

bolstered through the encouragement of student networks, role modeling, a supportive law faculty, relevant and appropriate curricula, a far-reaching student support scheme, ATAS tutoring, cadetships and exchange programs. The focus on success does not reduce the need for understanding the complexity of the indigenous student experience at law school. As many students still commence but do not complete degrees, it is clear that significant barriers remain and that further research in this field must be conducted. It is hoped, however, that the identification of positive contributors to success will allow universities and law schools to do more of what they are doing well and to introduce further positive factors to the indigenous law students' study environment.

TEACHERS

The uneasy integration of adjunct teachers into American legal education

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In many urban areas, a rich and varied community of potential adjunct faculty is available and law schools make frequent use of them. Despite their numbers, too often adjuncts remain shadowy figures who enter the law school under cover of darkness, rarely participating in the intellectual dialogue of the institution. Even more rarely do they participate in discussions about changing pedagogical styles, testing methods or other topics pertinent to teaching.

One way to address concerns about skills development is to use a corps of adjuncts to supplement conventional offerings in the curriculum. When adjuncts are used in conventional, upper-level courses, the likelihood that they will achieve the goals

of skills development is low. Either by design or by coincidence, they will do to their students in the classroom what was done to them when they were law students. Much of the pragmatism and experience adjuncts have achieved in the practice of law is probably lost or set aside.

Newly hired adjunct faculty are never too old, too distinguished or too wise to be above an indoctrination program carefully designed to communicate the few things on which your faculty might agree. You should present to the adjunct a clear picture of the kinds of teaching methods used and the success rates achieved by different faculty using methods such as simulation. You should describe the grave risks inherent in believing that one can prepare one's own materials for a course the first time through. You should describe the grading practices in your law school and explain the curve if one exists. This one-on-one training, generally by a faculty member serving as an associate dean, has an intensely paternalistic quality but law school administrators must clearly play the role of trainer at the outset.

We have long recognised that adjuncts are well equipped to teach skills courses, such as trial advocacy and negotiation. Adjuncts are also a terrific resource for enriching the upper end of any curriculum, the specialised 'capstone' courses. But there is a very real need to calibrate adjunct expectations of student performance. Adjuncts are often poor judges of students' interest in a field and of their sophistication in the field. Concepts that are second nature to the lawyer / expert / adjunct after 20 years in practice are new and complex to a second-year law student. The expert lawyer who is not aware of this disparity is likely to be ineffective as a teacher.

We come to hiring and evaluation. Many law schools find themselves inundated with requests from practising lawyers to take a shot at teaching. These schools can let the forces of nature create their resumé bank of prospective candidates. For many reasons, not the least of which is honesty about faculty diversification, it is a good idea to advertise positions annually. The sources of adjunct teachers are apparent: private firms and sole practitioners, the judiciary, government agencies, trade associations, public interest groups and nonprofits, and even the world of politics. As you cultivate potential sources of adjunct faculty, you are also spreading the good word about your law school.

Finally, to evaluation — most important, what to do when the evaluations of classroom performance are poor, alarming or otherwise problematic? Assuming that you are willing to invest some energy into the situation, rather than immediately firing an adjunct, consider whether the situation is one that would change if you found a complementary team teacher. Or the inadequate evaluations may be the result of external circumstances that can be corrected if you give the adjunct some help. But if all attempts to assist the adjunct have failed, the end game begins. There is no easy way to fire an adjunct.

TEACHING METHODS & MEDIA

Class participation: random calling and anonymous grading

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A law teacher intends to teach not only legal doctrine but the analytic techniques used to ascertain and ap-

ply doctrine and the ability to express that analysis persuasively. Other goals might include an overall appreciation of how the system works and some teachers may even try to impart techniques for undermining the system. For all such goals, learning is going to occur most effectively in class, rather than before or after class.

One model of student learning is that students prepare to learn in class by reading beforehand to get the basic building blocks which they then use in class where they do most of their learning, with the fine-tuning and working out difficulties happening after class. It is almost a truism that active participation by students is good. Class participation by some students increases understanding by all the students. These then are the good reasons for demanding class participation by students: promotion of active learning by students in class and gearing the pace and depth of coverage to students' abilities.

There are two traditional (arguably coercive) ways that law teachers can encourage active student participation in class: calling on students who have not volunteered to speak and taking class participation into account in the final grade. Both are eminently defensible, although they may involve undesirable side effects.

Some may argue it somehow infringes on a student's dignity to be required to participate in class. Such an argument has no weight at all in a law school. Part of what we are teaching in law school is how to express legal analysis persuasively to others. This is a skill that a lawyer must have and people who voluntarily enroll in law school should expect that they will have to practise that skill as part of their legal education. Some teachers reason that calling on students slows down the class too much. This as-

sumes that the quality of learning is independent of the speed of coverage. In fact, a 10-minute lecture will not sink in nearly as well as a 20-minute give-and-take. If the goal is students' learning in class, then the extra time is not wasted, but valuable.

There is some danger in calling on students who have not volunteered. Most of these dangers centre on deciding which student to call on. Law students are notoriously sensitive and may see in their being called upon any one of a number of messages. If the perceived message is negative, students may resent being called on. Also, students tend to assume that a teacher will not call on a student who has recently been called on and that students are off the hook if they have recently spoken.

All these problems can easily be avoided by adopting a transparent system of random calling, for example by putting each student's name on a regular playing card, shuffling the deck in class and taking cards from the top of the deck to call on students. This system works well in large and small classes. The tacit message to the students is now a positive one: it is important to the teacher that each student master the material. The only drawback is that it may be perceived as gimmicky. The important thing is not the particular method. Any system that is obviously random and blind should eliminate the pitfalls commonly associated with calling on students who have not volunteered in class.

Another way to increase across-the-board class participation is to give credit for it. This practice is eminently warranted as an evaluative technique, even beyond its effectiveness as an incentive to class participation but it potentially undermines some of the value of anonymous grading. There

are techniques, however, to preserve almost all of the benefits of anonymous grading, while still giving credit for class participation. The problem with taking class participation into account in grading is that the evaluation is necessarily subjective and a student's personality may affect that evaluation, whether or not the teacher is conscious of it.

One can deal with these concerns by limiting the extent to which class participation may affect the anonymously determined grade. For instance, participation might affect a student's grade no more than two notches (e.g. B- to B+). The more difficult problem is with the perception that anonymous grading is not really anonymous. How can grading be anonymous if the same teacher who assigns the raw grade adjusts it on the basis of class participation? If part of the reason for anonymous grading is to ensure the student that personality factors are not operating, a better system would work class participation into the grade without the teacher's knowing how well particular students did on the written exam. This is not so hard to accomplish; for instance, raw scores may be curved several times, according to class participation. [Examples of the recommended method of grading are provided.]

In this or some similar way, a teacher can maintain the benefits of anonymous grading while encouraging class participation. Moreover, demanding class participation on a random, blind basis furthers sound pedagogical goals, while avoiding the possibility of descending into an adversarial relationship with students. Both techniques are eminently defensible to increase the participation of students in class, and thereby increase the proportion of overall learning taking place in class.