

2002 ANNUAL MEETING WORKSHOP

***DO YOU KNOW WHERE YOUR STUDENTS ARE?
LANGDELL LOGS ON TO THE 21ST CENTURY***

Thursday, January 3, 2002
Hilton New Orleans Riverside
New Orleans, Louisiana

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IMPORTANT:

Please complete the Evaluation Form for this Workshop.

It can be found at the end of this booklet.

Your comments will assist us in planning future conferences.

Welcome

One of the important rituals of our profession is our habit of beginning each year by meeting together, away from the demands of our institutions and of our students. Our students accompany us here mainly as the anonymous authors of blue books stuffed into our luggage. We could find some gentle irony in our choice to begin this year's meeting away from students with a program designed to help us connect with them. Although our students may be miles away, their histories, goals, frustrations, and successes are at the heart of this workshop.

Our goal for this program is that each of us will take back to our students some new ideas, deeper understandings, or even simply renewed engagement with the excitement of educating the lawyers of the 21st Century. Our confidence that this workshop will meet and exceed our aspirations is grounded on the generosity and talents of many people: our skilled and inspiring colleagues who have agreed to present and lead us today; and the smart and efficient administrators of the AALS, who have been attending to the success of this workshop for over a year. We are grateful to each of them, and to all who are here. Your active participation throughout the day and in the future, through the workshop website at <http://www.aals.org/am2002/workshop.html>, will help us to find affirmative answers to our challenging inquiry, Do You Know Where Your Students Are?

Joan W. Howarth, University of Nevada,
Las Vegas, **Chair**

Richard Abel, University of California
at Los Angeles

J.L. Pottenger, Jr., Yale Law School
Anna Williams Shavers, University of
Nebraska

***Do You Know Where Your Students Are? Langdell Logs On to the
21st Century***

**2002 AALS ANNUAL MEETING WORKSHOP
Thursday, January 3, 2002
New Orleans, Louisiana**

Wednesday, January 2, 2002

8:00 p.m.

Film Presentation: *The Sweet Hereafter*

Versailles Ballroom

Third Floor

A special screening of the film in preparation for the AALS Workshop.

Thursday, January 3, 2002

8:45 – 9:00 a.m.

Welcome

Mary Kay Kane, University of California, Hastings and AALS President

Grand Ballroom A

Street Level

Introduction

Joan W. Howarth, University of Nevada, Las Vegas and Chair, Planning Committee for AALS Annual Meeting Workshop, *Do You Know Where Your Students Are? Langdell Logs On to the 21st Century*

9:00 – 10:30 a.m.

The Challenges of Connecting with 21st Century Students

Wendy Espeland, Associate Professor, Department of Sociology, Northwestern University and American Bar Foundation, Evanston, Illinois

Rodney Fong, Santa Clara University

Charles B. Rosenberg, Esquire, Rosenberg & Mendlin, Los Angeles, California

Richard H. Sander, University of California at Los Angeles

Via Video: Claude M. Steele, Professor, Department of Psychology, Stanford University, Stanford, California

Moderator: Joan W. Howarth, University of Nevada, Las Vegas

How do technology, globalization, popular culture, educational stereotypes, the consumer culture of legal education, and our changing legal profession shape

today's students? This plenary will introduce the themes of the Workshop by using multimedia technologies, student voices, and expertise from within and beyond the legal academy to address these questions.

10:30 – 10:45 a.m.

Refreshment Break

10:45 a.m. – 12:00 noon

Concurrent Sessions

Popular Culture in First Year Courses

Grand Salon, Section 3

Street Level

Rogelio A. Lasso, Washburn University
Lenora P. Ledwon, St. Thomas University
Camille Antoinette Nelson, Saint Louis University
Paul T. Wangerin, John Marshall Law School

Our students have learned much of what they know about law and lawyering from popular culture. This session will present a variety of ways, including movies, novels and poetry, to use students' engagement with popular culture to enhance learning in the first year.

How to Technology

Grand Salon, Section 4

Street Level

Charles R. Calleros, Arizona State University
Benjamin Griffith Davis, Texas Wesleyan University
Jay Kesan, University of Illinois
Sally H. Wise, University of Miami

Technology in teaching is no longer for the few technophiles on the faculty. This is a nuts and bolts session demonstrating what teaching with technology can accomplish and how you can do it.

Globalization

Grand Salon, Section 6

Street Level

Helen Elizabeth Hartnell, Golden Gate University
Andrea L. Johnson, California Western School of Law
Frank K. Upham, New York University
Stephen Zamora, University of Houston

Connecting with today's law students means thinking globally. Many law students intend to work or study abroad, many are immigrants or citizens of other countries, and many expect their legal education to include international

and comparative law issues. This session will address a variety of globalization issues.

Public Service / Public Interest

Grand Salon, Section 9
Street Level

James H. Backman, Brigham Young University
Dennis E. Curtis, Yale Law School
Jacqueline A. Ortega, University of San Francisco
Peter Pitegoff, State University of New York, Buffalo
Thomas J. Schoenherr, Fordham University
Cindy Roman Slane, Quinnipiac University
Matthew Wilkes, New York Law School

This session invites participants to join a network of legal educators working together to strengthen public service and social justice programs in their institutions.

**Connecting Work With School:
The Quandary of Professional Legal
Education in a University Setting**

Grand Salon, Section 10
Street Level

Susan J. Bryant, City University of New York at Queens College
Deborah Howard, Project Director, The Law School Consortium Project,
Brooklyn, New York
Antoinette Sedillo Lopez, University of New Mexico
Jonathan Mark Zasloff, University of California at Los Angeles

This session will offer several examples of how the profession and issues arising from practice are influencing law schools' curricular planning and development. While new technologies can play an important role in these educational currents, so are schools' expanding efforts to engage more actively with their own alumni. Such collaborations can help to identify the skills and values required to succeed as a 21st Century practitioner, and so inform curricular choices.

**Just What Do the Doctors Prescribe ...
and The Architects Do?**

Grand Salon, Section 12
Street Level

Richard P. DiCarlo, M.D., Associate Professor, School of Medicine, Louisiana
State University, New Orleans, Louisiana
Donald F. Gatzke, Dean, Tulane University School of Architecture,
New Orleans, LA
Richard K. Neumann, Jr., Hofstra University

Clinical training is an integral part of a modern professional school's curriculum. This session will present current curricular debates in disciplines other than law, some of which concern the value of emphasizing clinical work during the earliest semesters of a professional degree program. The panelists expect to set aside some time to brainstorm with the audience about ways to adapt cutting-edge educational techniques from their fields to legal education.

**Using Learning Theory to Connect
with Law Students**

Grand Salon, Section 15
Street Level

Gary Blasi, University of California at Los Angeles
Lynn M. Daggett, Gonzaga University
Vernellia R. Randall, University of Dayton
Jennifer Lorraine Rosato, Brooklyn Law School

Learning about learning? This session will showcase theories about learning that law professors are learning and putting to use.

**The Impact of Rankings & Assessments
on Legal Education Today**

Grand Salon, Section 16
Street Level

Wendy Espeland, Associate Professor, Department of Sociology,
Northwestern University, Evanston, Illinois
Richard Owen Lempert, University of Michigan
Michael Sauder, Graduate Student, Department of Sociology,
Northwestern University, Evanston, Illinois
Jane L. Scarborough, Northeastern University

U.S. News and World Report assesses and ranks law schools for potential students; law schools assess and rank law students for potential employers, and law students assess and rank law professors for law schools. This session will address these mechanisms of assessment and rankings that are changing or maintaining traditional legal education.

Moving Beyond Third Year Disengagement

Grand Salon, Section 18
Street Level

Jennifer Gerarda Brown, Quinnipiac College
Clark J. Freshman, University of Miami
Patrick Schiltz, University of St. Thomas
David B. Wilkins, Harvard Law School

Moderator:

Richard H. Sander, University of California at Los Angeles

In their national study of law students, Professors Sander and Gulati have established that upper level law students are significantly disengaged from law school. This session will engage the Sander & Gulati data and will also feature other scholars who have studied third year issues. The session will consider specific proposals for improving third year engagement.

12:00 noon – 1:45 p.m.
Lunch On Your Own

2:00 – 3:15 p.m.
Concurrent Sessions

**Using Technology & Popular Culture
to Teach Statutory Material**

Grand Salon, Section 3
Street Level

Barbara A. Glesner Fines, University of Missouri-Kansas City
Lolita Buckner Inniss, Cleveland State University
Sharlene Wanda Lassiter, Northern Kentucky University
Alfred Chueh-Chin Yen, Boston College

Teaching courses on statutory materials can be especially demanding. This session will offer several examples of ways to use technology and popular culture to meet the challenges of statutes.

**Teaching Across Campuses: Cooperative
Efforts and Distance Learning**

Grand Salon, Section 4
Street Level

Danielle M. Conway-Jones, University of Hawaii
Craig Mousin, DePaul University
Barry C. Scheck, Yeshiva University

Geography no longer sets the boundaries for legal education. This session's presenters have used distance learning and cooperative approaches in a variety of contexts. They will discuss their experiences with particular emphasis on what they have learned that they wish they had known when they started

**Professional Responsibility:
"What Works -- and Why?"**

Grand Salon, Section 6
Street Level

Kathleen Clark, Washington University
Susan Paris Koniak, Boston University
John G. Sprankling, McGeorge School of Law
David B. Wilkins, Harvard Law School

This session will bring traditional teachers' together with others using some of the newer interactive and/or high tech methodologies for teaching professional responsibility. In addition to presenting their latest techniques, the panelists propose to engage participants in the ongoing debate over effective pedagogy in this most important of required law school subjects.

**Integrating Clinical Methodology
Into First Year Courses**

Grand Salon, Section 9
Street Level

Katherine Shelton Broderick, University of the District of Columbia
Miye Ann Goishi, University of California, Hastings
Russell E. Lovell, II, Drake University

Featured will be Drake's revolutionary First-year Trial Practicum, in which the entire first-year class observes a weeklong Polk County District Court jury trial, from *voir dire* to verdict. This is the actual trial of a real case. The Practicum complements the trial with small group discussions, lectures, and practice panels, focusing on the key legal and procedural issues as well as the litigation strategies and techniques of the lawyers trying the case.

The other schools' presentations will highlight their own exciting efforts to bring clinical methodology into the first-year of law school. Hastings will describe its experimental clinical teaching modules, which have been incorporated into the traditional torts and civil procedure courses. The University of the District of Columbia plans to present its innovative introduction to legal study for first-year students, the Law and Justice Service Program.

**Staying Connected During and
After Classroom Crises**

Grand Salon, Section 10
Street Level

Jane H. Aiken, Washington University
Ian Ayres, Yale Law School
Catherine E. Smith, Texas Southern University
Robert S. Westley, Tulane University
Stephanie M. Wildman, Santa Clara University

This session will explore the law professor's role when the shared enterprise of the classroom is in danger of rupture due to student or teacher insensitivity, rudeness, offensiveness, gaffe, or perhaps simply the rawness of truth telling. These moments may arise due to controversial subject matter, issues of subordination and privilege, or difficult personalities. What is the professor's responsibility for acknowledging and dealing with tension, rather than retreating? What are strategies for effectively staying connected?

**Faculty Responses to Students'
Competing Concerns**

Grand Salon, Section 12
Street Level

Shauna I. Marshall, University of California, Hastings
Calvin Pang, University of Hawaii
Kent D. Syverud, Vanderbilt University

This session addresses the “outside” lives our students bring to their studies. How is law school learning impacted by financial crises, staggering debt loads, family responsibilities, health emergencies, job pressures, and other stressors? What does the classroom teacher have to do with any of these problems? What faculty strategies for addressing outside pressures will improve student academic performance? Whose job is it to know the whole student?

Access to Justice

Grand Salon, Section 15
Street Level

Elliott S. Milstein, American University
Dean Hill Rivkin, University of Tennessee

Many students come to law school because of concerns about access to equal justice. In 2000-01 the AALS sponsored colloquia around the country designed to develop new ideas and strategies to engage law schools in projects for access to equal justice. This session will build on those colloquia.

Calgary Comes to New Orleans

Grand Salon, Section 16
Street Level

Alison Grey Anderson, University of California at Los Angeles
Don L. Doernberg, Pace University
Sophie M. Sparrow, Franklin Pierce Law Center

The June 2001 AALS Conference on New Ideas for Experienced Teachers in Calgary focused on how basic concepts of modern learning theory--"deep understanding", student preconceptions, and metacognition--and the specific scholarship behind them illuminate traditional and non-traditional law school pedagogy. This session will present a brief report on the learning theory concepts underlying the conference, and conference speakers and participants will provide some "show and tell" to illustrate the ideas and techniques presented at the conference. Conference participants will talk about what they found most illuminating at the conference and what happened when they brought their "new ideas" back to their home law schools. Finally, there will be a discussion among presenters and audience about how to share new ideas about teaching and learning more effectively within law faculties and across schools. Those interested can find conference materials at the permanent conference website at www.aals.org, click on "conferences and workshops."

**Manageable Feedback Techniques
for Large Classes**

Grand Salon, Section 18
Street Level

Steven Friedland, Nova Southeastern University
Gerald F. Hess, Gonzaga University
Christina L. Kunz, William Mitchell College of Law
Maria L. Ontiveros, University of San Francisco

Frequent evaluation and feedback are important to student learning, but can be hard to accomplish in large classes. This session will offer techniques, secrets, tips, and solutions for making effective and frequent feedback manageable, even in large classes.

3:15 - 3:30 p.m.
Refreshment Break

3:30 - 5:15 p.m.
**Making Connections Through Culture
and Lawyering: *The Sweet Hereafter***

Grand Ballroom A
Street Level

John S. Dzienkowski, University of Texas
Margaret E. Montoya, University of New Mexico
Austin D. Sarat, Professor of Jurisprudence & Political Science, Amherst
College, Amherst, Massachusetts

Moderator:
Rachel Moran, University of California at Berkeley

Connecting with today's law students can mean using popular culture and real-world lawyering. The Workshop will culminate in a plenary session whose centerpiece will be the novel and film *The Sweet Hereafter*, and the tragic Texas school bus accident on which they both were very loosely based. Although the plenary is designed to also engage participants who are not familiar with *The Sweet Hereafter*, in part through the use of video clips, Workshop participants are encouraged to read the 1991 novel by Russell Banks or watch the 1997 film directed by Atom Egoyan prior to the Annual Meeting. A special screening of the movie will be held at the Hilton New Orleans on Wednesday evening.

**PLANNING COMMITTEE FOR
2002 AALS ANNUAL MEETING WORKSHOP**

RICHARD ABEL

University of California at Los Angeles

JOAN W. HOWARTH, **Chair**

University of Nevada, Las Vegas

J.L. POTTENGER, JR.

Yale Law School

ANNA WILLIAMS SHAVERS

University of Nebraska

**2001 AALS COMMITTEE ON
PROFESSIONAL DEVELOPMENT**

ALISON GREY ANDERSON

University of California at Los Angeles

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Cornell Law School

DANIEL LOUIS KEATING

Washington University, St. Louis

MARIA L. ONTIVROS

Golden Gate University

NANCY B. RAPOPORT

University of Houston

SPEAKER BIOGRAPHIES

AIKEN, JANE H.,* (F) Prof. Wash., St. Louis. b.1955. B.A., 1977, Hollins Coll.; J.D., 1983, New York Univ.; LL.M., 1985, Georgetown. Staff, N.Y.U. Rev. L. & Soc. Change. *Admitted:* DC, 1983; MO, 1998. Advocacy Fellow/Clin. Instr., Cntr. for Applied Legal Studies, Georgetown, 1983-85; Prof., Ariz. State, 1985-91; Prof., South Carolina, 1992-98; Vis. Prof., Wash., St. Louis, 1997-98; Prof., since 1998. *Subjects:* AIDS & the Law; *Clinical Teaching; Evidence; Family Law; Law & Social Work; Torts.* *Member:* Order of the Coif; Carnegie Acad. for the Scholarship of Tchg. & Learning (Fellow, 2000). Root Tilden Scholar, New York Univ.; Chair, Gov'rs Task Force on AIDS, 1988-89; Comm'r, AZ Disease Control Res. Comm., 1988-91. On sabb. lv., fall 2001, Fulbright, Tribhuvan Law Sch., Kathmandu, Nepal

ANDERSON, ALISON GREY,* (F) Prof. U.C.L.A.. b.1943. A.B., 1965, Radcliffe Coll.; J.D., 1968, Cal., Berkeley. Arts. Ed., Calif. L. Rev. *Admitted:* CA, 1969; DC, 1969. Clerk, Judge Simon Sobeloff, U.S.C.A., 4th Cir., Balt. 1968-69; Assoc., Covington & Burling, DC, 1969-72; Acting Prof., U.C.L.A., 1972-77; Prof., since 1977. *Subjects:* *Community Property; Contracts; Torts.* *Member:* ALI; COIF. Vis. Prof., fall 2001, Harvard

AYRES, IAN, (M) William K. Townsend Prof. Yale. b.1959. J.D., 1986, Yale; Ph.D., 1988, M.I.T. Arts. Ed., Yale L.J. *Admitted:* IL, 1987. Clerk, Hon. James K. Logan, 10th Cir., Olathe, KS, 1986-87; Res. Fellow, ABF, Chgo., 1987-91; Ass't Prof., Northwestern, 1987-90; Assoc. Prof., 1990-91; Vis. Prof., Univ. of Va., 1990-91; Vis. Prof., Yale, fall 1991; Prof., Stanford, 1991-94; William K. Townsend Prof., Yale, since 1994; Vis. Prof., Illinois, 1997-98. *Subjects:* Antitrust; *Civil Rights, (S); Commercial Law; Contracts; Corporate Finance; Corporations; Property.* Responsive Regulation: Transcending the Deregulation Debate (with J. Braithwaite), 1992; Studies in Contract Law (with E. Murphy & R. Speidel), 1997. *Member:* Am. Econ. Ass'n; Phi Beta Kappa; Am. Law & Econ. Ass'n (Dir.).

BACKMAN, JAMES H., (M) Prof. Brigham Young. b.1943. A.B., 1969, Harvard Coll.; J.D., 1972, Utah. Note Ed., Utah L. Rev. *Admitted:* UT, 1972. Clerk, U.S.C.A., 9th Cir., Trask, J., 1972-73; Assoc., Backman, Clark & Marsh, Salt Lake City, 1973-74; Ass't Prof., Brigham Young, 1974-79; Prof., since 1979; Vis. Prof., Illinois, 1979-80; Area Legal Counsel, Church of Jesus Christ of Latter-Day Saints, Frankfurt, Germany, 1982-84; Univ. Dir., Acad. Internships, Brigham Young, since 1997; Dir., Jacobsen Cntr. for Serv. & Learning, since 1999. *Subjects:* *Clinical Teaching, (S); Mediation, (S); Real Estate Transactions; Real Property.* Questions and Answers: Property (Winning in Law Sch. Series), 1987; A Practical Guide to Disputes Between Adjoining Landowners -- Easements, 1989 & supps.; Thomas and Backman on Utah Real Property Law, 1999. *Member:* Order of the Coif; Clin. Legal Educ. Ass'n; Cooperative Educ. Ass'n (Bd. of Dirs., 1999-01, Chair, Ann. Conf., 2000). Bd. of Dirs., UT Legal Servs., 1990-98; Cood'r, Law Help, Brigham Young, Central UT Bar Ass'n, UT Legal Servs., since 1992; Delivery of Legal Servs. Com., UT St. Bar Ass'n, 1992-96, UT Task Force on Access to Just., 1996-97.

BLASI, GARY, Prof. U.C.L.A.. b.1945. B.A., 1963, Univ. of Oklahoma; M.A., 1966, Harvard. *Admitted:* CA, 1976. Part., Smith, Honig, Blasi, Yavenditti & Smith, L.A., 1976-78; Staff Att'y, Legal Aid Fdn. of L.A., 1978-83; Directing Att'y, Eviction Def. Cntr., 1983-84; Dir., Homeless Litig. Unit, 1984-91; Acting Prof., U.C.L.A., 1991-96; Prof., since 1996. *Subjects:* *Clinical*; Discovery in Complex Litigation; Public Policy Advocacy. Founding Bd. Mem., Hands Net, since 1986; Pres., Nat'l Coalition for the Homeless, 1989-91; Counsel, Webster Comm., 1992.

BRODERICK, KATHERINE SHELTON, (F) Dean & Prof. District of Columbia. b.1951. B.A., 1973, American; J.D., 1978, Georgetown; M.A.T., 1981, Antioch. *Admitted:* DC, 1978. Clin. Fellow, Antioch, 1978-81; Prof., 1981-87; Admin'r, District of Columbia, 1987-88; Assoc. Dean, 1988-92; Prof., since 1992; Acting Clin. Dir., 1990-92, 1995-96; Clin. Dir., 1996-98; Interim Dean, since 1998. *Subjects:* Clinical Legal Education; Criminal Justice; Criminal Procedure; Evidence; Legislation; Professional Responsibility. *Member:* SALT; Consortium of Legal Serv. Providers; CLEA. Bd. of Gov'rs, HALT, Americans for Legal Reform, since 1994; Bd., Nat'l Capital Area, ACLU; Litig. Screening Com., ACLU, 1995.

BROWN, JENNIFER GERARDA, (F) Prof. & Dir., Cntr. on Dispute Resolu. Quinnipiac Univ.. b.1960. B.A., 1982, Bryn Mawr; J.D., 1985, Illinois. Notes & Comments Ed., Ill. L. Rev. *Admitted:* IL, 1985. Clerk, Hon. Harold A. Baker, U.S.D.C., C.D. IL, Danville, 1985-86; Assoc., Winston & Strawn, Chgo., 1986-89; Bigelow Fellow, Univ. of Chicago, 1989-90; Ass't Prof., Emory, 1990-93; Assoc. Prof., 1993-94; Assoc. Prof., Quinnipiac, 1994-96; Prof., since 1996; Vis. Prof., Illinois, spring 1998. *Subjects:* *Alternative Dispute Resolution*; Civil Procedure; Feminist Jurisprudence, (S); *Legal Profession*; Negotiation.

BRYANT, SUSAN J., (F) Assoc. Prof. & Dir., Clin. Prog. CUNY at Queens. b.1948. B.A., 1970, Xavier; J.D., 1973, ; LL.M., 1980, Georgetown. *Admitted:* NY, 1976. Att'y, Defender Ass'n of Phila., 1973-74; Fellow, Prettyman Legal Intern Prog., Georgetown, 1974-76; Dep. Dir., Com. on Defense Servs., DC Bar, 1975-76; Dir., Clin. Prog., Hofstra, 1976-83; 2nd Yr. Coord'r, CUNY, NY, 1983-89; Assoc. Prof., CUNY at Queens, since 1984; Dir., Clinic Progs., 1989-94, since 1996; Acting Assoc. Dean, Acad. Affrs., 1994-96. *Subjects:* Clinical Teaching; *Family Law*, (S); Legal Research & Writing; Trial & Appellate Advocacy. *Member:* AALS (Chair, Sect. on CLE, 1981-83). Consult., CA St. Bar Exam., 1988; Consult., Clin. Prog., Harvard, 1989; Consult., Clinic, Univ. of Penn. Law Sch., 1991.

BUCKNER INNIS, LOLITA KAY, (F) Ass't Prof. Cleve.-Marshall. A.B., 1983, Princeton Univ.; J.D., 1986, U.C.L.A. Arts. Ed., Nat'l Black L.J. *Admitted:* NJ, 1988; MI, 1997. Ass't Pros., Union Cty. Pros. Off., Elizabeth, NJ, 1988-89; Part., Sumners, Council & Inniss, Trenton, NJ, 1989-93; Priv. Prac., Self, Princeton, NJ, 1993; Adj. Prof., Seton Hall, 1993-94; Clin. Assoc. Prof., 1994-95; Vis. Assoc. Prof., Widener, 1995-97; Vis. Assoc. Prof., Wayne State, 1997-98; Ass't Prof., Cleve.-Marshall, since 1998. *Subjects:* Administrative Law; *Criminal Law*; Criminal Procedure; *Immigration Law*; Law & Literature, (S); *Property Law*. Trustee Charter Sch., 1997-00; Dubroff Award Com., Am. Immig. Lawyers Ass'n.

CALLEROS, CHARLES R., (M) Prof. Ariz. State. b.1953. B.A., 1975, Cal., Santa Cruz; J.D., 1978, Cal., Davis. *Admitted:* CA, 1978; AZ, 1981. Ct. Clerk, U.S.C.A., Central Staff, San Fran., 1978-79; Clerk, U.S. Cir. Judge Procter Hug, Jr., Reno, 1979-81; Assoc. Prof., Ariz. State, 1980-84; Prof., since 1984; Assoc. Dean, 1990-92. *Subjects:* *Civil Rights*; *Contracts*; International Contracts; *Legal Method & Writing, (S)*; *Products Liability*. Legal Method and Writing, 3d ed. 1998. *Member:* COIF; Phi Kappa Phi. Bd. of Gov'rs, SALT, 1984-94.

CLARK, KATHLEEN, (F) Prof. Wash., St. Louis. b.1961. B.A., 1984, ; J.D., 1990, Yale. Yale L.J. *Admitted:* PA, 1990; DC, 1993. Pushkin Russian Lang. Inst., Moscow, 1984. Clerk, Judge Harold H. Greene, U.S.D.C., DC, 1990-91; Counsel, U.S. Senate Jud. Com., DC, 1991-93; Ass't Prof., Wash., St. Louis, 1993-96; Assoc. Prof., 1996-99; Prof., since 1999; Vis. Prof., Cornell, fall 1999; Vis. Prof., Michigan, fall 2000. *Subjects:* Legal Ethics, (S); Legal Ethics; *National Security Law*; *Public Corruption*; Secrecy & Whistleblowing. V-Chair, Com. on Att'ys Emplmt. & Prac., Admin. Law Sect., ABA, 1994-96, Chair, 1996-97; Exec. Com., Sect. on Prof'l Respon., AALS, 1996-98, Exec. Com., Sect. on Legis., since 1999; Consult., Transparency in Nigeria, 2000.

CONWAY-JONES, DANIELLE M., (F) Ass't Prof. Hawaii. b.1968. B.S., 1989, New York Univ.; J.D., 1992, Howard; LL.M., 1996, Geo. Wash. *Admitted:* NJ, 1992; PA, 1992; DC, 1995. Judge Advocate, Hqtrs., Corps of Engineers, USA, 1992-96; Instr., Legal Res. & Writing, Georgetown, 1996-98; Ass't Prof., Memphis, 1998-00; Ass't Prof., Hawaii, since 2000. *Subjects:* *Computers & the Law*; Environmental Law, (S); *Government Contracts*; *Intellectual Property*; *Legal Method, (S)*; Torts. Charlotte E. Ray, Am. Inn of Ct.; Consult., Legal Writing, Fed. Gov't & Priv. Law Firms, since 1997; Consult., Writing, Nat'l Cancer Soc., HI, 1998.

CURTIS, DENNIS E., (M) Clin. Prof. & Supv'g Atty. Yale. b.1933. B.S., 1955, Naval Acad.; LL.B., 1966, Yale. Mng. Ed., Yale L.J. *Admitted:* DC, 1966; CT, 1970; CA, 1981. Assoc., Verner, Liipfert, Bernhard & McPherson, DC, 1966-70; Adj. Prof. & Dir., Clin. Studies, Yale, 1970-80; Prof. & Dir., Clin. Studies, Southern Cal., 1980-97; Vis. Prof., Univ. of Chicago, fall 1988; Vis. Prof., Yale, spring 1989; Vis. Prof., Harvard, fall 1989; Vis. Prof., New York Univ., 1996-97; Clin. Prof., Yale, since 1997. *Subjects: Clinical; Corrections, Post Conviction Remedies, (S); Criminal Procedure, (S); Legal Profession. Toward a Just and Effective Sentencing System (with P. O'Donnell & M. Churgin), 1977. Member: ALI. Chair, Com. on Clin. Legal Educ., 1989; Pres., L.A. City Ethics Comm., 1990-95, Accred. Comm., 1994.*

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PANG, CALVIN,* (M) Assoc. Prof. Hawaii. B.S., 1976, Case Western Res.; M.P.H., 1981, ; J.D., 1985, Hawaii. *Admitted:* HI, 1985. Staff Att'y, Legal Aid Soc. of HI, 1985-89; Staff Att'y, Poverty Law Cntr. of Orange Cty., CA, 1990-91; Staff Att'y, Legal Aid Soc. of HI, 1991; Staff Att'y, Elder Law Proj., Hawaii, 1991-94; Ass't Prof., 1994-00; Assoc. Prof., since 2000. *Subjects:* *Clinic;* Elder Law; Family Law; Legal Methods, (S). St. Jud. Com., Equality & Access to the Cts., since 1995; Bd. of Dirs., CLEA, since 1999; Exec. Com., CLE Sect., AALS, since 2001. Vis. Assoc. Prof., 2001-02, Minnesota.

PITEGOFF, PETER, (M) V-Dean & Prof. Buffalo. b.1953. A.B., 1975, Brown Univ.; J.D., 1981, New York Univ. *Admitted:* MA, 1981; NY, 1988. Att'y, ICA Grp., Boston, 1981-88; Adj. Ass't Prof., New York Univ., 1986-88; Lect., Harvard, 1986; Part., Arrington & Pitegoff, P.C., Somerville, MA, 1986-88; Vis. Assoc. Prof., Buffalo, 1988-90; Assoc. Prof., 1990-94; Prof., since 1994; V-Dean, since 1998. *Subjects:* Community Development Law; Community Economic Development (Clinic), (S); Corporate Finance/Labor, (S); *Corporations;* ESOPs, (S); *Legal Profession & Ethics;* *Nonprofit Organizations.* Nat'l Adv'y Coun., Univ. of Michigan Law Sch., Prog. in Legal Assist. for Urban Communities, since 1990; Participant, Interuniv. Consortium on Poverty Law, 1992-96; Mem., Prof'l Educ. Proj., NY St., 1994-96.

RANDALL, VERNELLIA R., (F) Prof. & Dir., Acad. Excellence. Dayton. b.1948. A.A., 1968, Amarillo Coll.; B.S., 1972, Univ. of Texas; M.S., 1978, Wash., Seattle; J.D., 1987, Lewis & Clark. *Admitted:* OR, 1987. Public Health Grad. Study, Wash., Seattle, 1984. Nurse Practitioner, High Point Health Cntr., Seattle, 1974-77; Public Health Nurse, AK Dep't of Health & Social Serv., Juneau, 1978-84; Att'y, Bullivant, Houser, Bailey, et al., Portland, OR, 1987-90; Adj. Prof., Lewis & Clark, 1989-90; Ass't Prof., Dayton, 1990-95; Adj. Ass't Prof., Wright St. Med. Sch., Dayton, since 1992; Assoc. Prof., Dayton, 1995-96; Prof., since 1996. *Subjects:* Access to Health Care, (S); *AIDS & the Law,* (S); Genetics & the Law, (S); *Health Care Law;* Legal Issues in Death & Dying, (S); *Race & Racism in American Law;* *Remedies;* Reproductive Issues: An International Prospective; Torts; *Women & the Law,* (S). *Race and Racism in American Law:* e-bk: www.udayton.edu/~race, 1997; *Race, Health Care, and the Law:* e-bk.: www.dayton.edu/~health, 1997; On Line Academic Assistance Program for Law Students: e-bk: www.udayton.edu/~aep/aep.htm, 1998. *Member:* OR Bar Ass'n; Am. Soc. of Law & Med. Mem., OH Comm. on Minority Health, since 1992; Chair, Sect. on Health Care Law, AALS, 1997-98, Chair, Sect. on Tchg. Methods, 2001-02, Chair-Elect, Sect. on Women in Legal Educ., 2001-02.

RIVKIN, DEAN HILL, (M) Prof. Tennessee. b.1947. A.B., 1968, Hamilton Coll.; J.D., 1971, Vanderbilt. Res. Ed., Vand. L. Rev. *Admitted:* TN, 1971; KY, 1972. Pro Se Clerk, U.S.C.A., 2d Cir., 1971-72; Reginald Heber Smith Community Lawyer Fellow, Appalachian Res. & Defense Fund of KY, Inc., 1972-74; Directing Att'y, 1974-75; Tchg. Fellow, Harvard, 1975-76; Ass't Prof., Tennessee, 1976-79; Assoc. Prof., 1979-83; Vis. Prof., U.C.L.A., fall 1980; Prof., Tennessee, since 1983; Dir., Legal Clinic, 1988-93; Vis. Prof., Maryland, 1990-91. *Subjects:* *Clinical Teaching; Environmental Law; Juvenile Law, (S);* Legal Profession; Trial & Appellate Practice. Co-Chair, Sect. on Clin. Legal Educ., AALS, 1981, Proj. Dir., Equal Just. Proj., 2000-01; Coun., Sect. of Legal Educ. & Adms. to the Bar, ABA, 1985; Bd. of Gov'rs, SALT, 1988-94.

ROSATO, JENNIFER LORRAINE, (F) Prof. Brooklyn. b.1961. B.S., 1983, Cornell; J.D., 1987, Pennsylvania. Ed.-in-Ch., U. Pa. J. Int'l Bus. L. *Admitted:* PA, 1987. Clerk, Hon. Thomas N. O'Neill, Jr., E.D. PA, Phila., 1987-89; Litig. Assoc., Hangley, Connolly, et al., Phila., 1989-90; Legal Writing Instr., Villanova, 1990-92; Ass't Prof., Brooklyn, 1992-95; Assoc. Prof., 1995-97; Prof., since 1998. *Subjects:* Children & the Law; *Civil Procedure; Family Law; {Genetics & the Law, (S); Legal Profession.*

ROSENBERG, CHARLES B., (M) Rosenberg & Mendlin; Technical Consultant for *The Practice* and *LA Law*. B.A., 1968, Antioch College; J.D., 1971, Harvard. Case Officer, Harvard L. Rev. *Admitted:* CA, 1972; D.C., 1980. Adj. Prof., Southwestern, 1979; Adj. Prof., Univ. of Calif., Los Angeles, 1982-83; Adj. Instructor, Claremont Graduate Univ., Drucker Center, Claremont, CA, 1996-99; Adj. Instructor, Anderson Graduate School of Mgmt, U.C.L.A., Los Angeles, CA, since 1997; Partner, Heller Ehrman White & McAuliffe, Los Angeles, CA, 1997-2000; Partner, Rosenberg & Mendlin, Los Angeles, CA, since 2000; Adj. Prof., Loyola, L.A., since 2001. The Trial of OJ: How to Watch the Trial and Understand What's Really Going On. *Member:* Legal Tech Consultant, Paper Chase (Showtime), LA Law (NBC), The Practice (David Kelley Productions), since 1982; Board, Amer. Judicature Soc., 1993-99; Board, Taos Film Festival, since 1998.

SANDER, RICHARD H., (M) Prof. U.C.L.A.. b.1956. B.A., 1978, Harvard; M.A., 1985, ; J.D., 1988, ; Ph.D., 1990, Northwestern. Arts. Ed., Nw. U.L. Rev. *Admitted:* IL, 1988. Assoc., Seyfarth, Shaw, Fairweather & Geraldson, Chgo., 1988; Clerk, Ch. Judge Grady, U.S. Cts., Chgo., 1989; Acting Prof., U.C.L.A., 1989-94; Prof., since 1994. *Subjects:* Property; *Public Interest Law & Policy; Quantitative Methods; Urban Housing.* Fair Housing in Los Angeles County: An Assessment, 1970-95, 1996; An Empirical Analysis of the Proposed Los Angeles Living Wage Ordinance, 1997. *Member:* Pop. Ass'n of Am.; Am. Econ. Assn. Pres., Fair Housing Cong. of So. CA, 1994-96; Pres., Fair Housing Inst., since 1996.

SARAT, AUSTIN, (M) Vis. William Nelson Cromwell Prof. of Jurisp. & Pol. Sci. Connecticut. b.1947. B.A., 1969, Providence Coll.; M.A., 1970,; Ph.D., 1973, Wisconsin; J.D., 1988, Yale. Yale L.J. Prof., Amherst Coll., MA, since 1974; Vis. Prof., Cornell, 2000-01; Vis. William Nelson Cromwell Prof. of Jurisp. & Pol. Sci., Connecticut, since 2001. *Subjects:* Law & Social Science; *Legal Profession*. Race, Law & Culture, 1997; Cause Lawyering (with Scheingold), 1999; The Killing State, 1999. *Member:* Am. Pol. Sci. Ass'n; Law & Soc. Assn.

SAUDER, MICHAEL, (M) Graduate Student, Dep't. of Sociology, Northwestern.

SCARBOROUGH, JANE L., (F) Assoc. Prof. Northeastern. b.1942. B.A., 1964, Rice Univ.; M.A., 1967, Purdue Univ.; Ph.D., 1972, Rice Univ.; J.D., 1985, Northeastern. *Admitted:* NY, 1986. Corp. Assoc., Schulte, Roth & Zabel, NYC, 1985-88; Hiring Att'y & Dir., Legal Personnel, 1987-88; Assoc. Dean, Northeastern, 1988-91; Univ. V.P., Div. of Coop. Educ., 1991-95; Assoc. Prof., since 1995. *Subjects:* *Advanced Constitutional Law: Sexuality, Gender & the Law, (S); Constitutional Law; Leadership & Professional Fulfillment; Professional Responsibility*. Bd. of Dirs., Gay & Lesbian Advocates & Defenders, since 1995.

SCHECK, BARRY C., (M) Prof. Yeshiva. b.1949. B.A., 1971, Yale; M.C.D., 1974, ; J.D., 1974, Cal., Berkeley. *Admitted:* CA, 1974; NY, 1975. Author/Lect., Grand Jury Proj., San Fran., 1974-75; Trial Att'y, Legal Aid Soc., NYC, 1975-78; Ass't Prof., Yeshiva, 1978-91; Prof., since 1991; Comm'r, Forensic Sci. Rev. Bd. of NY, NYC, 1995-98; Comm'r, Comm. on the Future of DNA Evid., U.S. Dep't of Just., DC, since 1998. *Subjects:* Clinical Teaching, (S); Criminal Justice, (S); Criminal Procedure, (S). Raising and Litigating Claims of Electronic Surveillance (with Reichbach, et al.), 1978. *Member:* NITA; Nat'l Coll. of Public Defenders & Defense Attys. Co-Chair, DNA Task Force, Nat'l Ass'n of Crim. Defense Lawyers, 1989-92, Bd. of Dirs., 1992-98; Crim. Just. Coun., Ass'n of Bar of NYC, 1990-92; Adv'y Bd., Neighborhood Defender Serv. of Harlem, 1991-92.

SCHILTZ, PATRICK J., (M) Assoc Dean and Prof, Univ of St. Thomas.

SCHOENHERR, THOMAS J., (M) Ass't Dean. Fordham. b.1955. B.A., 1983, Binghamton. Masters Cand., Psychology, New York Univ., 1984-88. City Bar Public Serv. Network Com., Ass'n of the Bar of NYC, since 1994; Nat'l Bd. of Dirs., NALP, 1996-97; Consult., Comm. on Pro Bono & Public Serv. Oppors., AALS, 1998-99.

SLANE, CINDY ROMAN, Ass't Clin. Prof. & Dir., Externship Prog. Quinnipiac Univ. b.1951. B.A., 1974, Douglass Coll.; J.D., 1992, Yale. *Admitted:* CT, 1992; NY, 1994. Litig. Assoc., Day, Berry & Howard, Stamford, CT, 1992-94; Dir., Externship Progs. & Vis. Instr., Quinnipiac, 1994-97; Ass't Clin. Prof. & Dir., Externship Prog., since 1997. *Subjects:* *Clinical Teaching, (S)*. Comm'r, Perm. Comm. on the Status of Women, since 1996, Treas., 1997-98, V-Chair, 1998-00, Chair, since 2000; Com. on Prof'l Ethics, CT Bar Ass'n, since 1998.

SMITH, CATHERINE E., (F) Ass't Prof. Texas Southern. b.1969. B.A., 1991, Wofford Coll.; M.P.A., 1993, ; J.D., 1996, South Carolina. *Admitted:* SC, 1996. Jud. Clerk, Hon. William A. Catoe, Jr., Greenville, SC, 1996-97; Jud. Clerk, Hon. Henry Politz, U.S.C.A., 5th Cir., Shreveport, LA, 1997-98; Legal Fellow, Southern Poverty Law Cntr., Montgomery, AL, 1998-00; Ass't Prof., Texas Southern, since 2000. *Subjects:* *Criminal Law; Torts*.

SPARROW, SOPHIE M., (F) Prof. & Dir., Legal Writing Franklin Pierce. b.1958. A.B., 1982, J.D., 1986, Harvard. Harv. Women's L.J. *Admitted:* NH, 1986. Staff Att'y, NH Legal Assist., Claremont, 1986-89; Assoc., Buckley & Zopf, Claremont, NH, 1989-91; Ass't Dean, Career Servs., Franklin Pierce, 1993-96; Dir., Legal Writing, since 1998; Prof., since 2000. *Subjects:* *Legal Writing, Research & Analysis*. The Lawyer as Supervisor, Manager and Motivator (with Sheffer), 2000. *Member:* Ass'n Legal Writing Dirs.; Legal Writing Inst.

SPRANKLING, JOHN G., (M) Interim Dean & Prof. McGeorge. b.1950. B.A., 1972, Cal., Santa Barbara; J.D., 1976, Cal., Berkeley; J.S.M., 1984, Stanford. Assoc. Ed., Ecology L.Q. *Admitted:* CA, 1976. Assoc., Miller, Starr & Regalia, Oakland, 1976-81; Tchg. Fellow, Stanford, 1981-82; Part., Miller, Starr & Regalia, Oakland, 1982-91; Adj. Prof., San Francisco, 1984-91; Vis. Assoc. Prof., Santa Clara, 1991-92; Assoc. Prof., McGeorge, 1992-95; Prof., since 1995; Assoc. Dean, Acad. Affrs., 2000-01; Interim Dean, since 2001. *Subjects:* Environmental Law; Hazardous Waste & Toxic Substance Regulation; Legal Profession; *Property*. The Law of Hazardous Wastes and Toxic Substances in a Nutshell (with Weber), 1997; Understanding Property Law, 2000.

STEELE, CLAUDE M., (M) Prof, Psychology, Stanford. B.A., Hiram College, 1967; M.A., Ohio State, 1969; Ph.D., 1971. Ass't Prof. of Psych, Univ. of UT, Salt Lake City, UT, 1971-73; Ass't Prof. of Psych, Univ. of WA, Seattle, WA, 1973-85; Prof of Psych, 1985-87; Prof. of Psych, Univ. of MI, Ann Arbor, MI, 1987-91; Research Scientist, Inst. for Social Research, Univ. of MI, Ann Arbor, MI, 1989-91; Prof. of Psych., Stanford, since 1991; Chair, Dep't of Psych, since 1997. *Member:* Pres., Western Psychological, Ass'n, 1996-97; Bd. of Dir., Amer. Psychological Soc., 1991-96; Amer. Psychological Ass'n; Amer. Psychological Soc.; Soc. of Experimental Social Psych.; Soc. Of Personality and Social Psych; Consulting Editor: Journal of Personality and Social Psychology, Attitudes and Social Cognition, Psychological Review, Motivation and Emotion, Basic and Applied Social Psychology, Journal of Experimental Social Psychology, since 1990.

SYVERUD, KENT D., (M) Dean & Garner Anthony Prof. Vanderbilt. b.1956. B.S.F.S., 1977, Georgetown; J.D., 1981, ; M.A., 1983, Michigan. Ed.-in-Ch., Mich. L. Rev. *Admitted:* DC, 1982; MI, 1993; TN, 1997. Clerk, Judge Louis F. Oberdorfer, U.S.D.C., DC, 1983-84; Clerk, Just. Sandra D. O'Connor, U.S. Sup. Ct., DC, 1984-85; Assoc., Wilmer, Cutler & Pickering, DC, 1985-87; Ass't Prof., Michigan, 1987-92; Prof., 1992-97; Assoc. Dean, Acad. Affrs., 1995-96; Dean & Garner Anthony Prof., Vanderbilt, since 1997. *Subjects:* Civil Procedure; Insurance; *Negotiation*; Product Liability; *Professional Responsibility*; Settlement, (S). *Member:* Law & Soc. Ass'n; ALI; LSAC (Bd. of Trustees, since 1999). Exec. Sec'y, MI Law Rev. Comm., 1993-95; Exec. Com., Inst. for Cont'g Legal Educ., 1995-97; Adv'y Bd., Freedom Forum First Amendent Cntr., since 1998.

UPHAM, FRANK K., (M) Prof. & Fac. Dir., Global Law Sch. Prog. New York Univ.. b.1945. A.B., 1967, Princeton; J.D., 1974, Harvard. *Admitted:* MA, 1974. Spec. Student, Kyoto Univ., 1977-78. Ass't Att'y Gen., MA Att'y Gen.'s Off., Boston, 1975-77; Japan Fdn. Fellow, Doshisha Univ., Fac. of Law, Kyoto, 1977-78; Ass't Prof., Ohio State, 1978-81; Vis. Prof., Harvard, 1981-82; Vis. Prof., Boston Coll., 1982-83; Assoc. Prof. & Prof., 1983-94; Vis. Prof., New York Univ., 1993; Prof., since 1994. *Subjects:* Administrative Law; *Japanese Law*; *Land Use, Housing & Community Development in New York City, (S)*; Property. *The Legal Framework of U.S.-Japanese Economic Relations (Ed.)*, 1986; *Law and Social Change in Postwar Japan*, 1987 (Thomas J. Wilson Prize). *Member:* Law & Soc. Ass'n; Japanese Am. Soc. of Legal Studies.

WANGERIN, PAUL T., (M) Assoc. Prof. John Marshall. b.1947. A.B., 1969, Mo.-Columbia; J.D., 1978, John Marshall. Staff, J. Mar. L. Rev. *Admitted:* IL, 1978. Clerk, Hon. Howard C. Ryan, IL Sup. Ct., Ottawa, 1978-79; Att'y, Winston & Strawn, Chgo., 1979-82; Ass't Prof., John Marshall, 1982-86; Assoc. Prof., since 1986. *Subjects:* *Contracts*; *Legal Research*; *Remedies*.

WESTLEY, ROBERT S., (M) Assoc. Prof. Tulane. b.1962. B.A., 1984, Northwestern; J.D., 1992, Cal., Berkeley; M.A., 1993, ; M.Phil., 1993, ; Ph.D., 1993, Yale. Lect., Ethnic Studies Dep't, Univ. of Cal., San Diego, 1992-93; Pres. Postdoctoral Fellow, Dep't of Phil., 1993-95; Assoc. Prof., Tulane, since 1995. *Subjects:* Civil Rights, (S); Constitutional Law, (S); *Criminal Procedure*; Jurisprudence, (S). *Member:* Am. Phil. Ass'n; SALT (Bd. of Gov'rs 1997-98).

WILDMAN, STEPHANIE M., (F) Prof. & Dir., Cntr. for Social Just. & Public Serv. Santa Clara. b.1949. A.B., 1970, ; J.D., 1973, Stanford. *Admitted:* CA, 1973. NEH Sum'r Fellow, Boalt Hall, 1979. Clerk, Hon. Charles M. Merrill, U.S.C.A., 9th Cir., 1973-74; Ass't Prof., San Francisco, 1974-76; Consult., Priv. Prac., Emplmnt. Discrim., Berkeley, 1976-77; Staff Att'y, CRLA, Santa Rosa, 1977-78; Vis. Prof., Stanford, spring 1987, fall 1988; Vis. Prof., Cal., Hastings, 1989-90; Vis. Prof., Santa Clara, 1994-95, 1998-99; Vis. Prof., Cal., Davis, 1997-98; Prof. Emer., San Francisco, since 1999; Vis. Prof. & Acting Dir., Cntr. for Social Just., Cal., Berkeley, 1999-00; Vis. Prof. & Dir., Cntr. for Social Just., 1999-01; Prof. & Dir., Cntr. for Social Just. & Public Serv., Santa Clara, since 2001. *Subjects:* Criminal Law; *Law & Social Justice*; Marital Property; Sex Discrimination & the Law; *Torts*. Privilege Revealed: How Invisible Preference Undermines America (with M. Armstrong, A.D. Davis & T. Grillo), 1996; Outstanding Bk. Award, Gustavus Meyer Cntr. for the Study of Human Rts., 1997; Race and Races: Cases and Resources for a Diverse America (with Perea, Delgado & Harris), 2000. *Member:* ALI; SALT (Bd. of Gov'rs, since 1989, Co-Pres., 1998-00). Jud. Appts. Com., Senator Barbara Boxer, 1996-98.

WILKES, MATTHEW, (M) Assoc. Dean, Public Interest & Community Serv. New York L.S.. b.1952. A.B., 1974, Dartmouth Coll.; J.D., 1977, Columbia. *Admitted:* NY, 1978. Spec. Ass't Att'y Gen., Off. of Spec. Prosecutor, NYC, 1977-81; Admin. Dir., Cntr. for Law & Human Values, NYC, 1983-85; Exec. Ass't to Dean, CUNY at Queens, 1985-90; Assoc. Dean, Student Affrs., New York L.S., 1990-01; Assoc. Dean, Public Interest & Community Serv., since 2001. *Member:* SALT; Conf. on Critical Legal Studies; Cntr. for Law & Human Values. Bd. of Trustees, New Coll. of CA, since 1996.

WILKINS, DAVID B., (M) Kirkland & Ellis Prof. & Dir., Prog. on Legal Profession. Harvard. b.1956. B.A., 1977, ; J.D., 1980, Harvard. Sup. Ct. Off.; Harv. L. Rev. *Admitted:* DC, 1982. Clerk, Hon. Wilfred Feinberg, NY, 1980-81; Clerk, Hon. Thurgood Marshall, DC, 1981-82; Assoc., Nussbaum, Owen & Webster, DC, 1982-86; Ass't Prof., Harvard, 1986-92; Dir., Prog. on the Legal Profession, since 1991; Prof., since 1991. *Subjects:* Civil Procedure; Ethical Issues in Clinical Practice: Doctors & Lawyers in Dialogue, (S); Legal Profession: Globalization & the Market for Legal Services, (S); *Legal Profession*; *Professional Service Firms in the Twenty-First Century*.

WISE, SALLY H., (F) Dir., Library & Prof. Miami. b.1950. B.A., 1972, Lake Forest Coll.; J.D., 1976, Puget Sound; M.L.L., 1977, Wash., Seattle. *Admitted:* WA, 1976. Ass't Librarian, Puget Sound, 1977-79; Assoc. Librarian, 1979-81; Ass't Librarian for Public Servs., Southern Methodist, 1981-84; Assoc. Dir., 1984-85; Ass't Prof., Nebraska, 1985-89; Dir., Library, 1985-00; Assoc. Prof., 1989-95; Prof., 1995-00; Dir., Library & Prof., Miami, since 2000. *Subjects:* *Legal Research and Writing*. Complying with the ADA: Law Library Services and Facilities (with Roehrenbeck & Cooper), 1997. *Member:* AALL; MAALL (Pres., 1990-92); Mid-Am. Law Sch. Lib. Consortium (Pres. 1994-96). Pres., UNL Acad. Senate, 1993-94.

YEN, ALFRED CHUEH-CHIN, (M) Assoc. Dean, Acad. Affrs. & Prof. Boston Coll.. b.1958. B.S., 1980, M.S., 1980, Stanford; J.D., 1983, Harvard. *Admitted:* CA, 1983; MA, 1994. Assoc. Att'y, Sheppard, Mullin, Richter & Hampton, L.A., 1983-87; Ass't Prof., Boston Coll., 1987-91; Assoc. Prof., 1991-98; Prof., since 1998; Assoc. Dean, Acad. Affrs., since 2000. *Subjects:* Asian Americans & the Law, (S); Evidence; Intellectual Property, (S); Intellectual Property; Legal Profession; *Torts*. Bd. of Dirs., CLU of MA, 1989-91; Bd. of Overseers, New England Conservatory, since 1995.

ZAMORA, STEPHEN, (M) Prof. Houston. b.1944. B.A., 1966, Stanford; J.D., 1972, Cal., Berkeley. Ch. Art. & Bk. Rev. Ed., Calif. L. Rev. *Admitted:* CA, 1972; DC, 1975. Clerk, Just. Sullivan, CA Sup. Ct., San Fran., 1972-73; Fellow, Univ. Consortium for World Order Studies, Geneva, Switz., 1973-74; Assoc., Cleary, Gottlieb, Steen & Hamilton, DC, 1974-76; Lawyer, World Bank, DC, 1976-78; Fulbright Prof., Nat'l Autonomous Univ. of Mexico, 1982-83; Acad. Vis., London Sch. of Econ., 1985-86; Vis. Prof., Yale, spring 1994; Dean, Houston, 1995-00; Prof., since 1995. *Subjects:* Contracts; *International Banking*; *International Transactions*; *Mexican Law*; *NAFTA*; *Public International Law*. Basic Documents of International Economic Law (with R. Brand), 1990; Westlaw and Lexis Database on International Economic Law (Gen. Ed.). *Member:* COIF; ASIL (Exec. Coun., 1987-90, Chair, Int'l Econ. Law Interest Grp., 1991-93); Am. Jour. of Comp. Law (Bd. of Eds.). Steering Com., U.S.-Mexico Jud. Coop., USAID-Nat'l Cntr. for St. Cts., 1997-99; Com. on Library & Info. Tech., AALS, 1999-01.

ZASLOFF, JONATHAN MARK, (M) Acting Prof. U.C.L.A.. b.1965. B.A., 1987, Yale; M.Phil., 1989, Cambridge Univ.; J.D., 1993, Yale; M.A., 1998, Harvard. Arts Ed., Yale L.J. *Admitted:* CA, 1995. Ph.D. Cand., Harvard, 2001. Clerk, Hon. Michael Boudin, 1st Cir., Boston, 1993-94; Staff Att'y/Skadden Fellow, Public Counsel, L.A., 1994-96; Att'y, Hall & Assocs., L.A., 1997-98; Acting Prof., U.C.L.A., since 1998. *Subjects:* Administrative Law; Criminal Justice Policy. *Torts*. Sr. Policy Consult., CA St. Assembly Public Safety Com., since 1998.

WORKSHOP MATERIALS

Workshop speakers were invited to submit discussion outlines for those in attendance. These outlines and other materials are presented in sequence of the program.

GENERATION X: STUDENTS IN THE 21st CENTURY

Rodney O. Fong
Santa Clara University

Introduction:

In 1997, the deans of the ABA law schools met at a three-day workshop. The major topic of discussions was Generation X. The deans returned to their respective law schools and shared the information with their faculty and staff. Here are some of those observations:

- “As deans we should use what authority and resources we have to be responsive to the students....”
- “Faculty and staff are expected by current students to spend more, not less time being available....”
- “...effective teaching must itself be entertaining.”
- “Technology use is expected...because it is the expected medium
- “...the learning process requires using greater levels of feedback...supported by educational psychologists....”
- “Students are current and ultimate consumers....”
- “They want their money’s worth in terms of short term practical
- “They will not trust faculty or staff to do the right thing or assume that institutional rules and traditions have sound reasons.”

Since 1997, little has changed.

In working with Generation X, here are some issues to consider:

- **Sense of entitlement:** Students believe, that along with the right to free speech, bear arms, competent counsel, jury trial, voting, and drinking, they have a right to an education, including a legal education. They believe that they have a right to be in law school, especially after paying their tuition.
- **Ultra-consumerism:** Student’s are paying around \$20,000 to \$25,000 a year in tuition and another \$10,000 for living expenses per year. Law school is no longer an intellectual experiment. It is now an investment towards a career as a lawyer.

- Trust: Trust is not automatically present. Your credentials and accomplishments account for little if it does not help the students achieve their goals.
- Respect: It is not automatically present. You have to earn their respect and not disrespect them. Also, you must show respect for the learning process.
- Teaching model: Good teaching requires familiar context, immediate and constant feedback, and presenting the material in interesting and stimulating ways.

The future:

The events contributing to the views and values of Generation X have not and probably will not change. Thus, the changes we make for Generation X will be useful for future generations. In conclusion, we need to change some of our ways to become more effective when working with students of the 21st Century.

SOME SPECULATIONS ON THE ANSWER OF PRIME-TIME TELEVISION TO THE QUESTION: “DO YOU KNOW WHERE YOUR STUDENTS ARE?”

Charles B. Rosenberg
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STORIES

Prime-time drama is about story telling. So is prime-time comedy.

Stories are among the oldest cultural artifacts. They predate writing.

Starting about 1980, the stories told on television began a trend toward increasing sophistication – multi-layered plots, ensemble casts, dramas reaching well beyond the “twin beds for married couples” story-telling of the fifties and sixties.

Speculation #1: Today’s students, even if they’ve never read Dickens, Hawthorne, Austen or Achebe, are used to hearing sophisticated stories. The “little stories” told in many legal cases often bore them to tears, although they are not allowed to say so.

CHARACTER

The key to modern television drama (indeed, to all drama) is the development of characters about whom the audience cares. Classically, there are only three ways for someone in the audience to care about a character: via antipathy (I hate that character), sympathy (I feel sorry for that character) or empathy (I feel like that character).

In television, plot is often subordinated to character, particularly recurring characters, and the shows with the highest ratings are usually character-driven (e.g., *LA Law*) rather than plot-driven (e.g., *Law and Order*). Plot may, in the end, be subordinated to character in

all literature, both “pop” and serious. Thus, we may remember literary characters long after the plots that initially illuminated them have faded from our memories. Do you remember the plots in *Wonder Woman* comics?

Speculation #2: The characters that run through most “legal stories” told in law school are shallow, one-dimensional and non-recurring. They fail to hold student interest because the students don’t care about them. The important characters of law school are professors and fellow students. This is recognized in the way “Paper Chase” and “Legally Blonde” are put together. Also, from a teaching point of view, the “character set” in student brains is different, at the margin, from the character set in the brains of professors who don’t watch a lot of dramatic television or movies. This has implications for the metaphors of teaching.

THE VISUAL

Television is a visual medium. The visual sophistication of television – short takes, multiple camera angles, motion in the frame, elaborate sets, etc. -- has increased to the point that it sometimes rivals film, even though television’s average cost per hour is much less than that of film (perhaps something like \$2 million per hour for high quality prime-time vs. a minimum of \$10 million per production hour for a high quality commercial theatrical release).

The visual sophistication of the medium is one of the things (but only one) that makes prime-time shows entertaining – that enables them to hold the attention of viewers’ eyes and brains. “Entertaining” is a word that is often used to dump on content as “low-brow,” or unintellectual. But, in truth, “entertaining” ought to mean that the material is crafted in such a way that it engages and holds the attention – both intellectual and emotional – of the viewer/reader. You could argue that being entertained, in that sense of the word, is a fundamental human right.

Speculation #3: Students’ rights to be visually entertained are regularly violated in law school classrooms (indeed, in all classrooms).

The visual sophistication of many law school classrooms is still metaphorically at the “film-strip” level. Students, left to their own devices, will instead simply seek out the visual on their notebook computers (Pong, anyone?)

Afterthoughts: Are students now more “visual learners” than they used to be? Do they have in their brains a different “visual set” than their professors do?

THE EMOTIONAL

Television drama and comedy, like all drama and comedy, is an emotional medium. Writers, actors, directors and producers want not only to engage your mind, but to make you laugh or cry or gasp or squirm – “feelings” are where it is “at.”

Speculation #4: Law students, exposed to a “lifetime-before-law school” of having their emotions tapped in both television and film, are unprepared for the “leave your emotions at home” outlook in many (but not all) legal texts and classrooms. As a result, some students find law school problems and analysis “unreal.”

HIGH PRODUCTION VALUES

Commercial television, especially prime-time, has high “production values.” This means, at its most basic level, that you don’t see the producer’s feet sticking out from under the curtain. At a more sophisticated level, it means that programs are visually flawless – transitions between shots and scenes are smooth, continuity is ever present (if there’s a coke bottle on the table in one shot, it’s still there in the next shot), sound is good, sound effects work, etc. Students who grow up with this approach are used to it and expect it as a matter of course.

Speculation #5: Law students are often bored, distracted and not engaged in law school classrooms because those classrooms are the ultimate in “low-production values.” The suffusion of print over the entire enterprise makes high production values particularly difficult to

achieve in classrooms: for example, when visuals are used, the transition into and out of them is still clunky, despite the increasing presence of audio-visual equipment and net access. Indeed, the very design of most law school classrooms, which are based on looking at stage plays (“the professor’s the thing in which I’ll catch the conscience of a king”?) makes the flawless integration of the visual and netable into the classroom experience difficult. At the very least, it requires training and serious effort. And who ever heard of a textbook that is “real time” integrated with video clips?

THE CONTEMPORARY

Mass audience, prime-time television is firmly planted in the present. Sure, the *History Channel* and the *Discovery Channel* and the like exist and prosper, but the big audiences are still for prime-time “network” shows – those put on by NBC, CBS, ABC, WB, and UPN, as well as shows where cable channels have invested relatively big bucks in dramatic productions – HBO, for example. Contemporary prime-time dramas and comedies are rarely about the past. They are relentlessly contemporary and they often examine contemporary emotional issues.

Speculation #6: Students are very “present-minded.” But the paradigm of most law school instruction is to start with and explicate the past, before getting to the present. Students might be more attracted to certain law school classes if those classes drew more on the present or at least started with the present. Could a course in Contracts be taught using mostly Microsoft’s allegedly onerous agreements with its OEM’s? How about an Antitrust course? Could Torts be taught using mostly cases from the daily newspaper?

THE WORLD

Television may once have been a “vast wasteland,” as Newton Minnow famously said of it in 1961, but it is now part of a rich tapestry of information and insight into the world. People who think TV is still a wasteland haven’t watched much of it lately or simply don’t like, as a political and cultural matter, what it has to say. (For an edited version

of Minnow's speech, see

<http://www.janda.org/b20/News%20articles/vastwastland.htm>)

When prime-time is combined with cable programs and the net, every middle-class high school and college student has, potentially, a direct pipeline to the modern world and its issues, problems and possibilities. College dorms are full of television sets and, as we all know, are connected to the net at high bandwidth. Many students take advantage of the opportunity presented and grow up "filled with the

Speculation #7 (the really outrageous one): Students are more sophisticated about the world than we are, and they know it.

CAVEAT: While many argue that television and film have "caused" the phenomena I've mentioned and that they are bad developments, I'm agnostic about that. It seems to me equally likely that humans, through watching movies and television over the last century, have simply discovered their natural "right" to be visually and emotionally stimulated while they learn and that that is, in the end, a good thing.

I note that the phenomenon of boredom during certain kinds of presentations certainly predates moving images. People were falling asleep on juries, in classrooms and in lectures long before the first piece of celluloid passed through a projector.

A brief bibliography concerning fiction and visual images (and no, I'm not an Amazon affiliate! But this way, you can quickly see the reviews of the books):

Gardner, John, *The Art of Fiction: Craft for Young Writers*. If you want to know how good stories are made, and how writers create "the dream readers, this is a good place to start. What Gardner discusses is equally applicable to writers of visual dramas, except that they use additional tools.

http://www.amazon.com/exec/obidos/ASIN/0679734031/qid=1007666281/sr=2-1/ref=sr_2_79_1/104-7538173-0095912

Stephens, Mitchell, *The Rise of the Image, the Fall of the Word*. Mitchell, a journalism professor at NYU, argues that, despite the criticism leveled at television, moving images are in some ways much better than print, creating more robust thought. He also “tours” the similar criticisms that both writing and printing endured when they first came on the scene.

http://www.amazon.com/exec/obidos/ASIN/0195098293/qid=1007666934/sr=1-1/ref=sr_1_10_1/104-7538173-0095912

Berger, John, *Ways of Seeing*. This is a book that is primarily about art appreciation and is, in many ways, quite ideological. But what Berger says has, I think, a lot to do with how people “see” images of all kinds. This book, written almost thirty years ago to accompany a BBC television show, is now considered a classic.

http://www.amazon.com/exec/obidos/ASIN/0140135154/qid=1007666567/sr=2-1/ref=sr_2_11_1/104-7538173-0095912

**Do You Know Where Your Students Are?
Langdell Logs On to the 21st Century**

**Camille Nelson
Saint Louis University, School of Law**

As part of the panel considering “The Use of Popular Culture in First Year Courses”, I intend to explain my general approach to teaching first year Contracts I and Contracts II. Specifically, I will explain my reasons for utilizing PowerPoint, the internet and film and documentary footage to supplement the casebook and study guide I assign.

I will give a demonstration of the manner in which I integrate these materials through an example of the popular culture I utilize in teaching the Baby M cases. My classes covering the Baby M cases are the only ones in which I use the internet, PowerPoint and film footage, together with the casebook readings, to consider the relevant caselaw.

Finally, I will explore student reactions to the use of technology in the classroom. I would like to conclude by reflecting upon some of the pros and cons I have experienced in using popular culture in the first year curriculum.

“How to Technology” Panel, AALS Annual Meeting Workshop: *Do you Know Where Your Students Are? Langdell Logs On to the 21st Century*, January 3, 2001
Outline for Professor Charles Calleros, Ariz. State Univ., charles.calleros@asu.edu

I. Introduction to the Panel Presentations

- A. Panel will focus on technologies that are relatively accessible to all faculty, beginning with low tech. and proceeding to more sophisticated applications.
- B. We begin with the premise that added technology will not rescue an empty pedagogy; however, it can improve a sound teaching plan by expanding paths of communication between students and between students and faculty, and by actively engaging students in new ways.

II. No Tech.

- A. With good readings, ideas, questions, hypotheticals, discussion leadership, and mix of small and large student discussion groupings, good teaching can take place with no electronic aids or other technology.
- B. Example: Demonstrating analogy, distinction, and indeterminacy in the law through the use of a hypothetical in a nonlegal context, using props to make the discussion more concrete. {Will be demonstrated in the afternoon session, “Calgary Comes to New Orleans,” and is described in 7 Leg. Writing 37 (2001)}.

III. Low Tech.

- A. Low-level technology can more thoroughly engage students by adding a visual component to lecture or discussion, or by bringing a representation of extra-classroom events to the classroom.
- I. Examples: overhead projector, computer projection of text from word processing file, and video. {Video exploring common law legal method in a non-legal setting, “Rules for Monica,” will be presented in small part both in this session and in afternoon session, “Calgary Comes to New Orleans,” and is described in 7 Leg. Writing 37 (2001)}.

IV. Moderate to High Tech.

All panelists will demonstrate use of computers and the internet in such applications as student discussion forums, posting of assignments and student papers, computer exercises and quizzes, and online courses and competitions.

“IF YOU KNOW WHY, YOU WILL FIND HOW” TO TECHNOLOGY

Benjamin G. Davis¹
Texas Wesleyan University

I see students as being “apprenticed to me” and my role is to help them turn into master artisans in each subject I teach. In reaction to most of my personal law school student experience and possibly because so many of my students are older, I try to reduce hierarchy and intimidation by me (learning the subject is hard enough on its own). I want them to be fearless. I imagine law school as a series of personal relationships – student by student. I want them to feel I am accessible.

I. Making the classroom work

I teach Contracts (6 hours full year – 84 students), the Dispute Resolution survey course (3 hours, one semester, 39 students), and Arbitration (3 hours, one semester, 12 students). At the beginning of each class I ask each student to send me a note answering why they came to law school and what they want to do after law school, so that I have a better sense of each of them. In each course, fifteen percent of a student’s grade is what s/he says in the classroom. Thus, there is a built in benefit to speaking in class – the student can influence part of the grade through their efforts before the exam. Giving that background pressure/opportunity goes hand in hand with my preference to ask for volunteers. I prefer students to try when they feel they can put their best foot forward. However, I call on students “cold” on occasion as I understand that some students respond primarily to fear. In Contracts, I use casebooks that contain problems and have the students work through the problems in class and through at least two written assignments a semester. While the written assignments are ungraded, each student is given a personal memo about their submission. In Dispute Resolution and Arbitration, I conduct in class role plays and exercises and have debriefing sessions.

A significant use of technology is to provide accessibility. Notwithstanding office hours or the minutes before or after classes, it is difficult to connect with 130 students. With service and research I am in and out of my office. I rarely am reachable by telephone. So e-mail is the primary other means of responding to student questions and concerns. These e-mails do not count towards the student’s class participation. They tend to be a means for a student to verify whether they understand a point and share epiphanies with me. They are an extension of the before/after class dialogue. These e-mails are not a vehicle for sending in written assignments (except when there are emergencies) because it is

¹ Associate Professor, Texas Wesleyan University School of Law, Fort Worth, Texas. bdavis@law.txwes.edu I have no financial or other interests in any dispute resolution service provider whether online or offline.

simpler. The problem is due, the assignment was handed in. I also give my feedback on the written assignment by placing the response in the student's box.

In each course, I create a TWEN site that I use to post assignments and the syllabus as well as send blast e-mails in emergencies. I do not have a discussion forum because (1) I have enough difficulty monitoring the professional one that I have (www.yahoogroups.com/ICArbitration) (2) am not sure I want to have an official unmonitored discussion forum and (3) I want the focus of discussion to be during the class where a student can affect their grade.

For grading, I use an Excel program to list all students in a column and each class in a row. After each class, I write in a summary of a student's comment and my evaluation. (I take brief notes in class to jog my memory – I destroy the notes after I enter the information so I have no chance to second guess what I have put down.) For example, "Jane Doe - Opened Hamer v/ Sidway – excellent". At the end of the term, I look at each of these comments to determine quantity and quality and the class participation portion of each student's grade.

II. Preparing the Student for the future in Dispute Resolution and Arbitration

Beyond the technology of making the classroom work, technology is a vital part of the class subject matter in Dispute Resolution and Arbitration. I consider it malpractice today for a Dispute Resolution or Arbitration professor not to address this subject matter in some manner in the course and with regard to both online and offline generated disputes. I also think it should be thought about in many other courses as Online Dispute Resolution touches on constitutional, administrative, contract, intellectual property, consumer protection, arbitration, dispute resolution, civil procedure, private international, public international, anti-trust, secured transactions, and privacy law in the domestic, international and transnational arenas. It also affects issues such as access to justice, privatization of law, globalization and development.

I was fortunate to begin working on the use of information technology and dispute resolution in 1989 when I led the introduction of information technology (custom software design and implementation in four languages) and internet strategy at the International Court of Arbitration of the International Chamber of Commerce in Paris, France (arbitrations and conciliations on six continents). As the internet has grown, and particularly since 1999, a number of websites (currently estimated at around sixty) provide for some type of online dispute resolution (negotiation, mediation or arbitration services, but also online courts) and conflict management services. These services fall in the general categories of complaint handling, negotiation, mediation, and arbitration.

Several professors have been intrigued by this new use of technology in dispute resolution. Over the past year, either in stand-alone ADR and Technology seminars (winter term, or even one week courses, in class or through distance learning) or as part of survey Dispute Resolution courses, the professors have attempted to introduce students to these technologies. My concern about stand-alone ADR and Technology seminars or short courses is that they might be selected only by technophiles. I feel it is urgent for the average law student taking a survey Dispute Resolution course to have some grounding in this subject. Thus, as part of learning about negotiation, students conduct an online negotiation in my Dispute Resolution courses – and in similar fashion they conduct online mediations or can visit and examine online arbitration sites. Students are divided into negotiation, mediation, or arbitration groups, trained briefly, and then asked to proceed. I wander around and watch their experience and also look at all students while they work through any computer. The next class we debrief on the experience as compared to offline exercises.

To gain access to the technology, I contact service providers and ask them to let us borrow their platform. Some are open, others are reticent. In exchange for the courtesy use, I send a note to the dispute resolution service provider in which I provide comments about the manner in which their platform worked. I discourage service providers from using our participation in any marketing effort.

III. Preparing part of the future of Dispute Resolution - The idea

Several professors have concluded that exposure to these technologies will permit law students to be better lawyers – whether in representing clients or acting as neutrals. An informal group² has formed to move past the individual efforts at several universities and prepare a new international initiative in the areas of legal education, conflict management, and ODR. Taking inspiration from longstanding arbitration / mediation / negotiation moot court competitions between law students a consortium of law school faculty and interested professionals have designed and are implementing a prototype online negotiation competition. Sponsored by Texas Wesleyan University School of Law during CITDR's [Cyberweek 2002](#) (February 2002), ten teams, drawn from law schools in Australia, Canada, New Zealand and the U.S., will engage in two rounds of head to head competitive negotiations in an ODR environment.

² Alan Gaitenby (Assistant Director, Center for Information Technology and Dispute Resolution (“CITDR”), University of Massachusetts - gaitenby@disputes.net), Ayesha Hassan (Senior Policy Manager, E-Business, IT and Telecoms, International Chamber of Commerce – ayesha.hassan@iccwbo.org), Ethan Katsh (Professor and Director, Center for Information Technology and Dispute Resolution, University of Massachusetts - katsh@legal.umass.edu), David Larson (Professor and Senior Fellow Dispute Resolution Institute, Hamline School of Law – dlarson@gw.hamline.edu), and Frank Snyder (Associate Professor, Texas Wesleyan University – fsnyder@law.txwes.edu) and the author.

We envision this as the first of many iterations, with future competitions involving more teams, different dispute resolution techniques, languages other than English, and a pool of ODR services and products. The goal of the international competition is to help law students around the world become better lawyers by developing their skills and understanding of the theory and practice of ADR and ODR.

HOW TO TECHNOLOGY

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Broadly speaking, the use of information technology in legal education can be divided into two categories.

One category involves taking advantage of the electronic medium and providing information that is otherwise available in paper format in electronic form online. Course web pages that post assignments and syllabi, course management software and the like fall in this category. In these applications, the convenience and efficiency of having all the required information in electronic form is a significant advantage that is readily appreciated by students.

The second category involves using information technology to alter or enhance the pedagogical experience. A few examples in this category are live chat rooms in class, online course reviews, online quizzes, threaded discussion groups, electronic commons, and the like. These techniques can be employed to improve the student's ability to absorb the materials, to enhance student participation by reducing communication barriers, and to improve the overall learning experience. Some of the techniques employed in this category are also those that require more faculty effort, but they are also likely to meet the most resistance from students and faculty.

In this talk, I will present examples from both categories and discuss what I have learned from using these techniques in class, including overall student participation and student and faculty feedback.

HOW TO TECHNOLOGY

“Technology in teaching is no longer for the few technophiles on the faculty. This is a nuts and bolts session demonstrating what technology can accomplish and how you can do it.”

Sally H. Wise
Director of the Law Library
Professor of Law
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OUTLINE

Legal Research Techniques - (Advanced Legal Research)

- Using commercial web course product (TWEN)
 - Need a Westlaw password;
- Used a classroom outfitted with computers for the students
- Syllabus
- Assessment Quiz
- Putting student papers on the site for students to critique – since access requires Westlaw password no one else can see; eliminates the need to put papers on reserve.
- Web sites and Electronic databases (includes Lexis, Westlaw, Loislaw, etc.)
 - Live demonstrations
 - Discussion
 - Students answer questions after accessing the web site during class
- Discussion List
 - Notification of changes in syllabus
 - Reminder of up coming deadlines
 - Did not use as much for discussions outside of class
- Microsoft PowerPoint (or WordPerfect Presentation) slides
 - Posting the slides so students can access after class
- Legal Research Games (designed using HTML)

What Others are Doing

- Web Pathfinders rather than Print Pathfinders (teaching and using HTML skills)
- Student Presentations using PowerPoint or Presentation slides
- Course web pages using HTML rather than commercial products
- Videos as a starting point for discussion
- Starting each class with music – a theme song of the day

- Threaded discussions
 - Required participation (some faculty)
 - Require participation before class discussion on topic
- Online quizzes
 - Used to prepare students for class discussion on topic
- PowerPoint tutorials
- Paltalk – Used as online discussion tutorial
 - <http://www.paltalk.com/>
 - Students needed to have Internet access, speakers, and microphone to participate in the online classes
 - What is Paltalk? “PalTalk is the total internet communications solution that combines the best of instant messaging and internet telephony. PalTalk offers a wide range of features that allow users to communicate with each other anywhere in the world at any time - all for FREE. PalTalk enables free calls to anywhere in the world, with breakthrough sound quality. Even more, PalTalk enables live video calls, voice chat rooms, instant messaging and lots more. We are pleased to be launching Multivideo with PalTalk 4.0 that enables 4 simultaneous video images in a voice conference. PalTalk is a free service.
- Catchtheweb – used to design online tutorials
 - <http://www.catchtheweb.com>
- Web tutorials
 - Carole Levitt, Internet for Lawyers
 - http://www.netforlawyers.com/online_mcle.htm>
 - FindLaw
 - <http://www.findlaw.com/>
 - The Virtual Chase: Legal Research on the Internet
 - Genie Tyburski, Ballard Spahr Andrews & Ingersoll, LLP
 - <http://www.virtualchase.com/>
- Examsoft (Softest)– used for quizzes
 - <http://www.examsoft.com>

Resources

- JURIST – The Legal Education Network (web site)
 - <http://www.jurist.law.pitt.edu/>
- Perspectives: Teaching Legal Research and Writing (periodical)
 - <http://www.westgroup.com/aboutus/newsletters/perspectives/>

CALI – Computer Access Legal Instruction

- <http://www.cali.org>

- Law Librarian Community Authoring project for legal research materials
- Fellows program
- CALI Author software
- Conference for Law School Computing (a.k.a. CALI conference)

GLOBALIZATION: A NEW PARADIGM FOR TEACHING

Andrea L. Johnson
California Western School of Law

I. IMPACT OF GLOBALIZATION

- A. Globalization has impacted the U.S. law school classroom in two ways that bring both challenges and opportunities.
 - 1. There is greater diversity among foreign students within the student population through growing enrollments in L.L.M. and M.C.L. programs.
 - 2. Technology allows the classroom experience to extend beyond the four walls of a given institution to connect with experts, other students and faculty using teleconferencing, videoconferencing, and the Internet.

- B. Faculty have the opportunity to make the classroom more dynamic by allowing foreign students to focus on comparative law issues that can be integrated into class discussions, and may provide alternatives to traditional exams.
 - 1. Most foreign students are already lawyers in their home country. This gives them a point of reference. They may also be returning to their home countries to work for nationals or governments doing business with U.S. companies. Many students want to understand the comparative law issues.
 - 2. There are practical realities such as language and cultural barriers that challenge foreign students in understanding U.S. laws and principles. They often need some point of reference. Difficult names and the varying proficiency in oral and written communication also requires the professor to consider alternative forms of assessment.

II. UNDERSTANDING THE CLASSROOM DYNAMIC

- A. Understand your audience by knowing something about your students. At the beginning of the semester, ask students to complete index cards with contact information, phonetic pronunciation of names, program, interest and home city/state/country, and background in the subject matter.
 - 1. Avoid the temptation not to call on foreign students because you cannot pronounce their names. Don't try to learn their names before class. Some times it is best to acknowledge the difficulty and ask for assistance.

2. If the size of the class permits, allow students to introduce themselves and identify their home country. Anticipate potential conflicts among students by laying some ground rules up front about professionalism and respect in disagreeing or relating to one another.
- B. Students seem to be more affected by current events and have a greater need to “vent” or challenge traditional notions.
1. Students are becoming more “activist” and aggressive about their opinions. They also are more conservative than faculty.
 2. Tension is higher among students during an international crisis in some areas of the country, particularly in areas with military personnel.

III. DISTANCE LEARNING CASE STUDY MODULES

- A. California Western School of Law and HELP Institute in Malaysia
1. Equipment: Teleconference (speaker phone), Videotape and Internet
 2. Course: J.D. students in Telecommunications Law in U.S. and Masters students in Business Organizations in Malaysia; Module took about 4 weeks.
 3. Exercise: Negotiate a joint venture agreement between foreign nationals and a U.S. company seeking to build a videoconference facility in Malaysia. Students are paired in teams and act as subject matter experts. Faculty conducted lectures on legal issues in the U.S. and Malaysia.
 4. Lessons Learned: Videotape introductions persons on the front end so they have a face. Require interaction via email. Allow at least two real-time audio conversations.
- B. California Western School of Law and Chicago-Kent College of Law
1. Equipment: Teleconference (speaker phone), Videoconference, Videotape and Internet
 2. Course: J.D. students in Telecommunications Law and J.D., L.L.M. and MCL students in International Telecommunications Law. Module took about 4 weeks.
 3. Exercise: Negotiate a joint venture agreement between foreign nationals and a U.S. company doing business in Malaysia to build a videoconference facility. Students are paired to teams as subject matter experts. Faculty conducted lectures on legal issues in the U.S. and Malaysia.
 4. Lessons Learned: Build in class time for both lecture, class discussion and small group discussions. Require interaction via

email and discussion lists good way to share thoughts.
Assignments sent to email address where they get an automatic
confirmation and separate from other email.

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PROFESSIONALISM IN THE PUBLIC INTEREST

Stephen Wizner and Dennis Curtis¹

Inspired by a course offered by Professor Gary Palm at the University of Chicago, we coteach a seminar designed to encourage and assist law students to prepare pro bono projects to be carried out during their first few years in private practice. In Palm's words, developing a pro bono plan before graduation from law school can "make it easier for a young law firm lawyer to follow through with a commitment to public service at a time when she is trying to adjust to a new career and is likely to be expected to work extremely long hours."²

We assign materials on legal ethics and professional responsibility, the public service obligation of the bar, access to justice, and mandatory pro bono. The materials lay out the debates about these subjects, so that class discussions can be had without the assumption that pro bono service, especially mandatory pro bono, is universally perceived as a public good.

We invite practicing lawyers from the private and public interest sectors to attend seminar meetings to share with the students their experiences with pro bono legal representation, to discuss strategies for carrying out pro bono work while in private practice, and to describe the economics and culture of firm practice.

We conceive of this seminar as an "advanced legal ethics" course, with specific pro bono plans as the "term papers." We help students design projects based on their interests (rather than taking pro bono assignments from a menu offered by a law firm). Students are required to research the particular field in which they propose to offer their services to low income clients. Before graduation, students must also contact legal aid and other public interest programs in the area where they plan to practice. We help the students negotiate with legal service providers to arrange for referral of cases, and with their law firms for time, credit toward billable hours and financial support for their projects. The upshot is that, as entering associates, students bring clients with them, but nonpaying ones.

After teaching this course for three years, and modifying it as we go along, what can we say to others who would like to teach a similar course? Changes to the syllabus have mainly occurred in two areas -- we have added materials about life as an associate in large law firms, and increased somewhat the materials on legal

¹Stephen Wizner is William O. Douglas Clinical Professor of Law; Dennis Curtis is Clinical Professor of Law at Yale Law School.

² Gary Palm, a MAPP [Major Anti-Poverty Pro Bono Project Plan] unpublished manuscript on file with the authors.

ethics. Since most of the students who take the course will be going to large law firms, firm culture, especially with respect to pro bono work, automatically becomes a prime subject for conversation in the classroom. We added the ethics material primarily to make sure that all of the students start off on the same page with respect to some of the core ethical rules and concepts.

In summary, the course is primarily about legal ethics, professional responsibility and the legal profession, with a specific focus on the provision of legal services to the poor. In our view, it has an added "practical" objective of focusing students' attention on the maldistribution of legal services and their ability and responsibility to do something about it.

PARTNERS FOR PUBLIC SERVICE
at
Quinnipiac University School Of Law

Building Commitment to Public Interest Lawyering
through
Externships in Private Practice

Cindy Slane
Assistant Clinical Professor of Law & Director of Field Placement Programs

AALS Annual Meeting
January 3, 2002

The Context: Clinics, Externships, and Public Interest Lawyering at Quinnipiac

The clinical curriculum at Quinnipiac University School of Law includes fifteen clinic and externship courses that provide students with instruction in the skills and values they will need to be professionally competent, ethical, and socially responsible lawyers. Every Quinnipiac student has the opportunity to participate in at least one clinic or externship prior to graduation.

Many of Quinnipiac's clinical programs allow students to work with lawyers in traditional public interest practice settings: in in-house Civil, Health Law, and Tax Clinics, which serve low-income people in surrounding communities, and in externships in legal services organizations, public defenders' offices, government agencies,¹ and not-for-profit advocacy organizations² throughout the state and beyond. Until recently, though, one important practice setting was off-limits to Quinnipiac students, notwithstanding the oftentimes significant public interest contributions made by lawyers in that setting. Under rules enacted long before the ABA Accreditation Standards changed to require careful oversight of programs awarding credit for study away from the Law School, Quinnipiac students could not earn law school credit for externships in private law firms.

The Rule Banning Private Firm Externship Placement: Its Origin and Impact

Without question, there were good reasons for Quinnipiac's "no private firm placement" policy when it was enacted. Chief among them was the concern that private attorneys who could secure student assistance at no cost through an externship program would decline to offer paying, part-time jobs to student law clerks. Externships, the faculty reasoned, should not deprive students of opportunities to "earn while learning." The blanket prohibition made sense, too, because when the faculty last had visited this issue, our externship programs were loosely organized at best. The combination of private firm placement and minimal law school oversight carried with it two significant risks: 1) that supervising attorneys would enrich themselves with student labor, billing clients for student time spent on fee-generating matters; and 2) that supervising attorneys, under pressure to meet billable-hour quotas, would be disinclined to commit adequate time to "non-billable" student supervision.

Although the concerns that gave rise to the policy were sound at one time, they were less worrisome after the 1994 restructuring of Quinnipiac's externship programs. That restructuring had provided safeguards (e.g., site visits, seminar meetings, and semester planning and journal requirements) that could effectively insure against the moral hazards that made private firm placement risky under the old model. Even so, our "just say no" policy remained firm. As a consequence, externship students were unnecessarily denied exposure to a very important practice setting – ironically, the very practice setting in which they were most likely to find employment after graduation – and to an invaluable opportunity to learn how busy lawyers integrate public interest lawyering into the private

¹ E.g., the Office of Protection and Advocacy for Persons with Disabilities and the Attorney General's Health Care Fraud and Whistleblower Unit.

² E.g., the Connecticut Civil Liberties Union and the Connecticut Fund for the Environment.

practice of law.

The Winds of Change

In the summer of 1999, at the prompting of third-year law student Catherine Creager³ (who hoped to secure an externship with a private law firm that provided *pro bono* representation to low-income artists and actors) and United States Magistrate Judge Holly Fitzsimmons (who hoped that the prospect of law student assistance would make lawyers more receptive to court appointments in prisoners' rights cases), I agreed that it was time to take steps to dismantle our institutional barrier to private firm placement.

Ms. Creager set to work, researching programs in place at other law schools and identifying potential players for our first effort to forge a partnership between our externship program and the private bar. In February 2000, Ms. Creager, Magistrate Judge Fitzsimmons, my clinical colleague Carolyn Kaas, and I convened a focus group of distinguished legal professionals representing private and public organizations. We charged the group with assisting us in designing an externship program that would pair law students with lawyers in private practice to increase legal representation for low- and moderate-income individuals and public interest entities. All present offered encouragement and helpful advice. Many indicated strong interest in participating in the program, which we christened "Partners for Public Service," or "PPS."

The Partners for Public Service Proposal

In March 2000, Ms. Creager presented to the faculty the fruits of our collective labors: a proposal for a change in law school policy to permit some students enrolled in Quinnipiac's externship programs to work with private attorneys for credit. Happily (although not before almost an hour of robust debate centering on the concerns that animated the "no private firm placement" policy – debate which convinced Ms. Creager that ten months of hard work was about to go down in flames), the faculty voted decisively in favor of the proposal.

The two-year pilot program we envisioned, Partners for Public Service, is now in its second year of operation.

The PPS Program: Nuts & Bolts

Partners for Public Service offers students enrolled in four of Quinnipiac's externship programs (Corporate Counsel, Criminal Justice, Family & Juvenile Law, and Public Interest) placements in private law firms that provide *pro bono*, statutory-fee, or reduced-fee legal services to low- to moderate-income clients referred by courts and established legal services organizations, and/or *pro bono* or significantly reduced-fee representation to public and private, not-for-profit organizations dedicated to serving the public good.

The externship faculty has proceeded very cautiously in developing PPS placements, relying on recommendations from trusted lawyers and judges who have had extensive contact with prospective attorney-mentors. Our first PPS students have worked for the outside general counsel to the New Haven Housing Authority, for a small firm that represents consumers, for a solo practitioner (and former Legal Aid lawyer) who accepts a significant number of *pro bono* housing and disability cases from Connecticut's Statewide Legal Services, and for a number of private law firms and solo practitioners that accept court appointments and/or Statewide Legal Services referrals in family and juvenile matters.

³ Ms. Creager worked extensively on the Partners for Public Service proposal for independent study credit in the Fall 1999 semester, bringing her considerable analytical and organizational skills to the project. She continued to work on the proposal through the Spring 2000 term.

Four types of clients receive legal representation through the Partners for Public Service program: 1) income-eligible individuals who, for various reasons, cannot obtain representation through established legal services or public defender organizations; 2) income-eligible individuals for whom state or federal courts appoint counsel in pending civil matters; 3) individuals who exceed the income tests for established legal service organizations, but cannot afford to pay market rates for legal representation; and 4) public or private, not-for-profit agencies and organizations dedicated to serving the public good.

Other program policies are relatively straightforward.⁴

Students apply for all PPS externships through established procedures, but indicate a preference for Partners for Public Service placement when registering for the externship semester. All course prerequisites/co-requisites apply.

PPS students may work only on “eligible” matters during the externship semester, although they may observe lawyers performing other work (taking depositions, presenting oral arguments, etc.) if doing so helps them prepare for work they will do for eligible clients.

Participating lawyers may not bill student time to clients or the state, though we are seeking the bar association ethics committee’s blessing for a plan by which lawyers, *ex ante*, would assign fees attributable to student work on fee shifting cases to a Partners for Public Service Fellowship fund at the School of Law. Assuming that a contingent assignment of an hourly rate for student time does not violate ethics rules prohibiting fee splitting with non-lawyers (and my own research has convinced me that we will survive ethics scrutiny on that point), our plan is to use those monies to provide stipends for law students who accept unpaid summer positions in public interest organizations. In that way, student work on behalf of low-income clients in fee shifting cases would become the classic gift that keeps on giving.

The Initial Assessment: How Are We Doing?

The overall goals of Quinnipiac’s Partners for Public Service program are fivefold:

1. to instill in students a commitment to public service and *pro bono* activity for the benefit of under-served communities;
2. to encourage lawyers in private practice to increase their commitment to public service and *pro bono* activity for the benefit of under-served communities;
3. to create opportunities for students to earn credit for work with private firms, and for lawyers in private firms to become more familiar with the School of Law and its students;
4. to develop a model program for a public interest lawyering partnership between lawyers and law students which can be replicated by other law schools; and
5. in doing so, to make needed legal services more available to low- and moderate-income individuals, and to public and private, not-for-profit entities dedicated to the public good.

Because PPS has been in operation for only a short time and has placed only fifteen students, we cannot evaluate reliably its success in meeting these goals. However, based on the evidence available to date, we are optimistic.

To be sure, not every at-bat has produced a home run, although the problems we have encountered are not unique to externship placements in private law firms. One PPS lawyer, though well-intentioned, was too busy to provide

⁴ Public Interest and Family & Juvenile Law Externship letter agreements and the PPS Client Consent Form are posted on the AALS website.

the supervision his student-intern needed, leaving her to scavenge assistance from other lawyers in the office. One PPS student, though capable and motivated, seemed “stuck” on a fairly straightforward project despite her supervisor’s Herculean attempt to offer direction and feedback.

In the main, though, participating lawyers have been enthusiastic about the program, taking readily to their mentoring roles. Participating students have been equally engaged, often continuing to work at their PPS placements (and for their PPS clients) long after all requisite externship hours have been logged. One student, for example, became involved through her externship in a community project that outlasted her clinical semester by several months, organizing a contingent of Quinnipiac law students and faculty members to clean and refurbish a donated building that now serves as a day care center for infants and toddlers in a New Haven housing project. Another returned to his placement after the semester ended, volunteering his time to conclude a housing matter on behalf of a *pro bono* client. Not a few (like their classmates in in-house clinics and more traditional externship placements) have assessed their externships as the “best thing” they have done in law school.

Most importantly, by working side by side with lawyers in private practice who have arranged their professional lives to include significant commitments to public interest lawyering, students begin to understand that private practice is not incompatible with public service. In journal entries and class discussion, they reveal their growing belief that they, too, will be able to cover rent and car payments and repay student loans and still honor the highest *pro bono publico* ideals of our profession.

We hope to gather empirical evidence to support these anecdotal reports. In the meantime, though, we are forging ahead, confident that the data will confirm what many of us already believe: commitment to public interest lawyering is contagious, and the earlier we expose law students to known carriers, the better.

MENTAL MODELS IN LAW FROM THE INSIDE OUT

Gary Blasi
University of California at Los Angeles

- I) Introduction to Mental Models
 - A) In some theories of human cognition, "mental models" lie at the core of how people understand and interact with the world.
 - B) Mental models are closely related to, but not co-extensive with, other important representational forms, including schemas, scripts, prototypes, narratives, images, "idealized cognitive models," theories, and so on.
 - C) In many cases, mental models operate to "frame" our perceptions of the world, such that we have difficulty processing information that is incoherent with the frame.
 - D) In trivial cases, we may "build" our mental models from scratch, but most often we import them from the general culture, either directly or through analogical processes that are reasonably well understood.
 - E) One of the things that separates novices (including law students) from experts (experienced lawyers, law professors) is the complexity and representational "accuracy" of their mental models.
 - F) One of the things that separates some experts (e.g., experienced lawyers) from other experts (e.g., some law professors) is a matter of their "stance" or "perspective" vis-à-vis mental models. For shorthand, I will call these the "inside" view and the "outside" view, recognizing that this representation is itself a somewhat inaccurate model of modeling itself.
- II) Mental models and learning law and lawyering.
 - A) There are several processes going on in law schools that can be re-described in terms of mental models:
 - i) Students are acquiring basic mental models as prototypical representations of significance in law: e.g., litigation is bipolar and resolved by the application of rules to facts.
 - ii) Teachers are providing architectures or suggesting architectural styles for mental models: e.g., negotiation is a game.
 - B) The most common "stance" of both students and teacher in the traditional classroom is "outside and above" the legal objects, institutions, processes being studied and modeled. Such a stance is essential to critique, and is also similar to the stance that must be adopted institutionally by judges and their clerks.

- C) The most common "stance" of practicing lawyers in all the realms in which they operate is from "inside" the legal institutions and processes being modeled in the course of rendering them comprehensible.
- D) To the degree that we want to inculcate "problem-solving" skills in our students, we must recognize the fundamental differences between problems that can only be approached from "outside and above" [e.g., the most efficient products liability regime] and problems that must be approached from "inside" in order to solve them [e.g., persuading a trial judge that X is a defective product].
- E) There is little evidence that problem-solving can be learned in ways that do not involve *both* practice in problem-solving episodes *and* the development and elaboration of theories and models constructed either through induction or with assistance through presentation of analogies.

III) Implications for Law School Pedagogy

- A) Doctrinal problem-solving (extracting rules from cases; reconciling statutes) can be taught by traditional Langdellian means, which adopt the "outside and above" stance.
- B) Legal policy problem-solving (including critical accounts of law) can be taught by means common in law school classrooms (e.g., efficiency arguments based on economic models or political arguments based on class models of social and legal power), which adopt the same "outside and above" stance, but use different levels of discourse.
- C) Problem solving in lawyering (e.g., which arguments are likely to work best with which audiences) can probably only be learned and taught by adopting an "inside" stance toward the problems being modeled. This is the inevitable consequence of pedagogical methods in clinical legal education ("live client" or simulated), albeit it is not clear how often teachers consciously facilitate the acquisition of more useful mental models.
- D) To the degree that we are training advocates and not merely legal critics and judicial clerks, we might more commonly adopt the "inside" perspective in parts of our doctrinal courses. This is, in fact, the principal cognitive shift in problem-based teaching that is now widely adopted in the training of MBA's, physicians, architects, and other professionals.
- E) There is no reason to think that we will follow the medical schools in dramatically shifting our pedagogy in these directions so long as : (1) the elite law schools provide the dominant model of instruction; and (2) the large law firms that constitute the principal market for graduates of elite law schools are satisfied with new associates capable only of doctrinal puzzle-solving.

F) Other schools, and faculty within elite schools concerned with training graduates who cannot count on an extended period of mentorship, would do well to begin utilizing more problem-based methods of instruction across the curriculum. Problem-based methods also facilitate other desirable goals, such as including ethical considerations in courses across the curriculum.

USING LEARNING THEORY TO CONNECT WITH LAW STUDENTS: MOTIVATING OUR STUDENTS

**Jennifer Rosato
Brooklyn Law School**

I. INTRODUCTION

How do you motivate your students to learn? Maybe you excite them with your passion for the material or dynamic teaching style. Maybe you use examples from “real life” to teach in context and show students the relevance of what they are learning. Maybe you intimidate them with the Socratic Method. Or give them regular, positive feedback.

But do you know if any of these methods really work? This presentation will explore some of the existing literature on motivation and learning, and propose a variety of ways that we can motivate our students.

II. GENERAL PRINCIPLES

- A. Positive reinforcement is a better motivator than negative reinforcement
- B. It is better for students to possess intrinsic rather than extrinsic motivation
- C. Active learning is a more effective motivator than passive learning
- D. The students’ eagerness to learn is enhanced by interaction with the teacher and other students
- E. Students are more interested in learning when the material is perceived as personally relevant to them
- F. When motivation is fostered, learning is also fostered

III. TEACHING TO MOTIVATE

- A. According to learning theory, motivation is fostered when:
 - 1. The learning environment reflects an atmosphere of inclusion.
 - 2. Students are encouraged to develop a positive attitude towards learning.

3. The meaning of the subject is enhanced by “creating challenging, thoughtful learning experiences that include students’ perspectives

4. Students are made to feel that they are competent learners.

B. Achieving these goals

1. *In the First Year*

–anxiety must be controlled so that it does not interfere with the students’ ability to learn.

–learning should proceed at a steady pace, with small incremental steps.

–teaching objectives should be clear, and should be articulated to students when appropriate.

–active learning that resembles legal problem-solving should be encouraged.

–students should be given positive feedback whenever possible (inside and outside of the classroom, oral and written).

–students should be given group assignments in which they are encouraged to work together with other students towards a common goal.

2. *After the First Year*

–because anxiety is diminished and apathy more likely to set in, students must be given other reasons to learn: e.g., because the material is inherently interesting or because it has relevance to present or future professional goals.

–teachers should use material that has more meaning to our upper-class students, including current events and popular culture such as tv shows, movies, or music.

–students should to be given more responsibility for their learning by being called upon to lead class discussion, develop a role play, or present a paper. More generally, student participation should be encouraged and rewarded. The teacher’s expectations should remain high.

–students’ voices and choices should be respected whenever possible: for example, by allowing opt-outs for participation, encouraging student-initiated paper topics, or assigning reflection papers.

–students should continue to be encouraged to work together on group projects.

–Overall, professors should model the values that they want their students to acquire: professionalism, hard work, passion, and creativity (to name a few). Students will identify with their professors and will strive to be like them.

USING TECHNOLOGY AND POPULAR CULTURE TO TEACH STATUTORY MATERIAL

Sharlene W. Lassiter

This presentation will demonstrate the use of PowerPoint, the Internet and TWEN to meet three teaching objectives as part of a UCC: Sales and Secured Transaction course: Statutory Analysis, Application to Real Facts and Fact Investigation. The presentation will include a demonstration of a Small Business Case Study and the Use of the Internet to perform fact investigation necessary to satisfy various statutory elements.

Distance Learning: Alternative Modes of Educational Delivery

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INTRODUCTION

Prior to the beginning of the Spring 2001 semester, I was called to active duty for training in the United States Army at the Judge Advocate General's School in Charlottesville, Virginia. To comply with the American Bar Association's requirements for class minutes, I proposed teaching Introduction to Government Contract Law using various distance learning techniques, which included e-mail communications, web-based instruction platforms, and, most critical, synchronous video-teleconferenced meetings. The following discussion is an after-action report that describes the logistics, efficiency, costs, and overall educational impacts of distance learning for my classes scheduled during my activation. I also conclude with a lessons learned or a "wish list" of what I wish I had known before I started.

LOGISTICS

Producing a synchronous video teleconferenced class or course, which is supported by University of Hawai'i at Mānoa, requires compliance with various procedures. The University's Office of Information Technology Services (ITS) dictates the guidelines and procedures for requesting both In-State and Out-of-State dial-up video teleconferencing.¹ The Office of Information Technology Services provides many users with access to its resources. The Office will accept requests from University of Hawai'i departments and campuses, University of Hawai'i student organizations, and private, non-profit organizations. Priority is given to faculty, departments, and campuses.²

The procedures for producing an Out-of-State video teleconference are not onerous. First, the faculty member should request a reservation from the Distance Learning and Instructional Technology (DLIT) group four weeks prior to the date of delivery of the video teleconference. The DLIT group operates the Interactive Television (ITV) equipment and confirms reservations. The four-week lead-time is necessary to allocate and coordinate the use of resources. While the four-week notice is suggested, the group is very flexible in confirming reservations that come in just days prior to the delivery date.

The DLIT ITV scheduler requires certain information from the far end site (Out-of-State location) before the reservation can be confirmed. The necessary information includes, but is not limited to, location, hardware and software manufacturers, and network/dial-up specifications. The scheduler is responsible for

¹ See attachment A.

² See attachment B.

reservations and marshalling technical support at the near end site (UH Mānoa). In addition, the scheduler performs the test with the far end site to establish systems integration between the near end and far end sites. After the scheduler completes the connection test, she contacts the faculty member to confirm the date and time for the synchronous video teleconference. The DLIT group has the capability to transmit both one-way and two-way video. In my course, I used two-way synchronous/interactive transmission to best simulate the law school discussion environment.³

EFFICIENCY

In order for technology in the classroom and supporting the classroom to be worthwhile, it must be efficient. There is no need to become involved in distance learning if the pre-course planning of communications, systems integration, and internet-based learning platforms create inefficiency in the preparation or delivery of course content. My experience with the DLIT group demonstrates that distance learning preparation and delivery can be accomplished efficiently.

The DLIT group has created a user-friendly query system to process ITV requests. Thus, the faculty member is not required to have specific knowledge of networks, communications, or computer systems in order to take advantage of distance learning technology. The faculty member is only required to be an initial conduit between the near end site and the far end site. After facilitating the first contact between the near end site and the far end site, the faculty member has no other responsibilities. The faculty member may choose to invest a minimal amount of time becoming comfortable with personal expressions in a television medium, for example facial expressions, eye-to-eye contact, and directions to technical support personnel at the projecting site. In addition, video conferencing technology allows smart board use, which enables the instructor to operate an overhead projector to televise slides, graphs, or other media. The instructor may seek to practice with a smart board before conducting the class session.

COSTS

The DLIT group charges nominal fees for its myriad services. For example, the monetary cost for the test call to establish the link from the near end site to the far end site is a flat rate of \$100.00. The cost for initiating a VTC call to a far end site is \$100.00 per hour. The latter cost includes a room assignment charge at the near end site, technical engineering provisions, instructional media, and staff support. These monetary costs become important in a cost benefit analysis that must balance the cost of investing in distance learning technology against the revenue received from the distance learning endeavor.⁴ In my use of distance

³ See Attachment B.

⁴ See Attachment C.

learning technology, the law school incurred the cost of testing the link between the near end site and the far end site; but the law school did not receive monetary revenue in return. Traditionally, distance learning for profit takes advantage of new tuition dollars from prospective students without access to higher education instruction. The traditional paradigm for distance learning seeks to capitalize on unspent prospective tuition dollars.⁵

While my use of distance learning did not create monetary revenue, my use did reduce the incalculable costs of make-up class scheduling, delayed instruction, and student angst. As you know, many faculty members are called to travel mid-semester on behalf of the University or in connection with public service, which reflects positively on the University. For these faculty members, distance learning technology would offer a convenient alternative to canceling and rescheduling classes.

Cost and scheduling also impact students. In order to achieve success in the current distance learning platform, UH law school students must trek to another building on campus to attend VTC classes, because the law school is not equipped with smart classroom technology to support VTC transmissions. As a result, students may be rushed as they try to move from the law school to the transmission location back to the law school.

EDUCATIONAL IMPACTS

A major concern of using distance learning technology is its educational and pedagogical impacts, either real or perceived, on the end users, i.e., faculty and students. I approached the use of distance learning technology with a positive attitude. I would propose that for this technology to succeed, it must be viewed with optimism and patience. A faculty member's positive attitude about new technologies will filter to the students, who will then also approach new technologies with optimism. With this stated, my overall impression is that distance learning technology is extremely useful as one of many classroom tools, but it should not be used, unless absolutely necessary, exclusive of other instructional techniques.

My impressions about the pedagogical successes and shortcomings of distance learning in general and synchronous video teleconferencing specifically are completely anecdotal. Thus, I will limit subjective conclusions to my first hand experience presenting my course. Keep in mind that for some, offering a Government Contracts course using Internet and ITV technology may have provided all of the excitement capable for such a course!⁶

⁵ See Attachment D.

⁶ This is a joke. Government Contract Law is very . . . very . . . very exciting!

I held my first VTC class on January 29, 2001 at 11:20 a.m. HST and 4:20 p.m. EST. The class lasted roughly one hour and ten minutes. Class began on time, and students appeared to acclimate to the classroom with ease; however, this ease seemed to dissipate the moment the class commenced, because the students were obviously not comfortable using the microphone, mute functions, and sound panels on their desks. My assessment is that the students were presented with an unusual class environment. I observed my own discomfort with the silence and, accordingly, I began to lecture in an effort to replace the silence. From this class experience, I reasoned that professors most accustomed to lecturing would benefit the most from this medium. I now believe that this reasoning is erroneous. Student participation increased after I initiated a question and answer session. At the conclusion of this class, I asked for e-mail comments about the class and the presentation medium. Most students were ambivalent about the medium, and no students had clarification questions. One student who added my course after I taught the first class in person confided that she did not like the medium, because she could not develop the level of excitement that she had anticipated from speaking to my former students who took classes from me in the prior semester. She wanted to know when I would return so that we would not have to have anymore VTC classes. Three students commented that the VTC class was just fine, but that the technicians should be more proactive in changing camera angles, producing higher quality sound, and instructing students how to use the equipment before the start of class.

I implemented the student comments about the production of the class, and I spoke with the technician at the end of the class to provide him with directions for producing the next VTC class. I held the next VTC class on January 31, 2001. Upon implementing the student suggestions, I noted a marked difference in the dynamics of the classroom and the class discussion. Instead of lecturing, I divided the class into two sections. Each section was required to represent a party in a case. The technician was able to change camera angles when questions were posed to either party. I imagine I could explain the dynamics by referring to a popular 1970's television show, "The Family Feud." I was able to direct and facilitate discussion by posing practical, case specific questions that required conversation from and between opposing parties. This technique sparked the class considerably, and I noticed that students began to discuss the issues and controversies between themselves, with only occasional reference to me during these debates. I began to feel like less of an instructor and more of a facilitator. It was almost as if my physical presence would have detracted from such a robust debate between the students. Upon my interjection, students quickly fixed themselves on me, and were able to take notes from me when necessary.

My assessment of the second VTC class is that it was much better than the first. I was able to navigate the classroom with the proactive assistance from the technician. I was also able to use the smart board to project PowerPoint slides when necessary. In an effort to temper the use of technology, I posted my

PowerPoint slides on the course web page prior to the VTC class meeting. Again, I asked for comments after this class presentation. The student comments were much more favorable after this second class. I believe that the implementation of a course web page along with e-mail communications greatly improved the effectiveness of the VTC class meetings. I would propose that distance learning pedagogy requires the use of additional communication tools like web pages and e-mail.

While I appreciated the VTC experience, I would not use it for all of my classes. I can envision the need for this technology in the law school community, because most of our faculty members are routinely called upon to leave the State of Hawai`i. I think that VTC equipment would be an excellent instructional tool for daily class use. For example, students and faculty would benefit from one- or two-way synchronous transmissions in the following venues:

- (a) A conference panel discussion in which students are encouraged to participate
- (b) A link to individuals with expertise who can join or moderate a class discussion even though far away
- (c) A link to real time judicial or administrative proceedings in which students are encouraged to ask questions

Overall, my impression is that distance learning technology is a useful class tool that has the potential to turn class presentations into robust productions. To maintain sound pedagogy while employing distance learning technology, faculty members and students must become familiar with VTC equipment, its range, and its limitations. After discussing my class delivery with technicians from both the University of Hawai`i and The Judge Advocate General's School, I am persuaded that distance learning is not a fad. I think distance learning pedagogy will become extremely crucial to the law school community and to the legal community at large. I anticipate that being on the cutting edge of this technology and actively using it in our classrooms will make the University of Hawai`i, William S. Richardson School of Law that much more competitive in the global legal education market-place. This technology is bound to attract more students, prospective employers for our students, and academics interested in an intellectual exchange with our law school.

LESSONS LEARNED

Nothing takes the place of good planning. Rather than using distance learning technology to solve problems that arise due to absence, it should be used in an affirmative sense to cover course material particularly suited for Internet or ITV transmission. For example, casebook problems could easily be transformed into

CALI-like Internet activities. This would save class time as well as ensure that students practice the principles and concepts developed in a guided class.

There is no substitute for a one-on-one relationship. When I started teaching, I formed the habit of meeting with each of my students prior to the end of the first week of classes. These meetings were useful for developing personal relationships with students that would serve as a motivator for students to perform inside and outside of the class. Because of my activation schedule, I failed to meet each student in my class before I departed. I believe that had I developed the one-on-one relationship either with personal meetings or by telephone contact, I would have ensured the same class environment, even using distance learning technology, which I was always able to develop successfully in the traditional class environment.

There is no doubt that distance learning technology requires coordination, especially if these services are offered across campus as opposed to within the department. I wish I had invited a technician over to sit in my class before I left, so that the technician could have seen the class dynamics before running the VTC classes.

Finally, I wish our law school had the resources to invest in departmental distance learning equipment and support staff. This would make the technology more accessible and familiar to faculty and students.

ETHICS CURRICULUM

Kathleen Clark
Washington University Law School

ð *To avoid the “Conscript Syndrome,” we offer a variety of ethics courses, any one of which will satisfy our ethics requirement.*

COURSES:

ETHICS OF LAWYERING IN GOVERNMENT

This course is taught in Washington D.C. in conjunction with our Congressional and Administrative Law Clinic, and covers the ethics of policy making, ethics regulations that are applicable to all government officials, the law governing lawyer conduct, and the professional and other rules specific to government lawyers and lobbyists.

LAW AND SOCIAL WORK

This is the core course for the law and social work joint degree candidates. It highlights the different ethical requirements for the two professions, examines the justification for the distinct approaches of each, and offers students opportunities to work together in simulations and community placements.

LAW, MEDICINE, AND ETHICS

This course compares the professional ethics models for law and medicine, including the differing duties of confidentiality, issues of consent and professional competence.

LAWYERS AND ETHICS IN FILM AND LAW

In this course, students study legal ethics through traditional materials as well as through the representation of lawyers in popular culture. The films include: RASHOMON, TO KILL A MOCKINGBIRD, TWELVE ANGRY MEN, THE PARADINE CASE, JUDGMENT AT NUREMBERG, THE VERDICT, THE MUSIC BOX, . . . AND JUSTICE FOR ALL, ANATOMY OF A MURDER, PHILADELPHIA, THE SHOOTING OF BIG MAN, THE SWEET HEREAFTER, and THE THIN BLUE LINE.

LEGAL ETHICS WRITING SEMINAR

Students in this course have the opportunity to explore legal ethics issues in-depth by writing a research paper on an ethics-related topic.

LEGAL PROFESSION

This course explores the legal, moral and other responsibilities of the practicing attorney in the adversarial system.

LEGAL PROFESSION: HEROES AND VILLAINS

This course explores the possibility that lawyers become heroes both because of their lawyer role and in spite of it. It is organized around a series of exercises and case studies that illustrate these themes with real and realistic experiences of client interviewing, client counseling, and negotiation.

LITIGATION ETHICS

This course is designed to be a primer on ethical conduct in the courtroom, and examines topics in both the civil and criminal spheres of practice.

SECREC Y & WHISTLEBLOWING

This course explores the obligations facing persons who possess confidential information in a variety of legal contexts. It examines, among other things, lawyers' secrecy obligations as well as the extent of and limitations on whistleblowing options available to lawyers.

THREE-PART ROLE-PLAY EXERCISE*

Kathleen Clark

Students are introduced to a set of facts concerning a former employee for a pharmaceutical manufacturer who was recently fired. The facts are ambiguous on the issue of whether the employee was fired for attempted whistleblowing regarding a possibly dangerous drug, or for other reasons. There are four different roles:

- Chris Sills, who until recently worked for EPI, a pharmaceutical manufacturer;
- a lawyer whom Chris Sills wants to consult about some legal concerns;
- Terry Hardy, president of EPI; and
- a lawyer whom Terry Hardy wants to consult about some legal concerns.

Over the course of the semester, students engage in three role-play exercises that arise from these facts:

- (1) an *interview* between a potential lawyer and a potential client;
- (2) a *counseling* session between that lawyer and client; and
- (3) a *negotiation* session between lawyers who represent two different parties.

Students are allowed to choose a partner with whom they will work for the duration of the role-play. All role-plays are conducted during class time.

Part I: Lawyer-Client Interview

Students are assigned to be on the side of the former employee or the former employer. They can choose for themselves whether they want to act as the lawyer or as the client, and then are given confidential factual information for that role, but very little information about the state of the law. After performing the interview, they discuss with their partner how each felt during the interview, and how each responded to their partner's performance. They then type up a short explanation of whether the lawyer and client came to a representation agreement, answering a few specific questions about issues such as fees, confidentiality, etc.

Part II: Lawyer-Client Counseling Session

Students remain on the same side of the dispute, but switch roles with their partner. So if in Part I a student was the lawyer, in Part II she would be the client. The clients are provided with additional factual information about the financial status and needs of the client. The lawyers are provided with

* Based on role-play materials created by Prof. Carlin Meyer of New York Law School

additional legal information about the state of the law regarding protections for whistleblowers. After the counseling session, students type up a short description of the agreement between the lawyer and client about their strategy in pursuing the client's goals.

Part III: Negotiating Session

Students remain on the same side of the dispute, but this time, both students act as lawyers attempting to negotiate a settlement agreement with two lawyers representing the other side. Each side is provided with confidential information about how each client views the prospect of settlement or litigation. After the negotiation session, students type up a summary of the settlement agreement they came to, and answer questions about the negotiation methods used by both sides. In the next class meeting, we discuss the range of settlement agreements.

John G. Sprankling
McGeorge School of Law

Coverage

Activity

Class 1: Introduction;
Confidentiality

Videotape: interviews of clients victimized by their former attorneys (themes: public perception of lawyers; integrity; malpractice)

Class 2: More confidentiality

Videotape: Daphne Berger excerpt from Gillers, *Adventures in Legal Ethics* ("ALE") (themes: confidentiality, whistle-blowing, entity clients)

Class 3: Attorney duties generally:
agency, fiduciary, loyalty, duty
to inform, autonomy, termination

None

Class 4: Attorneys fees generally

In-class simulation: negotiation of fee contract between attorney and potential client (themes: contingent fee contracts, attorney/client conflicts, ethics of negotiation, when attorney/client relationship begins)

Class 5: Hourly billing; pro bono
Work; court-award fees, etc.

In-class simulation: in-firm discussion of hourly billing issues (themes: reasonable fees, attorney/client conflicts, disclosure, fraud)

Class 6: Attorney/client conflicts;
concurrent conflicts

Videotape: Karen Horowitz excerpt from Gillers *ALE* (themes: attorney/client conflicts, bias, competence)

Class 7: Concurrent conflicts

Videotape: Anita Eng excerpt from Gillers *ALE* (themes: concurrent conflicts, attorney/client conflicts, client autonomy)

Class 8: Successive conflicts	None
Class 9: Ethics of litigation; truth in an adversarial system	In-class simulation: coaching witness for deposition (themes: perjury, fraud, attorney's duties to legal system, limits of zeal)
Class 10: Fostering falsity	Videotape: "Pinnochio's Lawyer" excerpt from Gillers <i>ALE</i> (themes: disclosure, literal truth, perjury, competence)
Class 11: Frivolous litigation, etc.	In-class simulation: in-firm discussion re whether pursuing particular cases is zealous representation or presentation of frivolous claims (themes: attorney's duty to legal system, frivolous claims, Rule 11, development of common law)
Class 12: Destruction of evidence; jurors	Videotape: Cahn/Danforth excerpt from Gillers <i>ALE</i> (themes: destruction of evidence, disclosure, false evidence, concealment of evidence)
Class 13: Ethics of negotiation	Videotape: Butler/Kelsey excerpt from Gillers <i>ALE</i> (themes: negotiation ethics, competence, zeal, fraud, confidentiality, extortion, hardball tactics)
Class 14: Disqualification of judges; judicial bias	Videotape: Judicial Disqualification excerpt from Gillers <i>Further Adventures in Legal Ethics</i> (themes: appearance of impropriety standard, bias)
Class 15: Other issues in judicial ethics	In-class simulation: judicial campaigns, speeches, and election in conformity with Model Canons of Judicial Ethics (themes: democratic theory, free speech, ethical constraints on judicial elections)
Class 16: Advertising and solicitation	In-class simulation: in-firm meeting to discuss proposed advertising (themes: advertising, consumer protection, reasonable fees)
Class 17: Quality control:	Videotape: Catherine Sutton excerpt

bar admission, multijurisdictional firms, supervision

from Gillers *ALE* (themes: partner's duty to supervise, associate's right to privacy, bias, vicarious liability)

Class 18: Lawyers and free speech

None

Class 19: Malpractice

None

Class 20: Disciplinary system

In-class simulation: panels of judges decide on appropriate sanctions in series of attorney discipline cases (themes: goals of disciplinary system, factors relevant to choice of sanction)

The Drake First-Year Trial Practicum

Russell E. Lovell, II
Professor of Law
Drake University Law School

I. The First-Year Trial Practicum: So Fundamental, Yet So Revolutionary

A. The Drake Law School's "Lawyering from Day One" mission is reflected in an experiential education pyramid: OBSERVATION-SIMULATION-PARTICIPATION.

B. Experiential learning begins with Drake's First-Year Trial Practicum, where every student observes an actual jury trial in the Spring Semester of the first year—from jury selection through jury verdict—in an educational setting that includes small group discussions led by clinical faculty, seasoned judges, and veteran attorneys with lectures and practice panels that focus on the key legal and procedural issues and on the litigation strategies and techniques of the lawyers trying the case.

1. The Trial Practicum is not a moot court or mock trial experience. The case observed is an *actual* jury trial.

2. Conceptually, it may be helpful to think of the Trial Practicum as the laboratory component to the First-year classroom.

C. The Law School's excellent relationship with the bench and bar has been critical to success. Working with Chief Judge Arthur Gamble, we have had the complete support of the Iowa trial judges of the Fifth Judicial District. The Neal and Bea Smith Law Center's wonderful court room has enabled us to bring actual trials from the Polk County Court House in Des Moines to the Drake campus.

II. The Trial Practicum: The Logistics

A. Screening of Cases.

The week of the trial, and all its accompanying programming, represents only the tip of the iceberg in terms of the preparation and planning that goes into each Trial Practicum. Undoubtedly, the greatest challenge is identifying cases that will actually go to trial, that can be tried within one week's time, that can be tried at the Law School's on campus court room with the consent of the litigants and counsel, and that are educationally valuable. Since more than ninety percent of cases settle, often on the court house steps, we have screened approximately 150 cases each year, in order to identify the case to be included and several backup cases.

B. The Trial Practicum is a week-long, five-day experience.

The one-week time commitment enables us to include complex cases and enables students to observe the entire process from jury selection to closing arguments to verdict. The Trial Practicum not only brings to life the subject matter of several of the first-year courses, but it also creates a shared foundation for Evidence and other upper-level litigation-related courses, as well. Although ungraded, attendance is required of every first-year student.

C. Debriefing of Jurors, Attorneys, and Judge.

For many students, the highlights of each Practicum have been the debriefing sessions conducted after the conclusion of the trial. The first is held with the lawyers who actually tried the case; the second is with the jurors who decided the case. These sessions have enabled students and faculty to question the lawyers as to their strategies and to inquire of the jurors as to the rationale for their decision and the effectiveness of the lawyer's presentations.

D. Small Group Discussions.

Each year fifteen or so lawyers have volunteered a week of billable hours to serve as small group discussion leaders and practice panelists. The central and collaborative role the Trial Practicum design affords judges and lawyers in the educational experience is unquestionably responsible in significant part for the program's success. This volunteerism has meant the Trial Practicum has been incredibly low budget, making it a feasible curricular innovation at every law school.

III. Learning Theory

The First-Year Trial Practicum teaches students about the trial as a story, about the judicial process and the responsibility of jurors in the decision-making process, about lawyers and effective advocacy, and much more. It introduces students to law in action in a way that no textbook can ever capture, to lawyers and lawyering, and to fundamental values of civility, professionalism and public service. The First-Year Trial Practicum also represents a measured response to the indictment, popularized in the movie *Patch Adams*, that the first year of professional school education often is too detached from the patients or clients whom the students hope to eventually serve.

STAYING CONNECTED DURING AND AFTER CLASSROOM CRISES

Jane H. Aiken, Washington University
Robert S. Westley, Tulane University
Stephanie M. Wildman, Santa Clara University

What is the law professor's role during and after a classroom crisis? Have moments occurred in your own teaching that have caused you to wonder how to handle the situation? Have conversations with students outside of class about their educational experience in other classes made you question your role as a teacher and colleague?

Consider these situations:

In a discussion of *Bowers v. Hardwick*, a woman student says "I can understand sex between women, but sex between men is disgusting. " You know there is a gay man in the class.

Two African-American students come to see you in your office and describe their experience in a class held by one of your colleagues. The central issue that day was race discrimination. Your colleague called upon the two students, the only African Americans in the class. They felt grilled by the instructor, who hadn't called on them all semester for any other subject.

1. Does the race of the students and professors affect your response to these situations? Does gender? Does sexual orientation?
2. Is there a context in your classroom or law school that you can establish before these communications are made that would help your response to them?
3. What resources can you draw upon in responding?
4. Can events like these be turned into teaching/learning moments for the class that are transformative?

Lectures vs. Laptops

By IAN AYRES

NEW HAVEN — Something alarming happened in my contract law class. I asked that laptop computers be used only for note taking, and my students went ballistic.

Solitaire and Minesweeper are everywhere now in university classes. At Yale, where classrooms are wired to the Internet, students can also surf the Web, send e-mail or even trade stock. Soon the wireless Internet will make this possible at all schools.

Not all students do this sort of thing. But the abusive use of laptops is getting to be increasingly prevalent. Students toggle between windows during any part of the class they deem to be boring — often when their fellow students are asking questions or answering them. Seeing the person in the next seat playing a video game while you are trying to puzzle out a law question is demoralizing. And students who surf are not fully present to ask or answer questions themselves.

Admittedly, students can mentally check out of class in other ways — for instance, by daydreaming or doodling. But not all activities are equally addictive. I should know. I may be the only law professor to have asked for cybersitter filtering software to keep me from surfing the Web too much at my office.

Still, I was surprised at how brazenly my own students resisted my laptop restrictions, both in class discussion and in a virtual chat room (which, perversely, they could post to during their other classes). They argued that they were multitasking, staying productive during dead or badly taught portions of class. They said classroom surfing reduces sleepiness, increases their willingness to attend class, allows them to research legal questions being discussed, and so on. They said the professor has an incentive to teach more effectively when he or she must compete against other more interesting claims on students' attention.

Their arguments could apply equally well to the opera hall, the jury box or the church pew. Will the lure of technological stimulation someday overwhelm current mores about paying attention in those places, too? At least, we should try to stem the tide in the classroom. Few students say on their admissions applications, after all, that they intend classroom to be a central part of their educational experience.

Ian Ayres is a professor of law at Yale.

CALGARY COMES TO NEW ORLEANS

Alison Grey Anderson
University of California at Los Angeles

I. Goals of the “New Ideas” Conferences

- A. Theory
- B. Techniques
- C. Sharing ideas and advice

II. Calgary Theme

- A. “We Teach, but Do They Learn?”
- B. Learning Theory
- C. How People Learn: Brain, Mind, Experience, and School, Committee on Developments in the Science of Learning of the National Research Council, John D. Bransford, Ann L. Brown, and Rodney R. Cocking, eds. National Academy Press, Washington, D.C., expanded edition 2000. Available online at <http://www.nap.edu>

III. Major Concepts

A. Student Preconceptions

Students come to the classroom with preconceptions about how the world works. If their initial understanding is not engaged, they may fail to grasp the new concepts and information that are taught, or they may learn them for purposes of a test but revert to their preconceptions outside the classroom. (How People Learn: Bridging Practice and Research, at 10)

B. Learning As Deep Understanding

To develop competence in an area of inquiry, students must (a) have a deep foundation of factual knowledge, (b) understand facts and ideas in the context of a conceptual framework, and (c) organize knowledge in ways that facilitate retrieval and application. (Bridging Practice and Research, at 12)

C. Metacognition

A "metacognitive" approach to instruction can help students learn to take control of their own learning by defining learning goals and monitoring their progress in achieving them. (Bridging Practice and Research, at 13)

CALGARY COMES TO NEW ORLEANS

Don Doernberg
Pace University

Discovering Legal Thinking in Non-Legal Contexts

Most students come to law school with a vague understanding that they are going to have to learn to think like lawyers. That frightens them, because they perceive it as some mystical, almost unknowable, way of thinking, and the fear in turn interferes with their learning. What they do not realize is that they have, in some ways, been thinking like lawyers for most of their lives; they simply have not done it in as systematic and rigorous a manner as the law demands.

Professor Charles Calleros of Arizona State University presented two exercises that he has used to get his students started on the legal analytical process in contexts that are far more familiar to them than the normal grist for the first-semester mill. Professor Sophie Sparrow of the Franklin Pierce Law Center will demonstrate one, and I will present a bit of the second—enough to give the flavor of it—and then comment briefly on how I was able to use it with my students on the second day of orientation this past fall to get them involved in analyzing a single hypothetical case, seeing how later cases may affect our understanding of what earlier cases meant and synthesizing a line of cases. Over the next two days, they learned a bit about dealing with new fact patterns, writing examination questions, and working collaboratively. It sounds like a huge amount to which to introduce them in the space of a couple of days, but somewhat to my surprise, they did not find it overwhelming.

I hasten to add that the idea for this exercise is entirely Charles Calleros's, including the production of the videotape that we will see. I am indebted to him for his willingness to share his experience and his support of my efforts to find additional uses for the exercise that he initially designed. I heartily recommend reading Charles R. Calleros, *Using Demonstrations in Familiar Nonlegal Contexts to Teach Unfamiliar Concepts of Legal Method to New Students*, forthcoming in 7 LEGAL WRITING: THE JOURNAL OF THE LEGAL WRITING INSTITUTE (2001).

If you want to get a copy of the videotape at any point, send an e-mail to Charles.Calleros@asu.edu with a copy to Vera.Hamer-Sonn@asu.edu. To cover his costs, Charles asks that you mail him a \$10 check. The address is 5215 West Del Rio, Chandler, AZ 85226.

CALGARY COMES TO NEW ORLEANS

Sophie Sparrow
Franklin Pierce Law Center

In his remarks at the AALS Conference on New Ideas for Experienced Teachers, learning theory expert and author John D. Bransford, Ph.D, noted that students learn best in environments that provide deep structures for mastering content, address students' preconceptions, foster community and provide opportunities for reflection and feedback. Later in the conference, Charles Calleros showed how he used nonlegal materials to teach students common law analysis. Specifically, Calleros used the scenario of a grocer and her decisions about whether to place certain produce in her display window to teach *stare decisis*, objective case analysis, and synthesizing cases. In addition to doing an excellent job of teaching legal analysis and synthesizing cases, Calleros's exercises also address Bransford's criteria for optimizing learning – they build community and give students a chance to think about their own learning.

As Calleros points out in his materials, one of the reasons his grocer exercise helps students understand analysis is that students work with familiar concepts. The professor arrives in class with fruit and vegetables – some of my colleagues use those made from fabric, pottery or papier maché. The moment students see the props for class, most know that they can talk about these items. They feel sufficiently “expert” on what a red apple is about and can describe its particulars – shape, texture, size, weight, color variations, and taste. Similarly, students can articulate why a shiny red apple would go in the display window when an unwashed, unpeeled carrot would not. They also notice nuances; when using Calleros's exercises this fall, students noted the pitted and differentiated colors on the real fruit that was brought in. By helping them see that a red apple was more than just its surface color and shape, they could begin to see that reading cases also held similar nuances.

Mindful of Bransford's point that students learn best when they perceive they are part of a community, I divided my class into groups of 2-4 students and gave each group a different kind of fruit or vegetable. Using previous grocer decisions as precedent, students spent some time in their groups discussing and writing the analysis about whether their eggplant, melon, lemon or pepper should go in the display window. After discussing their predictions, the groups designated a representative to show that analysis to the rest of the class. That representative had to be someone who did not frequently participate in class. Both of these helped build students' sense of trust and openness. Discussing their analysis with others helped the students appreciate how others approach the same material from different perspectives; coaching and encouraging their quieter classmates to talk

about a piece of fruit in the front of the class helped them become invested in others' learning.

To encourage students to reflect on their own learning, at the end of the exercise I asked students to write a "minute paper" to take a minute and write down what they had learned from the exercise that they could apply to learning other material. This gave me feedback about the exercise and the students time to think about what was effective for their own learning. In doing so, students noted that the Calleros exercise helped them see how to weave cases together and taught them that there was more than one way to find similarities between cases. Additionally, the exercise showed them that they needed to look beyond just what a court opinion stated. They realized that by looking at the principles behind the cases and at what a court *did* as well as what it said, they were better able to discern the possible relationships between authorities. And as Calleros points out in his materials, his exercise also helped students understand the ambiguities involved in legal reasoning, and develop some experience in understanding why law school learning is not all about learning concrete, absolute, black and white answers.

In classes and talking individually to students later in the semester, I found myself several times going back to the Calleros exercise. "Remember the fruit exercise? Well, let's look at these cases with that in mind. How did you explain the rule then? How can you use the same technique now?" Students remembered the exercise and recalled how they had worked through the analogies and predictions. Together we later used these exercises to work through more sophisticated analysis and to organize and present them in writing. For example, in a class on critiquing the use of analogies, I brought back the fruit and vegetables to class and students articulated the specific fact-to-fact comparisons that made a red tomato more like a red apple and less like a carrot. Having shown why a tomato was more like an apple for the purposes of determining whether it should go in a display case, they could also discuss the analytical weaknesses in that prediction, talking about how the same tomato also might be more suitable for the back bin of a grocery store.

When I saw and read about Charles Calleros's exercise, I could easily imagine that it would help my students learn common law analysis. Having struggled with how best to teach this material, the idea of having brightly colored visual aids was immensely appealing. My objective in using the grocer exercise in class was to have students come away with a sense of ownership about case analysis and synthesis. From having used these exercises, though, I realize that they accomplished much more. By having the students collaborate and coach their classmates and write about their perceptions afterwards, students were also learning about their classmates, building a supportive and encouraging environment and developing their own sense of how they learned best. And unlike

exercises which students seem to learn from and then forget students learned about the grocer and her fruit in a way that they remembered for months afterwards.

Resources. For information about Calleros's exercise see Charles R. Calleros, *Using Demonstrations in Familiar Nonlegal Contexts to Teach Unfamiliar Concepts of Legal Method to New Students*, forthcoming in 7 *LEGAL WRITING: THE JOURNAL OF THE LEGAL WRITING INSTITUTE* (2001) and on the AALS Website: <http://www.aals.org/profdev/newideas/calleros.html>.

For additional resources, see Charles R. Calleros, *Reading, Writing and Rhythm: A Whimsical, Musical Way of Thinking about Teaching Legal Method and Writing*, 5 *LEGAL WRITING: THE JOURNAL OF THE LEGAL WRITING INSTITUTE* 2, 10-11 (1999); Jane Gionfriddo, *Using Fruit to Teach Analogy*, *The Second Draft* (Legal Writing Inst., Seattle, Wash.) Nov. 1997, at 4 (Calleros's inspiration was an exercise first developed by Elisabeth Keller at Boston College Law School and written up by her colleague Jane Gionfriddo);

For essays on using these and other materials to teach analysis, see generally *The Second Draft* (Legal Writing Inst., Seattle, Wash.) Vol. 14, No. 2, May, 2000.

Additional comments. Using materials such as fruits and vegetables, I realized too late the cultural assumptions I made when selecting these "familiar" props. After I contrasted a ripe green Granny Smith apple with a green (unripe) pear, a bright student stated that he hadn't known that green pears were necessarily unripe; he never ate pears.

MANAGING FEEDBACK TECHNIQUES FOR LARGE CLASSES

Steven Friedland
Nova Southeastern University

1. *Goal:* to create an effective, rewarding and respectful learning experience
2. *Major Assumption:* 'Active Participation' trumps 'Passive Observation'
3. *Definitions:* Manageable = efficient, minimum interference with coverage
Feedback = assessment and/or evaluation to promote improvement and mastery
Large Classes = more than fifty students
Feedback Dualities: self-to-self; student-to-student; teacher-to-student;
student-to-teacher

4. Techniques

Ten: In-Class evaluations One question quiz/ What is most challenging? Most surprising?
(Graded or ungraded; alone or in groups)

Nine: Mid-Semester Extra Optional Review Classes (reviewing questions/quizzes/hypos)

Eight: Students Explain 1 In small groups, explain the law (What are the elements of the rules and their exceptions? What do the elements mean?)

Seven: Students Explain 2 In small groups, spot issues (What triggers issues? Discuss in small groups)

Six: Students Create 1 All-Writes (All students write down a response to a question posed during class to an individual student. Then be prepared to discuss the question.)

Five: Students Create 2 Student-drafted hypotheticals (create test questions)

Four: Students Create 3 Drafting – to demonstrate skills and competencies (e.g., property easements, leases, licenses)(PowerPoint)

Three: Students Create 4 Redrafting (Peer Edit) (e.g., lease, easement, license)(PowerPoint)

Two: “GPS”

Opening class with a student “Global Positioning System”
(linking the current class with previous ones)

One: Simulations

Mock trial, moot court, client interview, negotiation,
motion hearing.

FORMATIVE FEEDBACK FOR TEACHERS AND STUDENTS

Gerald Hess

Gonzaga University, Institute for Law School Teaching

Assessment is integral to effective learning. Learning is a loop in which teachers facilitate students' active learning, students perform, and teachers provide students feedback that shows how students' learning and performance can be improved. Assessment can be summative or formative. Summative assessment, such as a final paper or exam at the end of a course, is designed primarily to measure student performance and assign grades. Formative assessment is intended to provide students feedback to complete the learning loop.

Formative feedback to students

Characteristics of Effective, Formative Feedback to Students

- Specific. Feedback is most valuable when teachers articulate criteria for student performance, students perform, and students receive feedback based on the criteria.
- Corrective. Feedback is directed at behavior that students can change; it identifies the weaknesses of the students' work, and provides strategies for improvement.
- Positive. Feedback identifies for students what they did well and encourages them to build on those strengths in future performances.
- Timely. Feedback is prompt; the longer the delay between the students' performance and the feedback, the less effective it will be. Timely formative feedback comes when students have an opportunity to use it to improve their performance on future work.

Sources of Formative Feedback to Students in Large Classes

- Self-assessment. An important skill for lawyers, is the ability to monitor their own understanding. Consequently, students need to learn to assess their own performance.
- Peers. Students can provide feedback on one another's learning when they work in groups on collaborative projects or they review each other's performance on quizzes, practice exams, or lawyering skills.
- External reviewers. Lawyers and judges from the community are a valuable sources of feedback on student performances of skills such as counseling, negotiating, or advocacy.
- Computer programs. Computer lessons allow students to learn at their own pace and provide continuous feedback as students respond to questions.
- Teachers. Teachers can give valuable feedback to large groups in several ways.

-assessment of practice exams by posting on reserve in the library or on the course web site a score sheet, model answers, and sample student answers. Then, teachers can offer to review student responses in individual conferences.

Formative feedback to teachers

Formative feedback is crucial to teachers as well. Thomas Angelo and Patricia Cross have led a formative feedback movement in higher education known as Classroom Assessment. Classroom Assessment helps teachers discover how well their students are learning. It encourages teachers to collect frequent feedback about their students' learning and how they respond to different teaching techniques. Teachers can use that feedback to redesign their instruction to improve their teaching effectiveness and enhance their students' learning.

Many Classroom Assessment Techniques (CATs) are appropriate for law school.

- Teacher-designed feedback form – gather students' opinions during the course on the effectiveness of teaching and learning methods.
- Student advisory teams – provide ongoing feedback and suggestions to teachers throughout the course.
- Minute papers – students respond in writing to questions about their learning during the last few minutes of class.

The essence of successful use of CATs is for teachers to gather brief, frequent feedback on student learning, to report back to students on the results of the CAT, to modify subsequent instruction in response to student learning, and to implement reasonable student suggestions.

Brief Formative Feedback Bibliography

Books

GREG MUNRO, OUTCOMES ASSESSMENT FOR LAW SCHOOLS (Inst. for Law School Teach. 2000)

GERALD HESS & STEVE FRIEDLAND, TECHNIQUES FOR TEACHING LAW (Carolina Acad. Pr.1999)

MARLENE LEBRUN & RICHARD JOHNSTONE, THE QUIET REVOLUTION: IMPROVING STUDENT LEARNING IN LAW (Wm. W. Gaunt & Sons, 1994)

ANGELO, THOMAS A. and K. PATRICIA CROSS. CLASSROOM ASSESSMENT TECHNIQUES: A HANDBOOK FOR COLLEGE TEACHERS (Jossey-Bass, 2nd ed. 1993)

Articles

Terri LeClercq, *Principle 4: Good Practice Gives Prompt Feedback*, 49 J. LEGAL EDUC. 418 (1999).

Gerald Hess, *Student Involvement in Improving Law Teaching and Learning*, 67 UMKC L. REV. 343 (1999).

Videotape

Gerald Hess, Paula Lustbader, Laurie Zimet, "Principles to Enhance Legal Education," Institute for Law School Teaching (2001).

MANAGEABLE FEEDBACK TECHNIQUES FOR LARGE CLASSES

Christina L. Kunz
William Mitchell College of Law

What's Going on in Undergraduate Education These Days?

- lots of feedback from professors
 - 6-12 rounds per course per semester
 - my year of sabbatical at University of Minnesota
- various types of feedback:
 - weekly exercises
 - collectible reading notes or reading questions
 - foster critical reading
 - pop reading quizzes
 - surface understanding, at beginning of class
 - online classes
 - synchronous and asynchronous
 - group papers
 - critiquing or applying that week's reading
 - single-space one-page research papers
 - turned in before topic covered in class
 - "exam prep"
 - one of each type of exam question, for extra credit on exam
 - exams
 - problems, essays, multiple choice, T/F, short answer
 - end-of-semester papers
 - course notebooks
 - containing reading notes, class notes, handouts, papers
- tremendous impact on all students (top to bottom of class)
 - stay up on daily reading and other assignments
 - better classes because of better student preparation
 - better sense of what prof values or is looking for
 - better attendance, on-time arrival to class
 - increased sense of community among students; more studying together
 - student knows how well he/she doing in course
 - can change study methods or study partners
 - can see prof for additional help
 - prof knows how well each student is doing
 - can intervene with individual students
 - can rework or tailor own teaching to class' needs
 - carrots and sticks

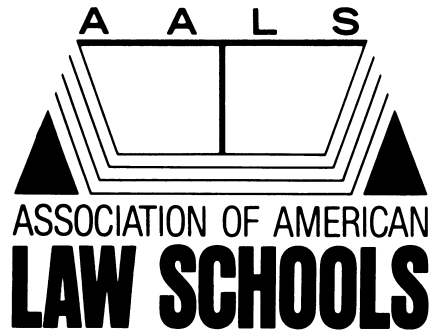
Application to Large Law School Classes

- reading quizzes
 - five questions, at beginning of class, unannounced, occasional
- individual or group papers/exercises
 - draft pleadings, motions
 - discovery plan
 - draft contract clause
 - covenant not to compete
 - intro to letter of intent
 - warranty disclaimer
 - exclusive remedy for seller's repair or replacement
 - papers on assigned topics or old exam questions
 - open or canned research
- simulations
 - employment interview in front of class, then analyze
 - employment investigation
 - employment discharge
 - contract formation
 - contract negotiation
 - evidentiary objection and response
- individual performances of same skill, up and down rows in the class
 - reading cases, line by line
 - paraphrasing rules of law
 - fusing multiple statements of same rule
 - organizing chapter or unit material into cohesive hierarchy
 - applying rules to facts
 - problems
- multiple-choice exams
 - allow students to write boxed notes to you about questions they feel are ambiguous or wrong
 - respond to each note, before making the final key for the exam
 - safety valve for students
 - actually fun for prof to read!

EVENT	poor	fair	good	very good	Excel- lent	did not attend
Concurrent Session: The Impact of Rankings and Assessments on Legal Education Today	()	()	()	()	()	()
Concurrent Session: Moving Beyond Third Year Disengagement	()	()	()	()	()	()
Concurrent Session: Using Technology and Popular Culture to Teach Statutory Material	()	()	()	()	()	()
Concurrent Session: Teaching Across Campuses: Cooperative Efforts and Distance Learning	()	()	()	()	()	()
Concurrent Session: Professional Responsibility: "What Works – and Why?"	()	()	()	()	()	()
Concurrent Session: Integrating Clinic Methodology Into First Year Courses	()	()	()	()	()	()
Concurrent Session: Staying Connected During and After Classroom Crises	()	()	()	()	()	()
Concurrent Session: Faculty Responses to Students' Competing Concerns	()	()	()	()	()	()
Concurrent Session: Access to Justice	()	()	()	()	()	()
Concurrent Session: Calgary Comes to New Orleans	()	()	()	()	()	()
Concurrent Session: Manageable Feedback Techniques for Large Classes	()	()	()	()	()	()
Plenary Session: Making Connections Through Culture and Lawyering: <i>The Sweet Hereafter</i>	()	()	()	()	()	()

6. Please comment on speakers who were particularly effective or ineffective.

7. Any other comments? (e.g., Was the content of the program good? Which topics should be included or excluded? Were you happy with the schedule?)



2002 ANNUAL MEETING WORKSHOP

DO YOU KNOW WHERE YOUR STUDENTS ARE? LANGDELL LOGS ON TO THE 21ST CENTURY

Additional Speaker Biography:

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Additional Workshop Materials:

- ◆ Lynn Daggett
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**LEARNING THEORY AND CHOICE OF INSTRUCTIONAL METHODS:
WHY USING A VARIETY OF INSTRUCTIONAL METHODS IN LAW
SCHOOL CLASSES IS A THREE “FER”**

**Lynn Daggett; J.D., Ph.D. (Education)
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I A. Law teachers have a variety of teaching methods available to them, such as:

- Socratic method
- Non-socratic questioning of students
- Lecture, short and long
- Discussion, small group and large
- Problem solving, simple and complex
- Simulations/role playing
- Cooperative learning
- Free writes/two-minute papers
- Developmental feedback

B. Three separate areas of learning theory (learning styles, active learning and multichannel learning) each suggest that learning is maximized when teachers use a variety of teaching methods in their classes.

II A. Learning theory indicates that law students have a variety of preferred learning modes, and some instructional methods will be more effective for some students than for others. For example:

-Students' preferred learning “channel” may be visual, auditory, or kinesthetic (hands on); some teaching methods emphasize one channel over another, and some methods can be adapted to be “multichannel.”

-Students' processing speeds differ: some are quick on their feet, while others need more time to chew and digest.

-Students' patterns of intellectual abilities differ: some are particularly strong reasoners, other students are particularly strong in acquired knowledge.

-Students differ in whether they are “top-down” or “bottom-up” learners.

B. Law teachers need to understand not only the variety of student learning differences in their classes, but also their own preferred learning modes in order to avoid choosing teaching methods because they fit well with the teacher's own preferences as a learner.

C. Law teachers can help students maximize learning by helping students understand their own learning preferences and make appropriate adaptations to their own learning processes.

D. Law teachers can help students maximize learning when teaching methods are adapted to the variety of student learning styles in a class

III A. Learning theory indicates that law students learn more effectively when they are active participants in the learning process.

B. Consequently, choosing some teaching methods which require active participation by students maximizes learning.

C. Which methods require active learning?

-Socratic method is active for the student being questioned. Does it give the other students an opportunity to be active?

-Lecture does not ordinarily involve active learning, but can be modified to give learners a more active role.

-Other methods require active student roles: for example, problem solving, discussion (especially small group), cooperative learning (particularly with individual accountability), simulations/role playing, free writes/two minute papers.

IV A. Learning theory indicates that law students learn more effectively when they have approached the material from more than one learning perspective (e.g. more than one sensory learning channel).

B. Consequently, a variety of teaching methods which require students to come at a course from multiple learning perspectives maximizes learning.

**CONCURRENT SESSION ON GLOBALIZATION:
THE MULTICULTURAL CLASSROOM**

Helen E. Hartnell, Associate Professor
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OVERVIEW: THE FOUR P'S

- X **PARAMETERS**
- X **PEDAGOGY**
- X **PERFORMANCE**
- X **PROFESSION**

A. PARAMETERS

1. The increasingly *multicultural classroom* is common ground shared by international specialists and non-specialists alike.
2. Handling the *international*: accommodating vs. mainstreaming.

B. PEDAGOGY

1. The *challenge*: tearing down cultural barriers, while simultaneously building awareness of and appreciation for difference.
2. "Meet Someone Halfway: Communication is the Beginning of Understanding."
3. Language vs. culture: creating an environment that is conducive to learning.

C. PERFORMANCE

1. What constitutes *learning*?
2. The *dilemma* of standards: one vs. many?
3. What can be done about the *plagiarism* problem?

D. PROFESSION

1. *Decoding* the dream: "I want to be an international lawyer."
2. Helping students to *realize* their ambitions.