

GOALS

- 1. Identify various factors that affect, promote and interfere with learning.**
- 2. Evaluate the quality and quantity of teaching methods to reach diverse learners.**
- 3. Enhance interest in examining your own teaching techniques and promote collaboration across the curriculum about teaching.**
- 4. Model active teaching methods.**

TEACHING METHODS

- 1. Visual media**
- 2. Writing**
- 3. Large and small group/pair collaboration**
- 4. Summary and reflection**

OUTLINE OF SESSION

I. Goals and Teaching Methods

II. Pathways to Learning

- **Videotape of Students' Comments**
- **Exercise**
- **Debrief**
- **Lecture**

III. Conclusion

- **Exercise**
- **Debrief**
- **Parting Thoughts**

VIDEO OUTLINE

I. Barriers to Learning

- A. Lack of Respect for Students**
 - 1. Teacher's demeanor toward students
 - 2. Teacher's assumptions about students
 - 3. Teacher's sensitivity concerning students
- B. Excluding Content, Students, and Perspectives**
- C. Lack of Context**

II. Pathways to Learning

- A. Learning in Context/Teaching Methods**
 - 1. Practical
 - 2. Organized
 - 3. Writing and feedback
 - 4. Problems and hypotheticals
 - 5. Experiential/role play
 - 6. Visual tools
- B. Including Students, Perspectives, and Content**
- C. Respecting Students**

III. Parting Suggestions

Taken from, *Teach to the Whole Class: Barriers and Pathways to Learning* Faculty Colloquium Materials, c. 1997 by Paula Lustbader, Laurie Zimet, Gerry Hess.

Collaborative Exercise

- 1. Pair or get in groups of three with people you do not know and introduce yourself.**

- 2. Discuss a teaching method you would consider trying in your class.**
 - A. Why are you considering this particular teaching method?**

 - B. What are the advantages and disadvantages of using this teaching method? If there are obstacles, discuss ways to overcome them.**

LEARNING CONCEPTS {tc "LEARNING CONCEPTS " \ 2}

The primary goal of this session is to help legal educators improve the learning of all of their students. An essential first step in achieving that goal is personal for each teacher — the teacher must commit to helping all students perform in law school to the best of their ability. Once the teacher makes that commitment, a tremendous body of research and literature on teaching and learning can inform and assist the educator in teaching to the whole class.

Legal educators can improve their teaching and their students' learning by understanding basic principles involved in adult education. This particular session focuses on only four elements that affect adult learning: respect, inclusion, context, and methods. These elements are derived from higher education research and literature, law journal articles related to pedagogy, law students' perceptions of barriers and pathways to learning, and the authors' combined 30+ years of experience teaching law students.

RESPECT

Mutual respect for the self-worth of teacher and students alike underlies an effective teaching/learning environment. Good teachers make the participants feel that they are valued and respected as individuals (or students learn best from teachers who make them feel valued and respected as individuals). However, for learners to grow they must develop powers of critical reflection and accept challenges from teachers and other students to consider alternative ways of thinking and behaving. Therefore, a difficult but essential task for the teacher is to establish a classroom climate in which students feel and show respect and are willing to challenge and be challenged. Conversely, intimidation and humiliation in the classroom shut down most adult learners.

Learning all of your students' names shows respect for students and increases their motivation and participation. Building students' self-esteem in class, rather than humiliating them, shows respect and encourages other students to engage. Having high expectations of all students shows respect and motivates students. Demonstrating enthusiasm for teaching shows respect and motivates students.

INCLUSIVE

Adults pursue education voluntarily because they want to develop new skills, sharpen existing skills, acquire new knowledge, and gain new insights. Adults' motivation to learn is

usually high, and participatory learning methods such as discussion, simulation, and small group activities are particularly helpful to their learning. However, adult learners can quickly withdraw their participation if they feel that the education is not meeting their needs, does not connect with their past experiences, or is conducted in a way to exclude their views. On the other hand, learning is enhanced when teachers include: (1) subject matter that is relevant and of interest to students; (2) perspectives that resonate with students' ideas, values, and beliefs; and (3) views of all students who want in some way to participate in the discussion.

Students' feelings of alienation and stigmatization are reduced when the curriculum includes content relevant to the students' lives. Students' feelings of knowing are strengthened when they have an opportunity to develop and express their opinions. Students learn to appreciate and tolerate different perspectives when teachers include a variety of viewpoints in the discussion. Students feel validated when they are included.

CONTEXT

Learning involves the exploration of ideas, skills, knowledge, and attitudes. But such exploration does not take place in a vacuum. Adults learn new concepts, skills, and attitudes by assigning meaning to them and evaluating them in the context of their previous experience. The learning process is a cycle in which the learner becomes acquainted with new ideas and skills, applies them in real-life settings or simulations, reflects on the experience with these new skills and concepts, redefines how they might apply in other settings, reapplies them, and so on.

Students' learning is enhanced when they are motivated and they are more motivated when what they are learning is relevant and important to their lives. When teachers use examples from real life, they help students stay motivated to learn.

Students process information by grafting the new information onto existing structures (schemata) that they have created from prior experiences. When teachers bridge the gap between the students' context and the context they will need as experts, they help students create appropriate schemata.

Student learning is enhanced when teachers model different ways students can learn the information. Students' psychological stress is reduced when teachers provide guide posts.

When teachers give honest and objective feedback, they help students accurately assess their learning.

METHODS

Learning is an individual process; people have different learning styles. Some teachers and students are more visual learners, some are more auditory, and some are more kinesthetic. Some students learn best through writing, others through speaking. Some students are abstract, conceptual thinkers, while others are concrete and practical. Good teachers use a variety of teaching methods to allow all of their students to maximize their learning.

Students understand and retain concepts and skills better when they are active rather than passive learners. Active learning requires students to individually manipulate and process concepts in their own way to fully understand them. Because legal reasoning involves more than merely reciting the laws, students can not survive by memorizing the law or reasoning in a particular case. Instead, students must be given the opportunity to use concepts and skills in different ways in varying situations.

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TEACHING AND LEARNING BIBLIOGRAPHY

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.
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Taken from, *Teach to the Whole Class: Barriers and Pathways to Learning* Faculty Colloquium Materials, c. 1997 by Paula Lustbader, Laurie Zimet, Gerry Hess.

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.
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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.

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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.
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Taken from, *Teach to the Whole Class: Barriers and Pathways to Learning* Faculty Colloquium Materials, c. 1997 by Paula Lustbader, Laurie Zimet, Gerry Hess.

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

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Taken from, *Teach to the Whole Class: Barriers and Pathways to Learning* Faculty Colloquium Materials, c. 1997 by Paula Lustbader, Laurie Zimet, Gerry Hess.

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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.
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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.
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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.
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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.

c. 1997 by Paula Lustbader, Laurie Zimet, Gerry Hess.

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.
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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.

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B. Books

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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.
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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.

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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.

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Free- Write Exercise

Using writing to enhance thinking. Keep your pen or pencil on the paper and keep writing until you are told to stop. Please answer the following question:

What did I learn during this session about teaching and/or learning?