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Some Tips on Using Collaborative Exercises

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Talking in circles

By Paul Wilson

Each student participates actively in every discussion in my seminars. This is not accomplished by bribery, threats, or magic, but by our "talking circle" discussion format.

The format is simple:

- The professor articulates a question for discussion.
- Discussion proceeds around the room, with one person speaking at a time (the professor included) until each has had a turn.
- All participants listen respectfully.

While it is not essential, some semblance of a circular seating arrangement helps.

There are some additional implicit rules, which can be stated if the need arises. Law students (uncomfortable with the process) frequently ask for more "rules" in the first session. I usually suggest we try it first and clarify if we need to. We seldom need to, and the "rules" evolve out of the group's behavior rather than my having to lay them down. If I'm particularly interested in teaching about process, I may try to restate the unspoken rules which have evolved, but usually I do not. Typically, these "rules" include:

Using the circle allows each person's voice to occupy the room, establishing a kind of territory.

- If participants are sufficiently moved to break the circle by interrupting other speakers (either to ask clarifying questions or to interject comments), they may do so, and it is particularly worth listening to them because of the intensity of their need; when they are done, discussion reverts to the original speaker and thence to the next around the circle in order.
- If you don't have anything additional to say, you can affirm an earlier idea or "pass."
- It is not particularly helpful to repeat what somebody else has already said, except to note agreement or disagreement.
- It is frequently pertinent to have a second round, or even third round, of comments, and participants can begin or request them as they are moved. Part of my job as the teacher is to decide when further discussion is useful and when to ask a new question.

I begin each session with a quick round of short responses to a simple "grounding" question: "What has you most pressured right now?", "Where did you find parking today?", or "What would you be doing if you skipped class today?" I start promptly, and these take the place of the usual pre-class chit-chat while waiting for one more person. This gets strange looks in the first class session, but people catch on and it starts to feel less like group therapy.

This grounding is important. Each time, the circle and the notion of listening respectfully to each other are reintroduced experientially. Once listening is established in the room, it remains. Using the circle allows each person's voice to occupy the room, establishing a kind of territory. Participants find it easier to speak when others listen respectfully. The lack of immediate challenge (otherwise so prevalent in our lawyerly lives) helps to allay the fears of the apprehensive.

I do vary the format, sometimes giving a mini-lecture when there is a problem with material or a particularly complex setting. I sometimes jump to the board to record in tangible form a particularly productive or interesting line of discussion as it goes around.

There are several direct effects. Everybody talks. Participants pay attention. Thoughts are carefully marshaled. Contributions are concise, to the point, and mostly nonrepetitive. Ideas evolve and develop as the discussion moves around the room. Discussion tends to focus on understanding differences, stating alternatives, and constructing solutions, rather than attacking positions.

This approach appeals to me because it sets me in a particular role. I have knowledge and experience; I do not have "the answers." I am responsible for structuring a productive learning experience, for directing the discussion, and for seeing that some central questions are considered. Class is not a game; it is people working together to

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From the director

Assessment to help students learn

By Gerald Hess

In class, law teachers monitor student learning through students' questions, comments, facial expressions, and body language. They depend on these informal sources to make important decisions about the course, such as its pace and level of difficulty.

However, law teachers who get more detailed feedback from students often find that the informal information does not provide a very accurate picture of students' skills and knowledge. *See, e.g.*, Katherine Pratt, *Using Graded Assignments: The Benefits and Burdens*, The Law Teacher, Fall 1993, at 7.

Many law teachers obtain detailed feedback on their students' learning only at the end of the course through an exam or paper. Some teachers regularly evaluate students through graded assignments, problems, papers, or mid-term exams. Although it is an excellent practice to evaluate students in varied ways throughout a course, those evaluative assessments are often too late to affect students' learning.

A recent monograph, Thomas A. Angelo and K. Patricia Cross, *Classroom Assessment Techniques: A Handbook for College Teachers* (2d ed. 1993), is an impressive resource for legal educators who are interested in obtaining useful feedback on what is happening in their classrooms.

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Circles

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understand complex problems.

The format also conveys some important messages to students. They have knowledge and experience that they can apply to the problem at hand. What they say is intrinsically worthwhile. What their colleagues say is worth listening to. If they are not prepared and thoughtful, they will feel absurd. They can contemporaneously be learners and doers. Their analyses and insights are not the only possible ones. They can synthesize their ideas with other people's ideas and learn and grow in the process.

My job is to ask the right questions. This means I can't get away with an outline of topics I want to cover.

Students like it. While they are initially uncomfortable, they quickly adapt and have requested a return to the format when I depart from it. The biggest hurdle in getting used to the format is not running off at the mouth, but rather freezing up when others actually listen. The careful attention speakers get, and the respect and trust it implies, usually gives nervous speakers the strength to continue; and subsequent speakers somehow know when it is helpful to appreciate another's insight.

I like it, too. It renews my faith in human nature and the potential of lawyers. I get to teach by doing: articulating an analytical approach by modeling it (and frequently watching it evolve); teaching collaborative problem-solving by creating a situation where it happens. The way I behave as teacher is consistent with behavior I want in my students' repertoire. I learn things. More often than not, I leave class drained, but excited.

Running a class this way feels no more forced than my seminars used to be, when I tried to run the discussion, muzzle the talkers, encourage the wall-flowers, and make sure the right things were said (by me if no one else). My job is to ask the right questions. This means that I can't get away with an outline of topics I want to cover. I have to actually anticipate how the discussion itself will run, and articulate questions that lead in the directions I want. If I misjudge, I have to be able to redirect discussion with well-placed questions or restatements. I need to know what the "take-home" points are, and to be prepared to reinforce them or make them in my turn, as part of the evolving discussion.

The format does not work as well for me on days when I'm a know-it-all and jump in to give "right" answers. Fortunately, the process itself works well enough that I feel silly, and students treat my intrusion as they would anyone else's. I also suspect that there is a limit on how big a class you can use it in without everybody getting bored. I have both participated in and facilitated use of the technique in dispute resolution with groups of up to 35; it can get tiresome at that scale. It works splendidly with 15 students in a seminar.

Trying this kind of process required me to give up certain assumptions about my role as teacher — particularly that I not only knew more, but knew better. It required trust in the capabilities of my students and intellectual honesty of a fundamental sort. Students have consistently and powerfully responded to that trust.

I have learned that, when people try to listen with respect, they can put their own assumptions on hold. They tend to hear, and understand, what is being said. When they understand, they tend to develop trust in the capabilities and insights of others. When they trust, they are open to learning themselves. As they learn, they reorganize information, grow, and change.

Maybe it *is* magic.

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Assessment

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Classroom assessment is a way for legal educators to obtain accurate, systematic feedback on students' progress in learning the essential skills and knowledge for a course. Classroom assessment also allows the law teacher to provide feedback to students and to help them improve their learning at the critical time — before evaluating them.

Characteristics of classroom assessment

The authors describe classroom assessment as a systematic approach for teachers to find out what students are learning in their classrooms and how well they are learning it. Effective classroom assessment has the following characteristics:

- *Learner-centered.* The primary focus of classroom assessment is to observe and improve learning. When teachers gather detailed information about their students' learning, they are better able to help students learn the essential skills and content of the course.
- *Teacher-directed.* Classroom assessment respects faculty academic freedom and professional judgment. Each individual teacher decides what to assess, how to assess, and how to respond to the information gathered.
- *Mutually beneficial.* Classroom assessment requires the active participation of students, who focus on their own learning and strengthen their self-assessment skills. Faculty improve their teaching by clearly defining the skills and knowledge they are trying to teach, by regularly finding out whether students are learning those skills and that knowledge, and by using the feedback to help students learn more effectively.
- *Formative.* Classroom assessment is formative rather than evaluative. It is not designed to provide evidence to evaluate or grade student performance. Instead, its purpose is to provide information for teachers to use to help students succeed on subsequent graded evaluations and in the real world.
- *Ongoing.* Classroom assessment is an ongoing process. Teachers employ a number of simple assessment techniques to get feedback from students on their learning. Next, teachers share the results of the assessment with the students. Then, teachers adjust their teaching accordingly and make suggestions to students for improving learning. The process repeats itself throughout the course.

Assumptions of classroom assessment

The authors created their model of classroom assessment based on seven assumptions about learning:

1. The quality of student learning is directly, although not exclusively, related to the quality of teaching. Therefore, one of the most promising ways to improve learning is to improve teaching.
2. To improve their effectiveness, teachers need first to make their goals and objectives explicit and then to get specific, comprehensible feedback on the extent to which they are achieving those goals and objectives.
3. To improve their learning, students need to receive appropriate and focused feedback early and often; they also need to learn how to assess their own learning.
4. The type of assessment most likely to improve teaching and learning is that conducted by faculty to answer questions they themselves have formulated in response to issues or problems in their own teaching.
5. Systematic inquiry and intellectual challenge are powerful sources of motivation, growth, and renewal for college teachers, and classroom assessment can provide such a challenge.
6. Classroom assessment does not require specialized training; it can be carried out by dedicated teachers from all disciplines.
7. By collaborating with colleagues and actively involving students in classroom assessment efforts, faculty (and students) enhance learning and personal satisfaction.

The literature on adult education is full of ideas for law teachers who are searching for ways to improve their teaching and their students' learning.

Although the authors' assumptions are based on learning in higher education generally, the assumptions appear to be equally valid for legal education.

Classroom assessment techniques

The book has two parts. After explaining the characteristics and assumptions of classroom assessment summarized above, Part One sets out an extensive inventory of teaching goals to help faculty identify specific goals for their courses. (Legal educators can review a set of detailed goals for a law school course in Lisa Lerman, *Teaching Legal Analysis: An Inventory of Skills*, The Law Teacher, Fall 1993, at 5.) Then, the authors describe how to plan and implement classroom assessment. Part One ends with detailed descriptions of twelve different classroom assessment projects that have been implemented in a dozen disparate college courses.

Part Two contains 50 classroom assessment techniques that college faculty have used in various courses. Each description of a classroom assessment technique includes the following:

- A brief description of the technique;
- The kinds of skills and knowledge that the technique can assess;
- An estimate of the amount of teacher and student time and energy that the technique requires;
- A step-by-step procedure for planning and implementing the technique;
- Ideas to help the teacher make effective use of the information gathered through the technique;
- Pros and cons of the technique;
- Examples of how teachers have used the technique in

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Assessment

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their courses;

- References to more information about the technique.

Many of the techniques are appropriate for use in law school classrooms. Here are three relatively simple techniques that law teachers could implement without much trouble:

Minute papers

Minute papers are a quick and simple way to collect written feedback on what students are learning. One way to use this technique is to stop class several minutes early and ask students to respond to some variation of one or both of these questions: "What is the most important thing you learned in class today?" and "What important question remains unanswered?" Students write their responses on a sheet of paper or index card and hand them in on the way out of class.

The results of the minute papers will show whether students are getting the main points of a class and what issues need to be addressed in future classes. The teacher should report the results to the class. Then the teacher may make adjustments in future classes or give suggestions to students on ways they can answer their own questions.

Minute papers are extremely flexible. Teachers can tailor the questions to their individual course and goals, and they can adapt the technique to assess student learning from reading assignments, study group meetings, videotapes, simulations, field trips, or virtually any other activity in law school.

Documented problem solutions

Documented problem solving assesses how students solve problems or analyze issues. To use this technique, the teacher prepares a problem for students to analyze and asks the students to write an explanation of the steps they went through to try to solve the problem. The teacher should emphasize to the students that their responses will not be graded, and that it is more important to document the steps in their analyses than to arrive at the "right" answer. The students work on the problem outside of class and hand in their written explanations.

The results of the documented problem solving will give the teacher a view of the students' thinking processes. This is important feedback for most law teachers who have as part of the goals of their courses to teach analysis, problem solving, or other thinking skills. The teacher can use the results to diagnose students' flaws in problem solving and analysis. Responses that contain clear, elegant, or sophisticated analysis can provide helpful examples to students who are having difficulty with these skills.

Chain notes

Chain notes can give a teacher a limited amount of feedback from each student about the teaching and learning during a class period. To use this technique, the teacher composes a question that will elicit the desired feedback, such as "What are you paying attention to right now?" or "What are you learning at this moment?" The teacher distributes an index card to each student before class and writes the question on an envelope. The envelope circulates during class. Each student spends 30 seconds answering the question on the index card, puts it into the envelope, and passes it on.

The chain notes give the teacher concrete, specific feedback from all students about their learning experiences in class. The teacher should look for patterns in the responses and should share those patterns with the class. Discussion of the patterns can lead to more effective teaching and learning.

Chain notes can give a teacher feedback from each student about the teaching and learning during a class period.

The literature on adult education is full of ideas for law teachers who are searching for ways to improve their teaching and their students' learning. One of the best is *Classroom Assessment Techniques.*

Gerald Hess is an associate professor of law at Gonzaga University School of Law and director of the Institute for Law School Teaching. The second edition of Classroom Assessment Techniques: A Handbook for College Teachers *was published in 1993 by Jossey-Bass Publishers. Its authors are Thomas A. Angelo, director of the Academic Development Center at Boston College, and K. Patricia Cross, director of the Classroom Research Project at the University of California, Berkeley.*

Institute's publication opens vistas to literature on teaching

Legal educators who are interested in finding materials on teaching and learning might want to start with a recent special edition of the *Gonzaga Law Review*. The Institute for Law School Teaching sponsored the special edition and mailed copies to all law school teachers in the United States and Canada. The special edition reviews books, articles, and electronic media that address teaching and learning.

The special edition contains two articles. Professors Arturo Torres and Karen Harwood of Gonzaga University School of Law produced an annotated bibliography of over 150 articles dealing with law school teaching. The bibliography focuses on articles published in law reviews and journals since 1985. Professor Paul Wangerin of John Marshall Law School contributed an article that describes materials on teaching and learning in law schools, medical schools, and higher education generally. Professor Wangerin also identifies research tools that law teachers can use to locate additional materials on teaching and learning.

Individual experiences can stimulate student interest

By Robert Whitman

Law students — and professors — often complain about second- and third-year courses. Typical complaints are: Teachers do all of the talking, the material is boring, and student interest in a particular subject varies widely from "All I want is to pass the bar examination," to "I plan to practice in this area."

I confront these problems in teaching a basic Trusts and Estates course, and have found that offering individual experiences, both in and out of the classroom, can stimulate student interest and learning. Here are my suggestions:

Inside the classroom

You can encourage classroom discussions that center around personal feelings regarding trust and estate issues (*e.g.*, Do your parents discuss their financial affairs with you? Should they? Under any circumstances, would you consider disinheriting a child?).

Using student volunteers to help you teach your class will actively engage all of your students.

After the introductory class session, consider teaching each class session with three students who volunteer in advance on a rotating basis. The volunteers will know they are particularly responsible for being prepared for the class. Volunteers can join you at the front of the class, and have access to the teacher's manual. Over the course of the term, the effect is to actively engage all of the students. Another advantage is that each student picks the time that he or she is involved, and you will not have to deal with a series of students who answer "unprepared."

Using a group of volunteer teachers can also facilitate the use of problems that involve role-playing. Volunteers can be, or can choose classmates to be, a client, an attorney, a trust officer, probate judge, or a legislator. In class, you can direct the flow of discussion by presenting questions or problems, and then allowing a free-flowing discussion to take off from there. Consider setting up classes in two-hour blocks to allow ample time for lively discussion.

By using problems for class discussion, you may find that students are able to see the pressure points that actually exist in the system. For instance, if you set up a problem where there is a discretionary trust, a corporate fiduciary, and an income beneficiary who is dissatisfied with the distributions being made, through the discussion of the problem you can help students to see the whole range of issues and tensions that exist in that situation. While you can never be sure of exactly how the participating students will deal with the matter, it is safe to assume they will have a lively discussion.

Outside the classroom

You can encourage optional participation in extra learning opportunities (such as upper-class writing projects, class projects leading to law reform, and projects involving outreach to the public). Consider offering the opportunity to one or more interested students to coauthor an article with you. Help students to form interest groups to study various Uniform Probate Code proposals and make recommendations to the State Law Revision Commission, the Estates and Probate Section of the State Bar Association, the Real Property Probate & Trust Law Section of the American Bar Association, the American College of Trusts and Estates Counsel, or a state legislature.

Encourage students to visit homes for the elderly and, under your supervision, help the residents to prepare simple wills, living wills, durable powers of attorney, etc.

Here are some other ideas for optional projects:

Estate planning interview: Tell the students that they will get a lot more out of trusts and estates by talking to people about their experiences. Suggest to students that they find mock "clients" who will cooperate by allowing them to conduct estate planning interviews and to draft estate planning memos for them. Explain to the students that you will be available as a resource and that you will review their completed memos. If a student needs some guidance regarding how to go about making up an estate planning memo, consider providing supplementary materials or samples of memos done by other students.

- **"Invest a sum of money" project**: Inform the students that trusts and estates attorneys need to be concerned with investment. To give them a feel for this, suggest that interested students pretend they have a certain amount of money to invest as a trustee. Have the students prepare a plan of investment.
- **Visit a probate court**: Advise students to spend an hour or more at a local court. In addition to sitting at an actual hearing, the students might be able to arrange to interview court personnel or a judge.
- **Visit a bank trust department**: Suggest that students visit a trust department and confer with a trust officer in order to gain a feeling of how the trust department operates.
- **Track the law of a state**: Recommend that students follow the issues covered in class with research of the law in the state where the student plans to practice. Students will be able to compare more general materials with the more specific rules in their own jurisdictions. Urge students who are tracking individual states' laws to alert the class about local differences in the treatment of issues that arise in class.

Robert Whitman is a professor of law at the University of Connecticut School of Law, where he has taught Trusts and Estates since 1966. This article is based on a talk Professor Whitman delivered at the Association of American Law Schools Trusts & Estates Workshop in 1992. For more information, contact him at the University of Connecticut School of Law, 65 Elizabeth Street, Hartford, CT 06105-2290, (203) 241-4670, FAX (203) 241-7666.

"The Science and Art of Law Teaching"

Institute presents conference for legal educators

The Institute for Law School Teaching will present its first conference on law teaching on July 15 and 16, 1994, at Gonzaga University in Spokane, Washington. The conference will help experienced legal educators become more effective teachers.

During the two-day conference, participants will be able to attend four workshops of their choice and two idea-sharing sessions. The number of attendees is limited to 50 so the workshops and idea-sharing sessions will be small-group experiences. Participants should come away from the conference with both an increased understanding of educational principles and specific teaching techniques that can be implemented in courses next fall.

Conference schedule

Friday, July 15, 1994:

8:00 a.m.	Check-in and continental breakfast
9:00 a.m.	Welcome, introductions, and overview of the conference
9:30 a.m.	Workshops: • *Cooperative learning* • *Effective discussion techniques* • *Student learning styles*
11:45 a.m.	Lunch
1:15 p.m.	Idea sharing in small groups
2:15 p.m.	Workshops: Repeat of morning workshops
4:30 p.m.	Adjourn
6:30 p.m.	Dinner at Arbor Crest Wine Cellars (optional; $35)

Saturday, July 16, 1994:

8:00 a.m.	Continental breakfast
8:45 a.m.	Workshops: • *Evaluation of students* • *Psychology of adult learning* • *Visual tools*
11:00 a.m.	Idea sharing in small groups
12:00 noon	Lunch
1:15 p.m.	Workshops: Repeat of morning workshops
3:30 p.m.	Final thoughts, evaluation
4:00 p.m.	Adjourn

Workshops

Six workshops will be presented, three on each day of the conference. (See page 7 for a detailed description of the workshops.) Participants will select two workshops to attend each day. The workshops will last two hours each.

Idea-sharing sessions

Each day of the conference will include an idea-sharing session during which participants will meet in small groups to share teaching tips. Each attendee is expected to arrive at the conference with an idea to share with colleagues. Participants should summarize their ideas in writing (one to two pages, single-spaced). During the idea-sharing session, each participant will be asked to explain the idea orally in the small group. The Institute will collect the written summaries and copy them for all attendees.

Meals

Breakfasts and lunches on Friday, July 15, and Saturday, July 16, are included in the registration fee. Reservations for dinner ($35) on Friday, July 15, are optional and must be made separately. The dinner will feature a Pacific Northwest menu at Arbor Crest Wine Cellars, located at historic Cliff House with its spectacular panoramic view of the winding Spokane River and surrounding mountains and valley. Because of hazards at the site, minors will not be permitted.

Registration fee and deadlines

Registration is limited to 50 and will be filled in the order that the Institute receives the registration form *and* conference fee ($375; checks only; payable to Gonzaga University). Mail the registration form and check to: Institute for Law School Teaching, Gonzaga University School of Law, P.O. Box 3528, Spokane, WA 99220–3528, Attention: P. Prather.

Refunds

Attendees must notify the Institute in writing to receive refunds. If notice is received on or before May 16, 1994, $350 will be refunded; if notice is received between May 17 and June 15, 1994, $300 will be refunded. No fees will be refunded if notice is received after June 15, 1994.

Lodging and transportation

Cavanaugh's River Inn — a three-minute, riverside stroll from the conference center — is holding a block of rooms for attendees at a reduced rate. To take advantage of the reduced rate, participants must make reservations before June 14, 1994. *Rates*: $55 for single; $65 for double or double/double (2 beds for 2–4 people). For reservations, call 1–800–THE–INNS or (509) 326–5577 and mention the Institute for Law School Teaching. Complimentary shuttle service from the airport is available.

Workshops will feature hands-on activities

The Institute's annual conference will focus on "The Science and Art of Law Teaching," and will feature six workshops, three on each day of the conference. Participants will select two workshops to attend each day. The workshops will last two hours each. Following is a description of the workshops:

Friday, July 15

- **Cooperative Learning.** Jim Cooper, Ph.D., professor of graduate education and director of the Network for Cooperative Learning in Higher Education at California State University (Dominguez Hills). In this highly interactive workshop, Jim Cooper will describe the critical features of cooperative learning and how it differs from other small-group instructional procedures. He will discuss objections to the use of cooperative learning and his reactions to those objections. He will also describe tips on implementing cooperative learning, based on nearly a decade using the technique in his own classroom. For a portion of the workshop, attendees will be asked to work in groups, examining five forms of cooperative learning and identifying which form or forms each attendee might wish to use in the classroom. Videos of classes using cooperative learning will be shown and discussed.

- **Effective Discussion Techniques.** Lynn Daggett, Ph.D., J.D., assistant professor at Gonzaga University School of Law. Participants in this workshop will explore a variety of classroom discussion issues and techniques, including: why bother discussing?; using discussion time effectively; discussion of specific content; and the professor's role in discussion. Participants will observe several videotaped classroom discussions and engage in hands-on activities.

- **Student Learning Styles.** Martha M. Peters, Ph.D., director of the Law Student Resource Program at the University of Florida College of Law. This interactive program introduces concepts of learning styles and their effects on learning and teaching. Participants will discuss the material in light of their own and others' learning styles.

Saturday, July 16

- **Evaluation of Students.** Paul T. Wangerin, J.D., associate professor at The John Marshall Law School. The presentation will have three parts: (1) "measurement" problems with traditional grading, (2) grading essays to minimize measurement problems, and (3) writing "objective" questions for law exams.

- **Psychology of Adult Learning.** Paula Lustbader, J.D., director of the Academic Resource Center at the University of Puget Sound School of Law. Participants will discuss a model of the characteristics that most law students exhibit as they master legal reasoning. Using this model, participants will identify the types of errors students make through the use of written examples; explore, from learning theory and cognitive psychology, reasons why students make the errors; and exchange strategies to maximize student learning and to help students avoid common errors.

- **Visual Tools.** Corinne Cooper, J.D., associate professor at the University of Missouri (Kansas City) School of Law. This presentation will examine the ways in which teachers can use graphics to help illustrate, explain, and organize legal concepts in the classroom. The workshop will explore legal concepts that may be more easily conveyed through graphic, rather than verbal, illustration. Participants are encouraged to bring statutory language, case law, or other material within their areas of expertise, which they have had difficulty explaining to students. They will then explore how the meaning might be conveyed more clearly with graphics. Some basic graphic techniques will be demonstrated using a computer, but no computer expertise will be necessary.

INSTITUTE'S 1994 CONFERENCE: "*THE SCIENCE AND ART OF LAW TEACHING*"

(Please submit a copy of this form.)

Name: _____

School: _____

Address: _____

_____

City/State/Zip: _____

Phone: ( ) _____

Fax: ( ) _____

Number of years teaching law: _____

Friday, July 15 (choose 2)

- ❑ Cooperative learning
- ❑ Effective discussion techniques
- ❑ Student learning styles

Saturday, July 16 (choose 2)

- ❑ Evaluation of students
- ❑ Psychology of adult learning
- ❑ Visual tools

❑ Enclosed is a check for $375 for registration, including two breakfasts and two lunches.

❑ Enclosed is a check for $ _____ for registration ($375) *plus* ____(#) dinner(s) at Arbor Crest Wine Cellars ($35 each).

❑ Please check if you prefer vegetarian meals.

Return the form *and your check* (payable to Gonzaga University) to:
Institute for Law School Teaching, Attn: P. Prather
Gonzaga University School of Law, P.O. Box 3528, Spokane, WA 99220–3528

Heroes aren't hard to find in lecture series

By Patrick K. Hetrick

To stimulate her young pupils, a first-grade teacher in Harnett County, North Carolina, arranged to take her class on an educational tour of a local farm. But one perceptive small boy saw right through her scheme. "Don't look, don't look!" he warned his buddy as they exited the school bus into the midst of barns, farm animals, pasture, and fields of crops. "If we look we'll have to tell about it tomorrow!"

There is an element of "Don't look, don't look" in the day-to-day study of law. First-year law students become so immersed in the daily fare of contracts, torts, property law, criminal law, and civil procedure and the inescapable concern and preparation for final examinations that their very existence becomes one of dealing with the trees and not the forest of the legal profession.

There needs to be a 'time out' from the rat race of law study when law students can be exposed to and think about the big picture of the legal profession.

It is true that a course in ethics in one form or another is taught at all law schools, and that is good. But "ethics" and even the broader realm of "professional responsibility" tend to be specific "do's and don'ts" courses, with an emphasis on the don'ts. There needs to be some time in the three years of legal education when law students can sit back in class, relax, not be required to recite, and not be held responsible for regurgitating information when final exam time comes. There needs to be a "time out" from the rat race of law study when law students can be exposed to and think about the big picture of the legal profession.

The big picture is inextricably intertwined with the concept of professionalism. What does it mean in *positive* terms to be a member of a learned profession like the legal profession? Above and beyond necessary educational expeditions into the rules that all law students need to be aware of in the ethics course, what can be done to cause students to climb to a high plateau and view all there is to see in the panorama we call the legal profession?

Campbell's answer is a new requirement that all students participate in a lecture series in which leaders in the legal profession share their thoughts on what it means to be a "lawyer" in the complete sense of that word. And heroes aren't hard to find. During seven lectures scheduled in each semester of the first-year curriculum, selected "heroes" and "leaders" of the legal profession are invited to Campbell to have lunch with students, present a lecture, and then answer questions from the students.

Recent guest lecturers include: Judge Elizabeth McCrodden of the North Carolina Court of Appeals, who used the *Sacco-Vanzetti* case to explore the historic role of courts and the legal profession in confronting racial and other forms of discrimination; Susan Olive, president of the North Carolina Association of Women Attorneys, who spoke about professionalism and civility in the practice of law, the status of women in the legal profession, the counseling aspect of being a lawyer, and the responsibility of lawyers to set good examples in public and in private; Allan Head, executive director of the North Carolina Bar Association, who spoke on "leadership" and the responsibilities and attributes of an effective leader; and Julius L. Chambers, distinguished civil rights attorney and chancellor of North Carolina Central University.

The lecture series is required of all first-year law students. Borrowing from the ABA's "Legal Education and Professional Development — An Educational Continuum" (the MacCrate Report), the series addresses and explores three values: promoting justice, fairness, and morality in one's daily practice; contributing to the profession's fulfillment of its responsibility to ensure that adequate legal services are provided to those who cannot afford to pay for them; and contributing to the profession's fulfillment of its responsibility to enhance the capacity of law and legal institutions to do justice.

Values addressed in the lecture series also reflect Campbell's Christian mission and tradition. The effect of Judeo-Christian values on the manner in which lawyers conduct themselves, an analysis of the legal profession from the perspective of stewardship, and the concept of spiritual fulfillment as a practicing lawyer are examples of values that can be explored.

Because the students' obligation to attend each lecture is treated as a professional responsibility, no academic credit is given. In addition, each lecture is treated as a court appearance, and students are required to dress appropriately.

Patrick K. Hetrick is dean and professor of law at Norman Adrian Wiggins School of Law at Campbell University. For more information, contact Dean Hetrick at Norman Adrian Wiggins School of Law, Campbell University, Main Street, Wiggins Hall, P. O. Box 158, Buies Creek, North Carolina, 27506, (919) 893-1750, FAX (919) 893-8063.

Course materials — electronically

The Legal Information Institute at Cornell Law School publishes educational materials with a twist: electronically, on disk in hypertext format or via the Internet.

For the current academic year, the LII has published electronic editions of the core documents (codes, statutes, and reference materials) for Civil Procedure, Legal Research, Administrative Law, Commercial Law, Evidence, Intellectual Property, and Legal Ethics.

The LII distributes its publications under license to law schools as well as to individual students and teachers, and publishes these same documents and other important legal material on the Internet.

For more information, contact the Legal Information Institute, Cornell Law School, Myron Taylor Hall, Ithaca, NY 14853-4901, e-mail: lii@law.mail.cornell.edu.

Some tips on using collaborative exercises

By Paula Lustbader

Collaborative learning has been a teaching method since the days of the one-room schoolhouse. Because it requires students to work as a learning unit, it helps both weak and strong students to review and synthesize materials, develop problem-solving and reasoning skills, and refine communication skills.

But collaborative exercises are not easy: They are time-consuming; some students may dominate the smaller group; teachers have less control over content, because they cannot listen in on every group at once; and students can get off track or fail to take the exercise seriously. Except for time consumption, a teacher can overcome these problems by careful preparation.

Collaborative exercises aren't easy, but a teacher can overcome the problems with careful preparation.

Start by selecting who will be in what group. In selecting group members, you should consider the task at hand, the purpose of the exercise, and the ability of the students. Research indicates that the optimal number of students per group is three; however, depending upon the task, a group of five may be appropriate. Groups larger than five tend to get off track or have dominating members.

Students can be grouped randomly, based on similar ability, or based on mixing strong students with weak students. Random grouping works well for introducing new topics and having the students brainstorm. Homogeneous grouping based on ability is useful for developing analytical skills when some students have mastered the topic or concept, but others are still lagging behind.

In the homogeneous grouping, those students who have mastered the fundamentals can advance to more sophisticated problems and challenges, while those students who are still struggling with the basics can continue to work on those problems. The teacher can spend more time with the groups working at the basic level without slowing down the other students. The heterogeneous grouping works well when students are working on a new concept or topic. Some students may be further along than others, but the concept is still new enough that the stronger students would not be stifled by spending more time reinforcing their initial understanding.

You also should have a specific agenda and tasks for the groups. Begin by giving each member a task. For example, one member should be the recorder, one the reporter, and one the timekeeper or taskmaster. Then give *written* instructions of what you want the group to discuss and what you want the group to produce from the discussion. For instance, you could ask the group to analyze an exam question and then prepare an outline of its analysis, or you could ask the group to critique a written answer and then revise it.

Give the students an estimate of how much time they should spend on each specific task, and have each student be accountable. For example, you could require each student to write a summary of the discussion or outline of the group's analysis, or ask students to give oral responses in a large group discussion.

Finally, be actively involved with the groups. Circulate among the groups to ensure that they are staying on task and to help group members who are having difficulty with the assignment.

I have used collaborative learning in my classes for years, and have found that it not only helps students learn, but also helps students to develop a greater sense of community and humanity. This is no small feat in law school.

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Internet explodes with sources of law-related information

By James Quinn

In recent months, the Internet has virtually exploded with new hosts, services, and information resources. For anyone in education, information sciences, or computer sciences, the time will soon come when a connection to the Internet will be as basic a communication tool as the telephone.

I recently became aware of two gopher sites that are of particular interest to legal researchers, and should be in everyone's gopher "bookmark" file. The first is a huge menu of law-related materials accessible through Rice University in Texas. The people at Rice have spent a great deal of time and meticulous care assembling links to gopher resources on a variety of subjects. Their menu of "Government, Political Science, and Law" materials contains 334 items, many of which are submenus containing hundreds of items themselves. It is the best point in gopherspace for one-stop legal information shopping.

The second is a handy menu of United States government gophers at the University of California, Irvine. Here you will find links to 108 gopher servers operated by federal agencies.

Talk to the systems experts at your own institution for more information.

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A plug for the 'traditional approach' to teaching law

By Andrew Beckerman-Rodau

The Socratic method, long viewed as the "traditional" teaching methodology in law school, has diminished in use. The explosion of case law and especially statutory and administrative regulations has been a catalyst for this change.

Lawyers today must thread their way through a more complicated body of law than existed as recently as fifty years ago. Today, for example, a simple real estate transaction can involve environmental and civil rights issues in addition to traditional property law questions. The Socratic method, an inherently slow methodology that minimizes course coverage, has fallen prey to the desire to utilize teaching methodologies that cover as much law as possible.

A modified form of the Socratic method allows students to understand the law, rather than simply to memorize it.

A fundamental question must be asked before choosing any teaching methodology: What is the teaching objective? It is important to identify the skills an attorney needs to practice law effectively. The ability to analyze a large mass of factual data and focus on the relevant facts and relationships is essential. An attorney with a firm grasp of the fundamental legal theories and policies that underlie the basic foundations of law will be equipped to accomplish this task. Knowledge of statutory and administrative regulatory schemes is also necessary. The Socratic method fosters development of these skills.

The desire to maximize coverage of law is a misguided objective. It is impossible to expose law students to more than a fraction of the ever-expanding mass of law they will encounter as practicing lawyers. Also, many aspects of law will change between the time students are exposed to them in law school and any subsequent exposure in the real world.

Furthermore, an emphasis on coverage necessitates conveying large amounts of law without fully exploring it. This is dictated by the time constraints imposed by the realities of a typical three-semester-hour class which consists of a mere 45 hours of classroom time (actually it is less, because an academic hour is usually only fifty minutes). This type of environment encourages, and perhaps requires, students to memorize much of the material they are exposed to in order to survive the exam at the end of the course. Such a pedagogical approach is questionable since learning theory and anecdotal evidence support the belief that memorized information has a short lifespan.

The Socratic method in its purest form involves teaching students via the sole use of questions asked by the professor. The professor uses the questions to guide students through the material and to facilitate their own understanding of the material. Unfortunately, such a method is simply too slow to effectively cover sufficient material.

A modified form of Socratic method can effect a balance between exposing students to significant areas of law and developing lawyering skills. Such a method entails exposing students to large bodies of law via handouts or e-mail distribution. Class time can then be directed to developing analytical skills. The bodies of law can be applied to specific problems and hypotheticals which draw out the underlying theories and policies that provided the impetus for enactment of the law. This approach, which requires students to grapple with the difficulty of making legal arguments to support various outcomes in the problems and hypotheticals, makes students engage in analysis which must then be communicated in a persuasive manner. Additionally, it makes students examine the underlying policy of the law at issue as well as policies underlying other areas of law. This allows the student to understand the law rather than merely memorize it.

Learning theory supports the belief that knowledge is retained if it is fully understood in contrast to its merely being memorized. A modified Socratic method will not maximize students' exposure to law. It will instill a long-term memory of the law they are exposed to, in addition to developing the necessary lawyering skills of analysis and communication.

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Submitting manuscripts

The Law Teacher encourages readers to submit brief articles explaining interesting and practical ideas to help law teachers become better classroom teachers. Articles should be 500 to 1,500 words long. The author should describe the idea and tell readers where they can get more information on the topic of the article (from a book, another article, or the author). Footnotes are neither necessary nor desired.

The deadline for articles to be considered for the fall edition of *The Law Teacher* is September 15, 1994.

You may submit articles on paper. If you have composed your manuscript on a word processor, please also include a copy of your article on floppy disk. Submissions through electronic mail also are welcome.

The editors will review all manuscripts; those that are accepted will become the property of the Institute for Law School Teaching.

Manuscripts, comments, and letters should be sent to: The Institute for Law School Teaching, Gonzaga University School of Law, P.O. Box 3528, Spokane, WA 99220–3528; (509) 328-4220 (ext. 3740). The e-mail address is: ilst@gulaw.gonzaga.edu.

Institute announces grant program for 1994–1995

The Institute for Law School Teaching invites law teachers to submit applications for grants of up to $5,000 for projects designed to improve law school education. All of the information necessary to complete an application is contained below. For a description of previous grants awarded by the Institute, *see Institute Offers Grants for Legal Educators,* The Law Teacher, Fall 1993, at 10.

Criteria

All persons are eligible for grants except employees of Gonzaga University. Applications will be evaluated on the basis of the following criteria:

- *The clarity of the proposal.*
- *The soundness and innovation of the approach described.*
- *The benefits to legal education.*
- *The reasonableness of the budget.*

Purpose

The purpose of the Institute's grant program is to improve the quality of law school education through research on effective teaching and wide dissemination of the results of that research. The Institute recognizes that a wide variety of projects can further that purpose. Appropriate projects could include the demonstration of innovative teaching techniques, empirical research, the creation of innovative teaching materials, or scholarship regarding law school teaching.

Grant amount

The Institute has $15,000 available for grants in fiscal year 1994-95. The maximum award will be $5,000 for each grant.

Grant applications

Grant applications must include a cover sheet, a narrative, and a budget.

Cover Sheet. The cover sheet must contain the title of the proposed project and the name, address, and phone number of the organization or individual submitting the application. To facilitate objective evaluation of the grant applications, the name of the individual or organization should not appear anywhere else in the application.

Narrative. The narrative should not exceed five pages, double-spaced, on 8½" by 11" paper. The narrative should describe:

- Need for the project. Why is this project needed and how will it benefit law school education?
- Project objectives. What is the project intended to accomplish?
- Project description. What tasks will the recipient perform to achieve the project objectives?
- Project evaluation. How will the effects and quality of the project be determined?
- Project product. What will be the final product of the project and how will it be disseminated?
- Project schedule. When will the project begin and end?

Budget. The budget should follow the format of the form below, and (except in unusual circumstances) should be no longer than one page. For each applicable category, list the projected cost and describe that projection. Regardless of the amount of the budget, grant awards will not exceed $5,000.

Selection process

The Institute must receive completed applications on or before May 27, 1994. Applications should be sent to:

Institute for Law School Teaching
Gonzaga University School of Law
P. O. Box 3528
Spokane WA 99220-3528

The Institute will award grants and notify all applicants by June 30, 1994.

GRANT APPLICATION BUDGET: 1994–1995

Personnel *(description):*	$ _____
Travel *(description):*	$ _____
Supplies *(description):*	$ _____
Telephone *(description):*	$ _____
Postage *(description):*	$ _____
Printing/Photocopying *(description):*	$ _____
Other *(description):*	$ _____
TOTAL	$ _____

The narrative experience: Telling stories in school

By James M. Vaché

Do you tell stories in the classroom? I do. My suspicion is that most of us do in one form or another. I am interested in writing about your and others' stories that are currently being told as a part of the instructional setting in law schools.

In order to establish what I am about, it is necessary to digress a bit and talk about several of my experiences with storytelling. (By the way, the digression is one of the main elements of a type of storytelling that I find quite compelling. It has been raised to a high level by a colleague who tells stories about law, and everything else, in the western campfire tradition, with baroque twists and turns that after perhaps hours of digression turn back on themselves to somehow support the main story line.)

Storytelling may be a very important teaching technique that has not been seriously explored in the setting of the 'ordinary classroom.'

My first experience with storytelling goes back to my law school days. My Contracts professor spent (I swear!) the whole year talking about the facts in *Hawkins v. McGee*, 146 A. 641 (N.H. 1929). You remember that case: the infamous hairy hand, where the doctor was held to his "promise" to make the hand 100% when the result was a hairy palm. Now, this case can be abstracted to stand for an important proposition about the objective theory of contract formation. *See* John D. Calamari and Joseph M. Perillo, *Contracts* § 2-6, at 33 n.51 (3d ed. 1987). But it obviously served a much more important purpose in that class, becoming instead a vehicle for discussion of the whole nature of the contracting process. To me, what is important is that I still remember the story of the hairy hand 25 years later, and with but a small effort can reconstruct a good deal of the law of contracts. It only occurred to me a few years ago that my recall of contract law was dependent on the power of the story.

Another experience I had with storytelling (and still continue to have, with variations) is that of listening to students champion adjunct teachers (always practicing lawyers) because they tell such good "war stories" — teaching their subjects by reference to "real events." In my younger days, I rolled my eyes at such encomiums because they seemed to be nothing more than praise for a pedagogy that avoided the hard stuff of "teaching the law." I do not roll my eyes anymore. (At least as much.)

My last experience is again more personal. I teach Administrative Law. For a good part of the time that I have taught, *INS v. Chada*, 462 U.S. 919 (1983) has been a part of all the casebooks. It is important doctrinally in the separation of powers context, but I have found myself over the years using the compelling facts in *Chada* first to tell Chada's story and then to retell it at many points during the course. Chada's story serves, in my thinking, as an important reminder of basic human dimensions in administrative law. (If you are interested in the story, *see* Barbara Hinkson-Craig, *Chada: The Story of an Epic Constitutional Struggle* (1988).)

So, what is my point? Well, I have more than one. The first is that storytelling, with "thick" elucidation of the facts, may be an important teaching technique that has not been very seriously explored in the setting of the "ordinary classroom" (the phrase is borrowed from Roger Crampton for a purpose). I am aware of the explosion of interest in the use of storytelling (coming out of developing feminist theory) for consciousness-raising and as a way to *counter* traditional (and arguably masked) ideologically based and illegitimate theory. I find that movement illuminating, and do not issue this call as an attempt either to ignore or to co-opt that use of narrative. (I also recognize that I may entirely misunderstand those storytellers' points of view. I intend to educate myself on that point more thoroughly, but, as the saying goes, that is another story.)

Rather, I am, on my second point, simply interested in your experiences with storytelling, including that perspective but not excluding others. If I can amass enough of those experiences, I want to publish at least a catalog of the stories that are told. Depending on what I get, I may want to make some observations about what, if anything, storytelling adds to the accumulation of knowledge about law, *e.g.*, is storytelling how the *values* of the ordinary religion are transmitted?

So I am soliciting your stories. I leave it to you to decide if you *do* storytelling, including what you think storytelling is. Please write by snail mail or e-mail (to the address listed below) with stories, comments, critiques, etc. As my story evolves, I promise to keep you informed about what direction it is taking.

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