

AALS SECTION ON ACADEMIC SUPPORT

The Learning Curve

Fall 2004

The Learning Curve is an informal newsletter reporting on issues and ideas for the AALS Section on Academic Support and the general law school academic support community.

Please contact me with ideas, announcements, and article submissions. I anticipate publishing another issue in the spring of 2005 and welcome your ideas and submissions at any time. You may contact me at nattgan@regent.edu and at 757.226.4852 at Regent University School of Law in Virginia Beach, Virginia.

*Natt Gantt, Editor
Regent University School of Law*

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SECTION NEWS

News from the Section Chair: Update on Section Program at 2005 Meeting

San Francisco, Here We Come!

I hope everyone plans to register for this year's AALS Annual Meeting in San Francisco from January 5-8, 2005. The theme of the meeting is "Engaged Scholarship" and the Section on Academic Support is sponsoring two programs and a continental breakfast.

Please plan to arrive for the first day so that you will be able to attend our extended program (co-sponsored with the Section on Student Services) entitled "It Takes a Village: A Multi-faceted Approach to Bar Passage." This session will take place on Wednesday, January 5th from 2-5 p.m. We will bring together Deans, Faculty, and Academic Support and Student Services professionals to explore the different approaches law schools across the country are developing to address issues surrounding bar examinations.

This year our business meeting will take place at a continental breakfast on Thursday morning, January 6th at 7:00 a.m. The cost will be \$32, and you can buy your ticket for the breakfast when you register for the annual meeting. (There will be tickets available on site on Wednesday but not at the door.) Aside from our regular business meeting, we will also have time to talk and share ideas from our programs. If you have materials for a class or workshop, or a problem or exercise that has worked well for you, please bring 25 copies of it to share. While we plan to conclude the business meeting by 8:30 a.m. so that those who wish to go to the AALS Workshop on Evaluating Students and Evaluating Outputs may do so, those who wish to spend some time talking will be able to remain and chat.

At the business meeting, we will also elect a new slate of officers and board members. See the article below for more information on the election and on how you can nominate someone.

Our second program, "Teachers and Students--Know Thyselves: Developing Reflective Learning Skills for a Lifetime of Academic and Professional Success," is scheduled for Friday, January 7th from 4:00-5:45 p.m. (right after the plenary session). This program features our own Marty Peters (Iowa), Nancy Soonpaa (Texas Tech), and Rachel Rouse (DePaul). They will present an interactive workshop on learning styles, focusing not just on our students' learning styles but also on our own, and giving us food for thought in how the teacher's learning style helps or hinders the learning of students in the classroom. This will be a terrific workshop, and we hope that you will attend.

See you in San Francisco!

Teresa Wallace
Chair, AALS Section on Academic Support
Associate Professor and Director of Academic Services
Widener University School of Law (Delaware Campus)

Call for Nominations

At the section business meeting at the 2005 AALS Annual Meeting, the section will elect a new Chairperson-Elect, Secretary, Treasurer, and two new Board Members. The Nominating Committee, which consists of Ken Rosenblum of Touro (Chair), Paul Bateman of Southwestern, and Barbara Glesner Fines of UMKC, is now accepting nominations for these positions. The four elected Board Members serve staggered two year terms, with two members being elected in odd-numbered years, and two being elected in even-numbered years. The four Board Members, together with the Chairperson, the Chairperson-Elect, the Immediate Past Chair, the Secretary, and the Treasurer, constitute the Executive Committee of the section. The Executive Committee is the key policy-making body of the section and acts on behalf of the section in the interval between annual meetings.

Who May Be Nominated:

Faculty members and professional staff of AALS-member law schools.

Who May Submit A Nomination:

To nominate someone, you need not work at an AALS-member school. You may nominate yourself or any other eligible candidate.

Contents of Nomination:

Nominations must be in writing and include:

- 1) the candidate's name;
- 2) the candidate's title, institutional affiliation, and business address;
- 3) the candidate's home/business telephone numbers and e-mail address; and
- 4) the candidate's professional role at his/her institution and connection with law school academic support.

If you nominate someone other than yourself, please indicate whether you have obtained the nominee's permission.

Positions to be Filled:

At the 2005 business meeting, Chairperson-Elect Carolyn Nygren will succeed to the office of Chairperson, and current Chairperson Teresa Wallace will succeed to the position of Immediate Past Chairperson, replacing Paul Bateman. Board Members C and D (Kris Franklin and Nancy J. Soonpaa) continue in office until the 2006 meeting.

The positions to be filled at the 2005 meeting are the Chair-Elect (who will succeed to the position of Chair at the 2006 annual meeting), the Secretary (currently Ellen Suni), the Treasurer (currently Marty Peters), and Board Members A

and B (currently Joanne Koren and Kelly Levi). The Chair, Chairperson-Elect, Secretary, and Treasurer will serve one-year terms. Board Members A and B will serve two-year terms, which will expire at the 2007 annual meeting.

Deadline:

Nominations must be received by Monday, December 20, 2004.

Where to Send Nominations:

Send nominations to Associate Dean Ken Rosenblum, Chair of the Nominating Committee, Office of Student Services, Touro Law Center, 300 Nassau Road, Huntington, Long Island, NY 11743, fax: (631) 421-2675, e-mail: kenr@tourolaw.edu.

After the nominations close, the Nominating Committee will ask each nominee to express his/her interest in serving as a section officer, will review the nominations, and will recommend a slate of candidates at the business meeting in January.

Current AALS Section Board:

Chairperson:	Teresa Wallace (Widener)
Chairperson-Elect:	Carolyn Nygren (Stetson)
Secretary:	Ellen Suni (UMKC)
Treasurer:	Marty Peters (Iowa)

Board A (expires 2005):	Joanne Koren (Miami)
Board B (expires 2005):	Kelly Levi (formerly Pace)
Board C (expires 2006):	Kris Franklin (NYLS)
Board D (expires 2006):	Nancy Soonpaa (Texas Tech)

ANNOUNCEMENTS

Update on NY-Region Academic Support Workshops

Kris Franklin
Associate Professor of Law
Director, Academic Skills Program
New York Law School

Last spring's NY-Area Academic Support Workshop covered a wide range of topics. Ostensibly we discussed: working

with, and possibly even recognizing, students with ADD; the problems with over/under confidence in first-year students; working effectively with doctrinal faculty in the law school; and the unique challenges in designing a successful ASP for evening students. Although each of these topics was well-covered by the workshop participants who led the specific discussions, the participants found that talking about any of these issues inevitably spun off into other questions and concerns in our work. For me, at least, the presentations were enormously helpful. And being able to talk with one another in a relaxed small group setting may have been as valuable.

We look forward to meeting again at New York Law School on Friday, December 17, from 10:00 a.m. to about 2:00 p.m. The final agenda is still in formation, but so far we have presenters interested in leading discussions on programs for second-year students, close case reading, teaching legal reasoning in a large-class setting, and early statistical analysis of NYLS's mandatory ASP classes for second-semester students. Those interested in attending should choose a topic upon which to share some insight, pose some questions, or gather some collective wisdom. For more details about exact location, transportation, parking, etc., please contact me at kfranklin@nyls.edu or (212) 431-2353.

Next LSAC National Workshop to be held June 2005

Please mark your calendars for the next LSAC National Academic Assistance Training Workshop to be held June 8-11, 2005 in Las Vegas, Nevada. The workshop will be hosted by UNLV Boyd School of Law.

Additional information will soon be sent to the ASP listserve. Members of the Workshop Planning Committee are Ellen Suni (Co-chair) (UMKC), Charlotte Taylor (Co-Chair) (DePaul), Janice Austin (Penn State), Natt Gantt (Regent), Kent Lollis (LSAC), Tim Naccarato (Pacific/McGeorge), David Nadvorney (CUNY), Carolyn Nygren (Stetson), Vickie Rainwater (Texas Wesleyan), and Rey Valencia (St. Mary's).

How to Get on the ASP Listserve

If you are interested in getting on the academic support listserve, send an e-mail to listproc@chicagokent.kentlaw.edu. In the text of the message, type only the following: subscribe ASP-L (first name, last name, position, school).

ARTICLES

Enhance Your Enhancement Program: Using Academic Tutors

Jennifer Brendel

Clinical Professor and Director of Academic Support Programs
Loyola University Chicago School of Law

Most of us state the goals for our academic support programs in ambitious terms—no less than maximizing each student’s potential and helping our students develop the skills necessary to succeed in law school. Considering the number of students we are reaching, the diverse needs and learning styles among our students, and the different courses and professors represented, it would seem we would need a full team devoted to our ASP initiatives. Instead, most of us work alone or maybe are fortunate enough to work with another colleague or two, and most of us are wearing more than one hat in addition to our academic support work. At Loyola University Chicago, we have found that an Academic Tutoring program, staffed by upper-level students, has allowed us to create the “team” we needed greatly to extend and enhance what we offer our students. The Academic Tutoring program began at Loyola in 1993 and has evolved and grown significantly over the past 11 years. The following is an overview of the “who, what, where, when...and why” of our tutoring program.

WHO are our Academic Tutors?

Our Academic Tutoring program is targeted at the entire first-year class. The Academic Tutors are upper-level (second- and third-year) students with strong academic records and particularly high grades in the class for which they are selected to tutor. At Loyola, we have a day division, comprised of three sections, and an evening division; we assign 1-2 tutors to virtually every section of every doctrinal course in the first year. On average, our staff is comprised of approximately 20 student tutors each semester.

The selection process is competitive, and although faculty input is essential, it is not the only selection criterion. We require applicants to submit an application form, resume, transcript, and personal statement regarding their interest in the program. Each applicant must also sign up for a personal interview with the program director. While the transcript alone gives us the quantitative data (GPA, grade in the course), we know the best student in the class does not invariably make the best possible tutor. The interview and personal statement allow us to look for the intangibles such as a commitment to assisting the first-year students, an interest in (if not experience with) teaching, the applicants’ own input about the program and what they would like to offer, and an ability to effectively break down and explain complex concepts.

WHAT do our Academic Tutors do?

A lot. We have learned that setting certain minimum requirements for all tutors is essential to maintaining program uniformity.

The following is a broad overview of our minimum expectations for the tutors (note that anything that is distributed or presented to the students must be approved in advance by the professor and by the program director):

- Attend class weekly.
- Hold weekly office hours and meet with students by appointment to answer questions.
- Create a minimum of three hypotheticals for student practice each semester.
- Hold monthly review sessions on particular topics from the course, including those covered by the practice hypotheticals. These reviews involve interactive discussion exercises (e.g., “fill-in-the-blank” outlines, IRAC worksheets involving short hypotheticals).
- In group presentations with other tutors from that section, offer combined workshops on pre-outlining, outlining, and exam preparation/exam writing.
- Review and provide feedback on student outlines/flowcharts and other exam preparation tools.
- In the spring semester, assist us in teaching a course specifically designed for at-risk students, which also includes a faculty/tutor mentoring program.

Individual professors often have their own preferences in working with their tutors and have sometimes offered tutors additional opportunities. The following are only a few of the additional responsibilities our tutors have held:

- Hold weekly (or bi-weekly) review sessions and offer weekly mini-hypotheticals.
- Assist in the creation/evaluation of practice midterms.
- Teach a class session.
- Provide individualized instruction to students identified as needing additional assistance.
- Assist with in-class projects.

WHERE are the tutors visible within the law school?

For tutors to be valued and utilized, they have to be very visible to the students. Some members of our tutor staff always assist in first-year orientation so that the students have some context for our tutoring program—and know a few familiar faces—before the semester officially begins. Our tutors are present in class, so the students see them on a regular basis, taking notes and often participating in the class (depending upon the professor’s preference). The tutors also offer monthly individual review sessions and monthly group sessions with

the other tutors from that section. Attendance at all tutor sessions tends to be very high. The tutors regularly communicate with the class and individual students by e-mail. Also, on their own initiative, tutors often make an effort to attend student functions for first-years so that they are part of the first-year student experience. This participation sounds like a small thing, but it is remarkable how often students comment to us (either directly or on their evaluations for the program) that they appreciate the tutors stopping to talk to them outside of class.

Also, the students pick up on how visible the tutor is to the professor. Access is power. When the students come to a tutor with questions and those questions are then addressed in class by the professor, the students can see the program coordination and have more confidence in their tutor. We encourage faculty to set regular one hour weekly meetings with their tutors.

The tutors also have to remain visible and accountable to the program director or directors. We have frequent contact with tutors as part of our tutor training, which consists of training meetings for the full tutor staff, monthly meetings with each section's tutor group, and meetings with individual tutors as needed. Although this contact is fairly regular, we have learned that it is important to maintain a weekly dialogue with the tutors. Over the past few years, we have required tutors to complete and submit to us a weekly tutor report form. This requirement has been invaluable in monitoring the program and in reminding tutors to make use of our support. Questions, concerns, and comments that might otherwise have been overlooked by the tutors now make their way to us much more often because the tutors know they will be "talking" to us weekly in their reports and our e-mailed response to each report.

WHEN does the tutoring program take place?

For the director, the tutoring program is a year-long job. We begin our training for the tutors in August, and the tutors begin working with students as early as orientation and no later than the first week of classes. The tutoring program is available to all first-year students in both the fall and spring semesters. In addition, as noted above, we offer a spring-semester course designed for at-risk students.

In the spring semester, we begin the application and interview process for our next group of academic tutors. This process is extremely time-consuming, but it is essential to selecting the best possible candidates. The timing is always challenging because students are applying for tutoring positions before they have received their spring grades. However, we cannot wait until the summer because we would "lose" the many students who study abroad or work in

other areas over the summer.

Once grades are available, we have the early summer to finalize our selections and our pairings. The logistics involved in coordinating tutor schedules with the first-year schedule take some time, so it is typically around July that we are able to send out our tutor letters and first training packet. That timing brings us back to August, and the cycle begins again.

WHY an Academic Tutoring Program?

Why would students want to be an Academic Tutor?

On a spectrum from the more self-interested to more selfless motives (but all valid), here are some reasons students choose to be a tutor:

- Our tutors receive two hours of ungraded course credit;
- Tutoring is a resume enhancer and way to stand out from other job applicants (our tutors are almost unfailingly asked about their tutoring experience during their job interviews);
- Tutoring a first-year class is a good way to reinforce material that will appear on the bar exam;
- Tutors have the chance to work with and be mentored by a doctrinal professor;
- Tutoring allows students to learn about various teaching methods and learning theory and to practice or enhance teaching skills, which is of interest to many students who consider teaching law as a potential career goal; and
- Tutoring is a form of service, giving back to the law school and making a difference in the experience of first-year students.

Why would anyone want to administer an Academic Tutoring Program?

Selecting, training, and supervising the tutors is labor-intensive—in many ways more so than directly presenting to the students. In addition to preparing written training materials and conducting training meetings throughout the year, we review all tutor-prepared material before that material is distributed or presented to the students, and we attend all major tutor presentations. We de-brief the tutors after each presentation and provide additional guidance and instruction as needed. We review and respond to weekly reports from each tutor.

Although unquestionably time-consuming, we look at this program as an investment that allows our resources to go further in the long run. We have been able to do more for and offer more to our students, and the student response has been extremely positive. The tutors also have unique credibility with the students, both because of their academic performance and because the tutors' own first-year experience was so recent. Last, but not least, while it certainly adds to our responsibilities, working with and being a part of the professional development of our tutors can be a rewarding experience in and of itself.

An Academic Tutoring Program won't necessarily save you any work; most likely it will create more. However, a "team" of Academic Tutors can also help greatly extend and enhance what an academic support program can offer.

Addressing Law Student Stress and Depression

Herbert N. Ramy
Director, Academic Support Program
Suffolk University Law School

Law student stress and depression are problems that have become national in scope. While students enter law school suffering from clinical stress and depression at a rate that mirrors the national average, this number skyrockets during the first year of law school. Studies have shown that law students suffer from clinical stress and depression at a rate that is three to four times higher than the national average. Should you think that the problem is confined to first-year law students, these same studies indicate that student stress rises steadily through the third year of law school and then improves only moderately after graduation. At this point, law students show signs of stress at a rate that is twice the national average. Unfortunately, this sad story continues after law school. Attorneys are more likely to suffer from clinical depression, marital difficulties, and substance abuse than are any other professionals.

At Suffolk University Law School, we have tried a number of different things to reach out to and educate our students on this topic. For example, we have brought in counselors to speak to students during orientation. While this was an effective way to introduce the class to the university counseling center, the students did not tend to take the warning seriously. It was simply too early in the year, and they had yet to experience the rigors of law school life.

At other times, we have offered stress reduction seminars during the course of the semester. Through evaluations, we learned that attendees did learn quite a bit from these sessions. Most importantly, they learned about the necessity of maintaining a healthy balance in life between law school and everything else. Attendance at these sessions was, however, quite small. Attendance never rose beyond 20 students, which is disappointing when one considers that our first-year class is over 550 students strong.

Just recently, we decided to try a somewhat different tack. In the past, we concentrated our efforts on reaching out to students. This year, we¹ offered a faculty colloquium in which we laid out the problem of student stress and depression.

Our hope was to educate the faculty on the topic and to use their influence to help us reach out to students. Our fear was that professors would be unreceptive to the topic. We were concerned that many would adopt the attitude that stress in law school is normal and that any attempt to deal with the issue would be tantamount to coddling our students. As for the presentation itself, we divided the material into four sections. We started our presentation with the same statistics I mentioned at the outset of this article. Then, we attempted to relate these numbers to specific examples of students in distress at Suffolk Law School. Next, we reviewed some of the common warning signs of stress and depression. The final aspect of the presentation, our recommendations, generated the most interest and largest number of questions from attendees.

For the most part, recommendations revolved around the idea of improved and increased communication between faculty and students. For example, educators understand that students place an inordinate amount of emphasis on comments made by their professors. Students long to hear positive comments from their professors but are loathe to hear the negative. We recommended that professors temper their negative comments, not with false praise, but with additional information. For example, an invitation to visit a professor during office hours can indicate that someone in the law school truly cares about that student's performance. Similarly, a professor who notices that a student has been absent for several days, or is falling asleep in class, or suddenly seems lost and raises the issue with the student is demonstrating concern for that student's well being. In a large lecture hall setting, students value any hint of personalized attention.

We next discussed how faculty might increase their communication in the form of individualized feedback. One of the most common complaints voiced by law students is the lack of feedback they receive from their professors. The problem is particularly acute in first-year classes where professors assign grades based solely on a final examination, or possibly a final and a mid-term. At Suffolk our current grading procedures preclude professors from providing students with graded feedback other than in the form of a mid-term and final examination. We noted that no professor should be compelled to provide graded feedback throughout the semester, but that precluding a professor from doing so seemed inconsistent with academic freedom.

Our final recommendation to the faculty involved student study habits. Most professors agreed that students should spend approximately three hours studying outside of class for every

¹ Elizabeth Stillman, an Instructor in Suffolk's ASP office, was integral to the success of the colloquium. She was one of the speakers and performed much of the research that made the presentation possible.

hour in class. At Suffolk, where first-year, full-time students are enrolled in 15 credit hours of classes, this adds up to approximately 60 hours per week devoted to law school. During weeks when important writing assignments are due, this number may climb to 70 hours per week. Some of the literature we reviewed in preparing the presentation asked why law school should consume so much of a student's time. In presenting this issue to the faculty we took a slightly different tack, fearing that a discussion of fewer hours studying would devolve into a discussion of changes to the curriculum. Instead, we focused our attention on the idea of maintaining balance.

In the surveys they had completed for us, professors noted that they had dealt with stress by engaging in activities unrelated to law school. Common examples included: physical exercise, spending time with family and friends, reading for pleasure, and going to movies. We suggested to the faculty that they dealt with stress by maintaining balance in their lives and that we had the responsibility to recommend the same to our students. Too often, we only emphasize the need for additional studies. We do so both explicitly and implicitly when we relate stories about ourselves, our successful careers, and how much time we spent studying. While additional studying can be important, we should mention another important ingredient to our success—time spent away from law school.

The faculty's response to the colloquium was a pleasant surprise. The session was well enough attended that additional tables and chairs had to be brought into the room. The faculty listened attentively throughout the presentation, and no one suggested that the issue was unworthy of further discussion. When we presented the data we had gathered from the literature, most faculty members were shocked at the prevalence of the problem and even accepted some responsibility for helping to deal with it. In fact, several faculty members suggested that our Dean create a committee whose sole responsibility would be to research the topic further and make recommendations to the faculty on how to proceed. Others asked if we would make a similar presentation to their classes later in the semester. In the days since the presentation, we have received many e-mails from faculty thanking us for bringing the topic to their attention. Our modest approach of simply informing the faculty that this issue exists seems to have had the desired effect. The issues of students stress and depression are now on the faculty's radar screen.

We consulted the following sources in writing this short article and in creating our presentation.

1. Kennon M. Sheldon & Lawrence Krieger, *Does Legal Education have Undermining Effects on Law Students?*

Evaluating Changes in Motivation, Values, and Well-Being, 22 BEHAV. SCI. & L. 261 (2004).

2. Stephen B. Shanfield & G. Andrew H. Benjamin, *Psychiatric Distress in Law Students*, 35 J. LEGAL. EDUC. 65 n. 1 (1985).

3. Connie J.A. Beck et al., *Lawyer Distress: Alcohol Related Problems and Other Psychological Concerns Among a Sample of Practicing Lawyers*, 10 J. L. & HEALTH 1, 49 (1995).

4. G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 226, 226 (1986).

5. Patrick J. Schiltz, *On Being a Happy, Healthy and Ethical Member of an Unhappy, Unhealthy and Unethical Profession*, 52 VAND. L. REV. 871 (1999).

6. Barbara Glesner Fines, *Law School and Stress*, available at: <http://law.umkc.edu/faculty/profile/glesnerfines/bgf-strs.html>.

7. Jane Easter Bahls, *Humanizing Law School*, available at: <http://abanet.org/lstd/stulawyer/nov02/bahls.html>.

8. James Archer, Jr. & Martha Peters, *Law Student Stress*, 23 NASPA J. 48 (1986).

9. Matthew M. Dammeyer & Narina Nunez, *Anxiety and Depression Among Law Students: Current Knowledge and Future Directions*, 23 LAW & HUM. BEHAV. 55 (1999).

10. Humanizing Law School website: http://www.law.fsu.edu/academic_programs/humanizing_lawschool.php.

Richmond Presents Empirical Evidence that its Bar Support Program Improves Bar Performance

Linda Jellum

Assistant Professor

Mercer University—Walter F. George School of Law

Emmeline Paulette Reeves

Associate Professor for Academic Success

University of Richmond School of Law

The following is an abstract of an article by Profs. Jellum and Reeves entitled "Cool Data on a Hot Issue: Empirical Evidence that a Law School Bar Support Program Enhances Bar Performance." The article will be published in the May 2005 issue of the Nevada Law Journal.

The bar examination is a hot and controversial topic for academics, lawyers, bar examiners, and students. Criticism of the exam abounds. Does the bar exam correctly decide who should be admitted to practice law? Does the bar exam unfairly exclude minorities from the profession? Regardless of the accuracy of these criticisms, the bar exam is a reality that law schools and their graduates must face.

Many law schools now offer programs specifically designed to

improve their graduates' performance on the bar exam. No school, however, has engaged in statistically verifiable analyses of whether the programs materially affect the bar passage rate. Our article fills this gap. It presents statistical analyses supporting the conclusion that a bar support program can significantly improve bar passage rates.

After first identifying the controversy surrounding the exam, the article describes in some detail the components and costs of the bar support program at the University of Richmond. Richmond's program includes both a class and individual tutoring. Each component aims to teach students substantive law and test-taking skills, albeit in different ways and at different points in the students' bar preparation process.

We then present statistical analyses that support the conclusion that the bar support program improved Richmond's bar passage rates. First, we compared the passage rates of the students who had no opportunity to take the bar support program (i.e., Richmond's bar passage rate for the four years immediately preceding the implementation of the bar support program) with the passage rate of those who did (i.e., Richmond's bar passage rate for the four years following implementation of the bar support program). Before the program was implemented, the average overall first-time passage rate for graduates taking the Virginia Bar examination was 73.3%; after the program was implemented, the passage rate increased to 79.5% (a 8.5% increase). This increase is significant (p is less than 0.05). Importantly, there was no significant impact on the passage rate for the top half of the class: 93.9% compared with 94.1%. These graduates generally will pass the bar examination without additional assistance. Rather, the increase was felt by the bottom half of the class ("at risk"). Prior to the program, the passage rate for at-risk students was 51.3%; after the program was implemented, the passage rate jumped to 64.0% (a 23.6% increase). This increase is also highly significant (p is less than .003).

We also compared the passage rates of those at-risk students who participated in the bar support program with those at-risk students who had the opportunity but chose not to participate. We found a significant difference: the passage rate for at-risk students who participated in the bar support program was 28.5% higher (71.6% versus 55.7%) than the passage rate for non-participants. This increase is significant at the 0.01 probability level, meaning that there is less than one chance in one hundred that the improved passage rate was due to chance.

Looking more specifically at the data from the third quartile and fourth quartile separately, we find a 17.8% (78.0% versus 91.9%) improvement in the bar passage rate of the third-quartile students who participated in the bar support program. More dramatically, there was a 73.6% (27.7% versus 48.1%) improvement in the bar passage rate of the fourth-quartile stu-

dents who participated in the bar support program. The results for the fourth quartile are not statistically significant alone, likely due to the small sample size, while the results for the third quartile are significant at the 0.05 probability level. The results are telling. They suggest that the bar support program's positive impact is felt throughout the bottom half of the class.

Finally, the article explores and rejects the possibility that the increased scores could have been caused by increased selectivity in admissions criteria, improved student ability, easier bar examinations, or self-selection into the program. Although we cannot prove with statistical analysis that the bar support program caused the change, we can assert, based on our work, that it is highly unlikely the results we observed could have been caused by chance alone and that the results support our hypothesis that the bar support program improved the bar passage rate. Given its modest cost, a bar support program offers an important solution to the perplexing problem of how to prepare at-risk students for the rigors of the bar examination.

Comparison
Graduates Prior to (Pre-ASP) and Post (Post-ASP) the
Program's Implementation

	Pre-ASP	Post-ASP	% Improvement
Class Overall	73.3%	79.5%	8.5%
Top-Half of the Class	93.9%	94.1%	0.2%
Bottom-Half of Class	51.3%	64.0%	23.6%

Comparison
At-Risk (Bottom Half) Graduates Who Participated
and Those Who Did Not

	Participant	Non-Participant	% Improvement
At-Risk Overall	71.6%	55.7%	28.5%
3rd Quartile	91.9%	78.0%	17.8%
4th Quartile	48.1%	27.7%	73.6%

Drake ASP Adopts Iowa Lawyer's Oath Project

Celeste F. Bremer
Academic Support Program Adjunct Professor
Drake Law School

Drake Law School has the philosophy that law students should "open the doors" to discover different aspects of the legal profession. The law school provides many opportunities for first-year law students to interact with the practicing bar and all levels of state and federal judges. The school sponsors for 1Ls a Partners Mentoring Program that pairs students with lawyers

for exposure to various types of legal practices and sponsors presentations about public service from the Volunteer Lawyers Project and Legal Services. The law school also offers a unique program in which state and federal courts host an actual jury trial in the clinic courtroom. All first-year students attend the trial, which is followed by commentary/discussion groups led by about a dozen practicing attorneys, lunch with the judge, and an opportunity to talk to the jurors after the case has been decided.

Within this context, I assumed the duties of ASP Adjunct Professor this fall. My other job is serving as a U.S. Magistrate Judge. Providing the ASP students with the opportunity to think and act like lawyers is an important part of my belief in experiential learning. Although I am experienced in teaching lawyers and judges, and have been active in education programs for state, local, and national bar associations, I wondered what I could reasonably expect first-semester, first-year law students to accomplish, in addition to the regular school work they need to complete as they transition to law school learning styles.

As one of the founders of the Volunteer Lawyers Project, I regularly give CLE programs that encourage lawyers to take pro bono publico cases. I believe that public service is fundamental to why we practice law. Two years ago, in an effort to streamline the text, Iowa changed both the statute listing lawyers' duties and the Oath of Admission. In addition to deleting some of the awkward or incorrect phrases, the drafter of the oath eliminated any mention of pro bono service, defending the "defenseless or oppressed," zealous representation, or civility. The new oath is so generic and bland I believe it should be changed to reflect the majesty of the law and the passion that lawyers bring to the system. I also believe that the oath should provide a more inspirational and motivational reminder to lawyers—and the public—of the value of the legal profession to society.

At the beginning of the semester, I therefore challenged the ASP students to review the Attorney's Oaths of Admission for all 50 states and encouraged them to review other related sources, such as the oaths from other countries and professions. Out of the 100 students who meet weekly to review study skills, stress management, and exam preparation techniques, a group of about 20 students has formed the Oath Group. We take about 5-10 minutes at the end of each class session to check their progress, in addition to keeping in contact by TWEN.

It has been exciting for me and the other students to see them discovering research on their own, sharing it with the group, and taking responsibility to draft a proposed oath and an executive report summarizing the research. I have written to the Chief Justice of the Iowa Supreme Court and

the President of the Iowa State Bar Association to advise them of our progress and to ask for the chance to present our findings to the appropriate committees. They have been impressed with the students' efforts, and several Justices plan to meet with the students to review their proposal and hear the basis for their ideas and their arguments for change. We are now drafting a new statute, which we expect the Board of Governors of the Iowa State Bar Association to include in their legislative package next year. One of the ASP students is a former lobbyist and will help us with the Board presentation. We have made remarkable progress considering that these students have only eight weeks of law school under their belts!

Because the Oath for Admission was only recently changed as a result of Supreme Court action, I am not certain that the state will take this opportunity to adopt a longer oath. The outcome, however, does not matter to me as much as the process the students have undertaken. The students have gained increased confidence in their legal research, industriously tackled this project, planned the presentations, and most important, had fun with it. I will make certificates and ask the State Bar President to present them to the Oath Group. We will write an article for the Iowa Bar Association magazine about our work; and I hope the article prompts Iowa lawyers to think about their core beliefs, why we became lawyers, and what we want the public to think of our mission.

I think that ASP gives us the chance to use transformational learning that benefits not only the students, but also the Bar and the community. Next semester, we may work on projects for the juvenile court or on identifying and resolving problems associated with pro se representation in state courts. The possibilities are limitless. Drake's mission to "open the doors" to the profession works in ASP and benefits everyone involved.

Pacific/McGeorge Presents Students with "Formula for Success" in Law School

Tim Naccarato
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When I became the first full-time Director of Academic Support at Pacific/McGeorge in August 2002, it was immediately apparent that I needed a way to introduce myself to the new first-year students. I had missed orientation by two weeks. I wanted all students, but especially the first-year students, to know I existed and where I could be found. Voila—I created my Formula for Success in Law School to advertise my existence and location. On my handout version, item 10 contains my office location, phone number, and e-mail as well as the same information for

the Assistant Dean of Students and the writing specialist. Since 2002, I have volunteered to be on the Orientation Committee so I can play an active role in the week-long series of activities and classes that make up registration/orientation week in mid-August of each year. During a session that I conduct, entitled “The First Week of Class,” I hand out the Formula for Success and highlight items 1-3 and 10. The point of item 10 is not to be afraid to ask for help. The session itself allows me to introduce myself to the class and establish some early rapport.

I circulated the Formula among our faculty and made a few word changes as a result. In the spirit of sharing even small handouts among the ASP community, here is my top-ten list for new law students. Feel free to borrow or adapt if you think worthwhile.

1. *Believe in Yourself.* Do not allow law school to intimidate you. Even when feeling overwhelmed or fire-hosed, do not give in, and above all, don't panic. You were successful in college and you will be successful in law school.
2. *Respect the Fact That Law School is One Intense Educational Experience.* Whatever your experience was in college, law school requires substantial reading, writing, and test taking. In addition, law school also requires a significant amount of memorization and a major dose of reasoning, that is, applying facts to law and law to facts. Reasoning is a learned skill developed through practice and more practice. For most students, law school will be more challenging than college, require greater focus and work, and be subject to fewer short cuts. Understanding this and preparing for it are half the battle.
3. *Preparation is the Great Equalizer and Tranquilizer.* As you look around at your classmates, you may perceive that many have better credentials and seem smarter than you. This is a normal reaction to a new experience like law school. Most students feel this way. Whether true or not, each and every student has complete control over the great academic equalizer—preparation for class and exams. The same is true for virtually every task you as a lawyer will be asked to perform. Feeling stressed about being called on in class or because of an up-coming exam? Preparation is the best tranquilizer and no prescription is needed.
4. *Organize Your Life Before Law School Begins.* To the extent possible, remove unnecessary obstacles to your success. For example, find a good place to live close to campus or close to public transportation so you have the option to read if you have a long commute. If possible, arrange your finances so you do not work during your first year.
5. *Find Comfortable Furniture.* You will need a big desk, a very good light, and a comfortable chair. Either buy these items for your apartment or find a quiet place in the library with these items.
6. *Attend All Classes.* Law professors have spent years honing their lectures to cover the most important cases and issues. In my experience, 98% of exam issues come from classroom discussions. This is not hard math. Given that attendance is mandatory and many professors give points for class participation, the first priority should be to attend all classes. The Socratic method of classroom discussion is a form of active learning between teacher and student. Get in the discussion. Be a player.
7. *Organize Your Study Time.* Think this through. Figure out a schedule. Human beings are most comfortable when they have a routine. It should take only one or two weeks to develop a routine for law school once you receive your class schedule. Get real about how long you can concentrate at one study session. Plan for physical activity—the second best stress reliever after preparation.
8. *Find a Study Partner.* You can continue active learning by talking through concepts and examples with a classmate or a study group. A study partner or group can be a powerful tool if done properly or a major disaster if not. You must select a partner or group that works as hard as you do and uses time wisely. Set ground rules at the first meeting. Socializing is another wonderful way to relieve stress but only at designated breaks. You must do your own case briefings and outlines because significant learning takes place in the process of distilling facts and law. Do practice exams under exam conditions with your partner/group and critique each other. Decide whether to write or type exams and practice that way. A study partner can share class notes if you are ill and miss a class.
9. *Organize Your Study Materials.* By my count, you may have six sets of material to contend with: 1) your casebook, 2) your case briefs in preparation for class, 3) in-class notes, 4) a self-prepared class outline, 5) a required or elective hornbook, and 6) possibly a commercial outline. (Caution: some commercial outlines contain wrong information. Ask your professor for a recommendation.). One way to organize is to summarize your casebook information, case briefs, in-class notes, and hornbook into your written outline as you proceed chapter by chapter. Don't wait until the end of the semester to outline. Outline as you go so you have time to write practice exams before the real exams. The key is to get organized.
10. *Use All Academic Resources.* Make use of all resources early and often, including your professors, the Assistant Dean of Students, the Director of Academic Support, the writing specialist, and the skills hours classes.

Three Orthodoxies of Academic Support—And Why At Least One of Them Isn't True

Daniel J. Wilson

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I started working in the field of academic support in October 1993 when I was hired to be a Teaching Assistant at the University of Denver College of Law. What I thought would be a good way to pick up a few spare bucks turned into my career. Eleven years later I am the Assistant Director of our program, supervise seventeen peer Teaching Assistants in a program that has almost 200 participants as of the last week of October, and teach a class for repeat bar exam takers twice a year.

When I took the TA position, and in 1996 became the Assistant Director, I inherited what I call three orthodoxies of academic support. These three unquestioned principles were: 1) small group tutorials, ideally no larger than eight, were the preferred vehicle of serving our students; 2) academic support should teach skills not substance; and 3) we should fill our groups by invitation targeted to the population we wanted to serve. I now believe that all three assumptions are incorrect; I address the third in this article and will address the other two in future articles.

In our program, and I believe in most programs, potential participants are invited to join. These invitations are usually based on one or a combination of two factors: status as a racial minority and LSAT scores, supplemented by the LSAC Index and perhaps years out of school. DU was no exception. The percentage of invitees that responded and participated in the program was universally disappointing. You know the reasons: resentment at being labeled the “dumb group,” fear that participation would label them as such in the eyes of their peers, unwillingness to give up strategies that had gotten them here. We were lucky if half the invitees attended the first meeting. Many dropped out within a week or

two. The students who could most benefit from our assistance denied themselves access to it.

This year we did not send out any invitations. At orientation I announced the program, invited everyone, and gave the address of our web page. On the web page, we listed the time and place of every study group. Response was enormous. In the last third of the semester 187 first-year students attended one or more of seventeen different first-year class study groups. So how did we do in terms of attracting students that in past years we would have invited?

This year I would have invited students with a LSAT of 150 or less. In this year's incoming class that would be 104 people. As of the end of October, 57 were attending, a yield of 55%, better than we have ever done in terms of attending the first meeting, and much better than we have ever done in terms of retaining.

But wait; it gets better. We have a four-week summer program to prepare invited students for law school. We invite students on the same basis we used to invite for the fall program: LSAT and LSAC Index. If I take into account students who attended the summer program, only 32 of the 104 we would have invited in the fall program have not participated in either our summer or fall program. This participation translates into an astonishing yield of 69%.

The bottom line is that the best way to get participation from students who we think could benefit the most from academic assistance is to invite everyone.

I think there are two main reasons for this. First, there is no longer any stigma involved in being in the program—no invitations, no reason to feel that you are being singled out. Second, and this goes back to the first orthodoxy of small groups, students who feel less than confident in their abilities can participate in a larger group with less exposure. There is a higher comfort zone, they don't stick out. I strongly believe that this helps in retention, helps weaker students to avoid isolation, helps to foster alliances between students of all kinds of different backgrounds, and helps to institutionalize the concept of academic support.

Editor's Postscript:

The Multiple-Choice Dilemma: Building Students' Confidence in a Bubble-In World

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On November 29, 2004, Dennis Tonsing (Roger Williams) sent to the academic support listserve a helpful e-mail about final

exam study tips. In the e-mail, he addressed specifically how to advise students preparing for multiple-choice exam questions, and he provided links to websites with beneficial information on the subject. His e-mail prompted me again to evaluate the whole issue of multiple-choice test taking. Indeed, over the last several years, we have seen numerous e-mails on the listserve about the subject; and in fact, Marty Peters (Iowa) wrote an excellent article entitled “Helping Students Unravel

the Mysteries of Multiple Choice Exams” for the spring 2004 issue of *The Learning Curve*.

I do not remember seeing one multiple-choice exam question when I was in law school from 1991 to 1994. Now, it appears, law school multiple-choice exams are here to stay. With law schools’ facing increased pressure to improve their bar passage rates, more and more schools are including multiple-choice questions on their exams to help prepare students for the Multistate Bar Examination. Is including such questions a form of “teaching to the test”? Absolutely. And I do it like many of my colleagues across the country when I write an exam that consists of fifty percent multiple-choice questions for my Professional Responsibility course. (The other half is essay.) I do so because the Multistate Professional Responsibility Exam consists of multiple-choice questions.

We can debate whether this move to multiple-choice questions is a good thing for law students in the long run. Although I believe there are strong arguments for why it is not beneficial, we as an ASP community must face the reality before us and seek to do the best we can to prepare our students for these types of questions. Resources like the ones Marty and Dennis reference, such as Stephen Finz’s *The Finz Multistate Method*, are great helps to advising students about multiple-choice questions. Many focus on the mechanics of such questions and help students develop a method to approaching the questions and a technique for recognizing wrong answers, otherwise known as “distractors” and “foils.”¹

Although these tips are invaluable in working with students, I have come to think that an additional, more intangible problem impedes many students from doing well on multiple-choice exams. That problem is the simple issue of lack of confidence. As I think about my own issues in taking multiple-choice questions through the years, the problems I had arose often because I lacked confidence in my knowledge of the material. I may have actually known the material well but for, whatever reason, was not confident in my knowledge. When I lacked that confidence, I became easily “distracted” or “foiled” by answers that looked right but were not.

I have witnessed this issue in my students as well. We often hear students complain about poor performance on their exams by saying, “But I knew the material.” Many times, students do not know the material as well as they think, and that is why they get tripped up on multiple-choice questions that

test their knowledge of details. Other times, however, I believe that they know the material well but get distracted by possible answers that look right even though they do not comport with their understanding of the material. When students see these choices, they began to question themselves. “Maybe I don’t know the material as well as I thought,” they may wonder.

As Marty Peters recognizes in her article, this lack of confidence may result from poor multiple-choice exam performance in the past. Students may have increased anxiety over multiple-choice questions and therefore tend to second-guess themselves more in that context than in others. More fundamentally, however, students’ lack of confidence may be linked to their general personality. For instance, one student I have counseled who struggled with multiple-choice questions noted that she tended to overanalyze issues to the point of confusing herself. This “overanalysis” led her to second-guess her initial instincts. She observed that the overanalysis stemmed from a lack of confidence, more specifically, from an inability to feel confident in her initial choice and move on to the next question. She told me that the Finz techniques helped but that she saw even more marked improvement when she “let it go” and refused to mull over every question.²

This lack of confidence would explain why some students perform well on essay questions but not on multiple-choice questions. Essay questions do not test students’ confidence in their knowledge, at least not as directly as do multiple-choice questions. When students compose an essay answer, they discuss and analyze the issues as they see them. They may “second-guess” themselves by discussing minor or irrelevant issues when they are not sure whether they are important. In essay writing, however, this second-guessing may help them if it causes them to pick up an issue that, in fact, turns out to be important. Moreover, this process hurts them only to the extent it takes them away from focusing on the important issues. This harm is real, but it is not usually devastating because professors rarely take off points when students discuss irrelevant issues; most believe that students suffer enough by wasting time discussing such issues.

In contrast, answering law school multiple-choice questions is like taking an exam with a gremlin on your shoulder. Unlike with essay questions, students answering multiple-choice questions confront possible but incorrect answers staring them in the face. Having to select the “best” answer is like having a

¹See STEVEN R. FINZ, *THE FINZ MULTISTATE METHOD 2* (2003); Rogelio A. Lasso, *How To Answer Multiple Choice Questions*, available at http://www1.law.umkc.edu/Faculty/lasso/Lassoclass/process%20to%20law%20school%20success/WritingGoodMultiChoiceExam-Sept.'03.htm#_ftn1.

²This student’s report matches a former colleague’s perspective on multiple-choice questions. This colleague, who was known for her ability to excel on multiple-choice exams, emphasized how she refused to linger over multiple-choice questions and would select an answer as soon as one popped out to her as being definitely correct.

gremlin whisper in their ear, "What about this choice? This one looks *really* good. Are you sure it's not correct?" Students who lack confidence in their knowledge thus have to defend their choice before this gremlin masking itself in the form of a tempting but incorrect answer. Although students will likely not encounter these multiple-choice dilemmas after law school, this lack of confidence continues to be a real issue. The gremlin reappears in law practice when you confront a questioning judge, adversary, or partner challenging your understanding of the legal rules at issue.

How, then, can we ASP professionals address this issue of lack of confidence? I am sure that many of you have considered this problem and could write at length on the topic. I write here to add that we should consider how our solutions for overcoming lack of confidence relate specifically to the context of multiple-choice test taking. In that context, encouraging students to practice multiple-choice questions takes on additional importance because that practice not only increases students' knowledge of the material, it also gives them confidence in their ability to answer such questions correctly.³ Similarly, encouraging students to participate in study groups gains additional benefit. Students can develop their confidence as they serve as each other's gremlins in their groups. In particular, they can help each other dismiss those "distractors" and "foils" by challenging each other to explain their legal positions and describe why alternative positions are not correct.

Students also can build their confidence by being their own gremlins as they work through the course material. I often tell students that "the power of denial is incredible." As they study, students should question their own understanding of the material to make sure they know it well and can dismiss distracting alternatives in multiple-choice questions. In answering sample questions, they can further aid their performance by not just selecting the correct choice but by explaining to themselves why the other choices are incorrect. Students who formulate these responsive arguments will be more prepared and thus more confident when they face such gremlins on the actual exam.

Finally, we ASP professionals can encourage students in their confidence. We must challenge them to work hard to understand the material; we must be careful not to lead them into a false sense of confidence. At the same time, however, we should remind students that, if they have studied diligently, they should trust their instincts. In trusting their instincts, they can be more at peace when they take their exams. When they encounter difficult multiple-choice questions, they therefore can make a selection and "let it go."

³This increased confidence assumes that the students give themselves sufficient time to work through sample problems and resolve difficulties they encounter in working through those problems.

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