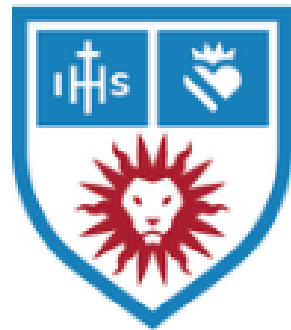


Teaching with Technology

Aaron H. Caplan

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Today's Topics

- Visual aids
 - Students' devices
 - Polling

What are Visual Aids?

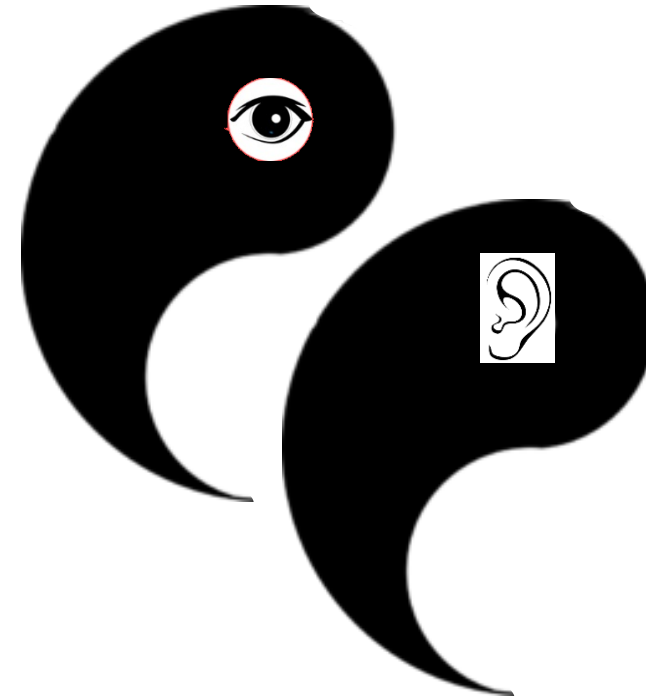
- Things you want students to look at while you speak.
- Potential media for visual aids
 - Slide show (e.g. Power Point)
 - Blackboard / Whiteboard
 - Document Camera
 - Handouts
 - More!

Goals for Visual Aids

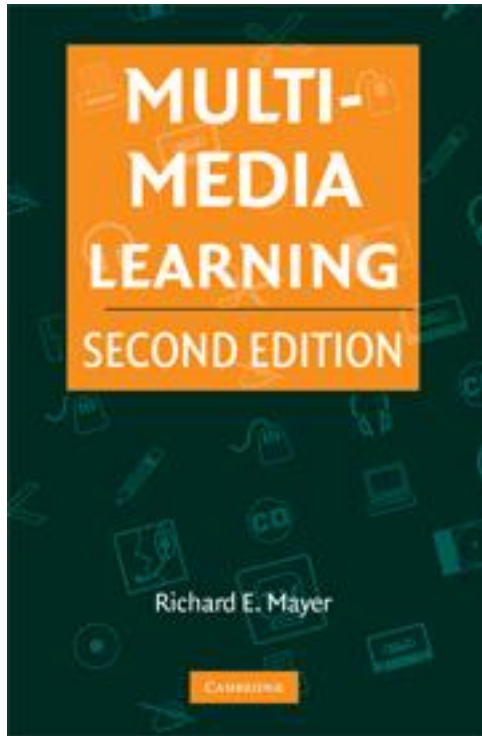
Display words and images to complement what the ears hear ...



... without unduly duplicating what is spoken.

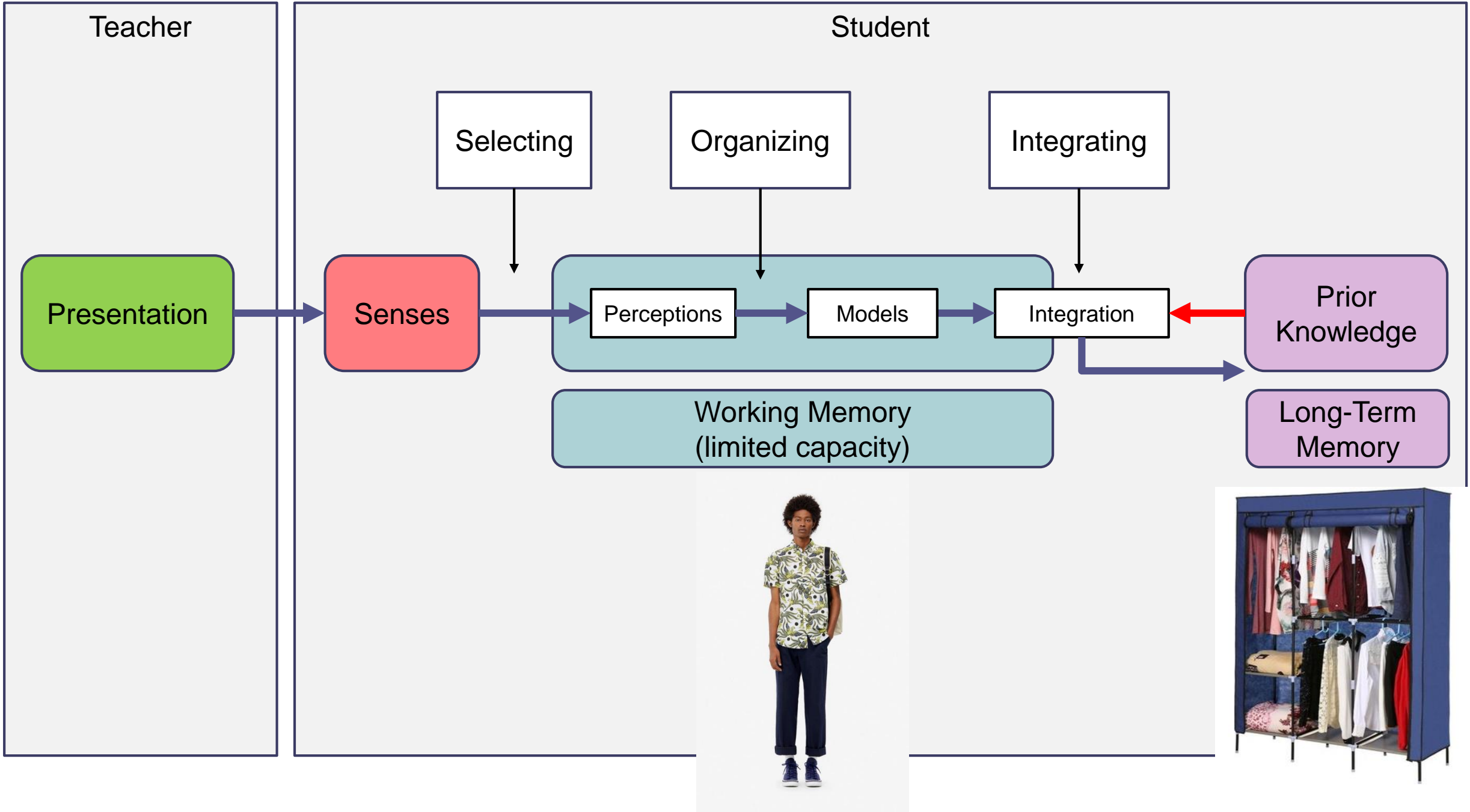


Mayer's Cognitive Theory of Multimedia Learning

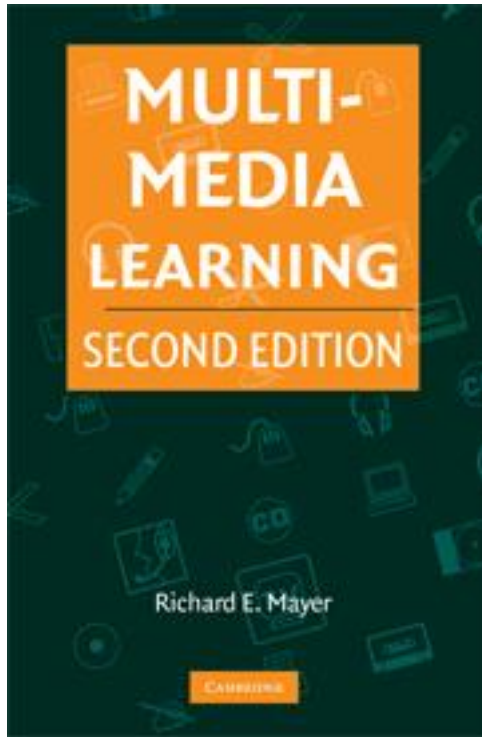


Richard Mayer
Multi-Media Learning (2nd Ed. 2012)

- Learning is an active process of selecting, organizing, and integrating new information based upon prior knowledge.



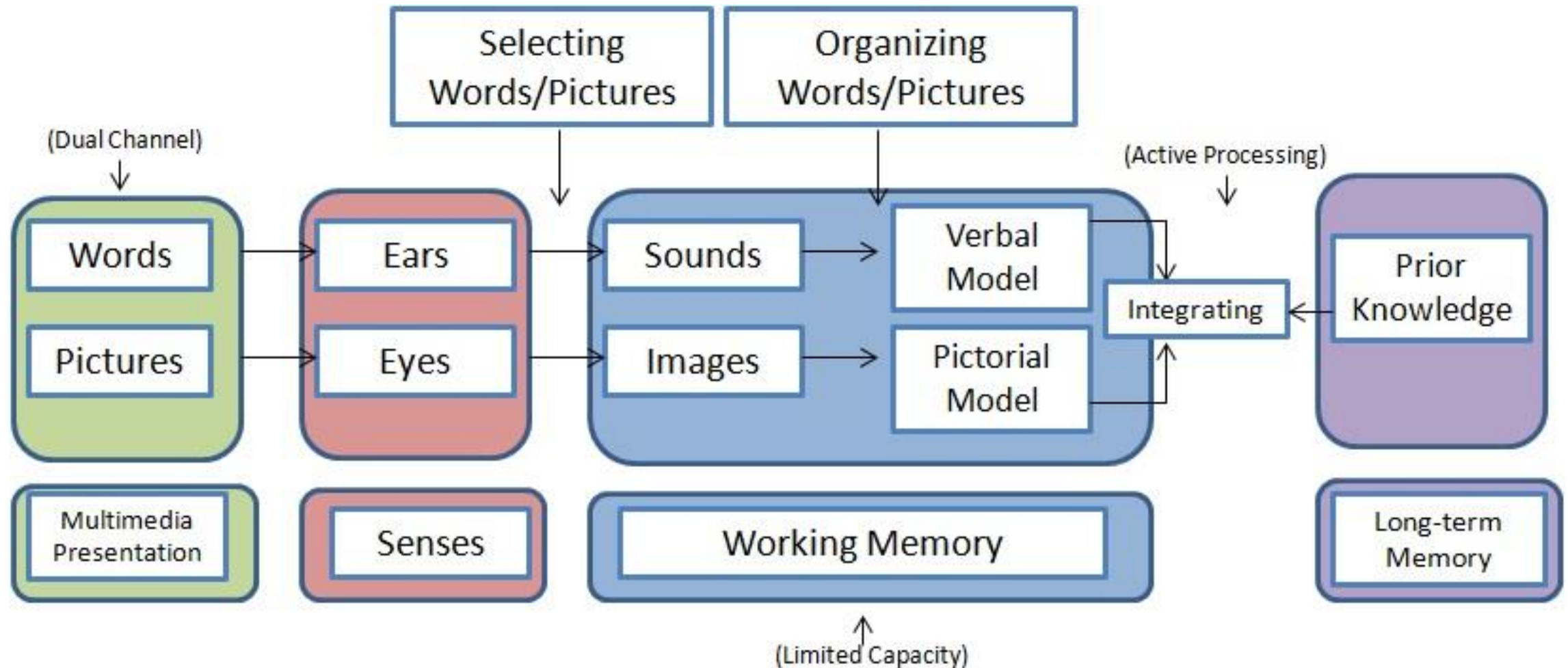
Cognitive Theory of Multimedia Learning (continued)



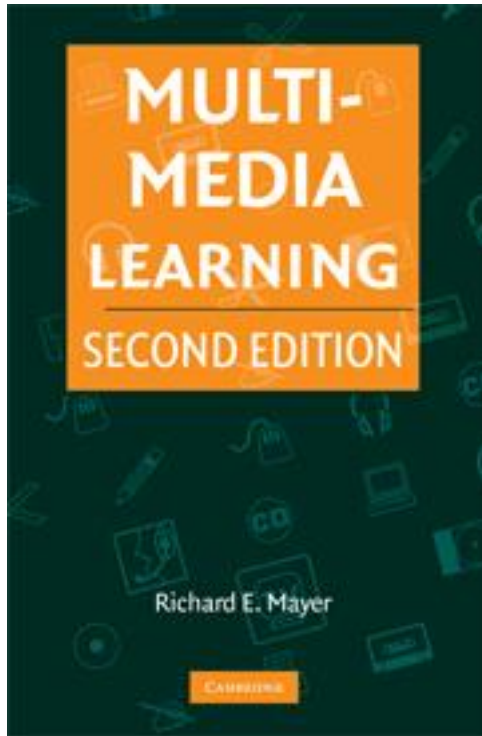
Richard Mayer
Multi-Media Learning (2nd Ed. 2012)

- Learning is an active process of selecting, organizing, and integrating new information based upon prior knowledge.
- There are two separate channels (auditory and visual) for processing information.
 - Each channel has limited capacity and is subject to overload.

Two-Channel Model



Cognitive Theory of Multimedia Learning (continued)



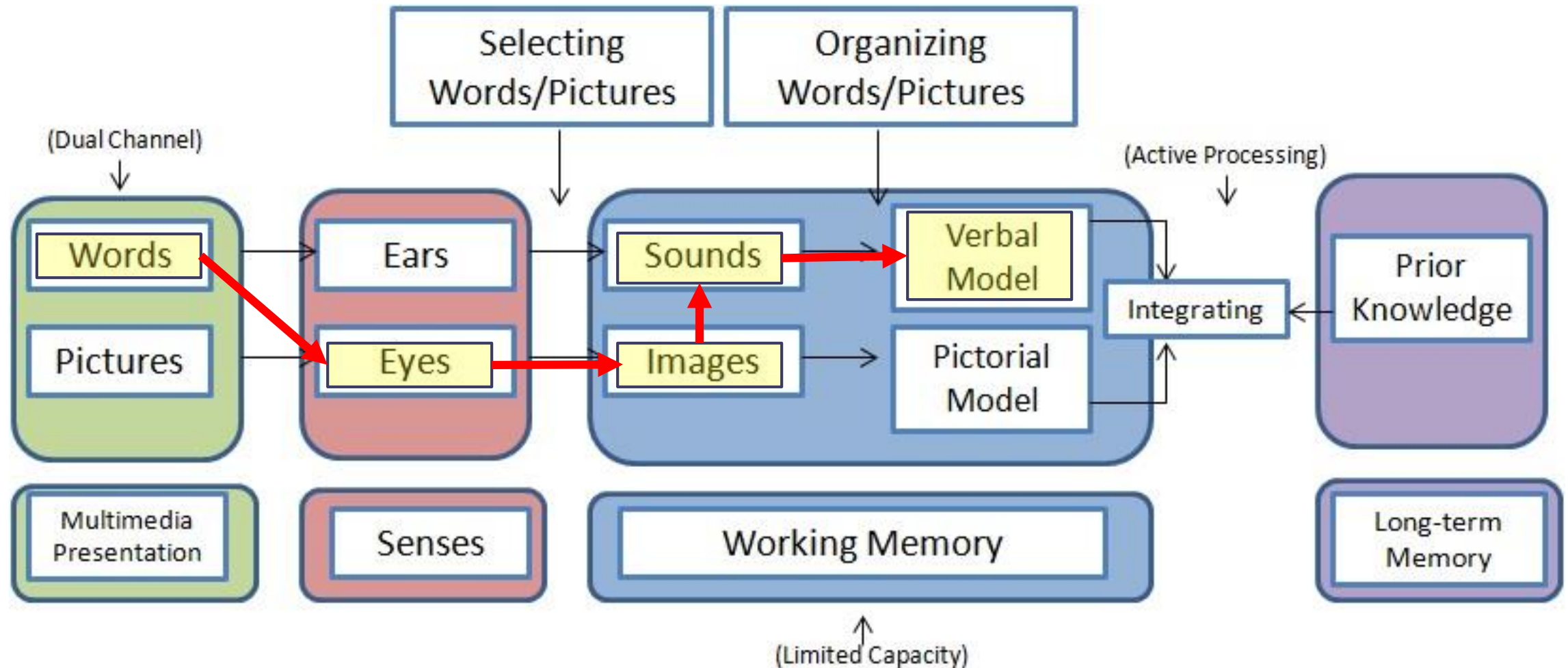
Richard Mayer
Multi-Media Learning (2nd Ed. 2012)

- Learning is an active process of selecting, organizing, and integrating new information based upon prior knowledge.
- There are two separate channels (auditory and visual) for processing information.
 - Each channel has a limited capacity and is subject to overload.
- Presenting to both channels can, if done skillfully, result in better learning than presenting to a single channel.

An example of a bad visual aid

- Lots of presenters seem to think that projected words should be identical to a set of speaking notes. Or even a verbatim script, like I'm doing now.
- You've probably seen slides like this. They are actually worse than no slide at all!
- You could probably read this entire slide in the time it takes me to read that previous bullet point. So now I bet you are getting restless and bored, waiting for my slow speech to catch up with your fast reading.
- The slide doesn't help you select the most pertinent information. Everything is at the same level of emphasis.
- Paradoxically, the fact that I am reading the words to you aloud makes your understanding worse, not better. The visual channel is not truly engaged, while the verbal channel is overloaded with two copies of everything.

Printed Words in the Two-Channel Model

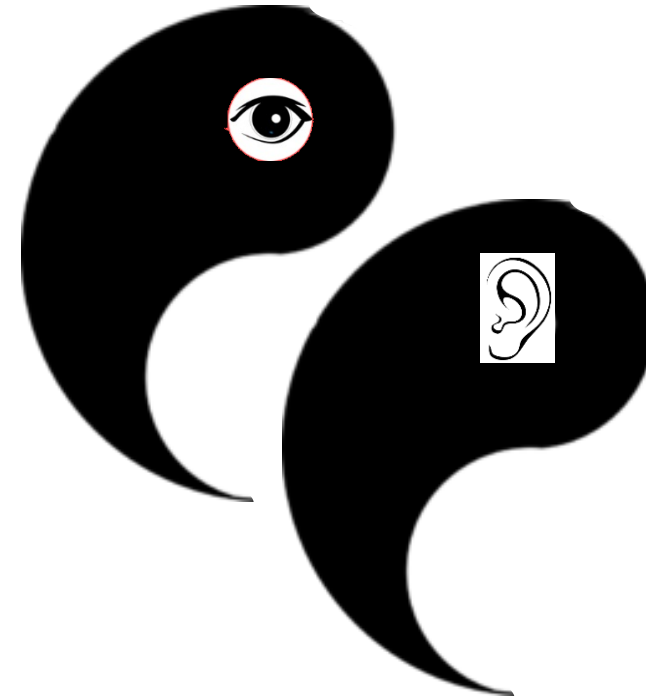


Goals for Visual Aids

Display words and images to complement what the ears hear ...



... without unduly duplicating what is spoken.



Examples

- Illustrations
- Visualizing Text
- Visualizing Concepts
- Visualizing Cases
- Orientation Tools / Roadmaps
- Discussion Organizers

Illustrations



SURRENDER
DOROTAY





The Scrap Metal Shearer in *J. McIntyre v. Nicastro* (US 2015)




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The JMC 640 Shear



The JMC 640 Shear is a powerful yard shear and will cut up to 75mm (3" round bar) powerful enough to handle many applications including aluminium extrusion, ingots and other over-sized materials.

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More Info

For more information:
Call 0115 940 9630

E-Mail - phillip@jmcrecycling.com

The House in *Shelley v. Kraemer*



Shelley House
4600 Labadie Ave.



Real Estate Advertisement for Highland Park, near Salt Lake City, UT (1919)

**Only Members of the
Caucasian Race**

One of the important features of the Building Regulations at Highland Park reads as follows:

"The buyer agrees that no estate in or possession of the said premises shall be sold, transferred or conveyed to any person not of the Caucasian race."

This means that when you buy a homesite in this properly Regulated home place, you will forever be assured of desirable neighbors. Only members of the white race can buy or hold property in this beautiful restricted residence park.

Another provision specifies that only dwelling houses are permitted, and these must cost at least a definite amount.


Good neighbors, beautiful surroundings, uniform improvements and a large enough acreage or residential zone, to make Building Regulations effective, are only a few of the many advantages of Highland Park.

This handsome park, with 300 acres, is the largest restricted home district in Utah. Because of its far-sighted regulations, all property will become more beautiful and more valuable each year.

Go in our auto and investigate for yourself the many advantages of locating in a regulated home district.

Phone—Wasmich 963.

Kimball & Richards
"Land Merchants"
84 Main Street,
Salt Lake City.



One of the important features of the Building Regulations at Highland Park reads as follows:

"The buyer agrees that no estate in or possession of the said premises shall be sold, transferred, or conveyed to any person not of the Caucasian race."

This means when you buy a homesite in this properly regulated home place, **you will forever be assured of desirable neighbors.**

Enforcing “Separate But Equal” in *McLaurin v. Oklahoma State Regents* (1950)



George McLaurin

Mildred and Richard Loving



Mullane on Personal Service



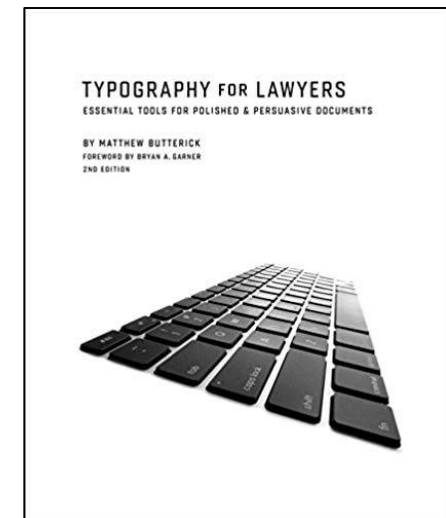
- “Personal service of written notice within the jurisdiction is the classic form of notice always adequate in any type of proceeding.”

- “Personal service has not in all circumstances been regarded as indispensable ...”



Visualizing Text

Recommended Reading:
Matthew Butterick, *Typography for Lawyers* (2nd Ed. 2018)



Parties' Arguments in *McCulloch*

Plaintiff Maryland

1. CLAIM:
“You violated state law.”
3. REBUTTAL OF AFFIRMATIVE DEFENSE:
“(a) Congress had no power to enact that law.
(b) Even if it did, the federal law does not preempt the state law.”

Defendant McCulloch

2. AFFIRMATIVE DEFENSE:
“I may ignore that state law, because it conflicts with an act of Congress.”

The Necessary and Proper Clause

Art. I, §8, cl. 18

“Congress shall have the power...to make all laws which shall be necessary and proper for carrying into execution the foregoing powers; and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.”

The Necessary and Proper Clause Reformatted

“Congress shall have the power...

to make all laws which shall be **necessary and proper** for carrying into execution

- the foregoing [Art. I, §8] powers; and
- all other powers vested by this Constitution
 - in the government of the United States, or
 - in any department or officer thereof.”

The Necessary and Proper Clause Side by Side

Original

“Congress shall have the power...to make all laws which shall be necessary and proper for carrying into execution the foregoing powers; and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.”

Reformatted

“Congress shall have the power... to make all laws which shall be **necessary and proper** for carrying into execution

- the foregoing [Art. I, §8] powers; and
- all other powers vested by this Constitution
 - in the government of the United States, or
 - in any department or officer thereof.”

The Famous *McCulloch* Quote: Means and Ends

“Let the **end** be legitimate, let it be within the scope of the constitution, and all **means** which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional.”

The Famous *McCulloch* Quote: Reformatted

- “Let the **end** be legitimate,
 - let it be within the scope of the constitution, and
- all **means**
 - which are appropriate,
 - which are plainly adapted to that end,
 - which
 - are not prohibited, but
 - consist with the letter and spirit of the constitution,

are constitutional.”

You Say Tomayto, I Say Tomahito

Deferential Reading (New Deal Consensus)

“Let the end be legitimate,

- let it be within the scope of the constitution, and

all means

- which are appropriate,
- which are plainly adapted to that end,
- which
 - are not prohibited, but
 - consist with the letter and spirit of the constitution,

are constitutional.”

Skeptical Reading (Roberts Opinion in *Sebelius*)

“Let the end be legitimate,

- **let it be within the scope of the constitution,** and

all means

- which are **appropriate,**
- which are **plainly adapted** to that end,
- which
 - are **not prohibited,** but
 - **consist with the letter and spirit** of the constitution,

are constitutional.”

Visualizing Concepts

San Antonio Area School Districts

(statistics taken from *Rodriguez, 1973*)

Edgewood

4% White
90% Latino
6% Black

Median Family
Income: \$4,686

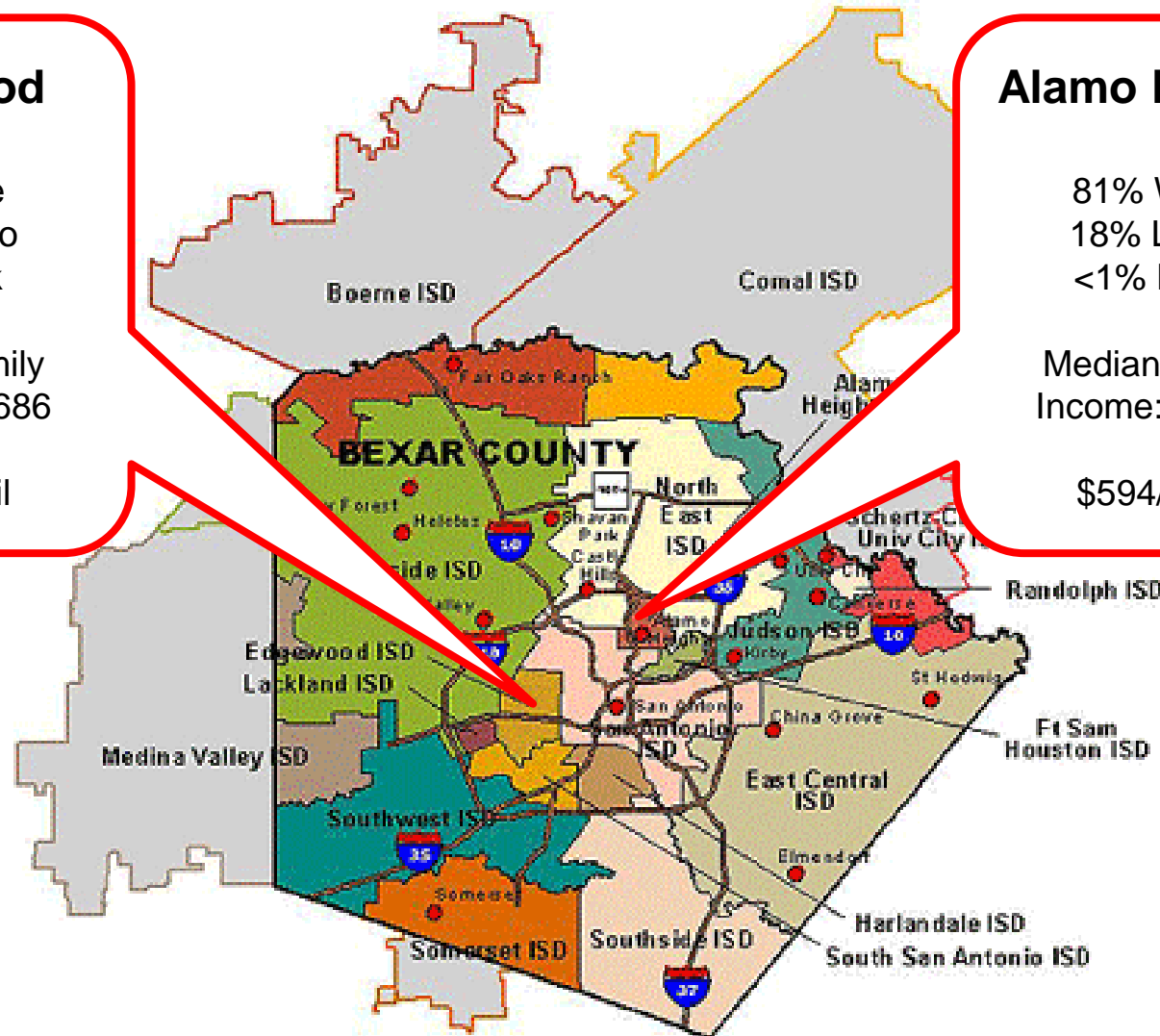
\$356/pupil

Alamo Heights

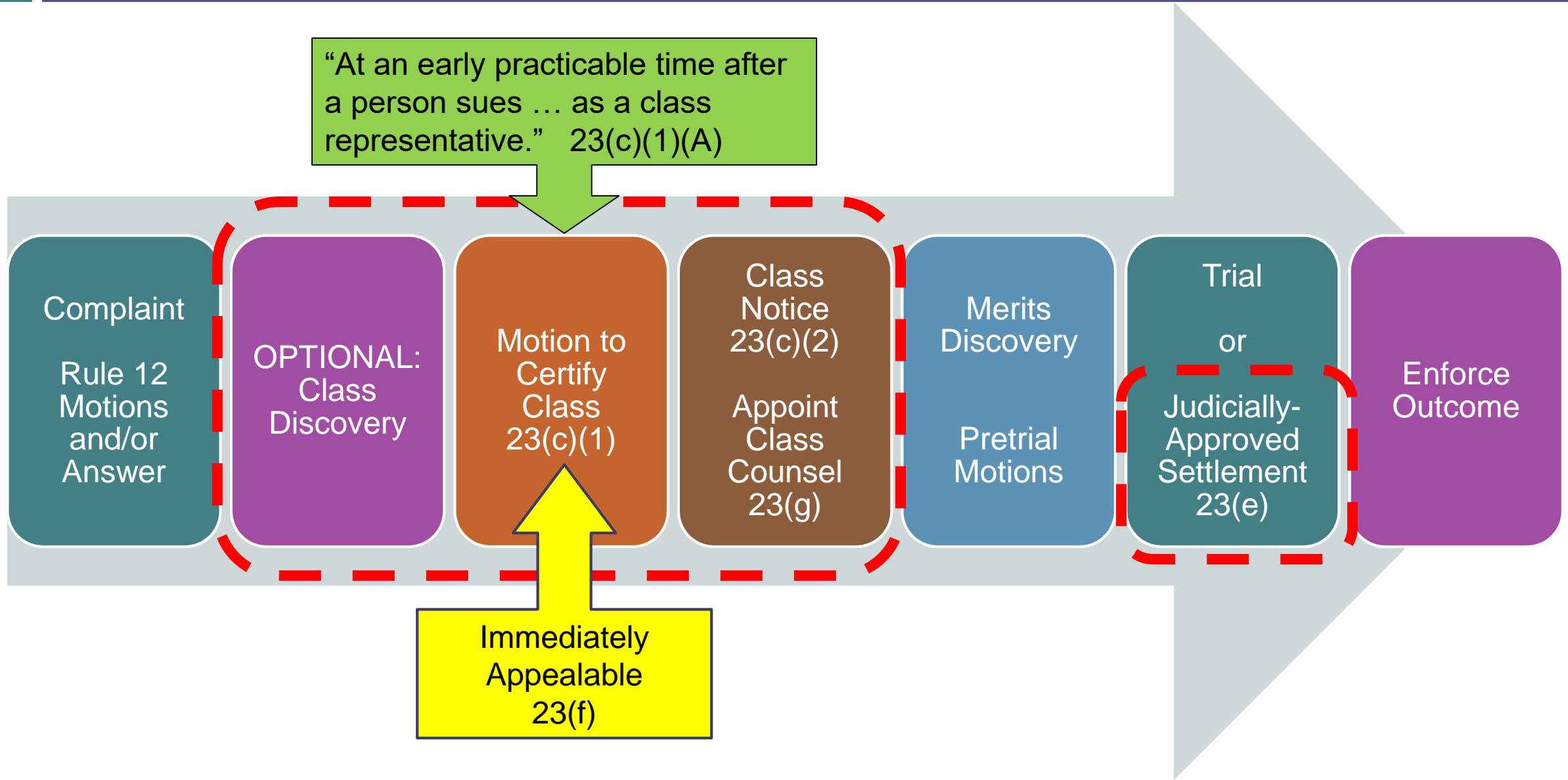
81% White
18% Latino
<1% Black

Median Family
Income: \$8,001

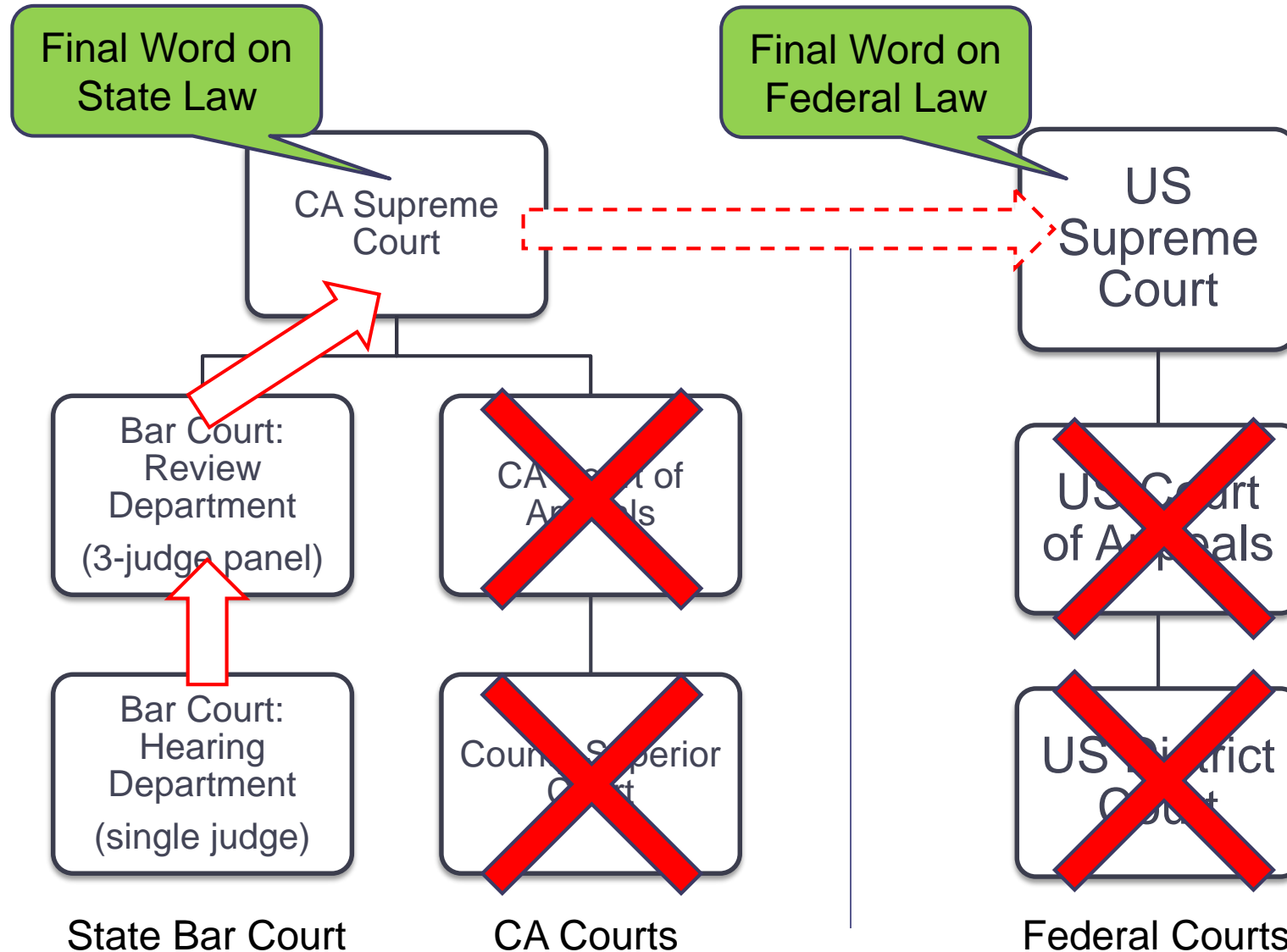
\$594/pupil



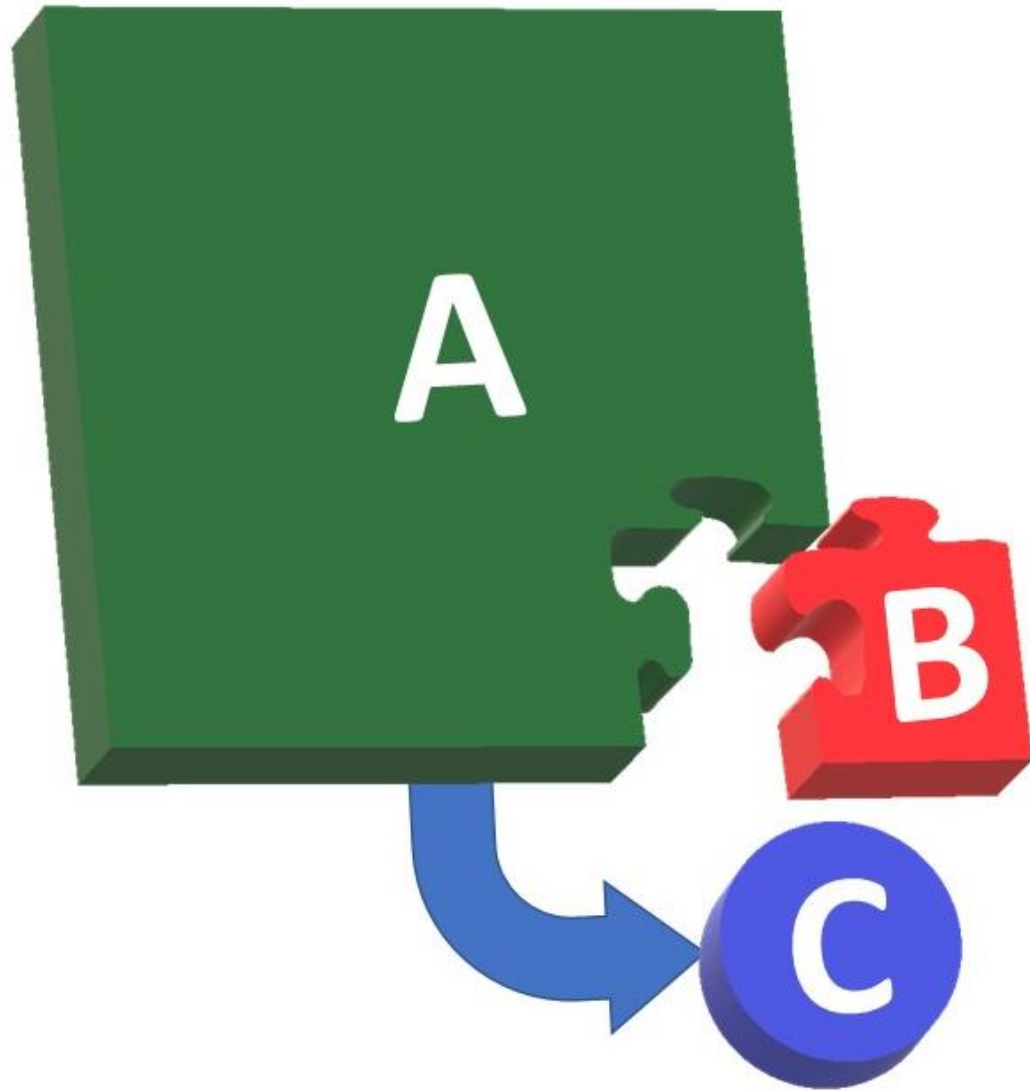
Time Line of Class Action



Bar Discipline in California



Structure of 28 U.S.C. §1367



- A. Except as in B & C, court **“shall have”** supplemental SMJ over claims that are part of the same case/controversy as the anchor claim.
- B. Court **“shall not have”** supplemental SMJ over some claims identified in A.
- C. Court **“may decline”** supplemental SMJ authorized in A.




Combining The Two Prongs of Equal Protection

	Suspect Classification	Non-Suspect Classification
Fundamental Right	Strict Scrutiny	Strict Scrutiny
Non-Fundamental Right	Strict Scrutiny	Rational Basis Review

The New Deal Consensus on Judicial Review of Federal Legislation

Judicial Approach to Legislation	Scope of Federal Enumerated Powers	Less Important Individual Rights (includes most economic rights)	More Important Individual Rights (mostly non-economic)
Skeptical			<ul style="list-style-type: none"> • Carolene Products n4 (1938) (dicta) • Skinner (1942) • Barnette (1943) • Internment Cases (1943-44)
Deferential	<ul style="list-style-type: none"> • Jones & Laughlin (1937) • Carolene Products (1938) • Darby (1941) • Filburn (1942) 	<ul style="list-style-type: none"> • Parrish (1937) • Carolene Products (1938) • Railway Express Agency (1949) • Williamson v. Lee Optical (1955) 	

The New Deal Consensus on Judicial Review of Federal Legislation

	Scope of Federal Enumerated Powers	Less Important Individual Rights (includes most economic rights)	More Important Individual Rights (mostly non-economic)
Skeptical			
Deferential			

Offense = Sword

Defense = Shield

OFFENSE

"I am entitled
to a remedy
against you."

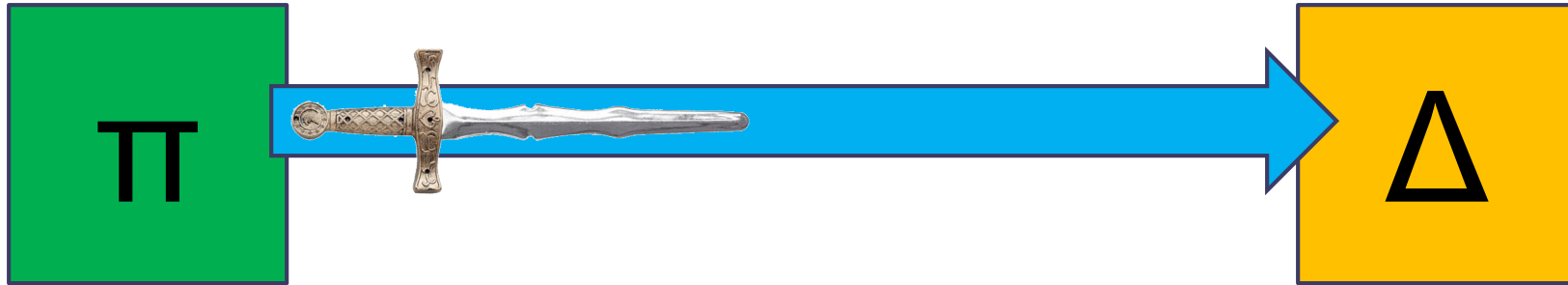


DEFENSE

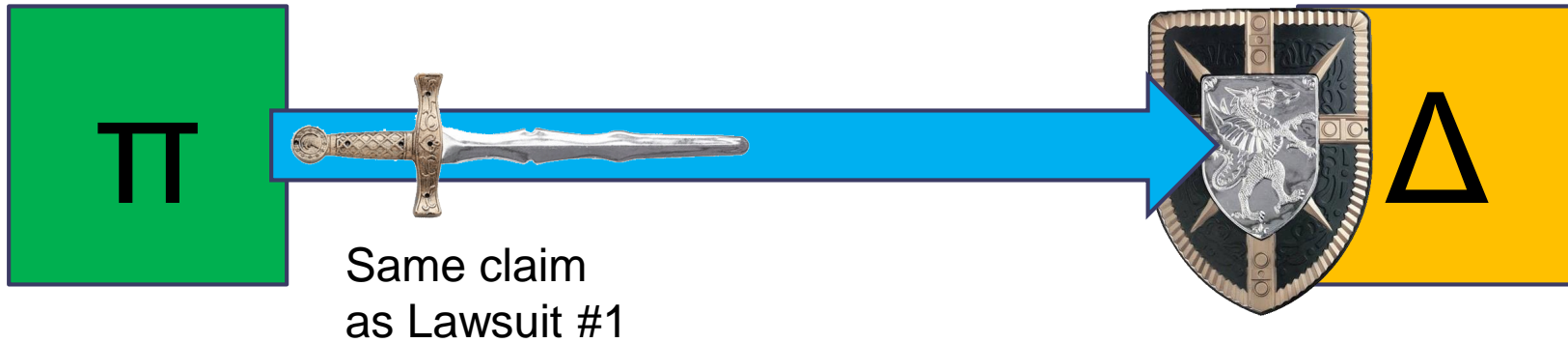
"You are not
entitled to any
remedy against
me."

Claim Preclusion

Lawsuit #1

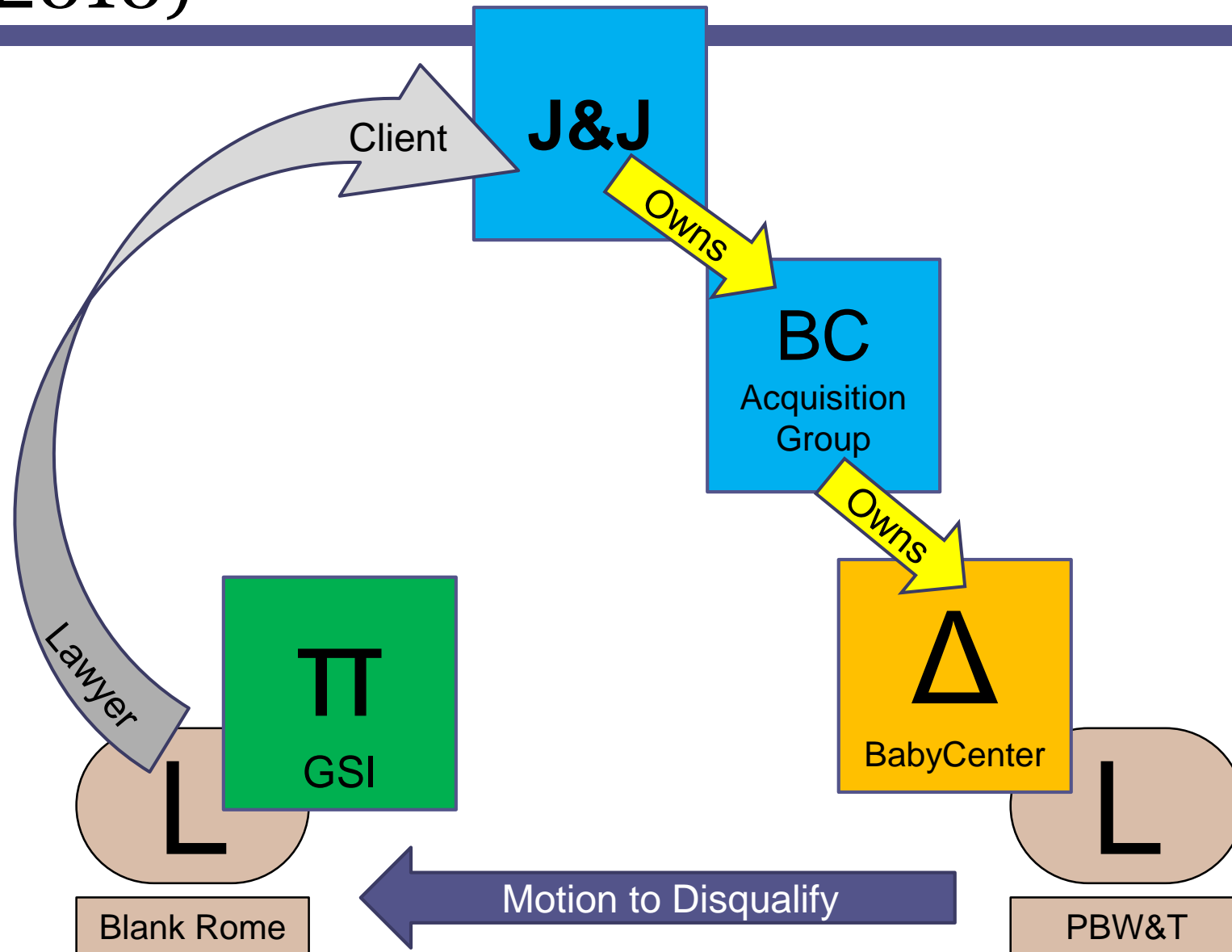


Lawsuit #2

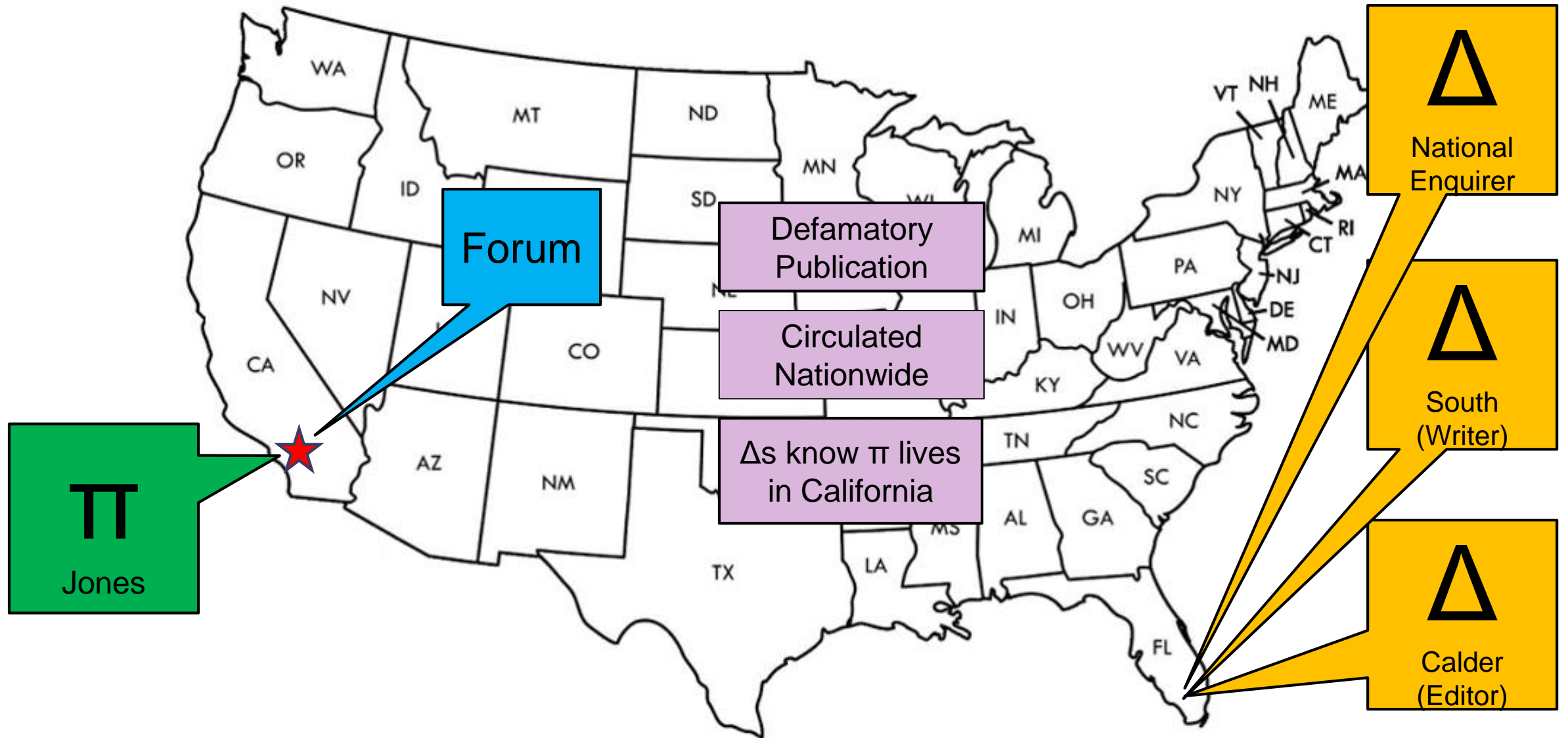


Visualizing Cases

GSI Commerce Solutions v. BabyCenter (2nd Cir. 2010)



Calder v. Jones (US 1984)



The Charges from *In re Murray* (Bar Court 2016)

- COUNT 1: Dishonesty and moral turpitude
 - CA B&P 6106 (forbidding acts “involving moral turpitude, dishonesty, or corruption”)
- COUNT 2: Deprivation of constitutional rights
- COUNT 3: Violation of criminal discovery statutes
 - CA B&P 6068(a) (duty to “support the constitution and laws of the United States and this state”)

Orientation Tools (Roadmaps)

Pretrial

Trial

Post-Trial

Forum Selection

- Personal Jurisdiction
- Subject Matter Jurisdiction
- Venue

Information Exchange

- Service of Process
- Pleadings
- Discovery

Pretrial Resolution

- Settlement
- Forfeit
- Dismissal
- Summary Judgment

Litigation Management

Judgment as a Matter of Law (JMOL)

Post-Trial Motions

- Renewed JMOL
- New Trial
- Vacate Judgment

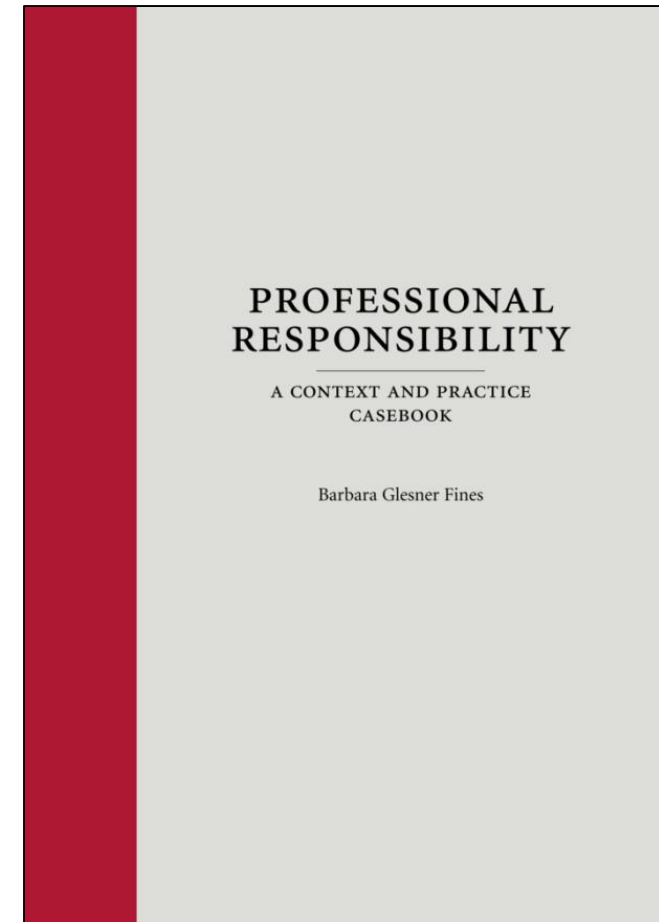
Appeals

Discovery

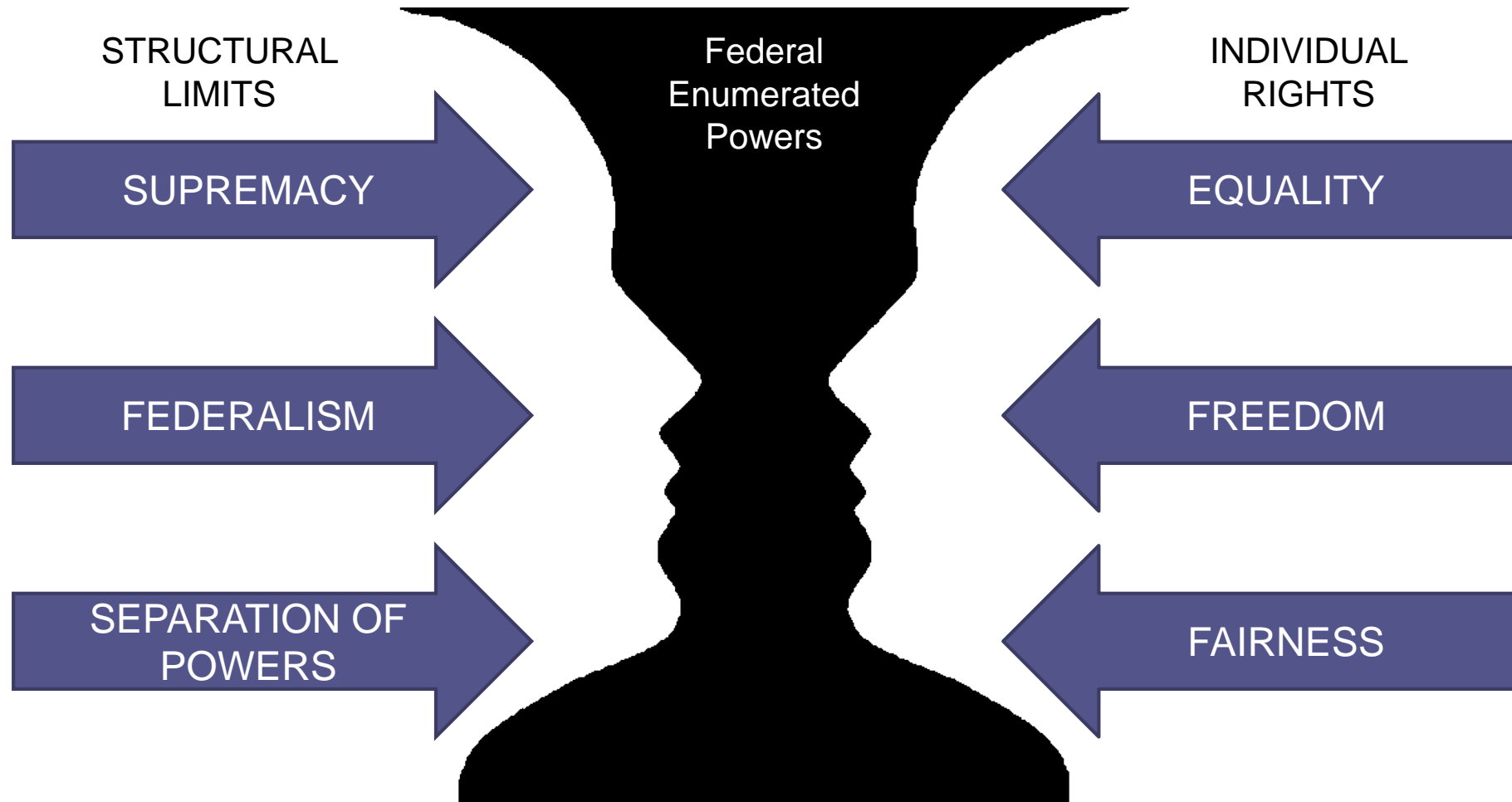
- Scope of Discovery
 - Discoverable Information
 - Exceptions:
 - ❖ Privilege
 - ❖ Work Product
 - ❖ Undue Burden
- Discovery Methods

The Attorney's Duties: Mnemonic Device

- Duties to Client: The Four C's
 - ✓ **C**ompetence
 - ✓ **C**ommunication
 - ✓ **C**onfidentiality
 - ✓ **C**onflict-free Representation
- Duties to Court: The Three C's
 - ✓ **C**andor
 - ✓ **C**ompliance
 - ☐ **C**ivility
- Duties to Society: FAIR
 - ☐ **F**airness
 - ☐ **A**ccess to Justice
 - ☐ **I**nfo**R**mation



Federal Government: Powers and Limits



Discussion Organizers

Service and Notice

	Adequate Notice	Inadequate Notice
Proper Service	A	B
Improper Service	C	D

Government Interests in *Cleburne*

	Neighbors don't want group home for mentally retarded	Protect mentally retarded from mean junior high kids	Protect mentally retarded in flood zone	Avoid the density of a group home
ENDS: Legitimate Gov't Interest?				
MEANS: Reasonable Relationship?				

Constitutional Right to Obtain Contraception

FUNDAMENTAL RIGHTS WORKSHEET		
	Government	Individual
Characterize the Right	<ul style="list-style-type: none"> Right to terminate human life Right to murder Right to end pregnancy w/o health/life or other Right to life of fetus 	<ul style="list-style-type: none"> Control Health Privacy
	Reproductive Autonomy	
Text	No explicit text	<ul style="list-style-type: none"> "Liberty" in DP Ninth Amendment Fourth Am (as used in Griswold)
Precedent	<ul style="list-style-type: none"> No pre-Roe cases on abortion Beware of <u>Lochner</u> Buck v. Bell 	<ul style="list-style-type: none"> Loving (marriage) Pierce/Meyer (family) Skinner says procreation is fundamental Griswold/Estes not procreation is fundamental
Structure	<ul style="list-style-type: none"> Federalism Sep of Powers 	<ul style="list-style-type: none"> Judicial Review
History	<ul style="list-style-type: none"> Post examples of regulation - Sigmund 	<ul style="list-style-type: none"> Betty Informed consent
Consequences	<ul style="list-style-type: none"> Unraveling of family Abortion as birth control 	<ul style="list-style-type: none"> Unhappy children in bad homes - Govt resources Women's health Forced abortion Women's lives and social options
Values	<ul style="list-style-type: none"> Moral values - family structure is good to regulate 	<ul style="list-style-type: none"> Independence, autonomy Women's Equality Bodily control

	GOVERNMENT	INDIVIDUAL
Text	No explicit text	<ul style="list-style-type: none"> "Liberty" in DP Ninth Amendment Fourth Am (as used in Griswold)
Precedent	<ul style="list-style-type: none"> No pre-Roe cases on abortion Beware of <u>Lochner</u> Buck v. Bell 	<ul style="list-style-type: none"> Loving (marriage) Pierce/Meyer (family) Skinner says procreation is fundamental Griswold/Estes not procreation is fundamental
Structure	<ul style="list-style-type: none"> Federalism Sep of Powers 	<ul style="list-style-type: none"> Judicial Review



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- Visual aids
- Students' devices
 - Polling

Laptops for Note-Taking



Recommended Reading:

Classroom Laptop Use

- Pam Mueller & Daniel Oppenheimer, *The Pen Is Mightier Than the Keyboard: Advantages of Longhand Over Laptop Note Taking*, 25 PSYCHOLOGICAL SCIENCE 1159 (2014)
- Colleen Murphy, Christopher Ryan & Yajni Warnapala, *Note-Taking Mode and Academic Performance in Two Law School Courses* (2018), <https://ssrn.com/abstract=3134218>
 - “We find that handwriting class notes has a strong positive association with academic performance in these two law school courses, supporting findings of the benefits of handwriting class notes in other academic settings.”



Today's Topics

- Visual aids
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- Polling

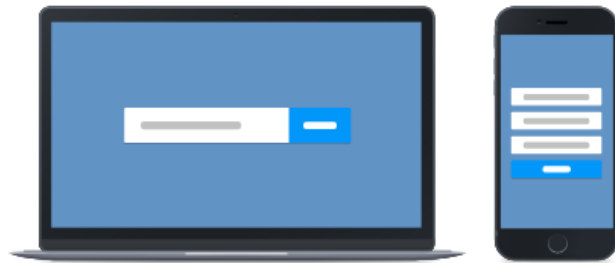
Technology in the Classroom



Loyola Law School
Loyola Marymount University
Los Angeles

For our polling demonstration, please choose one:

Web



- 1 Go to **PolleEv.com**
- 2 Enter **CAPLAN**
- 3 Respond to activity when prompted

Text



- 1 Text **CAPLAN** to **22333**
- 2 Text in your message when prompted

Which super-power would you rather have? CHOOSE ONE

Flying

Invisibility

Super-speed

Mind
Reading

Word Cloud: Which super-power would you like to have?

In an auto accident case, plaintiff presents one witness who said defendant was at fault. The witness's credibility is called into question during cross-examination. At the close of plaintiff's case, defendant moves for JMOL, and judge denies. Then defendant presents five witnesses who all say defendant was not at fault, and none are cross-examined. Plaintiff wins a jury verdict. Defendant renews the motion for JMOL and moves in the alternative for a new trial. How should the judge rule?

Grant the motion for JMOL, and conditionally grant the motion for new trial.

Grant the motion for JMOL, and conditionally deny the motion for new trial.

Deny the motion for JMOL, but grant the motion for new trial.

Deny the motion for JMOL, and deny the motion for new trial.

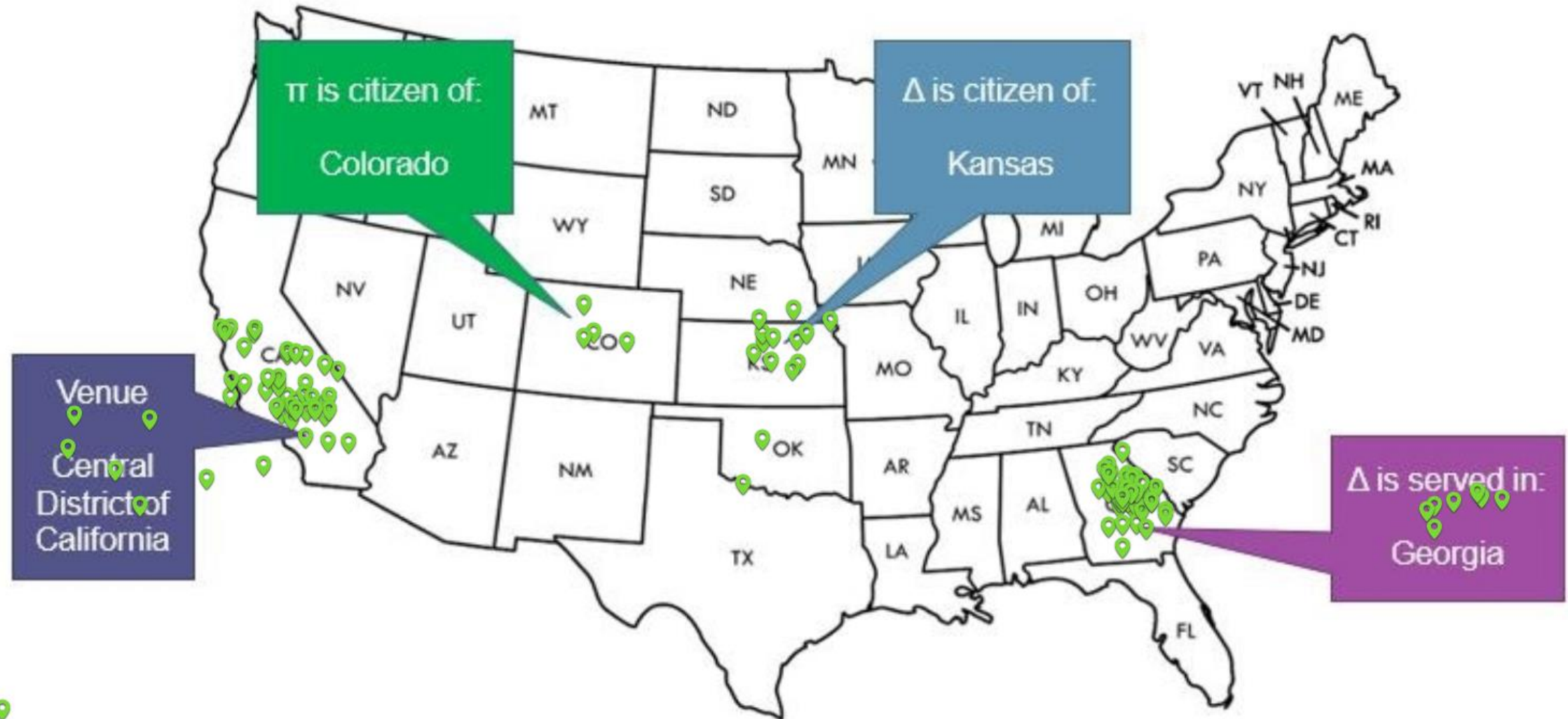
BGF 378:1. Drafting the aunt's will

Allowed

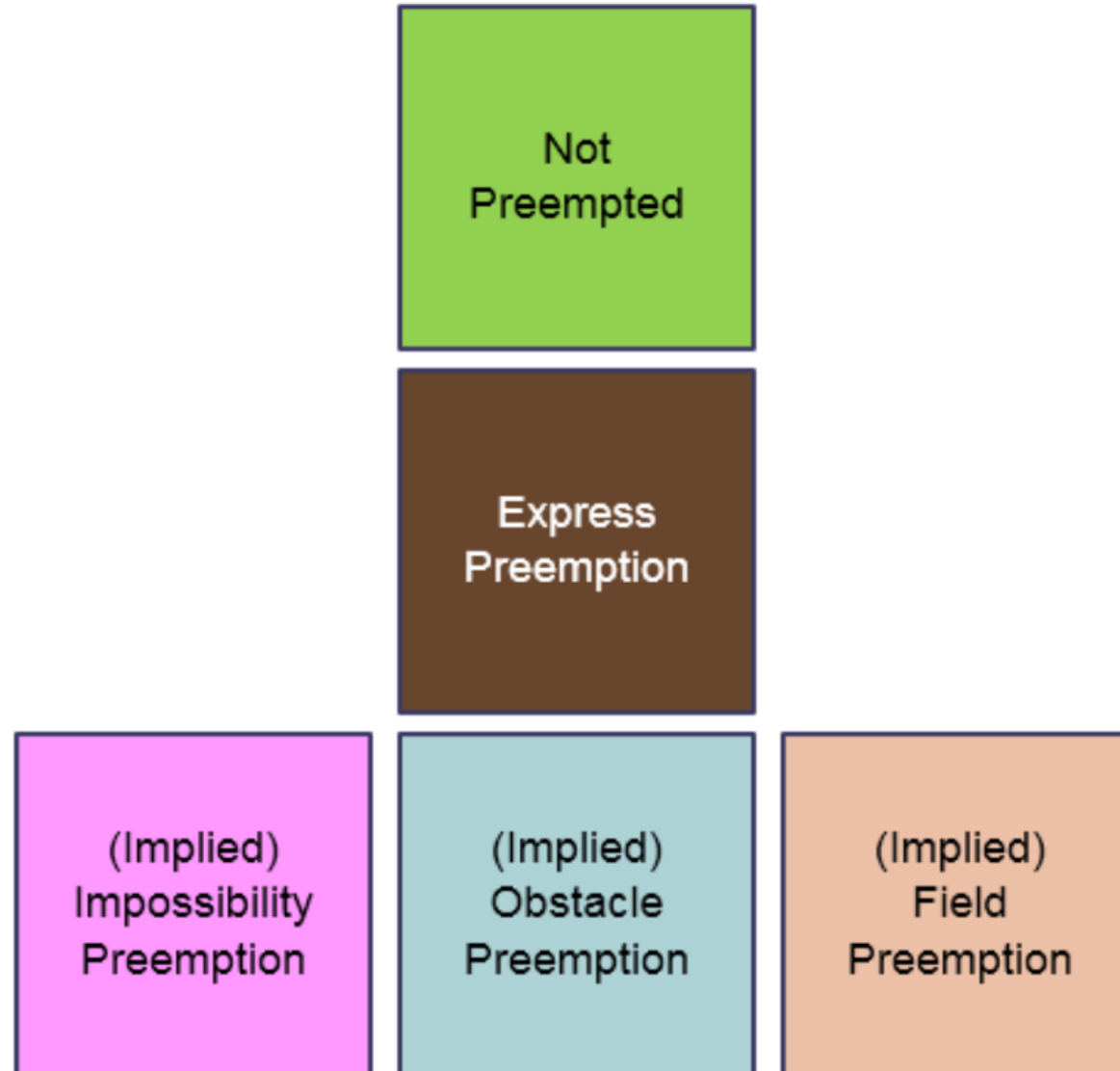
Allowed if
conflicts
waived

Forbidden

Rule 4(e)(1): Place a marker on any state whose service-of-process law could be used as a method to serve defendant in Georgia.



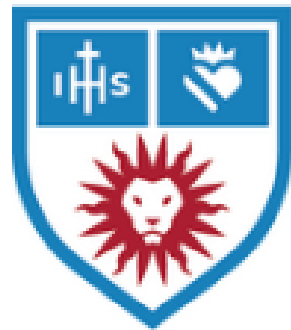
Preemption: Which category (or categories) apply?



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