

make-up of our casual pool is another important ingredient in the mix that motivates the desire to ensure that the experience of casual staff is a quality one. Ultimately, it is these people who speak back to the profession about the worth of our programs, who will be employing our students and who, if we treat them right, will act as our ambassadors in the professional marketplace.

There are many correlations between the experience of the casual academic staff member and that of the first year students for whom they often take initial teaching and learning responsibility. With targeted initiatives both parties may be assisted to fulfil their potential. The issues of quality assurance, teaching and learning training and support, and a shift to a culture of institutional assimilation and inclusivity, are priorities for the pedagogical and administrative management of this valued pool of teachers. For the sake of our students and to assure the quality of our institutions' teaching and learning practices, casualisation as a fact of the new tertiary agenda should be embraced and nurtured, rather than marginalised as a teaching backwater and lamented as an economic rationalisation. We need to put commitment, effort and resources into training, supporting and integrating this teaching cohort into the institutional mainstream.

The impact of expectations on teaching and learning

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38 *Gonz L. Rev.*, 2002/03, pp 87–118

Law schools appear to be in the midst of a crisis of confidence in the abilities and motivations of their students. Many students are so bored that in first year they fail to learn black letter law at a satisfactory level, by second year, attendance declines precipitously and by graduation they have lost the passion for justice that motivated them to become lawyers.

Proposed solutions to these concerns focus on changing curriculum, teaching methods or materials. To improve learning, law faculties need to critically examine assumptions, including those relating to the basic principle of maintaining high expectations of student performance. High expectation teaching methodologies require a warm socio-emotional teaching climate as well as the imposition of raised expectations. This article suggests that faculty can improve legal education by critically examining their assumptions and attitudes. It identifies methods for raising expectations and addresses the concerns raised about doing so, particularly, credential bias, which assumes that past academic performance is a measure of future ability, and generational bias, which assumes law students are unmotivated and disengaged. It also addresses high-expectation teaching methodologies, in particular the socio-emotional climate of teaching, by increasing the warmth of teachers' interpersonal communications with students.

Performance expectations are either based on a student's ability alone, or upon a combination of assumptions about ability, amenability to instruction and motivation. Two variations of relationship between expectation and behaviour exist, each having both positive and negative forms. First is the self-fulfilling prophecy, in which initial expectations based on false assumptions, result in the expected outcome. Second is the self-sustaining expectations which occurs when expectations of future achievement are based on past performance, also resulting in the expected outcome.

Teacher expectations are correlated with student achievements. Assumptions of competence can increase achievement, whilst assumptions of deficiency can hamper learning. Student achievement has recently been shown to be crippled by low expectations of the gender and race groups to which students belong. The issue of how learning environments impact students historically disenfranchised from the legal system is in the early stages of research. Stereotypical threats can threaten performance regardless of ability. Once an assumption of ability is formed, it tends to become the basis against which all future learning is assessed.

The sustaining expectancy effect refers to situations in which teachers fail to see student potential and do not encourage students to fulfill their potential. The higher a student's grades, the greater the opportunities to improve those grades become, through writing or research assistant opportunities, advanced seminars and faculty interaction. Self-fulfilling or self-sustaining, positive or negative, expectations affect achievement.

Students who attribute their success to ability and effort are more susceptible to the expectation effect. Four behavioural conditions are identified as mediating the expectancy effect, namely the socio-economic climate created by the teacher, the difficulty and quantity of material taught, the instructional time spent with students and feedback.

Law schools can utilise the positive aspects of expectancy and minimise the risk of negative threats so as to implement more effective teaching behaviours. Recognising personal biases is a prerequisite to increasing expectations. Biases brought to teaching include the conclusion that lawyers prefer logical as opposed to emotional rationales for decision making, a learning style preference for

active participation in classes, credential bias against students reliant on self effort and faculty instruction to achieve results as well as the powerful biases, such as race, gender and age. A curious phenomenon relating to expectations is that they become standards, which in turn, become grades.

There is good reason to assume that students will undergo significant cognitive and social development while at law school, which supports the move away from a bias focused on the results of past performance. This is because the typical nature of the law student is a person who is intellectually stimulated by the study of law and interested in learning. The first step toward creating a high expectation law school is to change teacher attitudes towards students and learning.

To eliminate negative effects of stereotyping, teachers need to get to know students. Time spent in increasing one's cultural competency can be important in developing a socio-emotional environment conducive to a high expectation teaching approach. In addition to the change in attitudes discussed above, law faculties could also improve student performance by a change in teaching methodology. Four categories of teaching methodology identified as mediating expectations are climate, input, output and feedback. Of the four, climate has the most significant effect in creating expectancy effects. Communicating the attitude is important and teachers must influence the self-expectations set by students by creating a positive environment in which they are to learn.

Critical to all language of high expectation is providing genuine emotional focus on students. Ego-stroking, emotional vulnerability or a disrespectful tone do not facilitate the creation of a positive climate. In addition to the spoken word, it is important for teachers to create an amount of silence available to students to prepare answers and consider feedback. In a warm socio-emotional climate, teachers can raise expectations and opportunities to engage and challenge students. Most importantly, teachers can encourage students to set their own goals. High expectation student learning includes the expectation that the student will be self-directed.

One area of concern inherent in this teaching approach is that high bias students will affect the success of the teaching environment. Student expectations must also be considered, particularly those who hold low expectations of themselves and their teachers. In order to minimise the effect of bias among the student body, teachers must state their objectives and expectations clearly, consistently and with intellectual integrity. The perception of ambiguity is one of the most demoralising factors for students. This must be followed through with consistent teaching behaviours. In order for teachers to balance learning support with learning challenge, while at the same time avoiding resistance from those resentful of the balance, requires four actions.

First, the teacher must present a course with intellectual definition. Reflective practice involving students can allow teachers to alter their manner to respond to the justified student criticisms while at the same time identifying those remarks motivated by student bias. Second, teachers should discuss goals and the orientation of the course with the students with the purpose of identifying those motivations for low expectation learning. Third, teachers should remain flexible and confident in their approach to teaching the course and allow student involvement in course preparation and planning.

Finally, teachers should accept that no amount of challenge will be acceptable to those students whose efforts are directed toward avoiding the task. One must acknowledge the normality of resistance and that for those students whose bias blinds them to learning from some faculty or whose resistance to learning is intractable, faculty would be well advised to avoid unceasing efforts at conversion. However, even for these students, expectation theory tells us that teachers should not lose hope. If teachers do not believe that all students — even the most resistant to learning — can be taught, teachers cut short their own ability to achieve excellence in teaching.

TEACHING METHODS & MEDIA

Teaching law students to be self-regulated learners

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Talk to enough law professors and you get a sense that many law students do not perform as well as their professors hope the students will perform both in law school and on the bar examination. Attrition and bar passage rates, however, are more like symptoms of the problem than the problem itself. Rather, the problem is that the students do not learn what we wish them to learn.

Students simply cannot learn what they need to learn. According to this view, students come to law school pre-programmed either to succeed or to fail and there is nothing law schools can do to change this fact. The conclusion drawn is that there is little or nothing more we can do to help our students learn more and better. There are others who assert that our students could learn better if they would only work harder.