

# Fifty Ways to Promote Teaching and Learning

Gerald F. Hess, Michael Hunter Schwartz, and Nancy Levit

## Introduction

In 1999, the *Journal of Legal Education* published an important article for law schools seeking to improve the quality and quantity of faculty scholarly output, James Lindgren's *Fifty Ways to Promote Scholarship*.<sup>1</sup> Professor Lindgren detailed numerous ideas for improving scholarship and the intellectual life of a law school, reporting that at least one law school saw marked improvement in scholarly output after implementing a significant number of the ideas.<sup>2</sup>

This article addresses the other side of the coin, teaching. Most law schools make claims about the high-quality instruction students will receive.<sup>3</sup> And we believe that all law school faculties and nearly all individual law professors aspire to excellence in the classroom. This article focuses on the efforts law schools and professors can make to fulfill that aspiration.

We do not imagine any law school or law professor will implement every suggestion in this article. We think of the article as analogous to the food at a potluck dinner. No one likes everything brought to a potluck dinner, and no law school will like every idea detailed below. Some ideas will not fit a law school's culture and priorities; a few will be too expensive; some may seem a bit fanciful. Many, however, can be implemented at little or no cost and with minimal change to a law school's existing culture and vision.

We believe that a law school that implements many of these ideas will significantly expand its approach to developing teaching excellence and

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1. James Lindgren, *Fifty Ways to Promote Scholarship*, 49 J. LEGAL EDUC. 126 (1999).
2. *Id.* at 127.
3. See, e.g., *Our Faculty*, BERKELEYLAW, <https://www.law.berkeley.edu/our-faculty/> (last visited Mar. 12, 2018); *Our Faculty*, FLA. ST. U. C. LAW, <http://www.law.fsu.edu/our-faculty> (last visited Mar. 12, 2018); *Faculty Profiles*, SMU DEDMAN SCH. LAW, <http://www.law.smu.edu/faculty/faculty-listing> (last visited Mar. 12, 2018); *Our Faculty*, TEMPLE UNIV. BEASLEY SCH. LAW, <https://www.law.temple.edu/faculty/> (last visited Mar. 12, 2018).

those changes will improve students' learning.<sup>4</sup> Implementing these ideas can also change law professors' experiences as teachers. Growing as teachers can enhance professors' passion and enthusiasm, which, in turn, will further enhance their effectiveness. Implementing some of the ideas in this article can produce the opposite of a vicious circle (a joyous circle?), creating a culture of continuous improvement.

We organized the ideas into five categories, presented in the following order: 1) institutional and administrative support; 2) adjunct professor support; 3) feedback from students; 4) collaborations with colleagues; and 5) self-assessment, reflection, and development.

### **Institutional and Administrative Support**

Law schools can implement a wide variety of institutional and administrative support approaches to improve teaching and learning. These strategies fit into six categories: 1) faculty hiring, evaluation, and compensation policies; 2) support for faculty growth as teachers; 3) support for the scholarship of teaching and learning; 4) rewards for extraordinary teaching accomplishments; 5) scheduling support; and 6) other institutional or administrative manifestations of support for teaching and learning.

#### *Faculty Hiring, Evaluation, and Compensation Policies*

Law schools can signal the importance of good teaching by emphasizing teaching abilities in the faculty appointment process, and can provide institutional support through faculty evaluation and compensation policies.

##### 1. Hire good teachers.

In hiring, focus on a track record or indicia of good teaching. Law schools typically hire new faculty whom they believe will become renowned scholars.<sup>5</sup> Other characteristics also matter to schools—prominent among them are an elite law school pedigree, an advanced degree in addition to the J.D., and, for some schools, substantial practice experience.<sup>6</sup> Practice experience may be considered a proxy for good teaching.

4. See, e.g., Louis N. Schulze, Jr., *Using Science to Build Better Learners: One School's Successful Efforts to Raise Its Bar Passage Rates in an Era of Decline*, 12 FIU L. REV. (forthcoming 2018), [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2960192](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2960192) (reporting that Florida International University Law School has had the highest pass rate of the Florida law schools on three consecutive Florida bar exams from July 2015 through July 2016).

5. BRANNON P. DENNING, MARCIA L. MCCORMICK & JEFFREY M. LIPSHAW, *BECOMING A LAW PROFESSOR: A CANDIDATE'S GUIDE* xiii (2010).

6. See Brad Wendel, *The Big Rock Candy Mountain: How to Get a Job in Law Teaching*, CORNELL.EDU, <http://ww3.lawschool.cornell.edu/faculty-pages/wendel/teaching.htm> (last visited Mar. 12, 2018). See also Philip L. Merkel, *Scholar or Practitioner? Rethinking Qualifications for Entry-Level Tenure-Track Professors at Fourth-Tier Law Schools*, 44 CAP. U. L. REV. 507, 517 (2016) (“[R]oughly two-thirds of individuals receiving tenure-track appointments earned their J.D. degree from a group of only fifteen law schools. And just six schools (Columbia, Harvard, Michigan, New York University, Stanford, and Yale) accounted for over half of entry-level hires.”).

Consider looking more directly at and hiring for good teaching. Many people join law faculties after completing a fellowship or visiting assistant professorship (VAP).<sup>7</sup> Most fellowships and VAPs afford the opportunity for teaching experience.

Create opportunities for students to interview prospective faculty members. Invite students to be full participants on any Appointments Committee—engaging in the entire range of activities, from reviewing applications, voting on whom to interview, being part of the appointments team that attends the AALS hiring convention, voting on whom to bring back for in-house visits, and contributing substantively to the hiring discussions.

Add a teaching demonstration to the interviewing process. To some degree, the traditional job talk is a tool for assessing teaching potential, but a good job talk typically shows only the candidate's skills at lecturing and responding to questions. In contrast, a short teaching demonstration can enhance a faculty's ability to project teaching effectiveness. If a candidate is currently teaching in a university setting, a videotape of a class session would be helpful as well.

## 2. Assign significant value to teaching in tenure and promotion evaluations.

Law schools can improve teaching and learning by raising the significance of teaching in tenure and promotion evaluations. While most law schools claim to value both scholarship and teaching in promotion and tenure decisions, commentators note that at many law schools scholarship heavily outweighs teaching in those decisions.<sup>8</sup>

The use of student evaluations of teaching in the tenure and promotion process presents important limitations. On the one hand, there is credible evidence that student evaluations correlate with student learning as measured by, among other things, course and standardized tests and observations by experts on teaching.<sup>9</sup> On the other hand, studies show the effects of student bias in teaching evaluations based on race, gender, and political ideology as well as the significant effect of interpersonal mannerisms and characteristics on student evaluations.<sup>10</sup>

The conflicting scholarship about the value of student evaluations suggests that schools should be thoughtful about how to use those evaluations in tenure and promotion decisions. Professor Arthur Best suggests one reasonable

7. *Spring Self-Reported Entry Level Hiring Report 2015*, PRAWFSBLAWG (May 19, 2015), <http://prawfsblawg.blogs.com/prawfsblawg/2015/05/spring-self-reported-entry-level-hiring-report-2015.html>. The percentage of new hires with prior fellowships has almost doubled in less than ten years (from forty-two percent in 2007 to eighty-three percent in 2015).

8. Marin Roger Scordato, *The Dualist Model of Legal Teaching and Scholarship*, 40 AM. U. L. REV. 367, 399 (1990).

9. Arthur Best, *Student Evaluations of Law Teaching Work Well: Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree*, 38 SW. L. REV. 1, 1-6 (2008).

10. Deborah J. Merritt, *Bias, the Brain, and Student Evaluations of Teaching*, 82 ST. JOHN'S L. REV. 235, 245 (2008).

approach: Only scores that are much worse or significantly better than typical scores for a law school should have weight in tenure and promotion decisions, and, even then, they should be “just one of many components of a full evaluation of an instructor’s performance.”<sup>11</sup>

It is important that the law school’s student evaluation form and its peer evaluation tool(s) reflect the teaching factors most likely to influence student learning: “expertise, respect (for the students), (high) expectations, support, passion, preparation, variety (of teaching methods), active learning, collaboration, clarity, and formative feedback.”<sup>12</sup> Leading law school teaching and learning scholar Dean Barbara Glesner Fines has developed a robust classroom observation form that reflects many of these qualities,<sup>13</sup> and the faculty at Gonzaga University School of Law developed and validated a student evaluation form that does the same (see Appendix A).

Law schools may want to expand their repertoire of evaluative tools beyond faculty classroom observations and student evaluations. Each tenure candidate can be asked to create a teaching portfolio in which the candidate explains her teaching philosophy, justifies her teaching choices, and submits evidence of her effectiveness as a teacher.<sup>14</sup> Faculty evaluators can review a tenure candidate’s portfolios, exams, paper assignments, and syllabi, and they can conduct focus groups with current and former students.<sup>15</sup> Law schools can also use outside reviewers to review portfolios, exams, paper assignments, and syllabi.

### 3. Value teaching in annual evaluations and compensation decisions.

Professor Lindgren argued, “If you want to increase scholarly production, pay for it.”<sup>16</sup> The same principle applies to improving teaching and learning. Law schools interested in improving teaching and learning must give significant weight to teaching in annual evaluations and compensation decisions.<sup>17</sup> Idea #2 above provides guidance in implementing this suggestion.

Dean Thomas Guernsey reports on the teaching-related factors he weighs in his annual evaluations of faculty, including: shifts in teaching assignments

11. Best, *supra* note 9, at 13-14.

12. MICHAEL HUNTER SCHWARTZ, SOPHIE M. SPARROW, GERALD F. HESS, *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* 11-18 (2d ed. 2017).

13. Barbara Glesner Fines, UMKC Law Teaching Observation Evaluation Form, <http://law2.umkc.edu/faculty/profiles/glesnerfines/Classroom%20Observation%20Form.pdf> (last visited Mar. 15, 2018).

14. See, e.g., *Promotion and Tenure - 403.15*, UA LITTLE ROCK, <http://ualr.edu/policy/home/facstaff/promotion-and-tenure/> (last visited Mar. 15, 2018).

15. For an extensive discussion of peer review of teaching in higher education, including classroom observations, review of course materials, and teaching portfolios, see NANCY VAN NOTE CHISM, *PEER REVIEW OF TEACHING: A SOURCEBOOK* (2d ed. 2007).

16. Lindgren, *supra* note 1, at 135.

17. See, e.g., Thomas F. Guernsey, *Continuing Professional Development in Law Schools*, 41 U. TOL. L. REV. 291 (2010).

at the administration's request, teaching heavier-than-average course loads or credit-hour loads, having more students than the average, publishing extensive course materials, student evaluations at or above the seventy-fifth percentile of the faculty, the addition of significant writing components, late grades, and significantly lower student evaluations.<sup>18</sup> Other factors that bear on student learning and improvement of teaching that are worth considering in implementing this concept include: carrying out multiple assessments, participating in a peer teaching feedback collaboration,<sup>19</sup> authoring an article or essay on law teaching,<sup>20</sup> conducting a study of the effectiveness of a teaching practice, or presenting at a teaching conference.<sup>21</sup>

#### *Support for Faculty Growth as Teachers*

Law schools can also support professors' efforts to grow as teachers by funding teaching sabbaticals, holding faculty teaching retreats and workshops, and hosting teaching conferences.

#### 4. Fund teaching sabbaticals.

Law schools can improve teaching and learning by subsidizing teaching sabbaticals. While scholarship sabbaticals for law teachers are common, teaching sabbaticals are extraordinarily rare. Teaching sabbaticals can be a mechanism for significant innovation or revitalization.<sup>22</sup> With the extended time possible during a sabbatical, a faculty member can study great teachers in her field,<sup>23</sup> create new teaching materials, implement an exciting teaching innovation, such as team-based learning<sup>24</sup> or the flipped classroom,<sup>25</sup> or design multiple assessments.

Teaching sabbaticals, while largely unheard-of in the United States, do exist elsewhere. A Swedish foundation called STINT provides grants to Swedish faculty interested in improving their teaching by funding an experience working at a foreign university. "By giving Swedish researchers and university lecturers, who are passionate about education, international experiences

18. *Id.* at 306. Dean Guernsey reports that he attaches points to these components, resulting in a net score that includes teaching, scholarship, and service.

19. See *infra* notes 130-31 and accompanying text.

20. See *infra* notes 50-53, 169-72 and accompanying text.

21. See *infra* notes 27-30 and accompanying text.

22. John B. Mitchell, *A Senior Faculty Member's Favorite Sabbatical: My Teaching Sabbatical*, 62 J. LEGAL EDUC. 66 (2012).

23. *Id.* at 67.

24. See Sophie M. Sparrow & Margaret Sova McCabe, *Team-Based Learning in Law*, 18 J. LEGAL WRITING INST. 153 (2012).

25. See Katharine T. Schaffzin, *Learning Outcomes in a Flipped Classroom: A Comparison of Civil Procedure II Test Scores Between Students in a Traditional Class and a Flipped Class*, 46 U. MEM. L. REV. 661 (2016).

relevant to their teaching role rather than their research one, STINT wants to contribute to educational renewal and the creation of new networks.<sup>26</sup>

5. Provide financial support for faculty to participate in teaching and learning conferences.

In a 2008 law review article, reporting the results of two 2006 surveys of law professors, Professor Gerry Hess and Professor Sophie Sparrow identified twenty-two faculty development activities aimed at improving law teaching. The law professors who responded to the survey rated attending a teaching conference as the most effective way to improve teaching in two important dimensions: increasing a law teacher's confidence as a teacher and increasing a law teacher's enthusiasm for law teaching.<sup>27</sup> Conference attendance was rated among the top five methods for increasing a law teacher's knowledge of teaching and learning principles, for promoting a law teacher's awareness of her own teaching practice and philosophy, and for making changes in her teaching practices.<sup>28</sup> Law schools therefore can improve teaching and learning by covering the cost for faculty to attend teaching conferences.

There are many such opportunities each year. National organizations, including the American Association of Law Schools, the Society of American Law Teachers, the Legal Writing Institute, the Association of Legal Writing Directors, the Association of Academic Support Educators, the Southeastern Association of Law Schools, the Center for Computer-Assisted Legal Instruction, and the Clinical Legal Education Association host annual or semi-annual conferences in which teaching and learning is either the sole focus or is a significant focus. Moreover, as noted in Idea #6 below, many law schools have hosted teaching conferences.

Notwithstanding the large number of national law teaching conferences, only about twenty-five percent of the law teachers who responded to the Hess-Sparrow survey reported attending a teaching conference in the previous five years.<sup>29</sup>

6. Host teaching conferences.

Law schools can improve law teaching and learning by hosting a teaching conference. It is increasingly common for law schools to do so. In the past four years alone, the law schools at UCLA, Northwestern, Boston University, University of Arkansas at Little Rock, Gonzaga, Emory, Albany, Denver, and Washburn have hosted teaching conferences. Many of these conferences were

26. See *Teaching Sabbatical*, SWEDISH FOUND. FOR INT'L COOPERATION IN RES. AND HIGHER EDUC., [http://www.stint.se/en/scholarships\\_and\\_grants/teaching\\_sabbatical](http://www.stint.se/en/scholarships_and_grants/teaching_sabbatical) (last visited March 15, 2018).

27. Gerald F. Hess & Sophie M. Sparrow, *What Helps Law Professors Develop as Teachers?—An Empirical Study*, 14 WIDENER L. REV. 149, 164-65 (2008).

28. *Id.*

29. *Id.* at 153-54, 165.

hosted in collaboration with the Institute for Law Teaching and Learning, and none of the Institute conferences lost money.

Law schools also have developed programs and conferences focused on teaching substantive topics by partnering with consumer and other interest-group organizations. Some of these partnerships fulfill a secondary purpose of providing continuing legal education.<sup>30</sup>

Given the fact, as noted above, that only about a quarter of law teachers attend national teaching conferences, a law school may be more likely to engage a large segment of its faculty by hosting a teaching conference.

#### 7. Hold faculty teaching retreats and workshops.

Law schools can readily organize a faculty teaching retreat or bring in an outside expert to conduct a teaching development workshop.

The Hess-Sparrow article referenced above noted that the law professor respondents to their survey reported that discussing teaching and learning with colleagues was the third most effective faculty development activity for increasing faculty members' awareness of their teaching practices and philosophy and increasing their knowledge of teaching principles.<sup>31</sup> Such discussions were also rated highly for improving professors' confidence in teaching, for encouraging changes to professors' teaching, and for increasing professors' enthusiasm and passion for teaching.<sup>32</sup>

Possible topics for a faculty teaching retreat include:

- implementing multiple assessments without killing yourself,
- using multiple-choice questions (or clickers) in teaching,
- revising the law school's student evaluation form to reflect the teaching practices the law school most values,
- engaging students in active learning,
- designing effective multiple-choice or essay questions,
- having the faculty implement new teaching innovations,
- integrating professional identity learning experiences in existing courses, and
- conducting outcomes-assessment planning.

30. See, e.g., Center for Transactional Law and Practice, *Teaching Transactional Law and Skills*, EMORY LAW, <http://law.emory.edu/academics/academic-programs/center-for-transactional-law-and-practice/conferences.html> (last visited Mar. 15, 2018) (heralding the Sixth Biennial on Teaching Transactional Law and Skills, "To Teach Is to Learn Twice," with continuing legal education credit offered for attending attorneys); Alvin C. Harrell, *Teaching Consumer Law in Our Popular Culture and Social Media*, 20 J. CONSUMER & COM. L. 78, 79 (2016) (describing a partnership between New Mexico Law School's Center for Consumer Law and the National Association of Consumer Advocates to create a program on "Teaching Consumer Law in our Popular Culture and Social Media").

31. Hess & Sparrow, *supra* note 27, at 164-65.

32. *Id.*

Appendix B documents some of the teaching development workshops facilitated by outside experts that individual law schools have hosted in the past five years and the topics of those workshops.

#### 8. Support frequent teaching and learning lunches.

People pay attention to what is repeatedly framed as worthy of attention. They may pay even more attention when rewards (such as food) are involved.<sup>33</sup> Almost all faculty colloquia involve presentations of scholarship. If teaching colloquia received similar treatment, including lunches, teas, or drinks and hors d'oeuvres, the change would send a message that teaching matters. Possible topics for these sessions are endless: teaching with technology,<sup>34</sup> teaching to the whole class,<sup>35</sup> assessment, team-based learning,<sup>36</sup> experiential learning,<sup>37</sup> or the development of professional identity.<sup>38</sup> The website of the Institute for Law Teaching and Learning offers an array of resources and links to resources that could spark other topic ideas.<sup>39</sup>

#### 9. Provide teaching mentors to junior faculty.

Law schools can improve teaching and learning by providing each junior faculty member with a mentor who focuses on the professor's development as a teacher. Across all domains, mentoring plays a critical role in professional growth.<sup>40</sup> In *Fifty Ways to Promote Scholarship*, Professor Lindgren emphasized the value of mentors in developing law professors as scholars, arguing that an associate dean for research can add value by mentoring junior scholars;

33. Ben Parr, *7 Ways to Capture Someone's Attention*, HARV. BUS. REV. (Mar. 3, 2015), <https://hbr.org/2015/03/7-ways-to-capture-someones-attention>.
34. See, e.g., Joni Larson, *Turning the Tables: Is It Time for Professors to Stop Fighting the Presence of Students' Technology in the Classroom and Instead Use It to Enhance Student Learning?*, 43 N. KY. L. REV. 231 (2016); Kathleen Elliott Vinson, *What's on Your Playlist? The Power of Podcasts as a Pedagogical Tool*, U. ILL. J.L. TECH. & POL'Y, Fall 2009, at 405.
35. Paula Lustbader & Laurie Zimet, *Teach to the Whole Class: Barriers and Pathways to Learning*, YOUTUBE (Dec. 17, 2015), <https://www.youtube.com/watch?v=yFx1Y5uTpPo>.
36. Sparrow & McCabe, *supra* note 24.
37. See, e.g., Stacey Bowers et al., *Experiential Learning: Simulated Client Interviews & Videos in the Classroom*, 18 TRANSACTIONS 355 (2016).
38. See, e.g., Christine Cerniglia Brown, *Professional Identity Formation: Working Backwards to Move the Profession Forward*, 61 LOY. L. REV. 313 (2015); Steven M. Virgil, *The Role of Experiential Learning on a Law Student's Sense of Professional Identity*, 51 WAKE FOREST L. REV. 325, 329 (2016).
39. *Resources*, INST. FOR L. TEACHING AND LEARNING, <https://lawteaching.org/resources/> (last visited Mar. 15, 2018).
40. Ray K. Haynes & Joseph M. Petrosko, *An Investigation of Mentoring and Socialization Among Law Faculty*, 17 MENTORING & TUTORING: PARTNERSHIP IN LEARNING 41, 41 (2009) ("[T]he belief that mentoring facilitates career development has been supported by previous research and a meta-analytic study of mentoring and career development").



Lindgren also proposed that law schools can improve scholarship by creating natural opportunities for informal mentoring.<sup>41</sup>

There is some evidence that only a few law schools (three percent) have implemented formal mentoring programs of any kind.<sup>42</sup> Many more law faculty (fifty-five percent) receive informal mentoring.<sup>43</sup> According to a recent survey conducted by one of the authors, of the law schools that do provide a mentor to each junior faculty member, many encourage the mentors to address scholarship, teaching, and service.<sup>44</sup> However, given the predominance of scholarship in tenure decisions at many schools,<sup>45</sup> the mentoring may focus on scholarship rather than teaching or service. Two of the respondents to the survey volunteered that, while their faculty mentors ostensibly were tasked with providing mentoring in all three areas, scholarship was the focus.<sup>46</sup> A small number of law schools do provide mentors who focus exclusively on teaching and separately provide scholarship mentoring.<sup>47</sup>

Of concern is the overwhelming absence of formal mentoring. Women and minority faculty members, according to the research, have a harder time accessing informal mentors than their white male peers.<sup>48</sup> Thus, for both teaching and scholarship, the absence of a formal mentoring program has the potential to unfairly stratify tenure opportunities.

10. Appoint an associate dean for excellence in teaching and learning.

Law schools could appoint an associate dean whose title reflects a focus on teaching, or an associate dean for faculty development with fifty percent of his or her responsibilities to promote teaching and learning. A survey of 199 law schools showed that fifty-two have an associate dean with “research” in the title (seven more have “scholarship” in the title), forty-five have an associate dean with “development” in the title (research and development are often paired), seventy-five have “academic” in the title, some are simply associate dean of/for faculty, with a few labeled associate dean for intellectual life. None has teaching in the title.<sup>49</sup> These data are offered to suggest not that these associate deans do not attend to or care about teaching, but, perhaps, that a

41. Lindgren, *supra* note 1, at 129-31.

42. See Haynes & Petrosko, *supra* note 40, at 46.

43. See *id.*

44. Data on file with the authors and available upon request. The survey was conducted via Internet research and e-mails to associate deans.

45. See Scordato, *supra* note 8, and accompanying text.

46. Data on file with the authors and available upon request.

47. Data on file with the authors and available upon request.

48. Carmen G. González, *Women of Color in Legal Education: Challenging the Presumption of Incompetence*, *FED. LAW.*, July 2014, at 49, 52.

49. Research on file with Nancy Levit (Jan. 7, 2017).

more explicit emphasis on teaching would elevate teaching to the same plane as scholarship.

*Support for the Scholarship of Teaching and Learning*

ii. Value the scholarship of teaching and learning.

Law schools can improve teaching and learning by valuing high quality pedagogical scholarship, such as the scholarship of teaching and learning. “The Scholarship of Teaching and Learning (SoTL) uses discovery, reflection, and evidence-based methods to research effective teaching and student learning. These findings are peer reviewed and publicly disseminated in an ongoing cycle of systematic inquiry into classroom practices.”<sup>50</sup>

A faculty member engaged in SoTL learns deeply about a particular teaching and learning practice. The faculty member must research the practice thoroughly, integrate the practice into her teaching in a meaningful way, create a plan for assessing the practice’s effectiveness, implement the assessment plan, evaluate the data, and consider the implications of the data for her future teaching efforts—all of which produces deeper understanding of the practice.

Examples of high quality law school-based empirical scholarship of teaching and learning include Leah M. Christensen’s *Enhancing Law School Success: A Study of Goal Orientations, Academic Achievement and the Declining Self-Efficacy of Our Law Students*<sup>51</sup> and Daniel Schwarcz and Dion Farganis’ *The Impact of Individualized Feedback on Law Student Performance*.<sup>52</sup> An example of a qualitative method study of law teaching is *What the Best Law Teachers Do*.<sup>53</sup>

A law school can manifest this recommendation by inviting authors of high quality scholarship about teaching and learning to deliver scholarly workshops as part of the law school’s scholar invitations, and rewarding SoTL in connection with annual reviews, raises, promotion, and tenure.

12. Fund the cost of statistics experts to help construct studies about the effectiveness of new teaching ideas.

Law schools can encourage teaching innovation by providing faculty the resources they need to assess the effectiveness of the changes they have made. Most law professors lack the knowledge of social science and the statistical expertise to plan and conduct systematic studies of teaching and learning in

50. *SoTL: What Is the Scholarship of Teaching & Learning (SoTL)?*, KAREN L. SMITH FAC. CTR. FOR TEACHING AND LEARNING, <http://www.fctl.ucf.edu/ResearchAndScholarship/SoTL/> (last visited Mar. 15, 2018).

51. Leah M. Christensen, *Enhancing Law School Success: A Study of Goal Orientations, Academic Achievement and the Declining Self-Efficacy of Our Law Students*, 33 *LAW & PSYCHOL. REV.* 57 (2009).

52. Daniel Schwarcz & Dion Farganis, *The Impact of Individualized Feedback on Law Student Performance*, 67 *J. LEGAL EDUC.* 139 (2017).

53. MICHAEL HUNTER SCHWARTZ, GERALD F. HESS & SOPHIE M. SPARROW, *WHAT THE BEST LAW TEACHERS DO* (2013).

law school. For example, few law professors would recognize the opportunities for “natural experiments” (studies that are not planned in advance but instead are made possible because of differences in students’ experiences arising out of class scheduling and professors’ practices) that formed the basis of two recent SoTL articles.<sup>54</sup> Likewise, few law professors can as fluidly explain confidence levels and null hypotheses as does Professor Scott Johns in his recent paper analyzing the statistical evidence for the University of Denver’s bar pass program.<sup>55</sup>

Help in research design and statistical analysis is readily available, either from university colleagues or from outside consultants.<sup>56</sup> With this help, law professors can produce high-quality SoTL, including statistical analyses of the effectiveness of the changes they make to their teaching.

13. Designate library resources and law librarian time to support teaching.

The nature of law librarianship is changing. And libraries are transforming: They are no longer defined by a one-user-at-a-time physical collection but rather by multiple, simultaneous electronic access enhanced by the knowledge and experience of law librarians. Even as the physical collections have shrunk dramatically, the information to which users have access has expanded even more dramatically because law librarians know where to look and how to find information relevant to any subject; more importantly, they know how to teach that skill to both students and faculty.

Law librarians have long supported faculty research, provided instruction in research to first-year students, and taught advanced legal research classes. The roles of librarians are expanding to include teaching specific practical skills in legal research, such as how to conduct cost-effective research or how to structure interdisciplinary research projects.<sup>57</sup>

Less explored are the prospects for law libraries to support faculty teaching. Law library resources can be expanded to include holdings from other disciplines that offer useful insights into teaching, instructional design, and assessment. A number of libraries have collections dedicated to media holdings or popular culture—and these can be tapped to produce comics, stories, artifacts, or film clips to enliven classroom teaching.<sup>58</sup>

54. Deborah Jones Merritt, Ruth Colker, Ellen Deason, Monte Smith, & Abigail Shoben, *Formative Assessments: A Law School Case Study*, 94 U. DET. MERCY L. REV. 387 (2017); Schwarcz & Farganis, *supra* note 52.

55. Scott Johns, *Empirical Reflections: A Statistical Evaluation of Bar Exam Program Interventions*, 54 U. LOUISVILLE L. REV. 35 (2016).

56. *See, e.g.*, ELITE RESEARCH, <https://eliteresearch.com> (last visited Mar. 15, 2018); STATISTICAL CONSULTANTS, LTD., <http://www.statisticalconsultants.co.nz/services/academic-research.html> (last visited Mar. 15, 2018); STATISTICS SOLUTIONS, <http://www.statisticssolutions.com/academic-solutions/> (last visited Mar. 15, 2018).

57. Jootaek Lee, *Frontiers of Legal Information: The U.S. Law Librarians of the Future*, 43 INT’L J. LEGAL INFO. 411, 416 (2015).

58. *See, e.g.*, Amnon Reichman, *The Production of Law (and Cinema): Preliminary Comments on an Emerging*

Librarians themselves are often an undertapped resource. They can provide research assistance to help faculty stay on the cutting edge of the subjects they teach, such as by creating law library guides to new reservoirs of resources.<sup>59</sup> Faculty can also invite a law librarian in for a class session to teach updated statutory, legislative history, and administrative agency research techniques.<sup>60</sup>

#### 14. Invite educational theorists to conduct faculty workshops.

“[A]ll the light we can let in upon our own minds, all the acquaintance we can make with our own understandings . . . bring us great advantage, in directing our thoughts in search of other things.”<sup>61</sup>

Metacognition is hot. It is also very useful. Studies repeatedly demonstrate that students who think about their thinking processes achieve better learning outcomes.<sup>62</sup> Legal educators have recently drawn on contemporary learning-theory research to improve classroom and clinical instruction and to improve bar pass rates.<sup>63</sup>

Educational psychologists are sifting through studies and debating whether learning can be improved if content is delivered in a preferred learning style, such as in auditory, visual, or kinesthetic packages.<sup>64</sup> Other cognitive scientists emphasize a model of learning through structure-building, such as mental maps.<sup>65</sup> Still others compare students’ differing abilities to learn in different ways—some learn best by following an example; others learn best by following a rule.<sup>66</sup> Exceptional work at the intersection of law and psychology shows

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*Discourse*, 17 S. CAL. INTERDISC. L.J. 457, 458 n.7 (2008).

59. See, e.g., Jonathan E. Germann, *The Law Library in an Information Age: It Is Time to Do Away with the Local Online Catalog and Focus on Research Guides and Digital Content* (May 21, 2014) (unpublished M.L.I.S. paper, University of Washington), <http://lib.law.washington.edu/lawlibrarianship/CILLPapers/Germann2014.pdf>.
60. See, e.g., Amy VanScoy & Megan J. Oakleaf, *Evidence vs. Anecdote: Using Syllabi to Plan Curriculum-Integrated Information Literacy Instruction*, 69 C. & RES. LIBR. 566 (2008).
61. JOHN LOCKE, *AN ESSAY CONCERNING HUMAN UNDERSTANDING*, BOOK I, CH. I, § I, 55 (Roger Woolhouse, ed., Penguin Books 1997) (1690), *quoted in* Patti Alleva & Jennifer A. Gundlach, *Learning Intentionally and the Metacognitive Task*, 65 J. LEGAL EDUC. 710, 710 (2016).
62. Michael Hunter Schwartz, *Teaching Law Students to Be Self-Regulated Learners*, 2003 MICH. ST. DCL L. REV. 447, 472-83.
63. See, e.g., Schulze, Jr., *supra* note 4.
64. Elizabeth Adamo Usman, *Making Legal Education Stick: Using Cognitive Science to Foster Long-Term Learning in the Legal Writing Classroom*, 29 GEO. J. LEGAL ETHICS 355, 363 (2016).
65. *Id.* See, e.g., WANDA TEMM, *CLEARING THE LAST HURDLE: MAPPING SUCCESS ON THE BAR EXAM* 11-20 (2014).
66. Usman, *supra* note 64, at 364 (citing Mark A. McDaniel et al., *Individual Differences in Learning and Transfer: Stable Tendencies for Learning Exemplars Versus Abstracting Rules*, 143 J. EXPERIMENTAL PSYCHOL.: GEN. 668 (2014)). See also Serge A. Martinez, *Why Are We Doing This? Cognitive Science and Nondirective Supervision in Clinical Teaching*, 26 KAN. J.L. & PUB. POL’Y 24, 37-40 (2016) (discussing “constructivist” theories of clinical supervision, which emphasize exploration

that law students who are internally, rather than externally, motivated are more engaged, more mature and professional, and simply happier.<sup>67</sup> Consider inviting to a faculty colloquium professors from either inside or outside the legal academy who specialize in pedagogy, learning theory, or educational design.

*Honors and Awards for Teaching Accomplishments*

One low-cost and high-reward method law schools can use to improve teaching and learning is to expand the annual awards (financial and otherwise) to recognize teaching achievements, including an annual award for teaching innovation, small bonuses for implementing multiple assessments, and honorary awards. Professor Lindgren agrees with this proposal; he argues that deans should increase the number of awards *for teaching*.<sup>68</sup>

15. Create and confer more annual awards for teaching.

Many law schools give an annual award for teaching excellence, often in connection with a university annual award process. This idea proposes additional awards. A law school can give an annual award to a faculty member who implements a teaching innovation that requires considerable labor in terms of its design and implementation. For example, at one law school, the faculty gave its inaugural award for teaching innovation to a faculty member who implemented a particularly labor-intensive and promising innovation, team-based learning.

The evidence is mounting that one particularly effective tool for improving learning in law school is implementing multiple summative assessments and providing formative assessment so that students learn how to improve their performance.<sup>69</sup> Consequently, law schools can improve learning by providing faculty incentives to implement multiple assessments. Even small bonuses can encourage law professors to implement multiple assessments in their classes and provide high-quality formative feedback to their students.

While financial rewards for teaching are valuable because they demonstrate, concretely, the importance of teaching to a law school, law schools can encourage excellence in teaching by creating a variety of teaching awards for which faculty members receive an engraved plaque or crystal trophy.

Possible teaching awards include the following:

- First-year class of the year

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and discovery of knowledge, as opposed to “instructionalist” theories, which prefer explicit direction).

67. Lawrence S. Krieger, *The Inseparability of Professionalism and Personal Satisfaction: Perspectives on Values, Integrity and Happiness*, 11 CLINICAL L. REV. 425, 428 (2005).

68. Lindgren, *supra* note 1, at 139.

69. See Merritt et al., *supra* note 54; Carol Springer Sargent & Andrea A. Curcio, *Empirical Evidence that Formative Assessments Improve Final Exams*, 61 J. LEGAL EDUC. 379 (2012); Schwarcz & Farganis, *supra* note 52.

- Second-year class of the year
- Third-year class of the year
- Seminar class of the year
- Legal writing class of the year
- Clinic of the year
- Externship placement of the year
- Simulation class of the year
- Best elective
- Best assessment practices
- Adjunct faculty member of the year
- Best faculty mentor
- Alumni-selected teacher of the year (voted on by alumni five years after they graduate)

No law school should give all these awards. The list is a menu from which law schools could choose appropriate awards. Moreover, the authors do not propose giving teaching awards at the expense of awards for scholarship or, for that matter, service.

The cost of such awards is minimal, yet a payoff in faculty performance seems likely. Research from outside higher education conducted in 2012 by the Society for Human Resource Management (SHRM) suggests that employers that implement systematic employee recognition initiatives have fewer problems with employee frustration and turnover and higher levels of employee engagement.<sup>70</sup>

#### *Scheduling Incentives*

##### 16. Offer flexibility in course scheduling.

Consider compensating faculty with flexibility in time rather than with money. Deans and associate deans long ago discovered the idea of allowing faculty to bank teaching time—teach an overload one semester to free up their own time in the next semester.<sup>71</sup> Dividing courses into modules that can be taught in blocks of varying lengths of time is also a way to adapt to differing course content needs and to make it easier to make time for experiential learning.<sup>72</sup> Elasticity in scheduling can also fulfill important pedagogical objectives. Some courses lend themselves well to being taught in a block of time—perhaps compressed into two weeks or taught as a mini-term. Additional advantages of the block method are that “it allows students to manage their

70. GLOBOFORCE, FALL 2012 REPORT: THE BUSINESS IMPACT OF EMPLOYEE RECOGNITION 4, 6 (2012), [http://go.globoforce.com/rs/globoforce/images/SHRMFALL2012Survey\\_web.pdf](http://go.globoforce.com/rs/globoforce/images/SHRMFALL2012Survey_web.pdf). Interestingly, this report also found that the benefits of recognition are most likely to be felt if the company spends more than one percent of payroll on recognition. *Id.* at 10.

71. See, e.g., Frank T. Read & M.C. Mirow, *So Now You're a Law Professor: A Letter from the Dean*, 2009 CARDOZO L. REV. DE NOVO 55, 62.

72. Anthony V. Alfieri, *Educating Lawyers for Community*, 2012 WIS. L. REV. 115, 136.

educational loads flexibly; it also allows students to [graduate] faster.”<sup>73</sup> Modules or blocks also allow innovative paired offerings, such as a portion of professional responsibility joined with law practice management or perhaps criminal procedure.<sup>74</sup>

17. Allow faculty course release for teaching innovation or mentoring.

Historically, deans have awarded lighter loads to encourage or reward scholarly productivity. Course release time also can be awarded for innovative teaching projects, for attendance at conferences on legal pedagogy or educational theory, or for “encouraging teachers to visit and learn from colleagues at other law schools.”<sup>75</sup> Another important way that release time could work is to give time to professors who are particularly committed to teaching and well-versed in pedagogical theory to observe and mentor their faculty colleagues.

*Other Institutional or Administrative Manifestations of Support for Teaching and Learning*

Law schools can also improve teaching and learning by requiring learning objectives, by having a faculty member train law students to teach an undergraduate course, by creating a book club, by creating mechanisms for faculty to learn about what their full-time and adjunct colleagues do in the classroom, by including teaching accomplishments in official reports to outside audiences, and by having the Dean demonstrate good teaching practices when speaking to the faculty, students, or outside groups.

18. Require learning objectives for every course.

Law schools interested in improving teaching and learning should require faculty to identify and disseminate learning objectives. Articulating and disseminating learning objectives improves course design by focusing the design on the results to which the professor aspires,<sup>76</sup> thereby enhancing the congruency of a course and making sure that the professor aligns her objectives, teaching methods, teaching materials, and assessment practices.<sup>77</sup> Further, learning objectives enhance student learning by allowing students to target their studies.<sup>78</sup> Finally, connecting the learning objectives to the law

73. Margaret Thornton, *The Law School, the Market, and the New Knowledge Economy*, 10 GERMAN L.J. 641, 655 (2009).

74. Jon M. Garon, *Legal Education in Disruption: The Headwinds and Tailwinds of Technology*, 45 CONN. L. REV. 1165, 1232 (2013).

75. GERALD HESS, STEVEN I. FRIEDLAND, MICHAEL HUNTER SCHWARTZ & SOPHIE SPARROW, *TECHNIQUES FOR TEACHING LAW* 2 208 (2011).

76. Ruth Jones, *Assessment and Legal Education: What Is Assessment, and What the \*# Does It Have To Do with the Challenges Facing Legal Education?*, 45 MCGEORGE L. REV. 85, 96-97 (2013).

77. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 34-49.

78. Jones, *supra* note 76.

school's learning outcomes facilitates outcomes assessment,<sup>79</sup> an expectation the ABA has for all law schools.<sup>80</sup>

To achieve these goals, learning objectives should identify the knowledge, skills, and values students can expect to learn in the course in terms that allow evaluation and measurement of the degree of attainment.<sup>81</sup> Plenty of examples are available to assist faculty in drafting high-quality learning objectives.<sup>82</sup>

19. Have faculty teach law students to teach an undergraduate course.

One effective way for a faculty member to deepen her understanding of teaching and learning and become more reflective about her own teaching is to train law students to teach an undergraduate prelaw course. For example, Boston College has created an opportunity for upper-level law students attending any of the Boston-area law schools to be trained in law teaching principles and then teach an undergraduate environmental law class.<sup>83</sup> The law students receive training in teaching methods and then team-teach, in pairs, the undergraduate course to Boston College undergraduates.

Similar courses could be offered in civil liberties, business law, international law, health law, and other subjects. The real growth for the law teacher comes from thinking through the design of the teacher-training program for the budding undergraduate professors she will be training.

20. Create a book club; invite students in and make it a class.

In book clubs, everyone teaches and learns to listen. They are communal, inviting, world-expanding, and entertaining. They provide a nonthreatening environment in which faculty can watch their colleagues “teach” in snippets. The blog PrawfsBlawg has hosted a periodic virtual book club for a number of years.<sup>84</sup> Another option is to transform the book club into a small seminar course—maybe Selected Readings in Legal Scholarship<sup>85</sup>—for which students

79. *Id.* at 98-101.

80. AM. BAR ASS'N, *Standard 315: Evaluation of Program of Legal Education, Learning Outcomes, and Assessment Methods*, in STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS 2016-2017 (2016) [hereinafter ABA STANDARDS].

81. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 34-38.

82. *See, e.g., id.* at 224-38, <http://lawteaching.org/wp-content/uploads/2015/12/Teaching-Law-by-Design-2nd-Ed-Appendix-3.pdf>.

83. *See Environmental Law Teaching Program*, HARV. L. SCH., <http://hls.harvard.edu/teach-environmental-law-and-policy-at-boston-college/> (last visited Mar. 21, 2018). The law students receive three, pass-fail law school credits for teaching the undergraduate course. *Id.*

84. *See, e.g.,* Matt Bodie, *Book Club on “Cultivating Conscience”: Wrap-Up*, PRAWFSBLAWG (Feb. 2, 2012), <http://prawfsblawg.blogs.com/prawfsblawg/2012/02/book-club-on-cultivating-conscience-wrap-up.html>.

85. Dean Barbara Glesner Fines pioneered this course at UMKC School of Law. In 2016 one of the primary books was MICHELLE ALEXANDER, *THE NEW JIM CROW: MASS INCARCERATION IN THE AGE OF COLORBLINDNESS* (2010).



can earn credit. One consideration might be to assign books about the process of learning (or teaching) in addition to books about substantive aspects of law.<sup>86</sup>

21. Find ways to inform faculty about courses that their colleagues—full time and adjunct—are teaching.

Many of us are woefully ignorant about what our colleagues or the adjuncts at our law school teach. As a result, your law school's curriculum may be less effective than it could be, and your efforts at faculty advising, required by the ABA Standards,<sup>87</sup> can mislead students.

Your law school teaches agency law—probably as part of your business organizations course. However, do your business organizations faculty know how the concept of agency is addressed in first-year classes at your school, and do those who teach contracts and torts know how your law school's business organizations professors teach agency? Similarly, does your litigation clinic know what students learn about drafting pleadings and discovery in their civil procedure courses? Such knowledge could enhance the transfer of learning throughout students' law school careers by making your law school's curriculum vertically integrated; i.e., the faculty teaching upper-level courses should systematically build on what students learned in their first-year courses.

Knowledge of what your colleagues do also can help students understand the permeability of the course labels we use. Students benefit when they discover that a single case can raise issues of contract law, civil procedure, torts, and property. The opportunities to make connections between classes are limitless.<sup>88</sup>

Faculty also may not be sufficiently well-versed in their school's curricular offerings to advise students appropriately.<sup>89</sup> For example, does your school offer a class on jury instructions? On the insanity defense? How about one on solo and small-firm practice? What courses satisfy your school's upper-level writing and upper-level lawyering skills requirements? Can students take graduate school classes outside of your law school and count the hours toward

86. See, e.g., Emily Grant, *Review: Grit*, INST. FOR L. TEACHING AND LEARNING (Jan. 19, 2017), <https://lawteaching.org/2017/01/19/grit/>.

87. AM. BAR ASS'N, *Standard 309: Academic Advising and Support*, in ABA STANDARDS, *supra* note 80.

88. See, e.g., Jay Feinman & Marc Feldman, *Pedagogy and Politics*, 73 GEO. L.J. 875 (1985) (describing a successful combined contracts and torts course). Nancy Levit and one of her colleagues, Professor Julie Cheslik, like to coordinate their teaching of *Moore v. Regents of the University of California*, 793 P.2d 479 (Cal. 1990). Julie does an amazing reveal of the behind-the-scenes political and judicial interplay in the case. Then she points out to her property students that the law of property is the most important because to know whether something can be the subject of conversion in torts, one must conduct research in the law of property. Nancy never hesitates to mention that the only surviving cause of action in that case is the informed-consent claim in Tortland. Both Nancy and Julie use the case to convey the idea to first-semester first-year students that clients do not walk into their offices with cases neatly packaged into torts or property or contracts boxes.

89. Barbara Wagner & Jonathan Brown, *Teaching Law Students About Business and Finance*, 18 TRANSACTIONS 541, 557 (2016).

the J.D.? What joint degrees does your law school offer, and what are the requirements for each? Inaccurate information regarding any of this information can harm students.

Consider having a roundtable at which the Dean of Students provides an overview of the curriculum, the associate dean for academic affairs reviews the courses offered that semester, and faculty, both full time and adjunct, have just three minutes to share something innovative about the content or delivery of that content in one of their courses. The dividends in terms of student learning, the possibilities for creating joint exercises, and the improvement in advising could be huge—all for a few minutes of time.

22. Tout teaching accomplishments in official reports to outside audiences.

Law schools commonly tout their faculty's scholarly accomplishments to U.S. News voters, alumni, and prospective students. Many law schools also celebrate successes of their legal clinics, such as groundbreaking legal victories or services provided to underserved communities. Law schools seldom, however, publicize teaching accomplishments of their faculty to outside audiences. A wide variety of educators and business people are credited for the saying "People respect what you inspect." If a law school gives positive attention to its teaching accomplishments, the faculty, students, and alumni will get the message.

23. Demonstrate good teaching, Dean, whenever you have information to communicate.

Law school deans can practice what they preach by treating their reports and presentations as teaching enterprises. Rather than simply lecturing to their colleagues or running through PowerPoint slides made dense with small-font bullet points, deans can be more creative and implement best practices in teaching whenever they speak to their colleagues. For example, many deans deliver a "Dean's Report" during faculty meetings. Most, if not all, are delivered as lectures. This experience would be more engaging if it at least included a handout or other visual aid, or if other faculty with important announcements were invited to present. In addition, deans often are asked to deliver continuing legal education presentations or to speak on the current state of legal education to members of the bar. These presentations would be more engaging if the Dean used multiple-choice questions or "Jeopardy"-style questions to convey the key points.

24. Embrace the ABA's outcomes-assessment standards as an opportunity to enhance teaching and learning at the law school.

The ABA requires that law schools engage in rigorous institutional self-assessment by identifying the skills, knowledge, and values with which students should graduate<sup>90</sup> and use data to assess the law school's effectiveness in

90. AM. BAR ASS'N, *Standard 302: Learning Outcomes*, in ABA STANDARDS, *supra* note 80.

producing graduates who possess those skills, that knowledge, and those values.<sup>91</sup> Those standards are an opportunity for law schools to examine what is working and what is not working in terms of their learning outcomes, curricula, teaching practices, and assessment efforts. A critical requirement is that law schools use the data they gather to improve students' educational experiences.<sup>92</sup> After implementing any new practice or program, law schools should assess the success of the change. This process of goal-setting, data-gathering, assessment, change, and reassessment has the potential to transform the legal education process and improve student learning.

### **Adjunct Faculty Support**

Law schools can enhance teaching and learning by focusing better attention and resources on an underserved and underappreciated but critical resource, adjunct faculty.

25. Create a system for regularly visiting and doing peer reviews of adjunct classes.

At many law schools, the only mechanism for evaluating adjunct faculty teaching is the end-of-semester faculty evaluation forms completed by students. While student evaluations certainly should play a role, law schools can manifest their commitment to student learning by investing faculty or administration time in systematic reviews of adjunct faculty teaching.<sup>93</sup> At some law schools, this process is a formal one, i.e., "a designated full-time faculty member or committee of such members visits classes, reviews course materials, and perhaps interviews students."<sup>94</sup>

Any adjunct faculty evaluation program should mimic the best practices for conducting visits of full-time faculty members' classes, including explaining the process to each adjunct, communicating expectations, providing training and mentoring, and creating a process for reviewing the evaluation with the adjunct faculty member.<sup>95</sup> Dean Glesner Fines' excellent classroom observation form, discussed above, is a useful tool for evaluating the effectiveness of adjunct faculty classes.<sup>96</sup>

91. AM. BAR ASS'N, *Standard 315: Evaluation of Program of Legal Education, Learning Outcomes, and Assessment Methods*, in ABA STANDARDS, *supra* note 80.

92. See Barbara Glesner Fines, *Outcomes Assessment for Improving Student Learning*, in BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD 97-99 (Deborah Maranville et al., eds., 2015).

93. AMERICAN BAR ASSOCIATION, ADJUNCT FACULTY HANDBOOK 25-26 (2005).

94. Karen L. Tokarz, *A Manual for Law Schools on Adjunct Faculty*, 76 WASH. U. L.Q. 293, 303 (1998).

95. AMERICAN BAR ASSOCIATION, *supra* note 93, at 26.

96. See Glesner Fines, *supra* note 13, and accompanying text.

26. Offer food and training every semester to the adjunct faculty.

Law schools can improve teaching and learning in adjunct-taught classes by regularly offering teaching workshops for adjunct faculty.<sup>97</sup> Adjunct faculty may be even less likely than their full-time colleagues to have received any training in teaching.<sup>98</sup> As Professor Karen Tokarz explains, adjunct faculty trainers can

provide insight, through discussion or simulated teaching exercises, about students, the teaching and learning processes, the varieties of effective teaching methods (e.g., Socratic, case method, problem method, drafting exercises, role playing, team-teaching, computer exercises, live-client representation), ways to develop productive teacher-student interactions, checklists for class preparation, suggestions for self evaluation, and advice on developing course syllabi, problems, hypotheticals, and examinations.<sup>99</sup>

Food, of course, is a must and allows these programs to also serve as alumni engagement activities. These experiences can be supplemented by providing teaching resources designed especially for adjunct faculty.<sup>100</sup>

27. Appoint teaching mentors for adjunct faculty.

Law schools can improve adjunct teaching by creating an adjunct faculty mentoring program. Professor Tokarz reports that “[S]ome schools provide mentors chosen from the full-time faculty . . . . In some programs, an adjunct is assigned a faculty member who acts as a liaison and informational resource for the adjunct and, in addition, oversees the adjunct’s teaching.”<sup>101</sup> Mentoring activities can include some or all of the ideas for collaboration with colleagues discussed elsewhere in this article, including joining faculty reading groups, participating in mutual classroom observations, and conducting discussions of particular teaching techniques.<sup>102</sup>

### Infuse Innovation in Class

Law professors can improve learning in law school by trying at least one new teaching idea each semester. Below are several innovative ideas to get you thinking.

97. Tokarz, *supra* note 94, at 298.

98. *Id.* at 298-99.

99. *Id.*

100. See AMERICAN BAR ASSOCIATION, *supra* note 93; SOPHIE M. SPARROW, GERALD F. HESS & MICHAEL HUNTER SCHWARTZ, *TEACHING LAW BY DESIGN FOR ADJUNCTS* (2d ed. 2017).

101. Tokarz, *supra* note 94, at 297-98.

102. See *supra* notes 84-86, and *infra* notes 132-35, 137-46 and accompanying text.

28. Consider how to get and keep attention in the classroom.

A recent BBC article said that this generation's undergraduates have an attention span of ten minutes.<sup>103</sup> Perhaps we can count on fifteen minutes for law students. At least every fifteen minutes, shake up the dice, switch gears, pass something around to get people moving, do a pair-and-share<sup>104</sup> or a small-group exercise, or have students write a two-minute advice letter to a client and pass it forward.

Make the people in the cases come alive for students, rather than being flat and bloodless plaintiffs and defendants in a sterile set of facts in an appellate record.<sup>105</sup> Encourage students to become the storytellers they will need to be professionally by asking them to give a brief closing argument, or write a holding in the form of poetry or a six-word short story.<sup>106</sup> Use humor—even premeditated jokes are appreciated.

29. Open and cross-list appropriate courses to qualified undergraduates or graduate students from other disciplines.

Students learn a great deal from one another in law school. They learn by watching other students as role models. They learn from the diverse perspectives and opinions of their fellow travelers.

One less-explored way to enrich the learning in class is to open appropriate law school courses to undergraduates (perhaps juniors or seniors) or graduate students studying other disciplines. Many college programs allow students to use law school course credits as elective hours toward their degrees. Students from other disciplines expose law students (and professors) to different perspectives, methodologies, materials, and ways of thinking.<sup>107</sup> Whether this cross-listing of courses is permissible will depend on individual institutions' rules and on consent by the professor. Depending on how your university

103. Hannah Richardson, *Students Only Have "Ten-Minute Attention Span,"* BBC NEWS (Jan. 12, 2010), [http://news.bbc.co.uk/2/hi/uk\\_news/education/8449307.stm](http://news.bbc.co.uk/2/hi/uk_news/education/8449307.stm).

104. See, e.g., Barbara Glesner Fines, *Competition and the Curve*, 65 UMKC L. REV. 879, 914 (1997) ("The 'think, pair and share' strategy is a highly efficient and effective method of classroom cooperation. In this technique, students think about the answer to a question in class, then work in pairs to share the results of their thinking.").

105. Foundation Press publishes an inviting Law Stories book series that recounts the tales behind landmark cases in specific subject areas. See *Legal Reference Titles*, WEST ACADEMIC, <http://home.westacademic.com/series>. (last visited Mar. 20, 2018).

106. Julie A. Oseid, *The Power of Brevity: Adopt Abraham Lincoln's Habits*, 6 J. ASS'N LEGAL WRITING DIRECTORS 28, 32 (2009) (recounting Ernest Hemingway's shortest of short stories: "For sale: Baby shoes. Never used."). See also Mary Dunnewold & Hamline University Law Students, *Why Am I Here? Six-Word Stories About the First Month of Law School*, 59 J. LEGAL EDUC. 653 (2010); Heather Garretson et al., *The Value of Variety in Teaching: A Professor's Guide*, 64 J. LEGAL EDUC. 65, 73 (2014).

107. See, e.g., Timothy W. Floyd, *The Lawyer Meets the Therapist, the Minister, and the Psychiatrist: Law School Cross-Professional Collaborations*, 63 MERCER L. REV. 959 (2012); Harold McDougall, *The Rebellious Law Professor: Combining Cause and Reflective Lawyering*, 65 J. LEGAL EDUC. 326, 330 (2015).

allocates student credit hours, this cross-listing of courses could be a small revenue stream for a law school.

### 30. Play games with your students.

People learn through play. When people play games, they become active learners and collaborative workers.<sup>108</sup> And people remember what they learn when they are engaged in an activity. Games come in numerous varieties—icebreakers, simulations, or review methods, such as Constitutional Law Jeopardy or an adaptation of “Family Feud.”<sup>109</sup>

Role-playing, involving both students and professors,<sup>110</sup> is an experiential technique with a distinguished pedigree—it sparks students’ interest, promotes retention, and is associated with a positive experience and attitude.<sup>111</sup> Pace Law School, for example, has an Environmental Law Skills course in which students occupy interest-group roles for an entire semester.<sup>112</sup> Numerous Professional Responsibilities courses involve simulations—from client interviews to deposition-taking—that help shape students’ professional identities.<sup>113</sup> The simulations can be serious, such as negotiating a founders’ agreement,<sup>114</sup> or more playful, such as a drafting exercise memorializing all the contingency plans for a dinner party.<sup>115</sup>

Games can be associated with flipped classrooms, gaming software, or interactive immediate feedback tools such as clickers.<sup>116</sup> Underlying all of these

108. Rita Kumar & Robin Lightner, *Games as an Interactive Classroom Technique: Perceptions of Corporate Trainers, College Instructors and Students*, 19 INT’L J. TEACHING & LEARNING HIGHER EDUC. 53, 53 (2007), <http://www.isetl.org/ijtlhe/pdf/IJTLHE157.pdf>.

109. Daniel M. Ferguson, *The Gamification of Legal Education: Why Games Transcend the Langdellian Model and How They Can Revolutionize Law School*, 19 CHAP. L. REV. 629, 646 (2016) (noting that Dean Jennifer Rosato developed a variation on “Family Feud” to have students worked as teams to quickly learn discovery techniques).

110. Mary R. Falk, “*The Play of Those Who Have Not Yet Heard of Games*”: Creativity, Compliance, and the “Good Enough” Law Teacher, 6 J. ASS’N LEGAL WRITING DIRECTORS 200, 218 (2009).

111. Nellie Munin & Yael Efron, *Role-Playing Brings Theory to Life in a Multicultural Learning Environment*, 66 J. LEGAL EDUC. 309, 313 (2017).

112. Karl S. Coplan, *Teaching Substantive Environmental Law and Practice Skills Through Interest Group Role-Playing*, 18 VT. J. ENVTL. L. 194, 200 (2016) (noting that students act as a “politician, environmental activist, public-interest lawyer, EPA lawyer, or lawyer for an industrial enterprise”).

113. See, e.g., Benjamin V. Madison, III & Larry O. Natt Gantt, II, *The Emperor Has No Clothes, but Does Anyone Really Care? How Law Schools Are Failing to Develop Students’ Professional Identity and Practical Judgment*, 27 REGENT U. L. REV. 339, 388 (2015) (“Law Students ‘Role Playing’ a Lawyer Dealing with a Rambo Opposing Counsel”).

114. See Esther Barron, *Experiencing Business Associations in the Classroom*, 59 ST. LOUIS U. L.J. 787, 790 (2015).

115. See William E. Foster & Emily Grant, *Memorializing the Meal: An Analogical Exercise for Transactional Drafting*, 36 U. HAW. L. REV. 403 (2014).

116. Ferguson, *supra* note 109, at 639, 645-46.

variations is an attitude of playfulness—which sparks curiosity, creativity, and engagement.<sup>117</sup> For ideas about how to structure and evaluate games, see Idea #48 below.

### **Feedback from Students**

Feedback from students about the effectiveness of teaching and student learning can be an important part of ongoing teaching development. Teachers can gather feedback from their students during the course to make midcourse adjustments, and after the course to improve the course over time. Most of the ideas in this section originated in the classic *Classroom Assessment Techniques*, a comprehensive guide for teachers to gather feedback on their students' learning to make their teaching more effective.<sup>118</sup>

#### 31. Give teacher-designed questionnaires during the course.

Teachers can design short questionnaires to obtain written feedback from students during the course to improve teaching and learning.<sup>119</sup> The questionnaire can focus on any aspect of teaching: “Please comment on the effectiveness of small-group exercises in class” or “What most motivates you to prepare thoroughly for class?” Or the questionnaire could solicit general feedback on the effectiveness of the course: “What teaching/learning methods have been most effective for you in this course? What teaching/learning methods have been least effective for you in this course? What other teaching/learning methods should we try?”

The questionnaire process can be quite simple. A one-page handout with the questions or a posting to a discussion forum on the course web page suffices. It is critical that students know that the questionnaire is designed to gather feedback to improve teaching and learning in the course. Giving students five minutes at the end of class to complete the handout or respond to the questions on the web page and asking students to respond anonymously improves the quality and candor of the students' answers. The most important work happens afterward; within a week, the professor should report briefly to the students about the common responses and inform them of at least one action she will implement as a result of the questionnaire process.<sup>120</sup>

By employing the questionnaire process during the course, teachers not only gather specific feedback to improve teaching and learning, but also show

117. Bryan Adamson, Lisa Brodoff, Marilyn Berger, Anne Enquist, Paula Lustbader & John B. Mitchell, *Can the Professor Come Out and Play?—Scholarship, Teaching, and Theories of Play*, 58 J. LEGAL EDUC. 481, 490 (2008).

118. THOMAS A. ANGELO & K. PATRICIA CROSS, *CLASSROOM ASSESSMENT TECHNIQUES: A HANDBOOK FOR COLLEGE TEACHERS* (2d ed. 1993).

119. *Id.* at 330-33.

120. *Id.* at 331-32 (process for teacher-designed feedback form); SCHWARTZ, SPARROW & HESS, *supra* note 12, at 209-10 (teacher-designed feedback form process applied to legal education).

respect for students and demonstrate the skill of engaging in continuous professional improvement.

### 32. Assign minute papers.

A minute paper is a simple, flexible tool for improving teaching and learning. The purpose of a minute paper is for the teacher to gather quick, targeted feedback from students about their learning and then to use that feedback to make appropriate teaching choices.<sup>121</sup>

The minute paper process involves five steps. First, the teacher develops a question or questions designed to gather feedback on student learning (What are the three most important personal-jurisdiction concepts you learned today? What remaining questions do you have about fiduciary duties of trustees?). Second, the teacher poses the question(s) to the students in writing on the board, a screen, or a handout. Third, students take a couple of minutes to respond to the question in writing (electronically or on paper). Fourth, the teacher reviews the students' responses, usually after class, to summarize the responses and identify themes. Fifth, the teacher gives brief feedback to the students about their responses (in the next class or via the course web page or e-mail) and makes appropriate teaching adjustments (develop an exercise to deepen student understanding, or post examples of correct student responses to a course web page).<sup>122</sup>

### 33. Develop student advisory teams.

A structured way for teachers to gather feedback is through a student advisory team (SAT), a small group of students who meet periodically with the teacher.<sup>123</sup> The students' role is to provide feedback to the teacher about their learning, comment on the effectiveness of the instructional methods in the course, and offer suggestions to improve the course. The teacher's role is to listen to students' feedback and to implement reasonable suggestions. Success of the SAT process depends in part on the teacher's belief that students should share responsibility for course design with the teacher, that students can give accurate feedback on teaching and learning, and that students can provide helpful suggestions for improvement.<sup>124</sup>

Teachers must decide how to respond to the students' feedback. Appropriate responses include: 1) implement reasonable student suggestions during the

121. ANGELO & CROSS, *supra* note 118, at 148.

122. *Id.* at 151-53 (step-by-step process for minute papers); SCHWARTZ, SPARROW & HESS, *supra* note 12, at 170-71 (minute paper process applied to legal education).

123. ANGELO & CROSS, *supra* note 118, at 339-43 (Angelo and Cross use the term "classroom assessment quality circles," rather than "student advisory team"). For applications of quality circles of student advisory teams in legal education, see Eric W. Orts, *Quality Circles in Law Teaching* 47 J. LEGAL EDUC. 425 (1997), and Gerald F. Hess, *Student Involvement in Improving Law Teaching and Learning*, 67 UMKC L. REV. 343 (1998) (reporting empirical research supporting the value of student advisory teams in legal education).

124. Hess, *supra* note 123, at 361-62.



course; 2) explore with the students alternatives that the teacher is comfortable implementing; 3) explain why the teacher will not act on a particular student recommendation; and 4) decide to make changes the next time the course is offered. It is common for some team members to be skeptical about the SAT process until the teacher responds to their suggestions. The best way to motivate team members is for the teacher to quickly implement one of the team's ideas.<sup>125</sup>

Bryn Mawr and Haverford Colleges have implemented an interesting variation. Instead of using current students in the class, they are using students who are not currently enrolled in the class.<sup>126</sup>

#### 34. Make productive use of student course evaluations.

Perhaps the most common type of student feedback to teachers is the end-of-the-course student evaluation.<sup>127</sup> Although many law schools use student evaluations as part of the retention, promotion, and tenure process, the focus here is the use of these evaluations in teaching development. Student evaluations can provide useful feedback on many aspects of teaching performance, including organization, clarity, respect, level of expectations, and availability outside of class. Yet some teachers are hesitant to gather formative feedback from student evaluations based on uncertainty about the value of the evaluations or on negative experiences with prior student evaluations.<sup>128</sup>

The following suggestions may help teachers to make productive use of student evaluations.

- Analyze the numerical evaluations, comparing the scores to those given when you taught the course previously or to scores from other courses you have taught. Pay more attention to trends than to individual scores.
- Skim through the narrative comments to get a sense of the students' views. Read through the comments again, identifying themes, both positive and negative.
- Choose an area or two to address next time you teach the course, aiming for incremental improvements, not radical transformations.
- Have a trusted colleague read your student evaluations to help

125. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 210-12 (including instructions on how to form and work with a student advisory team).

126. Colleen Flaherty, *Student Evaluations of Professors That Might Help*, INSIDE HIGHER EDUC. (June 16, 2017), [https://www.insidehighered.com/news/2017/06/16/aaup-discussion-centers-many-benefits-embracing-students-both-learners-and-teachers?utm\\_source=Inside+Higher+Ed](https://www.insidehighered.com/news/2017/06/16/aaup-discussion-centers-many-benefits-embracing-students-both-learners-and-teachers?utm_source=Inside+Higher+Ed) (last visited Mar. 20, 2018).

127. Gerald F. Hess, *Improving Teaching and Learning in Law School: Faculty Development Research, Principles, and Programs*, 12 WIDENER L. REV. 443, 455 (2006) (citing empirical research that 99% of colleges and universities and 98.6% of law schools use student evaluations of teaching).

128. *Id.* at 456.

you identify themes and appropriate adjustments. A colleague can be especially helpful in identifying positive aspects of student evaluations, because many teachers focus on low scores and isolated negative comments in their own evaluations.<sup>129</sup>

### Collaboration with Colleagues

Colleagues are important resources for teachers engaged in continuous development. Colleagues can share ideas, inspire one another, provide formative feedback, and engage in spirited discussions of teaching and learning.

#### 35. Create faculty teaching collaboration groups.

Faculty teaching collaboration groups can enhance teaching and learning. Groups can be based on specific subjects (such as a contracts group or evidence group) or on types of courses (all faculty teaching a 1L course, or a clinical course, or a seminar).

Faculty groups could establish structures to make collaboration more likely. For example, a faculty group could meet periodically throughout the semester, set up an e-mail list, or create a group TWEN page.

Many types of collaboration are possible, including:

- Dispensing information, such as the dates of midterm exams or major assignments, the publication of a significant new case or statute, or an opportunity for students to interact with an expert who will visit the law school;
- Sharing materials, exercises, videos, pictures, stories, and the like;
- Discussing common issues, such as the dynamics of a 1L section, ways to help students improve their seminar papers and presentations, and ways to deal with student stress in clinics and externships;
- Supporting formative assessment by creating a bank of practice questions (long and short essays, multiple choice, short answer), exercises, sample answers, score sheets, or rubrics

#### 36. Implement peer observations and feedback.

Colleagues can help one another improve as teachers through class observations and feedback. Peer observations can be especially valuable if pairs of colleagues observe each other's classes. The reciprocal nature of the observations creates mutual vulnerability and shared responsibility.<sup>130</sup> The colleagues can follow a three-step process.

129. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 209.

130. *Id.* at 208-09. For a description of a peer review program for teaching development in law school, see Mitchell M. Simon, M.E. Occhialino & Robert L. Fried, *Herding Cats: Improving Law School Teaching*, 49 J. LEGAL EDUC. 256 (1999). For a comprehensive book on peer observations in higher education, see LARRY KEIG & MICHAEL D. WAGGONER, *COLLABORATIVE PEER REVIEW: THE ROLE OF FACULTY IN IMPROVING COLLEGE TEACHING* (1994).

First, the colleagues meet for a pre-observation conference. They discuss their approaches to teaching, goals for the course as a whole and goals for the particular class that the colleague will be observing, expectations for student preparation, and the teaching methods to be used. Most importantly, they tell each other the specific types of feedback they would like to receive. Areas for feedback could include organization, visual aids, types of questions, handling student responses, the teacher's verbal and nonverbal communication, level of student engagement during class, etc. Second, each member of the pair visits the other's class and gathers the requested feedback. For example, if the teacher requests feedback on questioning, the observer could write out every question the teacher asks during the class; if the teacher wants feedback on student engagement, the observer could note what the students are doing at one-minute intervals during the class. Third, the colleagues meet for a post-observation conference to discuss the feedback, the extent to which the goals for the class were accomplished, and ways to make the professor's teaching more effective going forward.<sup>131</sup>

### 37. Try Small Group Instructional Diagnosis

Small Group Instructional Diagnosis (SGID) is a process through which a colleague gathers peer-reviewed student feedback for a teacher.<sup>132</sup> The three-step SGID process is similar to the collaborative peer review process discussed above.

First, the teacher and a colleague meet to discuss the SGID process, the teacher's reflections on the course, and the types of feedback the teacher would like to receive from students. The teacher and colleague craft questions to pose to the students.<sup>133</sup> For example: 1) What most helps you learn in this course? 2) What most hinders your learning in this course? 3) What suggestions do you have to improve this course?

Second, the colleague gathers feedback from the students. The teacher leaves class 30-40 minutes early. The colleague divides the students into small groups and poses the questions, in writing. After students discuss the questions, a reporter for each group presents the group's responses.<sup>134</sup>

Third, the colleague meets again with the teacher to present the responses on which the students reached consensus and to discuss appropriate adjustments the teacher could make to enhance student learning.<sup>135</sup>

131. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 213-14.

132. GREGORY S. MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS 136-37 (2000).

133. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 215.

134. See MUNRO, *supra* note 132, at 136.

135. *Id.* at 136-37.

## 38. Create a culture of conversation about teaching.

If traffic on blogs and group e-mail lists is any indication of when professors are doing major-league pencil-sharpening, it is during exam grading time. This might be the perfect time to take those conversations in-house to discuss, for example, the benefits and detriments of laptop bans.<sup>136</sup> Conversations, even via a faculty group e-mail list, about different teaching methods can alter professors' thinking about challenging teaching issues and open the door to invitations into each other's classrooms.

## 39. Organize a universitywide day of poster presentations.

Much of the innovative thinking about teaching and learning has originated in disciplines other than law. Law schools are simply pedagogical borrowers. Consider hosting a universitywide day of poster presentations about innovative teaching techniques and course designs.

Extensive innovation is occurring in higher education and law school classrooms across the country. Professors are having students engage in problem sets with partners,<sup>137</sup> simulated client interviews,<sup>138</sup> shareholders meetings,<sup>139</sup> or other role-playing exercises.<sup>140</sup> They are tapping technology by displaying PowerPoint slides, recording classroom discussions (for review or remote learning),<sup>141</sup> using digital games,<sup>142</sup> or polling the class with clickers.<sup>143</sup>

136. See, e.g., Steven Eisenstat, *A Game Changer: Assessing the Impact of the Princeton/UCLA Laptop Study on the Debate to Ban Law Student Use of Laptops During Class*, 92 U. DET. MERCY L. REV. 83 (2015); Nancy C. Maxwell, *From Facebook to Folsom Prison Blues: How Banning Laptops in the Classroom Made Me a Better Law School Teacher*, 14 RICH J.L. & TECH. 4 (2007); Kristen E. Murray, *Let Them Use Laptops: Debunking the Assumptions Underlying the Debate over Laptops in the Classroom*, 36 OKLA. CITY U. L. REV. 185 (2011); Jeff Sovern, *Law Student Laptop Use During Class for Non-Class Purposes: Temptation v. Incentives*, 51 U. LOUISVILLE L. REV. 483 (2013).
137. See ELIZABETH F. BARKLEY, *STUDENT ENGAGEMENT TECHNIQUES: A HANDBOOK FOR COLLEGE FACULTY* 259-63 (2010), for a description of a problem-solving process involving pairs of students. This book contains a thorough discussion of student engagement, motivation, and active learning as well as clear descriptions of fifty innovative active-learning techniques.
138. For a study on role player portrayals and participant performance, see Tom Oliver et al., *Interpersonal Dynamics in Assessment Center Exercises: Effects of Role Player Portrayed Disposition*, 42 J. MGMT. 1992 (2016); see also Bowers et al., *supra* note 37, at 356-59 (discussing the process of creating a simulated client exercise for a limited liability corporations class).
139. Lynne L. Dallas, *Limited-Time Simulations in Business Law Classes*, 45 J. LEGAL EDUC. 487 (1995).
140. See, e.g., Byron L. Zamboanga et al., "Try Walking in Our Shoes": *Teaching Acculturation and Related Cultural Adjustment Processes Through Role-Play*, 43 TEACHING PSYCHOL. 243 (2016); see also Ruthann Robson, *Educating the Next Generations of LGBTQ Attorneys*, 66 J. LEGAL EDUC. 502, 505 (2017).
141. See, e.g., Alexis Anderson, *Classroom Taping Under Legal Scrutiny—A Road Map for a Law School Policy*, 66 J. LEGAL EDUC. 372, 374 (2017).
142. See, e.g., Begoña Gros, *Digital Games in Education: The Design of Games-Based Learning Environments*, 40 J. RES. TECH. EDUC. 23 (2007); Tahrih Lee, *Technology-Based Experiential Learning: A Transnational Experiment*, 64 J. LEGAL EDUC. 455, 459 (2015).
143. Paul L. Caron & Rafael Gely, *Taking Back the Law School Classroom: Using Technology to Foster Active Student Learning*, 54 J. LEGAL EDUC. 551, 560-69 (2004); Susan Park & Denise Farag, *Transforming*

Some faculty are teaching online for a portion of their courses.<sup>144</sup> Teachers are developing many ways to promote collaborative learning with students working in small groups.<sup>145</sup> Faculty are experimenting with flipped classrooms—having students read, watch videos, or listen to podcast lectures (or voiceovers with accompanying slides) on basic concepts outside of the classroom and then focusing on skills development during class time.<sup>146</sup> Other professors are flipping the classroom in a different way—by giving up the podium and allowing their students to teach small portions of the material. A universitywide day of sharing posters on teaching techniques has the potential to be transformative.

### Self-Assessment, Reflection, and Development

Self-assessment is part of continuing development for teachers. Self-assessment can occur through teaching inventories, evaluation forms, strength assessments, videos of teaching, and portfolios. Reflective teachers may engage in reflective writing and keep a teaching journal. Ongoing development for teachers can take place by attending conferences, reading scholarship, making presentations, producing scholarship on teaching and learning, and working with a mentor.

#### 40. Engage in self-assessment via evaluation instruments and teaching inventories.

Self-assessment is a common and critical part of continued development for teachers. Most law professors spend time thinking about the effectiveness of their teaching and their students' learning.<sup>147</sup> Two types of instruments can help teachers engage in the self-assessment and reflection process: course evaluation forms and teaching inventories.<sup>148</sup>

*the Legal Studies Classroom: Clickers and Engagement*, 32 J. LEGAL STUD. EDUC. 47 (2015).

144. Celeste Hammond et al., *Online Learning and Transactional Skills Courses*, 18 TRANSACTIONS 521, 522 (2016) ("Originally, the ABA limited this to substitution of about 30% of the class meeting time. Thus, I even teach Contracts II that had 45 hours of class time using the approved 9 hours or so. Professors mayuse [sic] an online component even in a first year course under ABA rules. Now, entire courses may be delivered online under ABA rules either in a synchronous or asynchronous format."). For comprehensive discussions of blended or hybrid courses (part online and part face to face) in higher education, see JAY CAULFIELD, *HOW TO DESIGN AND TEACH A HYBRID COURSE* (2011), and D. RANDY GARRISON & NORMAN D. VAUGHN, *BLENDED LEARNING IN HIGHER EDUCATION: FRAMEWORK, PRINCIPLES, AND GUIDELINES* (2008).
145. ELIZABETH F. BARKLEY, K. PATRICIA CROSS & CLAIRE HOWELL MAJOR, *COLLABORATIVE LEARNING TECHNIQUES: A HANDBOOK FOR COLLEGE FACULTY* (2005).
146. One of the first proposals for this model was in BARBARA E. WALVOORD & VIRGINIA JOHNSON ANDERSON, *EFFECTIVE GRADING* 53-54 (1998). See, e.g., Alyson M. Drake, *The Need for Experiential Legal Research Education*, 108 LAW LIBR. J. 511, 533 (2016); Judith Lihosit & Jane Larrington, *Flipping the Legal Research Classroom*, 22 PERSPECTIVES 1 (2013).
147. Hess & Sparrow, *supra* note 27, at 153 (ninety-seven percent of law teachers think about effective teaching methods before and after class).
148. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 204-05 (Appendix 11-1 contains seven

Teachers can complete the same instrument that students fill out at the end of a course. The process of completing the instrument can help teachers identify strengths and weaknesses of their courses. Teachers can complete the instrument midway through the course, to facilitate midcourse adjustments, and again at the end of the course.

Teaching inventories adapted to legal education can help teachers assess their performance in relation to seven articulated principles for enhancing learning: promoting student-faculty contact; articulating clear, high expectations; using time effectively; respecting differences among students; fostering cooperation among students; providing prompt feedback; and encouraging active learning. The website of the Institute for Law Teaching and Learning includes examples of inventories for law professors.<sup>149</sup>

#### 41. Review videos of your own teaching.

Video can be an excellent tool for assessing and improving classroom teaching. A video of a class provides accurate audio and visual feedback of what is happening in the classroom. Although many teachers are self-conscious when first viewing a video of their teaching (Do I really look, sound, and act like that?), it is worth overcoming the initial discomfort to mine the treasure trove of feedback contained in the video.<sup>150</sup> Below is a small sample of the feedback teachers can gather from a video.<sup>151</sup>

- **Communication.** Professors can determine whether their speaking is audible and clear, whether they are maintaining eye contact with their students, whether their movements in the classroom and gestures are effective or distracting, whether their slides help achieve their goals for the class, and whether their writing on the board is legible and organized.
- **Questioning.** Professors can analyze every question they ask in the class, determining whether their questions are clear, whether the questions are at an appropriate level of depth, and how they handle student responses.
- **Class log.** Professors can keep track of what is happening at one-minute intervals during the class. Data from such a log can reveal unknown patterns in teaching. For example, a professor may discover that she lectures much more frequently than she wishes to.

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inventories tailored to legal education).

149. SCHWARTZ, SPARROW, & HESS, *supra* note 12, at 300-03; Institute for Law Teaching and Learning, Resources, <http://lawteaching.org/wp-content/uploads/2015/12/Teaching-Law-by-Design-2nd-Ed-Appendix-11.pdf>.

150. Hess, *supra* note 127, at 462.

151. See BARBARA GROSS DAVIS, *TOOLS FOR TEACHING* 472-77 (2d ed. 2009) (discussion of preparing for and viewing a video of your teaching, including checklists to facilitate analysis of the teaching captured by the video).

## 42. Complete a teaching portfolio.

A portfolio can be a potent professional development tool. In a teaching portfolio, the teacher collects evidence of teaching and learning and reflects on that evidence. In addition, if several colleagues each construct portfolios, they can review one another's portfolios as a starting point for deep discussions about teaching and learning.<sup>152</sup>

The contents of a teaching portfolio can vary to meet the needs of each teacher. Many teaching portfolios contain the following:

- The teacher's statement of a teaching philosophy;
- The teacher's primary learning goals for students;
- The teacher's professional development goals;
- Evidence of the teacher's performance (*e.g.*, syllabus, excerpt from course materials, assignments, exercises, formative and summative assessment devices, video of a class);
- Evidence of students' performance (*e.g.*, exam response, paper, video of oral argument or presentation, student journal);
- Student and peer evaluations of teaching; and
- The teacher's reflections on the evidence and evaluations of teaching.<sup>153</sup>

## 43. Try reflective writing guided by prompts.

Reflective writing can provide several advantages for teachers who seek to increase their effectiveness.<sup>154</sup> First, most teachers have fundamental assumptions about teaching and learning that can affect teaching behavior. Often those assumptions are deeply held, yet unexamined. Reflective writing can help teachers articulate their assumptions and identify patterns of teaching behavior. Second, reflective writing provides an opportunity for teachers to more fully develop a rationale that underlies teaching behavior. Third, after identifying their pedagogical assumptions, behaviors, and rationale, teachers can make informed modifications to their attitudes and actions in the classroom.

Below are examples of prompts for reflective writing.<sup>155</sup>

- On a really good day in the classroom, what are you doing? What are your students doing?
- Identify five of your basic assumptions about good teaching. Which of those assumptions was most confirmed last term? Which was most challenged?
- What lasting learning do you most hope that your students get from

152. Susan R. Dailey, *Integrating Theory and Practice Through Teacher Portfolios* 4 LEGAL WRITING 149 (1998) (a detailed discussion of teaching portfolios in a legal writing program).

153. CHISM, *supra* note 15, at 170-71; Dailey, *supra* note 152, at 155-56.

154. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 205.

155. *Id.* at 304-06 (containing a collection of reflection prompts).

- your course?
- What metaphor best describes your role as a teacher?

#### 44. Keep a teaching journal.

A teaching journal can be a valuable device for reflection and professional development. In the Hess-Sparrow study of teaching development activities, law teachers rated keeping a teaching journal as the most effective activity to lead to changes in teaching behavior.<sup>156</sup>

Teachers can use a journal as a place to record ideas, problems, successes, reminders for future classes, and strategies to improve teaching and learning. Journals are a place for teachers to challenge their assumptions, clarify their teaching philosophies, and reflect on their teaching experiences.<sup>157</sup>

The process of keeping a teaching journal is flexible and individual. Almost any format will work—a bound journal book, a three-ring binder, a computer, a tablet. Tips for successful, sustained journal writing include:<sup>158</sup>

- Treating the journal as an important professional commitment;
- Scheduling regular time for journal writing, such as ten minutes after each class, or twice a week for twenty minutes;
- Finding a comfortable place to write—in the office, at home, in a café.

#### 45. Take a strengths assessment.

Recent research in positive psychology has emphasized the importance of building on individuals' signature strengths,<sup>159</sup> rather than fixing weaknesses—although these two categories are not mutually exclusive. Several law professors have applied these principles to the lives of law students, to develop character and professionalism<sup>160</sup> and to inoculate students against depression.<sup>161</sup> An undertapped idea is the prospect of using strengths assessments<sup>162</sup> to discern a

156. Hess & Sparrow, *supra* note 27, at 158, 163.

157. SCHWARTZ, SPARROW & HESS, *supra* note 12, at 206-07.

158. Gerald F. Hess, *Learning to Think Like a Teacher: Reflective Journals for Legal Educators*, 38 GONZ. L. REV. 129, 147-48 (2002/03).

159. See CHRISTOPHER PETERSON & MARTIN E.P. SELIGMAN, CHARACTER STRENGTHS AND VIRTUES: A HANDBOOK AND CLASSIFICATION (2004).

160. See Heather D. Baum, *Inward Bound: An Exploration of Character Development in Law School*, 39 U. ARK. LITTLE ROCK L. REV. 25 (2016).

161. See Todd David Peterson & Elizabeth Waters Peterson, *Stemming the Tide of Law Student Depression: What Law Schools Need to Learn from the Science of Positive Psychology*, 9 YALE J. HEALTH POL'Y, L. & ETHICS 357, 406 (2009) ("The premise behind the strengths theory of positive psychology is that people can benefit from a focus on those qualities and actions that come naturally to them, that they enjoy doing, and that they do well.").

162. See, e.g., *CliftonStrengths*, GALLUP, <https://www.gallupstrengthscenter.com/> (last visited Mar. 21, 2018); *Authentic Happiness*, U. PENN., <http://www.authentichappiness.sas.upenn.edu/testcenter> (last visited Mar. 21, 2018).



teacher's signature strengths.<sup>163</sup> If a law teacher's strengths are in the relational arena, she might want to create a collaborative exercise. If her strengths are determination or persistence, she could model these by showing students how to tackle weekly review problems.

46. Attend a workshop or conference on teaching and learning.

Attending a workshop or conference on teaching and learning is among the most popular and effective faculty development activities for law teachers.<sup>164</sup> Many workshops and conferences on teaching and learning for law teachers take place each year—workshops at law schools (Idea #6 and Appendix B), sessions at the annual meeting of the Association of American Law Schools, and regional and national conferences sponsored by various institutions (Idea #5).

Participants at workshops and conferences report many benefits for their own teaching development, including increased understanding of pedagogical principles and their own teaching philosophy, greater confidence in and enthusiasm for teaching, and more success in making changes in teaching practices (Idea #5). Attending a workshop or conference can lead to subsequent teaching development activities, including discussing pedagogy with colleagues, making presentations on teaching and learning, and writing articles and essays about legal education.<sup>165</sup>

47. Read scholarship on teaching and learning.

Teachers can draw on the extensive scholarship on teaching and learning in law school. This scholarship can help teachers develop their teaching by increasing their knowledge of fundamental principles of teaching and learning, by exposing them to new pedagogical ideas, and by inspiring them to take reasonable risks when making changes in their teaching.

Law publishers offer many books devoted to teaching and learning. For example, Harvard University Press publishes *What the Best Law Teachers Do*<sup>166</sup> and Carolina Academic Press offers more than two dozen titles that address legal pedagogy,<sup>167</sup> including *Building on Best Practices*, *Techniques for Teaching Law 2*, *Teaching Law by Design for Adjuncts (2<sup>nd</sup> ed.)*, and *Transforming the Education of Lawyers*.

Several law journals routinely publish articles on law teaching and learning, including the *Journal of Legal Education*, *Clinical Law Review*, and the *Journal of Legal*

163. *Teach to Your Strengths*, WE ARE TEACHERS (Aug. 28, 2013), <https://www.weareteachers.com/teach-to-your-strengths/>.

164. Hess & Sparrow, *supra* note 27, at 153-59.

165. *Id.* at 159-62.

166. The authors acknowledge this shameless self-promotion—Mike and Gerry are co-authors of *What the Best Law Teachers Do* (along with Sophie Sparrow) and Nancy is one of the twenty-five law teachers featured in the book. SCHWARTZ, HESS & SPARROW, *supra* note 53, *passim*.

167. *Law School Teaching Titles*, CAROLINA ACAD. PRESS, <http://www.cap-press.com/ms/95/Law-School-Teaching> (last visited Mar. 21, 2018).

*Writing.* The *Saint Louis University Law Journal* has devoted an issue on teaching a specific topic (such as torts, professional responsibility, and civil rights) each year since 2000.

#### 48. Make a presentation on teaching and learning.

One of the best ways for nearly all people to increase their own level of understanding of a topic or skill is to teach it to others. Law teachers can deepen and broaden their knowledge and skill related to teaching and learning by making a presentation to other law teachers. Opportunities to make presentations on teaching and learning abound—from brown-bag sessions with colleagues at the home institution to regional and national conferences.

For example, perhaps a teacher has experienced success using learning games in the classroom. To prepare to make a presentation on learning games, the teacher likely would think through many teaching and learning issues: Why do I use the game? What learning goals does the game help my students achieve? How do I design the game? What pitfalls have I encountered in using the game? How do I know that the game significantly helped student learning? Research would uncover articles on learning games in the legal education and higher education literature that explore in depth the theory and practice of learning games.<sup>168</sup> That literature should help deepen the teacher's understanding of learning games, provide a framework for designing games, and offer examples of learning games in legal education, all of which the teacher can share with colleagues during the presentation.

#### 49. Produce scholarship of teaching and learning.

Scholarship on teaching and learning in law school is published in books, journals, and newsletters, both in print and online. Teachers who engage in that scholarship gain deeper understanding of the topics they write about and contribute to the dialogue on improving legal education.

Scholarship on law teaching and learning can fall into four categories, though these categories often overlap.

- Reports of innovative practices. Much of the scholarship on teaching and learning in law school consists of teachers' reports of innovative practices, including teaching methods, instructional technology, and experiential learning.<sup>169</sup> The reports typically describe the design and delivery of the practice, the results of the innovation, and ideas for further development of the practice.
- Translation of teaching and learning principles to legal education. This scholarship explores the literature from undergraduate and

168. See *supra* notes 108-17.

169. E.g., Paula A. Franzese, *Law Teaching for the Conceptual Age*, 44 SETON HALL L. REV. 967 (2014) (methods for teaching conceptual skills); James B. Levy, *Teaching the Digital Caveman: Rethinking the Use of Classroom Technology in Law School*, 19 CHAP. L. REV. 241 (2016).

graduate education, synthesizing principles of teaching and learning from that literature, and applying those principles to legal education. Topics include learning theory, adult education, design of courses and class sessions, and assessment.<sup>170</sup>

- **Quantitative research.** Quantitative researchers gather numerical data and use statistical analysis to identify significant differences among variables.<sup>171</sup> For example, a teacher could study students' performance in two sections of a course, both taught by the same instructor, in which students complete different formative assessments.
- **Qualitative research.** Qualitative researchers gather qualitative data (words and images) through interviews and observations, resulting in a narrative report containing theories and principles that arise from the data.<sup>172</sup> For example, a teacher could study the development of professional values in a group of students in a clinical or externship program.

50. Find a teaching mentor outside of your own institution.

Associate deans can help faculty members network in the academy and in their individual substantive areas. A number of professional organizations, such as the AALS Section on Women in Legal Education, the AALS New Law Professors Section, and the Southeastern Association of Law Schools, have mentor programs.<sup>173</sup> Stetson runs a Teaching Materials Network in which experienced faculty have offered to share teaching materials in more than one hundred courses.<sup>174</sup> Faculty may find mentors who are willing to share their resources—syllabi and teaching tips or movie clips—or who can discuss what learning strategies, such as flipping the classroom, moot court presentations, minute papers, or group processing of problems, work well for a particular subject matter area.

### Conclusion

Our fifty ideas to promote teaching and learning are intended to help law schools make progress on their path toward educational excellence. We are confident that thoughtful deans and faculty can identify many other ideas to

170. *E.g.*, Timothy Casey, *Reflective Practice in Legal Education: The Stages of Reflection*, 20 *CLINICAL L. REV.* 317 (2014); Emily Grant, *The Pink Tower Meets the Ivory Tower: Adapting Montessori Teaching Methods to Law School*, 68 *ARK. L. REV.* 603 (2015).

171. *See supra* notes 51-52, 54-56 and accompanying text.

172. *E.g.*, Aida M. Alaka, *Phenomenology of Error in Legal Writing*, 28 *QUINNIPIAC L. REV.* 1 (2009); Mary Helen McNeal, *Slow Down, People Breathing: Lawyering, Culture and Place*, 18 *CLINICAL L. REV.* 183 (2011); Joseph A. Rosenberg, *Confronting Clichés in Online Instruction: Using a Hybrid Model to Teach Lawyering Skills*, 12 *SMU SCI. & TECH. L. REV.* 19 (2008).

173. *Mentoring Women in Legal Education*, WOMEN IN LEGAL EDUC., <http://law.unl.edu/wile/index.shtml> (last visited Mar. 21, 2018).

174. *AALS New Law Professors Section, Teaching Materials Network*, STETSON LAW, <http://www.stetson.edu/law/teachingmaterialsnetwork/> (last visited Mar. 21, 2018).

enhance teaching and learning at their institutions. Our hope is that faculty members and deans engage as partners in an effort to fulfill the educational mission of their institutions.

The core idea is creating a culture of learning about teaching and continuous improvement of all faculty members as teachers. In other words, the more faculty colleagues think and talk about teaching and learning, the more institutional policy encourages faculty to grow as teachers, the more likely it is that the law school's culture for teaching excellence will grow. That cultural shift can then feed on itself.

## Appendix A. Gonzaga University School of Law Student Evaluation Instrument

### GONZAGA UNIVERSITY SCHOOL OF LAW STUDENT RATING OF TEACHING EFFECTIVENESS

Course Title:

Course:

Semester:

Instructor:

The following statements reflect various ways an instructor's performance can be described. Blacken the number which most nearly represents your opinion. If you have no basis for responding to a particular statement blacken the circle containing N. Your instructor will not see the results until after final grades for this semester have been submitted to the Registrar.

	Disagree Strongly	Disagree	Neither Agree nor Disagree	Agree	Agree Strongly	N/A
1. The instructor encouraged students to ask questions.	1	2	3	4	5	N
2. The instructor used visual aids in the classroom or course materials (e.g. whiteboard, handouts, PowerPoint).	1	2	3	4	5	N
3. This course required students to think analytically.	1	2	3	4	5	N
4. The instructor created and followed a course syllabus.	1	2	3	4	5	N
5. The instructor was knowledgeable in the subject matter.	1	2	3	4	5	N
6. The instructor encouraged participation in class.	1	2	3	4	5	N
7. The instructor was interested in the course material.	1	2	3	4	5	N
8. The instructor had high expectations for students.	1	2	3	4	5	N
9. The instructor spent class time on problems or other activities requiring student involvement.	1	2	3	4	5	N
10. The instructor made students welcome to express their opinions.	1	2	3	4	5	N
11. This course improved my problem-solving skills.	1	2	3	4	5	N
12. The instructor provided continuity from one class to another.	1	2	3	4	5	N
13. The instructor treated students with respect.	1	2	3	4	5	N
14. The instructor was available to students outside of class.	1	2	3	4	5	N
15. The instructor was well-prepared for each class.	1	2	3	4	5	N
16. The instructor related components of the class to practical situations.	1	2	3	4	5	N
17. The instructor varied classroom activities and methods.	1	2	3	4	5	N
18. The instructor's overall teaching performance in this course was excellent.	1	2	3	4	5	N

19. What did the instructor do well that contributed to your learning?

20. What improvements could the instructor have made to enhance your learning?

21. General comments:

**Appendix B. Examples of Teaching and Learning Workshops at Law Schools**

<b>Year</b>	<b>Law School</b>	<b>Topic</b>
2012	Western New England	Teaching Methods
2013	Valparaiso	What the Best Law Teachers Do
2013	Free University of Tbilisi	Feedback, Developing as a Law Teacher
2013	Mississippi College	Teaching Methods, Course Assessment, Learning Objectives
2013	American University	What the Best Law Teachers Do
2014	Baltimore	Engaging Students, Studying Outstanding Educators, Developing Teachers
2014	Appalachian	Course Assessment
2014	National Chiao Tung University (Taiwan)	Teaching Methods, Course Assessment, Learning Objectives, Course Design, Curriculum Design, Outcomes Assessment
2014	Duke	Teaching and Learning Theory
2014	Georgia State	Preparing Students for Practice: Infusing Experiential Education in Our Courses
2015	Pontificia Universidad Católica de Chile	Teaching Methods, Developing as a Teacher, Course Assessment, Self-Regulated Learning
2015	Dalhousie University	Continued Development as Teachers
2015	Louisville	Curriculum Mapping
2015	George Washington	Outcomes Assessment
2016	Loyola New Orleans	Self-Regulated Learning for Law Students
2016	Richmond	Actively Engaging Today's Law Students
2016	Touro	Teaching Methods, Course Assessment, Learning Objectives, Course Design
2017	Texas A & M	Teaching Methods
2017	Florida A & M	Teaching Methods and Course Assessment
2017	Naval Justice School (trains Navy and Marines lawyers)	Teaching Methods, Course Design, and Course Assessment