

# The Value of Variety in Teaching: A Professor's Guide

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Variety's the very spice of life that gives it all its flavour.  
—William Cowper, Poet, *The Task* (1785)

## Spice Up Your Teaching

Enough already. Studies show it, professors know it: the Socratic Method is not enough.<sup>1</sup> But to be fair to Socrates, any single teaching method is not enough. A combination of teaching methods that creates a variety of approaches is the most effective way to enhance law-school learning.<sup>2</sup>

So we four law-school professors collaborated to create a go-to guide—a collection of 80 creative teaching ideas. We put each idea to the test in the classroom. Then we categorized them by skill, so it's easy to find what you need when you need it. And now we share them with you—fellow law teachers who want to flavor their teaching with variety.

Keep this guide handy to quickly find a wide variety of class exercises. Or use it to spark your own ideas to teach your material more creatively. You'll enjoy what variety can do for your teaching. And your students will thank you for it.

## How We Cooked Up Variety

Our best teacher has been our experience, 38 years among the four of us. It's taught us that students have a variety of learning styles, preferences, and work ethics so, we should use a variety of teaching methods to best capture their attention.<sup>3</sup> We understand that different methods help develop the lawyering

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1. See, e.g., Jeffrey D. Jackson, *Socrates and Langdell in Legal Writing: Is the Socratic Method a Proper Tool for Legal Writing Courses?*, 43 CAL. W. L. REV. 267, 307 (2007).
2. See, e.g., Benjamin V. Madison, III, *The Elephant In Law School Classrooms: Overuse of the Socratic Method as an Obstacle to Teaching Modern Law Students*, 85 U. DET. MERCY L. REV. 293, 296, 300 (2008) (stating the evidence is now in: diverse teaching methods help all students, not just a few).
3. See *id.*

skills that practice demands. And we understand that by using various ways to convey information, we model tools that students will need to teach the law someday—to a client, juror, judge, or opposing counsel.<sup>4</sup>

But what we didn't understand was what to do about it in our classrooms each week. So we decided to collaborate. We met every Tuesday afternoon for an entire term to share our teaching ideas.<sup>5</sup> And we held ourselves accountable. Every week, we each had to bring two new teaching ideas, in writing. Every week, after we shared our eight ideas, we challenged each other to try one shared idea in class. And every week, we did it. Then the next week, we reported on what happened.

And so it went for 13 weeks: four professors sharing eight new teaching ideas, reflecting on those tried the previous week, and choosing four more to try the next week.

The result? Eighty refreshing ideas.

To help you choose an idea or exercise that addresses a certain skill, we've listed the exercises by skill category. You'll find this list at the end of the 80 descriptions, on page 86.

## Exercises

### *1. Students Up Front*

Presenting in front of the class gives students practice in public speaking. And having them present a review advances their understanding of the material.

For this exercise, start the class with a review of material covered in the previous session. But your students, not you, will lead it. And announce that you will select three other students at the end of class to lead the next review. Because all your students know that they could be presenting next, they have another incentive to pay close attention during class.

### *2. Role Play: Attorney and Client*

Role playing as attorneys and clients forces students to apply the doctrine they are learning to a real-life situation. They also learn the value of being a counselor and having good listening skills.

This exercise can be used in any doctrinal class; it simply applies a doctrine. For example, Contracts One students learn avoidance doctrines over several classes. At the end, half of the students get a fact pattern involving several

4. See Craig T. Smith, *Technology and Legal Education: Negotiating the Shoals of Technocentrism, Technophobia, and Indifference*, 1 J. ASS'N LEGAL WRITING DIRECTORS 247, 250-51 (2002).

5. The Law Teaching and Learning Institute prompted our plan. Recognizing the importance of variety in the law-school classroom, the Institute organized a conference around it. The Institute asked legal educators to provide the ways they introduce variety into the classroom. We heeded the call, collaborated, and produced this handbook, which we presented at the June 2012 ILTL Value of Variety Conference.

avoidance doctrines. These students will be clients; the others will be attorneys. Clients read the fact pattern and then meet with an attorney for 15 minutes. In a contracts fact pattern, for example, a client hits the mailbox of a neighbor with whom she executes a release for \$200. Later, the neighbor receives a bill for \$400 more for damages the two did not know about when they signed their release. Attorneys must advise the client: Pay the \$400? Or will the release avert this expense?

The exercise sparks a discussion about avoidance doctrines (is the release enforceable?) and differences between what could and should be done. In this scenario, the client and the neighbor are friends, and all the neighbors get along well. The class discusses the advice that the student attorneys gave their clients—and the importance of not only advising clients about the law, but also of counseling them. A good conversation between the student attorneys and clients should include how to resolve the issue while retaining the neighbor's friendship and the neighborhood's harmony.

### *3. Au Revoir to Ambiguity*

This exercise is good for an upper-level legal-drafting course. Legal drafting can be dry, so engage students by adding other skills to redrafting exercises such as collaboration and advocacy. And be sure to use real-world examples of ambiguous documents to keep it fresh and interesting.

Split students into two groups and give both an ambiguous provision of the Social Security Administration's Medicaid eligibility rules (pick a provision by throwing a dart at the code). Each group takes a side to redraft the provision and advocate for its correct interpretation for their elderly clients. This teaches students to identify ambiguity, fix it, collaborate, speak publicly, and advocate.

### *4. Help or Hinder*

Help students understand that professionalism creates positive results and that a lack of it can be detrimental. To practice and identify the benefits of professional conduct in the classroom and the courtroom, ask students to negotiate a settlement between parties in any case, from a casebook or your own fact pattern.

After students negotiate terms of a settlement, ask them to think about and identify what they saw occurring in the negotiation. Post the list and then ask which items helped (positive) or hindered (negative) the negotiations. Label each item with a + or - sign. Then ask students to focus on the negatives and determine whether, in real life, each is professional or unprofessional conduct. Move down the list and label each item P or U—tangibly connecting professionalism with positivity and a lack of it with negativity.

### *5. A, B, C, or D?*

Use this exercise with first-term students. Instead of starting with a short review of the previous week's material, pose a multiple-choice question that

covers the pertinent material. Ask students to read the question silently and choose an answer. Then call on them to rule out the three wrong answers and choose the right one. This allows you to introduce first-term students to multiple-choice questions, deductive reasoning, and legal analysis.

#### *6. Excited Utterances*

(Inspired by Odyssey of the Mind's "Spontaneous" competition)<sup>6</sup> This exercise lets students think and perform against the clock as part of a "loop-back" review. Divide the class into two teams, assigning each a topic based on material covered in the previous session. Students must outline the topic in two minutes, with each team member giving a substantive point of law. They must speak in order of their assigned seats, and they cannot pass, repeat an answer, or help each other. As students respond, post their answers in outline form.

#### *7. Negotiate, Settle, and Draft*

This exercise helps bring alive legal drafting, giving students practice in negotiating and drafting contracts like most attorneys do at some point in their careers, including a settlement agreement or, in the criminal-law context, a plea agreement. Break the class into two litigation teams. Give them time to confer. And then let the negotiating begin! Each team picks two lead attorneys who sit across from each other at the front of the class. During the 45-minute negotiation, if other team members have something to add, they pass a note to their lead negotiators.

#### *8. Breaking News*

To challenge first-term students to compare their class lessons to real-world criminal law, ask them to find news stories about crimes, criminal trials, or sentencing. Ask them to explain their choices and tell what issues and crimes they think the cases involve, and whether the news report matches their class lessons. This can be a speaking exercise with materials discussed in class or a writing exercise with students submitting memos for feedback. To get students started, give them this news link: <http://www.switched.com/2008/11/14/why-you-should-never-try-to-steal-a-law-students-laptop>.

#### *9. Groups On!*

Professors typically conduct research and writing draft conferences individually. For a change, try group conferences for a closed memo. Schedule each conference for an hour with groups of five to six students at a time (use writing groups assigned at the beginning of the term). Tell students to bring their memo drafts or outlines and at least three written questions.

6. Odyssey of the Mind, <http://www.odysseyofthemind.com/practice/default.php>.

*10. Less Me, More You*

Getting to know students is challenging but rewarding. Here is a quick, easy way to connect with them at the beginning of the term. This exercise gives you a fact to help you remember each student's name (Aha, he's the student with a lute!). On the first day of class, ask students to fill out index cards with their names, hometowns, and a fun fact about themselves. After class, read these and use them all term to connect. If a student is from your hometown, send an e-mail acknowledging your similar roots. Or if a student has never set foot in the state until law school, send an e-mail recommending the best pizza place in the area.

*11. The Forest or the Trees*

The material in code-heavy classes can bog students down. This exercise, for use during a mid-term lull, reminds them to see the forest, not just the trees. In a dry upper-level course (let's be honest: Negotiable Instruments), give students index cards mid-semester and ask them to answer (1) why are you in law school, and (2) why are you in this class. This will remind them of their bigger purpose (I'm in law school to become a public-interest attorney), helping them see the forest. Taking time to reflect on that purpose is helpful. And it's interesting to see why students are in your class. This often leads to discussions about students' previous experiences or careers and their plans after law school. And it can help them identify (and perhaps overcome) biases they brought to class.

*12. In the News*

Students are more engaged when they recognize relevant material or take ownership of discussion topics. So to break up class monotony, ask them to find news stories that bring to life concepts they've learned out of a boring book. And it's not just headline-grabbing topics about torts or criminal law that make the news. Students probably can find in print or online some news about almost any topic you're covering—whatever you teach. So in the middle of the term, ask students to bring in these stories. You might find yourself saying, "See, Negotiable Instruments is relevant!" Students don't often see that.

*13. Your Own Letter of Recommendation*

We're often bogged down with requests for letters of recommendation—and sometimes at a loss for what to say. So we ask our students to write the first draft. This helps them with persuasive writing, organizational skills, and self-assessment. They see, just like potential employers do, how hollow it is to state that they are hard workers and passionate about the law. They see how critical it is to avoid the general and choose the specific, to avoid the abstract and choose the concrete.

*14. Supreme-Court Smackdown*

This exercise emphasizes the importance of speaking (and writing) in plain language—because, in fact, the justices of the U.S. Supreme Court demand it. Assign your students this excerpt of an argument before the Supreme Court (<http://chronicle.com/blogs/tweed/the-supremes-orthogonal-moment/20447>). The advocate, a well-known and highly regarded law professor, uses the word “orthogonal” and receives a smackdown from several justices. Follow up this reading with an exercise on big words versus little words: say a big word or a wordy phrase (in the event that), and then ask students for a short, simple, and better alternative (if).

*15. Typo Fetch*

The tools of a lawyer’s trade—grammar and punctuation—are often misused. This exercise shows students that they must be vigilant in using these tools correctly. Ask your students to bring in grammar or punctuation mistakes: pictures of incorrect signs or billboards or illustrations of mistakes from other sources (books, blogs, newspapers, magazines etc.). Then display and discuss these in class.

*16. Music and Lyrics*

To emphasize the power of brevity and storytelling—and to energize an upper-level writing class—ask students to bring in songs, with printed lyrics, that they think capture a feeling or tell a story. Play the songs, getting students to identify the use of strong verbs and familiar nouns. Students enjoy the change, and the music and lyrics do the job for you.

*17. One Across, Five Down*

Let students create a crossword puzzle for each substantive unit of study. To create their clues, students must understand the elements, rules, and concepts for that unit. This lets them review material and creates a deeper understanding of the material. See <http://www.puzzle-maker.com/CW/>.

*18. Wake-Up Call*

To grab students’ attention in a criminal-law class, play a segment of Maroon 5’s music video, *Wake Up Call*. The song and most of the video deal with murder, manslaughter (imperfect privilege), and self-defense. Play the first 1:30 minutes of the video in class before covering the relevant topics. Then return to the video, and ask students to analyze the facts it presents by applying what they have just learned.

*19. Say It with a Song*

In a class about domestic violence (Defending Battered Women, for example), start the first session playing songs that address the topic and scrolling their lyrics on PowerPoint slides. The songs vary in message, genre,

and point of view. Afterward, ask the class to discuss how media, society, and art reflect attitudes about domestic violence. It's a powerful introduction to this topic.

#### *20. My Topic Sentence*

At the very beginning of the very first legal-writing class, ask students to write a topic sentence about themselves. Explain the importance of a topic sentence and its purpose. Emphasize brevity (25 words or less). Show students your topic sentence as one example ("Professor Doe has been a professional writer throughout three careers.") Students learn what makes a good topic sentence and how dull and uninformative a sentence is that merely repeats name and status ("I am in law school"). They get interested in each other. They revise their sentences on the spot after hearing a few examples. They laugh together. And when they do the next assignment—a resume and cover letter, perhaps—they try hard to make their topic sentences special.

#### *21. Pass the Edit*

This exercise is modeled on the "hot potato" game. Pass a page of prose around the room, asking each student to make an edit or correction. You are the judge. The exercise is timed, so they must work fast. Or split them into competing teams; the team that makes the most edits wins. Students learn to recognize problems and correct them. And they learn that writers always can cut more.

#### *22. Free Writing at the End*

To help students assess their comprehension of material covered in class, assign a quick free writing. In the last dozen minutes of class, assign a topic and have students write about it for three minutes. After three minutes, write another topic on the board. Do this with three or four topics recently covered in class. When time is up, tell students this exercise is a personal-assessment tool, and if they don't have three minutes' worth of material to write about each topic, they must learn more about it. Ask them to review their writing to see the differences in topics and how they relate to each other.

#### *23. Free Writing at the Start*

Sometimes it's hard to know what you know. And what you don't. This exercise makes students examine what they know—and don't—about the law. At the beginning of class, ask them to free write for five minutes with a purpose: to think about what they have learned so far, to identify what they're unsure about, and to create follow-up questions. Then, at the end of class, select students to read their questions. Discuss and answer them. Remind students this does not end the exercise: They're responsible for getting their questions answered.



*24. Free Writing with a Purpose*

This exercise helps students learn to write and write to learn. It gives students writing practice, and it teaches professionalism. Write this topic on the board: “Professionalism in the classroom.” Then write: “Professionalism in practice.” Then give students ten minutes to free write about the two. And when they’re done, discuss the connections between the two concepts.

*25. Peer Reviews*

Applying a doctrine in writing helps students to learn it. This quick writing assignment is peer reviewed, which encourages students to draft meaningful answers. At the end of a class, give them a writing assignment that requires them to apply concepts taught that class. When they arrive for the next class, have them exchange assignments with each other. And give students guidelines on how to grade each other’s assignments.

*26. Peer Writing Groups*

(With thanks to Peter Elbow and *Writing Without Teachers*<sup>7</sup>) Students learn from one another, and it’s easier for them to take criticism from peers than from a teacher. So divide students after the first week of class into groups of five to seven. Use a short diagnostic test to place students, mixing them up by writing skills (very good to poor). The groups will review and “workshop” the second assignment (for example, a cover letter and resume). They’ll meet four to five times during the term to do writing exercises. Students grow in confidence by giving and receiving criticism. They develop their social, reading, and writing skills.

*27. Game On*

Games break up the pace of class. And candy is a much-appreciated reward. This exercise encourages collaboration and solidifies students’ knowledge. Create teams of five to ten students, depending on class size. Each team gets a bell. Ask questions, and a team rings in; choose a person to respond for the team. Everyone on the team must collaborate on answers, and everyone must agree on answers before their team can ring the bell. The team that rings second still has a chance; if their competitors are wrong or their answer is incomplete, they can flesh out the correct answer and steal the point. Candy prizes for the winners.

*28. You’re the Next Contestant*

To put the “fun” in functional, conduct either part of a class or a review session in game-show format, modeling the exercise after *Family Feud*, *Jeopardy!*, or *Are You Smarter than a Fifth-Grader?*

7. PETER ELBOW, *WRITING WITHOUT TEACHERS* (1973).



*29. The “I Can Edit” Game*

This exercise is based on the *Name That Tune* game show. Divide students into two teams, picking a volunteer from each. These two students wager how many words they can cut in a set time: “I can edit (how many?) words out of that paragraph.” They work, standing up and live, while the clock ticks down. Their teammates feverishly help. Winners must make their bet—or make even more edits. And you’re the judge. One-L students write way too much, filling their pages with “for the reason that” and “in order for” and long, long sentences. But during this game, they get ruthless in cutting extra words, phrases, sentences—even paragraphs!

*30. Punctuation Pig Out*

Make punctuation and grammar exercises more fun. Set a big bowl of candy in front of your class. Split the class into four or five teams; ask each to pick a name and spokesperson. Hand out 35 sentences filled with punctuation mistakes. Give teams 20 minutes to correct them. Post each team name, and ask each team to put up its final answers, sentence by sentence. The team that scores the most points eats their winnings.

*31. Profiles in Punctuation*

Use this exercise to help students learn to punctuate and to give them practice presenting to an audience. Write one punctuation mark on a slip of paper, and put all the slips in a hat. Students draw slips from the hat. Each student then must give a polished 10-minute, multimedia presentation about the punctuation mark at the start of class according to a schedule you create in advance and post. Schedule these student punctuation presentations to start class throughout the term. Encourage students to be creative with their presentations.

*32. Six-Word Stories*

Brevity is hard to teach and often hard to learn. To practice it in the extreme, borrow Hamline Law School’s Six-Word Story contest (see also The Six-Word Memoir project,<sup>8</sup> and Ernest Hemingway’s famous six-word story: “For sale: baby shoes. Never worn.”) Give students five minutes to describe their first term of law school in six words. In upper-level writing courses, students may describe law-school experiences. Each student comes to the front of the class to share these often funny six-word law-school stories. Post the best five, and let students vote for the winner by applauding. Print the winner’s story on a prize T-shirt.

8. Mary Dunnewold and Hamline University Law Students, *Why Am I Here? Six-Word Stories about the First Month of Law School*, 59 J. LEGAL EDUC. 653 (2010).

*33. Top-Five Reading Tips*

Students often skim through the assigned readings without slowing down to ask themselves: What is this about? What's new that I'm learning here? So each week, ask students to write five tips based on their reading that strike them as interesting or helpful. Have them bring their lists to class, and ask each student to share one tip. This encourages them to slow down, breathe in the material, learn it, and retain it.

*34. The Daily Edit*

To teach grammar and punctuation, give students regular editing practice with a three-to-five-minute exercise when they come into class. A weekly quiz is ideal, but every other week is fine. Or try a weekly edit: give students ten minutes to edit a paragraph from a case opinion, a newspaper article, or a letter. Ask them to trade and correct each other's work. Then discuss correct answers or edits as a class.

*35. Get to Know Your Law Library*

Students don't go to the law library; most have never been there before taking their first research-and-writing class. So before the start of the final research memo, give them a working tour. Divide students into groups, assigning a hypothetical case with several issues. Each group must design a written research plan (after you've led class discussion on a sample plan). Then go to the library. Give the groups different assignments on the spot, based on the steps in the research process. One group might take on preliminary analysis in treatises, another group might search for codified law in code books, and so on. Regroup to compare results, and then go to the reporters and find cases together.

*36. Goal Hit List*

This exercise underscores course goals on a weekly basis and emphasizes that everything your class does—reading, writing, and discussing—is precisely designed to develop skills that students have identified as their goals. In an advanced writing class, ask students to write down three skills they hope to learn. Explain that you will review each list and come back with a list of the top three goals. This will become your class "Hit List." Keep it posted in class each week. Summarize at the start of each class how the class will hit each goal that day. Then at the end of class, sum up how the material covered and the work done advanced students toward their goals.

*37. Hey Batter, Batter!*

To demonstrate the concept of an attempted crime, ask a student (preferably one with baseball or softball experience) to demonstrate the stages of batting. A "hit" is the attempted crime. First, the student shows what he or she would do in the on-deck circle to get ready for his or her "at bat." This illustrates

the concept that mere preparation to commit a crime is not a crime. Next, the student shows what he or she would do when entering the batter's box. This lets the class compare mere preparation to an actual attempt. Next, the student performs a "check swing," showing how much action is required before someone commits an attempt. Finally, the student demonstrates "breaking the wrist" to show what makes a complete attempted crime.

### *38. The Feds v. The States*

Students struggle to understand that federal and state law exist at the same time, on the same legal issue, but that one or the other might not apply. Or that both might apply at the same time (e.g., state statutory and common-law trademark law and the federal Lanham Act). The abstract concept of different court systems is tough for first-year law students. So give the class a research assignment with half of the students working in federal law, and the other half in state law. Students may use any source and any method; some go to the law library, and others use their laptops. When students return to class, they decide together which courts will review what precedent and what's likely to happen in each.

### *39. Can You Pick The Criminal?*

To illustrate the problems with identification procedures, conduct a photo array with PowerPoint. First, show students a composite sketch of a suspected rapist. Then provide a simultaneous photo array. Ask students if they can identify the suspected rapist. Don't tell them if they selected the right person. Show the photo array again, and again ask students to single out the suspected rapist. Then tell them that the suspect was not in the photo array. This supports a discussion about effective methods for identification, related psychological and scientific issues, and the inherent unreliability of identification procedures that can lead to misidentifications.

### *40. Bus Stop*

To help students understand the dynamics of a drug seizure, ask them to act out the facts of an assigned case involving a bust on a passenger bus. Students set up chairs to recreate the bus's interior, some placing themselves where the defendants sat. Other students stand where the arresting officers stood (front, middle, and back of the bus). This provokes a spirited discussion whether the defendants were "seized."

### *41. Explain It, You Know It!*

Ask students to write for a non-lawyer an explanation of common-law larceny or any legal concept. When a law student explains—especially in writing—complicated legal concepts to a lay person, the student deepens his or her understanding of the concepts. You can either assess students' written explanations, or have them assess their writing.

*42. Teaching with Failure*

The first memo assignment in the first-year legal-writing course is the first time that students attempt to write a synthesis of case law. Most of them solve this problem by avoiding it. They give the legal rules they find in cases. But when it comes to real synthesis, finding a theme or common thread in a series of case holdings, they simply don't try it in this first assignment. So after they turn in the first memos, get them into their writing groups. Each group reads one case together, writes down all the holdings, and chooses the holding that is relevant to their first memo. Then the entire class regroups, synthesizes all the holdings, and together writes a one-sentence synthesis.

*43. You Write, We Edit*

This exercise allows doctrinal students to better learn the law by writing and writing students to exercise their knowledge of good writing by editing. In a doctrinal class, give one mandatory writing assignment that is graded by the research-and-writing class. Give the writing class the question and guidelines for grading. Knowing it will be peer reviewed encourages the doctrinal students to put forth a good effort. And writing the assignment helps students learn the concepts that it involves. The writing students benefit by applying the editing skills they're learning.

*44. Writing Makeover*

One way to learn how to write well is to imitate a good writer. Nearly every famous artist started by imitating another artist. This exercise is designed to get students hunting for good writers and their work. It forces students to think about what makes good writing. You can't learn to write well without understanding what makes good writing. Ask students to bring in one piece of writing that they consider good and one piece of their own. Each should be limited to one page. Explain that neither piece must be legal; they can be any non-fiction writing about any subject (e.g., sports, history, art, science, philosophy, religion, a current event, a person, etc.). Explain U.S. Supreme Court Justice Antonin Scalia's theory that there is no such thing as good legal writing; rather, good writing is good writing, no matter the subject. Have students write four reasons why the piece is good. Then pair them up to share their favorite writing and their four reasons. Next, have students read their own writing, identifying those same four characteristics as either present or missing from their writing. For the next class, students should rewrite their own work, incorporating their four characteristics of good writing, and bring clean typed copies of both originals and revisions. Then do a "Writing Makeover": students exchange their work with partners and try to identify the piece that has undergone the makeover. Keep a class tally of right and wrong guesses, and discuss what makes good writing good.

*45. Redrafting Fun in Unexpected Places*

In an upper-level legal-drafting course, find current notices, release-of-liability provisions, or other real-world documents that demand a revision into plain language. Students appreciate the fresh, relevant material. For example: a drugstore clerk refused to sell four boxes of Tylenol cold medicine that a customer, a tired mom, had carefully selected (different flavors, each chosen to suit each kid's taste). The clerk told her to read the sign posted nearby. She tried, but it was incomprehensible, with its references to "ephedrine," "pseudoephedrine salts and isomers," and corresponding quantities "limited for sale." The sign carried a single sentence—90 words long. Weary mom bought her Tylenol limit and snagged a copy of the sign for revision by her advanced legal-writing class. Find your own gobbledygook, such as a confusing statute, and break your students into groups to revise it, breaking it down into coherent sentences, dividing it up into logical parts, and rewriting it in plain language. Ask students to share their revisions and discuss improvements.

*46. Citation Station*

This exercise is designed to help students learn citation form and rules in action. Although citation is tedious and time consuming, it's worth the wrestle because it affects the credibility of students and practitioners. Pick five to ten students to come to the whiteboard. Ask them to write citations for cases from their papers, one after the other in a straight line. Consider having them include the citation rule, too. Tell them that the object is to see how far along the citation "train" they can get without making mistakes. Once they're finished, review each citation with the class to see how far the students made it before a re-tool was necessary.

*47. Student Draft*

As we know from creating exam questions, to write a good question, you must understand the material. So when covering particularly thorny areas, ask your students to write multiple-choice questions for the class to use for review. At the start of the next session, show several of these questions that students drafted. Having students draft questions on the material reinforces their understanding of it. And by drafting answers that sound right but are not, students better understand the concept.

*48. Quiz a Week*

Students often listen to interactive recorded lessons in the law library or online to learn the legal-research process. A schedule in the course syllabus gives weekly assignments. But many students don't follow the schedule; instead, too many of them cram all this work in at the end of the term, and they don't retain or benefit from the information. To address this problem, create and post online a series of short quizzes to test students on the audio lesson for the week. Give the answers, but don't grade these quizzes. Let students assess their own knowledge.

*49. File, No Book*

Using real facts—rather than a casebook—to teach the law can be refreshing and relevant. After attending seminars at the Institute for Law Teaching and Learning that encouraged a case-file method, we were intrigued by this recommended approach. Rather than restructure a whole class, you can do just one case file. It's a great new way to present material in a doctrinal class. Give students a fact pattern, using real-life documents. Then give them the law. Ask them to answer a hypothetical using the facts, the documents, and the law.

*50. A Real Contract—and It's Not Very Good*

Real-life application of new legal knowledge is empowering. So empower your students to use their knowledge of contract law by editing a real contract. Give them a boilerplate agreement, such as a lease. Get them to edit it to use only necessary words. This shows students that they have contracts in their own lives—and those contracts are often poorly written. Cutting the legalese and revising the documents in plain language shows students how much in them is unnecessary. Giving them editing power shows them how much they know about contracts. They need this confidence to edit contracts they receive, to believe in what they know to be the law, and to avoid simply signing what someone gives them.

*51. Classifieds: Poor Writers Need Not Apply*

This exercise show students the real-world and immediate importance of becoming good writers. And it takes the burden off you to convince them. Share with them job classifieds, newspaper articles, and web pieces showing that most employers in law or law-related fields seek candidates with solid writing skills. With the class, peruse a legal paper's print or online classifieds. The writing-skill requirement (and writing-sample requirement) occurs so often, it makes your point for you.

*52. Give It to 'Em Straight*

Ask your criminal-law students to prepare jury instructions for murder, self-defense, and manslaughter. Then separate the students into prosecution and defense teams, asking them to draft and present closing arguments for a case based on the jury instructions they prepared. Students will understand the relationship between accurately crafted jury instructions and a lawyer's ability to effectively argue the case.

*53. Crime and Punishment*

Divide your criminal-law class into four groups: probation officer, prosecutor, defense lawyer, and crime victim. Give each group two files: a common case file and a file with facts known only to that group. Give the groups ten minutes to prepare for the sentencing hearing. With the professor

as presiding judge, the groups conduct the hearing. Students not only must present their prepared arguments, they also must react to the unknown facts as they are disclosed by the other group.

#### *54. Sexual-Assault Trial*

When studying rape and criminal-sexual conduct, students struggle with the relationship between the elements of force and lack of consent. So divide your class into four groups: prosecutor team, defense team, jury, and gallery. Using a case from the reading assignment, instruct the prosecution and defense to prepare and give closing arguments to the jury (six students). The jurors sit in the front of the classroom and deliberate before the entire class. Once the jury reaches its verdict, the gallery asks the prosecutors, defense lawyers, and jurors about their arguments and deliberations. This exercise highlights the moral, stereotypical, and prejudicial undercurrents in many sexual-assault trials. And it helps students to understand the relationship between the elements of lack of consent and force. (Adapted from an exercise presented in Dressler, Joshua, *Cases and Materials on Criminal Law*, 5th ed., Teacher's Manual, Chapter 8: Rape, pp. 8-6 through 8-9).

#### *55. Draft the Indictment*

So students can work on writing skills and substantive analysis, ask them to prepare a federal conspiracy indictment. Give them a sample indictment for a model. This helps students to understand more deeply the elements of conspiracy and the ways prosecutors use facts to draft and support formal charges.

#### *56. Time Management*

The final research memo is the big assignment of the research-and-writing course; it's worth 40 percent of the grade. And it's the first time students do legal research on their own. The assignment typically gets posted mid-term and is due at the last class of the term. To help students plan, post a suggested schedule for the memo: what to do week-by-week (research plan, research, research outline, first draft, second draft, etc.). Students find the schedule very helpful.

#### *57. E-mail Like a Lawyer*

After receiving e-mails from students beginning with "Hey," we decided to emphasize the importance of content and tone in professional communications. Ask students to share their e-mail horror stories, and give them Wayne Schiess's article in the *Scribes Journal of Legal Writing*, "Email Like a Lawyer," to emphasize appropriate content and etiquette. The article reminds us that professional e-mails should read like printed letters. Discuss the permanence of e-mail and the importance of proper mechanics. Teach salutations (and the difference in formality that a colon versus a comma denotes), sign-offs,



descriptive titles in subject lines, short and concise paragraphs, and numbered items and headings.

#### *58. Rewind and Playback*

Working with a local circuit-court judge, find DVDs of actual sentence hearings. Show these in class so students can watch lawyers advocate and judges rule and impose sentences. These videos serve as a starting point to discuss effective sentencing advocacy, substantive sentencing law and procedure, and sentencing guidelines.

#### *59. Cover Letter and Resume Workshop*

Use peer writing groups for this assignment. Each student brings a hard copy of a cover letter and resume prepared for a “dream” law job. Make copies for each group member. When the group meets (in class; in the classroom and other available spaces), the writer reads the letter aloud to the group. Then the group members write comments and suggestions on their copies. Finally, each member gives verbal feedback to the writer. The rules are simple: feedback must start with a positive comment, and the writer cannot disclaim or explain. The writer must listen but is free to ask questions later after everyone has had a turn. This gets students thinking early about their legal careers and how to plan. It exposes students to many readers. And it improves their letter writing and resumes. Students love doing this. And they really begin to figure out what they need to do to meet their goals.

#### *60. Pardon Me*

In the class *Defending Battered Women*, students read the *Judy Norman* case,<sup>9</sup> which presents the conflicting moral, social, and legal issues when a battered woman kills her husband while he sleeps. Divide the class into two groups, telling both they ultimately will be appealing to the governor. The first will draft a pardon request, outlining the supporting mitigating facts and legal analysis. The second group will respond to the pardon request, outlining the aggravating facts and legal analysis to support denial. This exercise gives students the opportunity to hone their analytical skills, prepare legal arguments, draft legal documents, and respond to opposing arguments.

#### *61. Stop/Start/Continue*

Asking students to evaluate the class in a way other than school-issued evaluations makes students feel that their opinions are valued. It also provides much quicker and more thorough feedback. Put three columns on a piece of paper: one labeled *Stop*, the next labeled *Start*, and the last labeled *Continue*; make copies for your students. Give the paper to your students after you’ve covered a particularly sticky topic. Ask them to put at least one thing in each column: i.e., what should the professor start doing, what should the professor

9. *North Carolina v. Norman*, 324 N.C. 253 (1989).

stop doing and what should the professor continue doing. This gives you immediate feedback that you wouldn't otherwise get about a week's material. Students appreciate the opportunity to say what is effective for their learning and what can be scrapped. And their thoughtful feedback can help you teach the topic in the future.

#### *62. What's Clicking—What's Not*

This simple tool helps students assess their comprehension. And it helps you to identify areas to focus on the following weeks. On an index card, each student writes down one thing learned in class that will help the most in practice. Next, each student writes down one thing that is fuzzy or doesn't make sense. Collect the cards and read them.

#### *63. Do You See What I See?*

It is one thing for a coach, professor, or another team member to give constructive criticism of students' oral or trial-advocacy skills. But it is quite another for students to evaluate their own performances. So video record your school's national team members as they make oral arguments (moot court) or examinations, opening statements, and closing arguments (trial team). Students can watch and write constructive critiques of their presentations. Then meet to discuss their performances and self-evaluations.

#### *64. How 'Ya Doin'?*

At mid-term, ask the clinical externs to discuss with you their (1) preconceived expectations, (2) actual experiences to date, and (3) ideas to improve their experiences for the rest of the term. This lets them take responsibility to add, improve, or repair their externship experiences.

#### *65. Quick Quiz*

Even with the many sample multiple-choice tests available to law students, they don't often test themselves. So use a quick quiz to help students identify what they know and what they don't. At the start of a class, review the last session's material with a multiple-choice quiz. Then have your students grade each other's quizzes. This is a good, quick way for them to see if they grasp a concept. It's also a good discussion starter; when they get their quizzes back, students often want to discuss why their answers are wrong.

#### *66. In-class Attack Outline*

Writing an attack outline for an essay question forces students to organize their thoughts. Comparing their outlines to an answer key shows them what they hit and what they missed. After reviewing a specific topic (e.g., third-party beneficiary), give students a fact pattern and five minutes to draft an attack outline for a 25-point essay. Post your answer key (but do this so students can't pass on your key to other students, and then you can reuse this exercise). Your

answer key should show how each idea is worth five points, showing students that outlining benefits organization. By reviewing the key, students will see how points match concepts, making it easier for them to see if they hit or missed points.

*67. Concept, Apply, Repeat.*

Repetition aids learning. This exercise identifies difficult material that students have tried to write about and then lets them reapply the same material in a slightly different format. Track writing assignments to note those that are particularly vexing for students. Edit the assignments. Revisit them in class, and conduct an exercise on the top three most difficult assignments. Put up the revised assignment, and give students three minutes to try again by creating an attack outline.

*68. Take Their Pulse*

Taking students' pulse during the term helps gauge their engagement and gives ideas how to teach a topic in the future. It also holds students accountable for their own learning. Give your students a "pulse sheet" in the last three minutes of class. Give them reasons to fill it in: It will help them focus on what they need to do about concepts they don't understand, and it will help you understand what to do in class to clarify this material.

Here is the Pulse Sheet:

- (1) The topic I understood the least today is  
\_\_\_\_\_.
- (2) I am going to  
\_\_\_\_\_  
to better understand the topic in (1).
- (3) It would be helpful if  
\_\_\_\_\_  
was done in class to better my understanding of the topic in (1).
- (4) The topic I understood the best today is  
\_\_\_\_\_.

Students fill out the sheets in class. But because (2) involves what they will do throughout the week to better understand the topic in (1), students keep the sheet. At the start of the next class, ask students to take out their pulse sheets. Ask them who did what they said they would do and briefly discuss.

*69. Self-Guided Sentencing*

To allow students to compare what they learn in the classroom to what happens in the courtroom, require them to attend a sentencing hearing. Then have them write a summary of their observations.

*70. The Private Memo*

This exercise helps students see writing as a process, and it encourages rethinking, rewriting, and revision. Ask them to write a memo to themselves about their first memo assignments, before they hand them in. They should make notes in the margins and at the end of that first assignment. They should label the parts and criticize their work. They should pose questions and ideas for improvement. Thoughtful criticism and comments are rewarded and factored into their grades.

*71. Pass the Class with P.A.S.S.<sup>10</sup>*

Writing a coherent essay answer is critical to success for law students. Throughout the course of the term, allow criminal-law students to do mini-essay exercises structured around various theories, crimes, or defenses. The exercises are elective. The week after you assign an essay, host a review session and go over the model answer. Give students a guide to evaluate their written answers.

*72. The Biggest Loser*

This exercise celebrates success by helping students to identify bad-writing habits they've broken during the term. At the beginning of the last class, ask students to jot down the worst writing habits they have broken. Ask each to come to the front of class to share that victory. Celebrate each, and have students vote on the biggest losers. Consider awarding appropriate prizes, such as all those free textbooks that writing professors receive or copies of the *Scribes Journal*.

*73. Punctuation Improv*

This exercise gets writing students up and thinking on their feet. Ask students to pull punctuation marks (commas, semi-colons, dashes, colons, apostrophes, quotations and quotation lead-ins, etc.) from a hat. Then give each student two minutes to talk about the rules and purpose of the punctuation mark without identifying it. This presentation can be as dazzling or straightforward as the student wants to make it. Let the class guess which punctuation mark the student has described.

*74. Cabin in the Woods*

By borrowing from William Zinsser's playbook, this exercise teaches that all good writing includes active voice, familiar nouns, and strong verbs. Show students two versions of a famous sentence from Thoreau's *Walden*: (1) the real one: "I went to the woods because I wished to live deliberately, to front only the essential facts of nature, and see if I could not learn what it had to teach, and not, when I came to die, discover that I had not lived"; and (2) an edited version converted into passive voice and littered with nominalizations (nouns

10. Tonya Krause-Phelan's exercises to Analyze, Scrutinize and Synthesize.

instead of verbs: decision, not decide; existence, not exist; death, not die). Let students vote for their favorite and explain why. Then reveal which one Thoreau wrote, and explain that three simple but key things make it good: (1) active voice (Thoreau is in every part of the sentence—I went, I wished, I came); (2) simple, familiar—not inflated—nouns (woods, nature); and (3) strong verbs (went, wished, front, see, learn, die, discover.) (This is taken from William Zinsser’s graduation speech to NYU journalism students; he describes what makes good writing and discusses good examples, including this sentence by Thoreau. Find it at [theamericanscholar.org/writing-english-as-a-second-language/](http://theamericanscholar.org/writing-english-as-a-second-language/))

#### *75. Resume Redux*

Ask your students to write a second resume to represent themselves ten years after graduating from law school and passing the bar. This will get them wishing, hoping, and dreaming about their lives as lawyers. It will require them to write a second resume (after the class or writing group has critiqued the first version), which is always good practice. And it will force them to think about their goals—and to make plans to reach them.

#### *76. Mud Cleaning*

This is a variation of the muddiest-point index-cards exercise. Pass out index cards to the class, asking students to write on them what they think is the muddiest point of material covered in today’s session or to date. Collect the cards, mix them up so students don’t get their own cards, and then pass them back. The recipient of a card now writes on the reverse side a clarification of the listed muddy point. At the start of the next class, collect all the cards. Read some of the muddy points and the clarifications.

#### *77. Research Flash Mob*

Students assume that online is best. This exercise challenges that assumption by giving students hands-on research practice; they examine and discuss the advantages (and challenges) of online and book sources. Break students into groups of three to four, and assign them a simple research question, such as the proper standard of review for a state or federal appellate brief. Tell each group to research in a different source: Google, Westlaw, Lexis, and books. Send them to the law library to find answers, and challenge them to find them as quickly as they can. When they return, ask them to report what they found, how they found it, and how long it took them.

#### *78. Real-World Apps*

This exercise challenges your students to see a legal concept as an actual party might. Ask students to identify the concept and when they experienced it (for example, almost everyone has signed a contract). After students share their stories, give them a problem from a real case, and ask them to resolve it. After they’ve read the facts, give them time in groups to identify the issue and

to predict the outcome. Because the problem comes from a real case, you can then give your students the case opinion and compare how they applied the law to how the court did it.

*79. Demonstrate Collaborate*

Students appreciate seeing that professors collaborate and that we share the same goal: giving them a great legal education. And students tend to think in issue silos; they don't see, for example, that a contracts case also may have tort issues. This exercise demonstrates collaboration among professionals, something students must learn to succeed in the law. And it demonstrates the interrelatedness of everything we teach in law school. Three weeks or so into a term, invite a professor from another class to your class to talk briefly about what he or she teaches and how it relates to what you're teaching. For example, inviting a legal-writing professor into your classroom is always good for a doctrinal class. Ask the writing professor to give an overview of the four tools for coherent writing (thesis paragraph, topic sentence, transition words, sign-posting). Then give your class a short essay question to practice using those tools.

*80. If You Show Them, They Will Learn*

Students learn from peers, and they enjoy seeing successful upper-level students. So coordinate with your school's national trial team or trial-advocacy students, and give them a case that your first-term students read. Ask the advocacy students to prepare closing arguments based on the facts and to present these to your first-termers. Quiz the first-termers by getting them to write the elements of the crime, tort, or legal principle and the facts that prove or disprove those elements. This gives first-term students a jump start on developing their analytical and legal reasoning.

**TEACHING GUIDE****SKILL**

## Name of Exercise

**1. Speaking**

Exercise 1	Students Up Front
Exercise 5	A, B, C, or D?
Exercise 6	Excited Utterances
Exercise 8	Breaking News
Exercise 9	Groups On!
Exercise 14	Supreme Court Smackdown
Exercise 20	My Topic Sentence
Exercise 26	Peer Writing Groups
Exercise 31	Profiles in Punctuation
Exercise 32	Six-Word Stories
Exercise 60	Pardon Me
Exercise 64	How 'Ya Doin'?
Exercise 73	Punctuation Improv
Exercise 78	Real-World Apps

**2. Writing**

Exercise 3	Au Revoir to Ambiguity
Exercise 7	Negotiate, Settle and Draft
Exercise 8	Breaking News
Exercise 13	Your Own Letter of Recommendation
Exercise 14	Supreme Court Smackdown
Exercise 15	Typo Fetch
Exercise 16	Music and Lyrics
Exercise 20	My Topic Sentence
Exercise 21	Pass the Edit
Exercise 22	Free Writing at the End
Exercise 23	Free Writing at the Start
Exercise 24	Free Writing with a Purpose
Exercise 25	Peer Reviews
Exercise 26	Peer Writing Groups
Exercise 29	The "I can edit" Game
Exercise 30	Punctuation Pig Out
Exercise 31	Profiles in Punctuation



Exercise 32	Six-Word Stories
Exercise 34	The Daily Edit
Exercise 41	Explain It, You Know it!
Exercise 42	Teaching with Failure
Exercise 43	You Write, We Edit
Exercise 44	Writing Makeover
Exercise 45	Redrafting Fun in Unexpected Places
Exercise 46	Citation Station
Exercise 51	Classifieds: Poor Writers Need Not Apply
Exercise 52	Give It to 'Em Straight
Exercise 55	Draft the Indictment
Exercise 56	Time Management
Exercise 57	E-mail Like a Lawyer
Exercise 59	Cover Letter and Resume Workshop
Exercise 60	Pardon Me
Exercise 63	Do You See What I See?
Exercise 64	How 'Ya Doin'?
Exercise 67	Concept, Apply, Repeat.
Exercise 69	Self-Guided Sentencing
Exercise 70	The Private Memo
Exercise 71	Pass the Class with P.A.S.S.*
Exercise 72	The Biggest Loser
Exercise 73	Punctuation Improv
Exercise 74	Cabin in the Woods
Exercise 75	Resume Redux
Exercise 76	Mud Cleaning
Exercise 77	Research Flash Mob
Exercise 80	If You Show Them, They Will Learn

### **3. Concrete Learning**

Exercise 1	Students Up Front
Exercise 2	Role Play: Attorney and Client
Exercise 5	A, B, C, or D?
Exercise 6	Excited Utterances
Exercise 17	One Across, Five Down
Exercise 18	Wake-Up Call
Exercise 25	Peer Reviews

Exercise 27	Game On
Exercise 28	You're the Next Contestant
Exercise 33	Top-Five Reading Tips
Exercise 36	Goal Hit List
Exercise 37	Hey Batter, Batter!
Exercise 38	The Feds v. The States
Exercise 39	Can You Pick the Criminal?
Exercise 40	Bus Stop
Exercise 43	You Write, We Edit
Exercise 46	Citation Station
Exercise 47	Student Draft
Exercise 48	Quiz a Week
Exercise 55	Draft the Indictment
Exercise 58	Rewind and Playback
Exercise 60	Pardon Me
Exercise 65	Quick Quiz
Exercise 66	In-class Attack Outline
Exercise 67	Concept, Apply, Repeat.
Exercise 69	Self-Guided Sentencing
Exercise 71	Pass the Class with P.A.S.S.*
Exercise 74	Cabin in the Woods
Exercise 77	Research Flash Mob
Exercise 80	If You Show Them, They Will Learn

#### **4. Organization**

Exercise 6	Excited Utterances
Exercise 13	Your Own Letter of Recommendation
Exercise 35	Get to Know Your Library
Exercise 36	Goal Hit List
Exercise 56	Time Management
Exercise 60	Pardon Me

#### **5. Practice Skills**

Exercise 2	Role Play: Attorney and Client
Exercise 3	Au Revoir to Ambiguity
Exercise 4	Help or Hinder
Exercise 7	Negotiate, Settle and Draft

Exercise 35	Get to Know Your Library
Exercise 41	Explain It, You Know It!
Exercise 49	File, No Book
Exercise 50	A Real Contract—and It's Not Very Good
Exercise 51	Classifieds: Poor Writers Need Not Apply
Exercise 52	Give It to 'Em Straight
Exercise 53	Crime and Punishment
Exercise 54	Sexual-Assault Trial
Exercise 56	Time Management
Exercise 58	Rewind and Playback
Exercise 60	Pardon Me
Exercise 63	Do You See What I See?
Exercise 69	Self-Guided Sentencing

### **6. Comprehension**

Exercise 5	A, B, C, or D?
Exercise 6	Excited Utterances
Exercise 8	Breaking News
Exercise 17	One Across, Five Down
Exercise 18	Wake-Up Call
Exercise 19	Say It with a Song
Exercise 33	Top-Five Reading Tips
Exercise 37	Hey Batter, Batter!
Exercise 40	Bus Stop
Exercise 41	Explain It, You Know It!
Exercise 42	Teaching with Failure
Exercise 52	Give It to 'Em Straight
Exercise 53	Crime and Punishment
Exercise 54	Sexual-Assault Trial
Exercise 55	Draft the Indictment
Exercise 58	Rewind and Playback
Exercise 60	Pardon Me
Exercise 62	What's Clicking—What's Not
Exercise 71	The Biggest Loser
Exercise 76	Mud Cleaning
Exercise 80	If You Show Them, They Will Learn

**7. Self Assessment**

Exercise 5	A, B, C, or D?
Exercise 11	The Forest or the Trees
Exercise 22	Free Writing at the End
Exercise 44	Writing Makeover
Exercise 48	Quiz a Week
Exercise 59	Cover Letter and Resume Workshop
Exercise 62	What's Clicking—What's Not
Exercise 63	Do You See What I See?
Exercise 64	How 'Ya Doin'?
Exercise 65	Quick Quiz
Exercise 66	In-Class Attack Outline
Exercise 70	The Private Memo
Exercise 71	Pass the Class with P.A.S.S.*
Exercise 72	The Biggest Loser
Exercise 75	Resume Redux

**8. Working Together**

Exercise 7	Negotiate, Settle and Draft
Exercise 9	Groups On!
Exercise 21	Pass the Edit
Exercise 26	Peer Writing Groups
Exercise 27	Game On
Exercise 29	The "I can edit" Game
Exercise 30	Punctuation Pig Out
Exercise 34	The Daily Edit
Exercise 35	Get to Know Your Library
Exercise 38	The Feds v. The States
Exercise 42	Teaching with Failure
Exercise 44	Writing Makeover
Exercise 45	Redrafting Fun in Unexpected Places
Exercise 53	Crime and Punishment
Exercise 54	Sexual-Assault Trial
Exercise 59	Cover Letter and Resume Workshop
Exercise 60	Pardon Me
Exercise 77	Research Flash Mob
Exercise 78	Real-World Apps

**9. Professionalism**

Exercise 4	Help or Hinder
Exercise 11	The Forest or the Trees
Exercise 24	Free Writing with a Purpose
Exercise 57	E-mail Like a Lawyer
Exercise 58	Rewind and Playback
Exercise 79	Demonstrate Collaborate

**10. Student Participation**

Exercise 6	Excited Utterances
Exercise 9	Groups On!
Exercise 10	Less Me, More You
Exercise 12	In the News
Exercise 15	Typo Fetch
Exercise 16	Music and Lyrics
Exercise 19	Say It with a Song
Exercise 21	Pass the Edit
Exercise 23	Free Writing at the Start
Exercise 27	Game On
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Exercise 58	Rewind and Playback
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Exercise 72	The Biggest Loser
Exercise 73	Punctuation Improv
Exercise 78	Real-World Apps

**ii. Student Feedback**

Exercise 26	Peer Writing Groups
Exercise 54	Sexual-Assault Trial
Exercise 59	Cover Letter and Resume Workshop
Exercise 61	Stop/Start/Continue
Exercise 68	Take Their Pulse
Exercise 76	Mud Cleaning