

AALS Section on Teaching Methods

Spring 2014



Association of American
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Message from the Chair

*Lisa Mazzie,
Marquette University School of Law*

Greetings! It's almost hard to believe that 2014 is nearly at its end and that we're preparing for the

2015 AALS Annual Meeting. This has been a productive year for the Teaching Methods Section, and I've been fortunate to work with a talented and enthusiastic Executive Board and Executive Committee. We've published our newsletter twice (spring and fall) and we conducted a short survey of members to see how the Section can improve.

I was also happy to work with our Program Committee to select the panel for this year's annual meeting, in Washington, D.C. This year's theme is "Teaching Professional Identity," and I'm thrilled with the panel we've selected. I'm looking forward to hearing our esteemed presenters how law faculty can encourage students to develop their professional identities as attorneys. Though the terms are often conflated or confused, there are important differences between discussing "professionalism" and developing "professional identities." It's one thing to provide rules regarding attendance and the timeliness of submitting assignments, to

advise regarding professional communication (avoid writing emails that begin with “Hey,” for example), and to encourage proofreading for typos and other errors. These are among the hallmarks of professionalism. But, it’s another thing altogether to help students think through and answer the question: *What kind of lawyer am I going to be?* That is developing professional identity. As law faculty, we want our students to be able to align their personal values and their professional obligations, and to handle the stressful times where those values and obligations collide. Our presenters will discuss two successful professional identity development programs, at the University of North Dakota School of Law and at Mercer University School of Law.

My sincere thanks to Program Committee co-chairs Deborah Borman (Northwestern University) and Angela Upchurch (Southern Illinois University) and program committee member Amy Bushaw (Lewis & Clark) for their work on this exciting program. For more specific information on the program, please see page 6. For a list of AALS programs that might interest you, see pages 3-4.

This summer, the Section conducted a short survey of members. Overall we found that most members attend our AALS programs and, for the most part, read the newsletter, but most of us would like to see the Section’s listserv become more active and useful. I give some ideas for how to make that happen in my short article summarizing the survey on page 8.

Special thanks, too, to Section Secretary Karin Mika (Cleveland-Marshall) for producing not one but two newsletters this year.

Congratulations on finishing the end of the semester and I look forward to seeing everyone in Washington, D.C.

AALS Dance Card

The AALS 2015 Annual Meeting is quickly approaching! This year's meeting will be held in Washington, D.C., from January 2 through January 5. Make sure you join us for our section programs.

Friday, January 2, 2015, 6:30 to 7:30 p.m.: Section on Teaching Methods Business Meeting

Please join us as we vote in new officers for 2015

Saturday, January 3, 2015, 8:30 to 10:15 a.m.: Section on Teaching Methods—Incorporating Teaching Professional Identity into the Legal Education Curriculum

Speakers: Patti Alleva and Michael S. McGinniss, University of North Dakota School of Law; Daisy Hurst Floyd, Tim Floyd, and Patrick Longan, Mercer University School of Law.

See story on page 6.

Sunday, January 4, 2015, 8:30 to 10:15 a.m.: Section on Clinical Legal Education, Co-Sponsored by Section on Teaching Methods—Integrating Clinical Pedagogy Across the Curriculum: Making It Work

Listed below are some sessions you might be interested in attending:

Saturday, January 3, 2015, 10:30 a.m. to 12:15 p.m.: AALS President's Program—Implementing Innovation in Law Schools

Saturday, January 3, 2015, 10:30 a.m. to 12:15 p.m.: Section on Legislation & Law of the Political Process—Legislation/Regulation and the Core Curriculum

Saturday, January 3, 2015, 1:30 to 3:15 p.m.: Section on Academic Support—ASP a Roadmap at the Crossroad: How Academic Support Will Meet Today's Varied Challenges

Saturday, January 3, 2015, 3:30 to 5:15 p.m.: Section on Balance in Legal Education—The Future of Educating Effective Lawyers

Saturday, January 3, 2015, 5:15 to 6:30 p.m.: Section Pedagogy Programs for New Law School Teachers

Section on Animal Law—Keeping it Current: Animal Law Examples Across the Curriculum

Section on Balance in Legal Education—Pedagogy Promoting Practice-Ready Law Students:

Lessons Learned from Recent Practice

Section on Commercial and Related Consumer Law and Contracts Joint Program—

Teaching in the
Contracts/Commercial/Consumer Law
Curriculum: Challenges and Innovations

Section on Creditors' and Debtors' Rights—Innovative Teaching Methods for Statutory Courses: Problem-Based Learning, the Case Study Method, and Adding Skills Instruction to Traditional Courses

Section on Intellectual Property—Thinking Outside the Book

Section on International Law—Adding Foreign and Comparative Law to Your Course: Guidelines, Materials, and Practical Advice for New Law Professors

Section on Law and Mental Disability—Adding Cases and Hypos Regarding Individuals with Physical and Mental Disabilities to Your Doctrinal Class

Section on Legal Writing, Reasoning and Research—Lessons Learned: Know thy Students.

International Students in American Law School—and in Your Class!

Sunday, January 4, 2015, 10:30 a.m. to 12:15 p.m.: AALS Committee on Curriculum Issues—Teaching to the New Class

Sunday, January 4, 2015, 2:00 to 3:45 p.m.: Section for New Law Professors—Behind the Veil: Learning Teaching Techniques from the Best



2015 Program Overview

Deborah L. Borman, Northwestern University School of Law, Section Treasurer and Program Co-chair

The Teaching Methods Program Committee is looking forward to our exciting and informative program *Incorporating Teaching Professional Identity into the Legal Education Curriculum* at the AALS 2015 Annual Meeting. Our program features professors who are leaders in professional identity education, and who have come together to lead an interactive workshop for session attendees.

Teaching professional identity is a hot topic in legal education. Long before publication of the Carnegie Report, legal educators recognized the importance of teaching professional identity in the development of the law student. Teaching professional identity requires faculty to prepare students to exercise judgment under conditions of inherent uncertainty in ways that both fulfill their professional obligations to their clients and others and that allow them to integrate personal and professional values to live fulfilling lives.

In the summer of 2014, I had the privilege of meeting and working with several of our presenters at two conferences that focused on teaching methods and featured programming on teaching professional identity.

In June 2014, Patti Alleva attended the highly successful conference hosted by Northwestern University School of Law and the Institute for Law Teaching and Learning to debut the book *What the Best Law Teachers Do*. Patti is featured in the book as a result of her outstanding teaching methods at the University of North Dakota School of Law. Together with her colleague and co-presenter Michael S.

McGinniss, Patti developed “ProFound,” a course implementing interactive exercises for students to develop self-reflection about core professional qualities in law practice.

In August 2014, I participated as a discussant in a group on Teaching Professional Identity at the Southeast Association of Law Schools annual meeting in Amelia Island, Florida. Daisy Hurst Floyd and Tim Floyd were among the discussants in our group, true leaders in both the written development and teaching of professional identity. Over the past decade, these professors at Mercer University School of Law, along with their colleague Patrick Longan, refined an innovative first-year course on the subject of legal ethics and professionalism. The Mercer course uses a wide range of methodologies, including small discussion groups, online blogs, and attorney interviews.

At the heart of both the North Dakota and Mercer programs are realistic scenarios that raise professional dilemmas for students to resolve, bringing to light the complexity of the interrelationship between the individual and the profession. Our speakers will talk about their lessons that train students to focus on thoughtfully aligning personal values and professional skills in the service to their clients and the larger legal system to deepen their appreciation of lawyering as a holistic endeavor implicating both heart and mind.

2014 was an amazing year in the further development of teaching methods for Professional Identity formation, and the coming years will bring even wider interest in teaching professional identity in law schools. On behalf of the Program Committee for the Teaching Methods Section, I welcome you to our AALS session.

Reminder: **Our Section’s program will take place on Saturday, January 3, 2015, 8:30 to 10:15 a.m.**

Section Members Speak

By Lisa A. Mazzie, Marquette University Law School, Chair

This summer I compiled a short survey for Section members, asking about their involvement in the section and ways to improve the Section's usefulness to members. Seventy-two members responded. Of those who responded, most of them (44%)¹ said they "sometimes" actively participate in the Section. Thirty-six percent said they do not participate actively in the Section, with a minority (19%) actively involved.

Most survey respondents (81%) use the listserv, and a majority of respondents (67%) also attend the Teaching Methods programs at AALS. Most respondents (87%) read the Section's newsletters, but only 21% read it right away; 66% read it when they have time to get to it. One respondent was unaware that the Section publishes a newsletter. This year, we have published twice: once in the spring semester and once in the fall semester. The newsletter is available electronically and a notice of its publication is sent to the entire listserv with a link to the newsletter on the AALS website. Although the Section secretary (who is the person responsible for producing the newsletter) sends a message via the listserv soliciting updates and articles for the newsletter, one way we could improve is to provide a way for members to submit updates or articles for consideration at any time. While such a system would be more convenient for members, members would also need to know that not everything they submit can be published. Nonetheless, such a system might allow more Section members to be involved.

Insofar as improving the Section to better serve members, the vast majority of respondents thought that making the listserv more active would help. At present, the listserv seems to be used primarily for calls for papers or notices of presentations

¹ Responses have been rounded to the nearest whole number; totals may not add up to 100%.

that may be interesting to members. All members can post to the listserv and to the extent that members have questions or classroom concerns, they are welcome to post to the listserv; there is likely someone who has the same or similar question and there is likely someone else who has experience on the same topic that he or she is willing to share. When a member tries something out in class and it goes particularly well, the rest of us would love to hear about it. As one respondent said, “We’ve had enough theory. Now we need models of classroom implementation.” I know they’re out there. So, please, feel free to use the listserv.

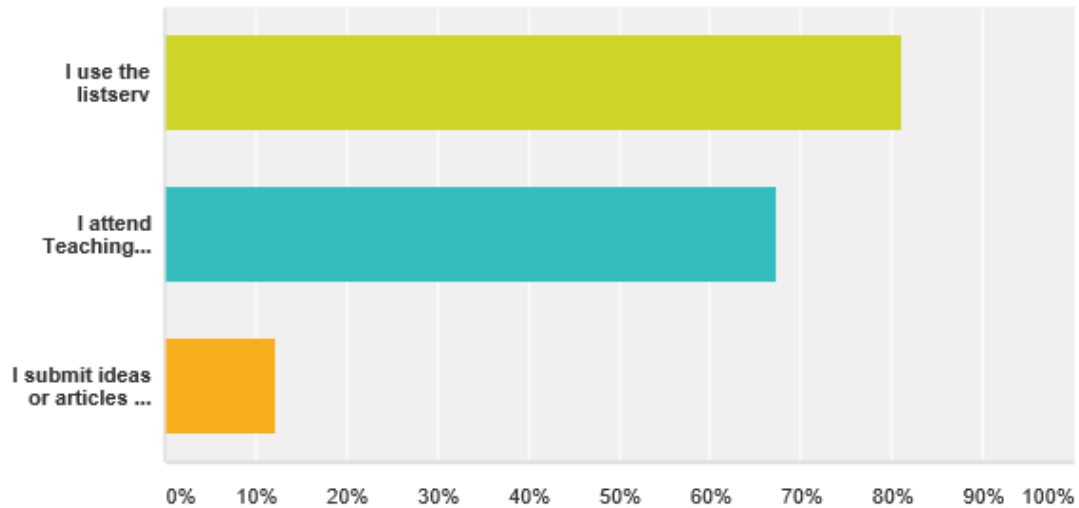
One respondent asked that the Section not schedule its sessions at times that conflict with other section programs—like the Balance in Legal Education, ASP, or Clinical sections. We do the best we can on our end with trying to avoid conflicts, but ultimately how the program is scheduled at AALS is in the hands of AALS folks.

Another way the Section can improve is by offering its members resources. One survey respondent suggested that the Section provide links to relevant articles or books and teaching ideas. Perhaps the Section could develop an Idea Bank, where members could submit concrete teaching ideas and other members could look for such ideas.

A recurring theme in the survey comments was that the Section tends to have the same faces; as one respondent put it: “enthusiasts of a particular stripe.” The best way to remedy this issue: get involved. Members themselves can directly influence Section leadership by nominating themselves or others they know to the Executive Committee or to Treasurer. The Treasurer progresses to Secretary, Vice-Chair, and, ultimately, to Chair. The best way to diversify the Section and its leadership is by becoming involved. I hope you’ll make 2015 your year to do so.

How do you participate? (Check all that apply)

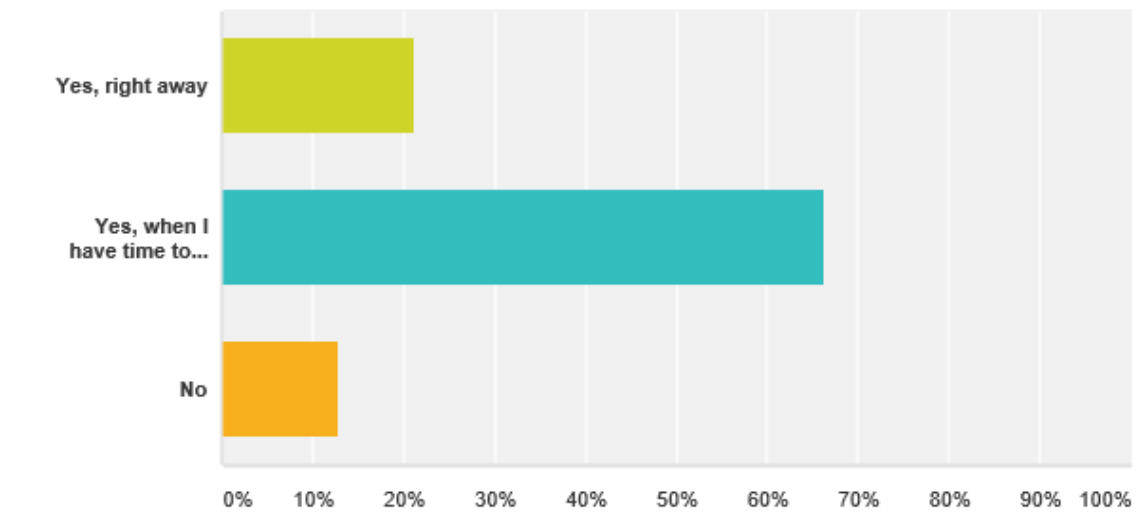
Answered: 58 Skipped: 14



| Answer Choices | Responses | |
|-----------------------------------------------------------|-----------|----|
| I use the listserv | 81.03% | 47 |
| I attend Teaching Methods programs at the AALS Conference | 67.24% | 39 |
| I submit ideas or articles to the newsletter | 12.07% | 7 |
| Total Respondents: 58 | | |

Do you read the Section newsletter?

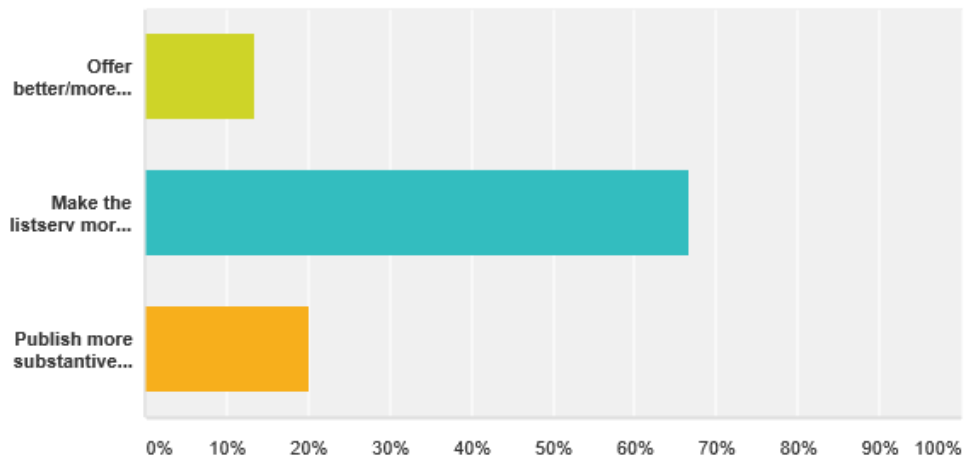
Answered: 71 Skipped: 1



| Answer Choices | Responses | |
|------------------------------------|-----------|----|
| Yes, right away | 21.13% | 15 |
| Yes, when I have time to get to it | 66.20% | 47 |
| No | 12.68% | 9 |
| Total | | 71 |

How can the Teaching Methods Section better serve you?

Answered: 45 Skipped: 27



| Answer Choices | Responses |
|------------------------------------------------------------------------|-----------|
| Offer better/more interesting programming at the AALS conference | 13.33% 6 |
| Make the listserv more active and actually share ideas/problems/issues | 66.67% 30 |
| Publish more substantive articles in the newsletter | 20.00% 9 |
| Total | 45 |



Innovations in Curricular Design – the Future of Legal Education

Karin Mika, Cleveland-Marshall College of Law

Given the recent changes to the ABA Standards as well as declining prospects for employment, law schools have moved forward in rethinking curricular design and the entire law school experience. Providing for additional skills training as well as additional opportunities for clinical experiences is just the tip of the iceberg in terms of innovation and change. Many schools (such as my own school, Cleveland-Marshall) have opened sole practitioner incubators, while other schools, such as the University of California at Irvine, have made wholesale changes to the way in which traditional legal education is delivered.

During the Summer 2014 Legal Writing Institute Conference, I had the opportunity to hear about many of the changes being made to the standard law school curriculum, as well as some of my colleagues' aspirational ideas. These included:

- Experimenting with lab components that would be add-ons to standard doctrinal courses and taught by practicing attorneys.
- Having a common problem issued to an entire first year class that would have issues related to all first year core courses.
- Allowing students to choose litigation or transactional course tracks in their first year and have students take courses focused only in those areas.
- Having students choose a focal point of study in their first year (such as Environmental Law) and follow that particular track for all of law school.
- Combining live client clinics with coursework assigned in first year Legal Writing.
- Providing more opportunities for online courses.

- Requiring all students to participate in mandatory mentoring with alumni that would enable the students to do med school like “rotations” exposing students to various areas of law and practice.
- Providing more courses in entrepreneurship as well as business management.
- Partnering with employers who would commit to hiring students for at least a year after students completed law school.

Although it would be impossible to accurately highlight all of the curricular innovations currently going on, the listserv provides a marvelous opportunity to share and highlight some ways in which schools are revamping their curriculum to meet the needs of our current students as well as the bar. In addition, the articles that follow represent the specifics of what two schools are currently doing in their programs.

Preparing for Practice through Business and Financial Learning Modules

Mary Ann Robinson, Associate Professor of Legal Writing,
and Peter Thompson, Director of Experiential Learning
Villanova University School of Law

Recognizing that business skills and financial literacy are vital to the success of new lawyers in today’s legal market, Villanova Law School has developed two new entrepreneurial-oriented courses that are required for all students. Both courses run as week-long immersion modules in January before other spring semester courses begin.

The 1L course introduces law students to critical business and finance concepts and their application in practice. Beginning with an overview of basic financial literacy concepts, such as learning to read a financial statement, the course quickly moves beyond the basics to show how these concepts are used in practical settings. Throughout the week, students attend lectures and panel discussions, work in small groups to solve problems, and spend time with practicing attorneys to put the concepts they have learned into practice as they work through real-life legal

scenarios. The week culminates with teams of students negotiating a deal and creating a term sheet for their clients, all with the guidance and supervision of experienced practitioners.

The 2L course introduces many concepts that new lawyers need to understand about the structure, personnel, and economics of a law firm. Practitioners and faculty members explain the nuts and bolts of legal management structures, ranging from the sole practitioner to large international firms; law firm personnel and their roles; revenue generation and overhead; and resource management for legal projects. Students also learn how to properly manage legal projects in the workplace. This course offers real-world lessons in the practical and financial aspects of practicing law.

Both courses are designed to provide a hands-on approach to better prepare students for practice by ensuring they have an understanding of business fundamentals and how these fundamentals relate to both the business practices of their future clients and to the business of practicing law.

Chicago-Kent College of Law Launches Praxis Certificate

Douglas Godfrey, Professor of Legal Research and Writing, and Maureen Aidasani,
Director of Experiential Learning

Chicago-Kent College of Law has launched an ambitious certificate program, Praxis, to teach students vital practical and professional skills required for the practice of law. Students enrolled in the Praxis program will design an elective course of study that incorporates 24 credits in approved experiential coursework, including at least one clinic or externship. Students will also learn about core practice competencies that are the hallmarks of successful practicing lawyers, and complete a series of scorecard self-assessments to assess and articulate how their experiential coursework is helping them to develop skills in these areas, and identify what further development is needed. Students will also develop a professional online profile, and complete a capstone course in professionalism that explores how students can

ethically position themselves and serve clients within a dynamic legal market that has been transformed by economic pressures and emerging technologies.

A key feature of Praxis is that it seeks to foster autonomy in students over their own development as law students, and eventually, as competent and ethical attorneys. Students must voluntarily opt into the program by their fourth semester, and students themselves select qualified courses they believe will give them the skills needed to become a lawyer in their desired area of practice. While the program director will meet with students and provide feedback, students will be chiefly responsible for keeping track of their progress toward the core competencies -- which range from fact development and investigation to problem-solving and client counseling -- through a scorecard that they will be responsible for maintaining. Not only will the scorecard record what they have learned, but it will force them to think, very early in their law school experience, about what skills they need and encourage them to seek out opportunities to inculcate those skills. The expected result is a student who is better able to articulate her knowledge, skills, and experience for potential employers and who will develop a strong sense of professional identity.

In addition to providing students with an important self-development tool, Praxis provides them with a connecting thread across the law school curriculum. Chicago-Kent has long offered students myriad opportunities for learning practical and professional skills, including its highly-regarded Legal Research & Writing program, its in-house legal clinics, its advocacy training, and its nationally-ranked trial advocacy teams. In addition, several faculty members have developed innovative simulation courses, on topics ranging from strategic problem-solving to contract drafting. In identifying which courses would qualify for Praxis credit, the school developed an inventory of existing courses that had, or could easily be augmented by, a skills component. The exercise of developing the inventory reinforced that the faculty is already providing a rich array of innovative courses and teaching. The inventory itself allows students to see how these activities and courses build on one another, and allows the faculty to see where existing offerings can be augmented.

