

TEACHING AND LEARNING BIBLIOGRAPHY

Taken from, *Teach to the Whole Class: Barriers and Pathways to Learning* Faculty Colloquium Materials,
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I. DIVERSITY

A. Articles

1. Susan Johanne Adams, *Because They're Otherwise Qualified: Accommodating Learning Disabled Law Student Writers*, 46 J. Legal Educ. 189 (June 1996). Provides a brief discussion about the current state of knowledge on learning disabilities. The author identifies some of the ways in which learning disabilities manifest themselves in legal writing. Ms. Adams also makes suggestions about diagnosing disabilities and presents some strategies for assisting learning disabled law students. This short article is easy-to-read and filled with practical ideas that can be utilized at any law school.
2. Frances Lee Ansley, *Race and the Core Curriculum in Legal Education*, 79 Cal. L.Rev. 1511 (1991). The author addresses the problems created by a limited canon and argues for conscious inclusion of multicultural issues within both the curriculum and the classroom.
3. Kimberlé Williams Crenshaw, *Foreword: Toward a Race-Conscious Pedagogy in Legal Education*, 11 Nat'l Black L.J. 1 (1989). The author discusses how law school pedagogy assumes an "objective" perspective that is often a white middle-class view, incorporates racial views in limited ways, and that ultimately alienates students of color.
4. Okianer Christian Dark, *Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability into Law School Teaching*, 32 Willamette L. Rev. 541 (1996). Professor Dark encourages faculty to raise issues of diversity in the classroom, and she discusses some of the challenges and rewards of such teaching.

5. Lani Guinier, Michelle Fine, and Jane Balin, *Becoming Gentlemen: Women's Experiences at One Ivy League Law School*, 143 U. Pa. L. Rev. 1, 93, 96 (1994). Authors show that even with similar entry-level credentials, female law students do not perform as well as their male counterparts, that women's attitudes change significantly more than men's between their first year of law school and their third year, and that the Socratic method alienates women more than men.
6. Jennifer Jaff, *Frame-Shifting: An Empowering Methodology for Teaching and Learning Legal Reasoning*, 36 J. Legal Educ. 249 (1986). The author argues that knowledge should be viewed as empowering and, therefore, teachers should share their knowledge instead of withhold it by hiding-the-ball.
7. Natsu Saito Jenga, *Finding Our Voices, Teaching Our Truth: Reflections on Legal Pedagogy and Asian American Identity*, 3 U.C.L.A. Asian Pac. Am. L. J. 80 (1995). The author advocates that Asian American history, substantive law, and perspectives should be part of the law school discourse.
8. Blake D. Morant, *The Relevance of Race and Disparity in Discussions of Contract Law*, 31 New Eng. L. Rev. 889 (1997). This article proposes that those who teach, research, or practice contract law should broaden their perspective to ensure that the dynamics of human perception and disparity based upon race, gender, and class are explored in case analyses when these issues play a role in the analysis of legal rules.
9. M. Kay Runyan and Joseph F. Smith, Jr., *Identifying and Accommodating Learning Disabled Law School Students*, 41 J. Legal Educ. 317 (September/December 1991). A useful article that reviews the University of California at Berkeley's Resource Guide for identifying learning disabilities. The authors note that all LD definitions include the following elements: (1) normal intelligence, (2) ability-achievement discrepancy, (3) academic disorder, and (4) psychological process disorder. While the discussion on accommodation is limited, the article identifies the major areas where accommodation requests are likely. Perhaps

most importantly, the article includes two interviews with learning disabled attorneys; their stories provide a poignant image for some

who might doubt the benefits of disability accommodation. The appendix provides a variety of useful information including: a sample of the Berkeley intake questionnaire, a page on interpreting the answers received, and a glossary of terms associated with learning disability.

10. Donald Stone, *The Impact of the ADA on Legal Education and Academic Modifications for Disabled Law Students: An Empirical Study*, 44 Kan. L. Rev. 567 (1996). This article gives a good legal overview of the ADA and provides some surprising statistical analysis of disability accommodation in law school.
11. Susan P. Sturm, *From Gladiators to Problem-Solvers: Connecting Conversations About Women, the Academy, and the Legal Profession*, 4 Duke J. Gender L. & Pol'y 118 (1997). The author urges law schools to build themselves around the concept of lawyer as problem solver to prepare student for a team-oriented, interdisciplinary practice which includes the strengths and skills of women and people of color.
12. Bonnie Poitras Tucker, *Application of the Americans with Disabilities Act (ADA) and Section 504 to Colleges and Universities: An Overview and Discussion of Special Issues Relating to Students*, 23 J.C. & U.L. 1 (1996). The author provides an overview of the obligations that colleges and universities owe to students with disabilities under the ADA. The article addresses issues related to admissions, accommodation, and safety.
13. Bonnie Poitras Tucker and Joseph F. Smith, Jr., *Accommodating Law Faculty with Disabilities*, 46 J. Legal Educ. 157 (June 1996). While this article does not address student learning disabilities, it does present the topic of disabilities in a broad context. The focus on faculty disabilities and efforts to accommodate such problems, might well sensitize faculty members to the difficulties that some of their learning disabled students might have.

B. Books

1. TUCKER, BONNIE POITRAS. *THE FEEL OF SILENCE* (Temple University Press, 1995). A first-person account of a deaf student's experiences in law school.
2. WILDMAN, STEPHANIE M. with MARGALYNNE ARMSTRONG, ADRIENNE D. DAVIS and TRINA GRILLO. *PRIVILEGE REVEALED: HOW INVISIBLE PREFERENCE UNDERMINES AMERICA* (New York University Press, 1996). The authors discuss ways in which white privilege reinforces an unequal racial status quo and how such privilege interacts with other systems of privilege such as those based on gender, sexual orientation, economic wealth, physical ability, and religion. Most of the book is a compilation of previously published law review articles.

II. LEARNING THEORY

A. Articles

1. Brook K. Baker, *Beyond MacCrate: The Role of Context, Experience, Theory, and Reflection in Ecological Learning*, 36(2) *Ariz. L. Rev.* 287 (1994). The author thoroughly and thoughtfully reviews contemporary learning theory and applies it to law school pedagogy.
2. Gary L. Blasi, *What Lawyers Know: Lawyering Expertise, Cognitive Science, and the Functions of Theory*, 45 *J. Legal Educ.* 313, 337 (1995). The author comprehensively summarizes schema and expert/novice learning theories and applies it to law school pedagogy.

3. Frank S. Bloch, *The Andragogical Basis of Clinical Legal Education*, 35 Vand. L. Rev. 321 (March 1982). The author applies theories of adult learning to clinical legal education and, in so doing, provides a great summary of adult learning theory.
4. Michael E. Carney, *Narcissistic Concerns in the Educational Experience of Law Students*, J. Psych. & L. 9 (1990). The author discusses the psychological problems created by the law school environment and offers suggestions on how law school could reduce these problems.
5. Thomas A. Dye, *Law School's Contribution to Civility and Character*, 22 No. 7 Law Prac. Mgmt. 40 (1996). The author discusses how the law school experience results in students having elevated levels of depression, obsessive-compulsive behavior, phobic anxiety, paranoid ideation, and social alienation and isolation, and describes a pilot law school program to help address this problem.
6. Gerald F. Hess, *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 U.S.F. L.Rev. 941 (1997). The author describes principles of adult education and illustrates how those principles apply in law school through interviews with students who talk about what hinders and enhances their learning.
7. Paula Lustbader, *Construction Sites, Building Types, and Bridging Gaps: A Cognitive Theory of the Learning Progression of Law Students*, 33 Willamette Law Review 315 (Spring 1997). The author develops a model to describe the evolutionary acquisition of necessary skills for students to transition from novice to expert legal reasoners.
8. John Mitchell, *Current Theories on Expert and Novice Thinking: A Full Faculty Considers the Implications for Legal Education*, J. Legal Educ. 275 (1989). The author makes practical suggestions on how to improve law school pedagogy based upon schema and expert/novice theory.
9. Cathleen Roach, *A River Runs Through It: Tapping Into the Informational Stream To Move Students From Isolation to*

Autonomy, 36 Ariz. L. Rev 667 (1994). The author discusses how isolation and alienation create significant barriers to learning.

10. Kurt M. Saunders and Linda Levine, *Learning to Think Like a Lawyer*, 29 U.S.F. L.Rev. 121 (1994). The author describes the developmental learning process of law students based on a study of interviews conducted of law students.
11. Ruta Stropus, *Mend It, End It, and Extend It: The Fate of Traditional Law School Methodology in the Twenty-first Century*, 27 Loy. U.C.L.J. 449 (1996). The author argues that the Socratic method is not an unmitigated evil or good. Instead, the law school methodology needs to be examined in light of changing undergraduate curriculum and the changing law career environment.

B. Books

1. CLAXTON, CHARLES S. and PATRICIA H. MURRELL. LEARNING STYLES: IMPLICATIONS FOR IMPROVING EDUCATIONAL PRACTICES, ASHE-ERIC Higher Education Report No. 4 (The George Washington University, School of Education and Human Development, 1987). Explains different learning styles and how teachers can use learning style information to improve student learning.
2. CROSS, K. PATRICIA. ADULTS AS LEARNERS: INCREASING PARTICIPATION AND FACILITATING LEARNING (Jossey-Bass Publishers, 1981). Identifies adult learners, their motivation for learning, patterns of adult development, and ways to facilitate their learning.
3. FELDMAN, KENNETH A. and MICHAEL B. PAULSEN, eds. TEACHING AND LEARNING IN THE COLLEGE CLASSROOM (Ginn Press, 1994). Comprehensive reference work that summarizes research and opinions on learning theory, diversity, teaching styles, interaction between teacher and student, and improving teaching and learning.
4. TIMPSON, WILLIAM M. and PAUL BENDEL-SIMSO. CONCEPTS AND CHOICES FOR TEACHING: MEETING THE CHALLENGES IN HIGHER

EDUCATION (Magna Publications, Inc., 1996). Principles of learning — environment, diversity, risk, human development. Teaching strategies — preparation, lecture, discussion, small groups, discovery, mastery.

III. TEACHING METHODS

A. Articles

1. Charles R. Calleros, *Training a Diverse Student Body for a Multicultural Society*, 8 La Raza L. J. 140 (1995). This essay explores the benefits of raising issues in culturally diverse contexts in the law school classroom and examines techniques for doing so effectively. It also offers advice for managing difficulties which can arise when confronting issues of “difference.”
2. Phyllis G. Coleman and Robert M. Jarvis, *Using Skills Training to Teach First-Year Contracts*, 44 Drake L. Rev. 725 (1996). The authors describe their experiences in teaching contracts principles through a simulation exercise, which is included in the appendix.
3. Lawrence Dessem, *All We Really Need to Know About Teaching We Learned in Kindergarten*, 62 Tenn. L. Rev. 1073 (1995). The author describes effective teaching principles that apply in many educational settings, including law school. The principles include caring about students, being enthusiastic, addressing students’ varied learning styles, and getting students actively involved in their own education.
4. James Eager, *The Right Tool for the Job: The Effective Use of Pedagogical Methods in Legal Education*, 32 Gonzaga L. Rev. 1996/97. A law student critiques the case-method of study in law school and surveys other teaching techniques, including the problem method, simulation, textbook and lecture/discussion, the use of audio-visual aids, and computer-aided instruction.
5. Paula Lustbader, *From Dreams to Reality: The Emerging Role of Law School Academic Support Programs*, 31 U.S.F. L.Rev. 839 (1997). Discusses the goals and role of law school academic support programs. Reviews a brief history of the development of such programs, and explains the pedagogical principles and teaching methods of effective programs.

6. Paula Lustbader, *Teach in Context: A Response to Diverse Student Voices to Enhance the Learning of All Students* (forthcoming in JOURNAL OF LEGAL EDUCATION, Spring 1998). Describes students' reflections on what enhanced their learning, summarizes learning theory that reinforces students' reflections, and offers specific suggestions on teaching strategies that are responsive to student needs.
7. Katherine S. Mangan, *Lani Guinier Starts Campaign to Curb Use of the Socratic Method*, THE CHRONICLE OF HIGHER EDUCATION (April 11, 1997). The author asserts that the traditional Socratic method in law school alienates women, who often thrive in a more respectful, cooperative classroom atmosphere.
8. Richard A. Matasar and Rosemary Shiels, *Electronic Law Students: Repercussions on Legal Education*, 29 Valparaiso Univ. L. Rev. 909-33. The authors describe use of electronic casebooks and other computer teaching tools at Chicago-Kent College of Law.
9. Michael L. Richmond, *Teaching Law to Passive Learners: The Contemporary Dilemma of Legal Education*, 26 Cumberland L. Rev. 943-59 (1996). The author argues for retaining the case method of study, supplemented with other techniques such as role-playing and computer-aided instruction, with the aim of involving the student actively in the educational process.
10. Jennifer L. Rosato, *All I Ever Needed to Know About Teaching I Learned Teaching Kindergarten*, 45 J. of Legal Ed. 568 (1995). The author describes the use of role play, games, student presentations, and dramatic readings in law classes.
11. Kellye Y. Testy, *Intention In Tension*, 20 Seattle U. L. Rev. 319 (1997). The author reviews a contracts casebook in terms of its usefulness in helping students learn the substantive law and encouraging students to view law from a variety of perspectives.
12. Stephanie M. Wildman, *The Question of Silence: Techniques to Ensure Full Class Participation*, 38 J. of Legal Ed. 147 (1988). The author examines reasons why women tend to be silent in the classroom and explores ways to encourage more participation.

13. Stephanie M. Wildman, *The Classroom Climate: Encouraging Student Involvement*, 4 Berkeley Women's Law Journal 326 (1988-89). The author discusses women's silence in the classroom, describes techniques for students to help overcome compelled silence, and reviews two techniques she used to facilitate class discussion of issues relating to societal allocation of power.

B. Books

1. ANGELO, THOMAS A. and K. PATRICIA CROSS. CLASSROOM ASSESSMENT TECHNIQUES: A HANDBOOK FOR COLLEGE TEACHERS (Jossey-Bass Publishers, 1993). Techniques for teachers to obtain frequent feedback about their students' learning in order to improve teaching and learning.
2. BONWELL, CHARLES C. and JAMES A. EISON. ACTIVE LEARNING: CREATING EXCITEMENT IN THE CLASSROOM. ASHE-ERIC Higher Education Report No. 1. (The George Washington University, School of Education and Human Development, 1991). Articulates the need for active learning and describes teaching techniques including discussion, writing, problem solving, computer instruction, role-play, small groups.
3. COOPER, JAMES, SUSAN PRESCOTT, LENORA COOK, LYLE SMITH, and RANDALL MUECK. COOPERATIVE LEARNING AND COLLEGE INSTRUCTION: EFFECTIVE USE OF STUDENT LEARNING TEAMS (The California State University Foundation, 1990). Small group learning and teaching — theory, practice tips, trouble shooting.
4. DAVIS, BARBARA GROSS. TOOLS FOR TEACHING (Jossey-Bass Publishers, 1993). Comprehensive, practical description of a variety of teaching issues — diversity, discussion, lecture, small group, writing, instructional media, testing, grading, and evaluation of teaching.
5. JACOBS, LUCY CHESER and CLINTON I. CHASE. DEVELOPING AND USING TESTS EFFECTIVELY: A GUIDE FOR FACULTY (Jossey-Bass Publishers, 1992). Foundations of effective testing — reliability, validity, fairness. Types of tests — essay, multiple choice, others.

6. JOHNSON, DAVID W., ROGER T. JOHNSON, and KARL A. SMITH. COOPERATIVE LEARNING: INCREASING COLLEGE FACULTY INSTRUCTIONAL PRODUCTIVITY, ASHE-ERIC Higher Education Report No. 4 (The George Washington University, School of Education and Human Development, 1991). Small group instruction — benefits for students, practice tips, teacher's role, students' role.
7. JOHNSON, GLENN ROSS. FIRST STEPS TO EXCELLENCE IN COLLEGE TEACHING (Magna Publications, Inc., 1990). Course objectives, textbooks, the first few days of class, lecture, discussion, hypotheticals, tests, papers, oral reports.
8. NEFF, ROSE ANN and MARYELLEN WEIMER. CLASSROOM COMMUNICATION: COLLECTED READINGS FOR EFFECTIVE DISCUSSION AND QUESTIONING (Magna Publications, Inc., 1989). Research results and practice tips on discussion and questioning in the classroom.
9. SCHMIER, LOUIS. RANDOM THOUGHTS: THE HUMANITY OF TEACHING (Magna Publications, Inc., 1995). Insightful, touching, aggravating, and challenging journal entries from an outstanding teacher and learner.
10. WEIMER, MARYELLEN. IMPROVING YOUR CLASSROOM TEACHING (Sage Publications, 1993). Research identifies five components of effective instruction: enthusiasm; preparation and organization; stimulating student thought and interest; clarity; knowledge of content.

C. Newsletters

1. COOPERATIVE LEARNING AND COLLEGE TEACHING; Jim Cooper, Editor; New Forums Press, Inc., P.O. Box 876, Stillwater, OK 74076. Theory and practice of small group teaching and learning.
2. THE LAW TEACHER; Gerald Hess and Leland G. Fellows, Editors; Institute for Law School Teaching, Gonzaga University School of Law, Box 3528, Spokane, WA 99220-3528, ilst@lawschool.gonzaga.edu. Teaching tips from legal educators.

3. THE NATIONAL TEACHING & LEARNING FORUM; James Rhem, Editor; 4041 North Central #700, Phoenix, AZ 85012. College teaching tips and literature reviews.
4. THE TEACHING PROFESSOR; Maryellen Weimer, Editor; Pennsylvania State University-Berks Campus, P.O. Box 7009, Reading, PA 19610-7009, grg@psu.edu. College teaching tips and literature reviews.

Learning Theory – Lustbader & Zimet
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