Becoming a Great Teacher

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Someone, I think H.L. Mencken, stated that if you managed to have five excellent teachers during your schooling, you have received an excellent education. Although I had many good teachers in law school, very few would I include in my list of excellent teachers. Most of my great teachers were in grade school and high school. As a law professor, this assessment bothers me. During the ebb and flow of the academic year, I sometimes wonder what contribution I have made to the lives of my students.

I think we all would like to be one of those five excellent teachers in the lives of our students. But what makes for an excellent teacher?

To answer the question, I asked my college-aged daughters, Laura and Kathy, to tell me about their greatest teachers. They both told me about the same teacher, Mrs. Shepherd, who teaches in the English department at Conestoga High School in Berwyn, Pennsylvania.

Kathy wrote:

She changed the way I think when I approach literature. She encouraged you to draw deep connections and think both analytically and creatively. Not only did I gain a deep appreciation for what we read, I get excited about what literature can inspire you to think about.

Laura wrote:

She was the only teacher I ever had whose students did outside work for fun. Her classroom was full of art that her students had created because the class or a certain book or character had inspired them. She never asked for this work, but it always appeared.

Kathy also praised her high school art teachers, Mr. Starner, Dr. Kerschner, and Mrs. Burns, who "focused all their energy on my personal growth" and "really strove to understand me as an artist." She was also grateful to Mr. Marchiando, her seventh grade science teacher, "a man of dreams" who "inspired me to always believe that everyone can make a difference in the world, but you must take the initiative."

Laura wanted to thank Kate Kelly Bouchard, her Skidmore professor who teaches a class in voice and speech. Laura wrote, "Kate encouraged us to free our voices by really taking ownership of our own experiences and emotions and allowing them to come out through our voices. It wasn't always comfortable, but the class was such a nurturing environment that we all grew as people as well as performers."

My greatest teacher was Mrs. Westerfield, my high school Latin teacher. If I were to write about her, my words would have the same flavor as those of Kathy and Laura.

Great teachers are not always warm and fuzzy. Mrs. Shepherd and Mrs. Westerfield may suggest a certain soft stereotype. However, because of Mrs. Shepherd, my children spent many a long night working on her projects. And I remember when one of my fellow students complained to Mrs. Westerfield that she had too much work to do and did not know how she could get it done. Mrs. Westerfield comforted her with the words, "Oh, but the night is long!" and rhapsodized about the thrill of working into the wee hours. At my law school, the older alums often reminisce fondly about Professor Ed Collins, the last

of the truly Socratic teachers, who phrased all his statements in class as questions.

So, how do we become great teachers? I offer four suggestions. First, we become learned in what we teach. Second, we think a lot about our students, our audience, and decide how to teach in a way that makes our message accessible to them. This effort includes thinking about how we organize our classes and how we employ the many teaching suggestions that our professional colleagues offer today. Third, we make sure our students know we really care about them. Finally, we display the sort of passion for teaching that Mrs. Shepherd, Mrs. Westerfield, and my children's other teachers have demonstrated.

Over time, we teachers learn that teaching is demanding work, far more demanding than we expected when we started out on this journey. We must do more than explicate a syllabus; we must give of ourselves. Becoming a great, or even a good, teacher, is worth the effort. If we have a passion for what we do, we gain a new energy and fulfillment. That passion carries over to our students and may even transform them.

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Ethics and Professionalism – It's Not Just for Breakfast Anymore

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Parents teach their children a variety of skills. We teach kids how to tie their shoes, how to brush their teeth, and how to eat at the grown-up table. Some of these skills are relatively personal and private, and do not implicate relational concepts such as good manners. Others, including eating at the grown-up table, do require us to instruct kids on how to behave properly as they execute certain skills. Can we teach a child to eat, using a knife and fork, without teaching them to chew with their mouth closed and with their elbows off the table? Sure we can, and evidently many do just that. Can we introduce the concept of manners after our children master the use of the fork and knife? You bet, although in some instances we will have to address and undo bad habits that have formed. Moreover, the concept of manners may seem divorced from the other skills previously acquired. So, why wouldn't we simply address all skills relevant to sitting at the grown-up table at the same time, so that the use of the fork and knife and elbows off the table and mouth closed while chewing are intuitively related to one another? In other words, if good manners are part and parcel of what we ultimately hope to teach and instill, why would we delay the manners discussion and separate this from the basics?

By the same token, ethical and professional considerations should be expressly incorporated into all skills courses, rather than addressed separately and later. For example, as students learn how to depose a party, they should learn not only the technical skills associated with questioning, but the ethical and professional boundaries of such conduct. When students learn to write a complaint, they should be advised of the content and organization of the document, and also the ethical and professional responsibilities associated with the research and drafting of such a document. Skills courses that involve writing are particularly well-suited to an introduction of ethical and professional considerations. Terrill Pollman notes that "[d]uring the writing process, we learn more than we do by speaking, thinking, listening or reading because we engage in all these activities and more when we write." Terrill Pollman, *Building a*

Tower of Babel or Building a Discipline? Talking About Legal Writing, 85 Marq. L. Rev. 887, 904 (2002). In a skills course students must immediately put ethical and professional considerations into context. They are therefore better able to assimilate an ethical and professional discourse practice because they are introduced to the concepts in context and as they begin to master basic competencies.

By teaching professional responsibility as a doctrinal course separate and apart from skills courses (and other doctrinal areas), we largely divorce ethical and professional considerations from the lawyering skills they influence. Am I suggesting that PR courses be removed from the legal education curriculum? Absolutely not – ethics and professional responsibility are critical components of legal education. What I suggest is that skills courses more effectively complement the PR curriculum. Moreover, in circumstances where the skills course precedes the upper level PR course, as in legal writing, the skills instruction should have expressly incorporated the ethical and professional considerations that influence the lawyering skill. This provides a foundation that allows a sophisticated and deeper analysis of ethical issues provided in the PR course.

Update: Using CaseMap in Legal Research and Writing (LRW) Classes and Clinics

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Five years ago this fall, I started using CaseMap in teaching LRW here at the University of Denver, and it is an idea that has since spread across the country. Over 40 schools are using CaseMap in some way either in their LRW programs, their clinic programs, or both. A couple of years ago I wrote an article about how I have used CaseMap in LRW and I posted it to SSRN; it

has been downloaded nearly 400 times. If you would like to increase the download total, by all means click here: http://papers.ssrn.com/sol3/abstract_id=996739 But for the purposes of this update, I will offer a brief summary, and that way, you might not need to read the article. The idea came out of the old "research logs" that we used to assign students when they were conducting the research for their open memos. It was a list of items students had found, sometimes showing (although not always) the research path they took, and whether (for example) they had Shepardized the cases they found. These written logs were hard to evaluate, and for most teachers, focused on assessing the quality of the research path the student had taken.

At a minimum, I was attracted to using CaseMap for the research log assignment because it provided a uniform system in which to have students keep track of their research, and encouraged uniform printouts. This was a significant upgrade from the mix of handwritten lists, Excel spreadsheets, and Word documents that I had received the previous year. But that reason alone was not enough of a benefit to balance against the complexity of introducing new software to already overburdened 1L students.

I quickly discovered that the real reason to use CaseMap was that it allowed me to enter into the student's thinking, and by helping them to refine their legal analysis of the problem, to improve the work product they were about to begin writing. This development was facilitated by two key elements: First, assigning the student to use the "Issues" screen in CaseMap (basically an outliner), and also requiring the student to link the research they had found to the outline they were developing. Second, and perhaps most critically, by reviewing the CaseMap printout with the student in a conference soon after they handed it in, and preferably as much as a week before the written assignment was due. By discussing with the student the critical "thinking and linking" phase that we all know must precede good legal writing, I was able to do something I had never done before – to essentially "be" with the student while he was forming the legal analysis he was about to start writing.

We have, of course, assigned students to hand in drafts of their work. But a CaseMap report focuses the discussion on the analysis – the quality (and completeness) of the student's thinking, and leaves aside the writing problems that often appear in drafts (and, in my experience, which often take up much of the time in draft conferences).

So that is why I switched to using CaseMap in place of the old research log. It has worked well for me, and apparently has worked well for others who have used it in this way (and who have – thanks! – taken the time to drop me an E-mail about it). But all is not roses.

Integrating CaseMap into your program is not a simple matter. It is a complex program designed for large cases, and so it takes time to train the students to use it the way I want them to use it – simply (and only) for the pedagogical purpose described above. The best way I have found

to do this is to create a "template" file to limit the fields that students need to fill out as they conduct their research and build their outline. This is an essential first and limiting step – without it, they can get lost in the software.

The other concern about using CaseMap has developed over the last five years. It is a PC-only program, and as more of our students have switched to Apple Mac laptops – we are nearly at 50% now in our law school – they have more difficulty using CaseMap. They can install Windows on their Mac (and then it works fine), but many of them would rather not. To address this concern, I often assign the research assignment as a collaborative exercise, and select groups with one Mac and one PC laptop in the group. Despite the implementation and the Mac/PC issue, using CaseMap has been a terrific addition to my teaching of LRW, and I would not want to go back to the old research log assignment.

Beyond the research log assignment in LRW, there are many potential applications for using CaseMap in other law school courses. For example, I have used it when teaching my Discovery Practicum course, but in a very different way. In that course, I am trying to teach the doctrine of the discovery rules but to do so in a fully simulated, contextual environment. In that course, I do not need students to conduct significant research on the problem, or link it to an outline. Rather, I want them to glean the facts and "players" in the simulated problem as it emerges through the application of the discovery process throughout the course, and I want them to

use CaseMap to catalog - and link - those facts to the supporting documents, deposition transcripts, etc.

CaseMap, of course, has an even more obvious application in clinical courses, since such courses usually involve "live client" learning, and CaseMap was designed for just such applications in law practice. But again, in the clinical context I would encourage the professor to design a template to achieve specific learning outcomes that achieve the objectives of the particular clinical experience. These templates will, of necessity, be unique to each clinical course. This might sound complicated, but it is not. The examples above – using CaseMap in LRW or in a practice-focused course in Discovery Skills – illustrate the two poles. In one, my focus is on teaching careful research methods and sound legal analysis. In the other, my focus is on teaching students to keep track of the myriad details of a litigation during the period in the course when they are obtaining discovery information from their opposing counsel. One of CaseMap's strengths is that it can be applied to many different courses in law school, and to support the achievement of different educational goals.

David Thomson is the author of *Law School 2.0: Legal Education for a Digital Age* (LexisNexis/Matthew Bender 2009). www.lawschool2.com

Collective Wisdom: The Section Members Speak

Compiled by Rachel Croskery-Roberts, Secretary of the Teaching Methods Section
Associate Director, Legal Practice Program
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In November, I sent a message to the Teaching Methods Listserv asking Section Members to provide thoughts on the use of technology in the classroom. I posed the following question: Have you found that the use of some technology (clickers, podcasts, webinars, course websites, etc.) has enhanced the teaching of your subject in some way? If so, let me know how you've used technology to do any of the following: (1) make your job easier; (2) enhance the students' learning of the subject; (3) test the students' comprehension of the subject matter; (4) encourage collaborative or interactive learning; or (5) anything else I'm not thinking of.

The responses poured in. I have included them here (in no particular order), as I think they provide a wonderful example of just what makes a Teaching Methods section so great. Through these short articles, we can learn from each other and enhance our ability to bring complex subjects to life for our students. If I have somehow left out anyone's submission, please let me know, and we'll make sure to include your submission in the next newsletter.

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Small Picture Approach
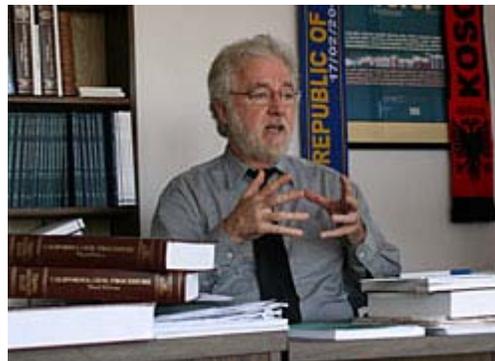
William Slomason
Professor of Law
Thomas Jefferson School of Law

I use web-based materials, with no "big picture" screen at the front of the class. I believe in the small picture at the students' desks, on their laptop. That cuts out one class-related distracter—since they already have laptops in front of them. I can also keep current, regardless of date of the casebook. For example, we know that the ICJ's Kosovo Unilateral Independence Advisory Opinion could come at any time. When it does, I will replace the UN Press Release that's now in the e-portion of my course with the actual, edited case which I will convert to a pdf file and an upload at: http://home.att.net/~slomansonb/txtcsesit e.html, scroll to Chap Two "CASES," then click ICJ Kosovo Independence.

PowerPoint Lectures

Jiri Toman
Professor of Law
Santa Clara School of Law

I use PowerPoints to make teaching easier. PowerPoint slides in fact represent my notes for the lecture. I usually do not have any other notes, and I rely on the PowerPoint in my talking. I feel that it is also useful for students in their repetitions and exam preparation.

Are the Chalkboard Days Over?

Course Management Websites

Joan MacCleod Heminway
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I teach business law courses at The University of Tennessee College of Law. Two of my classes are doctrinal lecture courses (Business Associations and Securities regulation) and two are planning and drafting courses (Corporate Finance and Representing Enterprises, a transaction simulation seminar). I also occasionally teach Animals and the Law as a seminar offering, and I have taught for three years in our study abroad program in Rio de Janeiro, Brazil. My response below relates to all of my teaching except the study abroad courses.

I make use of course management Web sites for each of my courses. I earlier wrote an article on this topic: Caught in (or on) the Web: A Review of Course Management Systems for Legal Education, 16 ALB. L.J. SCI. & TECH. 265 (2006). I currently am using only TWEN (The West

Education Network) for this purpose, although I also have used Blackboard and the LexisNexis Web courses product (which is Blackboard-based). I post my course syllabus and outline, my reading syllabi, my "handouts," my assignments, and other teaching materials (e.g., PowerPoint slides used in class, podcasts, etc.) on the site. I also use the discussion forums as general supplemental resources for the class (postings of questions, current events, clarifications of class material, etc.) and, when needed, for asynchronous discussions/assignments in lieu of class. I also have used the course management tool for quizzes and, in class sessions taught in a computer lab, polling (e.g., to check to see if students "got" a particular concept).

The main pedagogical advantage of the course management Web sites is their capacity to extend the classroom experiences beyond the brick-and-mortar 50/75-minute experience. This is useful for unfinished class business, for my unavoidable absences due to symposium talks and the like, and for other purposes. Having a central forum for conversations outside the classroom becomes increasingly important as exam time approaches in my doctrinal courses. I post the exam instructions and practice questions and answers on the Web site. I ask students to post all of their questions on the Web site, and I keep the Web site open for questions until 11:00 pm the night before the exam.

This policy and practice allow me to teach everyone in response to a single student's question--something that was not possible in earlier days, when students would line up outside my office in the days before the exam and ask me individual questions for which they would get individual answers. In addition, Students sometimes will respond to the postings of other students, to test their knowledge, knowing that I will correct them if they need any correction--as to process or substance. Both the student making the posting and others can learn from that public correction. (I note that one generally must allow for anonymous postings in order for this part of the learning experience to take place.) None of this substitutes for in-class teacher-student and student-student Q&A, but it can be a wonderful supplement to that experience.

I have used the discussion forum feature for group exercise, too. Each group appoints a spokesperson who makes an electronic posting on the course management site of the group's output from the exercise. This use of the tool is especially helpful when I have to be out of class during the exercise. I then can monitor the group's work and comment on it while I am gone.

I find that I am using the quiz features more and more, especially in my Business Associations class, where student comprehension of the material requires repeated exposure and practice. Students indicate that they are grateful for my quizzes in that course, which covers huge volumes of material. I allow students to download and print their quiz results and all of my materials, which I post in Word format. I encourage them to manipulate these tools for their own use--incorporating them into outlines or other resources, for use on my open-book exams.

Of course, this also saves a great deal of money on copying charges, too, by using the course management sites for posting my course materials. And electronic postings also liberate me. No paper cuts; no worrying about the copy machine being in use or breaking down before class, etc.

Finally, I use the course management Web site to communicate by email with my students. Since each of them must register for the site, I can go to the site from wherever I am (in or outside the U.S., as long as I can get Internet service) and send a message to the whole class or one or more students. I also can have the site remind the students about an assignment due date and inform them of an urgent posting.

"The mediocre teacher tells. The good teacher explains. The superior teacher demonstrates. The great teacher inspires."

--William Arthur Ward

Use of Clickers in a Research Review Class

Carrie Teitcher
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**Brooklyn Law School**

In today's research review class I used clicker technology to review research materials and assess how much the students knew about the research materials covered these past few weeks. Here is a description of the session.

My research review session was divided into two segments: the first half-hour I reviewed a series of research questions using clicker technology (using Turning Point Software). The rest of the class time was spent doing a Research Jeopardy game show. My hope was that the first half-hour reviewing the questions would prime the students for the game show. Overall, the session exceeded my expectations.

I had 30 clickers (some students shared their clickers). I distributed them

prior to the beginning of the class. There was definitely a buzz going around the room and students were wondering what they were going to be doing with them. Once class started, I explained what I would be doing. I explained that we were going to review some questions and that they should respond by clicking the clicker to choose an answer. They settled down and I proceeded to go through the research review questions, one slide at a time.

As a slide appeared on the screen, I asked a student to read the question and the choices of answers out loud. I then said: "Polling is now open. Please answer." I was able to see how many students answered and when I saw that 28 had responded, I clicked "enter" and said "Polling is now closed." At that point the bar graph appeared on the screen and students could see how many people chose answer A, answer B, etc. (See sample screen shot below. This bar graph is the default graph set by the program and does reflect my students' responses.)
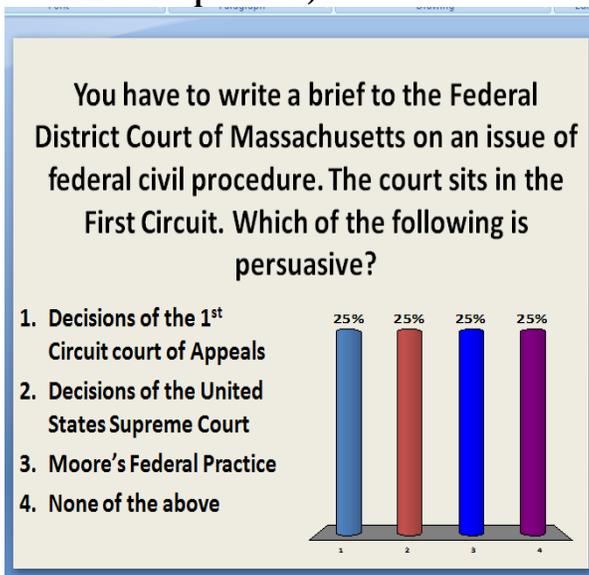
At this point I announced what the correct answer was ("I see that 54% of the class answered this question correctly.") This resulted in quite an animated discussion where I reviewed the correct answer and explained why the other choices were not correct. Students frequently had follow-up questions.

The whole session was quite free-wheeling as students started becoming very competitive and wanted to know if they were "right." By the time I finished all the slides (30 minutes later) students were laughing and clearly having a good time. Most importantly, they asked to review some of the slides to be sure they understood the questions. My Research Jeopardy Game Show followed and, that too, was received well. There is no question that the Q and A during the first half hour, helped the students focus in a more precise way.

At the end of the entire class I asked the students whether they liked the clickers and they uniformly gave them a thumbs up. Some of the comments were:

We should use this in other classes.

Clickers helped me think more carefully about the questions.

Clickers made me commit to an answer so I really had to pay attention.

This made me realize that other people don't know the answer either.

Clickers allowed everyone to answer the question without one person dominating the class.

From my perspective, I was very surprised to see that some students did not understand basic research concepts. For example one slide asked the students to identify what U.S.C.A. was and some students responded that it was McKinney's Consolidated Laws of New York. This led to a more detailed review than I otherwise would have done. This highlights one of the key reasons to use clickers: to not only give students feedback, but to give the professor feedback as well.

I sent out a survey on the use of the clickers asking my students to answer some questions.[1] You can view the responses by contacting Professor Teitcher directly at carrie.teitcher@brooklaw.edu.

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[1]

"Please take a minute or two to answer these questions:

1. Do you enjoy using Clicker technology in the class to review for the upcoming Research Quiz?

2. Do you think that the clickers helped you pay attention more than you otherwise might have?

3. If you think the clickers were helpful, tell me why. How do you think they helped your understanding of the materials covered?

4. Would you like to see other professors adopt clicker technology in their classes?"

Using a Wiki for a Short Legal Analysis Assignment

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This semester we incorporated the use of wikis to allow first-year students to collaborate writing a short memorandum predicting the outcome for a client problem. A wiki is web-based software that allows you to create an electronic document that several students can work on at one time.[2] We were inspired to use this technology after attending a presentation by David Thomson, LP Professor at the University of Denver Sturm College of Law on the use of this and other technology in the classroom. We thought our collaborative assignment was successful and plan to repeat it in future semesters. The tool would work well for any relatively short legal analysis assignment. Students can work collaboratively on a short memorandum, on a practice exam question, on a written

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[2] David I. C. Thomson, Law School 2.0: Legal Education for a Digital Age 81 (2009).

response to a hypothetical posed in class, etc.

A wiki is simple to use. Although a number of online tools are available, we chose to use Blackboard's wiki feature because we were already familiar with Blackboard and our students routinely go to Blackboard for many aspects of our course. We created groups of about five students, and then followed Blackboard's instructions for creating a document, or wiki, for each group. The students had access to their group's document, but they could not see the documents of other groups. We used this collaborative assignment at a point in the semester when we had some idea about individual students' skills, and we tried to create groups that included both stronger and weaker students in an effort to maximize students' ability to learn from each other.

We provided only a few basic rules: each student needed to brief the assigned cases before any group discussion, and each person in the group had to contribute to the discussion and write a portion of the analysis. We also gave them a short checklist of points to discuss, which we hoped would guide the discussion to meet some of the pedagogical goals of the assignment. We gave them a deadline that permitted us two days to review the documents and then we went over the problem and some of the wikis in class.

We saw many benefits to using this tool. Students practiced working collaboratively, which they get little opportunity to do in their first year. Because the students discussed the problem at length with each other, the group analyzed the problem in greater depth than many of them would have been able to do on their own. As a general matter, the groups seemed to have followed the discussion points we gave them and drafted and edited their writing accordingly. That they had followed the checklist was much more obvious in the group memoranda than it is when students turn in individual work. Most importantly, the tool allowed us to give students an additional quality opportunity to practice their legal reasoning and writing and to receive specific feedback from us. Using the wiki to reduce the number of papers you need to review may be just the help you need to make it feasible to include a writing exercise or add an additional one into your course.

We saw few, if any, downsides. We had anticipated problems with at least a few students who might have trouble working collaboratively. We saw a bit of this, but not much. While we could not ensure that each student put forth equal effort, we saw little evidence of students failing to contribute at all. We also did not experience any technical difficulties. Creating the wikis on Blackboard was straightforward. We did though, have one student tell us that our Blackboard feature is like a "1997 wiki" – which means old-fashioned to this eager young student. While the ease of editing and formatting was apparently not cutting edge, the tool was certainly simple enough for us to use, and it served our purposes well.

Using Multiple-Choice Quizzes to Assess Academic Progress and Enhance Student Success

Norman Otto Stockmeyer
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Thomas M. Cooley Law School

The most compelling question faced by beginning law students is "How am I doing?" They are frantically reading the assigned cases, taking copious notes in class, and diligently compiling course outlines. But, they wonder, are they going to be able to convert all this activity into success on the dreaded end-of-course, sudden-death final exam?

One way to help students assess their ability to apply what they are learning is a midterm examination. But by then the course is half over. A better way is to offer frequent mini-tests. I have been doing that in my Contracts course for many years, administering multiple-choice quizzes at the conclusion of each major subject: Offer & Acceptance, Consideration, Remedies, and the Statute of Frauds (the major topics covered in Contracts I at my law school).

Initially I handed out the quizzes in class and then discussed the correct answers during the following class. I did not collect and score individual quizzes, since they were for the benefit of the students and do not "count" toward student grades. So I had little feel for how students were performing. The advent of TWEN* and its quiz function has allowed me to automate and improve the review quizzes in several ways, while conserving class time for doctrinal coverage.

How TWEN Quizzes Work

Using TWEN, students now can take the review quizzes on line, on their own schedule, and receive instant feedback. The feedback includes the correct answer to each question and an explanation that references something in the casebook or course handouts. Course-specific references help students locate pertinent information, and demonstrate that students possess everything they need to know. This should be a source of comfort to students who otherwise would be anxiously consulting outside sources.

TWEN can be programmed to allow students to print out the quizzes after they take them, either with or without the answers and explanations. I allow printing of the questions with answers and explanations.

Students are also provided with statistics on the high, low, and average score compiled by the class as a whole and by last

semester's students. So for each quiz, students know how their performance compares with their classmates and that of the previous class. Competition can be a motivator for some students.

The TWEN quiz function also gives me increased feedback compared to paper-and-pencil quizzes. With a couple clicks of the mouse I can monitor who has, and has not, taken any particular quiz. With another click I can send laggards a stock e-mail reminder. I can learn how the class as a whole had performed on each question, and go back over troublesome topics during review week. I can even learn how any individual student has performed on each quiz, or even on each question within each quiz. This information can be helpful in counseling struggling students who seek office consultations.

The quizzes have proven to be an accurate assessment tool. Last semester, for instance, based on a composite of quiz scores, I predicted that the class average on the multiple-choice section of the final exam would be about 71%. The actual class average turned out to be remarkably close, at 70%. (During a recent three-year period, the mean raw score on the Contracts questions on the Multistate Bar Exam (MBE) averaged 63%.)

What the Quizzes Consist of

My TWEN review quizzes consist of ten multiple-choice questions each. Four such quizzes are offered for Offer & Acceptance (which is tested on the midterm exam), two quizzes each on Consideration and Remedies, and one quiz on the Statute of Frauds (which takes up just one week of class). Students are encouraged to take the first quiz after completing and reviewing their outline on that subject. Then they are encouraged to devote further study to whichever questions they got wrong, and then to take the additional quizzes. Scores generally improve, which students find reassuring.

The quiz questions are patterned after the format used on the MBE. For the latest drafting guidelines, see "Recent Changes in NCBE's Multiple-Choice Examination Programs," **The Bar Examiner** (August 2008). I use the MBE format because (1) the MBE test designers know more about test methodology than I do, and (2) those are the type of questions our graduates will face on the bar exam in most states.

Perhaps due to unpleasant memories associated with the LSAT, students seem to fear multiple-choice questions above all else. And without practice taking them, some students are unprepared for the sophistication of MBE-style questions, which require skilled analysis. Students need to learn early-on that mere memorization and intuition won't cut it. Thus in addition to being an assessment tool, the multiple-choice quizzes help acclimate students to that test format and build up their confidence.

The TWEN review quizzes are optional, rather than required -- and the scores do not "count"-- but virtually every student takes them. As the final exam nears, I remind the class that they have already tackled 90 Contracts multiple-choice questions, three times as many as they will

encounter on the final exam. That provides an additional measure of reassurance, when students need it most. (My exams consist of 30 multiple-choice questions and two multi-issue essay questions. I offer weekly opportunities for students to develop their essay exam-writing skills, but that would be another article in itself.)

Conclusion

Testing experts have found that test familiarity improves student performance on standardized exams, whereas fear of the unknown contributes to exam anxiety, which reduces performance. Practice tests help students perform at their best by increasing familiarity and reducing anxiety.

Yet in their new book, **Teaching Law By Design** (Carolina Academic Press, 2009), Professors Michael Hunter Schwartz, Sophie Sparrow, and Gerald Hess lament that: "Many, if not most, law professors provide students with few opportunities to practice the skills they are expected to display on their examinations or to obtain corrective feedback on their practice efforts. In fact, for many law students, the only concrete feedback they get comes at a time when they cannot learn from it, when they get their final examination grades."

The point of this article is that frequent quizzes, using multiple-choice questions, can help students and faculty alike assess academic progress and enhance student success.

* TWEN (The West Education Network) is West's course website platform, available at lawschool.westlaw.com/twen. It offers teachers the opportunity to post course materials, host discussion forums, create online polls and quizzes, link to CALI lessons and other web content, and communicate with individual students or the entire class through e-mail. My attempt to correlate TWEN use with student performance is reported at http://jurist.law.pitt.edu/lessons/lesnov03.php

"More important than the curriculum is the question of the methods of teaching and the spirit in which the teaching is given."

--Bertrand Russell

Beyond Black Ink

Paul R. Baier
George M. Armstrong, Jr.,
Professor of Law
Paul M. Hebert Law Center
Louisiana State University

Editor's Note: This entry into the "Collective Wisdom" section is a description of another work by Professor Baier. For a more complete discussion of Professor Baier's use of Supreme Court tapes, you can review his article (listed in the blurb below).

Paul R. Baier, LSU, first trumpeted use of the National Archives sound recordings of Supreme Court oral arguments in teaching at a 1980 joint AALS Teaching Methods and Constitutional Law Section meeting in Phoenix, Arizona. His article, "What Is the Use of a Law Book Without Pictures or Conversations?", 34 J. Legal Educ. 619 (1984), announced the availability of the tapes for use in teaching. Now that the oral arguments are at our fingertips on the internet, at the click of the mouse, on the Oyez Project, he has brought his "tapes method" down to date at a recent symposium at Loyola Univ. College of Law. His symposium article, "Beyond Black Ink: From Langdell to the Oyez Project—The Voice of the Past," 55 Loy. L. Rev. 277 (2009), recounts his use of the tapes over the past quarter of a century. "The Supreme Court tapes are a treasure trove of interpretive techniques, of application of precedent, of stare decisis, of words and meaning—constitutional hermeneutics caught on magnetic tape." Baier imagines himself following Leipnitz, whose *Nova Methodus discendae docendaeque Jurisprudentiae* was published in 1667. "I have my own twenty-first century *nova methodus*, a veritable post-Langdellian Sound Machine." Using the Supreme Court tapes is one extremely effective way to add life to our learning.

The WebCT Online Classroom

Joseph D. Harbaugh
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Shepard Broad Law Center
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After 21 consecutive years as a dean (Richmond and Nova), I have returned to the traditional 1L classroom teaching Criminal law (last taught 23 years ago!). To accommodate a decanal schedule, I taught online during a significant portion of that period. I am drawing my online experience to enhance the learning of my first year students by focusing on formative feedback and practice opportunities. I have created a WebCT online classroom where the following activities take place.

(1) Online Multiple Choice Question (MCQ) Quizzes: At the conclusion of several major topics (actus reas and mens rea; causation; homicide; defenses; and inchoate offenses), I post a MCQ quiz of 10 to 20 questions.

Over a 12 hour period, students complete the quiz. I then schedule on online debriefing session (one to two hours) where we use Live Classroom, the synchronous class that uses VOIP ("voice over Internet protocol) technology that allows all of us to speak with each other. I create a PowerPoint that includes the question and answers, the explanation of the choices and how the rules are applied, and a summary of how the class as a group performed (including the percentages of those who made "less than correct" choices). The quizzes are required exercises but do NOT count toward the final grade (theory is it will distort study time investment if they count and inappropriately affect their attention to other courses). All students take the quizzes, they can access their performance online, and 60% to 85% attend the voluntary (no attendance recorded) debriefing to discuss the explanations. By the end of the term, students will have experienced 50 to 70 MBE-type questions. Student feedback is overwhelmingly positive. It also has flagged students who are performing below the norm and allowed me to call them in for personal counseling conferences about study habits and the like.

(2) Essay Analysis: Using the same technology, I have created an essay review process that reinforces my messages about final exam expectations (students receive a memo on my use of holistic and relative grading approaches). Following their Interim essay exam (one question), students receive a graded guideline that focuses on their performance in relation to my expectations. To underscore the process I will use to evaluate them, I create two more single issue essay questions based on MCQs

we have reviewed (thus, they know the "answer" to the question and can concentrate on organization and analysis). Students are encouraged to *write* the answers to these questions based on the holistic and relative grading approach I will follow. We then conduct an online VOIP review session that breaks down the analysis and evaluation process. Students find this very helpful in understanding "my" approach (as opposed to that of other professors) to evaluating the final exam.

(3) Open Question Sessions: Four times during the term, I schedule an "open question" online session to address any questions students have about the material we have covered in class. They are required to submit their questions in advance (I critique submissions and force them to craft the queries in more precise fashion; students find this a useful exercise). I publish to the class the questions we will cover in the voluntary online meeting. Attendance at these sessions runs between 25% and 60% of the class (dictated by the questions identified). These sessions are very helpful to me if figuring out the issues that trouble students most.

I hope this is helpful to colleagues. I'm available to answer any questions and I'm eager to hear comments about other approaches to using technology to enhance the 1L experience.

Using Skype and Other Technologies in a Remote Teaching Environment

Arnold B. Cohen
Professor of Law
Villanova University School of Law

This semester, I have used a combination of Skype and the telephone to remotely teach two drafting courses. Skype, as a technology, has an audio component. Nonetheless, our sound system was just installed and has certain hardware problems resulting in significant audio feedback. This made it necessary to mute the audio function, and use a telephone to call in with the sound piped through the ceiling mounted speakers. This has worked very well and ensures some form of connection even when the Skype connection fails. The result has been an extremely viewable picture for the students in the class on a large screen, and excellent audio quality for the students through the phone. Whether or not the Skype audio function is used, or one uses a telephone, the non-

classroom instructor may have difficulty in hearing those who are in the classroom. In my case, while the students could easily hear and understand me, I could not easily understand them students unless they spoke into a mike that was right in front of them. (In a large class, it is impracticable for each student to have a microphone, of course; and having a hand held mike passed around is likely to inhibit a smooth back-and-forth discussion.)

The aspect of my Skype experience that I have found most valuable is the ability to easily put up on the screen any document that I have on my laptop, including something that I am writing in real time. In my contract drafting courses, this has been invaluable. We have been able to easily discuss the students' just-completed writing assignments, or new versions which the students suggest, or new language which I suggest.

Going forward, next semester I will be teaching a "normal" course --- Bankruptcy. In past years, I have always made extensive use of PowerPoint slides in the Bankruptcy course, and I plan to continue to do so. My practice is to post the slides the morning of the class on Blackboard, as well as to provide the students with a 3-on-a-page handout of the slides at the start of the class. During the class, I project the slides onto a large screen. Since the class is driven by discussions between the students and me, there are times when I either ignore the slide which appears on the screen, or skip to a subsequent slide. Using Skype to "show" what is on my computer screen permits me to easily emulate the in-class procedure that I have followed in the past.

My experiences this past semester have made it clear that having multiple back-ups (e.g., Skype audio as well as using the telephone for audio) is critical and that having an in-class adjunct professor or student assistant is extremely beneficial. The need for back-ups is obvious; the in-class adjunct/assistant is provides both an alter ego or avatar for me, and an efficient means for handling such administrative tasks as calling on students, encouraging students to ask questions, and assigning students to teams for group assignments. All in all, the Skype technology, or an alternative equivalent, is invaluable and will become easier as time goes on. It effectively permits me to "be" in the class and for the students to receive substantially the same benefit and experience that would have been provided by my physical presence.

"If a [student] can't learn the way we teach, maybe we should teach the way they learn."

--Ignacio Estrada

"Lecture Capture:" Is There A Reason Not to Use It?

**James B. Levy
Assistant Professor of Law
Nova Southeastern University
School of Law**

I was surprised to read this recent column from the November 9, 2009 edition of Inside Higher Ed. noting that there's still much resistance at the undergraduate level to using "lecture capture" software, as electronic videotaping is now called. A related column from the Chronicle of Higher Education noted that one survey showed only 3% of college courses are now recorded for later viewing by students. I had previously assumed that the practice was fairly widespread and because law professors, generally speaking, are behind the curve when it comes to classroom innovations, these reports now make me think that classroom videotaping is even less common in the law school setting. To the extent you're not yet trying it, let me suggest some reasons why it may be a good idea to dive in.

According to the Inside Higher Ed article, most of the resistance to classroom videotaping is fear that students will stop coming to class if they're able to watch the lectures from the comfort of home. ABA Standard 304(d) which mandates regular class attendance, should obviate some of those concerns in a law school setting. More significantly, a pair of recent studies shows that videotaping classes doesn't negatively affect class attendance. At a recent Educause conference in Denver, researchers presented survey data showing that two-thirds of the students polled "strongly disagreed" with the idea that posting lectures on the web encourages them to skip class. The Educause study confirmed research by Stanford University showing that it's the quality of the lecture, not its online availability, that determines whether students attend class. Still, resistance is persistent according to the IHE article.

Let me briefly summarize the main arguments against videotaping one's class and then explain why the benefits of doing it may outweigh those negatives. First, as noted above, the research suggests that the attendance issue is more apocryphal than not. The more legitimate concerns have to do with issues of student privacy, security, the professor's ability to create a safe learning environment and her ability to control distribution of her work-product. Effective teaching depends on professors being able to make the classroom a safe place where students can explore ideas without fear of looking foolish or the self-censorship (by teacher or student) that might result because of outside scrutiny. A widely circulated video showing an allegedly

"stoned" professor rambling in class – who was later, and correctly, fired because of it - is just one example of the many ways that providing open access to one's lectures can result in unforeseen consequences.   Once a video makes it to the web, like herpes – it's forever. Both teachers and students lose all control over whether and how that video gets used in the future. Thus, any videotaped lectures need to be password protected and posted in a non-downloadable format (although, in fairness, that's still not a guarantee students won't copy and transmit your lectures to others because software exists that can capture streamed video).   Concededly, and justifiably, that risk by itself may be enough to keep many professors from videotaping their classes. But if you like to live dangerously, read on.

Videotaping classes does have several advantages. Both empirical and anecdotal evidence suggest that students find it enhances their learning to be able to go back and listen as often as they want to a very difficult point from class. It also permits more efficient use of the teacher's classroom time because she doesn't have to respond to repetitive questions (which has become more of a problem in recent years as a result of the myriad of ways in which students now get distracted due to classroom wireless access). Instead, the teacher can tell students to watch the tape which, as an aside, also helps them take greater responsibility for their own learning.   Videotape can also be used to settle routine disagreements about what the teacher said in class versus what the student *thinks* the teacher said. Rather than tell the student "I think you're mistaken about

'point X' - that isn't what I said" you can tell the student to find the portion of the videotape that supports his (mistaken) recollection and then we'll talk. Last, but not least, videotaping class is an excellent way to assess one's own teaching by watching, however painful it may be, one's performance.

If you decide to videotape your class for students, keep in mind a couple of things I've already learned the hard way. First, to the extent you can have your IT people set up the classroom so that your classes are automatically taped each session, it avoids having to remember to hit the record button each time (and students won't be angry with you when you neglect to tape the class in which you tell them what's on the final). Also, remember that with some lecture capture software, any documents, slides or samples you project through the podium computer become part of the videotaped record of the class. Thus, if you're showing any model answers prior to an assignment due date, you have to remember to shut off taping for that day so all your students don't copy it. Some lecture capture software permits the teacher to turn it off and on from the podium which is ideal for these kinds of situations. Unfortunately, the software I use doesn't have that feature so I have to remember to notify our IT people ahead of time. Finally, students may be already using their laptops to surreptitiously audio or video record your class. Or if they're not, they likely will be soon. Unless you're prepared to ban laptops from the classroom, making your lectures available on videotape may discourage at least some students from making their own unauthorized copies of your lectures.

In light of all this, if you now believe the benefits of videotaping your class outweigh the risks, then in the immortal words of sports-casting great Warner Wolf: "Let's go to the videotape!"

YouTube and Google Maps and Editable Mini-Outlines in Class

Michael E. Lewyn
Assistant Professor
Florida Coastal School of Law

I often use YouTube and Google Maps in my property and land use classes, in order to show students the property or neighborhood in which a case arose. I would like to think that by giving students a sense of the case's factual context, this technique makes the case come alive for students but takes less time than assigning long, often dull descriptions of a case's underlying facts.

On a more primitive level, I create a running mini-outline of the class on WordPerfect for students. The mini-outline, like many teachers' PowerPoints, gives students a visual reminder of the

basics of a subject. But unlike a PowerPoint, I can change the outline in class when I don't think that students understand my original phrasing of an issue.

Using Multiple Technologies in the Classroom

Andrew Beckerman-Rodau
Professor of Law & Co-director
Intellectual Property Law Concentration
Suffolk University Law School

I use clickers in the classroom in my Property Law class to gain feedback on my student's comprehension of material. I use the clickers with multiple choice questions that are integrated into Power Points with Turning Point software. I find the feedback very useful and students have reported to me that they like the feedback for their own benefit. I also provide all assignments and course materials electronically via a learning management system (Blackboard). This is much faster and more environmentally friendly than preparing/distributing hard copy. It enables students to access the course materials from

any location having Internet access. It also allows me to provide a lot of ancillary material that can facilitate student learning. For example, for my Property Law class I have digital copies of deeds, mortgages, notes, easements, covenants, etc. available for student review. I can also update the on line materials very easily – for example, to add a recent case. I provide recent news items that relate to things covered in class via email or via Blackboard. This enhances student learning by showing the relevance of what is learned in the classroom to actual events in the world. I will create a Podcast of a class if a student misses class due to an illness.

Also, I created Podcasts on a variety of subjects including study skills, briefing cases and answering exam questions. I make the Podcasts available to students via iTunes U which is accessible from Blackboard.

Via Video: Making Instructions Memorable

Sue Liemer
Associate Professor of Law and Director of Lawyering Skills Southern Illinois University School of Law

The best uses of technology extend our reach as teachers, making us both more efficient and more effective. Now that video technology is easy to afford, access, and use, any law professor can use videos to deliver what otherwise is the driest subject matter: course instructions. Moving pictures naturally capture the eye's attention and show a story that helps the brain store information. After all, there's a reason major airlines use videos to show safety instructions. To record video instructions, you can even delegate much of the work. Teaching assistants and research assistants familiar with YouTube have an intuitive grasp of what makes short movies successful.

Almost any operating procedures you would like students to follow can be communicated via a video clip. Some possibilities include:

- ground rules for class discussion
- your attendance policy
- requirements for a written assignment
- logistics of a simulation exercise
- protocol for an on-line discussion forum

A video clip can break up the classroom dynamic and help students pay attention. And then you can post it on-line, so they can access the information for accurate recall later.

Here's an example: I expect my legal writing students to come to conferences with two printed copies of a draft paper and a written list of questions. If they arrive unprepared, they waste both their time and mine. This year I asked my teaching assistants to create a video to convey my

conference requirements. I suggested they show what happens in a conference when a student arrives unprepared. I volunteered my office for the setting, cleared my desk, informed the tech department, and then stepped back. I let the TA's control every aspect of the production, including the script. The result was brilliant.

I showed the "bad writing conference" video to my 1L legal writing students, and predictably the moment the video appeared on the classroom screen, all eyes were glued on it. The TA's video was far more entertaining and memorable than anything I could have conjured up. The students laughed loudly and seemed to appreciate hearing from their more experienced peers.

As a result, most of my students arrived for conferences well-prepared this year, with drafts and questions ready. Some volunteered that they "didn't want to be like the student in the video." Some who appeared with a section of the paper missing apologized, referenced the video, and explained the reason – often legitimate – why they were unable to complete that part. The conferences were very productive, because the students complied with the requirements.

I spent no more class time than usual conveying conference instructions, and now I have a video to use for years. I hope you will consider creating a video to give your instructions to your class. If you would like to see my TA's "bad conference" video, I will gladly respond to e-mail requests sent to sliemer@siu.edu.

Treasurer Election to be held in New Orleans

The 2009 Nominating Committee, chaired by Rachel Croskery-Roberts, has slated Michael Hunter Schwartz for the position of Treasurer of the Teaching Methods Section for 2010.

Professor Schwartz is a Professor of Law and Associate Dean for Faculty and Academic Development at Washburn University School of Law. Elections will take place at the section's business meeting directly after its program in New Orleans.

Teaching Methods Committee Members 2010

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Note:

It is not too late to become involved. If you would like to participate on a committee (or if you have an idea that you would like to pursue within the Section), please contact Chair-Elect, Mel Weresh, at melissa.weresh@drake.edu.

Section Officers 2009

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Chair-Elect, Mel Weresh
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