learned through small group discussions as opposed to a primarily lecture format?**

**Fielded in: Tax & Business Organization Courses/Professor Joni Larson<sup>5</sup>**

#### *Introduction*

Cooperative learning activities guide students in thinking, analyzing, and processing newly learned information through communication and interaction with their peers. Studies show that the more a student works in cooperative groups, the more the student learns, the better the student understands the

5. **Joni Larson** is the Assistant Director of the Graduate Tax Program and teaches in both the graduate (LL.M.) and J.D. Programs. Professor Larson can be reached at [larsonj@cooley.edu](mailto:larsonj@cooley.edu).

information, the easier it is for students to remember the information, and the better s/he feels about the class.<sup>6</sup>

The benefits researchers have found arguably could be traced to many sources. First, cooperative learning allows every student the opportunity to actively participate. Second, those students hesitant to speak in front of a large class now have the opportunity to interact with a more comfortable number of peers. Third, group work is an effective means for exchanging experiences and ideas. Fourth, the instructor can alter his role from “sage on the stage” to “guide on the side.”

In sum, cooperative learning allows the instructor to share responsibility for learning with the students and offers them the opportunity to actively engage with the information. In the end, the students learn to be responsible for their own learning.

#### *Application to My Individual Income Taxation Course*

The first year of law school introduces a very different approach to learning. Students work their way through casebooks dense with truncated cases and legal theory. But without a doubt, the practice of law is more than reading and understanding cases; it is learning the skill of unwrapping new areas of law, digging nuances out of language from competing cases placed side by side, and understanding the law in a way that is meaningful in real practice. Cooperative learning can bridge the gap between case recitation and the practice of law.

My goal was to assess the effectiveness of cooperative groups in my fall 2009 individual income tax class. There were 49 students in the class.<sup>7</sup> I requested that students form groups of four, having found from past experience that if the group is larger than four, not all students will participate in the group work. Each week, a different member of the group was responsible for assuring participation, keeping track of any conclusions or end work product, and answering on behalf of the group if the group was called upon.

6. David W. Johnson, et al., *Cooperative Learning: Increasing College Faculty Instructional Productivity* (ASHE-ERIC Higher Education Reports, ED347871 1992) (“Breaking up lectures with short cooperative processing times gives the instructor slightly less lecture time but enhances what is learned and builds relationships among students. It helps counter what is proclaimed as the main problem of lectures: The information passes from the notes of the professor to the notes of the student without passing through the mind of either one.”).
7. This class was unusually small. Generally, there are closer to 100 students in each class. In the past, I have used a large amount of group work in my (larger) classes and have not found the size of the class to be a deterrent to using cooperative learning.

Minimal class time was devoted to discussing statutes or cases from the assigned reading. Rather, students used class time to participate in problem-solving group activities. The activities assigned to the groups were varied and in a most general manner, organized under the following types:

- Fact patterns wherein the students had to apply statutes and/or case law as an advocate of a particular party;
- Application of statutes and/or case law to everyday occurrences where the result is likely to be contrary to their intuitive answer;
- Explanation of the difference between two theories that, at first glance, appear to be inconsistent;
- Advice that would be rendered to a client based on the application of relevant statutes and/or case law (and the reason for the advice);
- When options were made available to a client, the selection of an option and the reason why;
- Fact patterns that required understanding and application of a formula or logical process.

*Application to My Business Organizations Course*

The next term I continued to use cooperative learning when teaching two sections of Business Organizations. With nearly 100 students in each section, I again requested that students form groups of four.

Because Business Organizations is not as technically complicated as taxation, I incorporated substantially more group work than I had with my taxation course. As with taxation, the students were expected to make use of the assigned reading material when completing the group problem-solving activities.

During in-class group work, I always walked around the classroom, answering questions and interacting with the groups. In doing so, it was very clear to me that students were truly learning the material. Parsing through the cases drove home the essence of the material, allowing the students to see connections and contradictions that might otherwise have gone unnoticed. When we subsequently worked through the problems as a class, the students had the opportunity to argue for a position or result their group reached that may have been different from or contrary to results reached by other groups. Argument techniques and the ability to present a position in a persuasive manner took center stage, as did the ability to listen to and assess an opposing position.

*Classroom Inquiry Summary*

Listening to the students as they worked through a problem within their group and hearing the exclamations as they suddenly grasped the true meaning of a statute or holding made me a firm believer in the instructional soundness of cooperative group work. I must admit, however, that the use of group work is much more challenging to me as an instructor. To simply lecture is to control the information, deciding when to involve the students and what to ask them, with the comfort of already knowing the answer. To use cooperative group work is to let go and allow students to drive their own learning. The students decide where to begin the conversation, which issues are most relevant, and ask questions that they believe are most important. They often ask questions that could not be found on any pre-conceived agenda of topics, good questions that demonstrate they are truly considering the material. Could anything in law school be closer to the actual practice of law?

I have grown accustomed to the discomfort of teaching in this method. I willingly accept it because of the benefits it provides for my students. I am encouraged by the energy of the students as they delve deeply into the material and express surprise when they recognize that the class period has so quickly come to an end. I am encouraged by the ability of some students to effectively apply law to facts (and similarly when other students recognize this gap in their own understanding and strive to improve).

Finally, I believe the final exam demonstrated the effectiveness of cooperative group work. On the essay portion of the exam, the first part of a question was based on material the students had used in a group project. The second part was based on material that had not been a part of their group work. The students performed substantially better on the first portion of the essay.

**Inquiry: In a large lecture class, does the practice of requiring students to summarize key points from the lecture for their peers have a significant effect on students' level of engagement and/or their responsibility for their own learning?**

**Fielded in: Contracts Course / Professor Derek S. Witte<sup>8</sup>**

*Introduction*

As part of this inquiry group, I chose to study whether students in my large lecture class would be more engaged in the class session and take more responsibility for their learning if there was a chance that they may be called upon to summarize the key points from this lecture at the next class session in front of their peers.

8. **Derek S. Witte** teaches Contracts and e-Discovery. Professor Witte can be reached at [witted@cooley.edu](mailto:witted@cooley.edu).

In the fall 2009 term, I taught two almost identical sections of Contracts I. One class was taught on a Thursday morning and the other on Friday morning. I informed the students in my Friday section that at the end of each three-hour lecture, I would randomly assign three students to present the three most important points from the day's lecture to their fellow students at the beginning of the next class. Then, at the beginning of the next lecture, I called the designated three students to the front and asked them to present the key points from the previous lecture. I reminded the students frequently that, should they be one of the students assigned to provide a summary to their classmates, I expected them to meet with the other two students selected to discuss what and how to present.

My Thursday class was the control group. I taught this class using my ordinary "soft Socratic" approach, blending lecture and student discussion. I did not ask the Thursday students to summarize key points or make presentations in front of the class. These students participated in class only when called upon to answer a question, brief a case, or after they raised their hand to comment on a subject.

During the semester, the students from the Friday class, or test group, seemed eager to present the key points. I did not tell them that the presentations were part of a study, nor did I mention that the Thursday class was not being asked to make summary presentations.

On a few occasions, I sensed that some of the students in the Friday test group were not putting forth their full effort. However, on the whole, the group of students summarizing the key points seemed to work very hard to articulate them succinctly and correctly. Almost every week, the format chosen by the three students was to each present one of the top three "key points." For instance, the first student would address the firm offer rule and the next student would discuss the rule for option contracts. Despite this topical division of responsibility, I did observe a sense of collaboration by each group. It was clear to me they met beforehand as requested to discuss what and how to present.

During the final class of the term, I provided the students in both the Thursday and Friday classes with a course survey. The students were told that the survey would be anonymous and that it was part of an important classroom research project. With this in mind, I requested that the students answer the survey questions as accurately as possible.

My purpose in designing the survey questions was to gauge two major areas that our faculty inquiry group chose to study. The first set of questions was intended to measure the students' level of "engagement" during class. The second set of questions was intended to measure the level of "responsibility" that the students took as regards their own learning. The students were asked to rate themselves on a scale of 1 to 10.

*Question Set #1 Summary: Engagement*

I was very excited to find that the test group gave answers that leaned significantly towards higher engagement. For these “engagement” questions, the students in the test group reported being more prepared for class. The most remarkable differences between the control group and test group, however, was that the test group reported feeling more like “active participants in class” by an entire half point. Likewise, the test group reported that the class would not be the same if they weren’t present, showing both engagement with and responsibility for learning. Most remarkably, the students from the test group reported being less “bored” by almost three quarters of a point.

Given that the two sections were very similar in format and delivery; with both consisting of students with similarly diverse backgrounds and ages, it is reasonable to conclude that requiring the students in the Friday section to summarize the day’s key points resulted in this entire section paying greater attention, being more engaged and causing them to be, in their own words, “less bored.”

*Question Set #2 Summary: Responsibility*

With regard to the “responsibility” questions, the survey results were inconclusive. Although the test group did report more responsibility for “making certain that [they knew] the facts, reasoning and rule(s) for each case assigned in the syllabus,” the responses to the rest of the survey questions provided little insight. In fact, the test group believed that the professor had more responsibility for identifying helpful hypotheticals and for answering tough questions that arose during class than did the responses from the control group. Most troubling was the fact that both sections, through almost identical responses, agreed that it is the professor’s, not the student’s, responsibility to summarize key points from the day’s class and to identify the material that must be mastered for the final examination. It seems to me that these two areas should be the student’s responsibility. This raises concern about these and perhaps other law students’ perceived responsibility for their own learning.

*Classroom Project Summary*

As a result of my classroom inquiry project, I believe that requiring students to summarize key lecture points had a significant effect on those students’ level of engagement, but did not affect the amount of responsibility that they took for their own learning.

**Project: Does the use of outcome measures and tools such as rubrics help students learn to self-evaluate professional performance?**

**Fielded in: In-House Elderlaw Clinic/Professor Kimberly E. O’Leary<sup>9</sup>**

*Introduction*

This project describes the use of outcome measures and accompanying rubrics in a clinical law course, the Sixty Plus, Inc. Elderlaw Clinic at the Thomas M. Cooley Law School. As with most clinical law professors, a primary teaching goal in all of my courses is to help students develop the skill of evaluating their own performance as lawyers. My premise was that we as a clinic department knew conceptually what we wanted the students to do; I just needed to capture our thoughts and write it down.<sup>10</sup>

Writing the collective assumptions of my colleagues and myself was a lot harder than it sounds. As professors, we are used to writing what we do—how we organize a class or a learning environment. This effort required me to write down what I expected the students to be able to do.<sup>11</sup> Surprisingly, when creating the rubric, it was much easier to state the extremes than the middle. In other words, we are used to telling students what excellence looks like and what incompetence looks like; it is harder for us to tell them what basic competence looks like.<sup>12</sup> Part of this difficulty, I think, is that we are afraid if we write down something less than excellent, the students will aim too low. I have come to think that is a misplaced fear on our parts. Moreover, we do a disservice to students, especially those students with perfectionist distortions, when we cannot tell them what a typically “good” student can do.

9. **Kim O’Leary** is Professor of Law and Director of the Sixty Plus, Inc. Elderlaw Clinic. She can be reached at [olearyk@cooley.edu](mailto:olearyk@cooley.edu).
10. I consciously rejected an approach of using some objective description of lawyering skills or values (such as the MacCrate Report) as the genesis of my approach. While that is certainly a valid way to begin, it seemed to me more important to uncover the unstated assumptions I and my colleagues held, believing that we had formulated for ourselves a much richer, more specific conception of what we hoped students would be able to do. Relying upon someone else’s standards seemed more sterile and less helpful to our students.
11. One especially good reference to help understand how to write learning objectives is Mary E. Huba & Jann E. Freed, *Learner-Centered Assessment on College Campuses: Shifting the Focus from Teaching to Learning* (Allyn & Bacon, 2000).
12. I presented a panel in Denver on this topic; there, too, professors new to this task had a harder time with average than with extremes. For example, a group of doctrinal law professors said they could state what an “A” answer looked like and an “F” but had a much harder time stating a “B” or “C.” I asked them to tell me what a “B” answer on an exam looks like and they were able to describe it. Then I told them, “Write that down.” See also David F. Chavkin, *Am I My Client’s Lawyer?: Role Definition and the Clinical Supervisor*, 51 *SMU L. Rev.* 1507, 1542 (1998) (discussing the difference between the “competent” representation of which a student is capable rather than a higher level of performance that an experienced supervisor might provide).

*Modifications in Use Based on My Classroom Inquiry Project*

My classroom inquiry project involved experimenting with ways to use outcome measures that would increase a student's engagement as they participated in a process of self-reflection.<sup>13</sup> It has long been my view that most clinic students find the goal-setting and self-reflection exercises irrelevant or marginally relevant and performed them fairly superficially when asked to do them in the past.

My classroom inquiry involved giving half of my students the outcome measures as only an attachment to three assignments, as I have always done; the other half of my students were asked specifically to use the outcome measures in their reflection assignments. I would also draw upon language from the measures when I discussed the assignments with the students. Because I only had four students (two teams) during the fall 2009 term when I would launch the project, another faculty supervisor in the clinic volunteered to use the outcome measures in the same manner with her students as well. That fall, twenty-four students were enrolled in the Sixty Plus Clinic, meaning ten would be exposed to the more explicit connection between the reflective assignments and 14 would not.

The faculty inquiry group developed four common questions that we would ask within each of the classroom inquiry projects. Because clinical pedagogy relies upon many learning environments other than the classroom (e.g., the office, supervision sessions, off-site performance locations), I developed additional questions which asked the students to specifically address the self-reflective activities and their engagement in a variety of activities in the clinical setting.

*What Did I Learn from the Student Survey Results?*

My first impression of the student survey data was that the students, as a group, were more consciously engaged in self-measurement than I would have thought. While the sample is too small for any sweeping conclusions, it appears significant that 14 of the 21 students measured their performance against available outcome measures at least "frequently" with only two indicating "rarely."

Most students indicated on the survey that they were familiar with the outcome measures as well as the rubrics that accompanied them. Sixteen students found the outcome measures and rubrics helpful in understanding how to be a lawyer, with three students stating the measures and rubrics were not helpful. Only one student indicated s/he did not know what the measures and rubrics were.

13. For a great theoretical justification for engaging students more in the learning process, see Gerald F. Hess, *Cooperative Course Design: Not My Course, Not Their Course, but Our Course*, 47 *Washburn L. J.* 367 (2008).

Three questions were designed to determine whether students were indeed thinking and acting in ways that would improve their chances of success as new lawyers: Nineteen students said they thought about ways in which they might help a client before talking to a supervisor at least “sometimes.” Likewise, 19 students said they had a better understanding of their strengths and weaknesses as a lawyer by the end of the term. When asked if they felt prepared to meet with a client, 18 students said the class “greatly” helped them in that regard and two said the class helped them “somewhat.” There did not seem to be any correlation regarding how often students were asked to compare their skill level with the outcomes and rubrics.

#### *What Did I Learn? Non-Survey Impressions*

Although the survey itself was limited in value, I do have some impressions about how an increase in explicit discussion of outcome measures and rubrics has changed some of the dynamics in the clinic. While I have taught in clinical settings for more than 20 years, I found that in this term, explicit discussion of outcome measures was much higher than any term I previously taught. I noticed some changes in the learning environment that I also believe are a result of the use of explicit discussion (more prominent use of outcome measures in reflection assignments combined with discussion of objectives in classroom). For example,

- The more we talk about what we expect from students, the more they understand what we expect from them.
- The more explicit we make measures of performance, the more aware students are of how to go about measuring their own performance.
- Asking students to think about the importance of self-reflection (such as with the survey) might help them better understand the long-term value of such.
- If we make the outcome measures and accompanying rubrics more front-and-center, such tools will assist students to better articulate a self-assessment process.
- While there is no strong evidence that discussing measures and rubrics a specific number of times increases students’ ability to measure their own performance, the students in this group appeared to better articulate their self-assessment than in any other group taught in the past.

#### *Classroom Inquiry Summary*

The in-house clinic, as a capstone course, requires students to integrate a wide range of knowledge, skills and values in an active learning environment. The clinic’s primary interest is to teach students the skill of self-assessment for lifelong professional improvement. Clinic faculty support self-assessment over faculty-driven assessment. The instructional format of using and articulating outcome measures and rubrics has greatly reduced the “I know it when I see it” phenomenon. Used explicitly inside the classroom, at supervisory meetings

and with student assignments, the outcome measures and accompanying rubrics have improved the culture of assessment our clinic seeks to foster.

**Inquiry: Will the use of out-of-class exercises with self-assessment rubrics and instructor feedback increase student responsibility for learning?**

**Fielded in: Criminal Law Course/Professor Tonya Krause-Phelan<sup>14</sup>**

*Introduction*

Professors of first-term law classes are privy to a whole host of student fears, questions and complaints. The most common criticisms law professors hear are that students do not believe they have been sufficiently informed as to their expected level of performance on the final exam, and for that matter, how they will be assessed regarding that performance. Another common protest is that first-term students have yet to see the correlation between the case method, Socratic instruction, and the law school experience. Students want to know how to “get it” and what they need to do to “get it.” In essence, students desire formative assessment and feedback from their professors.

*Teaching Philosophy and Decision to Participate*

As a new professor, my goal is to create a classroom experience that demonstrates the efficacy of legal education in meeting the demands of the practice of law.<sup>15</sup> I decided, therefore, to treat the classroom experience as a series of criminal cases, deliberately choosing to employ a relaxed Socratic Method combined with limited lectures, class discussion, and anecdotal sketches. I expect students to approach each case as a prosecutor, discussing the manner in which they would prove the elements of the crime(s), analyze what evidence they would need to prove the elements, and anticipate and refute any potential defenses. On the other hand, I require the students to act as a defense lawyer as well and present arguments against conviction (i.e., elements) and valid defenses. Therefore, I created a series of analytical exercises:<sup>16</sup> short essay questions designed to address specific learning objectives. Each P.A.S.S. Page exercise is accompanied by a series of questions designed to stimulate the development of student knowledge, comprehension, application, and analytical skills.

14. **Tonya Krause-Phelan** teaches Criminal Law, Criminal Procedure, and Defending Battered Women and assists with the Kent County Defenders Clinic. Professor Krause-Phelan can be reached at krausept@cooley.edu.
15. Prior to becoming a law professor in 2005, I practiced as a criminal defense attorney for nearly seventeen years. I had not been formally trained as an educator. My only teaching experience consisted of “educating” juries, faculty instruction at continuing legal education seminars, and as an adjunct professor teaching Criminal Law and Criminal Procedure for criminal justice majors at Ferris State University.
16. I called these exercises P.A.S.S. Pages (Phelan’s exercises to Analyze, Scrutinize and Synthesize).

In prior terms, I provided only a few of these exercises at the beginning of the term to give students a “jump start” on developing the skills necessary to succeed. I did not require participation; I merely told students that the exercises were available to them if they desired to complete them. I offered to read students’ written answers and provide feedback. Over the course of several terms, I discovered that very few students availed themselves of this opportunity. However, I noticed that the majority of students who participated tended to do very well in my class.<sup>17</sup>

Because I had not yet begun to learn about the particular pedagogical issues facing legal educators, I did not realize that my efforts to provide students with additional tools to perform well in class and on the final exam, although inspired, were ineffective.

### *My Classroom Inquiry Project*

The intended goal of my classroom inquiry project was to add structure to the assessment tool I had used in previous terms, the P.A.S.S. Pages, and collect evidence that allowed me to determine whether the previously used exercises, introduced to students in a new way, would accomplish their intended purpose of encouraging student engagement, fostering student responsibility for learning, and developing students’ analytical skills.

I introduced the classroom project to my Criminal Law students in the 2009 fall term, candidly sharing with them the results I hoped to achieve. I made explicit to the class my belief that participation, although purely voluntary, would likely increase their understanding of the material and improve their performance on the final exam.

While in terms prior I might have had no more than a dozen students who participated in the P.A.S.S. Page exercises, I was pleasantly surprised to find that 32 percent of my fall 2009 class chose to participate in this project.<sup>18</sup> Throughout the term, I posted weekly out-of-class exercises designed to assist the students in applying knowledge regarding the substantive legal issues and to provide an opportunity for students to demonstrate their analysis and synthesis skills as related to a new set of facts.<sup>19</sup> Each week I used the hour before the class session to review the exercise along with a model answer that the students compared to their own responses.

I included a grading rubric and feedback process to allow students to determine their own level of performance, as opposed to having me review

17. Because of grading anonymity, I did not learn an individual’s grade until the following term.

18. This particular Criminal Law class consisted of 78 students, 25 of whom participated in the P.A.S.S. Page exercises.

19. I posted eight P.A.S.S. Page exercises to my TWEN Page. These exercises covered all of the substantive crimes discussed throughout the term with the exception of the miscellaneous crimes (burglary, arson, kidnapping, assault and battery). This project did not include P.A.S.S. Pages exercises dealing with defenses.

their answer. The students were asked to compare their written responses to the rubric provided and note where their identification of the issues, their analysis, synthesis, and communication of the problem aligned with the rubric. At the end of the session, students turned in not only their written answers to the exercise, but their completed rubric as well. I was both pleased and pleasantly surprised to see that the students tended to be fairly harsh when assessing their answers. The other notable observation was that most students' answers improved from week to week. In other words, their demonstrated level of understanding increased each week, including their ability to analyze their own work.

The participating students seemed vested in this project and became more engaged not only in the exercise review sessions, but in the class session itself. Student evaluations at the end of the term reflected that the students saw the value in the exercises, believed it had helped them to develop the skills necessary to do well on the exam, and saw their participation as time well-spent.

### *The Results*

In the end, students who participated in the P.A.S.S. exercises performed better, albeit only slightly, than the entire class. While the overall class GPA average was 2.49, those students participating in the P.A.S.S. exercises had, as a group, a GPA of 2.6

### *Classroom Inquiry Summary*

In an effort to yet improve on this project, I intend to expand the P.A.S.S. Page exercises to cover defenses as well. In retrospect, it was a significant failing on my part to omit defenses from the exercise. Finally, I plan to use student answers from this term with future classes to demonstrate common mistakes students make in answering each exercise question. The anticipated affect of using prior student responses is that students are as likely to learn and remember based on a previous student's mistake as they are from a professor's model answer.

Although my individual classroom inquiry project results were not as dramatic as I had hoped, the project did provide me with some new insights. By engaging in the very self-assessment that I was demanding of my students, I have been able to see the positive impact the exercises provided. At the same time, I have recognized several things upon which I, the instructor, can improve.

**Inquiry: If a professor makes course objectives as explicit as possible for students through gross distribution, individual depiction, specific assessment, and frequent review, will student responsibility and engagement increase?**

**Fielded in: Torts/Professor Nelson P. Miller<sup>20</sup>**

*The Exquisite Paradox*

My effort in this faculty inquiry group has taught me that teachers cannot promote student responsibility for learning by other than indirect means any more than parents can impose child responsibility, or law enforcement can impose citizen responsibility. The best that teachers can do is to create conditions for learning. By proof and definition, learning is a student, not teacher, responsibility. Yet teachers must direct their efforts sensitively and wisely toward creating positive conditions. Efforts students see as external expectation and pressure are likely counterproductive.

*The Classroom Inquiry Project*

My classroom inquiry was both quantitative and qualitative, while natural (non-experimental) and active. My effort in this inquiry went in two directions. First, I had to create conditions for learning and measure responses to those conditions. Doing so would address the question of whether or not creating conditions for learning improves learning responses. Secondly, I had to attempt to impose learning and measure responses. My sense, I believe shared by Kim O'Leary earlier in this article, was that making course objectives as explicit as possible through a variety of means would increase student interaction, engagement, and responsibility. While O'Leary studied the effect of measurable outcomes on students in clinical settings, I did my measurable outcomes study in the setting of classroom doctrinal instruction. I had two sections of about eighty first-term students learning tort law, over 14 weeks of classroom instruction consisting of once-a-week three-hour blocks.

*The Positive Project*

To test whether increased use of outcome measures had a positive impact by improving student responsibility for learning, I

- Prepared one to three outcome measures for each three-hour class;
- Distributed measures to students in the syllabus;
- Prioritized measures as high, medium, and low, based on value to learning;

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- Illustrated each concept measure with a fact-pattern trigger;
- Offered an online multiple-choice quiz question for each fact-pattern trigger;
- Provided practice essay questions and model answers for each outcome measure; and
- Developed and employed a final-exam scoring rubric key and included a copy of the completed scoring rubric with additional written comments for students to review.

### *The Negative Project*

To determine whether attempts to impose learning activities had the negative effect of impeding student responsibility for learning, my steps were to:

- Arrange the multiple-choice items for each outcome measure into weekly quizzes students are expected to take online;
- Tell students that I would be tracking and comparing their progress week-to-week;
- Compile progress results weekly into an engagement table;
- Display to students the cumulative and comparative results, urging greater participation;
- Keep a teaching journal evaluating what I could do to increase quiz-participation; and,
- Track how students are responding.

### *Evaluation Methods*

I distributed an inquiry project survey to all students the second-to-last week of the term, and the following week I distributed the school's traditional evaluation form. I also developed and maintained an engagement table tracking student participation in weekly online multiple-choice quizzes.

### *Classroom Inquiry Results*

The student survey results revealed that more than half of the students (56 percent) felt they "always or frequently" interacted with the measures. This is encouraging and appears to support the hypothesis that regularly displaying outcome measures increases interaction. The traditional student evaluations were equally positive, garnering overall average scores of 9.83/10 and 9.81/10 in response to the question "How would you rate this professor's overall teaching?"

Individual comments on the student survey were strongly positive, for example:

It was highly stressed that we evaluate ourselves throughout the course. This was a smart suggestion because it let me realize where my progress was and where it should be.

At the beginning of every week I looked at the syllabus to ensure I was on track. I also followed along with the concepts of the class.

I have frequently measured my performance against the learning goals for the course. I can't say I always have since I tried to do it every week but some weeks I have skipped or did later. Yet, I do try & keep up with the goals so I don't fall behind.

The quizzes are a great way to gauge understanding of the material.

With respect to the negative project, the engagement table initially showed significant gains in student quiz participation (from eighteen to forty during the first three weeks), up-and-down results in participation thereafter, and ultimately a major fall-off. My journal entries capture my frustration, doubtless to some extent conveyed to students, in not being able to influence their participation rates. "Stumped" and "disappointed" were some of my conclusions. My efforts, which I restricted to about two to five minutes of class early in each three-hour session, negatively influenced my affect temporarily, which I felt became more authoritarian or paternal than my usual presentation. I realized most of the way through the course that my efforts were reaching the point of harming the classroom environment and impeding learning, at which point I ended the negative project. As an instructor, I valued my own journaling and inquiry. My in-class effort to influence participation was so valueless as to be almost unsavory.

### *Ending Reflection*

Student responsibility for learning is not simply a school-based imperative. It encompasses a broader imperative that law students and lawyers acquire and maintain a capacity to sustain their continuing professional development. In a sense, the goal of a student-responsibility-for-learning project is not that students learn but that they learn how to learn. We probably succeed most in promoting student responsibility for learning when we help students see that learning is itself a critical professional skill and, more than that, an intrinsic human good.

### III. The Inquiry Process & Law School Faculty Development

We must give more attention to the interplay between the science of teaching—pedagogy—and the art of teaching... A teacher must be anchored in pedagogy and blend imagination, creativity and inspiration into the teaching learning process in order to ignite a passion for learning in students.

Peyton Williams, President ASCD, 2003

Most if not all law school faculty seek to teach in ways that contribute to their students' success and appreciate the importance of doing that. Many, however, do not know how to begin the pursuit of this seemingly daunting task.

Despite considerable discussion among us about our teaching methods, we law teachers have historically known little, if anything, about pedagogy. Rather we tend to assume our instructional competence. Indeed, many law teachers have frequently resisted efforts outright to tackle teaching and learning issues professionally and responsibly. Often a conference on teaching turns out to be a discussion of sequencing substantive materials or a debate on the relevance of some topic or other to the 'basic curriculum.' These are important issues, but they distract us from core learning/teaching issues which we seem to find uncomfortable.... Lawyers and law teachers alike are uneasy with the frequently complex and always complicated questions that arise in the context of learning and personal growth.<sup>21</sup>

This is where the value of the "inquiry group process" aligns with the needs of law school faculty in exploring the "complex and always complicated questions." Specifically, the inquiry group process:

- Builds community among faculty members with a common interest and/or questions related to teaching and learning;
- Offers faculty a "safe" environment in which to explore the given topic and examine their individual classroom teaching practice;
- Offers faculty an opportunity, with the support and feedback of the group, to test newly learned practices in their own classrooms and content areas;
- Offers faculty the opportunity to compare their classroom findings with the results compiled by the other inquiry group participants; and,
- Gives faculty a voice in fostering a culture of teaching and learning inquiry and scholarship.

Clearly, inquiry group work is challenging, requiring committed faculty willing to make participation a priority. Participating in such a group, however, can be rewarding on numerous levels as the following faculty comments attest:

21. Neil Gold, Forward to Marlene J. LeBrun, *The Quiet (R)evolution: Improving Student Learning In Law*, vii (The Law Book Company Ltd. 1994).

- “This [experience] has only emphasized that being an attorney is not the same as being an educator. It encourages me to see teaching as a subject worthy of study in and of itself.”
- “I saw in my own teaching that trying to motivate students to take responsibility for their own learning was difficult. I’m still not sure if I’m motivating them to the extent I should be, but I’ll keep trying....”
- “I don’t know that I even had a language for student engagement, much less ideas and methods for encouraging and promoting it.”
- “I have learned that I have a continuing responsibility to monitor and increase the levels of student engagement in my classes, because doing so increases the students’ ability to learn and my ability to teach....”