

en principles in the law school setting? For a simple, but powerful reason: law teachers who understand and implement the seven principles and law schools that reflect the seven principles can significantly improve the quality of teaching and learning in legal education and the personal satisfaction of faculty and students as well.

The seven principles are student and learning-centred. Much of the research that forms the basis for the principles is concerned with questions such as these: how do students learn concepts and skills? what motivates students to work hard in their courses? what relationships and experiences have the greatest impact on students? Based on the results of empirical research directed at those and similar questions, the seven principles set out basic precepts of effective learning. For example, frequent student-faculty contact, both in and out of class, is the most important factor in student motivation; good learning, like good work, is collaborative and social, not competitive and isolated; there are many roads to learning; students bring different talents and styles of learning to school; and high expectations are important for everyone—for the poorly prepared, for those unwilling to exert themselves, and for the bright and motivated.

An effective teaching and learning environment can increase personal satisfaction for students and teachers. The seven principles address a number of negative characteristics that contribute to student and faculty frustration in and out of the classroom: distant, impersonal connections between teachers and students; competitive and isolated relationships among students; passive teaching and learning methods; lack of ongoing feedback on teachers' and students' performance; and low expectations.

The seven principles can help teachers and students create an environment of mutual respect and fulfilment. For example, students who know a few teachers well can get through the tough times and strengthen their commitment to the

educational endeavour. Likewise, students who have the opportunity to work cooperatively with one another in the classroom can increase both their depth of understanding and their involvement in their own education. Students are most likely to succeed in school if they engage in a variety of active learning methods, receive periodic feedback on their performance, are allowed to demonstrate their learning in ways that play to their strengths, and are held to high expectations. When students succeed under those circumstances, faculty share in that success because they helped create the conditions that allowed both students and teachers to reach their goals.

Although the seven principles were developed in the mid-1980s and have enjoyed wide distribution in undergraduate departments at colleges and universities during the past ten years, most law teachers remain unaware of the principles and inventories. To bring the seven principles to the attention of legal educators, the Institute for Law School Teaching sponsored a conference in the summer of 1998, titled *Seven Principles for Good Practice in Legal Education*. The seven authors of these essays developed, attended and presented that conference. The participants explored four topics: the research basis for each of the principles; the adaptation of each principle to the environment of legal education; barriers to implementing the principles in law school; and strategies to overcome those barriers.

This issue of the *Journal of Legal Education* can be part of an important step forward for legal education. It addresses in detail each of the four topics considered at the conference, and it begins to address the critical issues identified by conference participants.

In the articles that follow, a diverse group of authors adapt the seven principles to legal education. The authors have done traditional and innovative classroom teaching, developed, and directed legal writing and academic support programs, taught in clinical settings, and served as law school administrators. One character-

istic shared, however, is a commitment to outstanding teaching and meaningful learning in law school.

Principle 1: good practice encourages student-faculty contact

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Frequent student-faculty contact in and out of classes is the most important factor in student motivation and involvement. Faculty concern helps students get through rough times and keep on working. Knowing a few faculty members well enhances students' intellectual commitment and encourages them to think about their own values and future plans. The issue becomes more complex, however, when one realises that relatively little of this kind of interaction actually takes place in higher education. There are many practical barriers, and—more importantly—not all teachers and students value out-of-classroom contact. Differing views of education and of the appropriate roles for its participants are key to understanding why some students and faculty view such contact as important and others do not.

There is a clear divide between faculty who value contact outside the classroom and those who do not, and the difference stems from disparate views of the meaning and process of education. Similarly certain students are drawn to their teachers and will make efforts to see them, while others are less likely to do so. What this means is that under the best of circumstances some faculty and some students engage in contact outside of the classroom and believe these contacts to be positive contributions to the students' education.

Who is the teacher who engages with students outside of class? Leading studies of undergraduate institutions have tried to answer this question by describing faculty as high-interactive or low-interactive teachers, depending on the number and extent of outside contacts with students. Significantly, professorial behaviour inside the classroom indicates

whether the teacher is a high or low interactor outside of the classroom. High interactors actively solicit student comments in class, discuss a variety of points of view, and allow expression of students' opinions. They encourage students to assume active roles in the classroom—for example, to give reports, and to assume responsibility for teaching parts of the class. They are more likely to use essay exams and papers in evaluating students. While one study showed high interactors to be younger and untenured, others showed that age, rank, gender, involvement in professional organisations, and publication of articles were not significant factors. Another study showed that high interactors empathised with students and with differing points of view, and that they were more likely to reveal personal information in class.

In contrast, low-interacting teachers send signals to students that the process of learning is one of fulfilling formal classwork assignments and mastering a given body of knowledge. In the classroom they emphasise coverage of material; they tend to lecture and expect the students to play a passive role. They do not encourage or expect students to ask questions, offer opinions, or otherwise actively engage with the material in class.

In trying to find empirical support for the proposition that student-faculty contact has educational advantages for students, researchers have looked at the effect of informal student-faculty contact on students' educational aspirations, attitudes towards college, academic achievement, intellectual and personal development and persistence toward completing the degree. Faculty have been shown to have significant influence on students' educational goals, particularly their continuing into graduate studies, and on their career choices. Some studies have shown that students' satisfaction with the educational experience was positively associated with frequent informal contact with faculty. Students who were identified as having more frequent contact with faculty scored higher on tests designed to measure intellectual

development. At least one recent study, however, confirmed a correlation between student-faculty contact—particularly contact with some degree of intellectual content, as opposed to simple socialising—and positive academic performance by minority university students. Studies show that interaction with faculty can decrease dropout rates.

Unfortunately, law schools have received scant attention from social scientists interested in the study of education. Legal education literature contains few if any actual studies of legal education. Curiously, law faculty often write about the importance of the mentoring role played by their own law professors, yet (judging from their publications) they seem uninterested in exploring their own roles as mentors to their students. Perhaps the most telling observation on this issue is that much of the commentary about mentoring consists of exhortations to new faculty on the need for avoiding contact with students.

Their own lack of engagement with the issue of student-faculty contact should come as no surprise for legal academics, who, despite some changes in the last two decades, have had difficulty in affording teaching a respectable place in the hierarchy of faculty activities. Few, if any, law teachers would challenge the statement that, within legal academia, scholarship is still viewed as the most important thing that professors do.

The rift between faculty holding more and less traditional views of education certainly exists within legal academia, and the high interactors are more likely to see contact with students as an important part of education. Assuming they are free to act accordingly, their classrooms will feature more student-teacher interaction and invite more students to out-of-class contact.

And how will that contact help law students? Again, some of the findings about undergraduate schooling appear to be particularly pertinent to legal education. If one believes that happy and satisfied students learn more easily, stud-

ies that positively correlate attitudes toward education with informal faculty-student contact are important. At a minimum, keeping students satisfied with their legal education experience may remove emotional barriers to learning, such as stress and depression.

A positive correlation between informal contact and intellectual development seems particularly appropriate to legal education. Informal contact with faculty may be particularly helpful in moving students away from notions of black-letter law to the more nuanced process of legal analysis. Contact with faculty may also motivate a student to think more deeply.

Contact with law faculty helps keep law students in school. While it is true that law schools may generally experience a lower dropout rate than undergraduate institutions, some students find the first year so daunting that they abandon their legal studies. If the characteristics of the withdrawal prone—particularly those with family with less formal education and other indicia of low academic and social integration—apply to law students as well as undergraduates, interaction with faculty may save certain students from leaving law school for the wrong reasons. Law schools that are concerned about diversifying the profession should understand the positive role that faculty-student contact can play.

For law students, understanding the legal culture is as important as learning any doctrine; it requires a form of learning that is less deliberate, more subtle, characterised to some extent by observation and osmosis. The legal academic literature is rich with debate about the importance of teaching legal ethics and values and how best to do this. Individual contact with faculty not only allows for more intimate discussion of these issues, it also provides the student with a positive model of the values that the law professes.

The most obvious barrier to faculty-student contact is an educational philosophy in which such contact is seen as having little value. Faculty-student con-

tact rarely, if ever, is listed as a criterion for tenure or promotion. There is no institutional incentive, and there may actually be a disincentive, for faculty to spend time with students. Contact with students is time-consuming. Teachers who signal their availability often find themselves overwhelmed with student demands for their time. Not only does this mean less time for the teacher to fulfil the more traditional requirements of a faculty position, it also means less time for personal pursuits.

From the sometimes very vocal complaints of students on campus, one might conclude that all students would prefer more contact with faculty. What this means is that, while certain students are predisposed to initiating contact with faculty, others are not. The following may assist in removing barriers. At the outset it must be clearly stated and understood that without significant institutional change an individual teacher may find her options for facilitating student-faculty contact to be limited. Furthermore, it is an unfortunate situation for all when faculty who wish to become better teachers must fight the culture of the institution in which they work. Perhaps the most important thing that individual faculty can do is to ensure that their institution confronts important issues, to find one or more places to put the issue of student-faculty contact on the institutional agenda.

Second, there is the issue of time. One important element is planning, both short and long term. Third, there are race and gender and issues; how to remove the barriers relating to race and gender? This is a most difficult issue. Short of eliminating all sexism and racism, this problem is almost intractable. A two-pronged attack is suggested: first, to insist on institutional response; and second, to act in one's own best interest.

Fourth, it is worth remembering that to improve associations outside of class, faculty need to start with their behaviour inside the classroom. Learning and using the students' names, engaging stu-

dents in active learning and using a few personal anecdotes can signal accessibility. One may also need, within reason, to initiate contact. An offer to meet with groups of students may attract students who think of themselves as too shy to maintain a one-to-one conversation. Fifth, if safety is a concern, privacy should not be confused with physical isolation. One might adopt a policy of not closing the office door or of meeting with students only when others are nearby.

Sixth, unless the school is planning a new building, one must accept the existing facility and work within it. Environment can be important in other ways as well. One study showed that students were discouraged from approaching faculty when their teachers sent signals of being too busy or being in a hurry even during scheduled office hours.

It is unfortunate that the atmosphere of legal academia is often unsupportive of student-faculty contact and even discourages it. Changes to institutional culture are necessary, including attention to the issues of gender and race. Administrators and faculty need to identify and remove the barriers to interactions, beginning with the pervasiveness of passive modes of learning in the classroom. Radical redefinitions of teaching and learning may be more effective and even necessary to enable us to value the education that occurs in contact between students and faculty and to provide a central place for such contact in law schools.

Principle 2: good practice encourages cooperation among students

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Cooperative learning enriches traditional law school education—a solitary pursuit of legal knowledge—with a culturally based, highly relational exploration of course material. It stretches the shrunken persona of the typical law student into the many evolving and 'intersectional' public roles that are present in each student. Why is it so important that we draw

out and take educational advantage of students' multifaceted characters? Because future clients of these budding attorneys—not to mention judges, opposing counsel, jurors, and others—deserve legal services seasoned by structured law school simulation of attorney interaction within the legal system and the public at large. Cooperative learning supplies the necessary experiences.

A learning community's exploration of personae during the years of legal study accomplishes three principal objectives. First, cooperative learning places students in a variety of group assignments and team projects. Students realise that a learning community gives them the necessary practice to prove their academic talent in a variety of stressful situations. Second, cooperative learning calls upon students to interview and represent each other, negotiate settlement, write briefs, argue cases before the class as a whole, and practise other key lawyering skills. Third, collaboration heightens awareness of the discrepancy between the reality of the legal system and the dream of social justice.

Cooperative learning and the competition-driven model, pitting students against each other for the highest grade, are not mutually exclusive. Both learning processes teach lessons and skills that are vital to the repertoire of an effective lawyer. We need to provide an incentive for students to apply themselves conscientiously to a novel educational process. Since the idea of team academic growth and shared professional development may be foreign or unappealing, students need to see learning communities as a means of getting a better return on their tuition dollar today and a better job tomorrow. To this end, we explain that group assignments are structured so that students tighten their grasp on academic material while sharpening their professional skills.

Practically, to ensure that these objectives are met and have their desired effect, students are required to report on their group's progress by pointing to spe-