

AALS SECTION ON ACADEMIC SUPPORT

The Learning Curve

Spring 2005

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 fall 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

Report from the Section Events at the 2005 Annual Meeting

This year's annual meeting was held in San Francisco, and our Academic Support Section programs and business meetings were extremely well attended. On Wednesday, January 5, 2005, we cosponsored a program on bar passage issues with the Section on Student Services. Despite the fact that the program occurred on the first day, more than 150 people attended this extended program, which I was privileged to moderate. Thanks to Marty Peters (Iowa), Rachel Dawson (DePaul), and Mario Mainero (Whittier) (subbing at the last minute for Rich Litvin) for their excellent presentations. We were also pleased to have Dean Fred White (Golden Gate), Dean Debra Threedy (Utah), Dean Jeffrey Rensberger (South Texas), Dean Caren Crain (McGeorge), and Dr. Susan Case from the National Conference of Bar Examiners on the panel.

In a change from previous years, our business meeting was held Thursday morning at a continental breakfast attended by 60 hardy souls who arrived by 7:30 a.m. The following is a summary of the meeting:

1. The following individuals were elected as section officers for 2005-2006:

Chair:	Carolyn Nygren (Nova Southeastern)
Chair-Elect:	Marty Peters (Iowa)
Secretary:	Ellen Suni (UMKC)
Treasurer:	Joanne Koren (Miami)

Board Members:	Kris Franklin (NYLS) (expires 2006)
	Nancy Soonpaa (Texas Tech) (expires 2006)
	Pam Armstrong (Albany) (expires 2007)
	Pavel Wonsowicz (UNLV) (expires 2007)

Past Chair: Teresa Wallace (Widener)

2. The collective group thanked Natt Gantt (Regent), who has done a terrific job in editing *The Learning Curve*. Natt was not there, but there was thunderous applause for his efforts this year.

3. Charlotte Taylor (DePaul), Ellen Suni (UMKC), and David Nadvorney (CUNY) shared information about the plans for the summer program sponsored by the Minority Affairs Committee of LSAC. New ASP teachers and directors were strongly encouraged to attend.

4. Next year's program committee was selected and includes Mario Mainero (Whittier), Rachel Dawson (DePaul), Nerissa Skillman (Catholic), Linda Feldman (Brooklyn), David Nadvorney (CUNY), Berryl Thompson (Southern), and Jan Jemison (Hastings).

5. There was a general consensus that we should hold a continental breakfast again next year in New Orleans.

Our Academic Support Section program was held on Friday afternoon. Approximately 100 people attended this session, entitled "Teachers and Students: Know Thyself." Marty Peters (Iowa), Nancy Soonpaa (Texas Tech), and Rachel Dawson (DePaul) were our presenters.

Thanks to everyone who made my year as chair so enjoyable. Our profile at the annual meeting continues to rise and that is in large part due to the hard work of our members. See you all next year in New Orleans!

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

ANNOUNCEMENTS

Update on the 2005 LSAC National Workshop

Join us at the 2005 LSAC Academic Assistance Training Workshop to be held June 8-11, 2005 in Las Vegas, Nevada.

It won't be a gamble as we get together to address several topics of interest to all: deans, professors, new academic support professionals, ASP experts, part-timers, dual role professionals (Student Services, Legal Writing, and more), and anyone interested in helping students succeed. We will provide something for everyone.

The theme of this year's conference is: Academic Support - Back to Basics, Forward to Where? Who, what, how, and why?

The conference will include sessions on the following topics:

- 1) Whom do we serve?
- 2) What are we doing? Teaching 1Ls skills? Remediation? Bar prep?
- 3) How are we doing it? With what resources? Nuts and Bolts of academic support
- 4) Why? What are our goals for now and for the future? Strategic Planning for the next 10 years of Academic Support.

For more information, registration materials, and a tentative conference schedule, go to: <http://www.lsac.org/academicassistance.asp>

We hope to see you in Vegas!

Ellen Suni
Dean, University of Missouri—Kansas City School of Law
and
Charlotte D. Taylor
Assistant Dean, DePaul University College of Law
Co-Chairs, Planning Committee, 2005 LSAC AATW Committee

New ASP Hires and Appointments

St. John's—Robin Boyle was recently appointed as Coordinator of the Academic Support Program at St. John's University School of Law. At the school, Prof. Boyle also serves as an Assistant Legal Writing Professor and as Assistant Director of the Writing Center.

Starting with this issue, I intend to include this section as a regular section in the newsletter. Please therefore let me know of any new hires or appointments in the ASP community. Thanks. –Editor

How to Get on the ASP Listserv

If you are interested in getting on the ASP listserv, 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

Teach Them to Read, and They'll Read for a Lifetime: Some Thoughts About How Academic Support Professionals Can "Turn On Light Bulbs" By Teaching Effective Reading Strategies

Ruth Ann McKinney
Clinical Professor of Law and
Director of Writing and Academic Support
The University of North Carolina School of Law

There's an old saying: "Give people a fish, and you've fed them for a day; teach them to fish, and you've fed them for a lifetime." Over nearly fifteen years working in academic support, I've come to believe that the same thing is true of reading—if we can teach our students to read law in a powerful, efficient, and effective way, we can save them countless hours of wasted effort, increase their self-confidence in and out of the classroom, and launch them on a successful legal career anchored securely in their ability to read law with insight, accuracy, and independent thought.

Despite the undeniable role of reading in the daily lives of law students and lawyers, surprisingly little attention has been given to the task of reading in law school. Dr. Mary Lundeberg, a reading specialist who now heads the Department of Teacher Education at Michigan State University, made inroads in this untested field in 1987 when she wrote her dissertation (which later won a national award in her discipline) based on her empirical study of how experts read law in comparison to how novice (incoming) law students read law. Since then, only a handful of reading specialists and legal educators have studied this skill in the context of law. Reading specialists

Dr. Dorie Evenson (formerly Deegan) and Dr. Jim Stratman, and Law Professors Elizabeth Fajans, Mary Falk, Laurel Oates, Linda Berger, and Christina Kunz, among others, have all brought important insights to this otherwise uncharted territory.

For those of us working with students in our roles as academic support professionals, the significance of students' development of strong and appropriate reading skills early on cannot be denied. There is, without question, a distinct difference in how some students approach reading as opposed to others. Students who read law effectively are able to understand the purpose of the reading in the context of the class discussions that follow, use reading cues in the text and from class to focus their attention, and engage cognitively and enthusiastically in developing new knowledge through their reading, all while guarding their time in the process. Moreover, these students often excel in other areas. These strong readers often write powerful memos and briefs, approach class with energy and confidence, and distinguish themselves on exams.

Less effective readers are those students who don't understand how their assigned reading fits into the context of class and exams, who focus on micropropositions rather than the "main idea," who run out of time and don't connect their reading to class discussions or notes and problems in the casebooks themselves, and who worry about "briefing" accurately and answering every question in class. These students struggle mightily to get their homework done, lose confidence (and sleep) as the semester wears on, write papers that lack depth in analysis, and frequently fail to zero-in on the core issues targeted by their professors on exam questions. Often, these less effective readers spend an inordinate—and alarmingly unproductive—amount of time "reading" and briefing cases without fully engaging in the learning process at all.

I became curious about why some students are such strong readers and others aren't, and immersed myself in the available cross-disciplinary literature written by those who have asked this or similar questions in the past. What I learned was amazing—truly amazing! Success in reading in law school is not about generic reading speed or even about a student's ability to read well in another discipline (although good readers frequently get through their material more quickly and have more time left to think about the questions raised in their assignments, and often read well in multiple disciplines). Rather, successful reading in law school is dependent on the development of a set of skills specific to law, and that skill set *can be taught*. Moreover, this teachable skill set can be taught by anyone who is an enthusiastic, accurate, and committed legal reader. In short, it can be taught—effectively and in fairly short order—by us!

Some of the things I learned about this powerful reading skill set are:

1. reading involves a mental dialogue (i.e., I'm actually talking unconsciously with the author of the text when I read);

2. reading is a social activity (I choose an audience and a task when I read, mentally saying things like, "Wow, this is interesting—can't wait to tell my study partner" or, less productively, "I better memorize what this word means so I don't embarrass myself in class");
3. effective readers always read for the "main idea"—although they recognize that they may need to understand certain micropropositions (e.g., what standard of review did the court apply in this case) before getting to the significant macropropositions (the "main idea"), they don't shift their focus to the micropropositions;
4. reading is recursive (students who try to read methodically from the beginning to end of a text are less effective than those who "loop" through a text);
5. good readers develop hypotheses about the text, and test and change those hypotheses as they read;
6. good readers use all kinds of reading cues in a text to develop those hypotheses, to draw inferences, and to visualize what is being conveyed by the text;
7. good readers have opinions (often strong opinions) about what they read and don't necessarily assume the author is "right."

Perhaps most importantly, what I learned from our colleagues in the field of reading is that one of the best ways to teach these skills is for experts like us to read along with the student (or a group of students), sharing *out loud* as we go what we're thinking and doing as we read. Several years ago, I began in earnest to try my hand at actively teaching reading and have since devoted increasing amounts of my time with 1Ls (and frustrated 2Ls) to this task. Improving students' reading increases the sophistication of their legal reasoning, saves them a remarkable amount of time that they could put towards other study tasks and/or towards personal time, increases their morale and confidence, and has a direct impact on what they take to class, glean from class, and are able to carry into exams (and, incidentally, how effectively they can read exam questions as well). In many ways, I learned that reading *is* thinking, which, in retrospect, is obvious but didn't occur to me at the time. Thus, I began to understand that reading with students was a way to get inside their heads and understand their assumptions and their reasoning.

The one down side to focusing on reading was that it is so time-consuming to sit, one-on-one, and read through a case with a student while you think aloud and/or share written notes as you go. There's the time that goes into the academic support professional's reading of the case or cases (usually about an hour for a cluster of two or three cases), time that goes into taking notes for the case (an additional ten minutes or so), and time that goes into actually meeting with the student (usually about an hour or even longer). For students to begin to adopt new reading strategies, I found that most needed to meet two or three times in order really to get the hang of how to read law in a powerful way.

To help solve the time pressure, I began putting two or three students together if I felt they had the confidence to work with

others on reading. What I found was a pleasant surprise: the students actually learned significantly *more* working in groups than they did one-on-one. I think the primary reason for this is twofold: (1) they gained confidence realizing they weren't the only intelligent people in the room who were novices at reading law; and (2) they learned how creative the reading process is such that different people can read the same case (or statute) and draw many different inferences and conclusions about it. These experiences, in turn, helped students gain confidence in the classroom; they began to recognize that the law school classroom is not about "reporting" accurately on the "truth" contained in a case, but rather about developing new knowledge collectively by exploring assigned cases publicly, together.

Finally, two years ago, I had another time-saving idea: I sure wasn't the only reading expert in the building. I had oodles of upper-class students who read at least as well as I did—some read significantly better. So, I have now begun to recruit top level upper-class Teaching Assistants to run "Power Reading Groups" each spring. These "Power Reading Groups" are designed to be run in three to five sessions, are restricted to small groups of up to five or six 1Ls, and are based on reading already assigned in the students' classes. In the first session, the Teaching Assistant concentrates on building a secure environment in the group and introduces some of the basic reading skills shared by good readers and then assigns a cluster of cases to be read for the next session. The next several sessions involve shared "read aloud" experiences—where students take turns reading from the cases and sharing out loud what they were thinking as they read, what they took notes on, what they thought the "main idea" of the case was, and what they were visualizing as they read. The upper-class student leader also liberally shares what he or she was thinking, where he or she felt comfortable skimming, where he or she had questions but moved on anyway, and how he or she used the reading cues available in the casebook or from past experience to read more quickly and more effectively.

These groups have become increasingly popular, with about thirty students signing up this past spring to participate. Those who participate, either in these groups or in individual sessions, can hardly contain their enthusiasm as the "light bulb" goes on. Reading law isn't about "learning a rule" (even if the professor asks about the rule) or about being "right" (even if sometimes you can be dead wrong). Reading law is about stepping back in time, visualizing a conflict and understanding how a court resolved that conflict, and being able to predict the kinds of outcomes that might follow today if similar facts and similar conflicts were to arise anew.

So, if you've noticed what I noticed (some of your students are just not "getting it" but are spending a stunning amount of time conscientiously striving to "get it"), consider looking at how they are reading and how they could change their reading to get

where they want to go. If you share this interest, I've listed below literature that might be useful to you.

Happy Reading. If I can help in any way, please feel free to contact me at ramckinn@email.unc.edu.

1. Linda L. Berger, *Applying New Rhetoric to Legal Discourse: The Ebb and Flow of Reader and Writer, Text and Context*, 49 J. LEG. ED. 155 (1999).
2. Scott Burnham, *Critical Reading of Contracts*, 23 LEG. STUDIES FORUM 391 (1999).
3. Dorothy H. Deegan, *Exploring Individual Differences Among Novices Reading in a Specific Domain: The Case of Law*, 30 READING RES. Q. 154 (1995).
4. Peter Dewitz, *Reading Law: Three Suggestions for Legal Education*, 27 U. TOL. L. REV. 657 (1997).
5. Elizabeth Fajans & Mary Falk, *Against the Tyranny of Paraphrase: Talking Back to Texts*, 78 CORNELL L. REV. 163 (1993).
6. Christina L. Kunz, *Teaching First-Year Contracts Students How to Read and Edit Contract Clauses*, 34 U. TOL. L. REV. 705 (2003).
7. Mary A. Lundeborg, *Metacognitive Aspects of Reading Comprehension: Studying Understanding in Legal Case Analysis*, 22 READING RES. Q. 407 (1987).
8. Laurel Currie Oates, *Beating the Odds: Reading Strategies of Law Students Admitted Through Alternative Admissions Programs*, 83 IOWA L. REV. 139 (1997).
9. Michael Hunter Schwartz, *Teaching Law Students to be Self-Regulated Learners*, 2003 MICH. ST. DCL L. REV. 447.
10. James F. Stratman, *The Emergence of Legal Composition as a Field of Inquiry: Evaluating the Prospects*, 60 REV. EDUC. RES. 153 (1990).
11. RUTH ANN MCKINNEY, *READING LIKE A LAWYER* (2005).
12. MICHAEL PRESSLEY & PETER AFFLERBACH, *VERBAL PROTOCOLS OF READING* (1995).
13. JEFFREY D. WILHELM, *IMPROVING COMPREHENSION WITH THINK-ALOUD STRATEGIES* (2001).

Tenure-Track Status for Academic Support Professionals

Michael Hunter Schwartz
Professor and Director, Western State's S.T.E.L.L.A.R.™ Law Student Program
Western State University College of Law

A few years ago, the dean of one of the more prestigious law schools in the country gave a talk at a legal writing directors' conference about hierarchies within the legal academy; that talk was published as an essay.¹ The speaker/author criticized the legal academy for operating like traditional Hindu society in that the legal academy has, in effect, divided itself into a set of strictly-enforced castes. The speaker's list of castes was

quite all-encompassing; it included tenured and tenure-track faculty, deans, clinicians, law librarians, legal writing faculty, adjunct faculty, staff, and the students. As an academic support professional, I, of course, was struck by the fact that academic support professionals did not make his list (although, perhaps, we implicitly were lumped in with staff).² I do not blame the speaker for his omission, but I am very concerned about *why* he omitted us.

I believe he forgot us because we have such low status within the legal academy,³ and I am convinced that our low status is a problem. The lack of status communicates a false meta-message that we are inferior to the tenured and tenure track-faculty and that the work we do is less important or even unimportant. It results in academic support faculty receiving less pay and less access or no access to resources such as research assistants, research grants, and sabbaticals. It may, in fact, be the reason why every year is like this year in which very talented academic support professionals have chosen to leave our field. The lack of status also means that ASP professionals lack job security. Moreover, for at least some of us, job security depends on student outcomes (attrition, grades, and bar pass rates). Perversely, because of the status issue, we only have a limited ability to exert influence over issues, including curricular decisions, practices for developing faculty teaching skills, grading policies, and policies relating to assessment methodologies, all of which can have a greater impact on student outcomes than we possibly could have. Worst of all, we may even be suspect with our students because they perceive that we are not "real" professors.

¹ The talk was published as Kent D. Syverud, *The Caste System and Best Practices in Legal Education*, 2001 ALWD CONFERENCE PROCEEDINGS 12.

² This choice was ironic to me because the speaker's goal appeared to be to convince us to focus on the things we need to do to make things better for the group he characterized as "the unmentionables," the students, a goal that is central to academic support professionals' work. He particularly suggested that tenured and tenure-track faculty members need to break caste and do more of the things that legal writing people do, such as provide multiple opportunities for practice and feedback, insure high levels of student-faculty contact, address diverse ways of learning, teach students to be self-regulated learners, all of which academic support professionals also do.

³ I suspect, for example, that this year's LSAC ASP survey will reveal that more than half of us are still contract employees and that many of us operate programs that are only at the fringes of our law schools' curricula. I also believe, having been on the market as an academic support person, that, this year, much less than half of the announced academic support positions were tenure-track positions.

This short essay details the harms caused when academic support positions are not tenure-track and suggests what we academic support professionals can do about it.⁴

The Harms Caused by a Lack of Tenure Status

The lack of tenure-track status has shaped an image of academic support professionals that is false and destructive, both to us as professionals and to our work. If we are not entitled to tenure-track status and a “professor” label, it can only be because we either do not do “real law professor work” or because we lack the intellectual characteristics of “real law professors.” In either case, the situation communicates a degrading image of us, suggesting there is something inferior about us and our work. And that characterization is false. As we all know, the struggle to find new ways of reaching students who are struggling or whose law school learning skills are inadequate is as intellectually challenging a task as one could have. It requires us to become experts in learning, in teaching methodologies, and in most law school subject areas. As we also know, ASP professionals, including Paula Lustbader, Vernellia Randall, and Barbara Glessner-Fines, have had great influence within the legal academy, having authored many of the most influential law review articles critiquing and reconstructing traditional law school teaching practices. Ellen Suni, as most of us know, is now a dean—at University of Missouri – Kansas City School of Law.

The lack of status greatly influences compensation and fringe benefits. There is no doubt that ASP professionals are paid less than tenured and tenure-track faculty members. In fact, if the survey conducted by the Society of American Law Teachers is correct, the average assistant professor is paid more than \$80,000 per year; based on my own venture into the market as an ASP professional, the non-tenure track ASP positions pay \$45,000-\$55,000 per year. In most contract positions, ASP professionals either are encouraged *not* to engage in research and writing or, at the very least, research and writing is not seen as part of the job. Consequently, ASP professionals are less likely to have budgets for research assistants, less likely to be awarded summer research grants, and less likely to be entitled to sabbaticals. In such a climate, notwithstanding the few stars mentioned above, it is unlikely that many of us will choose to maximize our professional development by engaging in research and writing in our field.

The lack of status, of course, also means that many academic support professionals lack job security. Even those who have long-term contracts are at risk. A down budget year, poor attrition, or bad first-time bar pass results can result in termination. Ironically, because we have no ability to influence the budget and only limited ability to influence student outcomes (because factors such as admissions, faculty teaching, grading practices, and student motivation have significant roles), ASP professionals’ lack of job security is paired with a lack of control over their careers.

In addition to the lack of control over the factors that influence our job security, academic support professionals also must overcome barriers to our ability to influence teaching factors that bear on student outcomes. For example, even at schools at which an academic support person is the most knowledgeable person on campus about teaching and learning, it is unlikely that person will participate in evaluating their doctrinal peers’ teaching or will be asked to design training programs to help new doctrinal faculty become excellent teachers. Influence on curricular matters, such as curriculum design, use of technology in teaching, and requirements that faculty administer multiple assessment devices, is no more likely. In fact, even though the research suggests that academic support programs that are integrated into the regular curriculum are much more likely to have long-lasting effects,⁵ academic support professionals lack the necessary status to propose and create such programs; consequently, most academic support programs receive little or no in-classroom support from regular faculty as they are teaching their doctrinal and skills courses. In other words, ASP professionals have a hard time implementing the changes most necessary to improving student outcomes.

The lack of status is also often paired with a free-floating job description. As a result, our programs keep expanding in terms of student enrollment, student activities, and focus. Most of us serve a higher percentage of our student bodies than we ever imagined serving, deal with issues (like bar passage), with which academic support professionals did not have to contend in the earlier days of academic support. Academic support has become a sort of black hole into which every problem with legal education gets drawn. This phenomenon helps explain why some academic support professionals have become burned out or have left legal education altogether.

⁴ It is worth noting a caveat that legal writing professors and clinicians have mentioned to me (in the vein of “be careful what you wish for”): Some legal writing professors and clinicians have discovered that tenure-track slots are not all they are cracked up to be; doing scholarship and participating in faculty affairs can be tedious and can steal time we could be devoting to our students.

⁵ See Kristine S. Knapland & Richard Sander, *The Art and Science of Academic Support*, 45 J. LEGAL EDUC. 157 (1995); Paul R. Pintrich, *Understanding Self-Regulated Learning in NEW DIRECTIONS FOR TEACHING AND LEARNING: UNDERSTANDING SELF-REGULATED LEARNING* No. 63 at 10 (Paul R. Pintrich, ed. 1995).

The lack of status also makes it harder to do our jobs. In an environment structured into hierarchies (*U.S. News & World Report* Rankings, student class rankings), in which being one-up (tenured vs. untenured, doctrinal vs. skills faculty, faculty vs. students, faculty vs. staff) and using labels matter (how many faculty members invite students to refer to the faculty member by a first name or use their students' first names), students get a clear message from our lack of status: we are suspect. As a result, our recommendations are suspect; we may not be as smart or knowledgeable as the "real faculty." This issue can make a huge difference. For example, a member of the doctrinal faculty from another law school once told me that she tells her students not to memorize anything for her closed book final examination. If I were at her school and told her students that they should memorize because, to be able to use a policy or rule or case holding on a closed book examination, a person needs to recall it from long-term memory, the student would have to decide whom to believe. I'm betting a student subjected to the obsessive focus of hierarchy in law school will choose to believe the person who has the "professor" label.

In short, the lack of status is a problem for us as persons, for our schools as educational institutions, and for our students as learners.

What Academic Support Professionals Can Do About the Problem

While academic support professionals lack actual power to change our job status, there are things we can do to make it more likely that things change. First, we need to reach a consensus that tenure status is important and necessary; until we present a united front on this issue, we are unlikely to be persuasive. Second, we need to develop ways of presenting ourselves and this goal to deans and faculty. Third, we need to refine the academic support job definition so as to clear space in our work that would allow us to participate more readily in faculty life. Finally, we need to engage in behaviors typical of tenure-track faculty, such as conducting research and producing a body of scholarship relating to academic support and developing standards for measuring excellence in our field.

In speaking with my academic support colleagues, I am not at all certain that there is consensus that we should be pushing to make academic support a tenure-track position. I suspect some of us may feel concerned about workload issues, and others may feel insecure about producing scholarship and other aspects of being a member of the faculty. I wonder, however, whether our hesitancy, ultimately, stems from unconsciously having adopted the view that we are not as smart or talented as tenure-track faculty.

If we do succeed in developing consensus that academic support positions should be tenure-track, our next logical step would be to bring the issue to the legal academy. There are several ways we can do so. First, we can produce scholarship about the issue. We can write law review articles that explore, in greater depth, the problems described above. Those of us who do possess tenure or are in tenure-track positions can organize symposia at our home schools that address the issue. We can ask to speak about the issue at one of the annual gatherings of deans. And we can and must talk to our tenure-track colleagues about the issue. By engaging our colleagues, we can determine how much support we have, identify possible objections, and address them.

One very likely objection that I heard from tenure-track faculty when I was interviewing is that they would not know how to evaluate our scholarship. While I do not doubt the sincerity of the concern, I also know that many law schools have adopted an excellence in the field standard for evaluating the scholarship of tenure-track clinicians, an approach that readily could be applied to our scholarly output.

Perhaps most importantly, we need to start doing more of the things that tenure track faculty do. That effort starts by becoming legal scholars who write within our field. The effort also requires each one of us, both the experienced scholars and the novices, to commit to seeking feedback on our scholarly efforts to make sure we are producing high quality scholarship, and freely to mentor each other. Having both read works authored by my peers and having sought peer feedback on my work, I am well-aware of the anxiety such requests engender, but such exchange is characteristic of excellent scholars and is therefore a necessary part of the process. Moreover, as a profession, we need to engage the discussion of what makes for excellent scholarship in our field; we need to ask: what are the excellent academic support law review articles and books out there and what makes those works excellent? Perhaps even in this forum we need to exchange ideas about our scholarly work.

Conclusion

I am not naïve enough to be certain that this effort will make everything wonderful for academic support professionals. I nevertheless believe we should take on this goal as our focus. By doing so, the number of schools that at least consider making academic support a tenure-track position will increase. At the very least, we will slowly change how we are perceived in the legal academy.

Righting the Inverted Pyramid: A Student-Driven, Problem-Based Approach to Teaching Law

Vinita Bali
Director, Academic Success Program
Santa Clara University School of Law

While it is true that legal education in the United States has undergone some change over the years, it is undeniable that its fundamental methodology has remained essentially unshaken. The Socratic method developed in the 1870s by then dean of Harvard Law School, Christopher Columbus Langdell, is firmly entrenched in our law schools. Although some legal educational programs have made change to accommodate research in the field of learning theory, these changes have neither been widely accepted nor widely incorporated. For the reasons described below, this article suggests a significant overhaul of the legal educational system in the U.S. A problem-based model is recommended, and a particular application of this model is described in some detail. The UC Berkeley-UC San Francisco ("UCSF") Joint Medical Program curriculum and methodology are examined as a cooperative, student-driven model of problem-based learning.

Before engaging in a discussion of the problem-based method and its particular application at the UC Berkeley-UCSF medical school, it is important to explain the reasons for suggesting an overhaul of our legal educational system. A need for significant change in this tried and widely trusted methodology is not necessitated by a defect so glaring that a change is essential. The Langdellian approach does achieve some of the facial goals of legal education. Nor is the call for change driven by the fact that disciplines other than law have effectuated significant shifts in teaching methodology. The impetus for change comes from a desire to address some of the glaring problems of legal education, while better achieving its goals.

This then raises a discussion as to what the problems with our current legal education system are and a definition of the goals we strive to achieve. Educational institutions crave the curious, engaged, enthusiastic, and motivated learner. We recognize this learner as the one we see in the first few weeks of law school. The problem is that this motivated student typically loses all passion within a few weeks of starting law school. We watch as the law student, who enters law school as a bright and eager learner, transforms rapidly into a confused, disheartened, and often disengaged learner. Sadly, soon after entering law school the average student in law school becomes one driven by competitiveness to succeed, rather than by an inner desire to learn and master. Our overarching goals, then, can be described as fostering students who are truly engaged in the process of learning, who are eager to explore and find avenues for learning, and who develop analytical and critical minds while remaining engaged and enthused about the continual process

of learning throughout their legal careers. Unfortunately, our present legal educational system does not meet many of these goals for the vast majority of students.

The problem-based learning method shows significant potential in achieving these core educational goals. Problem-based or case-based learning has gained legitimacy in many fields of education, perhaps the most significant of which is in the field of medical sciences. Imagine in lieu of a teacher-focused model, a student-initiated learning exemplar, where the curriculum centers around a series of problems which the student must evaluate, research, and then resolve. Imagine further that this problem may not be based on any one discipline (such as constitutional law), but may also contain several other disciplines (such as criminal procedure and rules of evidence). After all, despite the accepted form of teaching which boxes concepts together by subject matter, issues in real life do not come neatly packaged into discrete areas of study. Facts may give rise to tortious conduct, contractual disputes, as well as trigger ethical considerations. Property rights may be intertwined with constitutional and procedural matters. This intertwining of disciplines is also what medical professionals encounter in practice. Several prominent medical school programs have adopted a radical approach to teaching medicine that not only more accurately reflects their ultimate goal of creating thoughtful, analytical minds that can pull apart a factual scenario and restructure it to reach appropriate conclusions, but also does so while retaining the students' passion for learning.

The UC Berkeley-UCSF Joint Medical Program ("JMP") has adopted a radical version of problem-based learning in an innovative interdisciplinary medical education program.¹ The program has taken a huge leap of faith in adopting significant transformation to the traditional method of instruction through lectures in various disciplines such as anatomy and physiology. Instead, the incoming class is divided into small groups of students, who take classes and learn together through the semester. Typically, students attend class for four-hour periods of time, three times a week. Therefore, students may be required to attend group meetings on Monday, Wednesday, and Friday from approximately 1:00 pm to 5:00 pm. On Monday of each week, the small group is given a problem to discuss and resolve within the week. From approximately 2:00 pm to 5:00 pm, the small group engages in a collective brainstorming of issues that the problem triggers; and by the end of the first day, the group will typically have

¹ The description of the UC Berkeley-UCSF Joint Medical Program is based on my discussions with faculty at the medical school and on my observations of some of the program's classes.

identified certain issues that require research and study to analyze the problem further.

Once identified, research projects are then divided among the group. Each student accepts responsibility for researching a discrete area of study and for reporting back to the group on Wednesday. Research projects include areas previously studied but acknowledged by the group as having grown fuzzy with the passage of time. On Wednesday of each week, students come in and present their findings to the group. The group discussions are dynamic, focused, inquisitive, and challenging, all resulting in an invigorating and enthusiastic mode of active learning. As the problem gets clearer and the issues more focused, further issues for research and refinement may be identified. Once again, individual students take on the responsibility of studying or re-visiting certain areas and reporting back to the group on Friday. By the end of the last weekly meeting on Friday, students have resolved the problem, learning and teaching each other in the process.

Validity of research is ensured by the group through their probing, inquiring, and challenging each other about these issues. The integrity of the research and findings is also ensured, although to a lesser degree and almost as a "last resort," by the teacher-facilitator. The research and learning is further supported by visits to the classroom by experts in certain areas. At the commencement of each of the group sessions, experts in certain areas visit the group for an hour, typically from 1:00 pm to 2:00 pm on Mondays, Wednesdays, and Fridays. The purpose of the expert visit is to discuss or clarify issues raised in the previous week, or to hone a student's understanding of certain concepts. Further, students take examinations at the end of the semester, making them responsible for the information that they are researching.

A fascinating aspect of this approach is that it discards the notion that issues must be grouped together and studied in certain blocks relevant to the subject-matter. Rather, each problem is designed to trigger certain issues, although not necessarily in one particular discipline. For example, the problem in week one may cover discrete issues in physiology, biochemistry, and medical ethics. The problem in week two may cover some related concepts in epidemiology, genetics, and hematology. Problem three may trigger other issues in biochemistry, a subject visited in week one. Week twelve may require that students review the biochemistry concept covered in week three. Over the course of three years, the student will have covered all the issues in each of the core disciplines or subject areas, woven together and studied as interdisciplinary concepts. Since this is how issues are presented in real life, it seems appropriate to study them in this manner and to train the student's mind to bring issues to relevance based on the factual scenario.

Another unique feature of this process is the role of the professor. The professor or teacher attends the group discussions in the role of facilitator, sitting back and observing the process of learning. Teacher intervention is intentionally maintained at a minimum, to ensure that the student accepts responsibility for learning, rather than looking for the easier avenue of being "taught" or given information. Students are compelled to rely on their individual research and collective critical thinking. The JMP faculty members believe that should they take on the role of the teacher, the self-learning will be immediately negatively impacted as the students fall into old habits of looking to the teacher for assistance, advice, or validation. Experience has borne out the truth of this hypothesis.

The benefits of the JMP technique are numerous and impressive. First, the passion for learning and the vigor, enthusiasm, and self-motivation achieved through this method are astounding. Observing students routinely self-select to review an area previously studied in order to better understand and resolve a current problem is remarkable. Second, the JMP students do not exhibit signs of hopelessness and dejection as they work through medical school. Perhaps the confidence and sense of accomplishment these students continually gain from knowing that they have control over the materials are critical. Even if the student is confused and frustrated at the beginning of the week, she realizes that she is able to gain an immense amount of knowledge and resolve the problem within the span of a week. This frequent reinforcement is critical to her sense of confidence and security. The assurance that she can immediately regain through self-study the control over knowledge that is lost on one day is perhaps the most essential tool an educational institution can offer its students.

A third benefit is that the feeling of community fostered by the JMP approach adds to a student's sense of security as well as to her feeling of responsibility to the group. The empowerment of being a teacher and the humility of simultaneously remaining a student are essential building blocks to a student's confidence, composure, and overall development. The JMP method helps develop the student's ability to work collaboratively and productively in groups and be critical of each other while remaining trusting and dependant. Fourth, by instilling in students the importance of research, the JMP hopes to foster students who are researchers and scholars. The JMP method cultivates the ability to gather information through individual research and study, which is necessarily meticulous and conscientious since the individual is responsible to the group for the ultimate outcome and success of the project.

Transposing the JMP method to an institution of legal education may seem to be a daunting task. While it does

present barriers in implementation at our law schools,² it is an idea that so brilliantly meets so many of our educational goals, it cannot be ignored. While various adaptations of the JMP method may be adopted with relative ease, care must be taken to ensure that the attractive elements of the method are not lost in an attempt to simplify its application. For instance, since it may seem impossible to transpose an entire law school into an integrative inter-disciplinary curriculum, perhaps one law school class can adopt the technique of self-learning in small groups. In this one-course offering, legal principles within a subject area can be learned in the factual context in which they arise. A second alternative is to explore this method in the context of bar preparation. Having covered the basic principles of numerous courses, a comprehensive course can be designed to stimulate the students to revisit and apply the concepts through the JMP process. Finally, our clinical courses that also require research in multiple areas of the law within a single case may also benefit from the JMP approach.

In conclusion, perhaps this short article will provide the impetus for change in legal education. It is an idea whose time has come in the medical profession. It is an idea that merits attention by legal educators because it delivers such positive results in terms of education. That it may be difficult to structure and implement initially is undeniable, yet when have lawyers been notorious for backing off when faced with a meritorious challenge?

² Barriers to implementation of an integrated problem-based curriculum include development of an alternate curriculum. This process will initially be time consuming, requiring significant collaboration among the faculty teaching the various disciplines. Due to the integrated nature of the JMP method, problems must be designed to ensure coverage of the concepts which are currently taught in discrete courses. However, once the curriculum is reformed, it will need only slight tweaking from time to time. As has happened in the medical field, problems developed by one medical school are acquired by numerous other medical schools, enhancing the reputation of the originator. In addition to the curriculum development issue, the changed role of the professor may be seen to be a barrier to implementation. However, the JMP method may actually free up doctrinal faculty time for research and professional development. Professors will take on the role of experts in discrete areas, visiting classrooms several times a week to clarify issues. The responsibility of teaching a class is shifted away in this student-driven model.

Charting Success: Visual Aids for Individual Conferences with Students

Paul Bateman
Director, Academic Support Program
Southwestern University School of Law

When students seek us out for advice about how to improve their exam results, it's often difficult to get past the "I have an exam writing problem" stage. They may have made it through the first year and may have spent long hours in the library, yet somehow don't receive the results that their efforts should yield. To jump-start the diagnosis in those initial meetings, I've devised two simple charts that help me diagnose the problem, plan a strategy for the student, and save us both some time.

I usually use figure 1's chart with first-year students and the figure 2's list with upper-division students, but it doesn't really matter since they both convey the same information that law school study activities include four essential elements:

1. attending class;
2. synthesizing the reading material and notes for that class;
3. creating a review document from that synthesis; and
4. using that review document on practice exams.

"Level Four" Law Students

For an organized approach to law school study, I tell students to think of that study as comprising the chart's four levels of activity. Successful law students operate at "level four": they integrate all four components into their daily, weekly, or monthly study picture. Invariably, first-year law students with disappointing grades have been operating at level one only. While they have done all the reading and spent hours studying in the library, that effort has not paid dividends. Upper-division students with disappointing grades often see that they have been operating at, say, a level two or partial level three. Referring to the graphics helps both me and the student pinpoint those areas of the student's study strategy that are incomplete or missing.

Figure 1: Four Activity Levels for Law School Study—Chart

Figure 1 depicts the interconnection between the activities and shows where—in the big picture of law school—a particular activity falls. This is the graphic I typically use with first-year students. The chart in figure 1 also illustrates how each of those components is interconnected and how each of those components forms the overall structure of a law school semester. Since it's very easy for first-years to become buried in the details of law school, the chart helps students keep that big picture in mind. It also help them understand how what they may be learning on one particular day, both in terms of legal material and specific study strategies, fits into a specific component of

the overall plan for the semester. For example, when we are discussing focused briefing techniques, I refer to the first box—preparing for class (level one). When we move to preparing review documents, I can show them we're in boxes two and three (levels two and three).

The chart's arrows also indicate the recursive nature of law school study. It stresses not only that all four activities have to be included in their study plan, but also that the elements are interconnected—it's not a straight-line progression from reading cases (an element of level one) to taking practice exams (level four). The coming and going of the arrows on the chart illustrates this process. I want students to think of these four levels as stations they will revisit, continually checking for clarity as mastery over the material develops. They also learn that even as level three's review becomes more important as the semester progresses, they will still be briefing cases and the like, so the importance of level one activities does not diminish

The chart also offers a graphic way to show the relationships among the activities. For example, one way to test a course outline is to test it on a practice exam—how did the outline help or hinder the student? So the arrows are two-way arrows.

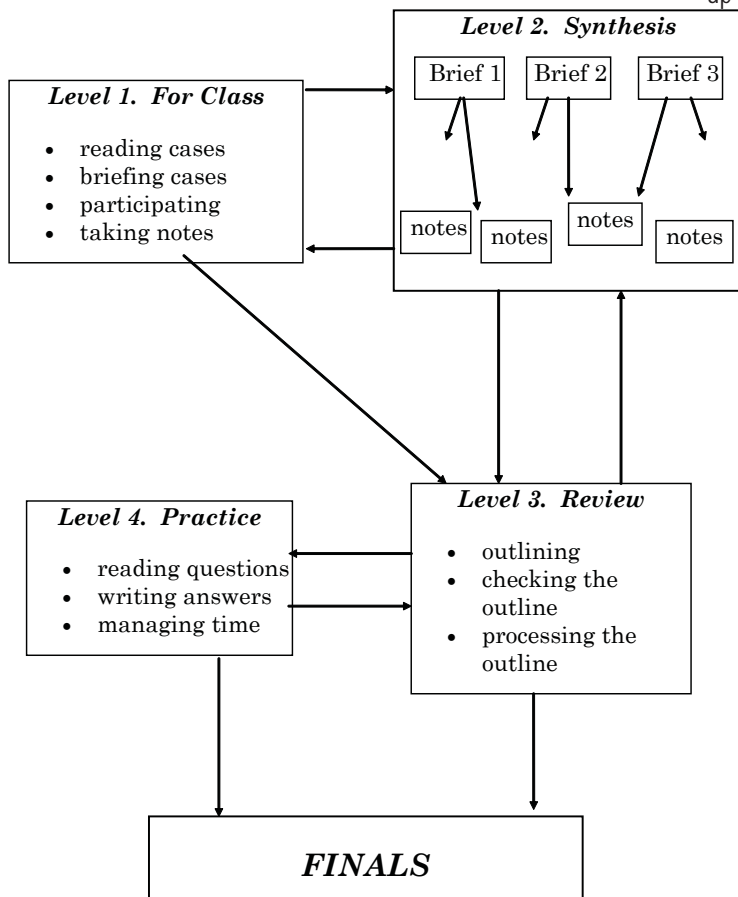


Figure 1: Four Activity Levels for Law School Study—Chart

Figure 2: Four Activity Levels for Law School Study—List

Figure 2 lists the activities and is the version I typically use when I counsel upper-division students, who can more quickly diagnose their study approach problems. However, while upper-division students may already know that the “big picture” includes all four components, they don’t always “see” the problem. But when I use the graphic in conversations with upper-division students, they are usually quick to see—on the graphic—the level or partial level that best describes their activity. For instance, the student and I may both agree that the student is operating at level two only, or is perhaps a partial level three—or may have even skipped a level and therefore the important process that goes with that level.

Recognition of the problem quickly explains a lot to the student and makes it much easier to devise a plan for improvement.

Conclusion

The charts speed up initial conversations with students where we try to figure out those things a student is, or is not, doing. Using the charts makes one-on-one-counseling sessions move efficiently, and students leave my office with a concrete idea for a better study plan and with a concrete reference point for a follow-up session.

- Level 1: Prepare for class
 - Read and brief cases
 - Read secondary materials
 - Participate in class
 - o Responses
 - o Notes

- Level 2: Synthesize material
 - Reading secondary materials
 - Distilling information from
 - o Briefs
 - o Notes, etc.

- Level 3: Review
 - Creating a review tool (course outline)
 - Checking the outline (on practice exams)
 - Processing the outline's information

- Level 4: Practice
 - Reading exam questions
 - Writing answers
 - Managing time on exams

Figure 2: Four Activity Levels for Law School Study—List

Editor's Postscript: Do As I Say, And As I Do

L.O. Natt Gantt, II
Associate Professor and Director of Academic Success
Regent University School of Law

"Do as I say, not as I do." How many times have we heard this often-used expression? How many times have we *said* it?

As a father of two young daughters, I am continually reminded that young children are much more sensitive to how I act as opposed to how I say they (or I) should act. Law students are not much different. This reality hit home last semester when I was attending one of our law school chapel services in which a fellow faculty member was speaking. He made a statement that has stuck with me: "As a faculty member, I know that you (students) are watching me." Indeed, whether we like it or not, our students *are* watching us. They are not just listening to our words of wisdom about how to brief cases or outline course material; many of them are also observing how we conduct ourselves with our faculty and staff colleagues and with our students.

I believe this level of observation is particularly keen with us ASP professionals. After all, at our respective schools, we are likely one of the faculty or staff persons who has the most direct access to students. Moreover, unlike most of our doctrinal colleagues, we advise students not just on the *content* of law-related information; we also advise them on *life skills* information, such as time and stress management. We therefore have traits to model (or not) for our students as they seek to adopt certain skills that will help them succeed in law school and in life.

On January 5, 2004 at the AALS Annual Meeting in Atlanta, the Sections on New Law Professors and Professional Responsibility co-sponsored a program entitled "Can Actions Teach Louder Than Words: The Role of Mentoring and Modeling in Teaching Professional Ethics." As the title conveys, the program focused on the mentoring role for those who teach Professional Responsibility. As one who teaches that course, I recognize that legal ethics instructors can play a unique role in teaching their students not just the rules of professional conduct but also professionalism skills that will enhance their lives in the workforce.

As ASP Professionals, we too can play a unique role in mentoring our students. Many of our students come to us when they are facing academic difficulties, and what we say to them

in their time of difficulty can sometimes shape their entire outlook on their struggle. Moreover, what we *don't* say, or more specifically what we *do*, can have an even greater impact on their outlook. Do we take the time to listen, *really* listen to them? Do our actions express the concern and encouragement that our words convey?

My students know that I am a huge fan of time management; I encourage them to schedule their study time in their calendars, and I instruct them on how to segment their time so that they can be as efficient as possible during their study regimen. I also encourage them to organize their study materials so that they can be comprehensive in their approach to learning the material and at the same time still focus on the most important concepts. After hearing my thoughts on these subjects, I wonder whether I model those thoughts well. Does my message about time management suffer when I am late to a student appointment? Do my insights about organization lose force when students see how disorganized my office tends to be? (All those piles are organized, right?)

We ASP professionals are not perfect: I'm living proof! Yet, we have been placed in a crucial role to be able to impact the lives of our students. Our words to them are undeniably important. How we instruct them on how to read cases or write exam answers may have a tremendous effect on their academic success in law school. At the same time, how we model peace, encouragement, professionalism, organization or other life skills may leave the most lasting effects of all.

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