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Emerging Adults: A New Understanding of Millennial Law Students

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The Learning Curve

SUMMER / AUTUMN 2017

Letter from the Editor

I would like to take a moment to thank our law school academic support community. We had a record number of submissions for the Summer 2017 issue of *The Learning Curve*. From this abundance, we were able to produce an issue that has articles from well known authorities in the field such as Herb Ramy as well as newcomers who will help the profession continue to grow and be vital. Also, from these submissions we have determined that the next issue (Winter 2018) will feature articles on the theme of academic advising, counseling, and troubleshooting performance issues our students experience thanks to a solid core of article submissions for this issue that revolved around that theme.

I would also like to thank our immediate past editor Jeremiah Ho, and the many other editors over the years who ushered the publication from its inception to a place of abundance with respect to article submissions. Each cycle we receive interesting and thought-provoking pieces that can help all of us become better academic support professors capable of meeting the needs of students who experience a wide variety of hiccups and hurdles as they pursue their dreams of becoming attorneys.

Finally, I would like to thank my assistant editors Deshun Harris and Christina Chong. They have sacrificed several evenings and weekends to help usher this issue to completion. Their able and willing assistance is why you have the opportunity to read this issue of *The Learning Curve* before Thanksgiving.

Moving from notes of appreciation to notes of information, I would like to share some of the editorial guidelines we have followed in the years I have served the publication. The *Learning Curve* has transformed from a basic organizational newsletter to a publication that shares ideas for improving our teaching as support of students so editorial guidelines have changed as well.

The Learning Curve's audience is primarily academic support professors and other "asp-ish" members of the legal academy. Thus, our article acceptance decisions, editing requests, and article solicitations flow from that premise about our core audience. Additionally, we want to present our readership with ideas that help solve problems they are confronting on a number of fronts whether it is in the role of serving students, helping our institutions maintain accreditation and other legal/regulatory compliance, or navigating the intra-institutional competition for resources. Finally, we try to avoid overt promotion of products, programs, and people, although we want to recognize the successes of members of our community, so we permit incidental mentions in author biographies and in the text of articles.

Thank you again for ensuring the vitality of this publication by reading it, distributing it, and writing for it. Thank you for all that you do to serve our students and our profession.

Warmest regards,

Chelsea M. Baldwin
Executive Editor, *The Learning Curve*

Danielle Kocal,
Director of Academic
Success, Elizabeth
Haub School of Law at
Pace University

Chair of the AALS sec-
tion on Academic
Support, 2017

Can Teaching to the Test Create Better Lawyers?

By the time you read this article, I will have survived 3 UBE administrations with my students. New York adopted the UBE in July 2016. Before that, I spent many years helping my students prepare for the NY Bar Exam.

Like many state-specific bar exams, the old NY Bar contained volumes and volumes of NY law – small minutia and distinctions that made NY different from Federal or common law. These

differences were what determined a passing grade and failing grade. Most often, the essays (and always the NY multiple choice) were testing on these exact distinctions, and passing meant knowing the majority of them.

The name of the

game was memorization – memorizing the NY distinctions, memorizing the Federal and common law for the MBE, and memorizing which law applied when. The NY essays would ask leading ques-

our exam, teaching to the test was not an option any law professor would have embraced. Of course, being a NY law school, NY law was taught in the classrooms. But rote memorization of

state distinctions to common law was not something we desired to add to our curriculum. Teaching to the old test would not have helped hone our students' analytical and critical reading skills. In short, it would not have helped us to produce great law students, or great lawyers.

As I have become familiar with the UBE essays (the MEE), I see that an entirely different skill set is at play. Our students no longer have to stress about memorizing all the Federal and common law, as well as an en-



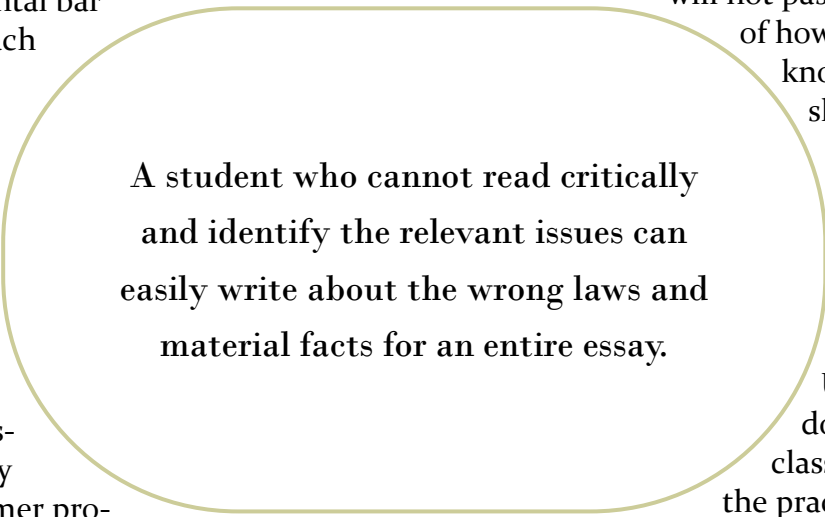
tions; issue spotting was not a skill that was being heavily tested, and performing well was mainly a matter of recalling the correct NY law and being able to regurgitate it quickly and succinctly.

When this was

tirely different set of state distinctions. The amount of law they need to know has been greatly reduced. That is a relief for many of them. However, where they now struggle is in figuring out exactly *what* to write, better known as issue spotting. MEE's can be incredibly vague. The call of the question is often extremely open-ended – sometimes as broad as “discuss.” A student who cannot read critically and identify the relevant issues can easily write about the wrong laws and material facts for an entire essay. In the supplemental bar skills course that I teach during the summer leading up to the bar exam, I have seen a marked difference when comparing students' performance on essays on the old NY exam and the current UBE. With the old exam, essay scores consistently increased as the summer progressed – the students were memorizing more law, and consequently performing better. With the UBE, however, the grades fluctuate throughout the summer. A student can have a strong essay in the early weeks of our program, but then miss the issue completely and perform poorly on an essay in the final week (zeros are not uncommon!). Improvement is not

as consistent, because performing well is not a factor of memorizing black letter law only.

This is a terrifying prospect to a law student. However, as educators, I believe this is a better “problem” for them to have, because the answer to this problem is something we can and should address during their time in law school. Teaching to this aspect of the test – specifically, the vital importance of issue spotting on the MEE – will help us to cre-



A student who cannot read critically and identify the relevant issues can easily write about the wrong laws and material facts for an entire essay.

ate stronger students, and ultimately stronger lawyers. Teaching students critical reading skills is vital to creating the type of mindset necessary to look at real-world client situations and understand what facts are important, and what facts are not. What law is relevant, and what law is not. Critical readers are critical thinkers, and consequently

good issue spotters. This is a skill students should be developing during their tenure in law school. By recognizing the importance of this skill on the UBE, we can justifiably “teach to the test” beginning in the first year of law school.

This is not to say that memorization is no longer an important part of the bar exam. Of course it is, and the amount of law a student must learn will always be a challenge in its own right. But a student who is unable to consistently issue-spot will not pass the UBE, regardless of how much law they know. Focusing on this skill while in law school, with an eye towards the bar exam, will leave the post-graduation weeks open for pure law memorization. Using MEE essays in doctrinal and skills classes, and emphasizing the practice of issue spotting and critical reading will help students improve the skills that will eventually help them pass the bar exam and ultimately be effective advocates for their clients.

Emerging Adults: A New Understanding of Millennial Law Students

Rebecca Flanagan

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As Academic Success professionals, we perceive our students to be adults. They are certainly not children; very few of us teach students under 21 years old, our students have graduated from college, and they have made the adult choice to attend professional school. Despite these facts, many of us have a feeling that some of our students are somehow younger than previous generations of matriculating law students. This suspicion is hard to verify, but the feeling comes from a variety of experiences with students; compared to prior generations, they seem to have less work or general life experience before attending law school, and they have fewer traditionally adult responsibilities during their law school career. This feeling about the changing nature of our incoming students has been affirmed by psychologist Jeffery Arnett; Dr. Arnett has termed this liminal stage of development “emerging adulthood.” Emerging adulthood is defined as young adults who have “left the dependency of childhood and adolescence, and having

not yet entered the enduring responsibilities that are normative in adulthood.”

Dr. Barnett’s description of emerging adults matches the characteristics of many incoming law students we see in our Academic Success programs. The most recent LSAC data (from 2010) on applicants finds that nearly half of applicants are under age 24. Data from the U.S. Census Bureau indicates that the traditional signifiers of adulthood occur after most applicants have begun their J.D program; the average age of first marriage is 26.1 years for women and 28.2 years for men. By 2012, 36% of young adults aged 18-31 were still living in their parents’ home; young adults still living in their parent’s home may never have signed a lease, and almost certainly have not owned a home of their own

The challenge of teaching emerging adults is to provide critical context to the doctrinal material to students who have very little “adult” experience. Students who enter law school without adult life experiences or responsibilities are less likely to understand the context of cases; it is difficult to understand the foreclosure process when you have never taken out a loan from a bank.

Similarly, it is difficult to communicate the importance of proper form when students have few or any experiences writing business letters or memos. Students who are on their parent’s cell phone plan and rely on their parents to co-sign leases are unfamiliar with the most basic format of contracts. Professors, unaware of these trends in law school admissions, are left wondering why their students are struggling with material that came easier to prior generations of law students, even when indicators are the same or better than past classes.

This challenge is then passed on to Academic Success professionals. When we work with at-risk students, we need to inquire about their prior life experiences as well as their academic preparation for law school and personal life challenges. Context is critical to understanding law school material. Walking students through the adult responsibilities that shape many legal cases can help struggling students understand the importance of critical facts or even the central issue of a case. Having a copy of a contract can help them understand why contracts of adhesion can be problematic.

(continued on page 7)

Teaching Students How to Organize Examination Answers

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When it comes to law school examinations, most students struggle to organize their writing. Even students who are quite proficient at responding to hypotheticals posed in class can struggle and even freeze when confronted with multi-issue, multi-party examination questions. Experienced lawyers, however, rarely encounter this problem because organizing their answers has become second nature. So, how do we move our students to this level of mastery? In my view, there are only a few keys to organizing examination answers. These tips allow students to regain some control over the examination experience, which can lead to improved performance.

Students should walk into the examination with at least one level of organization already in mind. I encourage students to review and outline throughout the year. As we all know, it is one of the best ways to ensure that students understand each of the concepts covered in class. Even more relevant to this conversation, outlining helps students see overarching organizational themes within each area of the law. For example, as students outline for their contracts classes, patterns should start appearing. These patterns are based on the reality that much of contract law is about whether there was an agreement between the parties. To assess whether there was an agreement, a good starting point is whether there was an offer, which requires an understanding of how one establishes the existence of an offer. Next, was there acceptance of that offer, a rejection of that offer, or counteroffer? There are, of

course, additional steps in determining whether there is an agreement between the parties. But, my point is that students should be forearmed with these organizational patterns before the exam begins.

Broad scale organizational patterns will be more obvious in some course than in others. While large scale patterns do appear in contracts and civil procedure, similar patterns are not as obvious in torts and criminal law. Smaller scale patterns, however, do appear in these courses, and can be used by students to help with exam organization.

For example, 1st degree murder, 2nd degree murder, voluntary manslaughter, involuntary manslaughter, and any other crime where someone dies can all be placed together under the heading “Homicide.” This helps students see what truly differentiates the various homicide crimes from each other and creates a pattern that can be memorized and used on the exam. So, when someone dies in a criminal law fact patterns – and someone will – students will have a pattern to rely on and use to address each homicide crime independently, though not necessarily equally.

Students should finish reading the problem before they start writing. Examination anxiety creates one of the more persistent examination problems that I see – students who begin writing their response after reading the first sentence or two from the fact pattern. One cannot answer a lengthy problem after reading only a small fraction of the facts, but this is a common mistake first-year students make. There may be an issue contained within

that first sentence, but the resolution of that issue may be impacted by material contained further into the problem. To illustrate why it is so important to hear all of the facts, I place my students into the role of an attorney speaking with a new client. In the scenario, the client says “my neighbor saw me raking in my yard the other day and walked up to me” At this point, I ask my students, how they would respond to the client’s problem. Would they immediately note that the neighbor is likely liable for trespass? Most students answer that it is impossible to give the client good advice before hearing the rest of the story. My response – “Exactly! So why would you address trespass to land on your exam after only reading the first sentence of the fact pattern?”

The examination fact pattern will suggest an organizational structure.

Broadly, there are two major organizational structures that are suggested by the facts on most law school examinations – organization by party or organization by event.

Organization by party requires students to address the actions of each person, one person at a time, and discuss the meaning of those actions. This type of organization seems to work well on criminal law and torts exams where each person may have committed a number of crimes or is potentially liable for multiple torts.

Organization by event, which typically works well in contracts and civil procedure, means organizing around some event. In this context, I am using the term “event” quite broadly to include things like negotiating an agreement, filing a lawsuit, or parking my automobile overnight in a garage. Under these examples, the event becomes the starting point for discussing the various legal issues that have

been generated.

This aspect of organizing an exam should be incorporated into the points I have already discussed. For example, a plaintiff’s lawsuit might be the starting point for the student’s discussion of subject matter jurisdiction (SMJ), but the student walked into the examination having memorized an organizational pattern for SMJ. As a result, the student should recognize that the fact pattern includes addressing the related concepts that arise under federal question jurisdiction, diversity jurisdiction, corporate diversity, domicile, etc.

When dealing with small scale organization, students must let the law be their guide. Once students have moved beyond large scale organizational concerns, they must still organize the analysis of each independent

Making certain organizational decisions before the examination has begun can be quite empowering for students.

issue. When analyzing individual issues – such as whether a defendant is liable for the tort of assault – I emphasize that the law provides us with its own small scale organization.

Students do understand that rules like assault are comprised of elements, and that each element must be established independently. Surprisingly, students often fail to apply this understanding to their exams.

They will, for example, fail to address all the elements of a tort because some of the elements are so obviously satisfied. To address this organizational issue, I emphasize the attorney’s role as problem solver. Again, I place them into the role of an attorney working with a new client who has been assaulted. I then ask if their trial strategy would include introducing evidence on all the elements of the tort, or whether they wouldn’t bother dealing with the more obvious elements. A simple illustration like this one seems to bring home the importance of organizing a response that deals with all aspects of the relevant rule.

In addition, students can decide to implement some of these ideas *before* they even enter the examination room. Making certain organizational decisions before the examination has begun can be quite empowering for students. In particular, I find that it helps reduce examination anxiety. A great deal of examination anxiety is rooted in a fear of the unknown. What areas of law will be emphasized? What will the fact patterns look like? These questions, and others like them, cannot be answered until the exam has begun, and therefore create a great deal of fear.

While the above organizational tips may be obvious to lawyers and law school teachers, they can seem revelatory to our students. They can also allay student anxiety about the examination process. Introducing these ideas to our students, however, is only a first step. Like any new skill, students must practice in order to achieve mastery.



Flanagan, *Millennial Students* (Continued from Page 4)

Walking them through the basics of buying a home is often illuminating for many students struggling in Property law; it is not that they cannot understand the reading, it is that they have no frame of reference for the transaction.

The challenges facing emerging adults in law school can be some of the most vexing for Academic Success professionals if these students are assumed to have the adult life experiences of prior generations of law students. However, their challenges can be some of the simplest to solve when Academic Success professionals are aware of trends in law school admissions and undergraduate education. Academic Success professionals have the tools to work with doctrinal or substantive professors to provide context to the difficulties students are experiencing with understanding class discussions.

Resources

Jeffery Arnett, *Emerging Adulthood: A Theory of Development from the Late Teens through the Twenties*, 55 AMERICAN PSYCHOLOGIST 469, 469 (2000).

Kimberly Dustman & Phil Handwerk, *Analysis of Law School Applicants by Age*

Group, LSAC (Oct. 6454), [http://www.lsac.org/docs/default-source/data-\(lsac-resources\)-docs/analysis-applicants-by-age-group.pdf](http://www.lsac.org/docs/default-source/data-(lsac-resources)-docs/analysis-applicants-by-age-group.pdf).

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Richard Fry, *A Rising Share of Young Adults Live in Their Parents' Home*, PEW RES. CTR. SOC. AND DEMOGRAPHIC TRENDS, Aug. 1, 2013, <http://www.pewsocialtrends.org/2013/08/01/a-rising-share-of-young-adults-live-in-their-parents-home/>

Say It in Your Own Words: Translate and Reverse Engineer

Legal Jargon to Read More Effectively

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Higher education in this country teaches students in silos. Universities often have minimal “general education” requirements, and many schools insist that undergraduates rush to declare majors.

Once a college student or graduate student settles into a particular field, s/he exists in a mini-world with its own language and often its own norms and culture.

Fluency, indeed mastery, of the terminology in one’s field is essential for success. But, when asked to explain what they are studying, by either translating jargon into plain English or by defining technical terms in a simple enough way for a smart layperson to understand, students in many disciplines are often stumped. Law students are no exception.

Most law students feel a deep disconnect when first hit with legal jargon. Published in 1977, Scott Turow’s vivid descriptions of his “1L” language

immersion capture what so many new law students still feel today. Especially in the first months of a new semester, we see such confusion on the faces of 1Ls every day.

And beyond new words employed in novel ways, there was a style of written argument with which we had to become familiar. In reading cases, I soon discovered that most judges and lawyers did not like to sound like ordinary people. Few said, “I.” Most did not write in simple declarative sentences. They wanted their opinions to seem the work of the law, rather than of any individual. To make their writing less personal and more impressive, they resorted to all kinds of devices, “whences” and “heretofores,” roundabout phrasings, sentences of interminable length. [1]

Turow describes learning what he calls “Legal” as “a second language.” “Legal bore some relation to English,” he says, but it twists and turns in ways that make it resemble a “very peculiar” “dialect,” one in which even familiar words may have

different meanings. [2]

“Judgment,” for instance, has a variety of senses in ordinary speech. “What’s your judgment of him?” “I think he has good judgment.” “He’ll come out right on the Judgment Day.” In Legal, “judgment” means only the final and determinative utterance by a court on a lawsuit.”[3]

It is nearly impossible for beginning law students to make full sense of their reading if they do not look up both new terms *and* seemingly familiar words that have different meanings in the legal context. Understanding the full meaning of words is even more critical for today’s students because they do not read as much generally as students in prior generations. Also, many Millennials were taught not to “waste time” with dictionaries, but to first try to fill in knowledge gaps with “context clues.” Simply put, this strategy does not a competent law student make!

Law students must not consider time spent searching for a word’s definition as “wasted.” Rather, we must help them see this time as an

essential investment that is critical to laying the foundation upon which more sophisticated analytical lawyering skills will be based. As legal educators, we can help our students adopt this investment perspective by clearly demonstrating the value in being precise and thorough with words. Many academic success faculty already take time in our classes to show students how a single term can change the entire outcome of an essay or multiple choice question – something students appreciate because it is concrete and relevant to law school exams and the bar exam. But it is also critical (and much more important in the long run) to emphasize that *getting it right* runs much deeper than “just” accumulating points on an exam. When professionals “guess” and “hope to get the gist” of a matter, errors occur. In extreme cases, clients may lose property, custody of their children, or even their own lives.

I have found it more effective to use role-play examples rather than lecturing when trying to prove to law students why it is necessary to be as precise and professional as possible and to work to always “get it right.” Sometimes, I ask them to imagine themselves boarding an airplane and hearing the following as the pilot’s announcement: “Welcome aboard Flight

111. My name is Captain Trieshard. I will be serving as your pilot this morning, and I wanted to let you all know that I have a pretty good flight record. About 60-65% of my flights have landed safely.” The point is usually crystal clear: a professional aiming for average is *not* OK.

I, of course, understand that 65-70% (and in some cases less) is enough to pass many bar exams. But the bar exam is a gateway to practice where the stakes are much higher. After passing the bar, they will be responsible for real peoples’ lives and livelihoods. Understanding this, by picturing themselves as professionals, can help law students to “own” the process of striving for continuous improvement, to make it an essential part of developing their professional identities.

I was editing this article during the 2017 Academy Awards when we witnessed a very public lack of precision: the wrong envelope was handed to Warren Beatty causing Beatty and co-presenter Faye Dunaway to announce the wrong winner for Best Picture. While no lives were lost, the results were highly embarrassing and could well have cost PricewaterhouseCoopers the Oscar gig –after more than 80 years on the job. News accounts suggested that the person re-

sponsible for the initial gaffe was distracted by tweeting.[4] I am working on a role-play to get students who tweet or text in class to picture themselves in the shoes of that person backstage at the Oscars, to imagine the possibility of losing a major client (or worse) as a result of their inattention.

We in the legal profession and academy get the importance of precision with words. We do not need convincing that fluency in “Legal,” (the ability to define, understand, and accurately employ legal terms) is fundamental in this field where words matter so much. How then do we help our students to *own* the goal of achieving such fluency? One way is by assigning “lay translation,” terminology fluency, and related exercises. As examples, we might do the following:

1. Include “Three-Part Flashcards” exercises in classes or workshops. Assign students to develop such flashcards either alone or in pairs/groups. On the front of the card, they list the jargon term or legal concept. On the top of the back of the card, students write the definition or rule as it should be stated in an essay answer, obtaining this information from a reliable supplemental resource, preferably one recommended by their doctri-

nal professor, ASP faculty, or law librarians. On the bottom of back of the card, students explain the term in their own words –with examples, charts, illustrations or whatever else helps them “get” the meaning of the term.

2. Assign “Explain It to a Very Smart 16-Year-Old” exercises. As homework, students must explain a legal concept they are studying to a friend or relative who is not a lawyer. If the person is a high school student, s/he clearly will not have a formal legal education and likely not as many pre-conceived false ideas about the legal system. Students should choose someone who is smart and encourage the person to ask questions about explanations that do not make complete sense. (Inspiration for this exercise comes from the Street Law course in which law students teach in high schools.)

3. Arrange for students to run Jeopardy Games. Have 3Ls create Jeopardy games to serve as 1L review sessions. In addition to helping the

target 1L audience, choosing terms and thinking through what “contestants” will ask as the corresponding questions will help provide 3Ls with a terminology refresher as they transition into pre-bar review mode.

4. Encourage students to write articles for lay audiences. Urge law students to write short pieces about current legal matters for local papers, blogs, or for their undergraduate insti-

Understanding the full meaning of words is even more critical for today’s students because they do not read as much generally as students in prior generations.

tution’s publications. Law students are traditionally encouraged to participate in law review and edit/write articles and notes of a sophisticated nature. This is wonderful. But, in addition to writing for legal audiences, students may find it empowering to write pieces in which they must explain complex legal concepts in words that their neighbors or non-lawyer friends would understand. [5]

5. Include Jargon Workshops in law school orientation. I have started many pre-1L sessions with a game, asking students to list terms that have different meanings in plain English than in “Legal.” I begin with the words “party,” “opinion,” “civil,” “spendthrift,” “case,” “decision,” and “consideration.” For good measure, and to show just how different meanings can be, I throw in the homophones “tort” and “torte.” Why this exercise? To

make clear at the outset, when they start law school, that success depends on fluency with terminology, and to convince students that it is worth the time and effort to search

for words in dictionaries *both* when the term is entirely unfamiliar *and* when a sentence just does not make complete sense.

6. Assign hornbook readings, along with casebook readings. This helps show students how to put their casebook readings into a meaningful context and how to seek and find explanations of aspects of courses they are struggling with.
7. Create “Plain English” com-

petitions. “Plain English translation” for graduate students is not a novel idea. A number of universities are hosting contests for their graduate students to encourage them to explain their research in non-technical terms.[6] The University of California (UC) system’s ‘Grad Slam’ contest is “...part of an ongoing effort at UCLA and other UCs to give grad students the skills to make their research come alive for anyone, from friends and family to conference audiences, potential employers, research funders or the media.”[7] The coordinator of a similar contest at New York University noted, “Every special field has a specialized vocabulary. What’s a very common term in your field might mean nothing to someone outside of it.”[8] These contests help highlight that the ability to conduct sophisticated research and being able to explain it simply are two distinct skills. “For Taylor Ludeke, a UCLA Ph.D. student in mechanical engineering, doing research is wonderful — but the prospect of having to explain her work fills her with dread. ‘I can talk to strangers like nobody’s business, but I can’t make any sense when I’m trying to explain my research,’ said Ludeke, who

studies the mechanics of animal locomotion. ‘It’s like I’m two different people.’” [9]

Imagine our law students *competing* to refine the art of plain-speaking for lawyers!

Assigning these sorts of creative exercises to help students develop fluency, and requiring our students to demonstrate fluency by explaining legal rules and concepts in a clear and simple enough way that lay people could understand them, would produce many success dividends. Our students would achieve the following: They would learn more effectively on their own and achieve a deeper understanding of their readings; be more confident that they are using terminology appropriately in their writing and in oral presentations; express themselves more clearly and confidently in job interviews; be better equipped to serve clients when they complete their studies, and during summer jobs, internships, or clinics; more effectively communicate as future lawyers with jurors, support staff, court staff, vendors, tech support, and others; and be better able to work with other professionals they must consult, including accountants, architects, police officers, and IT professionals. Such exercises provide training in skills

that facilitate interconnections between specialty areas in our increasingly complex world.

As professors, we know that we can lecture *at* our students forever about their level of understanding, too often with little effect. Let us see what effect we might have by en masse engaging them regularly in the “simple” exercise of explaining their studies to lay people. My hope is that this effort will help us to assist our students in learning to detect potential knowledge gaps, that our students will “get it” and internalize the critical professional identity lessons associated with precision in words, and perhaps continue to use lay translation as a readily accessible “power tool” for life-long learning.

Resources:

[1] SCOTT TUROW, ONE L 41-42 (1977).

[2] *Id.* at 85

[3] *Id.* at 85

[4] Tweeting Accountant Blamed for Oscar Best Picture Blunder,” CNBC (Feb. 28 2017), <http://www.cnbc.com/2017/02/28/tweeting-accountant-blamed-for-oscar-best-picture-blunder-.html>.

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Winning! 5 Key Strategies for an Effective Conference Presentation

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With all of the hard work and thoughtfulness devoted to planning for conference presentations, it is safe to say, everyone wants a winning presentation! The five key strategies for developing an effective presentation are (1) proper planning, (2) work backwards when designing your presentation, (3) diversify your delivery methods, (4) engage your audience, and (5) provide takeaways.

1. Proper planning

Planning a winning presentation is synonymous to planning an effective class. First, it is imperative as a presenter that you view your presentation attendees as students. Most conference attendees select workshops and presentations they feel they can learn from and hope

to gather tools and strategies that can be used when they return to their home school. It is common practice for conference hosts to post in advance of a conference, abbreviated presenter bios and summaries of each presentation so that attendees have the opportunity *before* arrival to select the presentations that best suits their interests and needs. This advance publishing of presentation titles and summaries, creates an inherent expectation that the presenter is going to deliver on the inferred promises in their presentation title and the deliverables outlined in their presentation summary. With that in mind, thinking of attendees as students *and* thinking of yourself as the teacher, requires the presenter to have a well-developed plan from the very beginning. Failing to do so, could result in your presentation falling flat.

2. Work backwards when designing your presentation

Common mistakes of presenters are often rooted in the very same mistakes we make as teachers. Far too

often, teachers fall into the *bad* habit of developing a course by starting with the selection of a text and then building the course around the textbook. Instead, effective course planning begins with clearly identifying the goals for the course and then developing objectives to accomplish the desired goals. Wiggins and McTighe proposed a comprehensive framework for designing courses in their book, *Understanding by Design*. In the book, the authors stressed a strategy called, “The Backward Design Process.” This process has three main stages: (1) start by identifying your desired course goals and results, (2) determine assessment evidence, or in other words, how will you know if the desired results have been met, and (3) plan learning assignments, assign reading, and topic sequencing that are best suited to help students accomplish the stated course goals. Putting the *Backward Design Process* in the context of presentations, consider the following strategies for planning an effective presentation. First, start by identifying the goals for your presentation. For example, our

goal for readers of this article is to take away practical, yet effective strategies for developing their presentations. Next, be sure to build-in activities designed to determine if in fact, your audience is consistently engaged during the presentation. Finally, create your actual presentation with the above steps in mind. For example, if you decide to do a visual presentation like Prezi, make sure each presentation slide ties directly to the goals of your presentation.

A major component of the aforementioned planning involves the identification of goals for your presentation. Is the goal of your presentation to share a work in progress and solicit feedback from the audience, or is your goal to educate the audience about a particular experience, or a practice or strategy you have utilized in your classroom? Depending on your desired result, how you organize your presentation can differ. It is also imperative when developing goals that you are specific about what you want attendees to gain from the presentation. It is often said that it is impossible to hit a target you cannot see, and even more difficult to hit a target you do not have. The goals for your presentation represent the target, and failing to clearly define your

goals will result in you missing the target.

Once the goals have been identified, it will be time well-spent to jot down objectives to accomplish your goals. Objectives are the bridge between concept development and successful execution. The objectives will also serve as the framework for your presentation outline. The next step is to develop your presentation outline and research your topic. Even the most accomplished individuals in their field of study conduct research, especially before presentations. It is the process of engaging in research that often brings your presentation to life. Research helps you to turn abstract concepts and ideas, into a well-round presentation, by combining relevant trends and issues, with sound studies, theory and practice. Working backwards in this manner, can be the vehicle for moving your ideas forward.



3. Engage your audience

The same rules that govern your classroom will help you give an effective presentation that engages your audience from start to finish. Like your students, your colleagues attending your presentation will have many things vying for their attention. Like you, they left work, scholarship, and family behind to attend the conference. Like your students, they will have laptops, tablets, and cell phones in front of them. Knowing this, you will have less than *ten* minutes to grab and keep their attention. Regardless of your topic, consider making your presentation interactive. Methods for creating an interactive presentation vary and you should choose the activity that best suits your topic. When presenting about

a topic that is novel or new to your field, you might start your presentation with a quiz where you survey the audience about their experience with your topic and then tailor your discussion based on their responses. When presenting a lesson in a box, you might ask the audience to complete an exercise you give to students in your classroom, then use your presentation time to deconstruct the exercise, noting the positive experiences and challenges you experienced when administering the exercise to students. Collaborative activities that require the audience to first work independently and then collaborate with others forces the audience to engage with your scholarship and each other. If you have time, collaboration works well if you require the audience to move around in the room and interact with people they may not already know. If you require the audience to use the devices in front of them to engage in an online poll, you can combat distractions by converting their devices into learning tools. Consider using Poll Everywhere which allows attendees to participate in a poll, discussion, reflection, or quiz by simply sending a text message. It also allows you to display audience responses in real-time, encouraging further discussion and engagement.

4. Diversify your delivery methods

When planning your presentation, think about ways you can harness your expertise. Keep in mind that your job while presenting is to educate. Being prepared will help you do so effectively. You do not want to appear robotic, so you should not memorize a script. However, you should be able to discuss content on your slides and handouts without constantly referring to your notes. Doing so requires practicing alone and with colleagues before your presentation. You should also anticipate questions that your audience may ask and be prepared to answer them.

Like your students, your audience will have varied learning styles. Consider multifaceted methods of educating your audience. We talked about interactive activities above. In addition to activities that engage your audience in active learning, you want to be sure that you provide multiple methods for your audience to receive information. This can be done by embedding relevant audio and YouTube video clips in your Prezi or PowerPoint presentation. While your primary method of delivery will depend on the presentation format of your conference, if you are not using a slide presentation,

you should provide a handout to aid your audience in following along.

With decreasing travel budgets, conference organizers are seemingly trying to accept more proposals as the presenters primarily make up the audience, and most schools are more likely to pay for travel where faculty members are presenting. This means you may be asked to co-present by combining your presentation with others, sharing a presentation time slot, or participating on a panel. You may also choose to co-present. When done well, co-presenting adds depth and dimension to presentations. For example, when co-presenters come from different academic backgrounds or teach at schools with different student profiles, they bring diverse perspectives to a single area of scholarship. When co-presenting, think about ways you can tie your related expertise together. This might be done by connecting the presentations with an activity that capitalizes on shared themes. If co-presenting reduces your presentation time, provide your audience with a method for contacting you about your scholarship like a Twitter account, blog, or email address.

5. Provide Takeaways

Providing your audience with tangible, yet easy to

remember takeaways, can leave your audience feeling both equipped and empowered. Your takeaways do not have to be handouts or materials attendees leave your presentation with. Yet, takeaways should benefit your attendees while helping you ensure that you met your planned learning goals and objectives. It may be helpful to provide a handout or website where attendees can further review your scholarship. Remember presentations are great tools for your professional development and recognition. To that end, takeaways create an opportunity for ongoing dialogue between you and your audience that extends beyond your presentation.

In conclusion, failing to plan means planning to fail. Yet, being thoughtful about your presentation will result in effective communication of your ideas, further your professional development, and reflect positively on your institution. Incorporating these strategies while planning will result in a winning presentation.

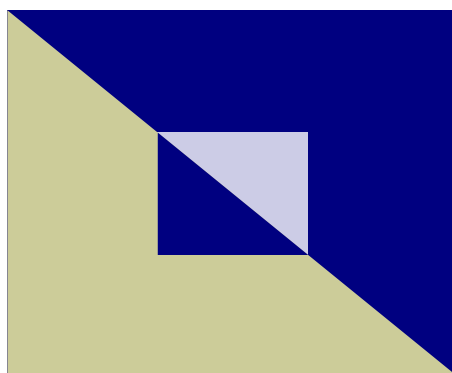
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MICHAEL HUNTER SCHWARTZ, SOPHIE SPARROW & GERALD F. HESS, *TEACHING LAW BY DESIGN: ENGAGING STUDENTS FROM THE SYLLABUS TO THE FINAL EXAM* (2009).



Berman, *Say It in Your Own Words* (continued from page 11)

[5] See PAUL BERGMAN & SARA J. BERMAN, *REPRESENT YOURSELF IN COURT: HOW TO PREPARE AND TRY A WINNING CASE* (9th Ed. 2016) and PAUL BERGMAN & SARA J. BERMAN, *THE CRIMINAL LAW HANDBOOK: KNOW YOUR RIGHTS, SURVIVE THE SYSTEM* (14th Ed. 2015) (inspiring this exercise from texts authored for lay people).

[6] See, Jason Song, *Higher Learning: Students Put Expertise into Plain English*, LA TIMES (Apr. 8, 2015), <http://www.latimes.com/local/education/la-me-ucla-talks-20150408-story.html>.

[7] See, Alison Hewitt, *UCLA Grad Students Learn the Art of Plain-Speaking*, UCLA (Mar. 5 2016), <https://www.universityofcalifornia.edu/news/ucla-grad-students-learn-art-plain-speaking>.

[8] See Song, *supra* at o.

[9] See Hewitt, *supra* at 1.

Transparency in the Classroom: An ASP-ish Doctrinal Professor's Perspective

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In our academic support program, my colleagues and I have certain buzzwords and phrases that we repeat constantly to our peer educators and students, as we all know repetition plays an important role in learning. “Working harder is working smarter,” “analysis,” “we don’t want you to learn to be great students, we want you to learn to become great lawyers,” and of course “transparency.” Although law students may claim otherwise, I do not believe that many law professors intentionally are trying to “hide the ball” from their students. However, not hiding information is still far from making our teaching methods truly transparent. For me, being transparent is not automatic; I have to find ways to remind myself to pull back the curtain to explain my methods to my students. In case this is not just me, I thought I would share my thoughts from a program and classroom perspective.

Our academic support team constantly works to upgrade our program, using ideas that we generate and others that

we unabashedly take from peers at other institutions. In our first-year program, our team carefully crafts our curriculum based upon the learning objectives the law school and our program sets for our students. The learning objectives are made clear to our peer educators during a training session held prior to the start of classes, who then communicate them to all of our first-year students in their weekly small group sessions. Many of the approaches that we are using are grounded in the work of some academic support superstars, who have consulted with us to show us how we can improve our teaching. These experts have also told us why the innovations they share with us work, so we feel confident in employing these methods in our program. But even with all our efforts to upgrade the program, communicating the why to our students sometimes gets lost, or perhaps is only communicated once. We find we must consistently remind them why these techniques are effective in order to get students to implement these more effective but counter-intuitive techniques. [1] In my role as a doctrinal professor, I can help reinforce the good recommendations the Academic Success Program is

providing to our students by recapping and providing examples and models of how to use the techniques.

In my own torts class, taught in our students’ first semester of law school, I am finding new ways to be more transparent about the methods I am using in the classroom. I would like to think I am a good teacher, and try to do the things that “the best law teachers do.” [2] Each year my syllabus is updated, and as years pass I continue to add new information in my syllabi: learning outcomes for each class period, what formative assessment will be used in each class, the many projects they will complete throughout the semester, and the list keeps growing. These details help the students plan, and also helps me ensure I meet my stated goals and keep my promises.

In my syllabus, I schedule formative assessments to take advantage of the distributed practice effect, and I also make certain to point out why more than once. I will tell them the advantages of spaced review of information in retaining their learning for the long-term. My hope is that once they understand why I am doing what I am doing, my students will be less likely resist my efforts. Even if they do not immediately em-

brace these techniques, I hope they will not short circuit my efforts by gaming my grading scheme in an effort to maximize their points in the short term. By understanding the why, I hope that they will instead see an opportunity to learn more efficiently, so I will inject the why whenever possible in the hope that it may convince more students to convert to using more effective study techniques.

During our classroom collaborative exercises, I will remind them of why I am using these techniques, when all they really want is for me to give them the answers they seek. I hope that they will embrace

“[C]ommunicating the why to our students sometimes gets lost, or perhaps is only communicated once.”

these superior methods once they understand that more profound learning is possible with these exercises. Some will still grumble, as my class is “different from the other classes they have.” I hope that they will have overlearned the why, so that when I next remind them of it, they will all repeat it back to me like an exhausted Greek chorus.

One reason I think this added transparency may help my teaching effectiveness is from my own personal experience, or should I say my own accidental experiment. Since I

began teaching law, I have gained a reputation for being more rigorous than most professors, earning me a rather daunting nickname (ask around). My early teaching evaluations were fine, but there were a lot of comments about my methods that were less than flattering. Perhaps they were right, but when starting out a new academic year with new students, I began discussing how my class was different - on the first day of class, and

why I was making it purposefully so. I must point out, that at that time, I had barely begun to transform my classroom, so it did not take that long. My teaching

evaluations went from fine to excellent, and the comments generally became more constructive (except for the occasional ego slayer).

I believe the change in my teaching evaluations had a lot to do with the increase in transparency by explaining my methods. As my teaching became more sophisticated, the demands on my time in the classroom, and in my own brain’s bandwidth caused me to omit a lot of the “why” I was doing certain things in the classroom. I am now including in my syllabus short explana-

tions of why I am assigning certain tasks, exercises, etc., and make a note in my lesson plans to briefly discuss the why in class. [3] This is a small change that I hope will make some positive difference.

While I will not be able to quantify the effect of this effort, I hope to keep my students from taking shortcuts that will make their lives easier in the moment, but will cause them more work in the future. If you are not one of those naturally transparent teachers, why not give it a try? If nothing else, you may see a boost in your teaching evaluations.

Resources:

[1] PETER C. BROWN, MAKE IT STICK: THE SCIENCE OF SUCCESSFUL LEARNING, (2014).

[2] MICHAEL HUNTER SCHWARTZ, GERALD F. HESS & SOPHIE M. SPARROW, WHAT THE BEST LAW TEACHERS DO (2013).

[3] Mary-Ann Winkelmas, Matthew Bernacki, Jeffrey Butler, Michelle Zochowski, Jennifer Golanics, & Kati Harriss Weavil *A Teaching Intervention that Increases Underserved College Students’ Success*, PEER REVIEW (Winter/Spring 2016).

Why Professionalism Matters in Law School

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Professionalism in general, specifically following directions and reading carefully, is paramount to the success of law students, bar students, and practitioners. This means that as law schools we have a duty to not just teach the law, but teach professional skills as well. For the Fifth Annual Association of Academic Support Educator's Conference, Rebecca Flanagan and I presented on this very topic, and I would like to share some of what I learned. [1]

Why is professionalism important? First and foremost, the majority of professional discipline comes from "neglect" or "lack of diligence." [2] This means that lawyers are being disbarred based on things such as missed deadlines, poor client communication, or lack of time management skills. In addition, most students that fail the bar have exhibited many unprofessional behaviors, specifically a lack of reading carefully or following instructions. Professionalism also matters as early as first-year. In my "Lab 2" course, which is a class for those that earn below a 2.5 in their first semester, there were 20 students: 10 day and 10 evening. The class was structured to encourage students to be responsible for their own learning and gave them choices as to what activities they could do. However, there was a list of mandatory things that all students needed to complete. I began to see that the students in this course were

frequently exhibiting unprofessional behaviors. At least half of the students admitted they failed to read the syllabus. One student went to the classroom every week even though class was not held on a weekly basis, wondering why no one showed up, but never reaching out or asking a professor for clarification. None followed instructions on the syllabus without prompting or reminders, and many missed mandatory classes, even with reminders. In fact, over half missed

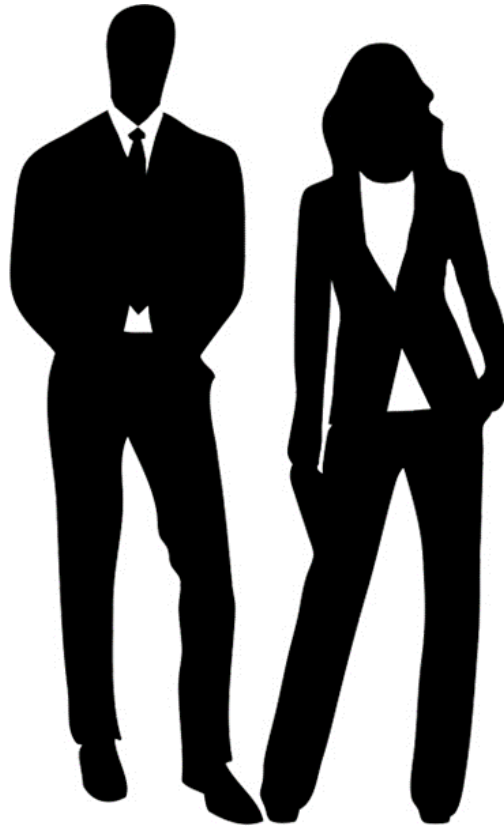
mandatory classes, claiming they forgot or did not know that a particular class was mandatory. In summary, professionalism does not mean that a student will end up at the top of the class or pass the bar. Conversely, however, a lack of professionalism means that it is almost certain that a student will end up at the bottom of the class, as shown above, fail the bar exam, or potentially lose their license.

Why are students exhibiting unprofessional behaviors? There are a few theories, one being that students are developmentally younger, even if they are technically older. [3] Another is that the education system has made students less pre-

pared. We can go even further and blame technology. However, the important question to examine is not necessarily the cause, but what do we, as academic support professionals, do about it?

As an Institution

First and foremost, for any changes to work the institution as a whole needs to work to-



gether. As with most things, an academic support professional cannot be the only one implementing these practices. The reason is that one professor cannot stand out as the “bad guy” or “the strict one.” This dilutes the message that professionalism is important to the entire school, as well as the entire legal community. The institution, as a whole, must send a very specific message as to what is expected as a professional law student. This can be done in a student handbook, during orientation, or through “professionalism classes.” It can also be done with every professor and administrator enforcing policy and stressing the importance of deadlines, following instructions, and careful reading.

Partnerships

Academic support professionals should partner with other departments, such as career services and admissions. For example, many schools require things of their newly admitted law students, such as photos for the class Facebook page, questionnaires, or other documentation. Admissions can report to academic support professionals regarding admitted students not complying, as that is an early indication that a student is not likely to follow instructions or meet deadlines. Admissions also sets the tone for new students; if admissions signals that missing deadlines or non-compliance is acceptable at a school, the students will assume that is the case for all school requirements.

In Our Classrooms

Finally, there are concrete things we can all do in our classrooms. While I do not claim that any one of these things will magically turn a student into a perfect professional, my hope is that all of them used together, with repetition, will at least make them start to refocus their behavior.

To begin with, we can make professionalism part of the grade. For example, you can designate 10% of the final grade to be based on professional behavior, which means the professional behavior expected should be clearly stated in the syllabus. Alternatively, a professor can take points off an exam for failing to follow instructions or continually arriving late, that which may be reflected in a final grade. Personally, I deduct points for missed class, for failure to follow instructions (turning in the assignment in the correct place, labeling it correctly, etc.), and for turning things in late. I also impose hard deadlines on assignments and allow those to be made up only if the student has an extenuating circumstance approved by the Dean of Students.

Conversely, students can be rewarded for professional behavior. I often embed bonus points in emails; if a student reads my email carefully enough to spot the “bonus question” (it can be “what is your favorite superhero,” “spot the spelling errors” or “what quiz question did you struggle with”) they will receive bonus points. In addition, some fellow conference goers mentioned doing things like imbedding questions or instructions into their syllabus, such as “send me a photo of a duck.” This creates incentives for students to read carefully and pay attention. The added benefit of including something in the syllabus is that it also sets the tone for professionalism and expectations in the course.

In addition, you should be very clear and specific in your intention. There is room in many academic support classes for lectures on time management, careful reading, and professionalism. Demonstrate to students how practicing attorneys track their time with specific examples of how exact and detailed practitioners must be. This can also be done by assisting students with creating calendars and encouraging them to do so for class. You can

also do “following directions” assignments in class where you give an assignment, telling them it is a case brief assignment, or something similar, when in reality it is to test their ability to follow instructions. To begin, at the top of the assignment clearly state that the student must read the entire assignment before beginning to answer questions. Then, the first 7 questions, for example, should be very detail orientated, such that students must go back to the case to answer. However, at question 8, say “Do not answer questions 1-7”, and have questions 9 and 10 be simple questions like the case name, the professor’s office number, or something equally easy to answer. Give the students very specific instructions on where to put their name, whether they must use pen or pencil, and how to turn it in. I found this an easy way to keep track of who followed instructions, but in addition I was able to use it as a learning tool, clearly illustrating how following instructions often saves the student time and stress. This is often a good segue into a lecture about being detail orientated with instructions when practicing.

In summary, while I do not have the answer as to why some students naturally exhibit professional behaviors and others do not, I do believe that working together as a legal community we can reinforce the importance of professional behavior in such a way that the behaviors come more naturally to the students as they progress through law school and into a successful practice.

Resources:

[1] Rebecca Flanagan, Professor, U. Mass. School of Law & Melissa Hale, Professor, UDC Law School, *It’s All About Professionalism: Infusing Professionalism into Academic Support for Success in Practice*, AASE Annual Conference (May 23, 2017).

[2] See Gene Shipp, *Bar Counsel: What the Numbers Show at Office of Bar Counsel*, Wash. Law.

(July/August 2014), <https://www.dcbbar.org/bar-resources/publications/washington-lawyer/articles/july-august-2014-bar-counsel.cfm> & Mass. Off. of the Bar Couns. of the Jud. Ct., *Annual Report to the Supreme Judicial Court Fiscal Year 2015*, <https://bbopublic.blob.core.windows.net/web/f/fy2015.pdf>.

[3] Rebecca Flanagan, *The Kids Aren’t Alright: Rethinking the Law Student Skills Deficit*, 6459 BYU Educ. & L.J. 135 (2015).

“[T]he majority of professional discipline comes from “neglect” or “lack of diligence.”

The What, Where, Who, and How of Transforming Your Idea into a Presentation Proposal

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Presentation proposals are necessary to your professional growth: they bring recognition to you and your school and help you to refine your work. For example, in researching your idea, you may find support for your work or find you need to modify your work to be consistent with the research. If you are new to the profession, you may believe you have nothing new to contribute. Our field is changing and even if your idea is not new, it is likely new to someone entering the profession. If you do not know how to start drafting a proposal, consider the following approach: ask yourself what, where, who, and how to help transform your ideas into a great presentation proposal.

The What?

The “what” of a presentation proposal is to explain what you plan to discuss during your presentation. For conferences with specific proposal guidelines, this may fit within a summation/background or goals section. In the “what” section give details as to what the idea is, provide examples, and define

your terms including terms you believe are common knowledge. For example, “This presentation is about pre-admit programs. Pre-admit programs are programs that...” If your idea is research-based, provide citations or a *brief* summation of your research. If your idea is based on personal experience or based on what your school does, consider how you can make this idea generally applicable by thinking if your experience or what your school has done is consistent with research or best practices. This ensures your readers see the value of your proposal for a general audience and not just persons or organizations who are very similar to you. Finally, explain what makes this idea helpful, problematic, or noteworthy. For example, “As law schools work to..., this [idea] helps...” Clearly articulating your idea provides the reader with a clear sense of what value your presentation may add to the conference.

The Where?

Where you are proposing to present is an important consideration. For conferences with specific guidelines, “where” may fit within a summation/background section. Generally, conferences draw similarly situated individuals

around a theme or purpose. For example, the Association of Academic Support Educators (AASE) conference draws academic support/bar support professionals for the purpose of learning and building relationships. When crafting your proposal, considering where you are presenting identifies your audience—those similarly situated individuals. In drafting your proposal, consider how to connect your idea to this audience. If this is an Academic Support (or other) conference, how does this idea relate to that community? For example, “This [idea] will assist [audience] by...”

Additionally, consider the conference theme and title and how your presentation fits within that context. Do not assume people are going to connect your idea to the theme or title. Instead, in your proposal, specify how your idea connects with the theme or title and make that a theme of your proposal. If this is a diversity (or other) conference: how does this proposal relate to this theme? If you can’t find a connection, ask someone to help you flesh out the idea or it may not be the proper conference for your idea. Frame your presentation proposal to show value to where you are present-

ing by considering your audience and the theme and title.

The Who?

Be specific about who benefits from your idea: students, faculty, staff, and/or an institution or program. For conferences with specific proposal guidelines, this may fit within a summation/background or goals section. The following non-exhaustive questions may help: Does your idea help students and faculty by introducing a new study method/exam tool or teaching strategy? Does your idea assist an instructor in their professional development? Does this help an institution or program with assessment or hiring/recruitment/training? Articulate who your idea helps and why. For example, "Teaching your student this [idea] will result in..." Identify who benefits from your presentation and why is important in assisting your reader in determining how your presentation fits in the overall landscape of the conference.

The How?

Think about how you plan to communicate this idea by determining the best format for you to deliver this idea. For conferences with specific proposal guidelines, this may fit

within methodology. Often times considering who your idea benefits will guide you in determining how best to communicate that idea. If your idea is a new study strategy for students, you might create a lesson-in-a-box where you provide the materials necessary for the study strategy and "teach" the audience just as you taught your students. If your idea is related to professional development and it uses meditation, reflection, or a



technique, then you might have an interactive session where your audience engages in the meditation, reflection, or technique. A lecture may be helpful if you are introducing a novel or a complex idea. However, the lecture is the least popular format for an Academic Support audience. You can turn a lecture into an interactive session if you think about engaging tools such as polling (using technology or just a show of hands), video clips, or

engaging questions. Finally, if your idea is theoretical, then your format may be a coffee talk which is an informal discussion about the idea or propose a panel to combine with others. There are numerous formats through which to communicate your ideas and some may be limited by the conference organizers. If you think through how you will communicate your idea, you can give the reader of your proposal a clear idea of what conference attendees will experience during your presentation.

Conclusion

Admittedly, going through the what, where, who, and how to draft a presentation proposal takes time. But remember this is important for your professional development. Additionally, the proposal you submit will be reviewed by your peers in the academy. The proposal you submit creates an impression of the quality of your work; thus, it's important to craft a strong proposal that has carefully considered the what, where, who, and how.

Journal Writing Techniques to Aid Student Learning

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Like many people, I set a goal each year to be more physically active. I have always struggled to commit to a consistent routine. At best, I would commit to a workout routine for three weeks, by the fourth week I would fail. While I am still a work in progress, I am happy to say that I have been an active member of my workout club for eleven months. I believe this success is due to keeping a fitness journal to record all of my workouts. Each entry provides an opportunity for me to review my progress and to create personal accountability.

A quote attributed to Socrates is, *"The unexamined life is not worth living."* While this quote is true for my fitness goals and life in general, it also rings true for learning. A long-used tool for facilitating learning is self-assessment and reflection. Journal writing can be used as both a form of reflection and a form of self-assessment. The book *Journal Keeping: How to Use Reflective Writing for Learning, Teaching, Professional Insight, and Positive Change* by Dannelle D. Stevens and Joanne E. Cooper discusses several uses for journal

keeping in and outside the classroom. While this book was not written specifically for law school, I have begun implementing several of the journal writing techniques in my mentoring and teaching with promising early results, albeit anecdotal ones. This article will discuss four journal writing techniques that can aid student learning.

First, a little background information about journal writing. There are many benefits to journal writing. As previously mentioned, journal writing can allow students to practice reflection and self-assessment to create external evidence of metacognition. Additionally, journal writing can provide ancillary benefits to students such as stress reduction, transformative learning, personal growth and development, and guard against stereotype threat. Finally, journal writing can help accomplish learning objectives for the instructor, the course, and the academic program. For the purposes of this article, a journal has five defining attributes: it is written, dated, informal, flexible, and archival.

Journal writing can be implemented in law school in several ways including in doctrinal or skills-based courses,

meeting with faculty advisors, as a component of internships/externships, and Pro Bono Experiences. Journal writing can be used to encourage better reading comprehension, to improve student writing skills, and to foster engagement in service learning. When keeping a journal students can simply write a traditional chronicle of experiences or employ one of four techniques described below to aid in their learning.

Freewrite or Focused Freewrite

Freewrite is a technique where students write and do not stop writing for a specified period of time. There are no formal rules, in fact, grammar, punctuation, and other formal writing guidelines are not important at all. Focused freewrite is similar to freewrite, except the instructor provides students with a topic to guide their thoughts during a journaling session.

Freewrite and focused freewrite helps students learn to get words, any words, on the page. It provides an opportunity for students to write out all the questions, ideas, resources, directions, themes, people, steps to take, concerns, passions, interests, fears, anxieties, background knowledge, etc. for a

given activity, learning objective, or assignment.

Freewrite can be used in law school to help students explore what they know or want to know about a given doctrinal topic. For instance, you could give the students five minutes to write down everything they know about battery in torts. This writing can be the start of an outline, rule statement list, or to formulate questions that they may have over the topic. If done closed-book, this writing is also a form of recall and helps the student reflect on what they have learned.

Dialogue

Dialogue is a technique where students write out a conversation between people, parts, ideas, or things. Essentially the students' writing will switch between voices to explore varying perspectives.

Dialogue helps students to generate ideas and think about both sides of an issue. This technique also helps students explore issues from an objective standpoint, reveal hidden biases, and create a better understanding of new ideas.

Dialogue can be used in law school to help law students reflect and gain a deeper understanding of practical experiences. For example, students in a practicum or clinical course could dialogue an imaginary conversation with a supervising attorney or client to explore a

challenging ethical issue or dilemma.

Listing

Listing is a technique that is probably heavily used in most students, professors, and lawyers' routine. Listing is where students simply list words or phrases under a connected concept.

Listing helps students organize and save time by creating a compilation of brief phrases for a topic.

Law students are probably already using lists to track their assignments and personal to-dos. Lists can also be used in the classroom to track things learned in a session, or things they are unfamiliar with. Lists can also be used in mentoring setting to help students prioritize their time or plan out a big project.

Metareflection

Metareflection is a technique where students review several journal entries and write a new reflection about their observations of their previous reflections.

Metareflection helps students take a balcony view of themselves as learners so that they can adapt their strategies and approaches.

Metareflection can also be used when mentoring students who are struggling academically. Essentially the Aca-

ademic Success Professor can have students write a journal throughout the course of the semester about their learning strategies, approaches, and experiences. At the end of the semester, the Academic Success Professor can have the student write a summary of the reflections with ideas of how to make changes in their strategies and approach.

I work with a group of students who are on academic probation after their first semester of law school. I implemented the journaling techniques of focused freewrite and metareflection throughout the course. I first had the students write a reflection about why they did not meet their academic goals at the start of course. At the midpoint, I incorporated a focused freewrite about their progress, essentially things they felt they had learned and things they still needed help with. I used this feedback to guide my lesson planning for the remaining sessions. Finally, at the end of the course, I asked students to reflect over their entries and write a metareflection about their learning progress. I only asked for one paragraph, but many students wrote a page or two and seemed to have a strong understanding of their improvement and things they needed to continue working on. Journal writing seemed to aid in my students' learning this semester and I look forward to implementing it in future courses and mentoring.

Resources

Dannelle D. Stevens and Joanne E. Cooper, *Journal Keeping: How to Use Reflective Writing for Learning, Teaching, Professional Insight, and Positive Change* (2009).

Peter C. Brown, *Make it Stick* (2014).



Segmented Studying - From Aimless to Purposeful

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Not all studying is productive. As academic support educators, we demonstrate effective learning and study strategies, and we teach students techniques designed to help them improve their law school performance. One strategy I share with increasing frequency involves segmented studying.

Whether during law school exam preparation or bar preparation, I find that students are easily lost in the rut of studying *en masse*. They say things like, “I’m going to study Torts

on Saturday.” Or, “All I did for four hours this morning was study Constitutional Law.” When I ask them what that means, most will refer to reviewing outlines, re-reading case briefs, or memorizing rules.

During periods where students need to understand, and in some cases memorize, a vast amount of material, I share with them the idea of setting concrete objectives for short intervals of study. Particularly during bar review, a time of seemingly constant study, I am reminded of the power of *objective-based* studying when working with students who feel “burned out” or who need to add a little more productivity and *kick* to their day.

Studies demonstrate that concentrating numerous times on material in short spurts increases productivity and results. “[S]paced learning is more effective than massed learning for facts, concepts and lists, skill learning and motor learning... [and] long-term memory trace is more efficiently stabilized or strengthened by spaced trials.”[2]

When it comes to learning the law, the ways in which we present and test concepts (and the very design of our text books and supplements) facilitate segmented studying. Before students dive into long, directionless study periods, I encourage them to take a few minutes to first divide the topic into logical segments.[3] As an added

benefit, the process of breaking down a large topic into sub-sections that make sense both to the reader, and in the larger scope of the law for that area, is a strategy deemed to be one that “expert learners” engage in, according to Michael Hunter Schwartz. “Expert law students recognize that it is easier to learn a large body of information in sub-groups of information than as a whole. In other words, rather than learning all the information at once, the learner remembers a series of groups.” [3] This, in part, is the theory behind popular memorization and studying techniques such as *The Pomodoro Technique*, [4] the Memory Palace, and the Link Method. These techniques are currently enjoying some measure of popular acclaim and have been written about in *Business Insider*, *Forbes*, and one has been featured in the *Sherlock* reboot starring Benedict Cumberbatch.

The Pomodoro technique is a unique time management method created by Italian entrepreneur–Francesco Cirillo–that maximizes productivity by working in intervals of time, traditionally twenty-five minutes. After completing an interval of working intensely on a task without distractions, a three to five-minute break is taken. Every four intervals, or “pomodori,” a longer fifteen to thirty-minute break is taken. [5] Complemen-

tarily, the “memory palace,” also known as the “method of loci” originates from a memorization technique written in *Rhetorica ad Herennium* in the 80s B.C. by an unknown author and is the first known text on the art of memorization. “The approach involves associating the ideas or objects to be memorized with memorable scenes imagined to be at well-known locations (‘loci’), like one’s house (‘palace’) or along a familiar walking route. . . . Before books were common, the method of loci helped lawyers and others retain and recall information necessary for their jobs. The locution ‘in the first place’ is a holdover from [an] ancient method of memorizing speeches.” [6] Likewise, the link method is a basic memory technique that makes simple associations between items in a list and links them with a vivid image containing the items. By creating a connection between the first item and the next item, information

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is coded to be remembered into images sequentially. [7]

To help students transition from massed study to segmented studying, I remind stu-

dents of the utility of their syllabus and casebook table of contents when studying for a final exam. If they are using black-letter outlines I suggest they review each of the major headings and subheadings first. Those materials are incredibly helpful in helping students determine 1) how many distinct areas of law they need to understand, 2) how those parts are interrelated, and once they determine the requisite review time for each 3), how much time “studying for” the topic will require in comparison to the other topics they must also study.

Breaking study material, and/or concrete study tasks, into smaller groups is the first and most critical step. It enables students to set distinct, manageable goals for digesting complex material. Some experts call this clustering. “Clustering is a particularized form of chunking that involves organizing information into meaningful categories. In other words, the learner classifies the information into groups based on some set of criteria, such as their common features or the concepts that underlie them. . . [t]he more clusters into which a student has chunked his or her learning, the more readily she or he will be able to retrieve that learning when needed.” [8]

Not only does this improve memory retention, but

research also indicates that “students who [take] regular breaks over an hour remember a fifth more than those who [sit] through an hour-long lecture.” [9] (A slight digression: What works in outside-of-class studies, works in the classroom too. As educators, we might consider setting multiple, segmented, objectives for our class sessions. What do we want to accomplish in the first half hour, the second, and so on. Being expeditious about how we use classroom time helps us avoid rambling lectures and can improve the efficiency of our delivery.)

We know that that dividing a topic into compartments does a lot to prepare the brain for deeper understanding. But partitioning topics and segmenting one’s studying can also boost productivity. *Mindfulness* and the ability to engage in *honest self-assessment* are key to making this work. After a few weeks of preparing for the bar exam, for example, a student should have a sense of her fortés and limitations. Instead of blindly moving through a bar company’s prescription for study, she would be better served by creating a schedule that allocates time for deep learning in troublesome areas, and for an expeditious review of those in which she is more adept.

I recently had a conversation with a graduate preparing for the bar who indicated

she was achieving 70% on her Torts MBE quizzes but “was bombing” Property. She said she reviewed Property again,



but was still not as successful with those questions as she would like to be. I asked her to identify the segments of Property law with which she was having most trouble. She didn’t seem to know, and believed the entire topic a challenge. We spent some time reviewing her results then developed an objective-based, targeted study plan that would maximize the time she was able to dedicate to the task. The process also revealed that she, in fact, did not have difficulty with *all* of property law. Rather, the questions she missed most often fell within the subtopic of Estates.

I then asked her to divide that content into segments that made sense to her. She came up with the following:

- Present Possessory Estates
- Future Interests
- Constructional Rules
- Concurrent Estates

We then discussed what the natural sub-parts of each segment might be, and considered the time it would take for her to really review and understand the concepts that pertained to each. Instead of studying just, “Estates,” or even a complete subtopic, she divided each of the four segments into multiple parts, and more importantly, was able to assign realistic portions of time for accomplishing a thorough review of each. In this way, her morning study block was transformed from aimless “hard-work” to a series of short, dedicated blocks of time that she progressed through with a sense of drive and purpose.

Students who allocate a fixed time to accomplish tasks are more apt to realize their goals. When the rut of mass study begins to set in, setting well-defined goals for period of review (a Saturday morning, for example) will maximize efficiency and will help prevent students from feeling like they are drowning in work.

Thomas Edison is credited with saying, “Being busy does not always mean real work. The object of all work is production or accomplishment and to either of these ends there must be forethought, system, planning, intelligence, and honest purpose, as well as perspiration. Seeming to do is not doing.” Making “study time” a carefully defined activity encourages forethought, planning, and purpose.

Segmented studying can do wonders to move both the diligent and indolent from aimless to purposeful. Students who have adopted the methodology are more driven, and report fewer instances of feeling overwhelmed. They experience a genuine sense of control over their work, and relish in their fruits of their carefully targeted accomplishments. This is a methodology worth fostering.

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THE LEARNING CURVE is a newsletter reporting on issues and ideas for the Association of American Law Schools Section on Academic Support and the general law school academic support community. It shares teaching ideas and early research projects with a focus on models and learning environments that create positive learning experiences for law students.

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-The Editors

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