

# Moving Beyond Langdell II: An Annotated Bibliography of Current Methods for Law Teaching

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## INTRODUCTION

In 1994, Gonzaga Institute for Law Teaching and the Gonzaga Law Review co-sponsored a bibliography<sup>1</sup> that annotated articles on teaching methods used in law schools. The bibliography covered articles published between 1985 and the first half of 1993. This bibliography continues the process of reporting articles that offer practical suggestions on pedagogy. It does not duplicate any of the annotations previously reported and covers a five and-a-half year period, from June 1993 to December 1999. Similarly, this bibliography does not replicate the annotations found in a related bibliography<sup>2</sup>

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1. See Arturo L. Torres and Karen Harwood, *Moving Beyond Langdell: An Annotated Bibliography of Current Methods for Law Teaching*, 1994 GONZ. L. REV. 1 (spec. ed.).

2. See Arturo López Torres, *MacCrate Goes to Law School: An Annotated*

reporting on methods for teaching lawyering skills in the traditional classroom, even though most, if not all, of its 204 entries would be relevant to the present bibliography. Also, the nascent body of articles on teaching law by means of distance education is included elsewhere<sup>3</sup>. Although the majority of articles cited are from United States legal publications, unlike the previous bibliography, we also made a concerted effort to include relevant articles from Canada, Australia, the United Kingdom, and New Zealand since 1990.

While this bibliography is extensive, it cannot be considered comprehensive. Many fine articles were omitted because they were more theoretical than practical, and hence outside the scope of our inquiry. Additionally, while every effort was made to produce a comprehensive bibliography, it is possible that we may have missed some excellent articles. If you know of articles we have missed, please send us a citation so we may evaluate it for possible inclusion in a future supplement. The bibliography is current as of December 1999. We modified the citation format from the style suggested in *A UNIFORM SYSTEM OF CITATIONS* (16<sup>th</sup> edition) to include the author's full name, unabbreviated journal title, and page length of the article.

#### A. Selection and Exclusion

The 209 articles selected for this bibliography must, in some way, consider teaching methodologies in a classroom or similar setting. The methodologies must be discussed from a pedagogical perspective. Thus, articles that explain how a teacher approaches a particular course or situation and describes the materials chosen, methods employed, exercises used, and evaluation instruments or methods utilized would definitely be included, while a theoretical treatment of the value of a course or methodology might be excluded. In all cases we asked ourselves if the proposed article would offer insights that would help classroom teachers develop new teaching methods. Essentially, classroom teachers and clinicians are our intended audience.

Excluded are articles discussing general or broad educational objectives, theoretical implications, curricular reforms, items that do not directly describe specific pedagogical examples or experiences, or articles describing teaching law from an undergraduate perspective in the United States<sup>4</sup>. Even within professional legal materials, we did not include materials from monographs,

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*Bibliography for Teaching Lawyering Skills in the Classroom*, 77 NEB. L. REV. 132 (1998).

3. This was the subject of yet another bibliography. See Arturo López Torres & W. Clinton Sterling, *Will Law Schools Go the Distance? An Annotated Bibliography on Distance Education in Law*, 91 L. LIBR. J. 655 (1999).

4. Unlike in the United States and Canada, law degrees in Australia, New Zealand, and the United Kingdom are undergraduate degrees. However, articles emanating from these countries that otherwise meet the selection criteria are included.

such as Gerry Hess' and Steven Friedland's book, *TECHNIQUES FOR TEACHING LAW* (1999), newsletters like the *LAW TEACHER* (Gonzaga University, Institute for Law School Teaching), or materials from workshops, CLE or professional meetings, such as the American Association of Law School (AALS) annual conferences.

### B. Organization and Classification

The entries in this bibliography are classified according to teaching methods or teaching subjects explicitly stated in or implicitly gleaned from the article. The articles are arranged alphabetically within each category by author. If an article did not fit into any of the defined categories, it was placed under "Teaching Methods." When articles address two or more teaching methods, the citation is cross-referenced in each of the categories. As with the previous bibliography, the annotations note any unique features conveyed by the article, such as course descriptions, course materials, syllabi, class assignments, or exercises. There is a separate index of authors' names at the end of the bibliography.

### C. Methodology

We wanted to include pieces that were readily available and accessible. Thus, the materials consulted for this bibliography are sources that are typically found in most United States law school libraries. For example, the sources checked included: *INDEX TO LEGAL PERIODICALS*, *Legal Resource Index* (electronic equivalent to *CURRENT LAW INDEX*); *LegalTrac*, *Westlaw* (*JLR*, the *Journal and Law Review* database); *Lexis* (*ALLREV*, the combined Law review file); and *INDEX TO CANADIAN LEGAL LITERATURE*. In addition, selective journals were reviewed from 1990 to date in toto, including: *CLINICAL LAW REVIEW*; *JOURNAL OF LEGAL EDUCATION* (reviewed from 1994 to date); *JOURNAL OF PROFESSIONAL LEGAL EDUCATION*; *LAW TEACHER: JOURNAL OF THE ASSOCIATION OF LAW TEACHERS*; *LEGAL EDUCATION REVIEW*; *LEGAL STUDIES: THE JOURNAL OF THE SOCIETY OF PUBLIC TEACHERS OF LAW*; *SCRIBES: JOURNAL OF LEGAL WRITING*; and *LEGAL WRITING: THE JOURNAL OF THE LEGAL WRITING INSTITUTE*.

The initial bibliographic searches turned up several thousand items. The references were then reviewed and identified for relevancy. The results turned up several hundred articles, which were then retrieved and reviewed to ascertain whether they contained the necessary criteria for inclusion. Additionally, the articles cited, referenced, or discussed in these pieces were also evaluated for possible inclusion. The results are 209 individual entries reported in this bibliography.

SUBJECTS

## ADMINISTRATIVE LAW

Migdal, Stephen & Martin Cartwright, *Student Based Learning – A Polytechnic's Experience*, 25 LAW TEACHER 120-131 (1991). The authors briefly describe their trial and error attempts and subsequent mastery of a self-learning system, where in an Administrative Law course students learn at their own pace with minimal traditional classroom contact. They claim the course improves legal research abilities and can be easily converted to a distance education setting. The methods are described and the course outline and workplan are supplied in the Appendices.

## ALTERNATIVE DISPUTE RESOLUTION/MEDIATION

Alexander, Peter C., Peter N. Kutulakis & Robert M. Ackerman, *Integrating Alternative Dispute Resolution into the Bankruptcy Curriculum*, 102 DICKINSON LAW REVIEW 259-275 (1998). The authors describe a two-class ADR exercise incorporated into a Debtor-Creditor course. The authors provide all the materials used for this simulation including fact sheets for the various parties, financial data, and pleadings.

Astor, Hilary & Christine Chinkin, *Teaching Dispute Resolution: A Reflection and Analysis*, 2 LEGAL EDUCATION REVIEW 1-33 (1990). This article describes and reflects upon the authors' Alternative Dispute Resolution (ADR) course at Sydney Law School (Australia). Among the components covered are course objectives, course content, dispute resolution content, methods for skills development, teaching methods, and methods for assessing student performance. The skills development section provides thorough descriptions of various dispute resolution and mediation exercises used in tandem with class lectures and discussions.

Buckley, Ross P., *Incorporating Dispute Resolution and Drafting Skills Into a Substantive Law Course*, 16 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 261-269 (1998). This article describes how to integrate alternative dispute resolution and drafting skills in a contracts course at Bonds University (Australian). Two modules for teaching dispute resolution skills, including drafting skills are presented.

Calver, Richard, *The Teaching of Commercial Alternative Dispute Resolution: Problems and Opportunities*, 12 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 113-133 (1994). After briefly outlining his personal motivation for

wanting to teach the Commercial Alternative Dispute Resolution course, Calver proceeds to set out the course aim and objectives, course content, and assessment methods. The Appendix contains the class outline and reading list.

Campbell, Beth, *Professional Legal Education, Deep Learning and Dispute Resolution*, 15 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 1-14 (1997). Arguing that dispute resolution is an integral component of legal education, Campbell posits “. . . there are significant affinities between the approaches to social and economic problem-solving exemplified in mediation theory and those advocated by the proponents of deep learning as a style of education which encourages imaginative understanding of the problems encountered by actual people in real life situations.” (p. 1) Problems in teaching dispute resolution to large classes are briefly discussed and a sample class exercise is provided in the Appendix.

Chinkin, C.M. & Romana Sandurska, *Learning About International Law Through Dispute Resolution*, 40 INTERNATIONAL & COMPARATIVE LAW QUARTERLY 529-550 (1991). Drawing upon the experience of developing and teaching an International Dispute Resolution course to final-year law students at Sydney University (Australia), the authors discuss their methodology of teaching and research for the course. They conclude dispute resolution can provide a different perspective for the formation and operation of substantive legal rules.

Kovach, Kimberlee K., *The Lawyer as Teacher: The Role of Education in Lawyering*, 4 CLINICAL LAW REVIEW 359-390 (1998). “This paper explores how teaching and lawyering resemble one another and looks specifically at the role of the lawyer as one of an educator.” (p. 361) Assuming the validity of this premise, the author describes and recounts her experience with clinical classroom and extracurricular activities that allow students to be teachers as well as evaluators of teaching effectiveness by their peers.

Landry, Elaine M. & Anne Donnellon, *Teaching Negotiation with a Feminist Perspective*, 15 NEGOTIATION JOURNAL 21-29 (1999). This article outlines some of the issues associated with the traditional method of teaching negotiation and illustrates how feminist pedagogical principles may be incorporated into the course.

O’Neill, Kate, *Adding an Alternative Dispute Resolution (ADR) Perspective to a Traditional Legal Writing Course*, 50 FLORIDA LAW REVIEW 709-718 (1998). O’Neill briefly explains how she incorporated Alternative Dispute

Resolution components into a traditional first-year legal research and writing course.

Spegel, Nadja, *Lawyers Learning to Survive: The Application of Adventure-Based Learning to Skills Development*, 14 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 25-50 (1996). Adventure-based learning (ABL) relies on reflection and debriefing to help students create “meaning out of the experience in order to apply their learning to the next activity and a new environment.” (p. 26) The author reports on the University of Queensland’s “Adventure Project,” which was designed to incorporate ABL in dispute resolution skills, such as communication, lateral thinking, problem solving, negotiation and mediation. The Appendix outlines four ABL exercises.

Weinstein, Janet, *Teaching Mediation in Law Schools: Training Lawyers to be Wise*, 35 NEW YORK LAW SCHOOL LAW REVIEW 199-238 (1990). The author describes the theory and planning that went into creating a clinical mediation course. She describes the course’s goals, strategies, some class activities and evaluation of her program.

#### ANTITRUST

Orland, Leonard, *Teaching Antitrust During Microsoft*, 31 CONNECTICUT LAW REVIEW 1375-1385 (1999). A seminar taught by the author addressing the Microsoft antitrust case is discussed. Materials used and class progression are briefly discussed. One should also consult the author’s previous piece, *Commentary. Teaching Antitrust After Chicago and Perestroika*, 66 NEW YORK UNIVERSITY LAW REVIEW 239-263 (1991), which assesses late 1980s and early 1990s Antitrust casebooks and offers suggestions for Antitrust teaching materials.

#### ARTIFICIAL INTELLIGENCE

Kowalski, Andrzej, *Leading Law Students to Uncharted Waters and Making Them Think: Teaching Artificial Intelligence and Law*, 2 JOURNAL OF LAW & INFORMATION SCIENCE 185-205 (1991). Kowalski describes developing and teaching a new one-semester course entitled “Legal Reasoning, Expert Systems and Artificial Intelligence,” in which the students, working in groups, construct rule-based expert systems. Emphasis is placed on the multi-disciplinary nature of the field of artificial intelligence as well as legal theory, reasoning, and philosophy. The author’s experience may prove useful to those contemplating a similar course.

## AUDIOVISUAL AIDS

Crist, Maria Perez, *Technology in the LRW Curriculum – High Tech, Low Tech, or No Tech*, 5 LEGAL WRITING 93-123 (1999). In part, this article describes specific classroom technologies and offers practical suggestions for getting started and assessing their effectiveness as teaching tools. For the uninitiated, this may be a good starting point to get a general overview of classroom technology.

Gillers, Stephen, *Getting Personal*, 58–AUT LAW & CONTEMPORARY PROBLEMS 61-72 (1995). Teaching goals and use of video vignettes in teaching legal ethics are described along with student responses to the vignettes.

Lawrence, William H., *Diagramming Commercial Paper Transactions*, 52 OHIO STATE LAW JOURNAL 267-278 (1991). To unravel the complicated realm of negotiable commercial paper, often involving multiple legal theories affecting multiple parties, the author has devised a simple yet comprehensive scheme for diagramming the relationship among the facts, parties, and corresponding legal principles involved. Several diagramming schemes are provided.

Richman, William M., *Graphic Forms in Conflict of Laws*, 27 THE UNIVERSITY OF TOLEDO LAW REVIEW 631-656 (1996). This piece shows how the author has been able to incorporate the use of visual aids in his Conflict of Laws class. Examples of illustrations, charts, graphs, flow charts, and diagrams used in class are provided.

Sharman, Frank, Kevin Hogan & Tony Cooke, *The Evaluation of Interactive Video in Law Teaching*, 24 LAW TEACHER 112-119 (1990). The authors report on their study that attempts to evaluate the effectiveness of using interactive video in law teaching. Students were randomly assigned to one of three groups in which the same material was presented by either (1) the lecture method, (2) linear video, or (3) interactive video. While results did not reveal significant differences among the learning levels of the three groups, teachers planning to use interactive video may find the data and the authors' conclusions useful.

## BANKRUPTCY

Alexander, Peter C., Peter N. Kutulakis & Robert M. Ackerman, *Integrating Alternative Dispute Resolution into the Bankruptcy Curriculum*, 102 DICKINSON LAW REVIEW 259-275 (1998). (See Alternative Dispute Resolution/Mediation.)

## CASE METHOD

Davis, Peggy Cooper & Elizabeth Ehrenfest Steinglass, *A Dialogue About Socratic Teaching*, 23 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 249-279 (1997). The authors believe the goal of legal education is to “provide context in which students can learn fundamental legal concepts, develop intellectual versatility, learn to use the range of intellectual capacities across the range of lawyering tasks, and develop a critical consciousness about their professional role.” (p. 252) They contend the Socratic method has its place in the legal education enterprise, but not to the exclusion of other teaching methods, specifically experiential learning. Part I of the essay describes the dialogic method attributed to Socrates. Part II contains a brief description of Langdell’s introduction of the Socratic techniques to law teaching. Part III describes the contemporary Socratic method along with its strengths and weaknesses in light of the respective pedagogic goals.

Eisele, Thomas D., *Bitter Knowledge: Socrates and Teaching by Disillusionment*, 45 MERCER LAW REVIEW 587-620 (1994). The author gives a thorough account of his teaching philosophy and methods. A proponent of the Socratic method, Eisele believes that “teaching by means of disillusionment is a part of the ethics of legal education.” (p. 588) In other words, his premise is learning is a never-ending proposition and we can only hope to learn by acknowledging our ignorance. Therefore, the good teacher’s responsibility is to make students aware of this by teaching through disillusionment or bitter knowledge—“You don’t know what you think you know.” (p. 614) However, the lesson is only half done at this point. The teacher must also be willing to reciprocate by making a fair attempt at listening and trying to understand—for the learner may “know more . . . than what [they] think [they] know.” (p. 616) The author acknowledges his teaching method may bruise egos along the way, but this is often necessary to achieve true learning via the Socratic method.

Grano, Joseph D., *Teaching Roe and Lochner*, 42 WAYNE LAW REVIEW 1973-1997 (1996). To demonstrate the interpretational methodology involved in substantive due process cases, Grano teaches *Roe v. Wade* and *Lochner v. New York* together and basically asks the same questions in class in both sessions. To illustrate, he outlines a set of ten questions raised in teaching *Roe* and *Lochner* together. Suggested answers follow each question.

Hawkins-Leon, Cynthia G., *The Socratic Method – Problem Method Dichotomy: The Debate Over Teaching Method Continues*, 1998 BRIGHAM YOUNG UNIVERSITY EDUCATION & LAW JOURNAL 1-18 (1998). The benefits and pitfalls of the Socratic versus problem teaching methods are outlined and

compared. The method used depends largely on context. However, the author concludes the problem method may be more gender neutral in relation to learning styles and better suited overall for comprehension and retention of material.

Rosato, Jennifer L., *The Socratic Method and Women Law Students: Humanize, Don't Feminize*, 7 SOUTHERN CALIFORNIA REVIEW OF LAW & WOMEN'S STUDIES 37-62 (1997). The author discusses the negative effect of legal education on women, but sees many positive benefits of the Socratic method. She concludes the Socratic method should be retained but "humanized" by fostering on "ethic of care" in the classroom and demystifying the learning process.

Weaver, Russell L., *Langdell's Legacy: Living with the Case Method*, 36 VILLANOVA LAW REVIEW 517-596 (1991). After lengthy examinations of the case method, its history, benefits, shortcomings, and its impact on legal education, Weaver suggests some improvements through "Educating Students About Goals & Objectives," "Classroom Reinforcement," "Encouraging Independent Thought," and "Examinations." A revised and shortened version of this article also appears in 11 LEGAL STUDIES 155-171 (1991).

#### CASE STUDIES

Dyer, Bruce, Mary-Anne Hughson, John Duns & Sam Ricketson, *Teaching Note: Creating a Corporations Law Case Study*, 8 LEGAL EDUCATION REVIEW 161-180 (1997). The authors recount their processes and experiences in developing and presenting a case study based on an actual court decision for use in teaching Corporations and Business Associations Law at Monash Law School (Australia). The case study took approximately a year to develop and the process was replete with challenges in such areas as confidentiality, copyright, and privilege. Finally, they offer some reflections on the use of case studies and their alternatives.

#### CASEBOOKS

Kelly, Michael J., *Teaching International Environmental Law – Tools of the Trade: A Survey of Materials*, 28 STETSON LAW REVIEW 1197-1227 (1999). International environment law course books, treatises, topical books, Web sites, and electronic databases are reviewed relative to their respective presentation formats, strengths and weaknesses, and their worth to the professor in a typical law school lecture or seminar setting.

Muller, Eric L., *A New Law Teacher's Guide to Choosing a Casebook*, 45 JOURNAL OF LEGAL EDUCATION 557-567 (1995). Provides generic advice to beginning law teachers on casebook selection.

Subrin, Stephen N., *Teaching Civil Procedure While You Watch It Disintegrate*, 59 BROOKLYN LAW REVIEW 1155-1190 (1993). After much ado and discussion about the changing and expanding landscape of civil procedure, Subrin describes his simulation, based on two actual cases as a way to provide a contextual basis to students. By using simulations, however, the course must be pared down to effectively cover other critical areas such as Federal Rules, doctrine, and theory. In short, this piece offers a few teaching kernels and suggestions for the seasoned instructor. For a reaction to Subrin's article providing a different perspective, see Elizabeth M. Schneider's short response, *Structuring Complexity, Disciplining Reality: The Challenge of Teaching Civil Procedure in a Time of Change*, 59 BROOKLYN LAW REVIEW 1191-1197 (1993).

Symposium, *Casebook Review*, 20 SEATTLE UNIVERSITY LAW REVIEW 271-352 (1997). This is the first annual issue dedicated to casebook reviews, providing reviews of three commonly used Contracts casebooks: 1) CASES AND MATERIALS ON CONTRACTS, 5<sup>th</sup> Edition, by E. Allan Farnsworth & William F. Young (Foundation Press, 1995); 2) CONTRACTS AND RELATED OBLIGATIONS: THEORY, DOCTRINE, AND PRACTICE, 3<sup>rd</sup> Edition, by Robert S. Summers and Robert A. Hillman (West Publishing Co., 1992); and 3) CONTRACTS, CASES AND DOCTRINE, by Randy E. Barnett (Little, Brown and Co., 1995).

Symposium, *Casebook Review*, 21 SEATTLE UNIVERSITY LAW REVIEW 719-1038 (1998). This symposium issue begins by tracing the evolution of Constitutional Law casebooks, then collects essays on more than a dozen different textbooks. Many of the articles also address how the individual reviewer uses the text in the classroom.

Symposium, *Casebook Review*, 22 SEATTLE UNIVERSITY LAW REVIEW 867-1055 (1999). This symposium issue includes nine articles reviewing and commenting on five of the seventeen property casebooks in general circulation. Besides describing how each author adapts and supplements the various textbooks for their classes, the authors discuss such topics as limitations in coverage, goals of the course, and methods of supplementation. This would be a good starting place for new property teachers setting up a course for the first time and for experienced teachers thinking about changing their texts.

## CIVIL PROCEDURE

Glannon, Joseph W., Terry Jean Seligmann, Medb Mahony Sichko & Linda Sandstrom Simard, *Coordinating Civil Procedure with Legal Research and Writing: A Field Experiment*, 47 JOURNAL OF LEGAL EDUCATION 246-259 (1997). The authors report on a year-long collaboration in teaching Legal Research and Writing and Civil Procedure. Legal Research and Writing faculty assigned memos, briefs, simulations, and demonstration exercises based on Civil Procedure topics. The authors conclude students benefit from this kind of coordination.

Vaughn, Robert G., *Use of Simulations in a First-Year Civil Procedure Class*, 45 JOURNAL OF LEGAL EDUCATION 480-486 (1995). Vaughn describes a series of simulations he uses in his civil procedure course. He uses simulations that involve motion practice, drafting, negotiation, and legislative hearing, all of which help to illustrate content and provide context.

## CLINICAL EDUCATION

Aaronson, Mark Neal, *We Ask You to Consider: Learning About Practical Judgment in Lawyering*, 4 CLINICAL LAW REVIEW 247-320 (1998). The first section of this article explores conceptually what is involved in exercising judgment. Drawing on legal and non-legal literature, the author offers a set of ideas about what is good lawyering judgment. In the second section, he discusses learning and teaching judgment, describing some of the approaches and techniques he has used at the Hastings Civil Justice Clinic to encourage the development of good lawyering judgment.

Aiken, Jane Harris, *Striving to Teach "Justice, Fairness, and Morality,"* 4 CLINICAL LAW REVIEW 1-64 (1997). The author outlines a learning theory that offers a model for teaching about justice through the systematic study of evidence of injustice. She then describes a clinical experience in which the students: (1) encounter injustices in the course of representing clients, and (2) analyze how and why the experience affected the students' sense of justice. Finally, she examines ways in which the learning theory can be used in other clinical and traditional law school courses.

Baker, Brook K., *Learning to Fish, Fishing to Learn: Guided Participation in the Interpersonal Ecology of Practice*, 6 CLINICAL LAW REVIEW 1-84 (1999). Baker argues for an "ecological approach" to clinical supervision where support for student learning is well timed and matched to needs. He includes a

number of charts to explain his theory, based on a social participation theory of adult education.

Brustin, Stacy L. & David F. Chavkin, *Testing the Grades: Evaluating Grading Models in Clinical Legal Education*, 3 CLINICAL LAW REVIEW 299-336 (1997). This article describes the structure and findings of a study conducted by the teaching clinicians at Catholic University to determine whether grading in clinics enhance students' learning. Although the sample was small and the duration of the study was limited to one semester, the "evidence indicates that there are tangible benefits to be achieved by providing students with the opportunity to be graded in clinical courses." (p. 326) The Appendices outline the evaluation and grading criteria.

Coss, Graeme, *Field Placement (Externship) – A Valuable Application of Clinical Education?*, 4 LEGAL EDUCATION REVIEW 29-62 (1993). This article discusses the advantages and limitations of externship programs. The author describes a variety of externship programs at law schools in the United States, Canada and England. Cross concludes that externships can be a valuable resource if there is proper planning, faculty involvement, and adequate supervision.

Grosberg, Lawrence M., *Should We Test for Interpersonal Lawyering Skills?*, 2 CLINICAL LAW REVIEW 349-384 (1996). For the teacher considering alternative methods of testing for lawyering skills, Part III presents three testing techniques: (1) performance tests, (2) video performance test, and (3) interactive video exam. Each method is described in detail and the advantages and limitations are outlined.

Hartwell, Steven, *Promoting Moral Development Through Experiential Teaching*, 1 CLINICAL LAW REVIEW 505-539 (1995). "This article . . . reports on how a series of semester-long experientially taught legal ethics courses promoted moral reasoning." (p. 506) Relying on Kohlberg's theory of moral development, the author in Part III describes how he taught the experiential professional responsibility courses and the impact it had on students' moral reasoning.

Kovach, Kimberlee K., *The Lawyer as Teacher: The Role of Education in Lawyering*, 4 CLINICAL LAW REVIEW 359-390 (1998). (See Alternative Dispute Resolution/Mediation.)

Mack, Kathy, *Bringing Clinical Learning into a Conventional Classroom*, 4 LEGAL EDUCATION REVIEW 89-112 (1993). This essay provides insights and

explores methods that may be integrated into existing legal education courses from an Australian perspective.

Morton, Linda, *Creating a Classroom Component for Field Placement Programs: Enhancing Clinical Goals with Feminist Pedagogy*, 45 MAINE LAW REVIEW 19-52 (1993). Morton traces the development of field placement programs and shows how feminist teaching methodology can be used to increase self-learning and establish a more collaborative learning environment in the field placement class.

Morton, Linda, *Teaching Creative Problem Solving: A Paradigmatic Approach*, 34 CALIFORNIA WESTERN LAW REVIEW 375-388 (1998). After advocating the incorporation of creative problem solving into the law school curriculum, the author describes her visual model used to teach creative problem solving in clinical courses, and suggests ways it can be used in traditional substantive courses.

Ogilvy, J.P., *The Use of Journals in Legal Education: A Tool for Reflection*, 3 CLINICAL LAW REVIEW 55-107 (1996). This article “introduces some of the literature on critical thinking and learning theory that supports the assignment of journals [regular, written student entries related to the course of study] . . . it provides a starting point for articulating pedagogical goals that can be met through journal assignments.” (p. 56)

O’Leary, Kimberly E., *Using “Difference Analysis” to Teach Problem-Solving*, 4 CLINICAL LAW REVIEW 65-107 (1997). This article explores how clinicians, as well as others, can better integrate “difference analysis” into teaching problem-solving to law students. “Difference analysis” teaches students “to engage in routine examinations of a diverse range of viewpoints when assisting clients rather than focusing primarily on options derived from the student’s own world-view.” (p. 66) Part III describes in detail how a clinical course might integrate “difference analysis” throughout the course.

Quigley, Fran, *Seizing the Disorienting Moment: Adult Learning Theory and The Teaching of Social Justice in Law School Clinics*, 2 CLINICAL LAW REVIEW 37-72 (1995). While advocating that a complete legal education (including clinical education) should include lessons of social justice, the author briefly outlines a few proposed teaching methodologies that provide opportunities for effective social justice learning in law school clinical courses.

Reekie, Roy, *Creating Painters: The Art of Being a Clinical Law Teacher (Part 1) (Towards a Counter-Socratic Method, via Dialogical Empowerment*

*for Critical Awareness*), 9 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 137-148 (1991). First, the author offers theoretical and philosophical groundings for clinical legal education based on the theories of Paulo Freire, a Brazilian educator. The essence of Freire's methodology, "lies in the process of dialogical empowerment of the student." (p. 140) In other words, students learn better through a process of mutual inquiry with the teacher. Reekie then proceeds to describe specific elements of the Professional Practice program at Monash University (Australia).

Shalleck, Ann, *Clinical Contexts: Theory and Practice in Law and Supervision*, 21 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 109-182 (1993-94). Shalleck describes her vision of the role of supervision in a clinical setting. She explores decisions a supervisor may make in a specific case and then broadens her discussion by analyzing six contexts that affect the supervisor's decision-making process.

Weinstein, Janet, *Teaching Mediation in Law Schools: Training Lawyers to be Wise*, 35 NEW YORK LAW SCHOOL LAW REVIEW 199-238 (1990). (See Alternative Dispute Resolution/Mediation.)

#### COMMERCIAL PAPER

Lawrence, Williams H., *Diagramming Commercial Paper Transactions*, 52 OHIO STATE LAW JOURNAL 267-278 (1991). (See Audiovisual Aids.)

#### COMPUTERS

Downie, Jocelyn, Michael Deturbide & Laura Fraser, *A Computer-Assisted Legal Research and Writing Course*, 21 DALHOUSIE LAW JOURNAL 429-439 (1998). In this short piece, "the authors describe and assess their experience with the use of WebCT (a computer program that facilitates the creation and management of courses using the Internet) in the Dalhousie Legal Research & Writing Program." (p. 329) Among other things, they explain how they used WebCT, and conclude it can be a useful tool in legal research and writing courses.

Geist, Michael A., *Where Can You Go Today?: The Computerization of Legal Education from Workbooks to the Web*, 11 HARVARD JOURNAL OF LAW & TECHNOLOGY 141-183 (1997). After tracing the role of computers in legal education and recognizing their current ubiquitous use, Geist suggests how legal educators might use the Web to enrich their teaching. He outlines three possibilities for using the Web: to deliver traditional information and new

information, creating new teaching tools such as visual simulations, and Web lectures.

Rawson, Shirley L. & Alan L. Tyree, *Fred Keller Goes to Law School*, 2 LEGAL EDUCATION REVIEW 253-276 (1990-91). As an alternative teaching method, the authors describe the “Keller Plan,” or Personalised System of Instruction (PSI), to teach 130 students enrolled in a Technology Law class at the University of Sydney Law School (Australia). Under PSI, students study and learn in modules and can only advance to the next module by gaining “mastery” of the unit. Mastery is determined by examination of the student. From an instructor’s point of view, Rawson and Tyree found test preparation to be one of the most demanding aspects of PSI. Allowing students to progress at their own rate, primarily by reading through the modules, provides distinct advantages over traditional teaching methods. However, PSI courses rely on written materials as the primary means of student/teacher communication – the lecture method is for the most part abandoned. The authors do a thorough job of describing the advantages and pitfalls in applying PSI to their Technology course.

Sharman, Frank, Kevin Hogan & Tony Cooke, *The Evaluation of Interactive Video in Law Teaching*, 24 LAW TEACHER 112-119 (1990). (See Audiovisual Aids.)

Silecchia, Lucia Ann, *Of Painters, Sculptors, Quill Pens, and Microchips: Teaching Legal Writers in the Electronic Age*, 75 NEBRASKA LAW REVIEW 802-846 (1996). The use of computer technology by legal writing students is pervasive, and Silecchia outlines the dangers and advantages of this development. She describes the approaches she implemented to ensure students use technology in a constructive manner so as to improve their writing and professional skills.

Warner, Richard, Stephen D. Sowle & Will Sadler, *Teaching Law With Computers*, 24 RUTGERS COMPUTER & TECHNOLOGY LAW JOURNAL 107-185 (1998). The authors describe how to integrate computers, related technology, and related methods into law teaching, based on their experience with Chicago-Kent’s E-LEARN section.

Young, Max, *Constructing C.A.L. Tutorials*, 26 LAW TEACHER 145-150 (1992). This article briefly discusses the factors, largely adopted from Burris (Burris, R., *Critical Features of Microcomputer Based Exercises for Effective Teaching and Learning of Law*, YEARBOOK OF LAW COMPUTER AND

TECHNOLOGY (1987)) that should be considered in designing computer assisted learning (C.A.L.) lessons.

#### CONFLICT OF LAWS

Richman, William M., *Graphic Forms in Conflict of Laws*, 27 THE UNIVERSITY OF TOLEDO LAW REVIEW 631-656 (1996). (See Audiovisual Aids.)

#### CONSTITUTIONAL LAW

Bell, Derrick, *A Pre-Memorial Message on Law School Teaching*, 23 NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE 205-215 (1997). As the author reflects on his four decades of law teaching, the reader is able to glean several of the author's teaching techniques, particularly as they relate to participatory teaching methods and Constitutional Law.

Grano, Joseph D., *Teaching Roe and Lochner*, 42 WAYNE LAW REVIEW 1973-1997 (1996). (See Case Method.)

Symposium, *Casebook Review*, 21 SEATTLE UNIVERSITY LAW REVIEW 719-1051 (1998). (See Casebooks.)

Volokh, Eugene, Robert J. Cottrol, Sanford Levinson, L.A. Powe, Jr. & Glenn Harlan Reynolds, *The Second Amendment as Teaching Tool in Constitutional Law Classes*, 48 JOURNAL OF LEGAL EDUCATION 591-614 (1998). Five Constitutional law teachers describe how they use the Second Amendment to accomplish different teaching goals. Goals discussed include teaching students to: (1) see things from the other side, (2) understand different modalities of constitutional argument, (3) deepen their understanding of checks and balances and other provisions, and (4) debate clashes between constitutional guarantees and powerful governmental interests.

#### CONTRACTS

Buckley, Ross P., *Incorporating Dispute Resolution and Drafting Skills Into a Substantive Law Course*, 16 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 261-269 (1998). (See Alternative Dispute Resolution/Mediation. Skills Training.)

Butler, Des & Leanne Wiseman, *Viva the Viva: Oral Examinations in Contract Law*, 4 LEGAL EDUCATION REVIEW 331-351 (1993). Believing oral

expression and presentation are important skills, some law faculty at Queensland University of Technology (Australia) describe their use of oral examinations as an alternative to written research assignments for part of a student's Contracts grade. This article describes the procedure, method of formulating questions, performance checklist, and data on student responses.

Goh, Bee Chen, *Some Approaches to Student-Centred Learning in Legal Education*, 28 *LAW TEACHER* 158-167 (1994). The author first defines "student-centred learning" and proceeds to briefly describe three suggested approaches used in this method of teaching: Peer Testing, Student as Teachers, and Small Group Teaching.

Macfarlane, Julie & John Manwaring, *Using Problem-Based Learning to Teach First Year Contracts*, 16 *JOURNAL OF PROFESSIONAL LEGAL EDUCATION* 271-298 (1998). This paper describes and evaluates the authors' collaboration in and experiment with problem-based learning (PBL) in a first year contracts course at two Canadian law schools. They describe PBL and distinguish it from other methods. The exercises used, pedagogical objectives, problem design, and assessment are also discussed.

MacFarlane, Peter J.M. & Gordon Joughin, *An Integrated Approach to Teaching and Learning Law: The Use of Student Peer Mentor Groups to Improve the Quality of Student Learning in Contracts*, 5 *LEGAL EDUCATION REVIEW* 153-172 (1994). This paper describes the redesign of a first-year Contracts course at the Queensland University of Technology Law School (Australia). It outlines the processes involved in the redesign along with the corresponding teaching strategies. The course is divided into eleven two-week modules, each employing tightly integrated teaching and learning strategies that are outlined in the paper.

Rule, Ella, *An Experiment in Peer Assessment in LL.B. Year 1*, 29 *LAW TEACHER* 295-310 (1995). Students assess other classmate's written assignments in a first year Contracts course as a way to learn both substantive concepts and legal writing. The author describes her experiences and provides suggestions for improving this method of teaching. The Appendix contains a typical student rating sheet used in a Contracts assignment.

Sokolow, David Simon, *From Kurosawa to (Duncan) Kennedy: The Lessons of Rashomon for Current Legal Education*, 1991 *WISCONSIN LAW REVIEW* 969-987 (1991). Recognizing the woeful disregard for teaching facts in law schools, Professor Sokolow "concludes that the legal educators' preference to teach law as if facts were unimportant derives from the threat factual

indeterminacy poses to the traditional approach to legal education embodied in the ‘Socratic method.’” (p. 969) He attempts to address the dilemma by devising and describing a simple pedagogical experiment designed to teach students in his Contracts class about the importance of facts. He recounts the mistakes made when showing the classic Japanese film *Rashomon*, which was intended to show students that facts are subject to interpretation. The unanticipated student reactions are discussed with an eye towards improving what went wrong.

Symposium, *Casebook Review*, 20 SEATTLE UNIVERSITY LAW REVIEW 271-352 (1997). (See Casebooks.)

Widdison, Robin, Michael Aikenhead & Tom Allen, *Computer Simulation in Legal Education*, 5 INTERNATIONAL JOURNAL OF LAW & INFORMATION TECHNOLOGY 279-307 (1997). After surveying and assessing the use of computer simulation programs in law schools, this article describes an array of specific simulation games. Also, the authors demonstrate, through the use of a contracts case study, the potential for developing simulation games involving substantive rather than procedural law.

#### CORPORATIONS

Dyer, Bruce, Mary-Anne Hughson, John Duns & Sam Ricketson, *Teaching Note: Creating a Corporations Law Case Study*, 8 LEGAL EDUCATION REVIEW 161-180 (1997). (See Case Studies.)

Nathanson, Stephen, *Developing Legal Problem-Solving Skills*, 44 JOURNAL OF LEGAL EDUCATION 215-231 (1994). The first part of the paper includes a description of the author’s experiences in developing and designing problem solving into his courses. In Part Two, he proceeds to outline the principles for teaching problem solving and shows how to incorporate them into a Commercial Law and Practice course.

Tzannes, Maria & Philip King, *Meeting Procedure: A Vehicle to Better Teach Corporations Law and a Professional Legal Skill*, 15 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 123-136 (1997). Recognizing that many law students experience difficulty with Corporations and Business Law courses, the faculty of the University of Western Sydney, MacArthur (Australia), designed a new course: Law of Association. The article outlines the teaching philosophy, design of the materials, description of student and teaching activities, and outcomes and evaluations of the course.

## CRIMINAL LAW AND PROCEDURE

Alschuler, Albert W., *Introduction: Adding a Comparative Perspective to American Criminal Procedure Classes*, 100 WEST VIRGINIA LAW REVIEW 765-771 (1998). The author briefly describes how he incorporates John Langbein's teaching materials titled COMPARATIVE CRIMINAL PROCEDURE: GERMANY. He teaches from the Langbein book in the final two or three classes of his Criminal Procedure course. Although the materials are somewhat dated, they provide a comparative perspective of the U.S. and German systems.

Ball, Wendy & Jacquelin Mackinnon, *Teaching the Unthinkable: Approaches to Effective/Protected Learning in the Area of Sexual Offences*, 8 LEGAL EDUCATION REVIEW 99-111 (1997). The authors discuss the rationale for and content of an optional segment of a Crimes course at the University of Waikato (New Zealand). This paper identifies some of the barriers to teaching the law of sexual violation and the approaches they take to minimize the problems.

Cobley, Cathy & Stephen White, *Specimen and Model Answers in Law Teaching*, 28 LAW TEACHER 36-55 (1994). This piece describes how model answers can be used to improve legal writing by having students compare their initial written answers against model answers. The students are also asked to "grade" and comment on the model answers. The Appendix contains examples of eight model answers that students are asked to "grade."

Frase, Richard S., *Main-streaming Comparative Criminal Justice: How To Incorporate Comparative and International Concepts and Materials into Basic Criminal Law and Procedure Courses*, 100 WEST VIRGINIA LAW REVIEW 773-798 (1998). Frase sets out the advantages and common objections to incorporating comparative and international materials into basic criminal law courses. He suggests specific areas, such as pretrial procedures and sentencing, where comparative materials could be helpful. He also includes a short bibliography of resources for further study.

Giles, Marianne, *Teaching Criminal Law*, 25 LAW TEACHER 214-226 (1991). Using the Clarkson & Keatings, CRIMINAL LAW: TEXT AND MATERIALS (2nd ed., Sweet and Maxwell, 1990) coursebook in the traditional sense, the author outlines her teaching techniques with respect to certain criminal law concepts: What is Crime?, Punishment, Laws and Morals, Harm, Exculpation, Responsibility, and Deception. Her assessment and grading system are also briefly described.

Israel, Mark, *Teaching Criminology Through Interview-based Assignments*, 8 LEGAL EDUCATION REVIEW 141-159 (1997). Trying to spice up his class delivery method, the author conceives and explains a program for teaching criminology through student interview assignments at Flinders University (Australia). Israel asks his students to write a research paper based on interviews of people who had been involved in crime or the criminal justice system. He thoroughly explains the assignment and student reactions. Some of the pedagogical and ethical issues encountered during the five years he has used this process are also outlined.

Leaver, Alan, *Contextualising Law: An Attempt to Operationalise Theory by Teaching Interviewing in the Law School*, 5 LEGAL EDUCATION REVIEW 195-221 (1994). In attempting to integrate skills training in a substantive law course, the author describes the incorporation of interviewing skills in his Criminal Law class, as adopted by the Law School of the Flinders University of South Australia. The interviewing skills component took place within the mooted framework of the class and is “detailed before outlining the educational theory that justifies the choice of interviewing.” (p. 198) The author then briefly describes the interviewing project.

Moskovitz, Myron, *Beyond the Case Method: It's Time to Teach with Problems*, 42 JOURNAL OF LEGAL EDUCATION 241-270 (1992). Convinced the problem method is far better than the case method in training lawyers, Moskovitz documents its superiority. To prove his point, he provides a lengthy example using a typical casebook assignment in Criminal Procedure, comparing teaching methods, first under the case method and then problem method. Other sections include testing with problems, using the problem method in large classes and first year courses, switching to the problem method, writing problems, and books using the problem method.

#### CRITICAL LEGAL STUDIES

Calmore, John O., *Close Encounters of the Racial Kind: Pedagogical Reflections and Seminar Conversations*, 31 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 903-926 (1997). The author shares his thoughts and techniques on teaching critical race theory and anti-discrimination courses that take on the difficult topic of race issues.

#### CRITIQUE

Harris, Angela P. & Marjorie M. Shultz, “A(nother) Critique of Pure Reason”: *Toward Civic Virtue in Legal Education*, 45 STANFORD LAW

REVIEW 1773-1805 (1993). Acknowledging the role of emotion can enrich the classroom experience, the authors set out to tell their stories, illustrating how the use of emotion and reason can enhance classroom debate and discussion.

#### DIVERSITY

Calleros, Charles R., *Training a Diverse Student Body for a Multicultural Society*, 8 LA RAZA LAW JOURNAL 140-165 (1995). The essay covers the benefit and techniques of confronting issues of diversity in the classroom. It also offers advice for managing difficulties that might arise when incorporating diversity issues in class. Throughout the piece, reference is made to comments and reflections of ethnically diverse students' law school experience.

Clemons, Linda Karen, *Alternative Pedagogies for Minority Students*, 16 THURGOOD MARSHALL LAW REVIEW 635-639 (1991). This short essay provides brief insights into cultural leaning styles.

Dark, Okianer Christian, *Incorporating Issues of Race, Gender, Class, Sexual Orientation, and Disability Into Law School Teaching*, 32 WILLAMETTE LAW REVIEW 541-575 (1996). This article illustrates why issues of diversity ought to be taught in every course and how to go about incorporating these issues into the classroom.

Hing, Bill Ong, *Raising Personal Identification Issues of Class, Race, Ethnicity, Gender, Sexual Orientation, Physical Disability, and Age in Lawyering Courses*, 45 STANFORD LAW REVIEW 1807-1833 (1993). Personal identification issues involve awareness of and sensitivity to the diverse characteristics and traits of others. "This paper describes how personal identification issues are raised in . . . three lawyering classes [Lawyering Process for Social Change, Immigration Clinic, and Asian Pacific Americans and the Law], discusses the reactions of some students to these issues, and provides some suggestions as to how issues of identification difference can be raised more effectively [in the classroom]." (p. 1808)

Stanchi, Kathryn M., *Resistance is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices*, 103 DICKINSON LAW REVIEW 7-57 (1998). The author argues it is necessary to teach critical legal theory and methodology in the context of lawyering skills, such as legal writing, in order to make the legal profession less alien for our students who come from cultures that have been marginalized by society.

## EMPLOYMENT LAW

Bisom-Rapp, Susan, *Contextualizing the Debate: How Feminist and Critical Race Scholarship Can Inform the Teaching of Employment Discrimination Law*, 44 JOURNAL OF LEGAL EDUCATION 366-393 (1994). The author suggests ways in which feminist and critical race theory perspectives can enrich an employment law course. She uses affirmative action materials to show how bringing in psychological, sociological, economic, and theoretical contexts can enrich student understanding of legal issues.

Lerner, Alan M., *Law & Lawyering in the Work Place: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solver*, 32 AKRON LAW REVIEW 107-153 (1999). The author describes a first-year elective course entitled "Law & Lawyering" that focuses on developing critical judgment and problem-solving skills. Through the use of simulations, readings, and invited guests, the students work to solve employment discrimination problems.

## ENVIRONMENTAL LAW

Corcos, Christine A., Melvyn R. Durchslag, Andrew P. Morriss & Wendy E. Wagner, *Teaching a Megacourse: Adventures in Environmental Policy, Team Teaching, and Group Grading*, 47 JOURNAL OF LEGAL EDUCATION 224-239 (1997). The authors describe the content and methodology of a six-credit, two-semester, team-taught course in Environmental Law.

Kelly, Michael J., *Teaching International Environmental Law – Tools of the Trade: A Survey of Materials*, 28 STETSON LAW REVIEW 1197-1227 (1999). (See Casebooks.)

Robertson, Heidi Gorovitz, *Methods for Teaching Environmental Law: Some Thoughts on Providing Access to the Environmental Law System*, 23 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW 237-297 (1998). After briefly pointing out the ineffectiveness of the case method for teaching Environmental law, Robertson's article surveys teaching methods aimed at improving environmental legal education. She emphasizes teaching using an environmental law system, which includes the governmental bodies and bodies of law that control environmental law. Part II considers the objectives and goals teachers may have in teaching their environmental law courses. Part IV describes environmental law teaching methods used in the classroom, specifically teaching methods based on problem-orientation and case studies. Part VI describes the environmental law course taught by the author, relying heavily on

problem-oriented and case study approaches. Finally, the Appendices contain the author's syllabus and other course materials used in an introductory Environmental Law course.

Wirth, David A., *Teaching and Research in International Environmental Law*, 23 HARVARD ENVIRONMENTAL LAW REVIEW 423-440 (1999). Wirth gives an overview of the emerging field of International Environmental Law and describes course design and objectives, teaching materials, and opportunities for practical experience.

#### ETHICS/PROFESSIONAL RESPONSIBILITY

Bennett, Jr., Walter H., *The University of North Carolina Intergenerational Legal Ethics Project: Expanding the Contexts for Teaching Professional Ethics and Values*, 58-AUT Law & Contemporary Problems 173-192 (1995). Through the use of oral history, the chief objective of the University of North Carolina (UNC) Law School Intergenerational Legal Ethics Project (unpaged) is to develop approaches that permit ethical issues to be treated in the broader and deeper contexts of personal character development. Part II discusses how the UNC Project has addressed three limitations of legal pedagogy for teaching ethics. Part III lays out the methodology of oral history and describes the mechanics of the legal ethics course.

Burns, Susan, *Teaching Legal Ethics*, 4 LEGAL EDUCATION REVIEW 141-163 (1993). In this article the author reviews recent literature in the area of teaching legal ethics. She discusses the need for instruction in legal ethics, the different ways in which ethics courses are structured, and teaching methods.

Dzienkowski, John S., Sanford Levinson, Charles Silver & Amon Burton, *Integrating Theory and Practice into the Professional Responsibility Curriculum at the University of Texas*, 58-AUT Law & Contemporary Problems 213-226 (1995). Working through year one of a three year grant, the authors describe their efforts to integrate theory and practice into their professional responsibility courses, in light of large classroom settings. Their goal is to develop a model course that will help students identify ethical issues in the practice of law, research ethical problems, and develop an analytical framework for resolving ethical dilemmas. The sequence of the course is described. The authors encourage faculty to contact them for samples of the types of materials developed for the course.

Fejfar, Anthony J., *Legal Education and Legal Scholarship: From Rationalist Discourse to Dialogical Encounter*, 20 CAPITAL UNIVERSITY LAW REVIEW

97-112 (1991). Using discussions of dialogue and historical development of human consciousness as a backdrop for critiquing legal education and scholarship, the author proceeds to describe his teaching methodology in professional responsibility. He uses a critical-dialogical approach to teaching as suggested by Paulo Freire, a Brazilian educator. His goal is to “develop a learning environment where, in a context of mutual trust and openness, both teacher and student grow and learn together.” (p. 109)

Gillers, Stephen, *Getting Personal*, 58–AUT LAW & CONTEMPORARY PROBLEMS 61-72 (1995). (See Audiovisual Aids.)

Green, Bruce A., *Less is More: Teaching Legal Ethics in Context*, 39 WILLIAM & MARY LAW REVIEW 357-392 (1998). Starting with the premise that less is more, Green advocates presenting basic professional responsibility courses contextually as opposed to the survey type method. In a contextual course the aim is to selectively provide actual settings, issues, and the like so that students are able to recognize and resolve ethical dilemmas. According to the author’s experience, “[a] contextual course is more effective because it provides a better picture than the survey course and tends to be better received.” (p. 359) Goals and teaching methods using contextual course practices are described.

Hartwell, Steven, *Promoting Moral Development Through Experiential Teaching*, 1 CLINICAL LAW REVIEW 505-539 (1995). (See Clinical Education.)

Liebman, Carol Bensinger, *The Professional of Law: Columbia Law School’s Use of Experiential Learning Techniques to Teach Professional Responsibility*, 58–AUT LAW & CONTEMPORARY PROBLEMS 73-86 (1995). Columbia’s Profession of Law course, a one-week course required for all 350 third-year students, was designed to combat the perception that most legal ethics courses fail to engage students because the issues lack relevance. The author incorporates and describes in detail the use of three major simulations: (1) a leasing case violating conflict of interest rules, (2) a capital case violating client-attorney privilege and reputation issues, and (3) divorce negotiations.

Molitero, James E., *Teaching Legal Ethics in a Program of Comprehensive Skills Development*, 15 JOURNAL OF THE LEGAL PROFESSION 145-170 (1990). Concerned that law schools are not doing enough to adequately instill legal skills or ethics, Molitero discusses William and Mary’s solution to the dilemma—a nine-credit, four semester course of study that relies on heavy doses of ethics teaching. He thoroughly describes the program and its components, such as the structure of student experiences, simulated client phases, instruction, and grading.

Myers, Eleanor W., *Teaching Good and Teaching Well: Integrating Values with Theory and Practice*, 47 JOURNAL OF LEGAL EDUCATION 401-424 (1997). Myers describes the Integrated Transactional Practice course at Temple University, which merges theory and practice and provides students with opportunities to experience the moral dimension of practicing law. This two-semester course combines Trusts and Estates and Professional Responsibility and includes practice in transactional skills such as interviewing, counseling, drafting, and negotiating.

Rhode, Deborah L., *Annotated Bibliography of Educational Materials on Legal Ethics*, 58-AUT LAW & CONTEMPORARY PROBLEMS 361-389 (1995). The bibliography is clearly aimed at classroom teachers, specifically those teaching legal ethics courses as well as those working or considering integrating ethics into the law school curriculum. Accordingly, the author notes the materials cited are intended to enrich legal ethics instruction. Section II describes written and audiovisual resources for teaching professional responsibility. Section III describes materials for teaching ethics and integrating ethical issues into substantive courses. Finally, Section IV organizes the cited materials by law school subject matter.

Symposium, *Teaching Legal Ethics*, 58-AUT LAW & CONTEMPORARY PROBLEMS 1-389 (1995). W.M. Keck Foundation grant recipients report on the conclusion of their respective grants, whose primary focus was to improve methods of teaching ethics in law schools. The various articles are grouped into six thematic areas including, Improving the Required Ethics Course, 'Mainstreaming' Ethics: The Pervasive Method of Teaching Ethics, Developing Specialized Ethics Courses, and Developing Lawyering Skills: Legal Ethics and Clinical Education. While most articles describe how ethics is taught from course design or curricular perspectives, a few provide sufficient pedagogical detail to be included individually elsewhere in this bibliography. However, most "essays and articles discuss the continued questioning of traditional methods of legal education and the search for more efficient and interesting means of instruction." (p. 1)

Turner, Dennis, *Infusing Ethical, Moral, and Religious Values into a Law School Curriculum: A Modest Proposal*, 24 UNIVERSITY OF DAYTON LAW REVIEW 283-317 (1999). This article summarizes various new methods incorporating professional ethics into the existing curriculum at several law schools. It also briefly describes methods used in medical and theological schools. Finally, the author proposes an approach designed for law schools with limited resources.

Venter, Christine Mary, *Encouraging Personal Responsibility – An Alternative Approach to Teaching Legal Ethics*, 58-AUT LAW & CONTEMPORARY PROBLEMS 287-296 (1995). Venter posits that teaching Professional Responsibility out of a book and without contextual frames of reference is no way to effectively teach Legal Ethics. The only way, she argues, is by incorporating or teaching Legal Ethics in a clinical setting, where the students focus on the ethical issues arising from actual cases. However, this method of teaching is very time and staff intensive and can only accommodate a few students at a time.

#### EVALUATION

Barnes, Jeffrey W., *The Functions of Assessment: A Re-Examination*, 2 LEGAL EDUCATION REVIEW 177-217 (1990-91). The author notes that while assessment modes have been greatly diversified, the problem-type written examination is still the dominant mode used in Australian law schools. Although written from an Australian perspective, information provided can be generally applied to any law school setting. Barnes shows assessment serves not only as a means of certification evaluation but also has an important education function. He proposes nine principles for designing a more broadly based and useful assessment model.

Brustin, Stacy L. & David F. Chavkin, *Testing the Grades: Evaluating Grading Models in Clinical Legal Education*, 3 CLINICAL LAW REVIEW 299-336 (1997). (See Clinical Education.)

Craver, Charles B., *The Impact of a Pass/Fail Option on Negotiation Course Performance*, 48 JOURNAL OF LEGAL EDUCATION 176-186 (1998). Craver describes his negotiation course and debates the pros and cons of grades versus pass/fail options in this course. His data from eleven years suggests that graded students achieve more beneficial negotiating results in the simulation exercises, but that there is little meaningful difference between graded and pass/fail students' scores on papers.

Gordon, Daniel, *Does Law Teaching Have Meaning? Teaching Effectiveness, Gauging Alumni Competence, and The MacCrate Report*, 25 FORDHAM URBAN LAW JOURNAL 43-83 (1997). Gordon believes current methods of faculty evaluation by students is the "student consumer marketplace" and that a better gauge of teaching effectiveness would be to survey alumni on how well their instructors prepared them to be effective lawyers. A sample "Teaching and Learning Survey" form is provided.

Grosberg, Lawrence M., *Should We Test for Interpersonal Lawyering Skills?*, 2 CLINICAL LAW REVIEW 349-384 (1996). (See Clinical Education.)

Keating, Daniel, *Ten Myths About Law School Grading*, 76 WASHINGTON UNIVERSITY LAW QUARTERLY 171-191 (1998). Class grading and assessment have not been a typical topic written about in the legal literature. In this essay, the author hopes that we re-think our existing assumptions about law school grading. Novice as well as seasoned teachers will find useful the section on teacher-student relations, even though it involves dynamics outside of class.

Keyes, Mary E. & Michael J. Whincop, *The Moot Reconceived: Some Theory and Evidence on Legal Skills*, 8 LEGAL EDUCATION REVIEW 1-41 (1997). Since the authors believe assessment theory should inform the structure, content and process of skills training, they begin by reviewing learning theory, especially as it applies to the traditional moot (moot court experience). They then develop an alternative moot plan based on learning theory principles. They give a detailed description as well as the advantages and disadvantages of the moot project they developed for a third-year tax class.

Maharg, Paul, *The Culture of Mnemosyne: Open-Book Assessment and the Theory and Practice of Legal Education*, 6 INTERNATIONAL JOURNAL OF THE LEGAL PROFESSION 219-239 (1999). As the author wrestles with the issues of open book exams, he manages to offer some insights into their benefits and pitfalls.

Miller, Douglas, *Using Examinations in First-Year Legal Research, Writing, & Reasoning Courses*, 3 LEGAL WRITING 217-239 (1997). While advocating and justifying the use of examinations in first-year legal research, writing and reasoning courses, the author includes actual exam questions he has used.

## EVIDENCE

Gunning, Isabelle R., *An Essay on Teaching Race Issues in the Required Evidence Course: More Lessons From the O.J. Simpson Case*, 28 SOUTHWESTERN UNIVERSITY LAW REVIEW 355-365 (1999). By using the Waltz & Park, CASES AND MATERIALS ON EVIDENCE (8th ed. 1995) casebook and selective cases such as *United States v. Abel*, *In re Anthony P.*, and *California v. Simpson*, this essay explains how the author incorporates racial and bias issues into a required Evidence course.

Shapiro, Stephen J., *The Use and Effectiveness of Various Learning Materials in an Evidence Class*, 46 JOURNAL OF LEGAL EDUCATION 101-109 (1996).

Professor Shapiro discusses the effectiveness of using three outside sources in his evidence course: readings from the casebook, a hornbook, and CALI exercises. He concludes the CALI exercises resulted in an improvement in student performance.

Yen, Alfred C., *The Art and Craft of Teaching: Art Resting on Craft*, 10 ST. LOUIS UNIVERSITY PUBLIC LAW REVIEW 241-245 (1991). The author compares teachers to other artists such as musicians and actors. He sees the teacher's craft as grounded in technical mastery of the subject and art as an ability to use tools (teaching methods) to create a desired outcome. To illustrate his points, the author describes how he teaches conditional relevance in his Evidence class.

#### EXTERNSHIPS

Caplow, Stacy, *From Courtroom to Classroom: Creating an Academic Component to Enhance the Skills and Values Learned in a Student Judicial Clerkship Clinic*, 75 NEBRASKA LAW REVIEW 872-915 (1996). Having developed and administered a clerkship externship program, one of the author's stated objectives is to supply information about the program design and curriculum that can help others in the process of either creating or improving judicial clerkship clinics. Equally enlightening is the explanation of her pedagogical evolution and her description of the teaching goals, premises, and materials as outlined in the Appendices.

Eyster, Mary Jo, *Designing and Teaching the Large Externship Clinic*, 5 CLINICAL LAW REVIEW 347-401 (1999). In addition to discussing design considerations of an externship program, Section II describes a number of teaching methods that may be used in the seminar portion of the clinic. Although the article is aimed at newer externship teachers and directors, experienced faculty who are called upon to create or redesign an externship program may find it equally helpful.

Katz, Harriet N., *Personal Journals in Law School Externship Programs: Improving Pedagogy*, 1 THOMAS M. COOLEY JOURNAL OF PRACTICE & CLINICAL LAW 7-58 (1997). The pedagogical basis for a journal writing assignment in a legal externship program is described followed by an explanation of specific journal assignments. Moreover, through a study of her own students' journals, the author suggests ways to improve journaling assignments.

## FAMILY LAW

Shalleck, Ann, *Feminist Theory & Feminist Method: Transforming the Experience of the Classroom*, 7 AMERICAN UNIVERSITY JOURNAL OF GENDER & THE LAW 229-233 (1999). This short piece describes an exercise in a Family Law class that incorporate feminist theory into the classroom.

## FEMINIST LEGAL THEORY

Landry, Elaine M. & Anne Donnellon, *Teaching Negotiation with a Feminist Perspective*, 15 NEGOTIATION JOURNAL 21-29 (1999). (See Alternative Dispute Resolution/Mediation.)

Mossman, Mary Jane, *Gender Issues in Teaching Methods: Reflections on Shifting the Paradigm*, 6 LEGAL EDUCATION REVIEW 129-152 (1995). This paper focuses on gender issues in teaching methods. The author contrasts traditional ideas about law and pedagogy and feminist challenges to them. She describes the problems facing feminist law teachers in large and diverse classrooms and shows that the gendered subjectivity of both teacher and students can affect both teaching and learning.

Otto, Dianne, *Integrating Questions of Gender Into Discussion of "the Use of Force" in the International Law Curriculum*, 6 LEGAL EDUCATION REVIEW 219-227 (1995). First, the author outlines the shortcomings of the international legal approach to violence and its repercussions for women. Secondly, she discusses some of the implications this has on the teaching of international law and offers four strategies that encourage critical thinking in this area.

Orford, Anne, *Citizenship, Sovereignty and Globalisation: Teaching International Law in the Post-Soviet Era*, 6 LEGAL EDUCATION REVIEW 251-261 (1995). This paper describes the ways in which international law can be enhanced by the inclusion of materials that question the central notions of citizenship and sovereignty. The author challenges the dominant conception of the citizen as a neutral disembodied individual: a concept that operates to exclude certain groups. She argues exposure to feminist post-colonial and critical theory while unsettling can lead to a deeper and more "ethical" understanding of law and will turn the classroom into a dynamic place.

Seuffert, Nan, *Feminist Epistemologies and a Law-In-Context Jurisprudence Course: A New Zealand Experience*, 6 LEGAL EDUCATION REVIEW 153-167 (1995). According to the author, feminist epistemologies are useful tools in developing strategies for teaching. They focus educators on the social and

political context in which the knowledge we teach was produced and on the political and social context in which that knowledge is re-produced when we teach it. The author describes how these concepts influenced the design, substance and teaching methods of a jurisprudence course at the University of Waikato Law School (New Zealand).

Shalleck, Ann, *Feminist Theory & Feminist Method: Transforming the Experience of the Classroom*, 7 AMERICAN UNIVERSITY JOURNAL OF GENDER AND THE LAW 229-233 (1999). (See Family Law.)

Torrey, Morrison, Jackie Casey & Karin Olson, *Teaching Law in a Feminist Manner: A Commentary From Experience*, 13 HARVARD WOMEN'S LAW JOURNAL 87-135 (1990). With the aid of two student co-authors, the principal author recounts in detail her Feminist Jurisprudence seminar. The course format, typical of a research and writing seminar, included six weeks of class, four weeks of research, and four weeks of oral presentations. The seminar was designed to develop independent research skills, critical thinking, and effective communication. The article fully describes the seminar's approach, teaching methodology, grading, and goals. Student observations, reactions, and comments by the student co-authors are interwoven throughout the article.

## GENDER

Alegre, Marcela Huaita, *Integrating Gender Into Legal Education: The Obstacles, Challenges and Possibilities*, 7 JOURNAL OF GENDER, SOCIAL POLICY & THE LAW 279-290 (1998-99). "There are many ways to introduce the gender perspective into the teaching of law, such as offering specialized courses, including new contents in basic courses, developing legal theory, developing legislative proposals, and systematizing the case law." (p. 279) This essay outlines these challenges and possibilities.

Bender, Leslie, *Teaching Torts As If Gender Matters: Intentional Torts*, 2 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW 115-163 (1994). Part I discusses ways in which gender affects tort casebooks, classes, and teaching. The second part offers general suggestions of what law professors can do to teach gender in the torts classes. Finally, Bender illustrates examples from her first-year torts class on teaching torts as if gender matters.

Bisom-Rapp, Susan, *Contextualizing the Debate: How Feminist and Critical Race Scholarship Can Inform the Teaching of Employment Discrimination Law*, 44 JOURNAL OF LEGAL EDUCATION 366-393 (1994). (See Employment Law.)

Greenberg, Judith G. & Robert V. Ward, *Teaching Race and the Law Through Narrative*, 30 WAKE FOREST LAW REVIEW 323-345 (1995). The authors report on a course they taught on the two *Rodney King* trials that was used as a forum to talk about race and the law. They describe using narratives to overcome students' reluctance to talk about race.

Gunning, Isabelle R., *An Essay on Teaching Race Issues in the Required Evidence Course: More Lessons From the O.J. Simpson Case*, 28 SOUTHWESTERN UNIVERSITY LAW REVIEW 355-365 (1999). (See Evidence. Race.)

Mossman, Mary Jane, *Gender Issues in Teaching Methods: Reflections on Shifting the Paradigm*, 6 LEGAL EDUCATION REVIEW 129-152 (1995). (See Feminist Legal Theory.)

Rosato, Jennifer L., *The Socratic Method and Women Law Students: Humanize, Don't Feminize*, 7 SOUTHERN CALIFORNIA REVIEW OF LAW & WOMEN'S STUDIES 37-62 (1997). (See Case Method.)

Scales-Trent, Judy, *Sameness and Difference in a Law School Classroom: Working at the Crossroads*, 4 YALE JOURNAL OF LAW & FEMINISM 415-438 (1992). The author gives examples of how to encourage students to explore different perspectives. She cites materials she has used in courses such as Constitutional Law, Employment Discrimination Law, and Law and Social Change.

Scales-Trent, Judy, *Using Literature in Law School: The Importance of Reading and Telling Stories*, 7 BERKELEY WOMEN'S LAW JOURNAL 90-124 (1992). The piece describes what the author hoped to achieve and how she incorporated literature into her "Legal & Policy Issues Affecting Women of Color" course. The footnotes are laden with citations referring to works by and about women of color. The essay is also sprinkled with student observations and reflections about their readings.

Thiemann, Sarah E., *Beyond Guinier: A Critique of Legal Pedagogy*, 24 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 17-41 (1998). The author introduces several theories of pedagogy and explains how traditional law school classrooms work against several tenets of effective teaching. She makes suggestions for improvement including revamping the Socratic method, providing smaller classes, and introducing alternative teaching styles, such as brainstorming, role playing and narrative.

Torrey, Morrison, Jennifer Ries & Elaine Spiliopoulos, *What Every First-Year Female Law Student Should Know*, 7 COLUMBIA JOURNAL OF GENDER & LAW 267-311 (1998). This article documents the multiple forms and manifestations of gender bias in legal education and offers five concrete strategies students can use to cope with gender bias in law school. The Appendix contains a short bibliography of articles on this topic.

#### HEALTH LAW

Davis, Dena S., *Tell Me a Story: Using Short Fiction in Teaching Law and Bioethics*, 47 JOURNAL OF LEGAL EDUCATION 240-245 (1997). Davis discusses the use of stories to teach legal issues. Along with stories from cases and guest speakers, the author believes fiction can enrich class discussion. Davis describes some of the advantages of using fiction in teaching “informed consent” in a Law and Bioethics course.

Jones, Catherine J., *Teaching Bioethics in the Law School Classroom: Recent History, Rapid Advances, the Challenges of the Future*, 20 AMERICAN JOURNAL OF LAW & MEDICINE 417-437 (1994). Jones briefly discusses: (1) the importance of staying current with the doctrine and policies involved in Bioethics, (2) assisting students to learn the substance and application of the material, (3) incorporating professional responsibility issues into the teaching, and (4) making the course material relevant to the students.

#### INTERNATIONAL LAW

Levine, Samuel J., *Teaching Jewish Law in American Law Schools: An Emerging Development in Law and Religion*, 26 FORDHAM URBAN LAW JOURNAL 1041-1050 (1999). The author describes four models for teaching a course in Jewish law. He includes a 5-page bibliography of articles on Jewish law that have appeared in U.S. law reviews since 1995.

Murdoch, Jim, *Using Group Skills in Honours Teaching: The European Human Rights Project*, 28 LAW TEACHER 258-269 (1994). Murdoch discusses the development and implementation of a self-directed, semester long, small student group course at the University of Glasgow’s School of Law (Scotland), whereby students are expected to conduct extensive research and preparation on a European Human Rights Convention issue, culminating in mock oral arguments. Student selection for the course, skills development, and student assessment are among the topics covered.

Otto, Dianne, *Integrating Questions of Gender Into Discussion of "the Use of Force" in the International Law Curriculum*, 6 LEGAL EDUCATION REVIEW 219-227 (1995). (See Feminist Legal Theory.)

Orford, Anne, *Citizenship, Sovereignty and Globalisation: Teaching International Law in the Post-Soviet Era*, 6 LEGAL EDUCATION REVIEW 251-261 (1995). (See Feminist Legal Theory.)

Reitz, John C., *How to do Comparative Law*, 46 AMERICAN JOURNAL OF COMPARATIVE LAW 617-636 (1998). Reitz describes nine essentials of the comparative law method. He describes the difference between comparative law and foreign law, the basic techniques of comparing law, and gives guidelines for carrying out legal comparisons.

Strauss, Andrew L., *Creating and Conducting In-Class Simulations in Public International Law: A Producer's Guide*, 4 ILSA JOURNAL OF INTERNATIONAL & COMPARATIVE LAW 669-681 (1998). The author describes his experience in creating and using simulations using Public International law as the backdrop. The piece consists of several parts: goals in constructing simulations; simulation problem setting; creating the simulation problem; constructing the procedural foundation for the simulation; incorporating student participation; helping students prepare for the simulation; how to conduct the simulation; preparing the classroom for the simulation; feedback of performance; grading the simulation; and suggestions for better simulations.

Wirth, David A., *Teaching and Research in International Environmental Law*, 23 HARVARD ENVIRONMENTAL LAW REVIEW 423-440 (1999). (See Environmental Law.)

#### JURISPRUDENCE

Kissam, Philip C., *Disturbing Images: Literature in a Jurisprudence Course*, 22 LEGAL STUDIES FORUM 329-351 (1998). Using such works as *Antigone*, *The Merchant of Venice*, and *Billy Budd*, along with more traditional works to teach the nature of law, Kissam discusses how he integrates literature into his Jurisprudence course and explains why he believes literature enriches discussions of law.

Seuffert, Nan, *Feminist Epistemologies and a Law-In-Context Jurisprudence Course: A New Zealand Experience*, 6 LEGAL EDUCATION REVIEW 153-167 (1995). (See Feminist Legal Theory.)

Torrey, Morrison, Jackie Casey & Karin Olson, *Teaching Law in a Feminist Manner: A Commentary From Experience*, 13 HARVARD WOMEN'S LAW JOURNAL 87-135 (1990). (See Gender.)

## LEARNING

Bond, Carol & Marlene Le Brun, *Promoting Learning in Law*, 7 LEGAL EDUCATION REVIEW 1-29 (1996). This article focuses on relatively recent research into how students learn. The authors describe the work of Martin and its implication for teaching and learning law. After describing different conceptions of learning, Bond and Le Brun present two case studies illustrating different approaches—a “surface” approach and a “deep” approach, which demonstrate how two different students view the nature of law.

Boyle, Robin A. & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALBANY LAW REVIEW 213-247 (1998). Professors should tailor their teaching methodologies to accommodate individual learning styles of students. To bring this to light, the authors used the Productivity Environmental Reference Survey (PERS) to analyze the individual learning styles of seventy-six first-year law students in a legal research and writing class. Part II describes the results of the testing and makes recommendations of teaching strategies that complement the students' learning styles. The diagnostic test used in the study, statistical results of the study, and examples of a homework prescription are described in the Appendices.

Champagne, David W., *Improving Your Teaching: How Do Students Learn?*, 83 LAW LIBRARY JOURNAL 85-90 (1991). Since everyone receives and processes information in different ways, teachers should adapt their teaching methods to the different learning styles of their students. The author describes several different learning styles and suggests ways to help various types of learners by choosing materials and methodologies that maximize learning opportunities for students with a variety of learning styles.

Hess, Gerald F., *Listening to Our Students: Obstructing and Enhancing Learning in Law School*, 31 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 941-964 (1997). To optimize teaching and learning in the diverse classroom, Hess prescribes a two-step process: “(1) teachers should frequently ask law students to assess the effectiveness of various teaching and learning methods; and (2) teachers and students should use that feedback to make appropriate adjustments.” (p. 963) Hess' suggestions are supported by the literature on teaching and learning in higher education, and students' observations and suggestions about their law school experiences.

Jacobson, M.H. Sam, *Using the Myers-Briggs Type Indicator to Assess Learning Style: Type or Stereotype?* 33 WILLAMETTE LAW REVIEW 261-313 (1997). The author describes the Myers-Briggs Type Indicator (MBTI) test and evaluates its limitation in assessing law student learning types. Jacobson proposes another test, the Learning Styles Questionnaire, that avoids the stereotyping and other problems associated with the MBTI.

Ray, Mary Barnard, *How Individual Differences Affect Organization and How Teachers Can Respond to These Differences*, 5 LEGAL WRITING 125-142 (1999). This paper presents a set of categories teachers can use to understand their students and adapt their teaching to help students solve organization, outlining, and legal reasoning problems.

Rogers, Nicolette, *Improving the Quality of Learning in Law Schools by Improving Student Assessment*, 4 LEGAL EDUCATION REVIEW 113-140 (1993). The author reports on the results of a survey she conducted on the role of assessment on learning tasks. She concludes assessment is an important teaching and learning tool rather than a simple mechanism for assigning grades. She provides tips for designing assessment instruments that enhance learning.

#### LEGAL ANALYSIS

Batey, Robert, *Parker v. Levy: A Primer in Judicial Persuasion*, 49 JOURNAL OF LEGAL EDUCATION 97-125 (1999). Batey believes beginning law students should understand the rhetorical nature of legal writing and become intelligent consumers of judicial opinions. He uses *Parker v. Levy*, 417 U.S. 733 (1974) as a model for such analysis.

Passalacqua, Angela, *Using Visual Techniques to Teach Legal Analysis and Synthesis*, 3 LEGAL WRITING 203-216 (1997). Recognizing individual students learn differently, this short piece introduces the use of visual teaching techniques to teach legal analysis and synthesis. Several examples are illustrated in the Appendices.

Spanbauer, Julie M., *Teaching First-Semester Students That Objective Analysis Persuades*, 5 LEGAL WRITING 167-189 (1999). Positing that law “[s]tudents frequently experience frustration and difficulty when they make the transition from objective to persuasive analysis and writing,” (p. 167) the author offers two teaching techniques that can be used in the first semester to enhance learning on the persuasive nature, objective analysis, and writing. Part V describes the author’s close reading exercise, appropriate for first-semester legal writing courses.

Wade, John H., *Meet MIRAT Legal Reasoning Fragmented Into Learnable Chunks*, 2 LEGAL EDUCATION REVIEW 283-297 (1990-91). “To think like lawyers” can be taught, according to the author, by using his MIRAT system (M – Material facts, present or absent; I – Issues of law or policy; R – Rule or resources; A – Arguments (or application); and T – Tentative conclusion). He describes each principle and gives examples.

#### LEGAL RESEARCH AND WRITING

Bannai, Lorraine, Anne Enquist, Judith Maier & Susan McClellan, *Sailing Through Designing Memo Assignments*, 5 LEGAL WRITING 193-224 (1999). Want to know the top ten mistakes in designing memo problems? Check out Section I of the article, outlining ten of the most frequent mistakes made. Section II describes the ideal assignment, followed by selective strategies for working through the process of designing a memo. A complete memo example appears in Appendix 2.

Beazley, Mary Beth, *The Self-Graded Draft: Teaching Students to Revise Using Guided Self-Critique*, 3 LEGAL WRITING 175-201 (1997). The author explains her self-grading guidelines and discusses “various methods for incorporating the self-grading process into a legal writing course.” (p. 177) Appendices contain self-grading guidelines.

Boyle, Robin A. & Rita Dunn, *Teaching Law Students Through Individual Learning Styles*, 62 ALBANY LAW REVIEW 213-247 (1998). (See Learning.)

Burke, Bari R., *Legal Writing (Groups) at the University of Montana: Professional Voice Lessons in a Communal Context*, 52 MONTANA LAW REVIEW 373-418 (1991). Among other things, this article briefly traces the evolution of and describes the writing program at the University of Montana School of Law in the early 1990s, which was based on the Law School's “law firm” model. Under this scheme, each first year student is assigned to a law firm, “a group of six or seven students [associates] . . . guided by a specially trained upper-class student, the ‘junior partner.’” (p. 391) The faculty or “senior partners” design and monitor the firm activities. In the end, the author wishes to convince us all of the virtues of small, collaborative group method of learning over other teaching methods.

Calleros, Charles R., *Reading, Writing, and Rhythm: A Whimsical, Musical Way of Thinking About Teaching Legal Method and Writing*, 5 LEGAL WRITING 1-22 (1999). Calleros presents his unique ideas on teaching music in

the form of a play designed to provide insight to teachers of Legal Method and Writing.

Caplow, Stacy, *From Courtroom to Classroom: Creating an Academic Component to Enhance the Skills and Values Learned in a Student Judicial Clerkship Clinic*, 75 NEBRASKA LAW REVIEW 872-915 (1996). (See Externships.)

Clinch, Peter, *Practical Legal Research the Cardiff Way*, 28 LAW TEACHER 270-280 (1994). The Practical Legal Research course structure, content, timetable, materials used, and method of assessment are described. The Appendices outline the course's written standards, typical lesson plan, and legal research skills guide.

Cobley, Cathy & Stephen White, *Specimen and Model Answers in Law Teaching*, 28 LAW TEACHER 36-55 (1994). (See Criminal Law and Procedure.)

Cochran, Rebecca A., *Legal Research and Writing Programs as Vehicles for Law Student Pro Bono Service*, 8 BOSTON UNIVERSITY PUBLIC INTEREST LAW JOURNAL 429-447 (1999). Cochran explains how pro bono service can be integrated into a first-year Legal Research and Writing course by having students research and write memos on legal issues presented by clients in a school's in-house clinic.

Crist, Maria Perez, *Technology in the LRW Curriculum – High Tech, Low Tech, or No Tech*, 5 LEGAL WRITING 93-123 (1999). (See Audiovisual Aids.)

Dawson, T. Brettel, *Legal Research in a Social Science Setting: The Problem of Method*, 14 THE DALHOUSIE LAW JOURNAL 445-472 (1992). By way of describing the design and development of his legal research methods course, the author briefly describes the contours of the class. The course was offered over a thirteen week semester, and was divided into three segments: (1) the research setting, (2) the research process, and (3) the research product. The Appendix contains a set of guiding questions for the course.

Downie, Jocelyn, Michael Deturbide & Laura Fraser, *A Computer-Assisted Legal Research and Writing Course*, 21 DALHOUSIE LAW JOURNAL 429-439 (1998). (See Computers.)

Enquist, Anne, *Critiquing and Evaluating Law Students' Writing: Advice from Thirty-Five Experts*, 22 SEATTLE UNIVERSITY LAW REVIEW 1119-1163 (1999). The author records teaching tips from 35 experienced legal writing

teachers on topics such as critiquing students writing and providing appropriate feedback.

Enquist, Anne, *Critiquing Law Students' Writing: What the Students Say Is Effective*, 2 LEGAL WRITING 145-209 (1996). This article describes a study involving four "representative" students and five legal writing faculty set up to determine which types of instructor comments are most useful to students. Recognizing the obvious shortcomings of the study, Enquist is able to offer seven guidelines, which may be taken into consideration when critiquing student writing assignments.

Glannon, Joseph W., Terry Jean Seligmann, Medb Mahony Sichko & Linda Sandstrom Simard, *Coordinating Civil Procedure with Legal Research and Writing: A Field Experiment*, 47 JOURNAL OF LEGAL EDUCATION 246-259 (1997). (See Civil Procedure.)

Griffin, Lissa, *Teaching Upperclass Writing: Everything You Always Wanted to Know But Were Afraid to Ask*, 34 GONZAGA LAW REVIEW 45-79 (1998-99). The author makes a number of proposals to strengthen the upper-class writing requirement, such as requiring students to purchase a text and using checklists to suggestions to improve faculty involvement.

Harris, Debra & Susan D. Susman, *Toward a More Perfect Union: Using Lawyering Pedagogy to Enhance Legal Writing Courses*, 49 JOURNAL OF LEGAL EDUCATION 185-202 (1999). The authors describe their efforts to incorporate lawyering skills and methodologies into a standard legal research course. They found not only do students produce more effective writing, but they also grasp the important relationship between law and fact and are exposed to a variety of non-writing lawyering skills earlier in their law school careers.

Hasche, Annette, *Teaching Writing in Law: A Model to Improve Student Learning*, 3 LEGAL EDUCATION REVIEW 267-294 (1992). The author conducted a study on whether teaching writing can promote deeper student learning in a substantive class. In addition to instruction in the Legal System-Torts class, students were instructed on the use of writing to stimulate reflection, analysis, evaluation and synthesis. Writing assignments were integrated into the class. This article describes the method used and the positive outcomes obtained from this experiment.

Johansen, Steven J., *"What Were You Thinking?": Using Annotated Portfolios to Improve Student Assessment*, 4 LEGAL WRITING 123-147 (1998). Simply put, a portfolio is a collection of self-selected student papers, collected

toward the end of the class and used primarily as a tool for self-reflection. The author makes a clear delineation between grading and assessment, explaining how the latter, through the use of annotated portfolios, may be used as a powerful learning and teaching technique.

Kintzer, Gail Ann, Maureen Straub Kordesh & C. Ann Sheehan, *Rule Based Legal Writing Problems: A Pedagogical Approach*, 3 LEGAL WRITING 143-162 (1997). The authors advance the notion of using teaching techniques based on progressing from simple to complex writing rules in selecting and designing first-year law student assignments. They explain the pedagogy underlying problem selection and design. Next, the authors' progressive model is outlined in detail, followed by illustrations of problems based on this progressive paradigm.

Kissam, Philip C., *Seminar Papers*, 40 JOURNAL OF LEGAL EDUCATION 339-349 (1990). "This essay suggests a theory of seminars and outlines procedures for implementing the theory through student-centered research and writing projects." (p. 340) The procedures are based on the author's experiences and experimentation at the University of Kansas Law School. The piece may provide a good starting point for the novice seminar teacher.

Magid, Laurie, *Awarding Fair Grades in a Process-Oriented Legal Research and Writing Course*, 43 WAYNE LAW REVIEW 1657-1684 (1997). Can the Legal Research & Writing instructor be expected to grade fairly with the consistent intervention during the various drafting stages of most legal research and writing assignments? The author thinks this can be accomplished by requiring a graded research report. The mechanics and procedure of the research report are reviewed in Section III of the article.

Mika, Karin, *Essay: Innovative Teaching Methods and Practical Uses of Literature in Legal Education*, 18 WHITTIER LAW REVIEW 815-822 (1997). Because the author believes the breadth of reading enhances student's ability to think and write, she decided to integrate literature into the first year Legal Writing course. Her intent was not to conduct a law and literature course, but to incorporate literature into the appellate advocacy exercises. She chose the novel, *Lolita* by Vladimir Nabokov, and provided citations to various criticisms in the hope of providing better insight into the novel by her students. The amount of perceived work required of students was a factor that almost killed the project. It is not obvious whether the author would again conduct this "experiment."

Miller, Douglas, *Using Examinations in First-Year Legal Research, Writing,*

*and Reasoning Courses*, 3 LEGAL WRITING 217-239 (1997). (See Evaluation.)

O'Neill, Kate, *Adding an Alternative Dispute Resolution (ADR) Perspective to a Traditional Legal Writing Course*, 50 FLORIDA LAW REVIEW 709-718 (1998). (See Alternative Dispute Resolution/Mediation.)

Silecchia, Lucia Ann, *Designing and Teaching Advanced Legal Research and Writing Courses*, 33 DUQUESNE LAW REVIEW 203-248 (1995). After outlining why advanced research and writing courses should be offered and addressing some of the practical considerations in establishing such a course, Silecchia provides a model for an integrated advanced legal research and writing course.

Silecchia, Lucia Ann, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? or More?*, 100 DICKINSON LAW REVIEW 245-290 (1996). The author surveyed U.S. law schools to determine the status of first year research and writing programs. Her findings are included along with a discussion of a traditional legal research and writing program and an evaluation of its strengths and drawbacks. The article then explores the broader-based skills covered, and the strengths and weaknesses of this philosophy of first year training. She then proposes a compromise plan that attempts to incorporate the strengths of these approaches. The Appendices contain a copy of the survey and summary of responses.

Silecchia, Lucia Ann, *Of Painters, Sculptors, Quill Pens, and Microchips: Teaching Legal Writing in the Electronic Age*, 75 NEBRASKA LAW REVIEW 802-846 (1996). (See Computers.)

Staheli, Kory D., *Motivating Law Students to Develop Competent Legal Research Skills: Combating the Negative Findings of the Howland and Lewis Survey*, 14:1/2 LEGAL REFERENCE SERVICES QUARTERLY 195-207 (1994). This short piece gives a few pointers on ways to motivate and teach law students to develop competent legal research skills. This article is also summarized in 87 LAW LIBRARY JOURNAL 576 (1995).

Stanchi, Kathryn M., *Resistance is Futile: How Legal Writing Pedagogy Contributes to the Law's Marginalization of Outsider Voices*, 103 DICKINSON LAW REVIEW 7-57 (1998). (See Diversity.)

Stevens, Richard W., *To Teach Plain English Techniques, Use Jury Instructions*, 2 THOMAS M. COOLEY JOURNAL OF PRACTICAL AND CLINICAL LAW 177-191 (1998). Stevens shows how pattern jury instructions can be used as writing exercises to teach students plain English techniques.

Tonner, Grace & Diana Pratt, *Selecting and Designing Effective Legal Writing Problems*, 3 LEGAL WRITING 163-173 (1997). If we assume the success of a legal writing course depends on the quality of the problems assigned, this short piece provides some guidance for designing legal writing problems. The article outlines: “(1) general considerations in problem design, (2) designing expository problems, (3) designing persuasive problems, and (4) sources of problems.” (p. 163)

#### LEGISLATION

Bell, Bernard W., “*No Motor Vehicles in the Park*”: *Reviving the Hart-Fuller Debate to Introduce Statutory Construction*, 48 JOURNAL OF LEGAL EDUCATION 88-100 (1998). Bell describes the use of a single hypothetical to preview many of the issues discussed in a typical legislation course.

Bell, Derrick, *A Pre-Memorial Message on Law School Teaching*, 23 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 205-215 (1997). (See Constitutional Law. Teaching Methods.)

#### PROBLEM METHOD

Dawson, T. Brettel, *Legal Research in a Social Science Setting: The Problem of Method*, 14 DALHOUSIE LAW JOURNAL 445-472 (1992). (See Legal Research and Writing.)

Macfarlane, Julie & John Manwaring, *Using Problem-Based Learning to Teach First Year Contracts*, 16 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 271-298 (1998). (See Contracts.)

Szabo, Anita B., *Teaching Substantive Law Through Problem Based Learning in Hong Kong*, 11 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 195-210 (1993). After briefly comparing the differences between problem-based learning (PBL) and problem solving, Szabo then proceeds to provide an overview of the contents of the PBL program, the teaching method used, and a description of a sample week. This is followed by a detailed analysis of teaching part of a core substantive Conveyancing course through PBL at the City Polytechnic of Hong Kong. She concludes with critical analysis of that method of teaching.

#### PROBLEM SOLVING

Johnson, Andrea L., *Teaching Creative Problem Solving and Applied Reasoning Skills: A Modular Approach*, 34 CALIFORNIA WESTERN LAW

REVIEW 389-395 (1998). Arguing that in today's business environment traditional teaching methods such as lectures and case discussions are inadequate, the author proposes a modular approach that actively integrates skills training such as creative problem solving and applied reasoning into substantive and interdisciplinary courses. She notes that her essay can serve as "a guide for professors interested in integrating problem solving skills into their curriculum." (p. 389) The essay proceeds to: (1) discuss the pedagogy for creative problem solving and illustrates the need for such skills; (2) explain the fundamentals of the modular approach as used in courses such as Administrative Law, Corporations, Antitrust, and Telecommunication Law to teach these skills, and (3) outline the learning processes for creating problem solving in transactional negotiations.

Kerper, Janeen, *Creative Problem Solving vs. the Case Method: A Marvelous Adventure in which Winnie-the-Pooh Meets Mrs. Palsgraf*, 34 CALIFORNIA WESTERN LAW REVIEW 351-374 (1998). This is basically a lengthy critique of the case method. Nevertheless, the author compares the case method with the problem solving method by applying both methods to the facts of the 1924 *Palsgraf* case.

Lerner, Alan M., *Law & Lawyering in the Work Place: Building Better Lawyers by Teaching Students to Exercise Critical Judgment as Creative Problem Solver*, 32 AKRON LAW REVIEW 107-153 (1999). (See Employment Law.)

Morton, Linda, *Teaching Creative Problem Solving: A Paradigmatic Approach*, 34 CALIFORNIA WESTERN LAW REVIEW 375-388 (1998). (See Clinical Education.)

Moskovitz, Myron, *Beyond the Case Method: It's Time to Teach with Problems*, 42 JOURNAL OF LEGAL EDUCATION 241-270 (1992). (See Criminal Law and Procedure.)

Nathanson, Stephen, *Creating Problems for Law Students: The Key to Teaching Legal Problem-Solving?*, 10 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 1-21 (1992). Postulating that problem solving is a key component of legal education, Nathanson outlines two general points about designing a curriculum for legal problem solving. The first part of the paper discusses basic principles and how they apply to the design of a problem-solving curriculum. The second point outlines selective techniques for designing problem-solving exercises for the classroom.

Nathanson, Stephen, *Designing Problems to Teach Legal Problem Solving*, 34 CALIFORNIA WESTERN LAW REVIEW 325-349 (1998). Nathanson outlines and explains why the problem method is an important teaching technique and what features make them effective learning tools.

Nathanson, Stephen, *Developing Legal Problem-Solving Skills*, 44 JOURNAL OF LEGAL EDUCATION 215-231 (1994). (See Corporations.)

O'Leary, Kimberly E., *Using "Difference Analysis" to Teach Problem-Solving*, 4 CLINICAL LAW REVIEW 65-107 (1997). (See Clinical Education.)

Senger, Charles J., *Thinking Aloud Protocols: A Diagnostic Tool for Teaching Legal Problem Solving*, 10 THOMAS M. COOLEY LAW REVIEW 367-382 (1993). Although legal educators generally do a good job of testing the students' knowledge after the fact, the author contends more tools are needed to teach students the process of thinking and the monitoring of thinking. Accordingly, we can monitor student thinking itself, rather than just the ultimate products of that thinking, by using his "think aloud" method while students are actively engaged in problem solving. The balance of the article reviews how thinking aloud is done, with examples for its use in both informal and formal settings. Finally, the article concludes with a discussion of specific ways in which the thinking aloud protocol methodology may be put to use in law school teaching.

Symposium, *Conceiving the Lawyer as Creative Problem Solver*, 34 CALIFORNIA WESTERN LAW REVIEW 267-565 (1998). Of the 14 articles in this symposium, four discuss the aspects of teaching problem solving in law school.

#### PROPERTY

Castan, Melissa & Jennifer Schultz, *Teaching Native Title*, 8 LEGAL EDUCATION REVIEW 75-98 (1997). First examining teaching objectives for a Native Title course in Australia, this article also describes the methodologies that can be adopted in teaching large and small groups and outlines some of the teaching materials that may be used in the course.

Symposium, *Casebook Review*, 22 SEATTLE UNIVERSITY LAW REVIEW 867-1055 (1999). (See Casebooks.)

Szabo, Anita B., *Teaching Substantive Law Through Problem Based Learning in Hong Kong*, 11 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 195-210 (1993). (See Problem Method.)

## RACE

Ansley, Frances Lee, *Race and the Core Curriculum in Legal Education*, 79 CALIFORNIA LAW REVIEW 1511-1597 (1991). The why's and how's of integrating race into the law school's core curriculum are the main focus of this essay. In the process, Ansley describes and illustrates examples of how race perspectives have been incorporated into Property, Gratuitous Transfers, Race and Gender in American Law, and Discrimination and the Law courses.

Bender, Leslie, *Teaching Torts as if Gender Matters: Intentional Torts*, 2 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW 115-163 (1994). (See Gender. Torts.)

Greenberg, Judith G. & Robert V. Ward, *Teaching Race and the Law Through Narrative*, 30 WAKE FOREST LAW REVIEW 323-345 (1995). (See Gender. Storytelling.)

Gunning, Isabelle R., *An Essay on Teaching Race Issues in the Required Evidence Course: More Lessons From the O.J. Simpson Case*, 28 SOUTHWESTERN UNIVERSITY LAW REVIEW 355-365 (1999). (See Evidence. Gender.)

## SIMULATION

Feinman, Jay M., *Simulations: An Introduction*, 45 JOURNAL OF LEGAL EDUCATION 469-479 (1995). After briefly espousing the virtues of simulation teaching methods, Feinman proceeds to provide a nine step checklist of key issues in developing simulations.

Liebman, Carol Bensinger, *The Professional of Law: Columbia Law School's Use of Experiential Learning Techniques to Teach Professional Responsibility*, 58-AUT Law & Contemporary Problems 73-86 (1995). (See Ethics/Professional Responsibility.)

Lipton, Jacqueline D., *Role-Playing Exercises in First Year Legal Process Classes*, 16 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 97-121 (1998). Believing simulations or role-playing techniques can greatly enhance other teaching methods, Lipton describes the methodology and evaluation in each of the four exercises she has used at Monash University (Australia): (1) alternative dispute resolution, (2) negotiation and drafting, (3) client interviewing and use of interpreters, and (4) constitutional convention debate. The first two are further developed in the Appendix 1 and 2 respectively.

Lubet, Steven, *Advocacy Education: The Case for Structural Knowledge*, 66 NOTRE DAME LAW REVIEW 721-737 (1991). The National Institute for Trial Advocacy's (NITA) teaching method is described, criticized, and modified to provide a law school model for advocacy education. In the process, the author offers several simulations that can be incorporated into a trial advocacy course.

Lynch, Andrew, *Why Do We Moot? Exploring the Role of Mooting in Legal Education*, 7 LEGAL EDUCATION REVIEW 67-96 (1997). This paper describes the historical roots of moots (moot court experiences), the current use of moots at three Australian law schools, and the theoretical basis of moots as a learning and assessment tool. In the second part of the paper, the author examines student experiences of moots collected from focus groups. Research suggests moots encourage students to immerse themselves in an area of substantive law, work closely with peers, and develop important practical skills.

Moliterno, James E., *Legal Education, Experiential Education, and Professional Responsibility*, 38 WILLIAM & MARY LAW REVIEW 71-123 (1996). After discussing the evolution of legal education, Moliterno proposes an intensive, four-semester, simulation-based, ethics program focusing on the development of legal skills. The "Program" would incorporate legal skills and ethics, an externship, and simulation exercises in substantive elective courses.

Rosato, Jennifer L., *All I Ever Needed to Know About Teaching Law School I Learned Teaching Kindergarten: Introducing Gaming Techniques into the Law School Classroom*, 45 JOURNAL OF LEGAL EDUCATION 568-581 (1995). After outlining the benefits of gaming or simulated game playing, the author provides step-by-step instructions on creating one's own game. Accordingly, the creation of a game requires a number of discrete steps: defining educational objectives, designing, preparing, playing, and modifying the game.

Strauss, Andrew L., *Creating and Conducting In-Class Simulations in Public International Law: A Producer's Guide*, 4 ILSA JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW 669-681 (1998). (See International Law.)

Vaughn, Robert G., *Use of Simulations in a First-Year Civil Procedure Class*, 45 JOURNAL OF LEGAL EDUCATION 480-486 (1995). (See Civil Procedure.)

Weir, Michael, *The Wytiga Negotiation – Native Title and Skills Training*, 7 LEGAL EDUCATION REVIEW 253-265 (1996). "This note discusses the Wytiga Negotiation, a part of the integrated skills program in the LLB at Bond University School of Law [Australia]." (p. 253) The exercise focuses on provisions of the *Native Title Act* (1993) (NTA) in the context of negotiations

between parties to an application for native title. The author “dicuss[es] the procedures followed and the results obtained using a student survey.” (p. 253) Copies of the materials used are available from the author upon request.

Widdison, Robin, Michael Aikenhead & Tom Allen, *Computer Simulation in Legal Education*, 5 INTERNATIONAL JOURNAL OF LAW & INFORMATION TECHNOLOGY 279-307 (1997). (See Contracts.)

Yin, George K., *Simulating the Tax Legislative Process in the Classroom*, 47 JOURNAL OF LEGAL EDUCATION 104-117 (1997). As part of a Tax Policy seminar, Yin assigns students roles as finance committee members, administration representatives, or lobbyists. The purpose of the simulation is to reach a revenue goal established by the professor. Students must negotiate their interests and attempt to influence the committee. This simulation shows the necessity of cooperative negotiating when attempting to reach a specific outcome.

#### SKILLS TRAINING

Aaronson, Mark Neal, *We Ask You to Consider: Learning About Practical Judgment in Lawyering*, 4 CLINICAL LAW REVIEW 247-320 (1998). (See Clinical Education.)

Buckley, Ross P., *Incorporating Dispute Resolution and Drafting Skills Into a Substantive Law Course*, 16 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 261-269 (1998). (See Alternative Dispute Resolution/Mediation. Contracts.)

Craver, Charles B., *The Impact of a Pass/Fail Option on Negotiation Course Performance*, 48 JOURNAL OF LEGAL EDUCATION 176-186 (1998). (See Evaluations.)

Keyes, Mary E. & Michael J. Whincop, *The Moot Reconceived: Some Theory and Evidence on Legal Skills*, 8 LEGAL EDUCATION REVIEW 1-41 (1997). (See Evaluation.)

Leaver, Alan, *Contextualising Law: An Attempt to Operationalise Theory by Teaching Interviewing in the Law School*, 5 LEGAL EDUCATION REVIEW 195-221 (1994). (See Criminal Law and Procedure.)

Lubet, Steven, *Advocacy Education: The Case for Structural Knowledge*, 66 NOTRE DAME LAW REVIEW 721-737 (1991). (See Simulations.)

Moliterno, James E., *Teaching Legal Ethics in a Program of Comprehensive Skills Development*, 15 JOURNAL OF THE LEGAL PROFESSION 145-170 (1990). (See Ethics/Professional Responsibility.)

Park, Robert, *Appropriate Methods for the Teaching of Legal Skills in Practical Training Courses*, 8 JOURNAL OF PROFESSIONAL LEGAL EDUCATION 161-189 (1990). According to the author, this paper explores the current methods used to teach legal skills. He also discusses models of teaching and instructional design and their application to legal skills.

Schultz, Franklin M., *Teaching "Lawyering" to First-Year Law Students: An Experiment in Constructing Legal Competence*, 52 WASHINGTON & LEE LAW REVIEW 1643-1665 (1995). The author describes the content of a first-year lawyering course and relates the content to the perceived gap between the skills and values taught in law school and those presumably needed in practice. He summarizes and applies the findings of an empirical study of lawyers in Chicago and rural Missouri known as the Zemans-Rosenblum Survey.

Silecchia, Lucia Ann, *Legal Skills Training in the First Year of Law School: Research? Writing? Analysis? or More?*, 100 DICKINSON LAW REVIEW 245-301 (1996). (See Legal Research and Writing.)

Sisk, Gregory C., *Teaching Litigation with the Federal Government*, 49 JOURNAL OF LEGAL EDUCATION 275-291 (1999). Sisk describes a course devoted to federal litigation issues. He includes information on course objectives and course content.

Sokolow, David Simon, *From Kurosawa to (Duncan) Kennedy: The Lessons of Rashomon for Current Legal Education*, 1991 WISCONSIN LAW REVIEW 969-987 (1991). (See Contracts.)

Stark, Jack, *Teaching Statutory Law*, 44 JOURNAL OF LEGAL EDUCATION 579-587 (1994). Knowing how to read and analyze statutory materials are essential lawyering skills. Stark develops and proposes a syllabus for teaching statutory law. He discusses the rationale for the various components and the ways in which these may be taught.

Venter, Christine Mary, *Encouraging Personal Responsibility – An Alternative Approach to Teaching Legal Ethics*, 58 AUT LAW AND CONTEMPORARY PROBLEMS 287-296 (1995). (See Ethics/Professional Responsibility.)

Weir, Michael, *The Wytiga Negotiation – Native Title and Skills Training*, 7 LEGAL EDUCATION REVIEW 253-265 (1996). (See Simulations.)

#### SMALL GROUPS

Burke, Bari R., *Legal Writing (Groups) at the University of Montana: Professional Voice Lessons in a Communal Context*, 52 MONTANA LAW REVIEW 373-418 (1991). (See Legal Research and Writing.)

Calmore, John O., *Close Encounters of the Racial Kind: Pedagogical Reflections and Seminar Conversations*, 31 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 903-926 (1997). (See Critical Legal Studies.)

Clemons, Linda Karen, *Alternative Pedagogies for Minority Students*, 16 THURGOOD MARSHALL LAW REVIEW 635-639 (1991). (See Diversity.)

Kissam, Philip C., *Seminar Papers*, 40 JOURNAL OF LEGAL EDUCATION 339-349 (1990). (See Legal Research and Writing.)

Murdoch, Jim, *Using Group Skills in Honours Teaching: The European Human Rights Project*, 28 LAW TEACHER 258-269 (1994). (See International Law. Teaching Methods.)

#### STORYTELLING

Davis, Dena S., *Tell Me a Story: Using Short Fiction in Teaching Law and Bioethics*, 47 JOURNAL OF LEGAL EDUCATION 240-245 (1997). (See Health Law. Teaching Methods.)

Greenberg, Judith G. & Robert V. Ward, *Teaching Race and the Law Through Narrative*, 30 WAKE FOREST LAW REVIEW 323-345 (1995). (See Gender. Race.)

Harris, Angela P. & Marjorie M. Shultz, "A(nother) Critique of Pure Reason": *Toward Civic Virtue of Legal Education*, 45 STANFORD LAW REVIEW 1773-1805 (1993). (See Critique.)

Scales-Trent, Judy, *Using Literature in Law School: The Importance of Reading and Telling Stories*, 7 BERKELEY WOMEN'S LAW JOURNAL 90-124 (1992). (See Gender.)

## TAXATION

Oberst, Michael A., *Teaching Tax Law: Developing Analytical Skills*, 46 JOURNAL OF LEGAL EDUCATION 79-93 (1996). Passive and active teaching methodologies are discussed and contrasted. The latter approach is favored because it requires students' direct involvement with tax codes and regulations. Oberst describes some of his teaching methods and techniques, such as class preparation, textbook use, classroom analysis, and exams. He believes tax teachers are duty bound to develop students' skills in interpreting statutes and regulations, just as practicing tax attorneys must constantly analyze primary tax materials.

Taylor, Scott A., *Computer and Internet Applications in a Clinical Law Program at the University of New Mexico*, 6 JOURNAL OF LAW & INFORMATION SCIENCE 35-48 (1995). The author describes a clinical law program that makes extensive use of computers, expert systems software, online legal research, CD-ROM, e-mail, and the Internet to assist and help prepare federal and state income tax forms for the working poor.

Yin, George K., *Simulating the Tax Legislative Process in the Classroom*, 47 JOURNAL OF LEGAL EDUCATION 104-117 (1997). (See Simulation.)

## TEACHING METHODS

Bateman, Paul, *Toward Diversity in Teaching Methods in Law Schools: Five Suggestions from the Back Row*, 17 QLR 397-427 (1997). Using diverse teaching methods affords opportunities for different student voices to be heard. It also strengthens understanding of the material and affords different ways to communicate particular kinds of information and skills. The author describes the use of Socratic method, debriefing class participation, writing assignments throughout the semester, games in and out of the classroom, the student learning contract, and computer-aided instruction.

Bell, Derrick, *A Pre-Memorial Message on Law School Teaching*, 23 NEW YORK UNIVERSITY REVIEW OF LAW AND SOCIAL CHANGE 205-215 (1997). (See Constitutional Law. Legislation.)

Biggs, JB, *Teaching for Better Learning*, 2 LEGAL EDUCATION REVIEW 133-147 (1990-91). This article describes several conceptions of learning and teaching. The author sees the classroom as an ecosystem in which three main components, "presage, process and product," (p. 136) affect the quality of learning for individuals within the classroom. He then discusses approaches to

learning and focuses on the role of motivation and perception in the teaching context.

Butler, Des & Leanne Wiseman, *Viva the Viva: Oral Examinations in Contract Law*, 4 LEGAL EDUCATION REVIEW 331-351 (1993). (See Contracts.)

Castan, Melissa & Jennifer Schultz, *Teaching Native Title*, 8 LEGAL EDUCATION REVIEW 75-98 (1997). (See Property.)

Davis, Dena S., *Tell Me a Story: Using Short Fiction in Teaching Law and Bioethics*, 47 JOURNAL OF LEGAL EDUCATION 240-245 (1997). (See Health Law. Storytelling.)

Dessem, R. Lawrence, *All We Really Need to Know About Teaching We Learned in Kindergarten*, 62 TENNESSEE LAW REVIEW 1073-1078 (1995). Dessem briefly describes basic teaching tips and techniques that may be useful to the novice teacher.

Eagar, James, *The Right Tool for the Job: The Effective Use of Pedagogical Methods in Legal Education*, 32 GONZAGA LAW REVIEW 389-416 (1997). Although this piece does not describe teaching methods for a particular course, it does give brief overviews of the most common legal pedagogical teaching methods: case method, problem method, simulation and role play, the use of textbooks and lectures, and the supplementary aids of audio-visual and CAI. The author notes teaching methods selected for a course should depend on the objective of the course and the types of materials to be used.

Friedland, Steven I., *How We Teach: A Survey of Teaching Techniques in American Law Schools*, 20 SEATTLE UNIVERSITY LAW REVIEW 1-44 (1996). The author surveyed U.S. law teachers and reports his findings. The survey's basic premise was to find out how law professors really teach in class. The classroom teacher might appreciate the section on "Using New [Teaching] Techniques" (p. 32) and "Sharing Teaching Insights." (p.33)

Hess, Gerald F., *Student Involvement in Improving Law Teaching and Learning*, 67 UMKC LAW REVIEW 343-366 (1998). Hess advocates using student advisory teams to improve the quality of teaching and learning in law school classes. The article describes development of the Student Advisory Team's (SATs) concept, reports data demonstrating the benefits of using SATs, and presents practical suggestions for implementing a SAT program.

Hess, Gerald F., *The Legal Educator's Guide to Periodicals on Teaching and*

*Learning*, 67 UMKC LAW REVIEW 367-386 (1998). This article annotates 21 journals and newsletters that focus on teaching and learning topics. The author describes each periodical, then summarizes two recent articles to illustrate the content of each type of periodical.

Jacobson, M.H. Sam, *Using the Myers-Briggs Type Indicator to Assess Learning Style: Type or Stereotypes?*, 33 WILLAMETTE LAW REVIEW 261-313 (1997). (See Learning.)

Laster, Kathy, Note, *Design-a-Court: An Introductory Socio-Legal Assessment Exercise*, 9 LEGAL EDUCATION REVIEW 193-212 (1998). This article describes an assignment given in a first-semester introductory course entitled "Law and Society." Fifty percent of a student's grade is based on a project that asks students to review literature, empirically test the ideas in the literature, and apply insights to create their own model court.

Lustbader, Paula, *Teach in Context: Responding to Diverse Student Voices Helps All Students Learn*, 48 JOURNAL OF LEGAL EDUCATION 402-416 (1998). This article discusses learning theory and specific techniques for increasing contextualized learning. The author shows how context building can be integrated into courses by experiential learning exercises, writing exercises, and collaborative learning exercises.

MacFarlane, Peter J.M. & Gordon Joughin, *An Integrated Approach to Teaching and Learning Law: The Use of Student Peer Mentor Groups to Improve the Quality of Student Learning in Contracts*, 5 LEGAL EDUCATION REVIEW 153-172 (1994). (See Contracts.)

Maurer, Nancy M. & Linda Fitts Mischler, *Introduction to Lawyering: Teaching First-Year Students to Think Like Professionals*, 44 JOURNAL OF LEGAL EDUCATION 96-115 (1994). This article describes the philosophy, goals, and methodologies of a first-year course at Albany Law School. The course, Introduction to Lawyering, is based on a partnership between the Clinical Legal Studies and Legal Research and Writing faculty. The authors believe this integrated program enhances skills and gives students a broad context to understand and practice essential skills and values.

Moliterno, James E., *Legal Education, Experiential Education, and Professional Responsibility*, 38 WILLIAM & MARY LAW REVIEW 71-123 (1996). (See Simulation.)

Murdoch, Jim, *Using Group Skills in Honours Teaching: The European*

*Human Rights Project*, 28 LAW TEACHER 258-269 (1994). (See International Law. Small Groups.)

Ordoover, Abraham P., *Teaching Sensitivity to Facts*, 66 NOTRE DAME LAW REVIEW 813-823 (1991). Ordoover believes fact-gathering, analysis, and use are important skills for practicing attorneys but ones that are often ignored in law schools. He argues that systematic instruction in fact-finding and analysis should be a required part of law school curriculum and suggests ways that this could be integrated into courses like Legal Research and Advocacy courses.

Orts, Eric W., *Quality Circles in Law Teaching*, 47 JOURNAL OF LEGAL EDUCATION 425-431 (1997). This article describes quality circles in law teaching and shows how they can be used to improve communication between faculty and students during a course.

Randall, Vernellia R., *The Meyers-Briggs Type Indicator, First Year Law Students and Performance*, 26 CUMBERLAND LAW REVIEW 63-103 (1995-96). The author explores the connection between learning styles and success in law school. She believes the Myers-Briggs type indicator test could be used to help students understand how they learn best and help teachers understand how to maximize success for students with different learning styles. The article includes several helpful charts explaining and characterizing different learning styles.

Robertson, Heidi Gorovitz, *Methods for Teaching Environmental Law: Some Thoughts on Providing Access to the Environmental Law System*, 23 COLUMBIA JOURNAL OF ENVIRONMENTAL LAW 237-297 (1998). (See Environmental Law.)

Rogers, John M., *Class Participation: Random Calling and Anonymous Grading*, 47 JOURNAL OF LEGAL EDUCATION 73-82 (1997). Rogers defends the practice of forced recitation in class and taking class participation into account in determining final grades.

Slomanson, William R., *Electronic Lawyering and the Academy*, 48 JOURNAL OF LEGAL EDUCATION 216-228 (1998). The author describes his experience in adding an electronic component to his classes. He discusses home pages, e-mail, and world wide web access issues confronting teachers who use this technology.

Smith, Kevin H., *"X-File" Law School Pedagogy: Keeping the Truth Out There*, 30 LOYOLA UNIVERSITY OF CHICAGO LAW JOURNAL 27-85 (1998).

Smith presents his tongue-in-cheek advice to beginning law teachers on everything from choosing a textbook to writing an exam.

Syverund, Kent D., *Taking Students Seriously: A Guide for New Law Teachers*, 43 JOURNAL OF LEGAL EDUCATION 247-259 (1993). Arguably the most salient section of this essay is the one describing suggestions for creating the right classroom environment for teaching and learning. It also covers advice for out of class contact with students, among other subjects.

Thiemann, Sarah E., *Beyond Guinier: A Critique of Legal Pedagogy*, 24 NEW YORK UNIVERSITY REVIEW OF LAW & SOCIAL CHANGE 17-41 (1998). (See Gender.)

Yen, Alfred C., *The Art and Craft of Teaching: Art Resting on Craft*, 10 ST. LOUIS UNIVERSITY PUBLIC LAW REVIEW 241-245 (1991). (See Evidence.)

## TORTS

Bender, Leslie, *Teaching Torts As If Gender Matters: Intentional Torts*, 2 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW 115-163 (1994). (See Gender. Race.)

Symposium, *Five Approaches to Legal Reasoning in the Classroom: Contrasting Perspectives on O'Brien v. Cunard S.S. Co. Ltd.*, 57 MISSOURI LAW REVIEW 346-499 (1992). The five articles comprising this symposium are written by five different authors representing pedagogical approaches to *O'Brien v. Cunard S.S. Co. Ltd.*, a tort case typically taught in first-year torts. The papers included are: (1) Jay M. Feinman (*The Ideology of Legal Reasoning in the Classroom*, pp. 363-69) explains the case as a critical legal theorist, (2) Ann C. Shalleck (*Feminist Legal Theory and the Reading of O'Brien v. Cunard*, pp. 371-397) explains how she would teach *O'Brien* from a feminist perspective, (3) Robert H. Lande (*A Law & Economics Perspective on a "Traditional" Torts Case: Insights for Classroom and Courtroom*, pp. 399-441) uses law and economics to analyze the case, (4) Taunya Lovell Banks (*Teaching Laws With Flaws: Adopting A Pluralistic Approach to Torts*, pp. 443-54, and (5) Richard W. Bourne (*A "Traditionalist's" Approach to Teaching O'Brien and to Ideology in the Classroom*, pp. 455-67) articulates how a "Traditionalist" would approach the task of teaching *O'Brien*. In addition to the articles, reprints to the text of the case and brief are included.

## WILLS AND TRUSTS

Myers, Eleanor W., *Teaching Good and Teaching Well: Integrating Values with Theory and Practice*, 47 JOURNAL OF LEGAL EDUCATION 401-424 (1997).  
(See Ethics/Professional Responsibility.)

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