Letter from the Editors

While it is not news that legal education has received some public censure in the last two years—garnering headlines in major national publications such as *The New York Times* and *The Washington Post*—censure directed particularly to the way that law schools have run both the business and classroom end of things, this incisive debate that has now ignited is a good thing in the long run.

So long as the rule of law has utility and relevance in our daily lives, lawyers will continue to help the world adapt and evolve, and so the art of educating and training them to serve both private and public sectors, domestically and internationally, will need to keep up with that evolution. The notion of the “Learned Profession” reflected in the Case Method will change in the face of technological advances, market changes, politics, and emerging movements of legal thought and attitudes. Self-awareness of this transformation is important to us as law teachers. Whether this crisis in legal education will be *that* one big “game changer” for law schools is yet to be seen, but one thing is certain: it has made us ever more aware and patient toward the evolution of the teaching of our law students.

As the debate on how law schools will change is being dealt with by academicians, law school administrators, and the bar, we do have students to serve. The semester time-clock waits for no one and even at present there is so much to innovate about inculcating our students to the legal profession. We are pleased and humbled to present in this Summer 2014 issue of *The Learning Curve* an arrangement of ideas that we hope will reorient our minds from summer breaks toward that first crisp and indelible moment when a new semester (and year) in the classroom begins.

With that sense of newness comes opportunity, and we hope each one of these pieces from familiar faces such as Barbara Glesner Fines at UMKC and Jaime Kleppletsch at John Marshall to newbies such as April Szabo at Western State and everyone else, will inspire new ways of teaching our students not just to pick up legal reasoning but to really inhabit a place within the practice and profession, garner a sense of self-efficacy as a person of the law, and grasp critically and viscerally that profound engagement with the world that the law can provide. We also hope that the following articles will engage our fellow colleagues in furthering their craft in the classroom to enrich themselves and, of course, the art of teaching.

The change in legal education is incremental, and without a place for exchanging ideas, change will not progress quickly enough. We invite you, our readers, to enjoy and admire the ideas in this issue. And of course, welcome back to a new year.

*Jeremiah Ho,*
On behalf of the Editors
Stop, Ask, and Listen: Formative Assessment in the Classroom

Barbara Glesner Fines, Executive Associate Dean and Rubey M. Hulen Professor of Law, University of Missouri Kansas City School of Law.

Perhaps the easiest way to assess student learning is simply to ask. Many of the techniques described in educational literature are simply a variation on stopping class for a moment, asking a question, and then having student provide a short written response. Described by Angela & Cross in their classic text Classroom Assessment Techniques as “The Minute Paper” and introduced to law professors by academic support professionals “Free writes” the technique has a number of variations depending on the information one is soliciting from the students. To use the technique, the professor simply stops the class and asks students to respond (on an index card or half-sheet of paper or an electronic forum) to a question.

Minute papers are everything a faculty member would want in a formative assessment tool. They are efficient, taking literally only a minute to administer and five minutes or so to review and collect data. They are flexible; they can be created “on the fly” and can be administered to students individually or in groups. They can be targeted to specific learning outcomes or can be open-ended to identify student concerns. Targeted minute papers can provide immediate feedback to students as you can provide students a sample response to compare to their own. They also provide effective feedback for faculty, especially when used to collect student questions. Finally, they generate data so that student growth can be measured throughout the semester and can be compared to other semesters.

One important use of minute papers is to uncover student confusion or uncertainty, or at least that confusion that students are aware of. Questions such as “What important question remains unanswered (from this reading, from this discussion, etc.)?” or "What was the muddiest point in .........?" can cause students to stop and consider their own level of understanding. These open-ended minute papers are not as efficient as more targeted minute papers but can provide a wealth of feedback to the instructor.

To engage students in helping one another, you can ask students to first write the open-ended response and then turn to another student and share their responses. This can take another three to five
minutes. You can then instruct the students to take one more minute and “edit” their question based on the feedback they received from their peer. If you collect these responses in class, you will then need to sort them into categories of questions and then find a way of providing prompt answers. I often prepare a brief FAQ to post on the course webpage. Sometimes an answer is as simple as a citation to the place in the textbook where one can read the answer; other times, the questions require more elaborated responses; occasionally a question is sufficiently novel (or tangential) that I might respond by indicating that I appreciate the question but don’t know the answer and suggesting ways that one might research the issue. An even more efficient method of collecting student confusion and providing clarity is to use these same questions on an electronic discussion forum, so that students can read each other’s questions, chime in with answers, and read your responses as well.

Minute papers can also be used to assess student preparation or reading, mastery of key doctrinal principles, or even attitudes and values. Sometimes I will have the students put their names on these responses, as identifying themselves to their work will motivate more preparation in future classes. However, I do not always have students put their names on their responses, as the purpose is to assess the understanding of the class as a whole rather than assess individual responses.

In my professional responsibility course, where one of the challenges for students is mastering the rules at a level of detail that they will retain them beyond the semester, one of my favorite minute papers is to ask students to close their books and notes and then write a particularly difficult rule of professional conduct in their own words. Some examples are:

“Under Rule 1.16(b) under what circumstances may an attorney withdraw from representation if it will cause a material adverse effect on the client?” (Withdrawal on the basis that the client will not suffer a material adverse effect is one of a list of justifications for permissive withdrawal presented in Rule 1.16(b). Some students do not read the list carefully enough (or think about it after reading it) to recognize the “or” in the list. So in this paper I am looking for the students who say “never.” Among the students who are able to describe one or more of the other permissive withdrawal bases in the rules, I look for how many students are accurate in their descriptions, and how many students are complete in reciting the bases for permissive withdrawal.)

“Under Rule 1.6(b), what circumstances must exist before an attorney may disclose information in order to prevent a crime or fraud?”

(Students regularly are able to list all the elements of this rule except the requirement that the client must have used the attorney’s services to further the crime or fraud.)

I like to use these “state a rule in your own words” minute papers several times during the semester. First, these reinforce the close reading of the rules the text emphasizes. Second, they are an efficient way to assess and reinforce class participation. Third, they model one of the most effective ways to learn. Research indicates that retrieval practice is superior to many other methods of traditional study for transferring information into long-term memory.

In other classes I have used minute papers to ask for student understanding of assigned cases or readings. For example, in my first semester Civil Procedure course, I asked students to take a minute or two and write, in their own words, the holding from one of the first cases they had read (Pennoyer v. Neff). I collected the holdings and, at the next class, prepared a handout with a variety of bad and good holdings for the class to discuss. (The handout can be found at http://law2.umkc.edu/faculty/profiles/glesnerfines/Holdings.pdf) I do not use any student’s minute paper to demon-
Stop, Ask, and Listen (cont’d)

It takes only a moment to sort these questions into the categories of misunderstandings so I know how to follow up with the students, but the insights into student learning are very powerful. Academic support professionals can make effective use of this tool in a variety of contexts: in an academic support course, in partnership with another professor, as a tool for study group leaders, or for diagnosis with individual students. They are always a minute well spent.

References and Further Reading

THOMAS ANGELO & K. PATRICIA CROSS, CLASSROOM ASSESSMENT TECHNIQUES (2nd ed. 1993).


Let Me Do It Myself: The Value of Self-Critique Training in Academic Support

Dyane O’Leary, Assistant Professor of Academic Support, Suffolk University Law School

What is Academic Support? As someone new to the field, I hear the question often. I have been struck at my dissatisfaction with the usual response: some variation of “helping students do better in class.”

Starting out, I have a loftier goal. Not only will I try to help students do better in class, but I hope to train them to self-critique their work and teach themselves. Using tools I preview in this article, I encourage transitioning students from passive receivers of feedback to active participants who understand how to engage with and improve their work. Self-critique is a skill students take with them when Academic Support ends. It is a practice-ready skill employers expect. Above all, it is a skill that helps a struggling student become a more confident and independent lawyer. And when someone asks me what I do in Academic Support, that is an answer I would be proud to give any day.

What: Self-Critique

I define self-critique as students’ careful review, evaluation and improvement of the substance of their work according to – at first – a set of directions. As a legal writing instructor, I worked to introduce students to something beyond the “quick fix” editing world of spell check and track changes. We do a disservice to students if they leave our offices and classrooms with the (unfortunately, too common) belief that editing a document means adding commas and double-checking citation. Self-critique is a much more active and difficult skill. It requires students to understand how to dissect a document and reconstruct it by examining aspects such as paragraph organization or topic sentences. While we may think of students editing draft memoranda in their legal writing course, self-critique training has broader applicability. Within the context of Academic Support, students can get repeated practice evaluating other work such as a case brief, course outline, or practice exam answer.

Why: Real World Expectations

One ball juggled in the debate about the future of legal education is, of course, that law students are “under-prepared for practice.” Our academic advice to help students in the classroom need not be at the expense of training them as future professionals. Students should become accustomed to the practice of self-critiquing their work because outside of law school, that is what employers will expect. One example is the growing trend for alternative fee arrangements in lieu of hourly billing (for example, flat fees for certain motions or transactions). This has created more “in-house” pressure to produce quality work without rounds of review by senior attorneys, the cost of which firms used to pass on to clients without question. A junior attorney must understand the importance of and have a technique to approach exacting consideration of organization, structure, and content to ensure an excellent client product. Students accustomed to waiting for a professor’s red pen or comment bubbles with no independent effort will struggle in the competitive professional legal environment when that crutch disappears.

How: Academic Support Self-Critique Training

We have many opportunities to offer self-critique practice. The common thread in these examples is the repetitive process of thoroughly interacting with a piece of work, not necessarily the quality of the finished product. The most immediate goals are to: (a) get students used to doing self-critique in a correct and careful fashion; and (b) get students to appreciate its usefulness in a variety of contexts. The improved quality will follow.

My self-critique definition in-
Let Me Do It Myself (cont’d)

cludes an instructor-provided set of directions. This is essential. We must first offer a guide to students who are learning how to dissect and critique their work. Otherwise, we ask them to become proficient at something without the necessary training tools.

Effective self-critique rubrics or guides should be:

Interactive. These are not handouts. Students must engage with the directions and work product, and do something beyond read such as: circle, highlight, put a check mark, or re-draft.

Focused. I have had the most success with guides that spotlight a few aspects of a student’s work (for example, one discussion section) instead of sending the overwhelming message of “improve the entire thing at once.”

Simple. The more complicated an exercise, the more hesitant students are to undertake it. Instructions should be basic such as: answering yes/no questions or underlining.

As I explain to students, my guides are like training wheels. Upon leaving law school, the wheels come off, the training is complete, and the role of careful self-critique in their own writing routine should be cemented.

Examples

Example 1: Case Brief Flowchart Rubric

Students struggle with effective case briefing. I use flowchart directions to help them examine and improve their briefs before asking me for comments. The student follows instructions for each section, such as:

Describe aloud in your own words the facts of the case. Mark an “R” beside facts that pertain to a legal issue relevant to the assignment/topic. Mark a “C” beside facts mentioned in the court’s legal discussion. Mark a “?” next to any others and consider whether to omit. Circle the three key components of your issue statement – Under [jurisdiction], whether [legal claim/law] when [most relevant and critical facts]? If you cannot, is the issue a pure statement of law? If YES, need not include key facts. If NO, list the facts that seem to make the most difference to the court and revise.

This format has been especially helpful for visual or logical learners. It allows them to view the case brief as a whole summary instead of getting caught up in the details of each part.

Example 2: Exam Answer Review Checklist

One task in Academic Support is to assist students with the organization and quality of analysis they demonstrate in their essay exam answers. Before meeting with a student about a practice exam answer, I suggest requiring completion of a checklist with questions such as:

Did you jot down a list of issues you spotted? YES/NO. If NO, why not? Re-read the practice exam now and make a list of issues. Did you follow IRAC organization? YES/NO/NOT SURE. Put a bracket around each section of an IRAC. Label sections with an I or R or A or C.

An interactive document gets the student thinking about potential problem spots in his exam response on his own, even if a more complete understanding of the substance comes later. In my experience, putting some of the initial review responsibility
on the student also allows for a more efficient and meaningful one-on-one conference.

Example 3: Memorandum Rule Explanation Self-Critique Form

When revising memoranda, seeing an error is believing it. That is, before a student will accept our instruction regarding, for example, counterarguments, he must actually look for that component and recognize its absence. Too many students are not trained to look beyond basic proofreading; they are content in the safe zone of surface level editing. And if they are not asking the difficult question (“Have I included a counterargument?”), certainly they are not facing the answer (“No!”).

I provide a step-by-step review that focuses students on the details of any problematic section. Through pointed questions, I try to make it difficult for a student to guess or assume that his memorandum contains certain things. For example:

Does each E paragraph begin with a thesis sentence that identifies the topic to be discussed? What is that topic? If it does not, what is your first sentence about? Draft a new thesis sentence that identifies the aspect of the rule you explain in that paragraph. Circle and label the F(acts)-H(olding)-R(easoning) components of each case snapshot.

If you cannot, what is missing? Add it. Do you have a case to demonstrate each important aspect of your synthesized rule? If not, list other cases here or in a separate document to consider adding.

Students are often equally unsure about the re-writing process as they are the substance of a particular legal issue. I frequently hear them say, “I don’t know enough to edit my own memo.” A structured review with a narrow focus provides a much-needed confidence boost for the struggling student to start somewhere. It also demonstrates to even the most skeptical of students that, indeed, there is always use in trying.

Self-critique is an essential skill that students should be given the opportunity to master. At worst, we introduce them to the idea of it. At best, we successfully train them to always examine documents at a macro, content-based level. These students will be rewarded with higher quality work product, whether an exam response today or a motion filing tomorrow. As I transition into the field, I realize my answer to the “What is Academic Support?” question will change with every new student and unique problem. But I hope to always consider as part of my job showing students how to improve their work, and providing a supportive environment within which they can learn to do so.

References and Further Reading


As noted by one law firm partner and law school adjunct faculty member, gone is the apprentice-ship training model of legal employment and in its place the expectation that new lawyers will immediately produce quality work product. See Neil J. Dilloff, Law School Training: Bridging the Gap Between Legal Education & the Practice of Law, 24 Stan. L. & Pol’y Rev. 425, 431-33 (2013).

I would be happy to provide the complete examples I preview in this article to any interested reader.

I have also used flowcharts to assist students struggling with legal research, allowing them to practice reviewing and critiquing their research plans or trails. See, e.g., Karen L. Koch, What Did I Just Do! Using Student-Created Concept Maps or Flowcharts to Add a Reflective Visual Component to Legal Research Assignments, 18 Perspectives: Teaching Legal Res. & Writing 119, 119-120 (2010).
Lesson in a Box: Critical Thinking

Marta A. Miller, Director of Academic Support, Texas A & M University School of Law

The term “critical thinking” is used frequently in the law school setting. But what does it mean? And more importantly, how do we demonstrate this skill for students in a practical manner? During one of our initial academic support group meetings with first-year students, we showed the students the following quote: "Critical thinking is the intellectually disciplined process of actively and skillfully conceptualizing, applying, analyzing, synthesizing, and/or evaluating information gathered from, or generated by, observation, experience, reflection, reasoning, or communication, as a guide to belief and action." (Michael Scriven & Richard Paul, 8th Annual International Conference on Critical Thinking and Education Reform, Summer 1987.)

We ask the students, “What does this mean?” Beyond getting a few blank stares, one or two students stated, “It means you need to look at both sides of an argument,” or “It means you need to be objective.”

To explore this concept further, we provided the students with the following example from Exercise 1 in Legal Analysis: 100 Exercises for Mastery, Practice for Every Law Student by Cassandra Hill and Katherine Vukadin: A jogger runs along a beach, past a sign that states “Fine $100 for Littering.” A few steps past the sign, the jogger pauses to eat a banana. He throws the skin on the ground and continues to run. A police officer in training sees the skin fall. She recalls that her supervisor did not issue a littering ticket to a person who poured coffee on the ground. The supervisor did, however, issue a ticket to someone who threw a candy bar wrapper on the ground. Should the police officer ticket the jogger?

Initially, we asked the students, by a show of hands, to respond to our question: “Do you think the police officer should ticket the jogger?” The students who raised their hands in support of “Yes” were put together in a group. The students who raised their hands in support of “No” were put together in a second group. Then the fun began. The “Yes” group had to argue why the police officer should not ticket the jogger. Likewise, the “No” group had to argue why the police officer should ticket the jogger. The students were allotted 15 minutes to clearly articulate their reasoning.

Each group member was then paired with a group member from the opposite team. The goal here was to use the opposing team member’s points to strengthen the student’s own points. For example, if the opposing team member had stated that the police officer should ticket the jogger because a banana peel is similar to coffee since both are biodegradable, then the other student would have had to make a counter-argument to invalidate or weaken this comparison. For example, the student might have stated that a banana peel is not like coffee because coffee will evaporate quickly while a banana peel will take much longer to decompose.

The students then returned to their original teams and the “oral arguments” began. Each team member had to stand and share one of his/her arguments regarding whether or not the police officer should ticket the jogger. Afterward, a student from the opposing team had to stand and counter this point. We moved around the room until each student had the opportunity to speak (and with a smaller group, students might have spoken three or four times).

The goal of the exercise demonstrated for students that the process of critical thinking is fluid. It does not stop once a point is made. Rather, students must keep an open mind, evaluate alternative systems of thought, and recognize and assess all assumptions, implications, and practical consequences. Finally, students must reach well-reasoned conclusions and solutions, testing them against relevant criteria and standards. This is the process we call “critical thinking.”
Teaching First-Year Law Students to Read So Carefully That They Discover a “Mistake” in a Judicial Opinion

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Critical reading skills are key to law school success. In fact, reading skills may be more determinative of law school success than LSAT scores. However, some students arrive at law school with deficient reading skills or with undergraduate skills that do not translate into good reading skills in law. Furthermore, after reading appellate decisions, students may read less carefully if they forget that cases involve real life problems that are very significant to the parties. This article will examine empirical studies relating to critical reading in law school, summarize the practical suggestions that have been made to teach reading skills to law students, and propose that reading skills can be strengthened by teaching students how to read as they actually reenact trial and appellate court proceedings in class.

Reading is a process of “building a mental representation of ideas.” Reading theory makes it clear that because human beings have a small amount of short term memory, readers must take steps to ensure that materials are processed so that they can be stored in long term memory. One of the early reading theorists proposed the SQ3R method – survey, question, read, recall, and review. Empirical studies have found that law students who employ these types of principles are more successful. These studies are important to consider as they have identified specific teachable factors that contribute to reading success in law school.

Mary Lundeberg, who performed the first research on the characteristics of expert legal readers, found that experts (law professors and attorneys) read cases differently from novices (individuals with no legal training). The experts understood the context of cases by examining the heading, parties, court, date, and judge. Experts first read the case for an overview, flipped to the end of the decision to determine the result, and understood the structure of court decisions. In addition, they created a mental picture of the facts in the case. The experts
read more slowly at the beginning of the case to completely understand the context and read portions of the case that were unclear. They also evaluated the court decision and thought about hypothetical situations. In contrast, novices read at an even pace from beginning to end and focused on highlighting and paraphrasing the decision. They did not focus on the facts or reread difficult portions of the decision.

Other researchers have elaborated on these findings. Dorothy Deegan examined how law students read a law review article and observed that high performing students used less time paraphrasing and underlining text and more time “problematizing” or actively reacting to the text by making predictions and hypothesizing about the meaning of the article. Laurel Currie Oates found that students performed better when they “read for a purpose,” and understood the “importance of context.” James Stratsman noted that students who read a judicial opinion for an “advisory role, a policy role, or an advocacy role” performed better than those who read “for class recitation.” Students seemed to comprehend more from their reading when “they read with a ‘real world’ purpose.” Leah Christensen also found that high performing students spent significantly less time utilizing default strategies (highlighting and paraphrasing), and more time using problematizing strategies (hypothesizing, predicting, synthesizing) than low performing students. Peter Dewitz noted that good readers “constantly monitor their reading, noting when comprehension is proceeding smoothly and when difficulties occur. When comprehension breaks down, readers attempt to repair their problems through rereading the text, summarizing, making inferences or consulting outside help.” It is significant to recognize that the ability to monitor comprehension is a crucial skill for reading as well as the practice of law. When surveyed, major law firms stated that an essential skill for new lawyers is to “know when they don’t know.”

Based upon these studies, how do students become good critical readers? Students need to understand why they are reading a case, i.e., the case context, as well as the organizational structure of cases. Expert readers start by reading the case for an overview and often look at the end of the case to find the result. Experts become completely familiar with the facts and reread the case to understand and evaluate the court’s decision. In teaching critical reading skills, it is helpful to provide a preview of concepts with charts and graphs to place a case in context. It is also useful to model expert reading, use checklists and written exercises, and use small group “read alouds” to check comprehension. In addition to questioning students in class, students can be asked to prepare questions to lead discussions.” Finally, students need to be given “a real-world purpose for which to read.”

This paper proposes that critical reading skills can be enhanced by having law students reenact trial and appellate court proceedings in class. This method incorporates all of the skills found in high performing readers. First, students must read for a specific purpose when they take the role of either the attorney or judge. Second, students must understand the context of
Teaching First-Year Law Students to Read (cont’d)

the decision – the court, subject matter, date of decision – to properly “represent” the client or decide the case. Third, they must reread passages from the opinion that are unclear in order to make the arguments that were presented in the trial or appellate court. Students must completely understand the facts to effectively function as a witness or attorney questioning the witness. Furthermore, students must evaluate and question the trial court decision as they make arguments to the appellate court. Finally, this technique can serve to remind students that cases are brought by real people who have used the legal system to solve important problems.

This reenactment approach was utilized in an Academic Success class on critical reading that focused on a case students had to master for their Legal Writing “closed memorandum” problem. As discussed below, the opinion actually had a typographical error related to a key issue in the case and through careful reading and analysis, the students found the error by the end of the session.

The closed memorandum problem dealt with whether a crime constituted second or fourth degree assault. In Kentucky second degree assault requires a finding of “serious physical injury” while fourth degree assault only requires a finding of “physical injury.” “Serious physical injury” is defined as “prolonged disfigurement, prolonged impairment of health, or prolonged loss or impairment of the function of any bodily organ.” Students read three cases on the subject as well as the relevant statutes. Parson v. Commonwealth, 144 S.W.3d 775 (Ky. 2004) was the most complicated case and was therefore used in the Academic Success session on critical reading.

At the beginning of the Academic Success session, there was a brief discussion relating to the importance of active reading, i.e., becoming engaged with the materials, understanding the facts, holding, and reasoning, and questioning the court’s decision. Since the students were familiar with the subject matter, having read the statutes and three assigned cases, there was only a brief discussion of the law relating to assault. Next, students were assigned roles in the trial court. There were six witnesses: four doctors, a physical therapist, and the victim. Students were assigned as prosecutors, defense counsel, trial judge, appellate judges, and appellate advocates in the Kentucky Supreme Court.

The reenactment started with the “prosecutors” and “defense attorneys” questioning the student witnesses at the trial level. The student assigned the role of the trial judge explained his decision. The reenactment then shifted to the Kentucky Supreme Court where the “appellate attorneys” set forth their arguments. The “Supreme Court Judges” explained how courts had ruled in prior decisions and set forth the decision of the court. After carefully analyzing the court decision from a variety of perspectives, the students became completely knowledgeable about the facts in the case as well as the legal arguments.

Because the Supreme Court opinion focused on the meaning of “serious physical injury” and “prolonged impairment of health,” dates were critical to the court’s decision. The decision stated that the vehicular accident (assault) occurred on May 30, 2000. Dr. Zhou first saw the victim on October 30, 2000. The opinion indicated that the victim’s last visit to doctors was on December 28, 2000, five days before trial. This would seem to
indicate that the victim was treated for 7 months. Later in the opinion, however, the court found that a “jury could also believe that Eberle was still suffering from the effects of her injuries on the day of trial, nineteen months after the assault, and that the duration of those effects constituted a “prolonged impairment of health.” Id. at 787 (emphasis added). Based upon an analysis of the briefs in the lower court, it became clear that the Supreme Court had made a mistake in the opinion and that the December 28, 2000 date was really December 28, 2001.

After reenacting the trial and appellate proceedings, some students realized that there was a problem with these dates. After discussion, it was agreed that there was indeed a typographical error in the opinion. Needless to say, the students were engaged throughout the class and were delighted to find that they had read so carefully that they had actually found an error in the opinion.

Critical reading skills need to be taught in a variety of ways. In offering advice to law students, Professor White recommended that students read by “trying to reconstruct from the opinion…the facts that occurred in the real world before any lawyer was brought into play….You should try to create a movie of life….This is the experience upon which the law will be asked to act in its peculiar and powerful ways…..” The reenactment method is one way to make cases come alive and demonstrate that cases involve important issues faced by real people. Once students become actively engaged, their critical reading skills should improve.

References and Further Reading:


Laurel Currie Oates, Beating the Odds: Reading Strategies of Law Students Admitted through Alternative Admissions Programs, 83 Iowa L. Rev. 139, 160 (1997).


Peter Dewitz, Legal Education: A Problem of Learning From Text, 23
A Scavenger Hunt: 
A Fun Way to Navigate Important Concepts

DeShun Harris, Assistant Director, Academic Success Program, UNLV, William S. Boyd School of Law

I had a problem: students were not reading the materials I provided them. This is not a new problem, but it was a bit of a shock given these were my peer mentors—successful students whom I selected to advise other students on academic matters. I knew they were not reading the materials because I found myself frequently answering questions that were easily answered by referencing the materials I had provided. Thus, I had to find an engaging way for them to interact with the material. A scavenger hunt was the solution.

I adapted the scavenger hunt from its traditional outdoor framework to a small group or classroom. I used it as a training exercise for my peer mentors. It helped me to achieve my goals of creating a memorable instruction tool, of facilitating team building, and of teaching students how to navigate through the materials. The time for this activity can be adapted based on the amount of time you have and the number of concepts you want to cover. You can easily duplicate this activity in the classroom.

First, I will explain how the scavenger hunt operates in its entirety, and then, I will break down how to plan each part of the scavenger hunt.

The scavenger hunt for a classroom is very similar to that of the traditional scavenger hunt with teams, clues, and prizes.

1. Place participants into groups, designate captains, and explain the rules (e.g., how to get points and the process).
2. Introduce a clue, allow groups to answer, read the first-in-time group’s answers (if wrong, move to next group), and declare winner for the clue.
3. Read a hypothetical scenario, give groups fifteen minutes to digest and apply rules, and ask captains to report what their groups decided.
4. Discuss hypothetical as a collective group or class, allowing all to participate—including you as instructor.
5. Transition back into a new clue and repeat the cycle until you have discussed all clues and hypotheticals.
6. Declare a winner for the entire game based on who has the most the points overall and award prizes accordingly.

This is how the scavenger hunt operates, but before you can operate the scavenger hunt, you have to plan each part. Begin to plan by grabbing your content materials. I grabbed my peer mentor guide—a guide filled with information such as how to submit timecards, spot and rectify student deficiencies, and find resources on campus. For a course like civil procedure, your content might be the Federal Rules Civil Procedure (FRCP). Next, think about the concepts you want the students to grasp from this exercise. I chose the most important items contained in the guide so I knew that, in the future, the peer mentors would know where to find that information. Because this activity will require students to actively engage with the materials through navigation and discussion, you should limit the number of concepts to ensure they
A Scavenger Hunt (cont’d)

have the time to process the information without feeling overwhelmed. Choose only four to five concepts for a hunt that lasts an hour and a half, and fewer concepts with less time.

Once you have determined what concepts to cover, consider what types of clues would be helpful for students to locate the concepts. One concept I wanted the peer mentors to understand was effective reading strategies. The clue I created gave an indication of location and also communicated what would be an acceptable answer. For example, I asked, “What three reading strategies do students need?” This clue indicated to students that the answer was particular to reading strategies (if they looked at the table of contents they could have easily found the related section) and the acceptable answer had three parts. A clue for civil procedure might read, “This motion allows parties to ask the court to dispose of opposing claims or defenses because there is ‘no genuine dispute as to any material fact.’”

This clue indicates only one motion (summary judgment) is an acceptable answer, and by quoting the language, the students know they can locate it by finding that same language in the rule (FRCP 56). In addition to providing you with the FRCP number. Further, you might ask students to provide you with a corresponding case if you would like to also challenge their ability to tie rules and cases together.

Because simply having the student understand how to navigate the materials is not enough to actually understand the concept, the scavenger hunt also has an application portion using a hypothetical that follows immediately after the students answer the clue. The hypothetical is a short hypothetical, which corresponds to the previous clue. So for example, with the reading strategies question, the hypothetical might read: “Sue comes to you for help and reveals that she reads for class but still feels unprepared for the questions asked in class. Upon further questioning, you discover Sue's reading strategy is to highlight, paraphrase, and reread the text. Identify Sue's problem. What reading strategies would you recommend for Sue?” This sort of question requires the mentors

Using a scavenger hunt to explore concepts can be an exciting way to engage students, promote group work, and facilitate student learning.
A Scavenger Hunt (cont’d)

to dig deeper into the text and to also brainstorm about how they might use their own personal experiences to deal with the situation if it were real. In the context of a substantive class, you might create a hypothetical loosely based on a series of cases.

Additionally, determine a point value for each clue and hypothetical and the amount of time to dedicate to each. I attributed points to the clues because there is a clear “right” answer, but did not attribute points to the hypotheticals. That decision was made in part because I wanted to encourage varied conversations related to how to approach a given hypothetical. In line with that, the time allotted to the clues was substantially less than that of the hypothetical. The time allotted for the clue depended on who was the first to answer the clue correctly (generally two to three minutes to locate) and I gave fifteen minutes to the students to discuss the hypothetical as a small group. Then we regrouped to receive a report from each group, to allow everyone an opportunity to share their thoughts, and to allow me to share my thoughts.

The next step is to ponder how you will create groups; you might do this the day before (more formal and strategic) or the day of the class. I decided groups the day of the class because I wanted to get a sense of how the students might group naturally. The groups should work collectively on both the clues and hypotheticals. Additionally, you will select team captains. The captains are the only persons who can communicate the answer to the score person (me). This makes it a little more competitive and requires participants to actually speak to one another. I selected captains based on seniority, choosing mentors who had served for at least a year. For a doctrinal class you might select people who seem outspoken or you might select people who are reserved in class. As far as teammates were concerned, I joined them together based on where they were sitting in relation to the captains. You might select teams randomly or selectively if your objective is to control the group dynamic.

Prizes or incentives are a staple of scavenger hunts—although, given the competitiveness of law students, having the “bragging rights” of an in-class scavenger hunt may be enough of an incentive. I chose to do actual prizes (very small in nature) of things law students might appreciate: candy, correspondence cards, and nice pens and pencils. For a doctrinal class you might provide the winners with the privilege of not being called on for a week or getting one free pass if they are unprepared.

After this experience, I found the peer mentors felt more empowered and excited to work through the training materials. Additionally, I found the mentors were more knowledgeable about the contents of the peer mentor guide than in previous years. This allowed me to spend future trainings discussing more substantive matters, such as student issues, how to address things outside of the guide, and to do more exercises. The group also seemed a little more at ease with the other peer mentors that they may or may not have known previously. Thus, using a scavenger hunt to explore concepts can be an exciting way to engage students, promote group work, and facilitate student learning.
Your Own Words - Putting Down the Thesaurus

Stephen Smith, Associate Clinical Professor, Santa Clara University School of Law

As I have reflected on my years teaching, my greatest surprise has been my students’ lack of basic writing skills. I had expected to come in and teach two things—research skills and a writing paradigm, a method of organization and presentation. What became clear early on is that a majority of my students needed far more than that (not all of them—some arrived as terrific writers). They needed to learn to use concrete subjects, to reduce the quantity of clauses in their rambling sentences, to ensure something as simple as proper conjugation of verbs. Of all the errors I encountered, however, the most jarring were those arising out of word choice. To improve (if not fix) this, I have a simple rule. No thesaurus allowed.

The thesaurus is my students’ single worst enemy. It takes dull, imperfect writing and transforms it into something between nonsensical and laugh-out-loud funny. The example that remains brightest in my memory is the student who decided the word “wants” was too commonplace for her brief. She replaced it with “covets.” Of course, they are closely related words, but the connotations of “covet” were lost on her. Accordingly, she thought it acceptable to write “Plaintiff covets the Court to overturn settled law.” The brief’s otherwise readable prose was brought to a screeching halt. Similarly, another student, writing on the tort of malicious prosecution, determined that the facts in the record failed to “conclude any malicious sentiments.” What this means, I’m still unsure of. I was told, however, that a thesaurus had contributed to it.

It seems reasonably clear why students use the thesaurus as they prepare their memos or briefs for class. It springs from an urge to make their writing more “interesting” or “sophisticated.” This is related to a lack of confidence in their easily accessed vocabulary, and a fear that their fellow students possess a better developed lexicon. Despite the years the legal writing community has invested in encouraging “plain English,” students remain suspicious. When I suggested a simple word choice alternative to a student in conference, he objected, “but don’t I want to appear educated?” Well, yes, you do, but misusing a word you don’t fully understand is a singularly unhelpful way to do so.

A writing teacher bored of seeing the words “said” or “indicated” throughout a fact section may wish a student had used a thesaurus. But the alternatives to these and other words are available to almost any student who gives the topic some thought. Word choice should be a part of any writer’s process, and should be encouraged, if not demanded.

These process concerns aside, the bigger problem is students’ ignorance of the standard usages and connotations of the words they mine from the thesaurus. The student who replaced “wants” with “covets” simply picked one of many suggested alternatives in *Roget’s*. The thesaurus was unable to clue her in to the subtleties of the word, and the situations in which it may be an appropriate substitute. “Covets,” of course, is quite specific in its usage. It pertains to property. When one covets, one covets a *thing*, not a result or response. To use the word inappropriately indicates not sophistication, but ignorance.

A thesaurus is just a list of words. A law student’s vocabulary is twenty-one or more years of accrued knowledge of those words. In my class, students will be limited to the latter.
When I first encountered journaling in legal education, I was less than thrilled about asking students preparing for the Arizona Bar to try it. It’s tough to ask a student to do something you don’t believe fits in an academic setting. At that time, my view of journaling was asking students to share their feelings about personal, traumatic events ranging from a broken marriage, to coming out to family members, to a death of a family member. I had become accustomed to discussing these feelings with students facing academic difficulty during private, individual meetings in my office. However, I felt uncomfortable soliciting these same feelings from bar sitters and reading them as a means of gauging the efficiency of their bar preparation efforts.

What I had not thought about was journaling from the perspective of metacognition; the ability to self-assess skills, knowledge or learning. Metacognition is the key to the self-regulated learning environment of law school. Research shows that students who fail to prepare for law final exams during the semester and long before reading week are not likely to be successful because they have not reflected on their learning. Based on my experience, students with strong metacognition reflect on their learning more often, and as a result, perform better in law school because they are able to recognize and correct learning deficiencies in preparation for and prior to graded assessments.

Last spring, I asked students in my second semester 1L skills course to reflect on their learning with the goal of improving their metacognition. Throughout the semester, students completed in-class assessments that tested their substantive knowledge, challenged them to think critically and tested their ability to write solid legal analysis in an exam setting. After each assessment, students were given a series of questions that probed them to self-assess their learning. Students were then encouraged to meet with me to discuss strategies for improving their critical thinking and analysis based on the deficiencies discovered in their self-assessments. What my students who were genuine in their reflect-
1L Reflective Writing (cont’d)

What I learned is that while I wasn’t asking students to journal *per se* (I intentionally never used the word “journal” in class and instead used the term “reflective writing”), the result was often similar. The process of reflective writing (even with targeted questions) spurred conversations with students about experiences outside of law school that were affecting their study. Some of those experiences included a fear of failure that started when they received lower LSAT scores or when they received lower than expected first semester grades. I recognize a lot of what we do in Academic Support is centered around those sometimes uncomfortable moments when a student shares an extremely personal life event affecting their academic pursuits. I learned, however, that students are less likely to attribute academic shortcomings to outside factors without reflection. The reflective writing exercises forced students to think about how they could improve their learning. Many times, those strategies included facing an outside factor that was interfering with law school. Of course, behind poor performance in law school are factors attributable to the student; but, the kind of life events that a student would presumably write about in a journal also play a role in their negative and positive academic performance. Ultimately, the reflective writing exercises were a lesson in learning for both my students and me.

Reflective writing has proved to be an excellent tool that I use to prompt students to think about their learning and about how experiences outside of law school may affect their learning and ultimate academic performance. Despite my initial skepticism, I found reflective writing to be an extremely beneficial tool used to raise the self-awareness of my students and improve their metacognition. The benefit of reflective writing to me and my students has made reflective writing a staple in my skills class and individual student conferences.

References and Further Reading


The Performance Test: Where the Rubber (Finally) Meets the Road for Law Students

April L. Szabo, Adjunct Professor, Western State College of Law

I fully admit that I struggled with the performance test during my preparation for the July 2008 California bar exam. While “loathe” is a particularly strong word, and one I do not deploy often, I may rightfully be accused of using it multiple times over the course of 2008 – primarily in reference to the performance test. The reasons for my difficulty have since become clear: I was easily distracted by new law, too involved in the facts and lost sight of the bigger picture due to the stress of the timed exam. Ironically, I was only able to diagnose these problems years later when I was asked to teach the performance test to students preparing for the same bar exam. In designing the curriculum for that course, I had to re-take all of the performance tests I would inflict on my unsuspecting class, and in doing so I discovered – finally – what it was I was doing wrong.

Despite my distaste at the time, the performance test is a critical component of the bar exam in the states in which it is used and is, in many cases, a good place for applicants to make up ground lost in the essays or multi-state sections. While most students struggle with the performance test at the outset, I’ve found that there is tremendous opportunity for improvement and that the majority can do well after taking a number of practice exams. What follows, then, is a brief introduction to the performance test format and how I teach it, followed by an exercise I have found to be particularly effective.

The Performance Test

At its root, the performance test, administered in more than thirty states and three U.S. territories (Guam, Palau and the Northern Mariana Islands, all of which sound like a wise career move for this performance test instructor), is intended to replicate tasks that might be required of a typical lawyer, in order to test fundamental lawyering skills. To that end, it tests applicant skill in the areas of problem solving, legal analysis and reasoning, factual analysis, communication, organization and management of a legal task and recognizing and resolving ethical dilemmas.

Unlike the MBEs and essays, the performance test provides its own universe of statutes, cases and other legal documentation (the aforementioned “library”). Examinees rely exclusively on this material to draft a realistic legal document under tight time conditions. Completing performance test exercises in preparation for the bar exam offers a double reward: many students are completing precisely the type of work they will face in practice. (Indeed, this explains why – six years later – I am finally able to successfully work through performance tests.)

The performance test’s many benefits, however, are only accessible after students are able to comprehend what it is they are being asked to do – and for many, this can be an uphill battle. The vast majority of law students are relatively new to legal documents such as points and authorities memoranda and the process of formatting such documents to make them look sufficiently “real.” Many struggle with the library, which can cover esoteric areas of the law (immigration and admiralty come to mind) and thereby distract from the task at hand. Conversely, students may also be misled by a library that appears to contain case law similar to what they have learned, but which is in fact different in key respects. Overwhelmingly, however, students struggle to master the outlining and organizational skills critical to passing the performance test. Teaching this portion of the bar examination, given its departure from what is
taught in most classes, is both rewarding and difficult.

Teaching the performance test

As all instructors are painfully aware, student learning styles differ dramatically, such that the approach that results in success for one student may not work for another. I teach the performance test in a format that appears to be workable for the majority of students, at least as a starting point, but remind them constantly that we may need to make adjustments to suit their learning style, approach to outlining, or style of organization.

That basic format, then, is thus: When they begin a performance test, students tear out the pages containing the formatting instructions, read them carefully, and create a “master” outline that they use to organize their answers according to the instructions. They then tear out the pages from the library and very carefully read and outline each case or statute. Once their outlines of the library material are complete, students transfer the rule statements from their library outlines into their master outline (we use shorthand or other notations for this part; there is not sufficient time to copy entire rules over). Students then read the file carefully, adding the relevant facts to their master outline as they go. Finally, they closely re-read the instructions, then take a few minutes to evaluate the material and plan the organization of their answer. For the three-hour California performance test, I encourage students to complete this process over the course of the first ninety minutes, leaving themselves a minute or two to relax and take a few deep breaths before they begin writing. Their writing should occupy the last ninety minutes. Similarly for the 90-minute MPT, students should use the first forty-five minutes for the same reading, outlining, and planning process; take a quick minute-long break; and finally move onto the writing for the remainder forty-five minutes.

If you have experience teaching (or taking) the performance test, the above process may sound entirely straightforward. Indeed, even new students will often begin to nod enthusiastically as I explain the steps in organizing their materials before writing. Their reaction when they try to complete the process for the first time, however, is often another matter entirely. To that end, I’ll explain the single most effective exercise I’ve discovered* for helping students truly understand the process of organizing and outlining a performance test.

The group organization exercise

This exercise works best with a fact-intensive performance test that includes enough cases in the library to permit three or four small groups to work together. In a small class of twelve, for example, I will select a performance test with four cases in the library. While statutes often appear in performance tests, I’ve found that they do not present sufficient opportunity for analysis and thus try to avoid them for purposes of this exercise.

Working in groups of two or three, students are assigned one case to review. Each group is responsible for outlining the rules in its assigned case and deciding together how best to phrase those rules (as single rules or as a synthesized rule). Once the group members have finalized their group outline, they must recreate the outline on the board. After each group completes this process, the class has an entire library outline. (Obviously, this requires a room with a healthy number of chalk/whiteboards – I’ve also resorted to huge sheets of paper taped to the wall.)

While the students are outlining cases in the library, I draw a master outline of the issues on another board, using the organizational instructions from the performance test.
Once the set of library outlines is complete, each group explains its rules. The class then addresses the file as a group. While the process may feel painfully slow, we talk through each sentence of each document in the file—each heading, each date, each fact. The class must assign each fact or piece of information to an issue identified in the master outline and determine whether the fact is helpful or detrimental to the client.

After we have worked through several facts, the class will typically gain some momentum: facts are applied to several issues, discussions (or arguments) arise about which facts go where and whether facts are good or bad, relevant or irrelevant, credible or suspect. Each group identifies facts of significance in the case it outlined and explains how the facts in the file are similar or distinguishable. We discuss methods of minimizing bad facts and emphasizing facts that are advantageous to our client’s position. Once we have worked through the file in its entirety, students have a complete answer outline in front of them and we discuss how to begin writing.

For students who have struggled to understand outlining and organization of their performance test answers, this exercise is often the point at which they report that the ubiquitous “light goes on.” Homework and exams show marked improvement and many students demonstrate increased confidence regarding their ability to manage this portion of the bar exam (which, in turn, further improves their scores).

Depending on the speed of the class’s development over the semester, I will typically repeat this exercise near the end of the course, to emphasize the importance of a structured approach to the performance test and to remind students of how far they have progressed. Not surprisingly, it goes much more quickly the second time and tends to play a critical role in providing last-minute confidence before the final exam.

Given my own checkered history with the performance test, I find it immensely gratifying to help students demystify this difficult part of an already-tough bar exam and am confident that this exercise plays a key role in their success. I am hopeful that your students may similarly benefit from its use.

Nancy L. Schultz, There’s a New Test in Town: Preparing Students for the MPT, Perspectives: Teaching Legal Research and Writing, Vol. 8, No. 1 (Fall 1999).


*I suspect I may have poached this exercise from Professor Tori Wood, who also teaches the performance test at Western State College of Law. Ms. Wood and I are unable to recall how the exercise worked its way into our respective curricula, and I am thus giving her full credit.

References and Further Reading:
Performance Tests Make Better Students

Jamie A. Kleppetsch, Assistant Professor and Associate Director of Academic Achievement, The John Marshall Law School

Performance tests are useful tools to help students perform better in law school, be successful on the bar exam, and become good attorneys. A performance test is a timed writing exam that directs a student to use a closed universe to create a specific legal document. These tests can assist students in achieving a deeper understanding of course material and connect law school to real practice, improve time management skills during an exam, and aid students in preparing for the bar exam.

Deeper Understanding of Course Material and Connect Law School to Real Practice

Many students today have difficulty combining the concepts they learned in doctrinal courses with the skills learned in their legal writing courses to understand how both sets of courses aid in the practice of law. To achieve a deeper understanding of the law, students need to know both the substantive information and how that information will be used in their legal practice. Using a performance test in a doctrinal course, legal writing course, or hybrid course can achieve this goal.

Doctrinal Courses

In doctrinal courses students learn about the law of a particular subject and how it has evolved. While students read cases and are required to dissect and interpret those cases in class, students are rarely told how they will use that law in their legal practice to argue a motion, draft a pleading, or how to use their knowledge of that law to seek information in discovery that may lead to successful completion of their client’s case. Instead, those skills are left to the legal writing courses. Without the connection between the course material and how it should be used in legal practice, many students gain only a cursory understanding of the material. Using performance tests in doctrinal courses will not only help students understand the material, but it will also enable professors to identify strengths and weaknesses within the class on the material so that they may adjust their lectures accordingly.

A doctrinal professor can use a performance test at the end of a unit in the course or a clear transition point to reinforce the concepts that have been covered up to that point. A performance test can be created easily by using a fact pattern from an exam previously administered by the professor or from a hypothetical within the casebook and a couple cases from the casebook. The fact pattern can be shortened or lengthened to indicate as many or as few issues as the professor wishes. The cases should be directed at the specific issues that are indicated in the fact pattern. It is also helpful to use cases that were covered in a prior class session. The fact pattern can tell the students to create an argumentative or objective memorandum which discusses the fact pattern as it re-
lates to the cases. Students can be randomly assigned to present different sides of the issue, as well. The performance test can be administered in class or done prior to a specific class session. The professor can go over a model answer in class or have students self-assess their work. This assessment will show students how well they understood the material and demonstrate how they can improve their application of the course material to a fact pattern. Students will then be able to adjust their study plan for exams and improve their understanding of the material. The student responses will show the professor how well the students understood the material and how to apply it. This information can help the professor tailor lectures to the needs of the class.

Professors can also use performance tests to assist students who performed poorly on mid-term exams. The professor can have the students complete a performance test on a major issue tested on the mid-term. With careful selection of cases and a fact pattern directed at the issue, the student will be forced to consider that issue again and, hopefully, realize how the law should be applied.

Legal Writing Courses

In legal writing courses students learn format, how to persuade their reader, how to point out strengths and weaknesses of issues for supervising attorneys, and how to relate information to their clients. While the subject matter of these documents is based on a certain area of law, students generally do not receive substantive lectures on the issues assigned. More often, students receive an issue, and they must do independent research on that issue. Taking performance tests are a valuable way for students to learn how to write legal documents well without having to wade through endless research on a legal matter with which they may not be familiar.

Performance tests are especially helpful tools for first-year students. First-year students do not know what to do with cases. They have trouble understanding cases and often revert to commercial case briefs as their main source of information. To study for exams in doctrinal courses, students extract the law from cases to be memorized and regurgitated. Cases are left like empty candy wrappers on the side of the road. Students do not make the connection between the use of case law and assisting a client in practice. Professors know that cases are the lifeline of practicing attorneys, and students need to know how to use them appropriately to draft legal documents successfully that will impact their client’s position.

In order to draft legal documents well, students must be adept at case analysis. Performance tests are a great way to teach case analysis. Students are provided with a fact scenario from a client. They must identify the appropriate rules from the cases that are relevant to the issue, discuss the relevant case facts, and determine how the court came to its decision. Students then compare the client’s facts to the case facts to determine how the court may decide their client’s case.
Performance Tests Make Better Students (cont’d)

Performance tests are also helpful for teaching students the format and nuances of legal writing without the added stress of finding the “right” cases through research. Writing answers to performance tests forces students to focus on the organization of their argument and effective comparison of the client’s facts to the cases presented. Students are stripped of the ability to shout “my case trumps yours” and are left to maneuver the cases provided to advance their client’s position.

Time Management

Students who struggle to finish their exams on time or have trouble managing their time well on exams can benefit from practice with a performance test. Performance tests allow students to practice managing their time while taking an exam. Many students who have trouble managing their time during an exam are dealing with various levels of anxiety. They are fearful that they will not remember the law or not apply it correctly. A performance test can provide students with the ability to practice applying law to a fact pattern in a timed environment without the anxiety of recalling law from memory. The performance test can be created around any area of law, contain as many or as few cases as desired, and be administered under any time constraints. While most law school exams will require students to apply memorized law to a fact pattern, the performance test can allow a student to work through a problem quickly on material at their fingertips with which they are familiar. This will allow students to focus on adjusting their progress through the exam based on time allotments and organizing their answers instead of worrying about recalling rules of law. Once students have practiced managing their time on performance tests, they can translate that skill into managing their time on a regular exam which requires them to both manage their time and discuss memorized law.

Prepare for the Bar Exam

Many states use performance tests on their bar exams for the practical aspects they provide. The bar examiners can see how the applicants perform on a task undertaken by licensed attorneys on a regular basis. The performance test is generally the only part of a bar exam that does not test substantive knowledge but rather essential legal skills. Many times the performance test is the most real-life or practice connected part of a bar exam. Judges don’t provide multiple choice options in response to oral arguments on motions and clients do not present attorneys with a problem in four or five neat paragraphs that require a full examination of their legal rights based on memorized law within thirty minutes to an hour. Completing performance tests helps applicants prepare for that portion of the bar exam in addition to reinforcing their time management and analytical writing skills. Using performance tests to study for the bar exam also helps students practice writing concisely because many states impose character limits on their exam answers and allow short cuts regarding citations and case names. The greatest benefit to using performance tests to prepare for the bar exam is that applicants are provided with confidence about this aspect of the bar exam.

Performance tests are a beneficial tool for both professors and students. Improved student understanding, and exam performance, and more thoughtfully-crafted legal documents are just a short packet of material away.
Call for Submissions

THE LEARNING CURVE is published twice yearly, once in the summer and once in the winter. We currently are considering articles for the Winter 2014 issue, and we want to hear from you! We encourage both new and seasoned ASP professionals to submit their work.

We are particularly interested in submissions surrounding the issue’s themes of incorporating experiential learning and meeting the needs of law students in the “new normal.” Are you doing something innovative in your classroom that helps motivate a new generation of law students? Do you have a fresh take on technology or what it means to be “ASPish” in these changing times? Do you have proven exercises and assessment tools from which your colleagues might benefit?

Please ensure that your articles are applicable to our wide readership. Principles that apply broadly — i.e., to all teaching or support program environments — are especially welcome. While we always want to be supportive of your work, we discourage articles that focus solely on advertising for an individual school’s program.

Please send your submission to LearningCurveASP@gmail.com no later than October 1, 2014. (Please do not send inquiries to the Gmail account, as it is not regularly monitored.) Attach your submission to your message as a Word file. Please do not send a hard-copy manuscript or paste a manuscript into the body of an email message.

Articles should be 500 to 2,000 words in length, with light references, if appropriate. Please include any references in a references list at the end of your manuscript, not in footnotes. (See articles in this issue for examples.)

We look forward to reading your work and learning from you!

- THE LEARNING CURVE Editors
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