

Becoming a University Educator: Teaching Tomorrow's Law Teachers¹

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"You will become an educator; this may in fact be your most important and meaningful role . . . Having been taught, you will teach; this is a life full of promise, uncertainty, hope, and challenge."

— James Boyd White²

I. Introduction: "You Will Teach"

Law graduates at the University of Michigan Law School Convocation ceremony at which James Boyd White delivered the address in 2004 may have been somewhat surprised to hear that they would become educators. That message, passed on with inspiration and confidence, was grounded in a broad, generous, and intergenerational understanding of teaching, relevant to all graduates and in all of the varied contexts in which they go on to contribute their energies. For the individuals who, having been taught law, explicitly aspire to become law professors, the message might resonate more sharply. As educators situated in the university, they will teach in classrooms; mentor, supervise and act as role models; participate in the conception and development of university programs; and contribute to community governance. But where, when, and how can aspiring university-based educators learn about what it means to be a teacher before taking on the job in a full-time way? How do they prepare for what White characterizes as an educator's "life full of promise, uncertainty, hope, and challenge?"³

While the trajectory between graduating with a first law degree and joining the legal academy is a varied one, the one element that is often missing is

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1. An earlier and abbreviated version of some of the ideas in this paper were published in French in a book collection: Shauna Van Praagh, *Former les Professeurs: Apprendre à Enseigner*, in *DEVENIR PROFESSEUR* (Emmanuelle Bernheim & Pierre Noreau eds., 2019).
2. James Boyd White, *Schooling Expectations*, 54 J. LEGAL EDUC. 499, 502–03 (2004).
3. *Id.* at 503.

a structured opportunity to learn about teaching and about the roles and responsibilities that characterize the career of university educator. If we imagine a senior professor packing up her office upon retirement, she might find folders attesting to effective teaching, filled over years of experience. But it is unlikely that she would find a folder of material focused on teaching and learning dating back to her time as a law student. That is, although the academy includes many engaged and inspirational educators, very few professors learn in a formal way about education before launching their careers. Without focused grounding in education theory and practice, they typically base their teaching on their personal experience, aiming to emulate the professors they most respected and to avoid the mistakes of the professors they found less than effective. This phenomenon may be even more marked for members of the American legal academy for whom the path to teaching does not (traditionally) include time enrolled in a doctoral-level program.⁴

This article explicitly addresses this gap by suggesting, via a detailed description of the substance and format of the legal education seminar offered at McGill University's Faculty of Law, that offering such an opportunity to law students who aspire to be professors is both valuable and crucial. As we illustrate in this paper, it is not just possible but important to provide tomorrow's university educators with a solid basis in teaching and learning. A serious seminar devoted to education and pedagogy, including (or complemented by) constructive feedback on pedagogical experience, can prepare tomorrow's educators for the challenges they will face and the hopes they might realize. Such a course can equip professors to combine creativity in research and writing with innovation in teaching and responsiveness to the learning needs of university students. That is, the key elements of such

4. However, the status quo is changing. In 2017, the University of Chicago Law School (UCLS) updated its annual advice to aspiring law professors, noting that the "classical path" for joining the U.S. legal academy (exceptional academic results in law school, an editorial position on a law review and a clerkship for a U.S. court of appeals, and preferably, the Supreme Court of the United States) is gradually falling out of favor, as law schools reevaluate and reprioritize the skills necessary to succeed in legal academia (including an increasing emphasis on interdisciplinary research and writing), and because of the fierce competition and decreasing hiring rates that characterizes the legal academic job market. UCLS notes that by comparison, "Path B," the postgraduate degree path, is gaining in popularity across U.S. law schools, even though the favored postgraduate degree is more likely to be an LL.M. (rather than a Ph.D.) from a leading law school, preferably Yale, Harvard, Stanford, or Columbia. Brian Leiter, *Paths to Law Teaching* | University of Chicago Law School, UNIVERSITY OF CHICAGO: THE LAW SCHOOL: PATHS TO TEACHING (2017), <https://www.law.uchicago.edu/careerservices/pathstolawteaching>. Yale Law School also now offers a specialized Ph.D. in law program, which "enables students to enroll in specialized graduate seminars, and prepare dissertations (typically in the form of three related law review essays) under the guidance of a three-member faculty committee. PhD students participate in Yale Law School faculty workshops and seminars, and receive training and experience in teaching." The Yale Ph.D. model is the first of its kind in the United States legal academy. Yale Law Sch. Career Dev. Off., *Entering the Law Teaching Market*, at *7 (2018), https://lawyale.edu/sites/default/files/area/departments/cdo/document/cdo_law_teaching_public.pdf.

a course can and should be connected to the capacities, responsibilities and potential that we need to nurture in professors.

Two contemporary crises underscore the background against which we should pay attention to teaching tomorrow's teachers. The first is the very visible and ubiquitous crisis of the COVID-19 pandemic, with its unfolding impact on university teaching and learning. In the legal education context with which we are most familiar, the precipitous shift to the remote context in the spring of 2020 and the adaptations necessary for welcoming students to, and back to, the study of law for the 2020-2021 academic year, have provoked intense conversations and intensive workshops on effective pedagogy. For professors who have never delved into literature on the varied evolution of legal education in different jurisdictions or on the rich variety of teaching tools for diverse learners, it is particularly challenging to shift into remote delivery accompanied only by crash courses on how to use previously unknown virtual meeting platforms. This "learning curve" is even steeper when we take into account the anxieties and challenges that are associated with home teaching during the COVID crisis, as well as with home learning. The foundational knowledge offered by a forum designed along the lines of the legal education seminar described in this paper is revealed to be particularly important and helpful at a moment of crisis for campus-based universities.

The second is a less visible, ongoing crisis in university education that was explored by a wide group of participants in the 2019 Annual Conference of Law, Culture and Humanities. While many challenges in the humanities can readily be articulated, some new and some not so new,⁵ one of the principal issues explored in this roundtable—titled "Law, Literature and Humanities: Where to?"—was that of teaching academics to teach.⁶ To a question posed

5. These challenges include rigid matrices used to judge creative and expressive work, encroaching limits on academic freedom, the increase in adjunct employment and the relative decrease in hiring opportunities (to name a few). In a law school context, these challenges have been added to by a decline in the number of students applying for law school over the past ten years, which has led to some U.S. law schools downsizing enrollment and faculty hiring. Yale, *Entering*, *supra* note 4, at *4. For a historical perspective on the crisis in the humanities, see *CRISIS IN THE HUMANITIES* (John Harold Plumb ed., 1964). For some contemporary North American perspectives on the present "crisis," particularly in relation to graduate education, see Institute for the Public Life of Arts & Ideas, McGill University, *The Future of the PhD in the Humanities* (2013), https://www.acfas.ca/sites/default/files/fichiers/1536/white_paper_on_the_future_of_the_phd_in_the_humanities_dec_2013_1.pdf; Eliza Bateman, Catherine Nygren & Paul Yachnin, *Tracking Humanities PhD Outcomes: An Update on the TRaCE Project*, UNIVERSITY AFFAIRS (Mar. 14, 2017), <https://www.universityaffairs.ca/opinion/in-my-opinion/tracking-humanities-phd-outcomes-trace-project/>; Chad Wellmon, *Permanent Crisis: The Humanities in an Age of Disenchantment* (May 31, 2016), <https://chadwellmon.com/2016/05/31/permanent-crisis-the-humanities-in-an-age-of-disenchantment/>.
6. Eliza attended this conference and participated in this roundtable. Building effective models of legal education (including learning from legal practice) pedagogy and mentorship are concerns that Eliza explored while working for the McGill interdisciplinary Institute for the Public Life of Arts and Ideas (IPLAI) *Future Humanities Project* (2013-2016), which investigated different avenues of education, mentorship and employment for Humanities graduates in a changing world. Eliza Bateman, *From Social Justice to the PhD and*

by a graduate student about learning to teach by watching role models in the university, one senior professor responded bluntly, “We have failed you. The university has failed you.” This professor spoke about how experienced professors no longer have the time and energy to mentor junior colleagues, no time to monitor their progress or to teach them how to balance the different burdens that come with an academic career. In other words: If we as legal academics barely have the time to reflect on our own teaching and to dedicate to our own research, then we simply don’t have the time to help you find your way. One of the difficult lessons of the roundtable seemed to be that the traditional “learning on the job” model of academic education and mentoring might no longer be meeting the needs of young teachers.⁷

In a collection of “Essays on the Doctorate”⁸ in 2006, the Carnegie Foundation invited reflection on ways in which doctoral candidates are prepared to become “stewards of their disciplines.” Including an education-related component in the doctoral trajectory underscores the intertwining of valuable scholarship, innovative pedagogy, and community building within and across disciplines, departments and the university. Even for holders of doctorates who never go on to full-time academic positions within the university, there is value in a seminar specifically dedicated to education. The same is true, of course, for people whose path to the legal academy does not include a doctorate, whether in law or in another discipline.⁹ All of

Back Again, CONNECTED ACADEMICS (June 16, 2015), <https://connect.mla.hcommons.org/from-social-justice-to-phd-and-back-again/>.

7. For example, in a 2014 critique, Paul Yachnin and Leigh Yetter propose: “It is necessary . . . to develop a reinvigorated program of graduate study that will benefit graduates, universities, employers and society as a whole . . . [Students] should not wait until after graduation to begin speaking to members of the academy and to the world beyond the university.” Paul Yachnin & Leigh Yetter, *The Future of the Humanities PhD*, POLICY OPTIONS (Nov. 2, 2014), <https://policyoptions.irpp.org/magazines/policyflix/yachnin-yetter/>.
8. ENVISIONING THE FUTURE OF DOCTORAL EDUCATION: PREPARING STEWARDS OF THE DISCIPLINE—CARNEGIE ESSAYS ON THE DOCTORATE (Chris M. Golde & George E. Walker eds., 2006).
9. This is an important point to note in the U.S. law school context, where the top-ranked law schools consistently produce a disproportionately high number of law professors. For example, assessments of hiring data for the period 2012–2020 indicate that almost a third of U.S. legal academics graduated from Yale Law School and Harvard Law School, and forty-one percent of legal academics in the same nine-year period came from Yale, Harvard, or New York University. Further, in a given year, those three law schools account for as much as half of academic placement in the U.S. Sarah Lawsky, *Entry Level Hiring—JD School Total and Over Time*, PRAWFS BLAWG (May 27, 2020), <https://prawfsblawg.blogs.com/prawfsblawg/2020/05/entry-level-hiring-jd-school-total-and-over-time.html>; Mike Spivey, *What Law Schools Do Legal Academics Come From?*, SPIVEY CONSULTING (May 26, 2020). Despite this disproportionate concentration, there is merit in offering a legal education seminar in both law schools that tend to produce future law professors and law schools that (currently) do not. As we discuss further in this paper, the benefits of an education-focused seminar for law teachers extend to those students who will go on to teach in other academic contexts, to work in other teaching environments, and to practice as lawyers. The point should also be made that incorporating a legal education seminar in law schools beyond those that

these prospective teachers will require good communication, teaching, and evaluation skills; they will need to exercise individual initiative, listen to and collaborate with their colleagues; they will need to engage in constructive critique of themselves and of the work of others; and they will need to mentor and guide junior colleagues.¹⁰

A designated moment focused on teaching and learning, whether within or beyond the framework of a doctoral program, provides space for knowledge exchange and creativity, and thrives on the time and energy that participants have for learning what it means to “teach” and to reflect on that learning. Preparing would-be university educators for the challenges of teaching and mentoring puts them in a stronger, more confident position for confronting an unexpected crisis like the COVID-19 pandemic or a long-developing crisis like the one discussed by participants in a Law, Culture and Humanities conference. And educators who have reflected critically on what good teaching means, who understand where teaching sits for them in their academic priorities, and who have thought deeply about what they can offer future students can only strengthen their institutions in the long term.

This is not to say that the formal study of education and pedagogy is the exclusive or necessarily the best route to becoming a thoughtful and effective university teacher. Indeed, as past professor of the McGill seminar Roderick Macdonald reminded us, there are countless ways in which individuals learn and practice teaching; for him, teaching is “a vocation...a statement about truly what you believe and what you are committed to It’s a part of your life, in the classroom, in the hallway, at home and on the street corner . . . a way of being alive.”¹¹ But while the reminder to learn about teaching through everyday encounters is important, it does not detract from the lessons to be learned from a dedicated seminar devoted to education and teaching. Those lessons are relevant for legal education specifically and for graduate education more generally, both for teaching and learning in law schools and for teaching and learning across a wide range of disciplines, faculties and professional schools within the university.

historically have produced future legal academics might bring some eventual change to hiring trends.

10. Further, law students who will go on to practice as lawyers (rather than become law teachers) will discover that these communication, management, and teaching skill sets are of value to them as well. Opportunities to reflect critically on how we interact with our peers, how we communicate information, and how we should mentor junior colleagues are relatively scarce in the North American law school environment, and the legal education seminar could be an excellent vehicle for developing these skills. While the primary focus of this paper is the value of this seminar to future law teachers, many of its critical elements also apply to teaching lawyers how to be better lawyers, better leaders, and better communicators. For this reason, we consider there is a benefit to opening the seminar to later-year law students and specifically engaging with this cohort.

11. *Interview Between Paul Kennedy and Rod Macdonald*, in *THE UNBOUNDED LEVEL OF THE MIND: ROD MACDONALD’S LEGAL IMAGINATION* 314, 334 (Richard Janda, et al. eds., 2015).

Written by an Australian lawyer and researcher¹² who completed her doctoral program in law at McGill University in 2019 and a senior Canadian law professor¹³ who did her own doctoral work at Columbia University in the early 1990s, this paper offers reflections grounded in teaching and participating in McGill's legal education seminar. Students in this seminar discuss the history, contours and future directions of education in law, the place of the law faculty in the university, the connections between studying law and preparing for work and life as a holder of a law degree, and the roles and responsibilities of teachers, scholars, and deans. More generally, they develop and articulate personal teaching philosophies, unpack the characteristics of "good" teachers, critique classifications of knowledge, practice effective and inclusive pedagogical techniques, explore the potential of transdisciplinarity, and grapple with issues of regulation and governance.

Although the concrete focus on a doctoral seminar in legal education may seem limited in scope, the lessons learned have potential for wide impact. While designed primarily for doctoral students in law, the seminar welcomes a handful of master's-level and J.D.-level law students interested in connecting their study of law to an in-depth exploration of legal education. While characterized by structure, objectives, and pedagogical framework connected to law, the seminar's content and format are relevant and transferable to other disciplines, most obviously in the social sciences and humanities. Finally, while firmly situated within a university-based context, the seminar is susceptible to modification beyond that context, in particular for participants who are already junior members of the legal academy. For all of these reasons, the discussion of this one course should resonate with any and all educators or would-be educators invested in ensuring the quality of university teaching and learning within or beyond law.

II. A Legal Education Seminar: If You Build It, They Will Come

The different possibilities that exist in terms of when and where to situate a course in legal education are reflected in the genealogy of what is currently offered as a graduate seminar at McGill University's Faculty of Law. The McGill version, taught by one of us and taken by the other, inherits elements both from the legal education seminar taught for decades as a mandatory element of the doctoral program at Columbia University's School of Law and

12. Upon graduating with her doctoral degree from McGill in 2019, Eliza Bateman began working as senior research analyst for a refugee think tank within the University of Ottawa (the Refugee Hub), where she leads a team of researchers and analysts and manages advocacy and research projects in the field of refugee protection. Before coming to McGill in 2013 for grad school, Eliza worked as a specialist human rights lawyer, a senior legal advisor for a human rights commission, and a public and administration lawyer for the Australian government.
13. Shauna Van Praagh completed her doctorate in law in 2000 from Columbia University, where she participated in the legal education seminar in the fall of 1990; since 1993 she has been a member of McGill's Faculty of Law, where she served as associate dean of graduate studies in law (2007-2010); she has taught the legal education seminar since 2014.

from the legal education seminar previously taught at the J.D. level at McGill. For those familiar with legal education in Canada and the United States, it may seem counterintuitive that the idea for a doctoral version of the course comes from an American law school; after all, Canadian law faculties have made doctoral studies a prerequisite for teaching law at a much more striking rate than their American counterparts.¹⁴

Why make such a course a core component of a doctoral program of study? The obvious answer that justified Columbia's visionary decision to introduce this course more than four decades ago is that doctoral students in law, both American and international, clearly intend to become law professors. A seminar devoted to legal education was understood to be a requirement for that career goal. In addition, newly arrived professors at Columbia were, in effect, also required to take the seminar in the guise of co-teaching: The seminar was taught by one senior professor along with a different junior professor each year.¹⁵ As an alternative position, why offer a course in legal education to students doing their first law degree? At McGill, this approach was adopted and sustained for many years¹⁶ to invite law students, usually in their last year, to reflect on the connections between their study of law and the characteristics and shape of legal education; the seminar was also an opportunity to encourage participants to consider taking on graduate studies on their way to a career in the academy.

The current version of McGill's legal education seminar—the template for the description and discussion that follows—is a hybrid of these two approaches. Although the course is open to graduating students at the J.D. level, it is firmly

14. As we note above, traditionally U.S. law schools have emphasized attendance at a selective law school, a high GPA, service on a law review, and perhaps a postgraduate judicial clerkship as the bases for a strong tenure-track application. The Association of American Law Schools also recommends that, as “most significant qualification for a tenure-track position is demonstrating your scholarly ability,” applicants should also have one well-crafted, polished publication before entering the academic market. *Tenure-Track Faculty, BECOMING A LAW TEACHER*, <https://teach.aals.org/tenure-track/> (last visited July 27, 2020). By comparison, Canadian universities have evolved their position (over the past fifteen years) to require all applicants for tenure track positions to hold at least an LL.M. or S.J.D., but preferably a Ph.D. in law. Some law faculty postings might accept a Ph.D. in a complementary discipline, but most of these will request that applicants hold a Ph.D. in associated discipline, accompanied by a postgraduate degree in law. On this trend in the Canadian legal academy, Craig Forcese notes that “[i]n terms of education, 49.9 percent of Canadian common law professors have doctorates. Another 42.7 percent have LL.M.s as their highest degree, while 5.5 percent have J.D.s, LL.B.s, or B.C.L.s as their highest degree. The remaining 1.9 percent had other master's degrees (for example, MA, MBA, M.Litt, M.S.L.) as their highest degrees.” Craig Forcese, *The Law Professor as Public Citizen: Measuring Public Engagement in Canadian Common Law Schools*, 36 WINDSOR REV. LEG. SOC. ISSUES 66, 76 (2015).
15. Peter Strauss, Director of Graduate Studies and longtime professor of the legal education seminar at Columbia's School of Law, was introduced to the course in the role of junior colleague, mentored by Walter Gelhorn, in the early 1970s; later, he became the senior professor and, in the fall 1990 version in which co-author Shauna Van Praagh was a student, taught the seminar with James Liebman.
16. By Rod Macdonald, past dean of law and longtime teacher of the course.

anchored (although not mandatory) in a doctoral program in law and is taken by most doctoral students in their first year at the same time they embark on preliminary exploration of their thesis-related research. By situating the course in a stage of transition to a new “teacher and researcher” identity, participants gain a valuable opportunity to share anxieties about their work and their future, to pool their intellectual resources to solve problems, and to develop connections and friendships with future colleagues.¹⁷ The seminar also gives international candidates who are unfamiliar with the Canadian academic landscape an opportunity to understand and adapt to the “customs and ceremony” of the Canadian law faculty, and to feel more confident applying to future teaching mentorship and fellowship opportunities.¹⁸

Course-based conversations contribute to a larger ongoing discussion among participants about academic job prospects. How will their teaching record contribute to their tenure file? How should they approach questions about supervision and mentorship in job talks? How can the time spent teaching and mentoring students be accounted for in a performance review? At a more personal level, students agonize over how to be a “good” teacher (to whom? and what does “good” mean?), how to communicate with students (who might not be much younger or less experienced than they), and how to design a compelling and interesting course. One of the major points of anxiety for would-be academics is that, while substantial emphasis is put on the quality and efficiency of their publication output, there is less formal attention directed to developing their skills as teachers and mentors.

Opportunities to learn from colleagues about their different experiences (both within and without the academy) and to talk openly with a highly experienced professor about challenges facing members of the academy can turn up innovative solutions to intractable problems facing the legal profession, the law faculty, and the university. Students discuss a wide range of topics including the most appropriate format for teaching legal ethics, diversification of reading lists, and approaches to confronting various privileges and oppressions encountered in the law school. These conversations about the purpose and structure of teaching and learning often inform topics for the substantial paper on the future of legal education that students submit at the end of the course.¹⁹

17. For co-author Eliza Bateman, the doctoral program, in the first year of which she took legal education, was a genuine period of transition and a redefinition of her identity. It challenged her to shift between professional and academic worlds and to rethink her contributions to law, human rights, and social justice.

18. Teaching mentorships (in which a student shadows and assists a professor in teaching a course) and teaching fellowships (in which a student takes a more active role in the preparation, teaching, and assessment of a course) are programs offered to later-year doctoral candidates at the McGill Faculty of Law. McGill Univ., *Mentorship, Teaching, and Supervisory Programs*, FACULTY OF LAW, GRADUATE PROGRAMS, <https://www.mcgill.ca/law/grad-studies/doctoral-program/mentorship-teaching-and-supervisory-programs> (last visited May 9, 2020).

19. A selection of essays written for the seminar are published on the McGill seminar website

In Part B below, we elaborate on the substance (what) and format (how) of this legal education seminar. The connections between substance and format are constantly underlined in the architecture and experiential quality of the course. Our description and critical discussion are grounded in the seminar's assigned reading materials and other sources, in forms of feedback and student evaluations used to structure the seminar, and in reflections by past participants on the impact of the course on their current work as law professors. While based on experience with this one model, what follows should be accessible and relevant to general readers across the legal academy and beyond who, in facing the challenge of preparing tomorrow's teachers, might consider implementation of modified versions in their own contexts.

A. Education for Law Teachers—Substance (What?)

What content belongs in a legal education seminar? While reading materials, key authors and examples, and substantive discussions will necessarily vary across geographic locations and across law schools, it is possible to identify key knowledge objectives and topics of inquiry and exploration. Set out here, these are meant to provide the substantive skeleton for the seminar, a framework that can then be filled in by its professor.

We articulate the principal knowledge objectives for seminar participants as follows: a) *know your community*; b) *know yourself*; and c) *know your context*. Corresponding content is focused around the following three broad subjects: a) history and future of education; b) teaching philosophy; and c) regulation and governance. In the following sketches of these subject areas as tied to knowledge objectives, we indicate some of the substantive issues and questions to be addressed and explore how the study of those issues leads to understanding crucial to the work of a law teacher.

One of the strengths of dividing content for the seminar into these three categories is that the knowledge goals remain flexible and responsive to developments in academic critique, technology, and popular culture about university teaching. For students, this means that the seminar has legitimacy and currency, not only in terms of content (which will of course change over time) but, more importantly, in terms of identifying their location as prospective professors within their faculty, their discipline and the academy. These are important loci (and nesting relationships) for graduate-level participants to understand and interrogate, particularly as requirements for postsecondary teaching excellence continue to shift in response to changing culture norms, technological advancements, and the increasing reality of contract/adjunct models of university employment.²⁰ Knowing who you are as a teacher, a

as working papers (to support the publication records of participants). McGill Univ., *Legal Education Seminar Working Papers*, FACULTY OF LAW, <https://www.mcgill.ca/law/research/student-research/legal-education-seminar-working-papers> (last visited May 9, 2020).

20. On contract/adjunct employment as a trend, see: INDHU RAJAGOPAL, HIDDEN ACADEMICS: CONTRACT FACULTY IN CANADIAN UNIVERSITIES (2002). On the expectations of junior faculty members about employment, teaching, and researching expectations, see: Glen Jones et al.,

person, and a member of your academic community might well take a teacher far beyond the limits of any particular teaching job.

1. Know Your Community: History and Future of Education

The practice of education entails awareness of one's place alongside others who have taught and learned in the same field of study and practice. The "know your community" imperative conveys to students the need to immerse themselves as participants in their academic community, both narrowly understood within a discipline and broadly understood within a law faculty or even the university itself. Studying the history of education in law, for example, means paying attention to the forms and transformations of legal education over time and space. What has been said about learning to "think like a lawyer," and what are the implications for teaching students who will practice as lawyers? In any discipline, there have been shifts in the content of so-called foundational courses and ongoing discussion of the scope, preoccupations, classifications, and methods associated with study and learning. Integrated into that discussion have been the challenges of identity-related experience, insight and critique. In the same way that law students must familiarize themselves with a broad spectrum of materials relevant to developing expertise, students in the seminar are invited to familiarize themselves with materials focused on the teaching of social sciences and humanities, and on critiques of pedagogical approaches and theories of education. The seminar should offer them solid grounding in past representations of, and approaches taken to, education in their field, but also challenge them to think about education more broadly.²¹

For participants taking the seminar, this reflection and critique of traditional "thinking like a lawyer" approaches to law pedagogy, and consideration of more interdisciplinary approaches to the teaching of law, is an empowering exercise. Limits that might have been placed on seminar participants (in terms of learning methods and issues to explore) when they were law students themselves can be questioned and contextualized, and stories of success and challenge in terms of teaching approaches in different jurisdictions and across different disciplines can be shared. In a doctoral cohort in particular, there will often be a number of international students who have worked and studied in other disciplines, which deepens this conversation about developments in legal education. For example, in the version of McGill's legal education seminar offered in 2015, students from Italy, India, Greece, Sri Lanka, the United Kingdom, and Australia—in addition to Canadian students from different provinces—made up the doctoral cohort of the seminar. Given that diversity,

Academic Work in Canada: The Perceptions of Early-Career Academics, 66 HIGH. EDUC. Q. 189 (2012).

21. For example: THOMAS S. POPKEWITZ & MARIE T. BRENNAN, *FOUCAULT'S CHALLENGE: DISCOURSE, KNOWLEDGE, AND POWER IN EDUCATION* (1997); Nigel Blake, *Foundations Demolished, Sovereigns Deposed: The New Politics of Knowledge*, in *THINKING AGAIN: EDUCATION AFTER POSTMODERNISM* 21–33, 21–33 (1998); Martha C. Nussbaum, *Cultivating Humanity in Legal Education*, 70 U. CHIC. L. REV. 265, 265–79 (2003); Francis A. Allen, *Humanistic Legal Education: The Quiet Crisis*, in *ESSAYS ON LEGAL EDUCATION: CENTRE FOR STUDIES IN CANADIAN LEGAL EDUCATION* 9 (1982).

early readings that focused on the personal voice and narratives opened a valuable conversation about knowledge, identity, and power discourse in the law classroom, and how power might be differently distributed and felt depending on culture, ethnicity, gender, and social experience.²²

This grounding in development of education in a specific field also serves the purpose of preparing seminar participants—as the next generation of scholars and teachers—for the challenges that lie ahead. In very general terms, they will be confronted with technology on one hand and transversality on the other. Transversal ideas and themes will continue to blur the lines between fields of learning, and technology will continue to shape the ways in which we come together, access ideas, and disseminate knowledge. In the age of COVID and the necessary turn to remote education, thoughtful reflections on the value and limitations of technology as a mode of communication and conduit for education are vital. Thus, the content of the seminar includes engagement with materials that illustrate models of transdisciplinary teaching and the integration of sources and methods.²³ And it includes contemporary descriptions and critiques of technology in the classroom, of massive open online learning, and of the potential and limits of collaborative online research and knowledge creation.²⁴ Students learn about and practice using a range of models and tools available for introducing, testing and consolidating complex knowledge. The emphasis on transversality and technology invites seminar participants to imagine new possibilities for teaching and learning—across disciplines and through time and space. They finish the course prepared to join their academic community with in-depth expertise and new capacities for innovation and problem solving.

22. These readings include: James R. Elkins, *Rites de Passage: Law Students "Telling Their Lives,"* 35 J. LEG. EDUC. 27 (1985); Shauna Van Praagh, *Stories in Law School: An Essay on Language, Participation, and the Power of Legal Education*, 2 COLUMBIA J. GEND. LAW 111 (1992); Rob Moore & Johan Muller, *The Discourse of "Voice" and the Problem of Knowledge and Identity in the Sociology of Education*, 20 BR. J. SOCIOL. EDUC. 189 (1999), <https://doi.org/10.1080/01425699995407>.
23. Desmond Manderson, *Some Considerations about Transdisciplinarity: A New Metaphysics?*, in TRANSDISCIPLINARITY: RECREATING INTEGRATED KNOWLEDGE 69 (2002); Desmond Manderson, *In the Tout Court of Shakespeare: Interdisciplinary Pedagogy in Law*, 54 J. LEG. EDUC. 283 (2004); Peter L. Strauss, *Transsystemia—Are We Approaching a New Langdellian Moment? Is McGill Leading the Way?*, 56 J. LEG. EDUC. 161 (2006); Rosalie Jukier, *Where Law and Pedagogy Meet in the Transsystemic Contracts Classroom*, 50 MCGILL LAW J. 789–808 (2005); PAUL MAHARG, *TRANSFORMING LEGAL EDUCATION : LEARNING AND TEACHING THE LAW IN THE EARLY TWENTY-FIRST CENTURY* (2007); John Borrows, *Heroes, Tricksters, Monsters, and Caretakers: Indigenous Law and Legal Education*, 61 MCGILL LAW J. 795 (2016).
24. For example: DAVID I.C. THOMSON, *LAW SCHOOL 2.0: LEGAL EDUCATION FOR A DIGITAL AGE* (2009); Jon Billsberry, *MOOCs: Fad or Revolution?*, 37 J. MANAG. EDUC. 739 (2013), <https://doi.org/10.1177/1052562913509226>; Pamela Sherer & Timothy Shea, *Designing Courses Outside the Classroom: New Opportunities with the Electronic Delivery Toolkit*, 50 COLL. TEACH. 15 (2002); Beth Simone Noveck, *Wikipedia and the Future of Legal Education* *Legal Education*, 57 J. LEG. EDUC. 3 (2007); Derek Bok, *We Must Prepare Ph.D. Students for the Complicated Art of Teaching* 60 (11) CHRON. HIGH. EDUC. (Nov. 11, 2013).

Participants also finish the course understanding the limits of technology for teaching and the risks of atomizing the education experience by separating the physical work of teaching from education. The benefits of technology to pedagogy can be great, but technology can also be limiting and overwhelming in the classroom. Likewise, the potential of transversality can be overpowering. Transversality runs the risk of being “an inch deep and a mile long,” but it also has the value of introducing vital new perspectives and methodological approaches to traditional subjects and problems. In the seminar, students begin to learn how to strike the necessary balance in teaching between depth (on a subject) and flexibility and openness in method. This is a challenge that will follow students out into the world, whether or not they work in academia. Consider the current challenges of international policy work, with the necessity of being remotely connected with researchers on the other side of the world, combined with the importance of knowing how to bridge differences, encourage cultural exchange, and translate ideas into solutions.

2. Know Yourself: Teaching Philosophy

Participants in an education seminar may arrive with some instinct about their personal approach to teaching, based on past experience. They might consider teaching to be a “top down” act of imparting knowledge from an expert to a passive audience. International graduate students in particular will have experienced markedly different teaching styles and might have strong views about the “right and wrong” ways to teach. However, aspiring teachers rarely come with any substantial background related to the concept, philosophy, methods and epistemic aims of education. This is material not specific to any field or faculty. Rather, selected readings for the students are situated along a spectrum from reflections on teaching in Greek thought to descriptions of effective teaching in primary schools.²⁵ Based on the materials, seminar participants analyze the characteristics of individuals known in history and pop culture as great teachers—from Socrates to Confucius, from Professor McGonagall in the *Harry Potter* books to Professor Keating, played by Robin Williams in *The Dead Poets Society*. Class discussion should provoke students to critique the classroom as social institution, to focus on the elements of meaningful teacher-student relations, to discard the idea of teaching as indoctrination and learning as passive absorption. Students shift from thinking about the “what” of education in their field to the “how” and

25. For example: Thomas C. Brickhouse & Nicholas D. Smith, *Socratic Teaching and Socratic Method*, in *THE OXFORD HANDBOOK OF PHILOSOPHY OF EDUCATION* 177 (Harvey Siegel ed., 2009); PLATO, *MENO AND OTHER DIALOGUES: CHARMIDES, LACHES, LYSIS, MENO* 114–28 (Robin Waterfield tran., 2005); Editorial: A Teaching Philosophy or Philosophy of Teaching?, 41 *EDUC. PHIL. THEORY* 111 (2009); Hunter McEwan, *Narrative Reflection in the Philosophy of Teaching: Genealogies and Portraits*, 45 *J. PHIL. EDUC.* 125 (2011); Immanuel Kant, *Lectures on Pedagogy*, in *CLASSIC AND CONTEMPORARY READINGS IN THE PHILOSOPHY OF EDUCATION* 153; Paulo Freire, *Pedagogy of the Oppressed*, in *CLASSIC AND CONTEMPORARY READINGS IN THE PHILOSOPHY OF EDUCATION* 379–379 (2012); RONALD WOODS & ROBIN BARROW, AN INTRODUCTION TO PHILOSOPHY OF EDUCATION 26–37 (2006); Nigel Blake, *Giving Someone a Lesson*, in *THINKING AGAIN: EDUCATION AFTER POSTMODERNISM* 81 (1998).

“why” and “who” of education more generally. They are invited to dissect the ways in which transmission of knowledge is tied to transformation of the student.

This may be the most difficult reading material for students not versed in education theory and philosophy. But it is material that will reinforce the idea that it is intellectually hard work to be a good teacher. And it encourages each seminar participant to articulate an individual teaching philosophy, something to hold onto, revisit and modify over time. Elements of such a philosophy might include the following: “As a teacher, I aim to learn from my students, to use my own imagination, to take on responsibility as a teacher, leader and role model”; “I encourage my students to be creative in their thinking, to find their own voices, to develop their own capacities and to reflect on their own responsibilities in learning and communication”; “My students should feel challenged and should develop confidence through a highly demanding exchange of ideas.” Professors are required to submit teaching portfolios for evaluation through their careers; seminar participants will be well prepared for this requirement after working through their own beliefs, styles, and aims based on their critical appreciation of relevant literature on what it means to “teach.”

These readings (and the work of actively learning from them) can be personally challenging for participants, but they reward engagement. While seminar students often come with well-honed skills in adversarial strategic negotiation and courtroom presentation techniques, they discover in the educational philosophy readings another vital literature to become conversant with *as teachers*, and the opportunity to develop a constructive and cooperative educational philosophy that values reflection and creativity.

One past participant in the legal education seminar reported she discovered her own educational philosophy only when she took on the challenges of her first university teaching role. She began to feel more sure of her relationship to teaching and began to have confidence in her “educational philosophy” when she took on her first teaching mentorship as a later-year doctoral student, and this sense of identity—and her teaching goals—finally coalesced as she stepped into her first teaching role as an assistant professor in a Canadian law faculty.

3. Know Your Context: Regulation and Governance

The third substantive pillar of the legal education seminar is the regulation and governance of university education. This may seem like something that law professors simply absorb through the experience of joining the academy and then, as needed, navigating the tasks associated with any assigned administrative responsibility. But awareness of university structures and management, and of the governmental and market context in which universities exist and function, provides students with important knowledge related to the career path that most of them are keen to follow.²⁶ Here, in

26. On law school governance within the broader university context, see BRIAN Z. TAMANAHA, *FAILING LAW SCHOOLS* (2012); Glen A. Jones, Theresa Shanahan & Paul Goyan, University

particular, there is ample room for comparative study and for drawing on the experience of seminar participants who have studied in different countries and thus are familiar with a range of governance models. Within professional faculties like law, there is further room to explore the connections between university governance and professional expectations and regulation.²⁷

What provisions are made for institutional autonomy? Who are the partners or stakeholders in the sustainability of postsecondary education? What potential impact do political changes and shifts in public interest have on the support for, and accountability of, universities? Within the university, what control do faculties or departments have over curricular renewal, hiring, and admissions? Participants become familiar with the context-specific regulatory framework within which universities operate and, at the same time, are introduced to critical commentary on governance, management, collective organizing, and recognition within the academy of the many aspects of professorial work.²⁸ They are introduced to the kinds of issues that preoccupy university leaders at every level. They are thus prepared, even if in a preliminary and largely theoretical way, for the community membership and service that will form part of their career as professors and will demand their attention and energy.

Seminar participants are given opportunities to debate real governance and accountability issues that challenge professors, departments, and the university. For example, in small group work or in large class discussion format, students might investigate and critique the trend toward contract hiring for university teachers in Canadian universities. In the 2015 seminar, this topic formed the basis of a broader discussion about the values and drawbacks of the tenure system from the perspectives of students, professors, and university administrators. Another example of a challenging contemporary issue that has been an important focus of discussion is that of the differing institutional responses to the Calls to Action of the Truth and Reconciliation Commission,²⁹ notably the call for effective integration of Indigenous knowledge and teaching methods into postsecondary classrooms across Canada.³⁰ Through

Governance in Canadian Higher Education, 7 TERTIARY EDUC. MANAG. 135 (2001); MARGARET THORNTON, PRIVATISING THE PUBLIC UNIVERSITY: THE CASE OF LAW 110 (2011).

27. Karen Barton, John Garvey & Paul Maharg, 'You Are Here': *Learning Law, Practice and Professionalism in the Academy*, in THE ARTS AND THE LEGAL ACADEMY: BEYOND TEXT IN LEGAL EDUCATION 189 (Maksymilian Del Mar, et al., eds. 2013); Claude Thomasset & René Laperrière, *Faculties under Influence: The Infeudation of Law Schools to the Legal Professions*, in THE LAW SCHOOL—GLOBAL ISSUES, LOCAL QUESTIONS 190 (Fiona Cowrie ed., 1999).
28. For example: MAGGIE BERG & BARBARA K. SEEGER, *The Slow Professor: Challenging the Culture of Speed in the Academy* (2016); Roderick A. Macdonald, *Academic Questions*, 3 LEG. EDUC. REV. 61 (1992); Susan B. Boyd, *Corporatism and Legal Education in Canada*, 14 SOC. LEG. STUD. 287 (2005); Jones, Shanahan & Goyan, *supra* note 26; David Sandomierski, *Tension and Reconciliation in Canadian Contract Law Casebooks*, 54 OSGOODE HALL L. J. 1181 (2017).
29. TRUTH AND RECONCILIATION COMMISSION OF CANADA: CALLS TO ACTION (2015), http://trc.ca/assets/pdf/Calls_to_Action_English2.pdf.
30. *Id.* Article 62(ii).

these issues, seminar participants have an opportunity not only to explore the structures of university administration and governance, but also to realize—and suggest solutions to—persistent problems within these structures.

B. Education for Law Students—Format (How?)

The preceding section sketched core components of the *substance* of a seminar on legal education. The *pedagogical format* of the seminar is just as crucial to its success. That is, the course design matters as much as, or even more than, its content. As with the discussion on substance, the description below serves as a model—as a suggested framework subject to modification by the teachers who take this on.

The principal pedagogical imperatives that shape the format of the seminar might be articulated as follows: a) *learn from experts*; b) *learn from peers*; and c) *learn from oneself*. To incorporate all three directions for learning, the seminar's pedagogy is built on three foundational components: a) observation; b) practice; and c) reflection. Evaluated work in the seminar accordingly includes more than a final essay of publishable quality, something typical for a course at this level. Here, for each of the three components and its associated imperatives, we briefly set out the vehicle that might be used to reach the seminar's objectives.

First, though, we say a few words about the physical classroom that has housed the legal education seminar at McGill. The seminar is held in a room in the Faculty of Education Building, designed to allow students to experiment with different modes of presenting visual information and facilitating small group work and large group teaching. With a flexible, noncentered setup (so no podium, central screen or “front”) the room allows for the following:

1. The presenter (student or instructor) can show two sources simultaneously;
2. The furniture facilitates interaction and collaboration among students (rolling chairs at round tables);
3. Students have access to two computers per table (plus individual laptops);
4. Students have writing space on walls for collaboration;
5. Students can share their screens at their table; and
6. Students can share screens with the entire class on the main projectors.

The combination of the tech-friendly classroom with readings that reflect on issues of transversality and technology in teaching allows participants to test the value and limits of integrating technological models and tools into the law classroom. For example, students have designed online surveys and questions that class members contributed to before and during the class. In one session, the class was divided into small groups with one central screen capturing small group discussion outcomes, which were then collated and presented to the larger group. In another session, students used online tools for flowcharts

and graphs to link complex knowledge outcomes from set readings, and to demonstrate the practice of knowledge exchange.

For participants, one of the most rewarding activities that complements this consideration of modern and adaptive teaching methods is learning to effectively use the physical seminar space. During in-class reflection, students commented that there were some surprising outcomes from using these tools and the classroom. Some students noted that there was a significant time commitment required to set up and monitor online teaching tools, which, in some cases, was far more than they expected, and disrupted their lesson plan. Some students noted that the shared-screen approach for capturing the results of small group discussion made this exercise more equitable, as there was always more than one student voice reporting outcomes.

Many students commented on the value of the education classroom in terms of disrupting the traditional hierarchy of professor-student relations (in terms of both the physical and pedagogical learning space), because the professor (either the formal professor or the student teacher) must choose where to present from in the room at each session and how to interact with the rest of the group. In later student-led sessions, the professor joins a small group and becomes “one of the students,” taking part in all student exercises. This encourages student-teacher interdependence and further disrupts the traditional unidirectional format.

1. Observation: Learning From Experts

Participants are asked to submit an observation and critique memo based on their attendance at two class sessions of law courses given by two different full-time professors. Concise and focused, the 1200-word memo requires attention to the pedagogical objectives, techniques, and learning effectiveness in the selected classrooms. Each seminar participant takes on the responsibility of asking permission of two professors to attend a session of their courses. The seminar professor writes to teaching colleagues in advance to let them know that they may be contacted and asking them to be as cooperative and generous as possible. Ideally, the professors contacted do not have previous teaching relationships with the visiting students; instead this is a chance for the seminar participants to make new connections.

What makes this exercise a valuable pedagogical piece of the course? Scheduled to begin after the midway point of the course, it invites students to use their acquired knowledge of education as a vantage point from which to watch and assess with care and curiosity. Observations thus go beyond a description of classroom dynamics to an informed analysis of the methods used by the observed professor and the interactions between the professor and their students. The memo is initially submitted to the seminar professor for evaluation and feedback, but then sent in its final, revised form to the two observed professors. Seminar participants learn by watching experienced professors in action and, at the same time, they learn how to be constructive in their critique and convincing in their writing. Finally, the observation memos

are made available to everyone in the seminar before the final session of the course, thereby forming the basis of a conversation in which comparisons can be drawn and lessons shared.

For participants, this is a valuable opportunity to make contacts with faculty members and to develop essential observational and analysis skills about pedagogy that they can later build on in any teaching experience. It constitutes an opportunity to see “behind the curtain” of university teaching. One student commented that the activity enabled them “to think critically about why professors make certain choices in how and what they teach, why they manage their time a particular way, and to see firsthand the challenges of managing a large classroom full of smart people.” The requirement to observe the teaching of two different professors (in two different subjects) gives students not just the opportunity for comparative analysis of teaching styles and methods, but also the realization that there is no one “right way” to teach. Further, having the observation memos up on the class website enables students to read different memos provided by their colleagues, and to discover more about diverse teaching methods within the faculty.

Writing the observation memo can be the most challenging aspect of seminar assessment. Having to approach (often senior) members of faculty from the position of a very junior peer rather than as a student, and seeking permission to critically analyze their teaching approach, can be daunting. This is compounded by the requirement to write a thoughtful yet critical piece that highlights the value and/or drawbacks of certain pedagogical choices made by an experienced professor. Students also have to be mindful that their final memo will be distributed to the professor they observed and other seminar participants. The tone of the final product must therefore be both critical and analytical, but also respectful and courteous. Past students reported that the observation memo was one of the most helpful assessment pieces of the seminar, in terms of preparation for the practical demands of teaching and in terms of helping students to transition from the role of student to that of a “junior colleague” in the university.

2. Practice: Learning from Peers

The importance of practicing teaching skills is anchored by the opportunity to lead a substantive session of the seminar. To maximize the peer learning aspect, each participant should work with at least one classmate, and the groups of two or three (at the most) should be formed by the professor in an effort to maximize the peer learning aspect and complementarity of personalities and communication styles. The teaching team may be made up of participants from different countries, which allows for the creation of unusual matches and particularly enriching interaction. Preparing to lead a session should be a highly demanding exercise, and requirements are clearly communicated: Student teams must create a “reading guide memo” and a “teaching format memo,” both made available to other seminar participants in advance of the session. To provide guidance, the professor prepares and

circulates such memos for her own initial classes of the course before the start of student-led sessions.

A “reading guide memo” includes an orientation and overview of the materials for the week, a short paragraph articulating the substantive focus of those materials, a statement of the hypothesis to be worked through in the session, and a thematic guide to the materials meant to provide participants with a map to the assigned readings. A “teaching format memo” sets out the pedagogical objectives of the session, the classroom plan and techniques to be implemented, and a paragraph in which the leaders identify what they see as the connections to be made between pedagogy and substance. To create the teaching format for the session, seminar participants receive a list of general references on innovative and effective pedagogy such that they are equipped to select and utilize techniques they wish to experiment with.³¹ By engaging in detailed and intensive lesson plans, and sharing those plans with peers, participants learn how to delve into content as experts while at the same time extracting the significant issues and guiding students through the substantive issues and challenges. Further, they practice the skill of integrating the “what” with the “how” of structuring the learning of students such that they emerge with impressive knowledge and understanding. Each teaching team receives extensive written feedback before the following session of the course—with constructive suggestions directed to the team as well as to each individual, and with questions for them to discuss and reflect on together.

A concrete example of co-teaching illustrates the required degree of preparation and attention to detail and the range of relevant considerations that go to planning and leading a session and crafting the learning outcomes for all participants. The example given here is of teaching the penultimate class of the course, focused on the particular contours, possibilities, and challenges associated with graduate legal education. In 2015, the teaching team assigned to the session consisted of two international doctoral students: one from Italy and one from Australia.³²

The reality of the substantive teaching component is that it is more demanding and involved than it first appears to be, which means that student experiences largely meet the professorial expectations of the exercise. This student partnership had watched and learned from six other student groups over weeks 5 to 10 of the semester. The results of this were greater knowledge and forewarning of possible missteps or flawed approaches to leading the class, but also a daunting sense of high expectations: The quality of peer teaching sessions tends to be high throughout the semester (as students are motivated to prepare thoroughly for their teaching sessions and to support their peers) and consistently improves over each week, as groups progressively seek and offer critical feedback on co-teaching sessions. Given that the topic for this teaching session was “the production of legal knowledge—graduate legal education,”

31. For example, BARBARA GROSS DAVIS, *TOOLS FOR TEACHING* (2009); Heather Garretson et al., *The Value of Variety in Teaching: A Professor's Guide*, 64 J. LEG. EDUC. 65 (2014).

32. The Australian student in this example is Eliza Bateman, co-author of this piece.

the reading list was a combination of commentary on the creation and review of legal scholarship³³ and commentary on graduate legal education.³⁴

The teaching team came from different educational contexts and professional backgrounds: One trained in a civil law jurisdiction and the other trained in a common law jurisdiction. They wrote and researched in different areas of legal scholarship and had different professional experiences as lawyers before starting the doctoral program. Yet, despite these differences, they quickly identified similar goals and risks for the teaching session. As graduate students, they wanted to lead a class framed around a discussion format (a room of colleagues analyzing a paper) rather than a lecture or seminar. Despite the advantages and opportunities offered by the usual classroom with its tech-friendly setup, they both felt it was important for the session to be “low tech” to meet the pedagogical goals of open group discussion, analysis, and a free conversation about ideas. The seminar leaders obtained permission to move the seminar to another room, one with a large round table, where the class could meet, bring a coffee, and discuss the readings and learnings as peers. The professor advised them that the risk of this approach was that the conversation might become undisciplined and difficult to direct. The seminar leaders therefore had to develop strategies for guiding the conversation, encouraging people to contribute and to think carefully whether there were other ways to facilitate knowledge creation and exchange for this session, apart from just having a free-flowing conversation.

Team members reflected on this advice for several days before the session and decided that they would encourage thinking and engagement on the topic of the production of legal knowledge by: (a) asking class members each to bring in an outline for a paper they were working on, or had recently published; and (b) asking each class member to write down one critical response to one of the readings, and to send that response to the seminar leaders just before the class via e-mail. The goal of this second request was to give quieter members of the group—who might not feel comfortable speaking up in an open discussion—the opportunity to meaningfully contribute. There was one addition to the

33. These readings were: Adam Liptak, *The Lackluster Reviews That Lawyers Love to Hate*, N.Y. TIMES (Oct. 21, 2013), <https://www.nytimes.com/2013/10/22/us/law-scholarships-lackluster-reviews.html>; PAUL W. KAHN, *THE CULTURAL STUDY OF LAW: RECONSTRUCTING LEGAL SCHOLARSHIP* (1999); Michelle Falkoff, *Using Fiction Workshop Techniques in First-Year Legal Writing Classes*, 62 J. LEG. EDUC. 323 (2012).
34. Chris M. Golde, *Preparing Stewards of the Discipline*, in ENVISIONING THE FUTURE OF DOCTORAL EDUCATION: PREPARING STEWARDS OF THE DISCIPLINE, CARNEGIE ESSAYS ON THE DOCTORATE 3-5, 9-14 (Chris M. Golde & George E. Walker eds., 2007); Crispin Taylor, *Heeding the Voices of Graduate Students and Postdocs*, in ENVISIONING THE FUTURE OF DOCTORAL EDUCATION: PREPARING STEWARDS OF THE DISCIPLINE—CARNEGIE ESSAYS ON THE DOCTORATE 46, 46 (Chris M. Golde & George E. Walker eds., 2007); Wade Channell, *Making a Difference: The Role of the LL.M. in Policy Formulation and Reform*, in THE EXPORT OF LEGAL EDUCATION: ITS PROMISE AND IMPACT IN TRANSITION COUNTRIES 13, 13 (Ronald A. Brand & D. Wes Rist eds., 2009); Julie M. Spanbauer, *Lost in Translation in the Law School Classroom: Assessing Required Coursework in LL.M. Programs for International Students*, 35 INT. J. LEG. INF. 396 (2007); Lewis Z. Schlosser et al., *Multicultural Issues in Graduate Advising Relationships*, 38 J. CAREER DEV. 19 (2011).

reading list for the week: McGill's Institute for the Public Life of Arts and Ideas 2013 White Paper on the Future of the PhD in the Humanities.³⁵ The seminar leaders hoped that including this reading would encourage participants to reflect on the particular purpose of graduate legal education and to critically evaluate this purpose within a broader educational context.

Preparation for the graduate legal education session was intensive because of the substantive reading, writing, and strategic decision-making involved. However, the leaders worked well together and prepared collaboratively. This was a good example of harmonious group work, which is not always the case in a classroom setting or, for that matter, in professional teaching or management settings. The different legal and educational backgrounds of each partner meant they focused on different subsections of the additional bibliography, which increased its depth. The partner with experience in social justice legal practice suggested readings that engaged with social justice and human rights issues that present in graduate legal education.³⁶ In comparison, the partner with a civil law background contributed sources that assessed the central gaps in legal and judicial education in European countries, from undergraduate programs in law to Ph.D. programs to the vocational training of lawyers and judges.³⁷

As with each of the seminar sessions, all students were active in engaging in discussion and in participating in pre-class and in-class exercises. This trend was consistent throughout the seminar: Student-led sessions were always actively supported by other participants. The class leaders were surprised and gratified by how many of the students had read the additional texts listed in their supplementary bibliography, and how many had given some thought to the significance of the change of venue and attempts to create a constructive conversation. Critical feedback from the class and from the professor indicated that the open-conversation format of the class was generally a success, but that the team leaders should reflect further on their presentation styles in terms of identifying and encouraging thoughtful interventions from participants, and in managing energized class discussions in a productive and sensitive way.

3. Reflection: Learning from Oneself

This brings us to the third and final major pedagogical component: that of reflection. Participants in a seminar like this are developing their own unique approaches to teaching—informed by shared discussions, experiences, and sources, to be sure—but also shaped by constructive and structured opportunities for self-awareness. In other words, the seminar should provide space for distinctive and personal narrative as well as for shared collective

35. Yachnin & Yetter, *supra* note 7.

36. MARK V. TUSHNET, *LEGAL SCHOLARSHIP AND EDUCATION* (2008); Francisco Valdes, *Outsider Jurisprudence, Critical Pedagogy and Social Justice Activism: Marking the Stirrings of Critical Legal Education*, 10 *ASIAN LAW J.* 65 (2003).

37. DANIELA PIANA ET AL., *LEGAL EDUCATION AND JUDICIAL TRAINING IN EUROPE: THE MENU FOR JUSTICE PROJECT REPORT* (2013).

analysis. A concrete way to encourage this ongoing exercise is to insist on a recap at the beginning of each seminar session. This goes beyond a recap of substance or verification of understanding of the materials. Instead, it includes a recall of the way in which the last class unfolded: of the ways in which participants learned and thus of the effectiveness of the teaching. The recap of a student-led session is given shape by the next teaching team and includes an opportunity for the past leaders to share with others their self-critique.

Less visible, but no less important, are other pieces of the seminar that contribute to the autonomous and self-reflexive learning of each participant. Early on, seminar participants write themselves a letter, to be sealed and then returned to the authors at the end of the course. In that letter, they express what they think they will discover about themselves as teachers, and in what ways they expect to be challenged and to learn new skills. Further, for each student-led session, participants bring to the attention of their peers up to five additional related resources, such that all participants finish the seminar with an extensive bibliography of education- and pedagogy-related materials—a personal library to take with them to support their teaching trajectories. Finally, participants have an opportunity to write a publishable paper related to legal education and of interest to their eventual teaching colleagues. This published paper constitutes an in-depth analysis of some of the critical issues that are raised throughout the semester. Students are encouraged to think of how to address problems in teaching, how to bridge gaps in knowledge and how to critique different modes of thought/approaches to pedagogy. The paper is therefore the last development of the knowledge exchange activities that are taking place throughout the seminar that contribute to the building of a stronger and more aware teaching cohort.

In an exercise to conclude the course, participants might be asked to select one excerpt from assigned readings that they would put in a time capsule to be opened in the seminar ten years later, and then to include in that capsule one idea addressed in their own papers. In this way, they begin to imagine themselves connected to the teachers both ahead of them and coming along behind.

III. A Valuable Investment—The Teachers of Tomorrow

This short paper has suggested the creation and sustenance of variations on a model legal education seminar. We have introduced the seminar with a brief justification of its existence and potential, and then sketched the building blocks—both substantive and pedagogical—that provide its foundation and character. Based on experience in designing and participating in such a seminar in the particular context of a faculty of law, we have articulated key components that are crucial to the meaningful study, understanding, practice, and experience of teaching and learning. Taking one seminar is clearly not sufficient preparation for a career in teaching; neither is it a guarantee of lifelong effectiveness as a teacher. But the insertion of such a seminar into law school programs conveys an appreciation of the importance of preparing

to be a well-rounded law professor who combines effort and achievement in teaching, community service, and research and writing.

Further, the seminar can provide an important opportunity for exploring the possibilities of a “transitional moment.” Participants are placed in a supportive and supported environment and asked to do hard thinking about pedagogical philosophy on a theoretical level, to experiment with different methods of pedagogy in practice, and to reflect on their future role as educators in the academy and beyond. The different assessment elements of the seminar push participants to build the skills they will need as educators and as academics: collaboration with colleagues, strong independent research and presentation skills, flexibility with respect to transversality and innovation, and a commitment to teaching as knowledge exchange. The lessons learned (and journeys begun!) in the seminar not only equip participants to navigate the academic world as teachers, but also encourage them to think of themselves as contributing members of the academy.

In conclusion, the concrete consequences of such a seminar—modified, of course, for a particular context—include the following. It models best practices—whether in front of the class, behind the scenes in the form of preparation, or in feedback and evaluation—to be dissected and later implemented by its graduates. It serves to open the doors to the classrooms of already established professors to “teachers-to-be” in a way that has the potential to enrich the quality of teaching throughout the discipline. It offers participants solid and informed knowledge and awareness of the roles and responsibilities of professors. It serves to create and sustain networks among participants that will stand them in good stead as they move into teaching positions—networks very different from those created along the lines of shared substantive research interests. It prepares participants in a concrete and comprehensive way for the tasks—often required as job candidates or junior professors—of articulating their teaching philosophies and creating teaching portfolios. And it can open up comparative possibilities by taking advantage of the international character of a group of graduate students studying education in global perspective.

Ultimately, the what and how of teaching will be honed on the job. But these skills can be taught and learned in a meaningful way before taking on that job. Thinking critically about education is integral to reflection on substance, forms, and participants in any discipline and across disciplines. Constant questioning of the forms and functions of education helps ensure that learning in a classroom can be characterized by exploration, discovery, and wonder. In the quest to take seriously the process of “becoming a teacher,” this paper challenges readers to introduce one stop in that process explicitly dedicated to equipping participants, at the very highest intellectual and academic level, for effective, institutionally aware, and responsive teaching and learning. Why not include in the suitcase of anyone embarking on a journey into legal academia the course syllabus for a legal education seminar? The components of that syllabus—the listening, the doing, the team building, the effort, the pride, and the humility—are all well worth their baggage weight. “Having been taught,

you will teach,” says James Boyd White, quoted in our introduction. “[T]his may in fact be your most important and meaningful role.”