

From the Editors

We devote much of this issue to some of the latest innovations and findings in legal pedagogy. What should we teach? How should we teach it? How do our students learn most effectively?

This issue also features explorations of how we might tackle our responsibilities as professors with greater wisdom and more humility, including what we should adopt into legal education and law itself from other disciplines, how the American *Juris Doctor* degree fares internationally (especially in Asia) as a teaching credential, and the problem of the proliferation of footnotes in law review articles.

We start with Prof. Jamie R. Abrams's article, *The Deconstructed Issue-Spotting Exam*, which presents a thoughtful and novel approach to integrating formative evaluation and assessment, exam readiness, and experiential learning into large law school classes. Professor Abrams's piece is especially topical considering how these important components of law teaching have been of central concern to our lead accreditation body over the last decade especially.¹

Next, Colleen P. Murphy, Christopher J. Ryan, Jr., and Yajni Warnapala in their article, *Note-taking Mode and Academic Performance in Two Law School Courses*, examine the difference in academic performance between students taking notes using computer keyboards as compared to those taking notes by hand. Profs. Murphy, Ryan, and Warnapala conclude that handwriters tend to outperform students using laptops, and suggest that students should be informed of this disparity and encouraged, if possible, to capture class material using handwriting (or, we might add, writing on computer tablets in ways that mimic pen and pencil).

We continue with Prof. Louis N. Schulze's *Using Science to Build Better Learners: One School's Successful Efforts to Raise Its Bar Passage Rates in an Era of Decline*, discussing in detail the strategies rooted in educational psychology and

1. See, e.g., Ruth Colker, Ellen Deason, Deborah Merritt, Abigail Shoben, & Monte Smith, *Formative Assessments: A Law School Case Study*, 94 *Detroit Mercy L. Rev.* 387 (2017). Profs. Colker *et al.*, note that "The new ABA standard [314] reflects the emerging literature that formative assessments assist student learning, especially for students with a growth mindset who might adjust their learning styles or study habits in response to feedback." *Id.* at 388 (footnote omitted); Becky Beaupre Gillespie, *The Evolution of Experiential Learning*, University of Chicago Law School Website, <https://www.law.uchicago.edu/news/evolution-experiential-learning>, last visited May 13, 2019 ("The new ABA standards require six credit hours of experiential coursework...that may be fulfilled through qualifying clinic work, field placement, simulation courses, or practica.").

cognitive science Florida International University College of Law employed to improve significantly its students' bar pass rates.

Next, Prof. Jodi S. Balsam's article, *Teaming Up to Learn in the Doctrinal Classroom*, discusses an approach to doctrinal teaching that deploys team-based assignments as a means of promoting higher levels of student preparation, classroom engagement, problem-solving, accountability, and - ultimately - learning.

Prof. Angela Mae Kupenda continues the theme of collaboration with her article, *Collaborative Learning in the Constitutional Law Classroom: Adapting the Concept of Inevitable Disagreement in Seven Steps*. Prof. Kupenda discusses the significant advantages of using contentious topics in an important doctrinal course such as Constitutional Law to teach how effective collaboration in ideologically and politically diverse teams can result in markedly positive outcomes.

Prof. Melissa H. Weresh also addresses the topic of collaborative learning in *Assessment, Collaboration, and Empowerment: Team-Based Learning*. She provides practical and thoughtful ideas she has successfully deployed in her legal writing course.

Profs. Karrigan Börk's and Kurtis Burmeister's article, *Cases and Places: A Field-Based Approach to Teaching Natural Resource and Environmental Law*, discusses how taking the teaching of environmental law and natural resources to the field, engaging the environment and natural resources themselves in *and as* the "classroom" setting, "better address[es] the needs of environmental law students and do[es] a better job of attracting and retaining students new to the field."

In Profs. Deborah L. Borman's and Catherine Haras's article, *Something Borrowed: Interdisciplinary Strategies for Legal Education*, we find a compelling analysis of effective teaching strategies from other disciplines that merit importing or "borrowing" into legal classrooms. Profs. Borman and Haras also debunk some of what they call the "learning fallacies" that have gained some ground in legal education but that, in reality, rest upon unsupported assumptions about what has proven effective.

Prof. Stewart Manley's article, *Degree (Un)Equivalencies: The Confounding Case of the Juris Doctor*, shows us how the American *Juris Doctor* degree "is a perplexing degree to value" in nations where law is taught by professors holding a Ph.D. and the J.D. is equated (wrongly) with a bachelor's or master's degree. Prof. Manley cautions American legal scholars holding a J.D. as their highest academic degree, and wishing to teach internationally, that hiring committees in other countries may "only consider the S.J.D. or Ph.D. in law as sufficient qualifications to teach law...."

Profs. Paula Gerber and Claerwen O'Hara then take us to the important topic of how sexual orientation and gender identity/intersex (SOGII) topics should be incorporated into courses addressing human rights. They assert that SOGII topics "have become important aspects of human rights law" but "this reality is not widely reflected in the curriculum of human rights law programs."

Their article addresses that absence and proposes practical ideas to remedy it

Attorney Lori McPherson delivers a simple point with her title, *Law Review Articles Have Too Many Footnotes* – which is identical to her first and only sentence above the line.²

In Prof. Jae-Hyup Lee’s piece, *The Introduction of the Law School System and the Structure of the Legal Profession in Korea: Status and Prospects*, we gain valuable comparative insights into how South Korean legal educators have addressed some of the challenges we have faced in the United States.

Finally, we come to Vice Dean Susan Carle’s review of Anne C. Dailey’s *Law and the Unconscious: A Psychoanalytic Perspective* (Yale University Press, 2017). Vice Dean Carle’s review, entitled *Psychoanalysis versus Neuroscience in the Age of Trump*, shows how Prof. Dailey “makes a strong case that the insights of the psychoanalytic tradition remain important to law, even these many decades after the initial era of excitement about this topic.”

We are grateful to this issue’s authors for submitting such interesting and topical pieces. We also express our appreciation to our colleague, Prof. Mark C. Niles, for whom this issue of the *Journal* will be his last as an Associate Editor. Prof. Niles will soon join the faculty of the Maurice A. Deane School of Law at Hofstra University. We will miss Mark and wish him the very best. Succeeding Mark as an Associate Editor will be Prof. Diane Orentlicher, who is a professor of international law at the American University Washington College of Law and an internationally celebrated scholar, teacher, and editor.

We hope that you will enjoy reading the articles in this issue as much as we enjoyed reviewing and editing them.³

Camille A. Nelson
Anthony E. Varona

2. As the old saying goes, “the devil is in the footnotes”.
3. In addition to the full JLE editorial team on our masthead, we thank our graphic designers, Erik Garcia and Linda Wen, for their excellent graphic design and production work.