

From the Editors

The ABA's recent curricular directives on learning outcomes and programmatic evaluation provide every law school an unparalleled opportunity to consciously revisit what it should teach and how learning should be assessed. To aid such reflection, we devote this issue to metacognitive strategies to deep learning, beginning with a set of articles using civil procedure as a subject matter example. Metacognition is, of course, "the awareness of learning...and teaching metacognitive strategies is to increase students' self-awareness about what it takes to learn."

In kicking off the "Pedagogy of Civil Procedure" symposium articles, Professors Patti Alleva and Jennifer Gundlach urge us to adopt a learning-centered curriculum and provide insight on what "learning about learning" teaching might look like. Most helpful are their examples of embedding "reflective questions" in different lesson plans. Such questions not only help students gain a deeper understanding of the subject matter but also build skills in self-directed learning that can be carried into a student's later professional life. In her article, Christine P. Bartholomew demonstrates a metacognitive approach in teaching one topic—the "plausibility" standard established by *Twombly v. Bell Atlantic* and *Ashcroft v. Iqbal*. Bartholomew openly shares her teaching goals and then "chunks" up her lesson via a series of three small group exercises that allow for self-assessment and class wide discussions. These exercises are productively structured with increasing complexity with each exercise devoted to remediating each of the three problems she identified in teaching the pleading standard.

Cynthia Ho, Angela Upchurch & Susan Gilles effectively enhance deeper student learning of personal jurisdiction at three different schools by providing *context* to personal jurisdiction and adopting *active-learning* exercises before, during and after class. David Oppenheimer nicely surveys current civil procedure teaching materials that use simulations and practice exercises. He ultimately introduces his idea of the "90% solution,"—that is, a simulated case file with pleadings and briefs that are 90% completed leaving 10% and the most challenging and important part of the simulation for students to complete. Finally, Kris Franklin wraps up this topic by advocating for subject matter-specific pedagogy. According to Franklin, identifying what pedagogical methods are uniquely suited to teaching which subject will improve teaching of individual subjects but will also provide a more thoughtful curriculum design. Concepts central to understanding law would be highlighted in varying ways in different courses.

Beginning the next set of three articles, Pamela Bucy Pierson makes a strong case that three necessary skills are under-emphasized in the law school

curriculum: an understanding of the economics that shape the legal profession; principles of emotional intelligence; and personal financial management. She gathered 2014 and 2015 data from U.S. accredited law schools to explore whether and how law schools are integrating these three important topics.

A. Rachel Camp, meanwhile, points out how approaches to collaboration tend to value the extrovert and devalue the introvert, and offers concrete teaching methods to create a collaborative environment that provides more opportunities for reflection and silence.

In the next article, Elizabeth Frost challenges the use of model answers for conveying feedback for law school exams and papers. She concludes that model answers are more effective with students with higher metacognitive skills and in improving a student's factual knowledge, but less effective at promoting higher level comprehension of materials, and virtually ineffective for students with lower metacognitive skills. And so, she suggests a more robust approach to model answers, including professorial annotation; using students' own work as model answers, requiring students to review model answers in small groups, distributing multiple answers including weak and strong samples, giving students a chance to reassess their own work and focusing on metacognitive skills.

In our From the Lectern column, James R. Elkins shares his conversations with students in his Law and Literature class. It is indeed an example of what Richard K. Neumann might call "the art of critique." Finally, we complete this volume with three varied, but intriguing book reviews: Steven A. Bank's review of *Making the Modern American Fiscal State: Law, Politics and the Rise of Progressive Taxation, 1877-1929* by Ajay K. Mehrotra; Brian H. Bix's review of *Wedlocked: The Perils of Marriage Equality—How African Americans and Gays Mistakenly Thought the Right to Marry Would Set Them Free* by Katherine Franke and finally, Jeffrey R. Baker's review of *Building on Best Practices: Transforming Legal Education in a Changing World* by Deborah Maranville, Lisa Radtke Bliss, Carolyn Wilkes Kaas and Antoinette Sedillo López. Enjoy.

Margaret Y. K. Woo
Jeremy R. Paul