FIELD NOTES

Empirical Study of Legal Education and the Legal Profession Spring 2019 Newsletter

MESSAGE FROM THE CHAIR

Section Chair Neil Hamilton

All of us are deeply grateful to Judith Welch Wegner for her work both to envision the Section on Empirical Study of Legal Education and the Legal Profession and to make it happen. Judith is an inspiration and model for so many, including me. The Section's Executive Committee is doing our best to meet Judith's challenge in last November's first newsletter "to seize the torch and do all you can to engage in innovative efforts that will improve legal education and the legal profession by virtue of careful empirical inquiry." We are also focused on building connections across academic silos as Judith suggested.

Last year's Executive Committee, under Judith's leadership, worked with the Academic Support Section to put on a very successful 2019 annual meeting program on "Circling the Square: Fresh Partnerships to Understand Student Learning and Bar Performance Through Empirical Studies." We are very grateful for all of the creative work of the Academic Support Section's Executive Committee and its chair, Staci Rucker.

We are also very grateful for the work of the Executive Committee members from this last year who have new responsibilities that required them not to seek another term: Louis Schulze, Jr. and Victoria VanZandt. We are welcoming three new members with short bios in this newsletter: Catherine Christopher, Debra Moss Vollweiler, and Jeremy Paul, and continuing with many of the strong board from last year: Jennifer Gundlach, Trent Kennedy (Secretary), Rachel Moran, Victor Quintanilla (Chair-Elect), and Judith Welch Wegner (Past-Chair).

Looking forward, the Executive Committee wants to emphasize the empirical research interests of Section members, and did a survey of the scholarly emphasis of our Section's active empirical research scholars. The table below indicates the results.

Scholarly Emphasis of Section's Active Empirical Research Scholars

Category	Number of Scholars
Legal Education, Law School Curriculum, Law Student Ranking and Grades, Academic Support	23
Gender, Income, and Race Inequality/Discrimination, Bias, Equal Protection	9
Bankruptcy, Contracts, Taxes, Economics, Wills and Estates, Social Security	7
Bar Passage Data, Bar Outcome Predictors, Bar Discipline	6
Law School Admissions, Applications, Success Predictors	6
Political Groups, Public Interest, Public Resources, Court Records	6
Ethics, Inequality, Justice, Barriers, Fairness, Speech and Expression	5
Professionalism, Professional Responsibility, Professional Identity, and Leadership	5
Privacy, Legal Profession, Lawyer Well-being, Pro Bono, Volunteering	5
Access to Justice, Justice, and Social Justice	4
Environmental Justice	3

The Executive Committee also wants to continue to provide programs that build bridges to meet the empirical research needs of other Sections and other important stakeholders in legal education and the legal profession. We are actively trying to identify topics now for next year's annual meeting, and hope any of the Section's members who have suggestions will forward them to us.

All best wishes,

Neil Hamilton
Thomas and Patricia Holloran Professor of Law
Co-director of the Holloran Center for Ethical Leadership in the Professions,
University of St. Thomas (MN) School of Law

NEW EXECUTIVE COMMITTEE MEMBER MICRO-PROFILES

Catherine Christopher
Professor of Law and Associate Dean for Bar Success.
Texas Tech

What empirical question had the biggest impact on your career to date? What student indicators predict bar exam success? **What is the biggest current need or opportunity in organizing & supporting empirical study of legal education and the legal profession?** Consistency in research methodologies across studies. **What is the last good book you read?** The Great Believers, by Rebecca Makkai. **What is one thing you wish more people would talk with you about?** I wish more law students would admit they're struggling and ask for help. **What is one thing you want to see and/or eat in Washington, DC this January?** Dim sum!

Debra Moss Vollweiler
Associate Dean for Academic Affairs and Professor of Law
Nova Southeastern University Shepard Broad College of Law

What empirical question had the biggest impact on your career to date? On what empirical basis do faculty actually make curriculum decisions? **What is the biggest current need or opportunity in organizing & supporting empirical study of legal education and the legal profession?** Educating faculty on understanding using empirical evidence to plan curriculum. **What is the last good book you read?** Uncommon Type: Some Short Stories, by Tom Hanks (yes, that Tom Hanks). **What is one thing you want to see and/or eat in Washington, DC this January?** See my college age son and take him to eat whatever he asks for!

Jeremy Paul
Professor of Law
Northeastern University School of Law

What empirical question had the biggest impact on your career to date? How can we best help law students improve exam performance? **What is the biggest current need or opportunity in organizing & supporting empirical study of legal education and the legal profession?** Identify new funding sources for grants supporting empirical work. **What is the last good book you read?** The Story of a New Name by Elena Ferrante. **What is one thing you wish more people would talk with you about?** How to balance vibrant career with strong family. **What is one thing you want to see and/or eat in Washington, DC this January?** Indique on Connecticut Avenue

Empirical Study of Legal Education and the Legal Profession Officers

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Neil W. Hamilton
University of St. Thomas School of Law

Chair-Elect:
Victor Quintanilla
Indiana University Maurer School of Law

Past Chair:
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Maurice A. Deane School of Law at Hofstra University

Rachel F. Moran
University of California, Los Angeles School of Law

Jeremy Paul
Northeastern University School of Law

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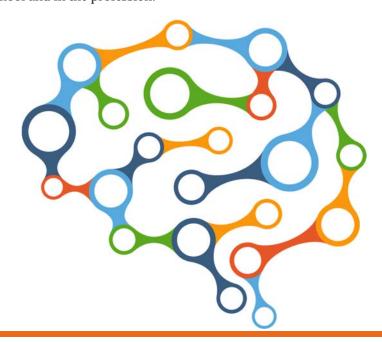
Section Discussion Listserv
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THE VALUE OF TEACHING AND ASSESSING METACOGNITION IN LAW SCHOOL: AN EMPIRICAL STUDY

Jennifer Gundlach, JD
Maurice A. Deane School of Law, Hofstra University

NOTE: What follows is a summary of what I had planned to present at the Joint Workshop entitled Circling the Square: Fresh Partnerships to Understand Student Learning and Bar Performance through Empirical Studies, organized by the AALS Sections on Academic Support & the Empirical Study of Legal Education and the Legal Profession for the 2019 AALS Annual Meeting, entitled Circling the Square: Fresh Partnerships to Understand Student Learning through Empirical Studies. Unfortunately, I was sick and unable to attend at the last minute. If you email me at Jennifer.gundlach@hofstra.edu, I would be happy to send the slides and a draft of the article, co-written with my research colleague, Professor Jessica Santangelo, Assistant Professor of Biology at Hofstra University.

What is Metacognition & its Role in Learning

Metacognition is a higher level of cognition, which involves awareness of strategies needed to successfully complete a learning task, monitoring of one's learning to determine if the learning task is being completed correctly, willingness to make successful changes to one's strategies, and actually taking corrective action as appropriate. Previous research suggests that teaching law students about how to be more intentional in monitoring and regulating their learning process, the primary components of metacognition, can help students learn more effectively. This, in turn, can provide students with the foundational skills needed to become strategic, self-regulated learners who pay attention to what and how they are learning throughout law school and in the profession.

Research Questions

We set out to examine three primary questions: (1) gauge the level of metacognitive knowledge and regulation of first-year law students, (2) determine whether first-year law students who are explicitly taught about metacognition and its importance for learning, and who receive metacognitive prompting and modeling, can develop stronger metacognitive skills over the course of one semester, and (3) find out whether there is any correlation between students' development of metacognitive skills and their academic performance in the course.

Method of Study

We began the research study in the fall semester of 2017 by inviting all students from two large sections of Civil Procedure at the Maurice A. Deane School of Law at Hofstra University to participate in a series of surveys throughout the semester. In only one of the two sections (the intervention section), students were given specific instruction about metacognition, its advantages for learning, and specific learning strategies designed to improve metacognition. The intervention section also included occasional reminders about metacognitive skills and selection of effective study strategies.

Much has been written about the challenges of measuring metacognition and for a variety of reasons, we chose to use a mixed methods approach. We bookended the semester by distributing two recognized quantitative assessment tools to all students in both sections – the Metacognitive Awareness Inventory (MAI) and the Motivated Strategies for Learning Questionnaire (MSLQ). In addition, we designed several qualitative assessments calling for narrative answers to assess students' self-reported metacognitive knowledge and regulation, administered before and after midterms and the final exam. These surveys had the dual purpose of determining what strategies students were using and why, and also prompting them to reflect on the effectiveness of their learning strategies and consider whether changes should be made and why.

Summary of Findings

Although some of the analysis was inconclusive, we did make the following findings: (1) by semester end, the majority of students were demonstrating strong metacognitive skills as evidenced by their placement in the Developing metacognitive category, the "highest" of the four possible coded categories (2) students' level of metacognitive development was correlated with academic performance in the course, and (3) students responded positively to the intervention by reporting the use of more active strategies, and also indicating that the surveys themselves had an impact on their performance and learning strategy plans. These findings indicate that law students can be taught to develop metacognitive skills within the context of a substantive law class and that this can have an impact on their academic performance in the class. In addition, students can benefit from consistent prompts to reflect on their learning and make appropriate changes to their learning strategies.

Ongoing and Future Research Questions

We are now in the second year of the study and have made iterative improvements to our methods, by altering the questions on the surveys and providing more instruction and intervention than was done previously. Some of the questions we are now considering are:
(1) can more/targeted intervention about learning strategies/metacognitive skills have a greater impact on quality and quantity of learning strategies reportedly used by students?
(2) Can more/targeted intervention about learning strategies/metacognitive skills have a greater impact on learning and academic performance?
(3) What is the most effective intervention to support development of law students' metacognitive skills?
(4) Is there any difference between teaching metacognitive skills within a substantive class and teaching outside of a substantive class?
(5) Are there other methods for assessing metacognition in law students?
We look forward to publishing the next phase of this research next year. In the meantime, we hope to distribute and publish a summary of the results of our current research this spring.

MEMBER PUBLICATIONS AND PRESENTATIONS

Menkel-Meadow, Carrie J., Thinking or Acting Like A Lawyer? What We Don't Know About Legal Education and are Afraid to Ask (January 23, 2019). Book chapter in The State of Legal Education Research: Then and Now and Tomorrow (Ben Golder, Marina Nehme, Alex Steel and Prue Vines, eds. TaylorFrancis/Routledge, Forthcoming 2019; UC Irvine School of Law Research Paper No. 2019-07. Available at SSRN: https://ssrn.com/abstract=3321352

Quintanilla, A LSSSE Collaboration on the Role of Belonging in Law School Experience and Performance, http://lssse.indiana.edu/blog/role-of-belonging-in-law-school-experience-and-performance/

Ryan, Christopher and Frye, Brian L., A Revealed-Preferences Ranking of Law Schools (March 14, 2017). 69 Alabama Law Review 495 (2017). Available at SSRN: https://ssrn.com/abstract=2933274 or http://dx.doi.org/10.2139/ssrn.2933274

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