

AALS

New Law Professors Section

A Message from the Chair

Dear Colleagues,

It has truly been a pleasure to serve as your Chair this past year and to have been involved with the Section as an officer for the last several years. I am grateful for the opportunities this Section has given me to support newer faculty members and to get involved in legal education at a national level. This Section is one of the few places where even very junior faculty can assume leadership positions. This Section truly is a treasure for the legal academy.

Did you know that the Section has been around since June 2002? We're coming up on our 18th anniversary. The Section was founded by a group of newer law professors who wanted a special section to support the specific needs of new law professors, and especially to help them get the most of the AALS Annual Meeting, to meet new colleagues and mentors from other schools, and to better understand the profession and the legal education promotion process. The Section has done lots of great programming and outreach over the years, from AALS panel discussions, to newsletters, to calls for papers. Kudos to all the former leaders of the Section, and especially the founding members, including **Alex Geisinger, Doug Moll, Nathalie Martin, Dan Filler, and Mike Allen.**

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Mary Leto Pareja
(New Mexico)

Chair Elect:

Maybell Romero
(Northern Illinois)

Secretary:

Timothy Duff
(Case Western Reserve)

Treasurer:

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A Message from the Chair (continued)

You can find all of the annual newsletters—which have been published since 2006 with only two gaps—on our AALS website (<https://bit.ly/33SahnT>).

Our **AALS Annual Meeting program** this year is an experiment, and we hope that you can join us and make it a successful one. The title of our program is *“So You’re a New Professor. Now What? – What We Wish We Had Known.”* It runs on **Friday, January 3, from 8:30-10:15 a.m.** Instead of a typical plenary session with a Q&A session following, we will be running three concurrent discussion groups. One discussion group will be focused on **teaching**, and the discussion leaders are **Howard Katz** from Cleveland-Marshall College of Law and **Susan Kuo** from the University of South Carolina, both highly accomplished teachers. Another discussion group will be focused on **scholarship**, and the discussion leaders are **Ruben Garcia** from the University of Nevada, Las Vegas, William S. Boyd School of Law and **Nathalie Martin** from the University of New Mexico, both respected scholars who serve as associate deans for faculty development at their institutions. Our final discussion group is focused on **thriving** in an institution, and the discussion leaders are **Eboni Nelson** from the University of South Carolina and **Michael Olivas** from the University of Houston Law Center, both great mentors who have served in high level administrative capacities at their institutions. Bring your questions and join in the great conversations that are sure to ensue.

We will hold a business meeting right after the program where we will elect new officers and executive board members for the upcoming calendar year. In accordance with our bylaws and long-standing tradition, **Maybell Romero** (Northern Illinois University) will become the Chair; **Timothy Duff** (Case Western Reserve University) will become the Chair-Elect; and **Nancy Soonpaa** (Texas Tech University) will become the Secretary. We will take nominations for an at large officer of the Executive Board (sometimes called the Treasurer, although we do not handle money) who will become the Secretary the following year. We also will take nominations for members of the Executive Committee, who provide advice and support to the officers. Officers should be newer faculty members; we welcome everyone, including more experienced people, to join our Executive Committee. Please consider nominating yourself or someone else to serve.

Be sure to not miss other great programming at the AALS Annual Meeting. On Thursday, January 2 from 5:30-6:30 p.m., there is a panel for first time meeting attendees to help you get the most out of the meeting. Immediately following, from 6:30-7:30 p.m. is the AALS reception for new law teachers. We are co-sponsoring a program offered by the Section on Teaching Methods on Saturday, January 4 from 1:30-3:15 p.m. focused on the benefits and challenges of co-teaching.

My sincerest thanks to all the people who have worked with the Section – our founders and past leaders, our Officers and Executive Committee, our program panelists and newsletter article authors, and AALS support staff. I look forward to seeing many of you in January.

A Message from the Chair (continued)

Warm regards,

Mary
Mary Leto Pareja
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This edition of our annual newsletter focuses on teaching—in particular on what actually happens, or should happen, in the classroom. I wish to express deep appreciation to our contributors for providing their unique perspectives on these topics, and more importantly, for engaging in the work that they are doing. We are better for their efforts.

**Timothy J. Duff, Section Secretary
Lecturer in Law
Case Western Reserve University School of Law**

Contributed Articles

Avidan Y. Cover

**Associate Dean for Academic Affairs
Case Western Reserve University**

Learning from My Colleagues

As a new associate dean for academic affairs I have had the opportunity to do what every new law teacher—or every law teacher regardless of age—should do at the beginning of her career—and at regular intervals: observe other law teachers teaching. It has been a wondrous opportunity for me, exposing me to a wide variety of teaching methods and styles, offering a window onto the many subjects students learn in law school, and making me better appreciate the brilliant and dedicated people whom I am privileged to call colleagues. What gnaws at me is that I am only doing this after ten years of teaching. I therefore urge all law professors—early or at whatever stage in their career—to go back to class, sit in the back of the room, and learn from your peers.

As law professors, particularly at the beginning of our careers, we feel great pressure to publish and distinguish ourselves in our respective fields. Notwithstanding workshops and sometime collaboration, the craft is an inherently isolated and isolating endeavor, requiring time alone, deep in thought, research, and writing.

Teaching too often follows these same lines; it should not be such an individualized process. Teaching is a conversation with students. It is inherently social. Yet we too

often develop our teaching in much the same manner we might develop scholarship. They are often very different things.

Few law professors hold education degrees or receive much instruction on how to teach. In contrast to many graduate school degree-holders, law professors have rarely served as graduate assistants, receiving mentorship and learning how to teach under the wings of experienced professors. (Various law school fellow programs have partially filled this void, affording would-be law professors the opportunity to hone their scholarship and teaching.) If we take legal education seriously, it is incumbent on law schools to remedy our professional education deficit. Below, I suggest a few individual, autodidactic steps for law professors as well as more systemic solutions.

In order to improve our teaching we need to share with each other what we are doing inside the classroom, as well as our syllabi and learning objectives. We enhance our students' learning by teaching in an integrated and interdependent fashion, building on what our students already learned. There is no better way to understand that than by visiting our peers' classrooms and inviting them to observe ours.

To this end, I began visiting my colleagues' classrooms in my first semester as associate dean. I have observed remarkable teaching and am already stealing a few tricks of the trade for my own classroom. Here are a few observations:

- Significant numbers of faculty create their own handouts or e-books, reflecting their own great familiarity with the materials and saving students money.
- Most faculty utilize slides or PowerPoints, but the most effective ones are not oversaturated with text, serving more as headlines, or highlighting particular text relevant to discussion and dissection.
- Banning laptops is a good idea (however paternalistic, my back-of-the-classroom perch allows me to gaze on not too few students who elect to shop or chat during class).
- Keep the classroom lively through active student participation—ditch the lecturing—be it through cold calling or Poll Everywhere questions.
- Flip the classroom and bring case readings alive and relevant through application of texts to hypothetical problems during class, turning the classroom into more of a laboratory and conversation space.
- Require students to submit questions and comments on each reading prior to class.
- Highlight the class agenda; stress the key points and takeaways from cases.

- Slow down and pare down. This means not sacrificing comprehension for content coverage, or depth for breadth. We too readily resist removing an additional case from our syllabus instead of emphasizing and elucidating the rules we may extract from shorter readings.
- Ask if there are questions. Acknowledge the difficulty of material. Look up from your notes, catch the flailing hands to address questions, and ascertain whether you have adequately answered them. Admit what you do not know.
- Expand your office hours in terms of time and space. Recognize your set times may not match your students' availability. A one-on-one meeting in a professor's office may intimidate some students. My colleague Kevin McMunigal often takes over the faculty lounge, reviewing weekly quizzes with handfuls of students at once.
- Record yourself teaching with your phone or school-based technology. Then watch yourself. It can be unpleasant but it offers a great window onto what it is like to be a student in your classroom. Invite other faculty to observe you teach.

My visits often lead to conversations with my colleagues about teaching, sharing tips and challenges we have encountered. Such dialogue enhances our teaching by enabling us to build on law students' prior knowledge. Awareness of how first-year faculty teach statutory interpretation can improve my lessons with my International Law upper-class students on how to analyze a treaty. I can similarly factor in the way our faculty teach Torts in designing a class on civil rights litigation. Without these dialogues, we necessarily assume our colleagues did or did not impart the material. We should not teach in such isolation and thus ignorance. We need to integrate our classes and curriculum so that they are in conversation with one another.

I therefore encourage all professors to reach out to one another (regardless of specialty area), ask for advice, invite them for a visit to your class and invite yourself to theirs, review each other's syllabi, steal liberally from one another's lesson plans, read pedagogical literature, and find ways to collaborate, co-design curriculum, or co-teach.

Having taught largely as a clinician, I have benefitted from a pedagogical approach that my clinical colleagues term "pathologically collaborative." We meet on a weekly basis to discuss clinic business, including what is working teaching-wise and what is not. We have also prioritized a co-teaching model, which I still consider the gold standard. My teaching benefitted so much from working side by side with my mentor and more experienced law-teaching partner Andrew Pollis, facilitating an ongoing conversation.

Law schools can do much to support the pathologically collaborative and integrated teaching environment. Law schools should encourage talking across classrooms, recognizing that dialogue may develop and enhance learning outcomes throughout the

student's law school career. Teaching interest groups should overtake the faculty lounge as much as scholarship workshops do. Law schools should encourage co-teaching, despite admitted coverage and budgetary challenges. Law schools should also encourage professors to visit each other's classroom to learn from one another.

In light of the professional education gap, law schools also should develop an initial semester in which newly hired faculty undergo an "apprenticeship." New law faculty would observe others teaching and discuss with experienced faculty what works and what does not. They could focus on their teaching, guest-teach a few classes and receive feedback, develop a syllabus and lessons plans, and be vastly better prepared to teach for the first time.

If law schools want to prioritize great teaching, they might also consider adopting Adam Grant's proposed tripartite tenure system. Grant's proposal recognizes that faculty bring a diverse array of skills and talents, and restructures differentiated tenure tracks for those who excel in teaching, research, or who succeed in both. Such a system has the potential to foster and maximize great classroom education, encouraging those most passionate about and dedicated to teaching by rewarding them accordingly. Those less invested in teaching might prioritize their writing and similarly receive tenure. Finally, nothing stops the talented teacher and scholar from pursuing both areas of interest and receiving tenure as so deserved.

Systemic changes to legal teaching will not come easily. In the meantime, we all have so much to learn. We can resume our legal education, and thus improve our own teaching, by visiting our fellow professors' classrooms.

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Professor Adam Eckart

**Assistant Professor of Legal Writing
Suffolk University Law School**

Effectively Flipping the Classroom by Using Team-Based Learning

A new law professor has many competing considerations in designing and planning a course. As a new law professor myself, my primary consideration in designing and planning my course was to create an effective learning environment. For this reason, for the vast majority of my class sessions, I flipped my classroom. Flipping the classroom enabled me to deliver content outside of class in order to spend more time on exercises

and examples in class. While the flipped classroom has many benefits, including the increased available time in the classroom, it also has challenges, including ensuring effective student engagement outside of class. With these challenges in mind, this year I introduced team-based learning in order to enhance my flipped classroom. By pairing team-based learning with the flipped classroom, I have seen greater student engagement in class and greater mastery of content in formative assessments.

Flipping the Classroom

The flipped classroom is an instructional approach that uses blending learning to “flip” the traditional learning environment. By flipping the classroom, professors transform the student experience from one of passive learning (e.g., listening to a professor lecture) to one of active learning (e.g., delivering content outside of class in order to spend in-class time on exercises and examples).

In a skills class, like my legal writing class, the flipped classroom is helpful in creating an effective learning environment because instead of having students learn material in class and practice skills outside of class, this approach allows students to learn material before class and practice skills in class. Through readings, screencasts, recorded lectures, and videos, I can deliver content outside of class and spend a greater amount of time in class practicing skills in a structured and guided setting. By practicing skills in class, I am able to answer questions, guide discussion and practice, and form peer groups to practice skills. The flipped classroom has given my students the time to practice skills in each class – including drafting, self and peer editing, oral advocacy, and other skills.

However, the flipped classroom is not limited to use in skills classes. Many clinical and doctrinal professors have likewise found success with the flipped classroom approach. In clinical settings, learning material outside of class allows greater in-class discussion regarding client cases or work product. Likewise, in doctrinal classes, learning material outside of class builds a foundation so class time can be used to analyze additional cases, discuss common themes, or apply principles of law to new contexts. In each instance, the in-class application of material delivered outside of class helps students have a greater understanding of the material and fosters deeper long-term learning and retention because students are more actively engaged with the content.

A successful flipped classroom, however, requires that students complete required reading and pre-class assignments in order to prepare for class. Although not universally true, some students struggle to complete pre-class assignments or fail to see the importance of learning outside the classroom. In fact, in some mid-year reviews I conducted as a Visiting Assistant Professor, some students admitted that they did not complete the readings or assignments. As a result, these students were increasingly left behind once the in-class application began. To resolve this issue, I turned to team-based learning to ensure student readiness for class.

Introducing Team-Based Learning

Team-based learning is an evidence-based collaborative learning strategy similar to the flipped classroom and includes individual and group assessments designed to ensure student readiness for class. Team-based learning relies on a multi-step model, which includes a) content delivery outside of class, b) a readiness assurance process to assess student completion and cognition of content delivered outside of class, and c) an in-class exercise or application.

In my classes, I layer team-based learning onto the flipped classroom. In these classes, I assign pre-class assignments of readings and videos, conduct a readiness assurance process involving short in-class low-stakes individual and team assessments—10 multiple choice questions—designed to recall key elements of the content delivered outside of class, and wrap up the module with an in-class exercise or application on the topic. By instituting the readiness assurance process through individual and team assessments, students ensure to complete the pre-class assignments and get a jump-start on discussing the material in a group setting.

The team-based learning approach can be used for all types of classes and content. In my course, I have introduced four team-based learning modules to assist with teaching key and often difficult topics. For example, I have found that citation is a great topic for team-based learning because of the inherent rule structures and “right” answers. Outside of the skills context, team-based learning is a great way to teach concepts with multiple elements (including legal definitions or concepts) and rule-based law (including but not limited to civil procedure or rules of evidence). Professors need not adapt their entire syllabus to team-based learning, but may find teaching one or more topics in this format is useful.

After implementing team-based learning in my classes, I found that students were more likely to come to class prepared because they knew they would be assessed on their understanding of the material in an individual assessment and because they wanted to contribute to team discussions on the team assessment. Most important, however, through this process, students learn the content in a more fulsome and accessible manner because students actively engage with the material and engage with it in greater frequency: outside of class, in an individual assessment, in a team environment, and in an in-class application. By combining team-based learning with the flipped classroom, students are increasingly (and better) prepared for classroom discussion and application – and no one has admitted to skipping the reading yet.

The Team-Based Learning Flipped Classroom: Far and Wide

Although my class is a Legal Writing class, all types of classes – skill-based courses, clinics, seminars and large doctrinal classes – can employ a team-based learning flipped classroom. By flipping the classroom to require that students complete reading or other instruction outside of class, class periods can be focused on applying principles learned. By employing team-based learning to ensure student readiness for class, students are a) more prepared for class, b) more likely to engage actively with the content, and c) more likely to retain the content of each class.

Adam Eckart is an Assistant Professor of Legal Writing at Suffolk University Law School where he teaches in the nationally-recognized Legal Practice Skills program. Before joining Suffolk, Professor Eckart worked as an associate at Ropes & Gray LLP in the antitrust mergers and acquisitions practice and taught in the Lawyering Program at Boston University Law School. He can be reached at aneckart@suffolk.edu.

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Professor Matthew A. Salerno

**Lecturer in Law
Case Western Reserve University School of Law**

Those Who Can Do, But Can They Teach Too?

Will a good lawyer, by virtue of their professional experience, become a good law professor? The answer is, of course, it depends. Professional experience can be valuable to a new professor; how valuable depends upon when, how, and why it is used.

After nearly 20 years in private practice, I made the transition to full-time teaching. My goals for my first year were relatively simple: teach the students everything they needed to learn in my course; augment that teaching with what I know from experience; and, generally, try not to look foolish. For the most part, I was able to accomplish these goals. But teaching is far different from practicing. Many things did not go as I had anticipated. For the benefit of those making the transition from legal practitioner to law professor, this article describes some instances where I miscalculated the classroom value of my professional experience.

The Great Equalizer

As a new instructor, I thought that my professional experience would be the great equalizer to what I lacked in teaching experience. After all, what better way for students to really learn than through an abundance of real-life examples. I intended to draw from my professional experience as often as possible, using it as a sword to ensure that my point was understood and as a shield if I felt that my teaching was being questioned. I was correct to assume that my experience would prove useful in the classroom. I was incorrect, however, in assuming that every instance in which drew upon it would be taken as the well-intentioned practical lesson that I hoped it would be.

I purposefully sought out opportunities to use stories from my years in practice to demonstrate how mastering certain skills can be useful for a practicing lawyer. On one occasion, I left class wondering whether, in discussing things that I had done in practice, I might have unintentionally come off as a bit arrogant. If so, then my story could have been taken not as a learning moment, but rather as something closer to bragging. After reflecting upon this, I concluded that what I thought was the shield against my newness as a teacher likely shined more light on my insecurity, and the sword that I thought

would drive my point home likely ended up diminishing the point that I was trying to make.

Rather than using the sword as I intended, I found that occasionally falling on it could be just as powerful and even more meaningful. I incorporated into my class more mistakes that I made or have seen, and I used them to counterbalance the stories of the successes that I had in my own practice. Although I planned to incorporate as many stories from my professional experience as I could, I reduced the number of times that I started or ended a lesson with “let me give you an example from my practice.” Instead of using my experience as often as possible to make a point, I used it periodically to accentuate a point. Learning when to draw upon my professional experience proved far more valuable in my teaching than simply doing so as often as possible.

Do the Work

As a practicing lawyer, I spent many a long day and night trying to produce the best work product that I could. I anticipated doing the same in my first year of teaching. In fact, in the days leading up to the beginning of the school year, I spent quite a bit of time getting my course, and myself, ready for my first semester. That is something I would not change. What I found, however, was that in trying to work as I did in practice, I was not the best instructor that I could be, and, perhaps worse, I was guilty of asking my students to do as I say, not as I do.

I frequently encourage my students to manage the demands of law school as best they can. I suggest that they take care to get proper rest, good nutrition, and exercise if possible. Admittedly, this felt a bit disingenuous as my approach to preparing my classes was to work as much as I could, even at the expense of the very things that I repeatedly recommend that my students not ignore. Maybe this was old habit. Maybe I was overcompensating for my own insecurities about being a new instructor. Had I asked myself why I was doing this, I might have avoided spinning my wheels unnecessarily. But this is what I did for many years with good results, particularly as a new lawyer, so it is what I chose to do as a new instructor.

This choice impacted my class in ways that I did not expect. At times, I found that my mood and energy in the classroom were slightly down. Mood and energy are much more important than I anticipated, even more so than they were for me in practice. Moreover, I do not like to ask students to do something that I am not willing to do myself. This led me to what seems obvious now—working for the sake of working is not the path to better instruction. My advice to the students was sound; I just needed to heed it myself.

Acting upon my own advice, I looked for ways to be more efficient and, thus, more productive. I became more intentional in my preparation, I grew more focused on how I was delivering course material, and I was more thoughtful about whether greater depth of teaching would be more meaningful to the students than greater breadth. My instinct to work more and more did not directly translate into better teaching, but my experience in striving to work better did. Understanding how to use (or not use, as the case may be) habits that I formed in my early days of practice improved my day to day classroom

preparation and presence.

Teach to Learn, Learn to Teach

Help my students learn. That was my objective as a new instructor. I had no doubt that I knew the material I would be teaching. Knowing material, however, is not the same as being able to convey the material in a way that allows the students to learn it. While I knew that this could be a difficulty in my transition, I had no immediate strategy to overcome it other than the “draw upon my experience as often as possible” and “do more work” approaches that I mentioned earlier.

To compound this difficulty, I allowed my professional ego to give me a false sense of security. *You are a good lawyer with lots of good experience.* I would say this to reassure myself. *If I could spend years advising clients, making persuasive arguments, and leading meetings, then I should have no problem relaying material to the students in my classroom.* I would think this to reassure myself. But communicating like a lawyer to a client, to a judge, or to other lawyers is very different from communicating as a teacher to a room full of students.

My students do not have the same level of experience that I do. That may seem like a statement of the obvious, but it is a very important point to consider when deciding how to make use of professional experience as a new instructor. My first few days in the classroom showed me that in order to convey material in a way that allows my students to actually learn it, relying heavily upon my professional experience alone was simply not good enough. I had to be more than a good lawyer with plenty of experience; I had to learn to be a good teacher.

Thankfully, I am surrounded by outstanding faculty from whom I received guidance and advice. I was told of a class offered to faculty, the purpose of which is to help educators continue to learn and progress in their teaching. I took that class and learned proven techniques as well as newer “trends” in teaching. I benefited from interdisciplinary discussions that helped me to understand the variety of ways in which good educators manage their classes and their teaching.

Perhaps more importantly, this class regularly challenged me to get out of the *I’ve done it in practice for almost 20 years* mindset. That was my comfort zone and a difficult mindset to change. Now, before drawing upon my professional experience, I consider why doing so would matter to what I am teaching. Finding this learning purpose helps me to use my professional experience to be a better teacher instead of using it to compensate for being a new teacher.

As I finished my first year of full-time teaching, incorporating professional experience into my classroom became less about how often, and more about for what purpose. I learned that there is a subtle but important difference between using professional experience to help yourself teach, and using it to help the students learn. If a practicing lawyer transitioning into the classroom carefully considers when, how, and why to use their professional experience to augment their teaching, then the good lawyer most definitely can, by virtue of their professional experience, become a good

law professor.

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Again, thank you to all of our contributors. If you have suggestions or ideas for future newsletters, please feel free to e-mail our incoming secretary, **Nancy Soonpaa**, at **nancy.soonpaa@ttu.edu**.