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Bell Labs: Derrick Bell's Inspirational Pedagogy

*Charlotte Garden**

I signed up for Professor Bell's Current Constitutional Issues class for three reasons: I had enjoyed my introductory Constitutional Law course; I (like many other law students) hoped to litigate constitutional issues one day; and I had heard a bit about Professor Bell's background—that he was a former NAACP lawyer, and that he had left Harvard Law School in protest. In other words, Professor Bell's experimental, participatory teaching/learning method—in which students convene and present argument to the “Court of Bell” each class¹—was a surprise. Yet, it was that pedagogy, comprised of equal parts intellectual rigor and humanity, that made the course memorable, and that later inspired me to attempt to import elements of Professor Bell's approach into my own classroom. In this Essay, I first briefly describe Professor Bell's transformative approach to teaching, and then discuss my adventures in adapting elements of his approach for use in a small labor and employment course.

I. THE COURT OF BELL

Current Constitutional Issues focused on cases that were either currently pending before the Court, or else likely to come before it in the near future. A few students briefed and argued the day's assigned case, with the rest of the class acting as justices on the Court of Bell. Then, students drafted op-ed style reactions to the case, which we posted on the course website so that we could continue our dialogue by responding to each other.

To simply describe the mechanics of the class, however, obscures the work that Professor Bell did to create what Joy Radice identified as “a community that humanized the students' educational experience.”²

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1. Derrick Bell, *Constitutional Conflicts: The Perils and Rewards of Pioneering in the Law School Classroom*, 21 SEATTLE U. L. REV. 1039 (1998) [hereinafter *Constitutional Conflicts*]; Joy Radice, *Derrick Bell's Community-Based Classroom*, 2 COLUM. J. RACE & L. 44 (2012).

2. Radice, *supra* note 1, at 44.

This sense of class community made the performative aspect of class—arguing with our peers over some of the most divisive issues of the day—merely challenging, rather than anxiety-provoking or even silencing.³ Professor Bell accomplished this feat through the way he thoughtfully engaged us through his reactions to our work, by his obvious interest in our professional and personal success, and by his commitment to using class time to talk about professional ethics, writ-large. As an illustration of the meaning that the course held for me, I can point to the fact that, ten years and one cross-country move later, I am still in possession of the four-page final grade memo that Professor Bell wrote at the conclusion of the course. There was simply no other non-clinical professor who provided such detailed feedback, and it seemed to be a tangible representation of his investment in each of his students—something too precious for the recycling bin.

II. ADAPTING THE COURT OF BELL

Professor Bell wrote that his teaching method could be “altered to fit class size and student and teacher inclination,” with the key being the “replace[ment of] a basically passive procedure, consisting of assigned reading and lecture listening, with one requiring active involvement, similar to the multiple aspects of practice, teaching, and judicial functions.”⁴ In my first year on the faculty at Seattle University School of Law, I put that statement to the test. During a conversation with SU’s academic Dean that took place before I had even moved to Seattle, I found myself proposing that I would teach a new course, closely modeled on Professor Bell’s pedagogy, but focused on labor and employment issues. At the time, it seemed like a natural proposition, given both my own memories of Current Constitutional Issues, and the fact that I was coming from a clinical teaching fellowship where I had taught students to write briefs and orally argue cases. But, as the first day of my new course approached, I became increasingly nervous. In particular, I began to fear

3. Research suggests that female law students are, in general, more alienated by law school and less likely to participate in class than their male peers. See, e.g., Adam Neufeld, *Costs of an Outdated Pedagogy? Study on Gender at Harvard Law School* 13 AM. U. J. GENDER SOC. POL’Y & L. 511, 514, 516 nn.25–26 (2005) (describing finding that female students are less likely to participate in class than their male counterparts, and reviewing additional studies with similar findings). Additional research suggests that law school alienation is amplified for female students of color. Joan M. Krauskopf, *Touching the Elephant: Perceptions of Gender Issues in Nine Law Schools*, 44 J. LEGAL ED. 311, 314, 327 (1994). Importantly, though, Neufeld’s study also found that that difference in participation between men and women disappeared in particular classes. Neufeld, *supra*, at 514. Neufeld did not suggest an explanation for this phenomenon. However, Professor Bell’s class provides an important case-study illustrating the proposition that inclusive community is not incompatible with intellectual rigor.

4. *Constitutional Conflicts*, *supra* note 1, at 1049.

that my students, knowing that I was a new professor, would regard the adoption of a teaching method that involves “surrender[ing] some control over student discourse”⁵ as an attempt to cover for lack of knowledge or classroom authority. Additionally, I had to think through how to structure the course so that it would work with a smaller number of students who would receive only two credits without either sacrificing Professor Bell’s “active learning” style or overburdening the students.⁶ It turns out, though, that I needn’t have worried. Just as Professor Bell described, the “[l]aw students gracefully [rose] to the challenge,”⁷ arguing or presenting on 11 labor and employment cases that were either pending before the Supreme Court or had recently been heard in a court of appeals. They assumed the attorney role, researching a relatively unknown area of law, and then working to persuade each other or to understand why the (real) courts had come out as they had. Of course, the class was not perfect, but here, too, Professor Bell is inspirational—he was open about the fact that his course was constantly evolving and therefore at least in part an experiment each year.

Over the course of his four decades in the Academy, Derrick Bell influenced an entire generation of advocates, starting a revolution in the way law is taught in America. Those of us who have been fortunate enough to follow him into teaching owe him an enormous debt of gratitude for showing us all a model that reflects his passion for justice and dedication to effective and humane teaching.

5. Andrea McArdle, “*A Living, Working Faith*”: Remembering Our Colleague Derrick A. Bell, Jr. as Teacher, 2 COLUM. J. RACE & L. 30, 33 (2012).

6. I am grateful to Vinay Harpalani, a former Derrick Bell Fellow who assisted Professor Bell in teaching his Constitutional Law course, for sharing some of Professor Bell’s classroom materials with me, and helping me think through various issues related to adapting Professor Bell’s methods to a smaller class.

7. *Constitutional Conflicts*, supra note 1, at 1044.