

**AALS Section on Teaching Methods  
Problems and Protocols: The “How To” of Deliberate Practice and Formative  
Assessment**

Charlotte D. Taylor, co-author of *Bridging the Gap Between College and Law School: Strategies for Success* (Carolina Academic Press 2001).

In *Bridging the Gap*, my co-author and I take the reader through three specific steps to help demystify the law school learning experience and move students one step closer to “learning to think like a lawyer.”

**Step 1 – Demystify the Law School Learning Experience. Explains the “why” of law.**

**Why**

We explain the “why” of law, providing the reader with the context necessary to understand why law school is taught in a certain manner. We do this by describing the history of law schools. We also describe and explain the Socratic or Langdellian method and how it correlates with the problem-solving that is required of lawyers in everyday practice.

**Step 2 – Explains the “how” of the law, by setting out a step-by-step process that will help readers adapt to the law school setting.**

**How**

In this part of the book, we provide a step-by-step processing for learning the law. We set out different techniques for reading cases, briefing cases, outlining, flowcharting, and more. With these techniques, we try to offer alternatives for the learning process. We explain to the reader what techniques or study skills they may have used in college and prior to law school and articulate how those techniques might not work in law school. We then offer a new technique, as well as an alternative and encourage the reader to modify what they are doing to meet their needs. We talk briefly about different types of learners, visual, kinetic and auditory, and how the reader must adapt each learning technique to match their own learning style.

**Step 3 – Explains the “what” of the law, giving the reader an opportunity to practice the problem-solving process with numerous exercises in different subject matter areas.**

**What**

Finally, we provide problems that mimic law school exams to help the reader move from the theoretical to the practical. With several practice problems the reader can test him or herself to see if s/he understands the law and understands how to learn the law. This part of the book is critical, as some law school “prep” books do not provide practice problems and do not allow the reader to assess his or her learning.

## Speaker's Notes

### **Step 1 – Demystify the Law School Learning Experience. Explains the “why” of law.**

- We give the history and explain the method behind the madness
- We try to explain what the Socratic or Langdellian method is and how students dissect cases and learn the law.
- This should allow the light bulb to go off or get them to say “ah ha.”

### **Step 2 – Explains the “how” of the law, by setting out a step-by-step process that will help readers adapt to the law school setting.**

- This is where we emphasize every step of the learning process.
- We try to accommodate those with different learning styles to encourage them to adapt their own learning (many law professors will continue to lecture or use the Socratic method and this might not work for a visual learner - who must adapt and translate this into their own learning - create flowcharts on their own, because no one will do it for them.)

### **Step 3 – Explains the “what” of the law, giving the reader an opportunity to practice the problem-solving process with numerous exercises in different subject matter areas.**

- The practice problems, along with the sample answers are critical.
- Students are presented with the connection that is not explicit -- that law school exams replicate the practice of law. (Therefore, deliberate practice should create expert lawyers as well as expert law students). For example, if a client comes into your office with a problem, they won't say, oh, I was at a BBQ and ate some bad potato salad and got sick, and went to the hospital and got even sicker, because they failed to take my history and ask about allergies, so you should sue the potato salad manufacturer (it was store-bought), the grocery store, the hostess of the party and also the hospital, nurses and doctors for the following torts . . . No, the client will come in with a story, which you must sort through and figure out what facts are key and which ones are irrelevant and who to sue for what and whether or not the suits are viable. That is what lawyers do everyday.
- Students learn how to answer these problems by doing them. A student can read a question and say, yeah, I know how to answer that, but until they have 30 minutes or an hour to do so, very often they don't.
- Also, once they see sample answers of the “good, bad and the ugly” they can understand what is critical for a good answer and replicate that process (the process of the practice of law).
- Finally some professor want case analogies and some want public policy and students will not know how to incorporate these into their analysis, unless they practice and review these exams with ASP professionals or their professor to get feedback.