

AALS SECTION ON ACADEMIC SUPPORT

# The Learning Curve

December 2003

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From the Editor:

*“The Learning Curve” is an informal newsletter reporting on issues and ideas for the law school academic support community and the AALS section. Please contact me with ideas, etc., at [pbateman@swlaw.edu](mailto:pbateman@swlaw.edu) and by telephone at 213.738-6750 at Southwestern Law School, Los Angeles.*

Paul Bateman

## From the Section Chair

### Greetings everyone:

### The January 2004 Program

The section program in Atlanta is set for **Monday, 5 January 2004 at 8:30 a.m.** “Exploring the Scholarship of Teaching and Learning,” showcases four research approaches and projects by panelists Elaine Mills (Albany), Kelly Levi (Pace), Carolyn Nygren (Stetson), and John DiPippa (Arkansas, Little Rock).

Discussing their views on funding research and publication are Gita Wilder (LSAC), Dean Nancy Rapoport (Houston), and Dean Don Welch (Vanderbilt). Leslie Garfield (Pace) will moderate the program.

Advance thanks to Ellen Suni, Kelly Levi, David Nadvorney, Carolyn Nygren, Teresa Wallace, and program chair Nancy Soonpaa for their work in planning the program.

The Section’s **business meeting** is set for Saturday, 3 January 2004 at 6:30 (check the Meeting Program for the meeting room). The business meeting will include election of the 2004 section officers. And let’s plan to have dinner after the business meeting!

### Last Year’s Program—January 2003

Once again the section’s program at last January’s 2003 AALS meeting in Washington D.C. informed and inspired. The program featured information, audience participation, video interviews, poetry—and, yes—singing!

Program chair Nancy Soonpaa (Texas Tech) set the stage by dramatically illustrating the demographics of the law school classroom.

Okianer Christian Dark (Howard) discussed how we do (or don’t) accommodate diversity with the idea that for many students, the law school experience is like being “a guest in someone else’s house.”

Kevin Nunn’s (Florida) talk flowed from Okianer’s presentation with his focus on the cultural dynamic of being African-American at the law school and the sensible steps we can take to foster cultural diversity in our classrooms. Kevin’s joke—I think it was

a joke—about the AALS dress code resonated with many in the audience.

Thanks are due to the 2002 outgoing chair Linda Feldman, program chair, Nancy Soonpaa, and to the program committee (I think I thanked them all last January via the listserve, but why not do it again) for an excellent program. Having helped organize two AALS section programs in the last five years, I know how important the committee’s work is. Thanks also to Marty Peters for moderating and keeping the program running efficiently.

Paul Bateman  
Southwestern Law School  
2003 Section Chair

### Announcements

From **Kris Franklyn**: The second NY-area academic support colloquium hosted by New York Law School will meet on Thursday, December 10, beginning at noon. This will be a half-day workshop, so you are encouraged to attend even if you can come for only part of the event. (See a related topic regarding New York get-togethers below.)

**Pavel Wonsowicz** has joined Boyd Law School at the University of Nevada, Las Vegas. Pavel is an Assistant Professor there, focusing on developing an Academic Support program and Bar Review Program.

**Dennis Tonsing’s** new book: *1000 Days to the Bar — But the Practice of Law Begins Now*. Published by Wm. S.Hein & Co.

**How to get on the listserve**: send an e-mail to [listproc@chicagokent.kentlaw.edu](mailto:listproc@chicagokent.kentlaw.edu); text of message should read: subscribe ASP-L (first name, last name, position, school).

## Web Resources for Academic Support Programs and Law Students

**Jamie Lake (Chicago-Kent)** collected the *Web Resources for Academic Support Programs and Law Students* after a recent listserve request. Jamie added this note: “I included links to sites with many resources on them and avoided links to an individual resource on a particular topic. For example, if you go to the *Jurist* website, you will see lists of exam and study resources. I only provided a link to the *Jurist* site and not to the individual resources listed within this site. . . . Many sites provide canned outlines or outlines from other students. I have omitted them, but some sites listed do link to those types of services.”

### Brooklyn Law School, Academic Success Program

<http://www.brooklaw.edu/students/success/index.php>

### CALI: The Center for Computer-Assisted Legal Instruction

<http://www.cali.org/>

Chicago-Kent College of Law, Academic Support Program

<http://www.kentlaw.edu/academics/asp/>

### DePaul University College of Law, Academic Support Program

[http://www.law.depaul.edu/library\\_resources/asp/lawhome.htm](http://www.law.depaul.edu/library_resources/asp/lawhome.htm)

FindLaw for Students

<http://stu.findlaw.com/>

### First Year Center (Westlaw)

<http://lawschool.westlaw.com/studentcenter/firstyear.asp>

Internet Legal Resource Guide

<http://www.ilrg.com/>

### JURIST: The Legal Education Network

<http://jurist.law.pitt.edu/studentlife.htm>

### Law.com Legal Dictionary

<http://dictionary.law.com/>

### LawNerds.com

<http://www.lawnerds.com>

### Legal Learning (Carolyn Nygren)

<http://www.findlaw.com/studyskills/index.html>

### 1L Dictionary (Harvard Law School)

[http://www.law.harvard.edu/library/research\\_guides/one\\_1\\_dictionary.htm](http://www.law.harvard.edu/library/research_guides/one_1_dictionary.htm)

### Pace Law School, Academic Support Program

<http://www.law.pace.edu/academicsupport/index.html>

### Teaching and Learning Law Resources for Legal Education (Barbara Glesner Fines)

<http://www.law.umkc.edu/faculty/profiles/glesnerfines/bgf-edu.htm>

### University of Dayton School of Law, Online Academic Assistance

<http://academic.udayton.edu/legaled/online/>

### University of Iowa College of Law, Academic Achievement Program

<http://www.uiowa.edu/%7Eaap001/>

### University of San Diego School of Law, Academic Support Program

[http://www.sandiego.edu/usdlaw/studyskills\\_material.html](http://www.sandiego.edu/usdlaw/studyskills_material.html)

### Villanova University School of Law, Office of Academic Support

<http://vls.law.vill.edu/academics/support/index.htm>

## Kris Franklin (N.Y. Law School) reports on NY-area get-togethers:

I have heard from a number of people regarding our upcoming plans. It seems that what most people want is some informal way to talk through some of the things we are doing. That is, we'd like to have fairly free-flowing conversation and loose structure, but nonetheless want to ground our conversation in the specific work that everyone is doing.

So we propose to arrange the following: a half-day

session in which we will devote 45-minutes to an hour to discussion lead in turn by each participant (or, if too many people are interested, the first who commit). The discussion leader will select a particular topic or lesson relevant to their program (e.g., training of TAs, analyzing multiple-choice questions, constructing a rule of law from disparate cases, organizing study time efficiently, evaluating individual learning styles, etc.) and describe, or better yet, demonstrate, what they do with it. That presentation would last no more than 10-20 minutes (and I really want to emphasize that it would not have to be elaborate or formal, just fodder for further conversation), and the remaining time would allow the rest of the group to brainstorm ideas/critique/innovations and so on, or explore ways in which the presenter's techniques might be adapted for other purposes, or for different programs.

We would also ask attenders to provide copies of pretty much any materials that they feel comfortable sharing, whether related to the presentations or not, so that everyone can leave the event with a bit of a recent library.

We know that scheduling is, frankly, impossible since all of us are overextended. Some of us may find December easier because classes are over and exams have begun, while some of us might find it impossible for the very same reason. So please, if you think that this might be something you or others at your school would be interested in attending, let me know the following:

1. Who would want to come.
2. What you might like to talk about.
3. Whether any of the following dates are particularly good, or particularly impossible: Dec. 8 (Monday), 10 (Wednesday), 11 (Thursday), 16 (Tuesday), 19 (Friday). Or late January, if December just will not work out.

Thanks to everyone who has expressed interest in, and support for, this project.

## **Regent LSAC Workshop Participants Offer Solutions to Common ASP Problems**

L.O. Natt Gantt, II  
Regent University School of Law

On June 6-7, 2003, Regent University School of Law hosted the LSAC Regional Academic Assistance Workshop on the theme "New Ideas for Experienced ASPers." The workshop drew 29 participants from all over the country to Regent's campus in Virginia Beach, Virginia. Over the two-day period, participants attended small-group concurrent sessions on eight varied topics, from academic support scholarship to program evaluation. They also gathered for large-group and small-group brainstorming sessions.

These brainstorming sessions were designed to promote dialogue and to propose specific solutions to the problem areas faced by many ASP professionals. In preparation for these sessions, Charlotte Taylor from DePaul University College of Law and I identified three primary areas of concern for ASP professionals: teaching needs, administrative needs, and participation needs. During the first brainstorming session, participants raised particular problem areas within these broad categories. In the second session, participants broke out into smaller groups with each group addressing one of the three areas of concerns. Attendees then convened for a final session to discuss their suggested solutions.

In the sections below, I discuss these proposed solutions reached by the workshop participants. If you have any questions about these solutions or about the workshop generally, I encourage you to contact me.

### **Teaching Needs**

Regarding the first area of teaching needs, participants addressed the common concern among ASP professionals concerning how they can teach "skills" without teaching "substance" and consequently veering into the territory of other faculty members. To address this concern, participants suggested holding small-class sized workshops taught both by ASP professionals and by faculty

members in the relevant substantive areas. The group also observed that ASP professionals concerned about this tension could recommend relevant materials from CALI, the Center for Computer-Assisted Legal Instruction, and could request sample essay questions and model answers from substantive faculty members and use those in working with students.

The group further proposed the possibility of holding skills courses that tie directly into substantive subject areas. In these courses, which could be pass/fail or for no-credit, students could be required to turn in their course outlines for review. Participant Dennis Tonsing observed that he teaches such a course at Roger Williams University, Ralph R. Papitto School of Law. Dennis offers the course, a two-credit class on Agency, in the spring semester of students' first year. Students who perform poorly in doctrinal courses in their first semester are invited to take the class. In the course, Dennis expressly ties academic support principles into his substantive discussion on the law of Agency.

In this first area, participants also considered the question of how academic support programs can effectively meet the needs of students at different learning levels and with different learning styles. Attendees suggested that ASP professionals should provide students, early in their first semester, a self-assessment learning style inventory and should educate students on the appropriate study techniques for different learning styles. Participants further underscored the need to help students identify and be aware of professors' different teaching styles. ASP professionals could ask professors or make classroom visits to learn this information.

Participants devoted significant time to analyzing grading issues. Certain attendees questioned whether the customary law school grading scheme accurately assesses students based on the totality of students' gifts. In response, participants recommended that ASP professionals educate faculty members about how they need to be as specific as possible in their grading. Attendees proposed giving faculty examples of grading

guides to help them be as precise as possible.

In this discussion, participants recognized the growing use of multiple-choice questions in law school examinations. To address this issue, participants proposed inviting bar examiners to schools to help faculty write better multiple-choice questions. Participants further suggested that faculty themselves should sponsor workshops for the students on how to take multiple-choice exams. They also recommended referring students looking for multiple-choice tips to the introductory sections in the Bar/Bri and PMBR multistate exam preparation books. Similarly, they suggested recommending that students work through released MBE questions and through questions in *The Finz Multistate Method* by Emanuel.

Attendees next addressed common issues regarding commercial study aids, most notably, how ASP professionals should advise students on how to use them correctly. Participants proposed recommending to students that they use hornbooks to get a big-picture context before reading their cases. Participants suggested that ASPers should begin discussing other commercial sources with students when they discuss outlining. They specifically recommended that students use such sources in the context of creating their course outlines; participants viewed these sources as a third resource to use for help, with the first being class notes and case briefs and the second being their professors. Attendees further recommended that students should buy no more than one study aid per course. Participants encouraged ASPers to obtain professors' recommendations as to their opinion as to best or preferred source. Participants also suggested that ASPers create an ASP "lending library" so that students can preview study aids before they purchase them.

Attendees discussed, in less detail, other teaching-related issues. First, they recognized the problems associated with advising students who have writing weaknesses in foundational areas such as grammar and composition. Participants suggested hiring an alumnus/a, who is a former English teacher, on a full-time or part-time basis to accept referrals through the academic support program or through the legal writing program. Participants also recommended referring such students to the university

writing center, if one is available. Second, concerning assistance to students whose first language is not English, participants proposed allowing such students an extra 15 minutes per hour plus the use of a dictionary when they take first-year exams. Participants suggested reducing that extra time to 10 minutes second year and 5 minutes third year.

#### Administrative Needs

This second group considered various administrative issues ASP professionals confront. Participants largely addressed the problems that arise when school administrators and faculty have unrealistic expectations for the academic support program. In the first large-group session, participants proposed various ways ASP professionals can address these expectations, most of which involved how ASPers can get other faculty members involved in the program. Specifically, participants discussed: (1) getting first-year faculty involved in the program by giving them concrete tasks to do for the program, such as lecturing in a program workshop; (2) developing faculty allies by, for instance, taking them to lunch to discuss the program; (3) using senior faculty members and deans to help recruit faculty; and (4) if possible, paying stipends to faculty who assist in the program. Participants also noted that it is important to ask for help from others but that ASPers should do as much work for the program as they can.

In the small-group session, group participants added that ASPers could solicit faculty involvement by encouraging faculty to refer students to the program and by educating faculty and administrators on how a successful academic support program is important to a school for marketing purposes. To combat unrealistic expectations, participants further encouraged ASPers to use the ASP listserve and other resources to gain information so that school administrators and faculty are aware of other schools' programs. They also recommended that ASPers put proposals and realistic goals down on paper so that administrators understand the concrete goals of the program. In fact, they recognized that having program goals resolved and solidified is critical to addressing any expectation problems. Participants recommended that, in selecting goals, ASPers should

focus on the areas where the program can have its greatest impact. Participants further noted that ASPers, in the face of unrealistic expectations, might benefit by keeping track of their time so that they can accurately convey how much time and attention specific areas need.

Finally, in terms of facilitating interaction between ASP professionals and other faculty members, participants encouraged ASPers to foster a "collective dialogue" in which the academic support program is not seen as separate from other substantive instruction the school is doing. Avoiding "us-them" language is important to helping school officials see that the school has a problem that the school (not just the ASP) needs to address holistically. Participants encouraged ASPers to be willing to make compromises and engage in "respectful pushback." Such "pushback" involves an ASPer, faced with a host of requests from administrators, responding with something like, "I won't be able to do all the things you requested at the same time, so how would you like me to prioritize them?"

Due to time constraints, this group was unable to offer solutions to two administrative areas of concern, which Charlotte and I had raised. These areas concerned how ASPers can effectively allocate scarce monetary and time resources and how they can squeeze in professional development activities (such as publication and professional organization involvement).

#### Participation Needs

The third group considered the student participation issues faced by ASP professionals. In the large-group brainstorming session, attendees first discussed the common problem of how academic support programs can attract those students who need the program the most. Participants in that session proposed several ways to attract such students, and the small group on participation needs added to these proposals. Participants first stressed that ASPers must be proactive in encouraging student involvement by sending letters about the program to struggling students, by maintaining an open door policy and being available to the students, and by encouraging professor referrals, especially referrals from the legal research & writing instruc-

tors. Participants noted that using current students to encourage involvement, such as by distributing student testimonials, can be particularly effective.

To attract needy students, participants further observed that ASPers must be flexible in addressing the various needs and desires of students. For instance, ASPers might: (1) provide a trial period for students, such as encouraging them to work with you for 30 days and see how they progress; or (2) provide services that respond to the students' ability to commit (i.e., do not just present an "all or nothing" format). Attendees noted that this flexibility is especially important in working with part-time students. Participants affirmed generally that ASPers must seek to understand students' motivations for not being involved in the program, including any cultural differences at issue. Finally, participants recognized that students must feel like they have time for ASP activities, so ASPers must teach students time management skills and help them establish a study regimen.

This group next addressed the common issue of stigma. They observed that students in academic support program may feel like they are being branded "remedial" and that ASPers often must work hard to make students feel good about the program. Participants highlighted that, to address student stigma, ASPers should promote their program in a way that describes the program as relevant to all students. For instance, attendees suggested that ASPers market their program as teaching students "new skills" that are necessary for law school success, not "substantive" assistance in specific subject areas. Specifically, they suggested that ASPers educate students about how academic support programs develop students' analytical reasoning skills, skills that are important for all students. Participants also emphasized that programs should inform students about learning styles, a topic which similarly pertains to all students.

Attendees suggested other, more logistical techniques for minimizing stigma. They recommended that ASPers should be involved in orientation for all students and should make program resources available to all students on the internet. They

suggested that ASPers invite students who may not be struggling academically to participate in the program. They encouraged ASPers also to be available to meet with students on a one-on-one basis and to be sensitive to the emotional needs of students by constructing a program that builds students' confidence and self-esteem. Finally, participants even opined that ASPers may benefit from changing their program's title to something that does not connote remedial help.

This third group then addressed the related problem of backlash, which occurs when some students not in the program resent the fact that others can participate in it. Participants first commented that ASPers can use any backlash effect to encourage those in the program, specifically by informing them that they will be provided with some assistance that is not available to all students. At the same time, participants stressed that ASPers should try to minimize backlash because it promotes discord in the law school community. Participants therefore encouraged ASPers to make their program materials and themselves available, as much as possible, to all students. ASPers should also, similar to the marketing noted above, inform students not in the program that the program is not providing any "trade secrets" or unique information that is not represented in the materials generally.

Charlotte and I had recognized that some ASP professionals may have unique marketing issues when students compare their programs to available commercial programs, such as Bar/Bri first-year review and the LEEWS (Legal Essay Exam Writing) program. Although the participants did not have time to propose specific ways to address these outside programs, they emphasized that ASPers must provide proper, accurate communication about the school's program before students can assess whether these outside programs are for them.

## Comprehensive Study of the Pace Law School ASP

Kelly Levy, Pace Law School

Early last year, Leslie Garfield and Kelly Levi were awarded a grant from LSAC to study the effectiveness of the Pace Academic Support Program. Their article will appear in the winter edition of *The Brigham Young Journal of Law and Education*. Below is an excerpt from the article. Leslie and Kelly will be discussing their findings at the AALS Convention in January.

This article provides an in-depth analysis of our comprehensive study of the Pace Law School ASP. Section I of the article discusses the purpose and design of Academic Support Programs generally, and Pace Law School's program specifically. Section II describes the research design, methodology and procedures used for this study. Section III evaluates and analyzes our research, with an in-depth analysis of the impact each service yields to ASP students and the statistical significance of such benefit, while Section IV evaluates the importance of background criteria and the impact such variables have on ASP participants and non-participants. In addition, this section discusses whether any such background variable allows some ASP students to derive a greater benefit from the program than do other ASP students participating in the same service. Section V elaborates on the benefits of participation in Academic Support, while Section VI elaborates on the impact of background variables on the performance of students.

The article concludes that ASP services benefit a wide variety of students and that the more directly a student works with an academic support professional, the greater likelihood of success he or she will realize.

The article also discusses the impact of student background criteria on ASP participants and non-participants and concludes that LSAT, undergradu-

ate grade point average, gender, ethnicity, socio-economic status, law school grade point average, and part-time/full-time student status, on occasion, predict academic success. No such background factor is associated with any ASP students realizing a greater benefit than do other ASP students participating in the same service. In considering such variables and their impact on performance, the article offers suggestions to various law school constituencies for consideration when deliberating ASP service selection and when making admission and curriculum decisions.

Finally, part of our grant proposal included the goal of developing a research model that other schools can use to evaluate the success of their own programs. This model is significant in that, to the best of our knowledge, it is the first such model developed to allow schools to scientifically access the benefits of the resources they allocate.

The results of this study support the view held by many Academic Support professionals and Law School Administrators that Academic Support Program services do, indeed, offer a benefit to students who regularly participate in such services. Academic improvement is most significant when the student regularly participates in an individual service provided by the Academic Support professional. Improvement is also significant when the student regularly participates in group programs taught by the Academic Support professional.

Less academic benefit results when students regularly participate in an Academic Support Program service led by an upper level student. Each first year service evaluated demonstrated a benefit to participants in the form of immediate academic performance and retention at law school. The upper level service studied demonstrated similar—and quite compelling—results. Furthermore, the study yielded interesting results with respect to which background criteria and pre-law indicators are predictive of academic performance and Bar passage.

Although many of the outcomes were not unexpected, many confirmed concerns widely held by law school professionals throughout the country. Finally, no analysis conducted showed an interaction allowing us to form a relationship between background criteria and success following participation in any of the Academic Support Program services studied. Therefore, it can be assumed that regardless of background criteria and pre-law indicators, each student has an equal likelihood of benefiting from Academic Support services.

#### Section Officers

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