

From the Editors

It is with great pleasure that Northeastern and Southwestern are launching their first joint issue of the *Journal of Legal Education*. As with past issues, this volume is packed with ideas and suggestions for law teaching, strategies for faculty self-development as well as scholarly reflections on why and how we teach. Even in a time of retrenchment and decreased enrollment, law faculty remain dedicated to the training of well-rounded, thoughtful and ethical legal professionals. While this issue's focus is on the pedagogy of criminal law, many of the lessons can be transferred to the teaching of other subjects as well.

We begin with two pieces that criticize how present day criminal law curriculum fails to reflect major changes in U.S. criminal law policy. In "Is There a Remedy for the Irrelevance of Academic Criminal Law," Frank Zimring explores why one set of changes—the death penalty—captured the interest of American law professors in their research and teaching, but neither mass incarceration nor the war on drugs garnered similar attention. Pointing to the natural link between death penalty and constitutional jurisprudence, Zimring acknowledges that both the war on drugs and mass incarceration are the stuff of legislation and regulation and may not be readily accessible in the first year curriculum. Zimring proposes either a 2.5 unit addition to the traditional first year course or an advanced upper level.

By contrast, Jennifer Denbow's "The Pedagogy of Rape" examines why the academy is resistant to the teaching of the crime of rape. As much as the teaching of rape law may be difficult, talking about the non-teaching of rape is even more so. And yet, Denbow's article tackles this and goes beyond pedagogical suggestions to critique the "distanced dispassionate reasoning" that is generally accepted as legal truth. She unravels the link between rape and identity politics, and points out that rape surfaces questions about objectivity and emotion that usually go unquestioned in legal discourse. The emotions associated with rape then suggest the beginning of a social critique of gender and power threatening to the established hierarchy. As such, Denbow exhorts faculty to develop a pedagogy that allows for an exploration of one's position and an inquiry into how that affects one's understanding of the crime of rape. This exploration of experience and identity can be invaluable as a means of examining differences within the classroom, destabilizing the appearance of legal objectivity, and requiring those with the dominant view to account for their perspective.

In "The Experiential Sabbatical," Martin Pritikin documents his journey into criminal law practice on his sabbatical. As a volunteer for six months in a California district attorney's office, Pritikin enhanced his practice skills and gained experience in real life ethical dilemmas and strategic challenges. In

his article, Pritikin shares how he integrated this experience in his teaching of criminal law, evidence and trial advocacy. In sum, Pritikin argues for the inclusion of non-traditional sabbatical policies that focus less on research and more on practice, given these fiscally challenging times and the need to train more practice ready lawyers.

“The Value of Variety in Teaching: A Professor’s Guide,” is a collection of 80 creative teaching ideas put together by Heather Garretson, Tonya Krause-Phelan, Jane Siegel and Kara Zech Thelen. These four dedicated teachers met every Tuesday afternoon for an entire term to share and to review teaching methods. They have now documented their ideas for sharing with the rest of the academy, in the form of simple exercises that can be done in one class setting. The exercises vary from using songs to teach students the importance of language and storytelling, creating a crossword puzzle for each substantive unit of study, to game show format for substance review. The skills taught ranged from public speaking, drafting, negotiation and legal writing and analysis. What these instructors have shown is that teaching and hence learning can be fun.

In his “At the Lectern” contribution, William Slomanson describes his transition from traditional Socratic and Problem Method teaching to a blended learning environment, which combines face to face elements and online components. In this instance, he “flipped” his classroom, delivering new content with out of the class videos and using class time for “homework” and exercises. While the flipped class can work in creating a more robust and less threatening learning environment, Slomanson is honest in acknowledging that surveys of the in-class experience were not overwhelmingly positive. This suggests more consideration of what the in-class component should be. Meanwhile, “At the [Other Side of the] Lectern” Emily Grant exposes the value of auditing classes and learning from your colleagues, as she did in preparation for teaching trusts and estates at Washburn. In her instance, auditing 24 classes has taught her to respect her colleagues who had to balance the right amount of material with developing a rapport with the class, and all the while, encouraging and rewarding student class preparation.

Finally, six faculty members discuss how they use the famed television show *The Wire* in their teaching. Roger Fairfax uses it to integrate policy issues into criminal law curriculum; while Andrea Dennis uses the general storyline to introduce substantive topics in criminal procedure, evidence and juvenile justice and as the basis of essay exam fact patterns. Adam Gershowitz uses episodes to cover gaps in the law school’s criminal law curriculum—such as wiretapping, or to dive into the big picture context of real world policing; Brian Gallini shows clips in lieu of casebook notes to introduce new materials, or to close down and review a block of materials. Kristin Henning uses the show as a fascinating media textbook for students to explore the basic maxims of punishment theory. With its complex characters, *The Wire* challenges the notion of a neutral state arbiter and society’s long-held assumptions about the black and white underclass and engages students in an examination of

the moral and practical failings of contemporary American punishment. Most creatively, Josephine Ross discusses teaching scholarship through a seminar on *The Wire*, in which students are assigned a law review article for each assigned episode and are responsible for submitting a 25-page paper of “near publishable” quality at the end of the semester.

Two book reviews complete this issue. Bernard Bell takes a look at Cass Sunstein’s *Simpler: The Future of Government*, and Joel Mintz examines Thomas O. McGarity’s *Freedom to Harm: The Lasting Legacy of the Laissez-Faire Revival*. Both reviews focus on the question of appropriate regulation in a market economy, limited government and individual choice. Sunstein focuses on the benefits of “behavior” economics in providing “nudges” as the appropriate regulatory response in many instances. Such “nudges” take the form of default choice, i.e. a particular option is deemed selected unless the person chooses otherwise, and information disclosure, including disclosures about what individuals should wish to do, not merely what the individual would do. McGarity meanwhile traces the 30-year effort by conservative and anti-government corporate interests to undermine or eliminate government efforts to curb reckless irresponsible practices.

All in all, this is a rich and varied volume which we hope you will enjoy reading.

Jeremy Paul
Margaret Woo
Molly Selvin

