LWI One-Day Workshop
December 7, 2018

Increasing Critical Engagement - How to Get Students to Get Serious

Program Schedule At-A-Glance

8:00 – 8:45: Registration and breakfast

8:45: Welcome
♦ James Hackney, Dean (Northeastern University School of Law)
♦ Margaret Hahn-DuPont, Program Administrator, LSSC (Northeastern University School of Law)

9:00 - Pedagogical Approaches
♦ Irina Gott and Olivia Milonas (Roger Williams University School of Law)
   Reimagining the LRW Syllabus: Turning the “Due” into a “To Do” to Reflect Legal Practice and Maximize Student Motivation and Self-Direction
♦ Elizabeth Bloom (Northeastern University School of Law)
   Creating Desirable Difficulties: Strategies for Reshaping Teaching and Learning in the Legal Skills Classroom

10:00 – Incorporating Social Justice Issues
♦ Meg Holzer and Susan Greene (Brooklyn Law School)
   The Elephant in the Case: Using Problem-Based Fact Patterns to Encourage Students to Confront and Discuss Bias
♦ Adam Todd (University of Dayton School of Law)
   Integrating International Human Rights into the First-Year LRW Course

11:00 - Break

11:15 - Teaching Exercises
♦ Danielle Tully (Suffolk University School of Law)
   Collaborative Case Development for Simulated Legal Writing Problems
♦ Natasha Varyani (New England Law School)
Review and Revise: Encouraging Long-Form Self Evaluation to Produce More Complete and Efficient Legal Analysis

Northeastern University
School of Law

12:15 – The Structure of Legal Analysis
♦ Aimee Saginaw (Univ. of the District of Columbia School of Law)
  *A Winning Game Plan: Using Sports Metaphors to Teach Legal Writing Paradigms*
♦ Maureen Van Neste (Boston College School of Law)
  *#Shareyourrejections: Using an Example of Effective Non-Legal Communication to Introduce the Concept of Empathy for the Legal Reader’s Needs*

1:15 - Lunch

2:15 - Learning Beyond the Classroom
♦ Marni Goldstein Caputo and Laura D’Amato (Boston University School of Law)
  *Podcasts and Court Visits: Engaging Students Through Exposure to Skills in Practice*
♦ Robert Volk and Brian Flaherty (Boston University School of Law)
  *Integrating the Library into the First-Year LRW Course*
♦ Kevin Bennardo and Alexa Chew (Univ. of North Carolina School of Law)
  *Citation Stickiness*

3:45 - Teaching Different Students
♦ Julie Baker (UMass Dartmouth Law School)
  *Teaching Emerging Adults: The Need for Context*
♦ Liliana Mangiafico (Northeastern University School of Law)
  *Teaching A Challenge From A Challenge: A Non-Native Professor’s Perspective On Teaching LRW*
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9:00 - Pedagogical Approaches

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Reimagining the LRW Syllabus: Turning the “Due” into a “To Do” to Reflect Legal Practice and Maximize Student Motivation and Self-Direction
Within the next couple of years, a new generation of students will enter the law school classroom. Research has already shown that this new generation, Gen Z, values transparency and a focus on process with smaller, more manageable learning steps. This presentation will discuss why what we put in our syllabi will matter more than ever to Gen Z, as well as the ways we can emphasize process over product from day one to engage Gen Z in the smaller steps attorneys take to analyze legal issues and meet major writing deadlines.

♦ Elizabeth Bloom (Northeastern University School of Law)
Creating Desirable Difficulties: Strategies for Reshaping Teaching and Learning in the Legal Skills Classroom
This presentation will illustrate how educational psychology principles can be used as powerful tools to drive course design in legal skills classrooms. Integrating formative assessment opportunities into individual and team-based learning settings enables students to become successful, self-regulated learners. I will propose strategies that introduce desirable difficulties into the learning process – namely, complex learning activities that require students to actively engage with the material in ways that promote self-assessment and reflection skills. Transferring the responsibility for learning to students helps cultivate the critical skills necessary for success in the evolving practice of law.
10:00 – Incorporating Social Justice Issues

- Meg Holzer and Susan Greene (Brooklyn Law School)

*The Elephant in the Case: Using Problem-Based Fact Patterns to Encourage Students to Confront and Discuss Bias*

Our presentation explores the possibilities within the legal writing classroom for our students to discuss and confront bias in the cases they read and in their own writing. Students reading judicial opinions for their legal writing assignments may notice and spontaneously raise issues of bias, prejudice, and assumptions. In turn, these observations can spawn class discussion that is both meaningful and time consuming. We look at how to encourage this level of students’ engagement with their readings and address these issues meaningfully and substantively while still staying on track with the work of the semester.

Encouraging students to challenge assumptions in their reading can also translate to encouraging students to recognize and address assumptions in their writing. We will strategize way to make this discussion comfortable for our students, including flexibility and anticipation of potential concerns, as well as choosing the most effective times and methods for these conversations. Specifically, we will discuss how we incorporated this idea into the classroom in the context of an open memo problem with a follow-up as we transitioned to persuasive writing.

- Adam Todd (University of Dayton School of Law)

*Integrating International Human Rights into the First-Year LRW Course*

This presentation stems from my recent reflections on including international human rights law into my first-year legal writing classes. There are evident pedagogical benefits of including international human rights in such a class: enhancing students’ understanding of legal materials, engaging students who are eager to use law for positive social change, and developing students’ cultural competency. The complementary benefits of promoting the importance of international human rights in general also direct the use of this subject in the first-year curriculum. However, international human rights are not easily integrated into a first-year writing course—particularly due to the competing doctrine and skills students need addressed in such a course. The presentation will examine my own successes and failures in integrating international human rights in writing classes. I will also draw on successful examples of integration of human rights and social justice in legal writing courses gleaned from colleagues and literature on the topic. I hope the presentation will provoke a discussion by participants and ultimately inspire innovative teaching ideas.

11:00 - Break

11:15 - Teaching Exercises

- Danielle Tully (Suffolk University School of Law)

*Collaborative Case Development for Simulated Legal Writing Problems*

Lawyers wear many hats: collaborator, negotiator, counselor, advocate (just to name a handful). But, regardless of role, lawyers use sleuthing skills to bring value to their tasks everyday. Introducing students to case development and asking them to develop part of the factual record in their first semester of law school engages curiosity and can even spark it. In addition, introducing students to case development creates meaningful learning experiences.
in the areas of cognition, cultural competence, professional identity formation, narrative theory, and teamwork. Beyond these benefits, it’s just plain fun.

This presentation explores how to foster critical thinking skills by relying on students to develop part of the factual record for their memo assignments. While fact development can be introduced at any stage, in this presentation I will discuss the holes I created in my fall-semester open memo assignment, the breadcrumbs I left, and the sleuthing my students did. I will also share the road bumps and learning opportunities I faced and the tweaks I have made as part of my reflection process.

Natasha Varyani (New England Law School)
Review and Revise: Encouraging Long-Form Self Evaluation to Produce More Complete and Efficient Legal Analysis
The field of educational psychology has established that more interactive learning will lead to more effective retention. In legal education, we have an opportunity to mimic the skills that will be tested in practice: to apply a set of rules to a novel fact pattern and evaluate to reach a result. In this presentation, I will discuss an exercise I have done both in the classroom and in an individual setting that provides the student with a model answer to evaluate before asking the student to create their own legal analysis which will in turn be subject to a parallel evaluation. Students are given a short fact pattern and asked to respond using the structure of IRAC. The interactive portion of the exercise includes examining together a model answer to the same fact pattern, and afterwards asking the student to edit their initial work to strengthen their response. Using relatively simple doctrinal concepts, the goal of this exercise is to guide students through the process of building a scaffolding for a strong legal analysis that can be applied on doctrinal exams, on the bar exam, but most importantly, in their practice of law.

12:15 – The Structure of Legal Analysis

Aimee Saginaw (Univ. of the District of Columbia School of Law)
A Winning Game Plan: Using Sports Metaphors to Teach Legal Writing Paradigms
This exercise incorporates sports metaphors and video technology to teach legal reasoning and writing skills. Specifically, I use examples and footage from football games to demonstrate the CREAC paradigm. I developed this lesson to adapt to the needs of students who learn better when I place legal concepts in the context of already-familiar subjects. As well, by leveraging technology, I seek to engage students who either learn better visually/interactively or have shorter attention spans. Through this lesson, I seek both to impart fundamental legal skills and to prioritize the student experience, to “meet students where they are.”

Maureen Van Neste (Boston College School of Law)
#Shareyourrejections: Using an Example of Effective Non-Legal Communication to Introduce the Concept of Empathy for the Legal Reader’s Needs
This lesson makes use of a letter, posted on a publicly available Twitter account this summer under the hashtag #shareyourrejections, to introduce the concept of writing with empathy for the legal reader’s needs. The presenter will lead participants through a short exercise that involves reviewing a publisher’s endearing rejection letter sent to an aspiring fiction writer,
discussing why it is an effective letter, and, in particular, how it reflects empathy for the recipient’s needs. The exercise then serves as a bridge to discussion about the legal reader’s needs, and analysis of how basic paradigms for written legal communication (especially IRAC, CREAC, etc.) are structured to meet those needs and enhance reader comprehension. The presenter will also reflect on how the exercise worked in her Law Practice classroom, where it seemed to particularly engage first-year law students who were recently familiar with the experience of receiving decision letters from undergraduate colleges and law schools.

1:15 - Lunch

2:15 - Learning Beyond the Classroom

♦ Marni Goldstein Caputo and Laura D’Amato (Boston University School of Law)

*Podcasts and Court Visits: Engaging Students Through Exposure to Skills in Practice*

In Boston University School of Law’s Lawyering Program, we strive to motivate our students to learn legal skills with an eye toward transferring and using them in practice. One motivating technique involves taping podcast interviews with practitioners who are experts in a particular skill. These lawyers answer questions about the skill’s importance in their practice, tell specific stories about successful and unsuccessful instances in which the skill was employed, and advise students about how to tackle school in a way that will improve their later work. In addition, all students complete a Court Visit assignment during the early part of their 1L spring semester, in conjunction with learning about persuasive writing and oral advocacy. Students are required to visit and closely observe any court session that interests them, navigate the buildings and schedules involved, and write a reflection paper on their experience. These podcasts and court visits expose students to how skills are used in practice and, in turn, motivate them to master these skills in law school.

♦ Robert Volk and Brian Flaherty (Boston University School of Law)

*Integrating the Library into the First-Year LRW Course*

At BU Law, we have tried to fully integrate the library into our first year Lawyering Skills class. We assign a librarian to each section of Lawyering Skills. The librarians come to each class, and in a number of classes, instruct the students in legal research. In addition, librarians have prepared a number of “flipped lectures” covering topics such as secondary sources, case finding and case updating. In this way, legal research becomes embedded in the class. Moreover, library work constitutes a portion of the students’ grade. In our presentation, we will explain how we have made the library an integral part of the Lawyering Class, and the benefits this brings.

♦ Kevin Bennardo and Alexa Chew (UNC School of Law)

*Citation Stickiness*

How closely do the authorities cited in federal appellate opinions track the authorities cited in the parties’ briefs? Do litigants’ citations “stick” to the resulting opinion? What does citation stickiness mean for judicial decision making and effective brief writing? Come and learn the results of our empirical study! This presentation will serve as an update to the initial findings that we presented at the LWI Biennial Conference. New and improved with additional data and more slicing and even better dicing than before!
3:45 - Teaching to Different Audiences

♦ Julie Baker (Umass Dartmouth Law School)

*Teaching Emerging Adults: The Need for Context*

Recent LSAC data indicates that fully half of all LSAT-takers are under the age of 24. And we know from our own experience that many of our students come to law school directly from college, often with extremely limited work and life experiences to draw on. We may call them Millennials or Gen Zers – or we may choose the term “Emerging Adults,” defined by psychologist Jeffrey Arnett, PhD., as young adults who have “left the dependency of childhood and adolescence, and have not yet entered the enduring responsibilities that are normative in adulthood.” Whatever the labels we do or don’t apply, the key to teaching these students is to provide critical context for all of the doctrine and skills that we are asking them to master. This presentation will identify the key characteristics of our emerging adult students that present challenges to their learning and will then provide concrete methods of addressing those challenges by focusing on establishing context as a framework for learning.

♦ Liliana Mangiafico (Northeastern University School of Law)

*Teaching A Challenge From A Challenge: A Non-Native Professor’s Perspective On Teaching LRW.*

As a LRW professor, I often try to reassure my students struggling to adjust to law school by comparing the experience to a “full immersion in a foreign language” situation. The comparison attempts to present as natural the students’ struggles with research and writing and for students to eventually realize that, like many before them, they are equipped with what they need to succeed. This presentation was borne from my own experience as a non-native English speaker. The surprised expressions and subtle jabs from some of my students led me to question if my full immersion analogy contains the implicit notion of complete language proficiency by the instructor. What is a professor to do when dealing with ethnic biases over the “right qualifications” a LRW teacher should have? Is the language we teach “Legal English” or the broader “Language of the Law”? 