

TEACHING METHODS & MEDIA

Teaching large law classes well: an outsider's view

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Hundreds of studies in education have investigated effective university instruction. Their two main indicators for effective teaching were students' achievement on a test and students' satisfaction from instruction (as measured by their ratings of the instructor's 'overall performance'). The findings from these studies converge into four main dimensions of effective teaching: clarity, organisation, stimulation of interest and student engagement, and a positive classroom climate.

Clarity relates to students' understanding of the material presented during the lesson. There is growing evidence that clarity of explanation may be prerequisite to effective teaching, at least effective expository teaching. Clarity in teaching increases students' satisfaction from instruction and low clarity reduces their satisfaction.

Organisation refers to structuring and ordering the presentation of the course and the lesson. It has traditionally been considered by educators, psychologists and communication specialists as essential for effective oral and written communication. Studies in oral communication show that organisation makes a significant difference to listeners' comprehension: the better organised the message, the better it is understood. Organisation entails notifying students at the beginning of class of the lesson plan and the place of the lesson topics within the framework of the course. Organisation also entails frequently informing students during the lesson where they are within the lesson framework.

Stimulating interest and engagement involves promoting and maintaining students' motivation, concentration, and attention throughout the lesson, and engaging them in active thinking and learning. From the point of view of oral com-

munication, gaining and maintaining the receivers' awareness and attention is the first step in communication between a 'sender' and a 'receiver'. Gaining and maintaining student concentration and attention are not simple tasks in any teaching situation and particularly in large classes using the lecture method.

A positive classroom climate is beneficial because learning is substantially affected by emotional factors. Good teaching requires an environment of trust that encourages students to pay attention, think and learn. Students need a supportive climate for learning that provides generous room for trial and error, enables them to learn from mistakes, encourages them to take risks in overcoming difficulties in learning, and promotes their confidence in their ability to learn.

There are four problematic teaching behaviours in large law classes that relate to the four main dimensions of effective teaching: using too little visual information (clarity); failing to present a written lesson plan, to inform students of the current location within this plan, and to place the lesson within the course framework (organisation); applying too little variety in the presentation (interest); and exhibiting not enough 'immediacy behaviours' - behaviours that communicate closeness to students and care about them (classroom climate).

In most classes, the dominant mode of presentation is oral. The teacher lectures, conducts discussions, poses questions and solicits and answers students' questions. While this extensive oral interaction takes place, the teacher usually makes very little use of the chalkboard. In most classes teachers do not place the lesson topics within the general framework of the course or provide an orderly written outline of the day's lesson.

Teachers tend to use just three teaching modes: lecturing (which includes answering students' questions and sometimes posing scattered questions to students); Socratic questions; and discussing cases, either calling on students or letting students participate voluntarily. Using the same teaching mode, over a

long period of time and repeatedly throughout the semester, will eventually become boring and reduce student attention. Students tire when a lesson proceeds too long in the same mode.

'Immediacy behaviours', either verbal or nonverbal, enhance physical and psychological closeness between interactants. Examples of teachers' verbal immediacy behaviours are addressing students by name, using humour, and using personal examples. The main nonverbal ones are smiles, vocal expressiveness, and movement about the classroom while talking.

Following are suggested strategies and techniques that can improve the four problem areas. First, increase clarity by using visual information dynamically throughout the lesson by writing or drawing on the board, or on blank transparencies on an overhead projector. Alternatively, use prepared visual information in handouts, transparencies, videotapes or computer presentations. Second, increase course and lesson organisation by preparing a road map of the course to hand out at the first class.

Third, maintain students' attention and concentration by varying oral presentation and physical behaviour during the lesson. Move between lecturing, discussion, questioning and activating students. Intersperse questioning interactions in class with pauses. Vary students' activities. Use simulations, role-playing and problem-solving. Encourage in-class collaboration. Assign in-class presentations on case studies, assigned readings, moot arguments, curricular topics or special projects.

Fourth, promote a positive classroom climate. This can be done through verbal behaviours, such as: use of personal examples or experiences; asking questions or encouraging students to talk; using humour in class; addressing students by name; asking students how they feel about an assignment, due date, or discussion topic; inviting students to telephone or meet outside class if they have questions or need to discuss something. This can also be done through nonverbal

behaviours, such as: not sitting behind or on the desk or in a chair or behind a podium while teaching; gesturing while talking to the class; looking at the class while speaking; smiling at the class as a whole, and to individual students; and moving around the classroom while teaching.

Kingsfield doesn't teach my contracts class: using contracts to teach contracts

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Most Contracts casebooks used in American law schools still rely heavily on edited appellate opinions. Some texts incorporate supplementary explanatory narrative material and contextual historical material, but edited appellate opinions predominate. Because such texts are used to teach most Contracts classes, it follows that some version of the Socratic method remains the norm for teaching Contracts. It is still not unusual for students to complete their Contracts class without ever seeing an actual contract.

Law professors often describe their primary goals as 'to teach legal analysis' or 'to teach students to think like lawyers'. Many have attempted to articulate the meaning of these terms. These attempts tend to emphasise skills of case reading, synthesis, and application of rules of law to discrete facts. The skills of legal analysis and 'thinking like a lawyer' involve more than the ability to read and brief appellate court opinions. A lawyer must be able to read, write and analyse contract documents.

Most discussions of law teaching methods emphasise one or more of five discrete methods: the Socratic or case-study method; the lecture method; the problem method; simulations; and live-client experiences.

The Socratic method of law teaching is perhaps better referred to as the case method. Its advocates believe that the Socratic method successfully teaches legal analysis because judicial opinions generally lay out the facts of a problem (dispute), identify the issue before the court,

identify the legal rule or rules that the court decides govern the dispute, apply the rule or rules to the facts, and reach a conclusion. Because judicial opinion contain legal analysis, Socratic method advocates assume that students will acquire the skill of legal analysis by reading hundreds of judicial opinions.

At the same time as students are presumably learning legal analysis, however, they also are studying specific rules of law, or doctrine. Although students continue to insist that they primarily teach and test students' legal analysis skills, most law school (and bar) examinations test familiarity with certain doctrine combined with an ability to apply that doctrine to a new set of facts. Students who have not learned the applicable doctrine cannot demonstrate their ability to do good legal analysis. By assuming that students can learn doctrine on their own, without our assistance, we fail to maximise students' chances of mastering the skill of legal analysis.

The problem method, once an exciting new approach to teaching law, has become much more common in the classroom and much has been written about its merit. Unfortunately, few Contracts teaching materials emphasise problems and those that are available for use in the classroom are very narrow in scope. Today, most Contracts casebooks include at least some problems but often the authors bury the problems in narrative discussions that follow leading cases in the text.

Although lectures predominate in undergraduate education, few law teachers rely exclusively on lectures. Lectures exemplify passive learning: students sit, try to stay awake, and listen, while professors pontificate. Perhaps for these reasons there is not a great deal of literature on using lectures in law teaching.

A wide range of teaching methods falls within the broad category of simulations. The essence of a simulation is that the teacher asks a student to play a role, such as lawyer, client, judge or arbitrator. Simulations can be used to good effect in the Contracts classroom. The published an-

ecdotal accounts by law teachers who use simulation exercises in their Contracts classes suggest that such experiments are almost uniformly successful.

A live client with a contract dispute is likely to ask the student to do one or more of the following: review a contract document and counsel the client as to its contents, prepare a contract document, or predict the outcome of litigation involving a contract. The benefits of using contracts to teach Contracts would further be reinforced for those students who participate in clinics or externship experiences that permit them to become involved in such tasks.

The apparently radical concept of actually analysing real contracts in a substantive Contracts class has been largely ignored in the teaching literature. There are three primary reasons for using contracts in Contracts classes: first, to give students an opportunity for active learning; second, to get students excited about their law studies and to be motivated to work hard; and third, to make it easier for them to learn contract law. In addition, using contracts to teach Contracts helps students learn the applicable doctrine.

There are several different techniques for using contracts in the Contracts classroom. A variety of techniques can be used over the course of one or two semesters, because each requires a different time investment, and some provide better learning opportunities than do others.

The easiest way to use a contract in class is, of course, simply handing out a sample. Few Contracts teaching materials even contain an example of 'a contract'. A somewhat more time-intensive use of contracts is to have students draft contract clauses to accomplish specific client purposes. Several Contracts casebooks include one or two such drafting exercises. The class discussion centres on the language used and whether the clause accomplishes the client's purpose. This approach works particularly well for class discussion of doctrine that is linked to contract provisions, such as merger clauses and liquidated damages clauses.