Active Learning for Law Students: Engaging Everyone in the Class

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Law students learn to be lawyers by doing what lawyers do.

Workshop Learning Objectives

After this session, you will be able to

1) **Identify and outline at least 3 teaching and learning methods that**
   - Contribute to a productive learning environment
   - Engage all students in actively learning important course material
   - Engage students in learning knowledge, skills, and values
   - Are workable and sustainable

2) **Describe the difference between active and passive learning**

3) **Articulate reasons for using a variety and active teaching/learning methods**

Methods used in this workshop
   - Discussion (pair and small group)
   - Writing & peer editing
   - Graphics & visuals
   - Experiential & kinesthetic

Student Engagement Exercise

Pick one of your courses to think about. During the last term, when were students **most** engaged in your classroom? (Alternatively, when were you most engaged in a recent meeting, class, or workshop?)

Pick one of your courses to think about. During the last term, when were students **least** engaged in your classroom? (Alternatively, when were you **least** engaged in a recent meeting, class, or workshop?)
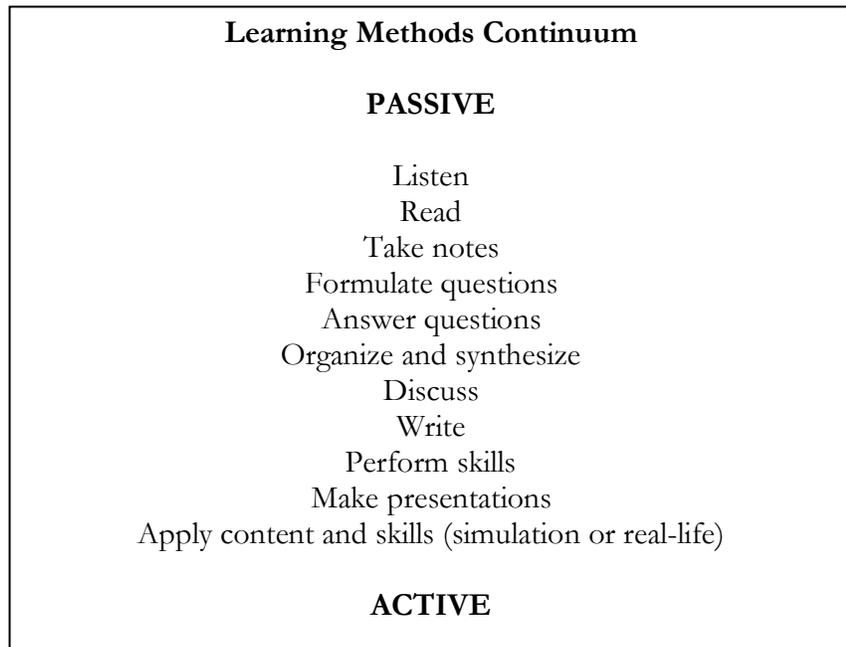
TECHNIQUE: Think-write-pair-share (2-5 minutes)

1. Take one minute to think about your response and write down a few notes.
2. Find one other person in the room and take 30 seconds each to share your response.
3. Debrief in the whole class (or not). Call on a few people and gather a few short responses. Consider capturing on the board.

Student Engagement – Why does it matter?

	How People Learn – Four Learning Theories
Adult Learning Theory	Adult learners: • Learn best in an environment of mutual respect among students and teachers • Perform well when working together with others on a team • Learn by connecting new skills and knowledge to their existing knowledge
Cognitive Learning Theory	• The most critical step in learning is to transfer concepts into long-term memory • Concepts and skills are more likely to transfer to long-term memory if they are meaningful to students' current or future needs • The more actively and deeply students process concepts and skills, the more likely they are to acquire them
Constructivist Learning Theory	• Learning is constructed by students, not transmitted to them • Students construct understanding based on experience • Learning is collaborative – created through discussion from various perspectives
Sensory-Based Ways of Learning	• Students can learn through several modes: digital (read and write), auditory (hear and speak), visual (sight and graphics), kinesthetic (learn by doing) or a combination • Multi-modal learning deepens understanding of concepts and skills

What are the implications of these learning theories for our teaching?

What is active learning?

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Learning Methods Continuum

PASSIVE

Listen
Read
Take notes
Formulate questions
Answer questions
Organize and synthesize
Discuss
Write
Perform skills
Make presentations
Apply content and skills (simulation or real-life)

ACTIVE
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Why use variety and active teaching/learning methods?

- Range of goals (knowledge, skills, values)

- Higher level thinking (analysis, synthesis, criticism)

- Learning style preferences

- Motivation and engagement

- Depth of learning

- Other

Use active teaching methods to help students achieve learning goals of

- Knowledge

- Skills

- Values

☞ **At the beginning of the course, set clear expectations and thank students for actively engaging.**

TECHNIQUE: Small Group Discussion

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Think of small group discussions in which you or your students have participated. **Name at least 3 characteristics that made the small group discussions effective?**

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-
-
-

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1. Designate

2. Directions

3. Duration

4. Debrief (if possible, avoid the "all groups report back)

TECHNIQUE: Calling on Students – large class discussion

1. Pose

2. Wait

3. Cold call

4. Cool call

5. Invite paired or co-counsel

6. Ask for volunteers

7. Listen

TECHNIQUE: Writing and Peer Editing

Why use writing exercises in class?
- Critical skill for practice
- Clarify thinking & deepen analysis
- Reflect on learning, perspectives

Quick writes or quizzes in class – provide a short question or scenario in writing and ask a clear question. Give students 5-10 minutes to write in class.

Samples
- "Close your books and notes. Write down everything you know about negligence per se."

- "Look at the problem on page 69. Take a few minutes to write out your analysis."

- **[Provide a short (1/2 page or less) fact pattern.]**

  o "Using law and facts, make the plaintiff's best argument."

  o "Identify the element which the plaintiff will have the hardest time proving and explain why."

  o "Following the majority rules, predict how a court would likely rule and explain why."

  o "What legal and non-legal remedies would be appropriate in light of the client's interests?"

Providing feedback on writing exercises and quizzes
- Provide large group feedback in class
- Provide a handout for students to review – rubric, scoring sheet, or sample answer/s
- Peer – exchange with others, read, and using a scoring sheet, provide feedback
- Peer – pass writing to a classmate, allow to read for several minutes, repeat twice more, then have students identify questions and note what they learned from the exercise
- Self-assess – provide students with a rubric, scoring sheet or model answer and compare to their own
- Conference – invite students to meet with you for a few minutes to answer questions

Teacher-Created Graphics & Visuals

- Whiteboards and flip charts
- Diagrams, flow charts, and tables
- Handouts
- Presentation software
- Video
- Other

Teacher-Student Created Graphics

	Case Name	Case Name
Issue		
Holding		
Reasoning		
Distinction between cases		

Student Created Graphics

Graphic Assignment

Prepare a graphic of all or part of (*insert subject matter*). A graphic is a visual representation of concepts. Typical examples of graphics are flow charts and diagrams. However, a graphic could also be a picture, cartoon, board game, or many other visual representations. Use your imagination. The purpose of this assignment is to help you organize and synthesize the law that applies to (*insert subject matter*). Your graphic should fit on one page.

TECHNIQUE: Experiential & kinesthetic (simulations, real-life materials and experiences, role-plays)

Purpose
- Integrate doctrine, theory, practice
- Learn professional skills and values
- Deepen learning

Example

> *Tomorrow in class, you will depose the Bank's expert witness, Richard Davis.*
>
> Read the material on conducting and defending depositions at pages 33-35 in the supplement. Review Davis's report and resume. Prepare at least five questions you would like to ask Mr. Davis.

Experiential Methods	Use in your course?
Current events – news stories, video	
Documents – pleadings, contracts, wills	
Drafting – transactional and litigation	
Interviews – lawyers, judges, clients	
Field trips – courts, agencies, legislature	
Guest speakers	
Other?	

Experiential Example

Client Interview and Relocation Demand Letter

Learning objectives:
1. Learn about and practice initial client interview skills
2. Gather facts from client that are relevant to NJ law on relocation
3. Draft the outline of the client's relocation demand letter to her ex-spouse
4. Reflect on interviewing, fact gathering, researching, and outlining

Preparation
- ☐ Find and read sources on interviewing clients
- ☐ Read background information about your new client
- ☐ Research NJ law on a primary residential parent's moving out of state with minor
- ☐ Prepare an outline of the relevant NJ law
- ☐ Prepare for interview with client, conducted in class
- ☐ Write 10 interview questions for client
- ☐ Post your questions to the course website before class

In Class
- ☐ You will be randomly assigned to conduct initial and follow-up interview questions
- ☐ During and after the initial interview, weave client's facts into your outline
- ☐ Post your outline to the course website by the end of class, along with 3 questions for the classmate who is giving you feedback
- ☐ Review assigned classmate's outline and questions, and provide feedback

Professional Development Assessment -submit answers before the next class
1. What are the client's goals and which of her goals are most important?
2. Based on reading the initial materials about the client and conducting the interview in class, what have you learned about gathering facts?
3. Based on the interview conducted in class, what have you learned about interviewing clients?
4. Having reviewed your classmates' outlines and the comments posted, what have you learned about writing demand letters?
5. What questions do you have about writing demand letters and interviewing clients to gather information?

Ideas to Keep – Techniques to Use

Record an idea or two to remember, consider further, or implement