Something borrowed:
Collaborative learning strategies in law education

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Catherine Haras, Senior Director
Center for Effective Teaching and Learning
California State University, Los Angeles
Handouts used in this session:

- Color cards, which will serve as “clickers”
- “Exam wrappers” which you can use to reflect with as I give the “lecture”

Raise your hand if you don’t have these.
People learn by failing.

A) TRUE (Pink card)
B) FALSE (Green card)
C) NO CLUE (Orange card)
How did so many of us know this is true? Why did so many people answer this question correctly?

John Bransford, 1994
Legal education can **borrow** from a huge literature on cognition and learning.

Classical law education also models some best practices for learning.
How people learn: Brain, mind, experience, and school
(Bransford, Brown & Cocking, 1999)

PDF free online at National Academy of Sciences (NAS)
Mini-Lecture: *How People Learn*

Lecture Wrapper

As you listen to the mini-lecture on *How People Learn*, connect the three key findings to your teaching.

Reflect on your teaching and students as you address the questions on the left-hand side.

**Lecture on *How People Learn* — Connections to Your Teaching**

1. What prior knowledge do students bring to your class? What are the common misconceptions?

2. What differences exist between experts and novices in your discipline?

3. What self-regulated learning / self-awareness strategies are most valued in your discipline?
2-year study conducted by the Committee on Developments in the Science of Learning (National Research Council), which ran a meta-analysis of hundreds of studies on cognition, learning, development, culture, and the brain.

Bransford, Brown, and Cocking found three overarching themes.
Prior Knowledge

1.
If I say *cardinal* you think of:
What about **battery**?
| TECHNOLOGY | A container consisting of one or more cells, in which chemical energy is converted into electricity. |
| MEDICINE   | A group or series of tests administered for analytic or diagnostic purposes. |
| LAW        | An intentional act causing harmful or offensive contact with the 'person' of another. |
Battery

**MILITARY SCIENCE**  An indefinite number of guns placed together in the same position.

**MUSIC**  A term used in Baroque music for the practice of arpeggiating passages notated as chords.

**SPORTS**  In baseball, the pitcher and catcher.
Individual learners show preferences for the mode in which they receive information (e.g., visual, auditory, kinesthetic).

A) TRUE (PINK card)
B) FALSE (GREEN)
C) NO CLUE (ORANGE)
Learning styles (i.e. verbal or visual learners) are not supported by empirical research.

A) TRUE (PINK card)
B) FALSE (GREEN)
C) NO CLUE (ORANGE)
Both statements are **true**. Did your prior knowledge about ‘learning styles’ get in the way of hearing me say it’s not proven?

Results demonstrated no statistically significant relationship between learning style preferences (auditory, visual word) and learning comprehension based on instructional method. The study did find that instructors appealed to visual as opposed to auditory learning modes.

- Rogowsky, Calhoun, & Tallal (2014)

I’m sorry.
The way some of us felt about Pluto.
“There are different abilities, but really, we all learn the same way.”
– Daniel Willingham, 2009

Prior knowledge is powerful and matters.

“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.”

Prior knowledge can also be wrong. Terribly wrong.

Learners with incorrect prior knowledge have terrific misconceptions and may resist change.
Which can manifest as maladaptive.
Prior Knowledge

What prior knowledge do students bring to your class?

What are some common misconceptions students have about law?
What misconceptions do your students have about the law?

I like to argue; I’ll make a good lawyer.

Law is all about cherry-picking.

You’ll be fine if you know ‘black letter’ law.

The law is black and white.

It’s an answer you find.

You need a good memory.

There is a “right” answer.
Thoughts?
What misconceptions do students have about your assignments?

- It’s a product, not a process
- Rote memorization gets you far
- It can be done overnight
- Sloppy, undisciplined writing should be rewarded
Reflect.

Think about a situation you experienced with students where a common misconception dominated their ability to learn.

How can you engage that misconception—in class or via assignment?
Key Finding 1:
Prior knowledge matters (for your teaching).
The good news is, their prior knowledge is a hook.

- Replace naïve with scientific understanding by giving students the opportunity to reveal their understanding as naïve—to see where it falls short.
- Structure a class session to undo a big (confounding) misconception.
- Allow them to have an A-HA moment: ask them to predict an outcome you know they’ll get wrong.
- Use analogy and metaphor to link what they know with what you want them to learn.
Take advantage of it.
Things you might consider surveying in your classroom

**Attitudes** (Learned predispositions)
**Beliefs** (Personal knowledge/behavioral)
**Values** (Enduring beliefs)
**Interests** (Personal/situational preferences)
**Self-Concept** (Self-evaluations)
**Self-Efficacy** (Self-perceptions of an ability to do something well)
Evolution wired our brains for storytelling.

• Storytelling puts our entire brain to work.
• It connects prior knowledge with something new.
• This is why everyone loves a story.

THE END
Experts and Novices

2.

Experts v. Novices

What differences exist between experts and novices in law?

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Experts

Your knowledge is well organized.

You recognize patterns.

Organizational sensemaking allows for easy retrieval of relevant knowledge.
What is ‘expertise’?

To develop competency a novice must:

1. Have a deep understanding of factual knowledge

2. Understand this knowledge within the context of a conceptual framework

3. Organize this knowledge in ways that facilitate retrieval and application

Bransford, Brown & Cocking, 1999
Experts (you)
Novices (Students)
Novice learners need to practice and will make mistakes. That’s okay.
# Naïve Versus Skillful Learners

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<th>Naïve Learner Characteristics</th>
<th>Skillful Learner Characteristics</th>
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<td>Non-specific goals</td>
<td>Self-regulating</td>
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<tr>
<td>Self-handicapping strategies</td>
<td>Set goals</td>
</tr>
<tr>
<td>Avoid self-evaluation</td>
<td>High self-efficacy</td>
</tr>
<tr>
<td>Attribute ability</td>
<td>Seek self-evaluation</td>
</tr>
<tr>
<td>Cannot adapt</td>
<td><strong>Practice</strong></td>
</tr>
<tr>
<td>Not interested</td>
<td>Can Adapt</td>
</tr>
<tr>
<td></td>
<td>Intrinsically interested</td>
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Zimmerman, 1990
Trying to solve a problem before being taught the solution leads to better learning, even if your first answer is wrong.

A) TRUE (PINK card)
B) FALSE (GREEN)
C) NO CLUE (ORANGE)
True. Students given hands-on exercises before they do assigned readings (or watch videos) outperform students who read or watched first.

-Blikstein and Pea, 2013
Key Finding 2:
Novices are not experts.

They think differently about the law than you do.
Metacognition

3.
Metacognition

“Thinking about one’s thinking” (Flavell, 1970)
Metacognition

‘Knowing about knowing’
Self-awareness
Monitoring
Goal-setting
Mindset

AKA taking a look in the mirror.
Dunning-Kruger Effect — our incompetence masks our ability to recognize our incompetence.
No self-awareness so he wouldn’t have seen it coming
Metacognition: 3-2-1

3. Three things you learned today

2. Two things you want to know more about

1. One thing you will apply in a course you teach based on this workshop
I could share my outcomes for this workshop with you:

1. Create a learner-centered environment where you could play and not/fail.

2. Persuade you of something you hadn't seen, known, or believed before, based on my experience and empirical evidence.

3. Get you to reflect on your own teaching identity as this impacts your good work.

4. Affirm the contributions that legal education makes to learning.
I could make the design of this workshop visible:

• ‘Clicker’ questions: Engagement; activated your thinking and prompted self-regulation
• Mini-Lecture: Framework
• Exam wrapper: Cognitive work in collaboration with peers; further tapped your prior knowledge and helps you to self-assess
• Active learning: 14 exercises/tasks I asked you to participate in
• Interleaved practice: mixed up the concepts so you have to make connections
• This slide: Transparency and role-modeling
• Next/concluding activity: Metacognition, Self-Regulation in your own teaching
• Reflection: How do you see yourselves within the context of this workshop?
Metacognition

What self-regulated learning / self-awareness strategies are most valued in your field of law or practice?

Lecture on How People Learn – Connections to Your Teaching

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Example: Metacognition in (trial) practice

Know where your feelings end and those of your clients begin.

Understand your personal values and their influence on the client relationship.

Realize how you influence outcomes.

Recognize and manage internal dialogue.

Understand and control personal defense mechanisms.

Know when and how clients are reacting to your style.

Modify behavior based on reactions of clients.
Naïve Versus Skillful Learners

Naïve Learner Characteristics

- Non-specific goals
- Self-handicapping strategies
- Avoid self-evaluation
- Attribute ability
- Cannot adapt
- Not interested

Skillful Learner Characteristics

- Self-regulating
- Set goals
- High self-efficacy
- Seek self-evaluation
- Practice
- Can Adapt
- Intrinsically interested

Zimmerman, 1990
Self-Regulated Learning Cycle (SRL)
-(Zimmerman, 1990, 2002)
Reflection is a powerful form of practice which leads to greater learning.

A) TRUE (Pink)
B) FALSE (Green)
C) NO CLUE (Orange)
The first 20 minutes of the first day of class are among the most critical of the entire course.*

How could a common misconception be addressed on the first day of class using metacognition?

Briefly discuss at your table.

First-day metacognitive assignment examples

**Predict** an outcome based on incomplete information

**Writing prompt:** One-minute paper

**Pre-assessment:** Encourage students to examine their current thinking

**Muddiest Point:** Give students practice in identifying confusions

**Knowledge Survey:** Google “threshold concepts”
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.”

Key Finding 3:
Metacognition works to bridge the expert-novice gap.
Even ‘experts’ differ.

Metacognitive skills matter to levels of expertise:

**Adaptive experts**: Can transfer knowledge from one setting to another

**Routine experts**: Function well in a standard, context-dependent setting
Our capacity for selfknowledge is overrated.

Vazire et al

We are probably not good judges of our own learning.


Mini-Lecture: *How people learn*

Lecture Wrapper

Place the handouts side by side. Use the right side to structure your reflection of the session and activities you’ve experienced so far.

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<th>Reflect on Our Session</th>
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<td>1. How have we leveraged your prior knowledge today?</td>
</tr>
<tr>
<td>2. How have we helped you bridge the gap between expert and novice? What frameworks have we used?</td>
</tr>
<tr>
<td>3. How have you thought about your own learning today?</td>
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“What faculty do matters.”
John Hattie, 2009

Visible learning: A synthesis of over 800 meta-analyses relating to achievement.
What law education gets right
COLD CALLING

The practice of calling on students who do not raise their hands.

Infrequent because it’s usually punitive.
Based on what you have learned today, why is cold calling still effective?
Why is it effective?

- A form of 2-way feedback, critical for their learning and your teaching (Hattie, 2009)

- Students practice thinking in real time and become self-aware (Bransford et al)

- Like testing, can initiate a form of effortful retrieval (self-quizzing), a tool for durable retention (Brown, Roediger, McDaniel, 2014)

- Reveals common misconceptions that can be examined
Humane cold-calling

- Have a clearly stated policy in the syllabus and connect it to course goals. *It’s a course goal if you want them demonstrating that skill or attitude.*

- The stakes are up to you, but start low. Begin the term with innocuous questions that only require an opinion.

- If they don’t have the answer, they should have a question.

- Your questions should create a supportive atmosphere where it is okay to fail.
SOCRATIC METHOD

A method of teaching in which the master imparts no information, but asks a sequence of questions, through answering which the pupil eventually comes to the desired knowledge.

Socratic irony is the pose of ignorance on the part of the master, who may in fact know more about the matter than he lets on -OED
Based on what you have learned today, why is the **Socratic method** still effective?
Why is it effective?

- Like cold calling, a unique form of two-way feedback (Brookfield, et al)
- Done well, a form of intensive practice (Brown, Roediger, McDaniel, 2015)
- Uses questions to examine – and destabilize — misconceptions (Reich, 2003)
- Links novice to expert: reasoning, argumentation, and synthesis (Bransford, et al)
- Encourages reflection
Why do it?

- Law is a discursive discipline, rhetorical and philosophical
- The method is a unique and time-tested form of active learning
A better method

- Employ the method only when it serves course objectives.
- Use it to introduce ‘productive discomfort’, not panic (Reich, 2003).
- Structure your questions to teach students to ask better questions.
- Set down conversational guidelines and allow students to establish rules of the road.
- Learn students’ names and have them address each other by given names.
A better method

- Pace yourself and use *wait time*—silence is productive (Rowe, 1973). Length and correctness of responses increase.

- Follow-up questions are good; play neither advocate nor devil’s advocate.

- Discourage appeals to (your) authority.

- Be open to learning something new and admit when you don’t know.

- Resist lecturing.
Use the method in writing

- Practice the **process** method. Rhetoric-composition experts focus on process over product.

- Give students feedback throughout the writing process, not just the final draft.

- Break down and grade separately the writing stages. (Kearney & Beazley, 1991):

  1. Assignment features an ‘instigating question’
  2. Student’s written answer via focus drafts and private memos
  3. Teacher’s written response using Socratic questions
  4. The student-instructor conference can also use questioning
  5. Revised work
THE CASE STUDY METHOD

A teaching approach that employs decision-forcing and puts students in the shoes of those forced to make the same decision in the past.

Based upon Langdell’s **Case Method**, which uses a court decision and the Socratic Method to analyze.
Based on what you have learned today, why is the case study method effective?
Why is it effective?

- Uses experiential, problem-based learning, a type of ‘discovery’ learning (Bruner, 2009) that allows for **prior knowledge** and **practice** (Bransford, et al)

- Develops problem solving and **motivation** in students (Zimmerman, 1990)

- Mimics real world ambiguity, frustration, incompletion and allows for self-examination (**metacognition**)

- Links **novice to expert behavior** (Bransford et al)
Attention span

The concept of the 15-minute attention span remains unsupported. (Bradbury, 2016)

The greatest variability in student attention arises from differences between teachers, and not from format. (Bradbury, 2016)
Technology likely does not rewire our brain (affect our ability to pay attention). (Pinker, 2010; Willingham, 2010)

Technology can alter our beliefs about what is worthy of attention. (Willingham, 2017)

Seventy-three percent of Generation Z has access to subscription video on demand services. (Nielsen, 2017)
• Most sleep with their phones. (Twenge, 2017)
Questions and Observations
Evidence

There is no empirical basis for ‘learning styles’ --or left/right brain theory.


Evidence

Learning myths stubbornly persist.

Deep learning is achieved through reflection as opposed to experience alone.
Evidence

**Give an in-class activity before you have them do the reading.**

**Mix up your practice.**
Faculty who participate in their own professional development improve their students’ success.

Shout out to you for caring.
Contact me.

Center for Effective Teaching and Learning
CALIFORNIA STATE UNIVERSITY, LOS ANGELES
5151 State University Drive, Los Angeles, CA 90032

Phone
323.343.5607

Email
charas@calstatela.edu

Web
http://www.calstatela.edu/cetl