

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

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INTRODUCTION

Most of us came to the teaching of law after having practiced in the field. We generally brought with us the experience of having been highly successful in traditionally taught law school courses. Since few of us had any formal training on how to teach effectively, we often fell back upon these traditional methods — perhaps with a few changes designed to excise those elements of our training which we deemed ineffective or inappropriate. Further, few legal scholars expended precious research time evaluating methods for teaching the law. It is true that general research on teaching adult learners has been conducted in universities (mainly in Schools of Education) for a long time. However, except under unusual circumstances, this research rarely filtered down to law faculties. That which did usually did not deal directly with the somewhat unique law school setting.

However, recently greater emphasis has been placed on how we do what we do and many law professors have begun researching and writing in the area of teaching pedagogy. The purpose of this bibliography is to compile in one place those articles which we feel explore the world of law teaching. While this bibliography is extensive, it is not comprehensive. Sometimes we chose not to include good articles because we felt them outside the scope of

our coverage. In addition, it is likely that we overlooked some excellent pieces. For that we apologize in advance. Readers are welcome to call this to our attention for possible inclusion in a future supplement or update. Readers should treat this bibliography merely as a starting point, not as the terminus of their research.

Until recently, articles about teaching have not been a favored topic with many law teachers. Except, perhaps, for one journal and occasional symposium issues there is a scarcity of materials dealing with or about teaching methods in law schools.¹ This bibliography attempts to address that concern by providing an annotated ready reference of articles on teaching methods and techniques for law teachers.

This bibliography steered away from the theoretical in favor of the practical. The emphasis is on “how to” material. In other words, the articles selected had to be practice oriented and have direct practical application to the classroom setting. Thus, any discussion on or about teaching methods prompted immediate attention that typically resulted in inclusion. Generally included are anecdotal observations or descriptions of courses. Narratives on how a specific course is taught may offer insight to others contemplating teaching a similar course or may contain methods that may be used in courses other than the one being described. Essentially, we saw the classroom teacher as our primary audience. Excluded are articles and books on curricular content or reform and generic works on legal education.

We also omitted all materials published before 1985. In no way should this imply that relevant works do not exist before this year. The focus of this bibliography is on current pedagogical classroom techniques that have a high degree of relevancy in light of today’s learning environment. Moreover, we included only references to sources readily available in the United States and Canada. Similarly, we did not consult sources outside the law literature. Again, this has no reflection on the quality or relevance of materials published outside the United States and Canada or the legal literature. Rather, ready availability of publication to most United States and Canadian law teachers was a primary concern. Although conference, workshop, and meeting materials may be quite useful in some cases, these types of materials are excluded, due to their ephemeral nature.

The entries are alphabetically organized according to one of 45 subject categories. If the article did not fit into any of the defined categories it is placed under “Teaching Methods.” Articles fitting into two or more headings are cross referenced. The annotations attempt to note any unique features of the article, such as forms or appendices, specific classroom handout materials,

1. Feinman & Feldman, *Pedagogy and Politics*, 73 GEO. L.J. 875 (1985).

and class assignments or exercises. For your convenience, we have also supplied a list of authors.

We decided to limit our investigations to traditional sources commonly found in most law school libraries. Thus, sources consulted for this bibliography include: Gonzaga University Law Library holdings, Westlaw, Lexis, *Current Law Index*, *Index to Legal Periodical*, *Law Books and Serials in Print*, *Books in Print*, *Recommended Publications for Legal Research*, citations in works examined, and colleagues' suggestions of sources. The initial bibliographic search turned up several hundred citations. We reviewed each citation for relevancy. This bibliography is current as of June 1993. We modified the citation format for bibliographic entries from *A Uniform System of Citation* (15th ed. 1991) to include the author's full name, unabbreviated periodical title, and page length of the article.

SUBJECTS

ADMINISTRATIVE LAW

Burg, Elliot M., *Clinic in the Classroom: A Step Toward Cooperation*, 37 JOURNAL OF LEGAL EDUCATION 232-252 (1987). In order to integrate experiential learning into a substantive class and expose different "layers" of thinking and action necessary in an administrative adjudication, the author presented an actual case as part of his Administrative Law class. He describes the presentation as it developed over four class periods and evaluates its effectiveness.

ADVOCACY

Berger, Marilyn J. and John B. Mitchell, *Rethinking Advocacy Training*, 16 AMERICAN JOURNAL OF TRIAL ADVOCACY 821-838 (1993). The authors discuss methodology for teaching trial advocacy formulated from the general approaches used by experienced attorneys in problem-solving. Using their methodology, the authors then describe a course outline including class materials, and different phases of the course.

Kenety, William H., *Observations on Teaching Trial Practice*, 41 JOURNAL OF LEGAL EDUCATION 263-267 (1991). In this article the author describes various creative approaches he has used to teach Trial Practice. Examples include creating your own problems, making students actually visit an accident scene, getting rid of the "spoon feeding" mentality, and using first-year students to role play witnesses.

Lubet, Steven, *What We Should Teach (But Don't) When We Teach Trial Advocacy*, 37 JOURNAL OF LEGAL EDUCATION 123-143 (1987). This "critique" of trial advocacy teaching proposes a change in focus from "techniques" to understanding of the profession and the interrelationships of its activities. The author advocates a curricular approach under which new advocacy courses are developed which blend with other substantive courses such as Evidence, Procedure, and Legal Ethics. Included is a model curriculum.

Tuerkheimer, Frank M., *How are Trial Skills Covered in the Law School Curriculum?*, 62 THE WISCONSIN LAWYER 35-38 (1989). The author describes his trial advocacy class in which a court reporter is present during a mock trial. A transcript is prepared as students proceed through the trial,

and students are aware that everything they say is recorded. The full transcript helps provide some realism.

Tuoni, Gilda, *Two Models for Trial Advocacy Skills Training in Law Schools: A Critique*, 25 LOYOLA LOS ANGELES LAW REVIEW 111-126 (1991). The article reviews the two predominant models for teaching trial advocacy skills, the semester approach and the intensive approach. Each method is critiqued and compared, including the expense, skills, and evaluation procedures. The author also provides brief recommendations for improving both approaches.

ALTERNATIVE DISPUTE RESOLUTION/MEDIATION

Blaustone, Beryl, *Training the Modern Lawyer: Incorporating the Study of Mediation Into Required Law School Courses*, 21 SOUTHWESTERN UNIVERSITY LAW REVIEW 1317-1359 (1992). The article discusses the goals and curriculum design of a Lawyering and Public Interest course taught at CUNY Law School. The course is designed to incorporate modern mediation concepts. The author includes sample exercises as well as implementation instructions.

Bush, Robert A. Baruch, *Using Process Observation to Teach Alternative Dispute Resolution: Alternatives to Simulation*, 37 JOURNAL OF LEGAL EDUCATION 46-57 (1987). Traditionally ADR is taught through use of the lecture or seminar-discussion format coupled with simulation exercises. This article describes a different method for teaching ADR — student observation of actual ADR sessions followed up by discussions of their observations. The author discusses the mechanics of the course and discusses its strengths and limitations.

Garth, Bryant G., *ADR and Civil Procedure: A Chapter or an Organizing Theme?*, 37 JOURNAL OF LEGAL EDUCATION 34-36 (1987). The author advocates that teachers include Alternative Dispute Resolution (ADR) as an organizing theme in their first-year Civil Procedure courses. Teaching ADR in Civil Procedure allows discussion of essential topics such as lawyer-client conflicts and the economics of dispute processing.

Nolan-Haley, Jacqueline M. and Maria R. Volpe, *Teaching Mediation As a Lawyering Role*, 39 JOURNAL OF LEGAL EDUCATION 571-586 (1989). Historically, mediation skills were not taught by law schools nor used in most areas of the legal profession. However, in recent years mediation has been included in the curriculum of many law schools. This article describes a two-credit course, titled Mediation and the Law, taught by a lawyer and a

sociologist. Besides discussing exercises and resources for the course, the authors reflect on the role of lawyers in the mediation process and identify ethical issues this role raises.

Riskin, Leonard L. and James E. Westbrook, *Integrating Dispute Resolution Into Standard First-Year Courses: The Missouri Plan*, 39 JOURNAL OF LEGAL EDUCATION 509-521 (1989). In order to familiarize students with dispute resolution and introduce them to the idea of lawyers being problem solvers, the University of Missouri-Columbia School of Law includes instruction on dispute resolution in its first-year courses. During this year students participate in nine different dispute resolution exercises divided among their substantive courses. The authors discuss the organization of this program, describe the exercises, and assess its effectiveness.

Schneider, Elizabeth N., *Rethinking the Teaching of Civil Procedure*, 37 JOURNAL OF LEGAL EDUCATION 41-45 (1987). Many teachers of Civil Procedure have been dissatisfied with the way the course has traditionally been taught. The author discusses new approaches being used in Civil Procedure classes, including the integration of alternative dispute resolution in the course.

Watson, Andrew S., *Mediation and Negotiation: Learning to Deal with Psychological Responses*, 18 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 293-305 (1985). The article discusses the importance of interpersonal skills in ensuring the success of mediation and negotiation activities. These activities invariably place psychological and emotional stresses on the attorneys which can interfere with successful resolution of the issues involved. The author suggests ways in which law schools can develop students' abilities to cope with these stresses through skills-training programs.

Weinstein, Janet, *Teaching Mediation in Law Schools: Training Lawyers To Be Wise*, 35 NEW YORK LAW SCHOOL LAW REVIEW 199-238 (1990). The author relates her experience planning and implementing a clinical program designed to train law students at California Western School of Law to mediate and then give them actual mediation experience. The program was designed to not only give students valuable skills training, but to ultimately help students become "wise lawyers" — persons who can listen to others and exercise a high degree of professional skill in a non-paternalistic manner. The article describes the program in detail, critically analyzes the methodology used, and suggests ways it could be improved.

AUDIOVISUAL AIDS

Corcos, Christine Alice, *Columbo Goes to Law School: Or, Some Thoughts on the Uses of Television in the Teaching of Law*, 13 LOYOLA OF LOS ANGELES ENTERTAINMENT LAW JOURNAL 499-544 (1993). The author advocates the use of popular films and television clips to teach selected legal concepts. She analyzes selective Fourth, Fifth, and Sixth Amendment issues apparent in the *Columbo* television series and makes suggestions about how to incorporate them into the classroom setting.

Johnson, Vincent Robert, *Audiovisual Enhancement of Classroom Teaching: A Primer for Law Professors*, 37 JOURNAL OF LEGAL EDUCATION 97-122 (1987). Just as it is difficult to imagine a successful trial attorney who does not use demonstrative evidence to support his or her case, it is hard to avoid the idea that audiovisual techniques are becoming essential in law school. However, modern media advancements are still not being used in many classrooms. This article discusses reasons to use audiovisual aids and gives an overview of four media types — overhead projection, audiotapes, videotapes, and slides.

BANKRUPTCY

Fry, Patricia Brumfield, *Simulating Dynamics: Using Role-Playing to Teach the Process of Bankruptcy Reorganization*, 37 JOURNAL OF LEGAL EDUCATION 253-260 (1987). To help students understand the complex dynamics of Chapter 11 reorganization, the author employs a role-playing simulation in her Bankruptcy class. While she uses the case method to teach substantive concepts, the author finds that the simulation makes students aware of the way the process actually works and encourages discussion of such topics as the lawyer's role and alternatives to litigation. The simulation is described and evaluated in the article.

CASEBOOKS

Taslitz, Andrew E., *Exorcising Langdell's Ghost: Structuring a Criminal Procedure Casebook for How Lawyers Really Think*, 43 HASTINGS LAW JOURNAL 143-175 (1991). The author provides a brief history and critique of the Langdellian method and how it has been applied in the design of casebooks. He illustrates his critique by examining White and Tomkovicz, *CRIMINAL PROCEDURE: CONSTITUTIONAL CONSTRAINTS UPON INVESTIGATION AND PROOF* (1990). The author contends that this casebook is over-

dependent on the case method and proposes his own model criminal procedure casebook.

CIVIL PROCEDURE

Anderson, Lloyd C. and Charles E. Kirkwood, *Teaching Civil Procedure With the Aid of Local Tort Litigation*, 37 JOURNAL OF LEGAL EDUCATION 215-231 (1987). The authors describe the two-semester Civil Procedure course they teach utilizing an actual local civil case along with traditional materials. In addition to explaining how they incorporate the case into their class, the authors also analyze the results they have achieved and suggest areas for improvement. Specific examples of assignments are provided.

Garth, Bryant G., *ADR and Civil Procedure: A Chapter or an Organizing Theme?*, 37 JOURNAL OF LEGAL EDUCATION 34-36 (1987). (See Alternative Dispute Resolution/Mediation.)

Grosberg, Lawrence, *The Buffalo Creek Disaster: An Effective Supplement to a Conventional Civil Procedure Course*, 37 JOURNAL OF LEGAL EDUCATION 378-387 (1987). The author uses THE BUFFALO CREEK DISASTER: THE STORY OF THE SURVIVORS' UNPRECEDENTED LAWSUIT (1976) and the lawsuit upon which the book is based as a complement to the casebook in his Civil Procedure course. By studying the book and actual court documents and participating in simulations based upon aspects of the case, students gain a clearer, more cohesive view of Civil Procedure. The article explains in detail how he uses this case in his class.

Matasar, Richard A., *Teaching Ethics in Civil Procedure Courses*, 39 JOURNAL OF LEGAL EDUCATION 587-607 (1989). Advocating that ethical issues be integrated into substantive law courses, the author describes how he incorporates Ethics into his Civil Procedure class. He suggests that Civil Procedure is an ideal vehicle for connecting Ethics with doctrine since the procedural rules "strain constantly to balance competing interests." The article includes specific examples of ethical issues which the author has used in units on commencement of lawsuits and personal jurisdiction.

McCord, David, *Why Do We Teach So Much About So Little in the Jurisdictional Component of Civil Procedure? (Or: The Shoe Doesn't Fit — We've Been Railroaded!)*, 41 DRAKE LAW REVIEW 263-283 (1992). After lengthy discussion about the limitations and shortcomings of a traditional Civil Procedure course, the author provides a detailed proposal to rework the course. Namely, dividing the course into four major components: (1) The

Structural Component; (2) The Individual Rights Component; (3) The Synthetic Component — Bringing It All Together; and (4) The Right to a Jury Trial Component. The components are explicitly laid out in the appendix.

Rees, Charles A., *A Calendar of Buffalo Creek Hypotheticals for the Civil Procedure Course*, 18 OHIO NORTHERN UNIVERSITY LAW REVIEW 233-256 (1991). Author explains the use of a book, *THE BUFFALO CREEK DISASTER: THE STORY OF THE SURVIVORS' UNPRECEDENTED LAWSUIT* (1976). The book recounts the devastation of a small West Virginia community caused by the collapse of a coal-waste refuse pile. The author takes real-life examples from the book to create hypothetical problems for his Civil Procedure course.

Schneider, Elizabeth N., *Rethinking the Teaching of Civil Procedure*, 37 JOURNAL OF LEGAL EDUCATION 41-45 (1987). (See Alternative Dispute Resolution/Mediation.)

Schrag, Philip G., *The Serpent Strikes: Simulation in a Large First-Year Course*, 39 JOURNAL OF LEGAL EDUCATION 555-569 (1989). The author describes a year-long simulation exercise that can be used in a large class of Civil Procedure. Students are presented with facts of a real case settled out of court. Most of the action in the case revolves around twelve major exercises, six of which are included. Counseling, interviewing, strategic planning, complaint drafting, and motion practice, among other areas, are all integrated into the project.

CLINICAL EDUCATION

Aiken, Jane H., *The Learning Contract in Legal Education*, 44 MARYLAND LAW REVIEW 1047-1098 (1985). The author reviews the literature and relates the use of written learning contracts in a clinical course taught at Georgetown University. The appendix contains a sample of the author's learning contract.

Eyster, Mary Jo, *Integrating Non-Sexist/Racist Perspectives Into Traditional Course and Clinical Settings*, 14 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 471-486 (1990). The author relates several scenarios in which sexism/racism can arise in a clinical setting. She then offers various formats for identifying and acknowledging bias through classroom discussion or, if necessary, private meetings. Included are outlines of four different approaches and the circumstances under which each is effective.

Gross, Samuel R., *Clinical Realism: Simulated Hearings Based on Actual Events in Students' Lives*, 40 JOURNAL LEGAL EDUCATION 321-338 (1990).

The article describes the author's simulation course used in the clinical setting, which is based on students' testimony about actual events in their own lives. The author details the structure of the course, including how to devise the simulations, and offers suggestions for its improvement.

Hartwell, Steven, *Moral Development, Ethical Conduct and Clinical Education*, 35 *NEW YORK LAW REVIEW* 131-167 (1990). The author explains how psychologist Lawrence Kohlberg's theory of moral development has been integrated into his clinical course.

Hoffman, Peter Toll, *The Stages of the Clinical Supervisory Relationship*, 4 *ANTIOCH LAW JOURNAL* 301-312 (1986). The author discusses education through supervision in the clinical setting. He relates how correct supervision can optimize the student's learning experience.

Kotkin, Minna J., *Reconsidering Role Assumption in Clinical Education*, 19 *NEW MEXICO LAW REVIEW* 185-202 (1989). The accepted model for clinical education has the student assuming the role of a lawyer either with a live client or in a simulation and then discussing the "performance" with his or her teacher. The author challenges the assumption that this is the most effective model for teaching professional skills to many students. She suggests ways to identify students who will have problems with this method and alternative approaches based upon role modeling.

McDougall, Harold A., *Lawyering and Public Policy*, 38 *JOURNAL OF LEGAL EDUCATION* 369-390 (1988). The author provides an overview of the Clinical Program in Law and Public Policy at the Catholic University of America. The program utilizes classroom work, seminars, tutorials, and field externships. The objectives are to teach students how to plan, reflect, and actually "do" the practice of law from a public policy perspective. The author briefly describes several methods of learning and how they are used in the program.

Norwood, J. Michael, *Requiring a Live Client, In-House Clinical Course: A Report on the University of New Mexico Law School Experience*, 19 *NEW MEXICO LAW REVIEW* 265-285 (1989). The author is the director of the Clinical Law Program at the University of New Mexico School of Law. At the heart of New Mexico's program is a six-credit, one-semester "live-client" clinical course required of all students for graduation. The author discusses the evolution of this program over twenty years, its underlying purposes, and its present design.

Peters, Don and Martha M. Peters, *Maybe That's Why I Do That: Psychological Type Theory, the Myers-Briggs Type Indicator, and Learning Legal Interviewing*, 35 NEW YORK LAW SCHOOL LAW REVIEW 169-198 (1990). This article describes a study at the University of Florida College of Law which investigated the value of using psychological type theory to enhance students' ability to learn interviewing skills. The authors administered the Myers-Briggs Type Indicator to clinical law students and then correlated the personality traits identified with the students' listening and interviewing skills. The article summarizes the results of the study and suggests ways to use this instrument in clinical teaching.

Tarr, Nina W., *The Skill of Evaluation as an Explicit Goal of Clinical Training*, 21 PACIFIC LAW JOURNAL 967-994 (1990). The author's central theme is to make the skill of evaluation part of the curriculum goals for the course. She identifies and examines what constitutes good evaluation skills. The author then outlines techniques for teaching the skill of evaluation. Certain evaluation skills and techniques may be applied outside the clinical setting.

Seibel, Robert F., John M. Sutton, Jr., and William C. Redfield, *An Integrated Training Program for Law and Counseling*, 35 JOURNAL OF LEGAL EDUCATION 208-212 (1985). The article presents an overview of an interdisciplinary approach toward client services used by the Cumberland Legal Aid Clinic. This approach, which addresses psychological as well as legal issues, utilizes both law students and counseling students in the interviewing and counseling process. The article discusses how students and clients benefit from this collaborative effort.

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

Ziegler, Amy L., *Developing a System of Evaluation in Clinical Legal Teaching*, 42 JOURNAL OF LEGAL EDUCATION 575-590 (1992). Ziegler describes a system of clinical evaluation called "reflective practice" which allows students to learn from their own experiences. The author reviews three methods for incorporating self-evaluation in clinical legal teaching and presents specific examples based on both legal and medical clinical education.

COMPUTERS

Allen, Layman E. and Charles S. Saxon, *One Use of Computerized Instructional Gaming in Legal Education: To Better Understand the Rich Logical Structure of Legal Rules and Improve Legal Writing*, 18 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 383-471 (1985). The authors describe and discuss how computer software programs, which they are developing, can enhance the understanding of the logical structure of legal writing. The programs, some of which are included, are effective tools to supplement legal writing.

Maume, David J., Jr., and Ronald W. Staudt, *Computer Use and Success in the First-Year of Law School*, 37 JOURNAL OF LEGAL EDUCATION 388-398 (1987). This article discusses the performance of students who participated in an experimental program which combined computerized instruction with traditional methods in first-year classes. The authors found that computer use was positively and significantly correlated with grade point average in the first year of law school.

Nagel, Stuart S., *Using Microcomputers in Case Method Law Teaching*, 12 LEGAL STUDIES FORUM 349-375 (1988). The author asserts that computers can be helpful in briefing, synthesizing, and evaluating cases.

Staudt, Ronald W., *Computers at the Core of Legal Education: Experiments at IIT Chicago-Kent College of Law*, 35 JOURNAL OF LEGAL EDUCATION 514-527 (1985). Believing that the use of computers is one of the fundamental lawyer skills that should be taught by law schools, IIT Chicago-Kent College of Law has integrated computer skills into the curriculum. This article describes in moderate detail three successive experiments conducted with first-year law students. Beginning with training on word processing and automated outlining and class preparation, the program eventually developed into an integrated program containing legal research and writing, class preparation, and substantive courses.

Teich, Paul F., *How Effective Is Computer-Assisted Instruction? An Evaluation for Legal Educators*, 41 JOURNAL OF LEGAL EDUCATION 489-501 (1991). Although there have been few studies on the effectiveness of computer-assisted instruction (CAI) in law schools, numerous such studies on college and university courses exist. The article discusses the conclusions reached by four major reviews of this research and suggests their application to legal studies. The author also compares CAI with two other alternative instructional systems — Keller's Personalized System of Instruction and Bloom's Learning for Mastery.

CONSTITUTIONAL LAW

Baker, Thomas E. and James E. Viator, *A Course on the Constitution*, 40 JOURNAL OF LEGAL EDUCATION 530-532 (1990). In this short article the authors describe a course on the Constitution, as opposed to the traditional Constitutional Law course. The course focuses on the history and theory behind the United States Constitution and the ideas and vision of the framers rather than the decisions of the United States Supreme Court.

Baker, Thomas E. and James E. Viator, *Not Another Constitutional Law Course: A Proposal to Teach a Course on the Constitution*, 76 IOWA LAW REVIEW 739-761 (1991). This is an expanded and revised version of the authors' previous article, *A Course on the Constitution*, 40 JOURNAL OF LEGAL EDUCATION 530-532 (1990). The authors contend that the case method in teaching constitutional law provides students with a skewed perspective of the subject. They propose a course which would fully expose students to the intellectual foundations of the Constitution by examining the thoughts and opinions of the framers. The essay includes lesson plans designed to achieve this goal.

Day, David S., *Teaching Constitutional Law: Role-Playing the Supreme Court*, 36 JOURNAL OF LEGAL EDUCATION 268-273 (1986). In order to develop students' understanding of on-going constitutional themes, aid in their recognition of the role of facts in constitutional cases, and foster cooperation with other classmates, the author has developed a role-playing exercise for Constitutional Law courses. The article describes the exercise (which has students acting as Supreme Court justices) and evaluates its effectiveness in meeting the above goals.

McAninch, William Shepard, *Experiential Learning in a Traditional Classroom*, 36 JOURNAL OF LEGAL EDUCATION 420-426 (1986). Beginning a class on the religion clause of the First Amendment with a "voluntary" Islamic prayer gives the author's students a real-time experience in the issues underlying the "prayer cases". Recognizing that experience may be the best teacher, the author discusses other creative ways to incorporate experiential learning into substantive law courses.

CONTRACTS

Burnham, Scott J., *Teaching Legal Ethics in Contracts*, 41 JOURNAL OF LEGAL EDUCATION 105-119 (1991). The author offers numerous examples

of how ethical issues can be incorporated into a contracts course. Of course, some techniques may be readily transferable to any substantive area.

Burnham, Scott J., *The Hypothetical Case in the Classroom*, 37 JOURNAL OF LEGAL EDUCATION 405-408 (1987). This article discusses the use of hypothetical cases in legal education. The author includes a bibliography of famous hypotheticals and discusses a contracts hypothetical case he created.

Calleros, Charles R., *Variations on the Problem Method in First-Year and Upper-Division Classes*, 20 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 455-489 (1986). A case is made for using the problem method to augment the case method. The author explains how this can be done in a first-year course and in an elective course. The article includes appendices which contain the actual problems used in Contracts and Civil Rights Legislation courses.

Feinman, Jay and Marc Feldman, *Pedagogy and Politics*, 73 GEORGETOWN LAW JOURNAL 875-930 (1985). Dissatisfied with traditional mainstream legal education, the authors, in part, discuss their Contorts course, a combination of Contracts, Torts, and Legal Research and Writing.

Gensler, Howard J., *The Compleat Syllabus: An Exemplar*, 30 NEW YORK LAW SCHOOL LAW REVIEW 677-687 (1985). The article briefly discusses the design and contents of a first-semester Contracts course syllabus. A sample syllabus is provided.

Gordon, James D., III, *Teaching Parol Evidence*, 648 BRIGHAM YOUNG UNIVERSITY LAW REVIEW 647-657 (1990). The parole evidence rule is hard to teach and hard for students to understand. The author discusses the Restatement and UCC versions of the rule and provides diagrams and decision trees which can be used to help students learn the subject.

Hyman, Jonathan M., *Discovery and Invention: The NITA Method in the Contracts Classroom*, 66 NOTRE DAME LAW REVIEW 759-784 (1991). The use of lawyering simulation exercises to teach a first-year Contracts class is described. The author sets forth seven exercises and their advantages.

Wangerin, Paul T., *Skills Training In "Legal Analysis": A Systematic Approach*, 40 UNIVERSITY OF MIAMI LAW REVIEW 409-485 (1986). This article explores the skills teachers must impart to make law students "think like lawyers." The author describes a systematic skills development approach to teach legal analysis in a substantive course. He breaks the process of legal analysis into six skills for which he provides detailed descriptions and specific

examples of classroom exercises (based upon E. Farnsworth and W. Young, *CASES AND MATERIALS ON CONTRACTS* (3d ed. 1980)).

CRIMINAL LAW AND PROCEDURE

Caplow, Stacy, *Autopsy of a Murder: Using Simulation to Teach First-Year Criminal Law*, 19 *NEW MEXICO LAW REVIEW* 137-161 (1989). This article describes the use of simulation techniques developed in clinical law programs in a large (80 students) substantive Criminal Law course. The simulation exercise was based on a highly publicized murder case, beginning with fact investigation and carried through trial. The author describes the exercise, presents the actual materials used, and candidly discusses its strengths and deficiencies.

Corcos, Christine Alice, *Columbo Goes to Law School: Or, Some Thoughts on the Uses of Television in the Teaching of Law*, 13 *LOYOLA OF LOS ANGELES ENTERTAINMENT LAW JOURNAL* 499-544 (1993). (See Audiovisual Aids.)

Taslitz, Andrew E., *Exorcising Langdell's Ghost: Structuring a Criminal Procedure Casebook for How Lawyers Really Think*, 43 *HASTINGS LAW JOURNAL* 143-175 (1991). (See Casebooks.)

Tomkovicz, James J., *On Teaching Rape: Reasons, Risks, and Rewards*, 102 *YALE LAW JOURNAL* 481-508 (1992). The article contains the author's preparation in teaching rape law to his first-year Criminal Law class, including the casebook and other references used. The article also includes how the subject was taught and student feedback.

CRITICAL LEGAL STUDIES

Gordon, Robert W., *Brendan Brown Lecture: Critical Legal Studies as a Teaching Method*, 35 *LOYOLA LAW REVIEW* 383-407 (1989). After a brief discussion of the background and development of the Critical Legal Studies (CLS) movement, the author provides various pedagogical techniques that a CLS teacher can integrate into his or her classroom teaching, irrespective of the course.

CRITIQUE

Neumann, Richard K., Jr., *A Preliminary Inquiry Into the Art of Critique*, 40 HASTINGS LAW JOURNAL 723-769 (1989). If done correctly, critique offers a powerful tool in the teacher's arsenal. The author first examines the art of Socratic critique and compares it with the Langdellian methods in a classroom setting. The author then discusses the effects of how it can foster or hinder creativity. Finally, he examines some of the major barriers to effective critique and some of the ways in which these barriers can be overcome.

DISABILITIES

Runyan, M. Kay and Joseph F. Smith, Jr., *Identifying and Accommodating Learning Disabled Law School Students*, 41 JOURNAL OF LEGAL EDUCATION 317-349 (1991). Federal law obliges institutions of higher education to make reasonable accommodations for disabled students, including those with learning disabilities. This article describes the nature of learning disabilities and ways to identify them and suggests accommodations. To demonstrate the necessity of accommodation, the authors have included interviews with two learning-disabled attorneys, one who received assistance during law school and one who did not. The appendices contain a glossary, questionnaires, letters, and suggested procedures for assisting learning disabled students.

Tucker, Bonnie P., *Accommodating Hearing-Impaired Law Students and Faculty Members*, 41 JOURNAL OF LEGAL EDUCATION 355-361 (1991). This article specifically identifies a variety of methods and devices to accommodate the needs of hearing-impaired students and faculty. The author discusses teaching methods, technological advances, and other approaches and suggests which of these accommodations would be deemed "reasonable" under federal law.

DISCOVERY

Cavanagh, Edward D., *Pretrial Discovery in the Law School Curriculum: An Analysis and a Suggested Approach*, 38 JOURNAL OF LEGAL EDUCATION 401-412 (1988). The author first suggests that there is a need to re-examine how discovery is taught in law schools and suggests ways to fit discovery into the law school curriculum. He then offers several pedagogical techniques that can be used to develop discovery skills, including problem method, simulation, computer-assisted instruction, and audiovisual materials.

ESTATE PLANNING

Robinson, Thomas A., *Simulated Legal Education: A Template*, 42 JOURNAL OF LEGAL EDUCATION 296-298 (1992). This three-page article outlines an Estate Planning Simulation course, using skills training techniques. The course is limited to about 12 students and can easily be adapted to any simulation skills training course.

ETHICS/PROFESSIONAL RESPONSIBILITY

Abramson, Elliott M., *Puncturing the Myth of the Moral Intractability of Law Students: The Suggestiveness of the Work of Psychologist Lawrence Kohlberg for Ethical Training in Legal Education*, 7 NOTRE DAME JOURNAL OF LAW, ETHICS, AND PUBLIC POLICY 223-267 (1993). Contrary to common belief, the author suggests that law students still have the capacity for moral development and growth. According to the author, psychologist Lawrence Kohlberg theorized that moral development can be characterized in several universal norms that can only be developed through incremental steps. The author postulates that law schools can develop and refine moral sensibility and judgment of about fifty per cent of all students in a course. A general discussion of classroom techniques and applications is included.

Burnham, Scott J., *Teaching Legal Ethics in Contracts*, 41 JOURNAL OF LEGAL EDUCATION 105-119 (1991). (See Contracts.)

Esau, Alvin, *Teaching Professional Responsibility in Law School*, 11 DALHOUSIE LAW JOURNAL 403-470 (1988). The article consists of reflections, observations, and suggestions from an experienced teacher of Professional Responsibility. The author addresses what and how a course on Professional Responsibility should be taught. Included are materials used, teaching methodologies, and evaluation, among other things.

Johns, Margaret Z., *Teaching Professional Responsibility and Professionalism in Legal Writing*, 40 JOURNAL OF LEGAL EDUCATION 501-508 (1990). The article shows how legal ethics, professional responsibility, and professionalism can be incorporated into a first-year legal writing course. Included are ideas for actual assignments.

Johnson, Vincent Robert, *The Video Essay Question: An Experiment in Teaching Professional Responsibility*, 50 MISSOURI LAW REVIEW 591-599 (1985). The use of video-tape recordings of a simulated law office transaction between an attorney and clients as part of a Professional Responsibility final

examination is discussed. Class objectives, student reactions, the advantages and detriments of this alternative testing format, and its applicability to courses other than Professional Responsibility are discussed.

Johnstone, Ian and Mary P. Treuthart, *Doing the Right Thing: An Overview of Teaching Professional Responsibility*, 41 JOURNAL OF LEGAL EDUCATION 75-103 (1991). After defining the purposes and subject matter of instruction in Professional Responsibility, the authors briefly review approaches to teaching, teaching methods, and teaching materials.

LaRue, Lewis H., *Teaching Legal Ethics by Negative Example: John Dean's 'Blind Ambition,'* 10 LEGAL STUDIES FORUM 315-324 (1986). The author describes how he uses John Dean's, *BLIND AMBITION: THE WHITEHOUSE YEARS* (1976) to teach legal ethics. Lengthy examples from the book and how the author incorporates them in his lectures are provided.

Link, David T., *The Pervasive Method of Teaching Ethics*, 39 JOURNAL OF LEGAL EDUCATION 485-489 (1989). Notre Dame Law School has adopted a concentration on law and ethics. This article discusses the "pervasive" program adopted to incorporate the teaching of ethics throughout the School's curriculum. The author specifically describes a required first-year theoretical Ethics course.

Matasar, Richard A., *Teaching Ethics in Civil Procedure Courses*, 39 JOURNAL OF LEGAL EDUCATION 587-607 (1989). (See Civil Procedure.)

Menkel-Meadow, Carrie J., *Can a Law Teacher Avoid Teaching Legal Ethics?*, 41 JOURNAL OF LEGAL EDUCATION 3-10 (1991). By what they say and do, law teachers create for their students images of what a lawyer is or should be. The author exhorts law teachers to examine the messages they are conveying and commit themselves to teaching ethics in all their courses.

Moliterno, James E., *An Analysis of Ethics Teaching in Law Schools: Replacing Lost Benefits of the Apprentice System in the Academic Atmosphere*, 60 UNIVERSITY OF CINCINNATI LAW REVIEW 83-134 (1991). The author reviews the teaching of ethics in legal education. He then examines and describes several models that can be used, including the benefits and pitfalls of each.

Moliterno, James E., *Teaching Legal Ethics in a Program of Comprehensive Skills Development*, 15 JOURNAL OF THE LEGAL PROFESSION 145-170 (1990). The author describes and discusses the comprehensive legal skills program at The College of William and Mary, Marshall-Wythe School of Law. Heavily

interwoven into this nine-credit course of study are legal skills and ethical considerations. The article contains references to class and reading assignments, among other things. This is an expanded version of the author's other article, *The Legal Skills Program at the College of William and Mary: An Early Report*, 40 JOURNAL OF LEGAL EDUCATION 535-539 (1990).

EVALUATION

Burman, John M., *Out-of-Class Assignments as a Method of Teaching and Evaluating Law Students*, 42 JOURNAL OF LEGAL EDUCATION 447-457 (1992). Recognizing that the ability to excel on a final comprehensive exam does not predict whether students will become good lawyers, the author uses out-of-class written assignments (along with an end-of-semester exam) to evaluate students. He has used this approach with both first-year and upper-class students and has found it generally well received. This article describes his method and gives examples of assignments.

Friedland, Steven I., *Towards the Legitimacy of Oral Examinations in American Legal Education*, 39 SYRACUSE LAW REVIEW 627-646 (1988). The author advocates the use of oral examinations in law school courses to supplement traditional written exams. He begins by assessing the relative merits of the current law school testing process and then proposes various means by which oral exams can best be incorporated.

Gensler, Howard J., *Valid Objective Test Construction*, 60 ST. JOHN'S LAW REVIEW 288-298 (1986). The author makes a strong case for the use of multiple choice law examinations. The article covers design, format, and scoring. A good starting point for those considering this method of testing.

Hartwell, Steven and Sherry L. Hartwell, *Teaching Law: Some Things Socrates Did Not Try*, 40 JOURNAL OF LEGAL EDUCATION 509-523 (1990). The article reports the results of a study comparing the effectiveness of three alternative teaching methods used as supplements to a traditionally taught first-year Property class. In the study, the final grades of the control group were compared with those of students participating in groups using either essay questions, quizzes, or discussions to supplement the classroom learning. The authors found no significant difference in final grade among the groups, but suggest that additional study is warranted.

Jacobs, Michael S., *Law School Examinations and Churchillian Democracy: A Reply to Professors Redlich and Friedland*, 41 DEPAUL LAW REVIEW 159-181 (1991). A direct response to Professors Norma Redlich and Steve

Friedland's essay, *Challenging Tradition: Using Objective Questions in Law School Examinations*, found in 41 DE PAUL LAW REVIEW 183-193 (1991). Based largely on a faculty and student survey conducted at DePaul University, the author maintains that essay examinations remain the most accurate method of gauging a student's knowledge of the law.

Johnson, Vincent Robert, *The Video Essay Question: An Experiment in Teaching Professional Responsibility*, 50 MISSOURI LAW REVIEW 591-599 (1985). (See Ethics/Professional Responsibility.)

Motley, Janet, *A Foolish Consistency: The Law School Exam*, 10 NOVA LAW JOURNAL 723-760 (1986). According to the author, law school exams do not serve their intended purpose, nor do they serve any valid educational end. The author argues that traditional exams perpetuate unhealthy stress, over-emphasis on rules, poor faculty-student relations, and result in unrealistic workloads in the first-year. The article also suggests ways to design a system that works and gives some ideas for improving the process such as recognizing the obstacles and incorporating the learning cycle into the exam process.

Redlich, Norman and Steve Friedland, *A Reply to Professor Jacobs: Right Answer, Wrong Question*, 41 DE PAUL LAW REVIEW 183-193 (1991). A reply to Professor Michael S. Jacob's response to the author's initial article (see entry below). The authors rebut Professor Jacob's argument and attempt to clarify their initial proposition — essay exams should be augmented by objective exams to achieve optimal results.

Redlich, Norman and Steve Friedland, *Challenging Tradition: Using Objective Questions in Law School Examinations*, 41 DE PAUL LAW REVIEW 143-158 (1991). The authors argue that law school essay exams are an inadequate means of measuring student performance. They contend that essay exams must be augmented by objective questions that provide a more accurate measure of legal knowledge.

Tarr, Nina W., *The Skill of Evaluation as an Explicit Goal of Clinical Training*, 21 PACIFIC LAW JOURNAL 967-994 (1990). (See Clinical Education.)

Wagner, Eileen N., *Multiple-Choice Exams are Ineffective for Teaching the Nuances of Law. True or False?*, 20 STUDENT LAWYER 42-44 (1991). Rejects "multiple guess" and true-false questions as a proper way to test in law school. The author believes that these types of exams are dangerous and

should not be used in law school. She contends that the reason behind these exams is to make grading easy for the professor.

Ziegler, Amy L., *Developing a System of Evaluation in Clinical Legal Teaching*, 42 JOURNAL OF LEGAL EDUCATION 575-590 (1992). (See Clinical Education.)

EVIDENCE

Blaustone, Beryl, *Teaching Evidence: Storytelling in the Classroom*, 41 AMERICAN UNIVERSITY LAW REVIEW 453-484 (1992). Using narratives as a device and teaching tool in the classroom, this article discusses the author's use of short stories for the basic rationales encompassed in the Federal Rules of Evidence.

Inwinkelried, Edward J., *Evidence Pedagogy in the Age of Statutes*, 41 JOURNAL OF LEGAL EDUCATION 227-242 (1991). Even though statutes have become the predominant source for American law, law schools continue to emphasize the Common Law. This article encourages schools to provide students with increased training in statutory interpretation and suggests that the Evidence course is the ideal vehicle to do that. The author shows how all the main issues that arise in statutory interpretation exist in the course of Evidence.

EXTERNSHIPS

Cole, Liz Ryan, *Training the Mentor: Improving the Ability of Legal Experts to Teach Students and New Lawyers*, 19 NEW MEXICO LAW REVIEW 163-170 (1989). The Vermont Law School offers a semester-long clinical course called "Semester in Practice." Students taking this course are placed with a carefully selected "mentor" judge or attorney in a full-time externship. The article describes this program focusing on the selection and training of mentors and methods used to help the mentors and students plan and evaluate the learning experience.

Motley, Janet, *Self-Directed Learning and the Out-of-House Placement*, 19 NEW MEXICO LAW REVIEW 211-235 (1989). The author directs the clinical out-of-house placement program at California Western School of Law. The purposes of this program are to train students in lawyering skills, give them insight into the workings of the legal system, promote a sense of professional responsibility, and develop students' ability to learn from experience. The

author describes this program, discusses the theory underlying it, and identifies the problems she encountered with it. The appendices contain several forms used in the program.

FAMILY LAW

Zaal, Noel, *Family Law Teaching in the No-Fault Era: A Pedagogic Proposal*, 35 JOURNAL OF LEGAL EDUCATION 552-567 (1985). Over the last 15 years, developments in women's and children's rights, coupled with the advent of mediation and other forms of alternate dispute resolution, have caused more fundamental change in family law than occurred over the preceding one hundred years. These developments require lawyers to be skilled not only legally but also interpersonally. The author proposes a three-semester comprehensive model for teaching family law which includes legal doctrines, interdisciplinary materials, and training in interpersonal skills.

FEMINIST LEGAL THEORY

Cain, Patricia A., *Teaching Feminist Legal Theory at Texas: Listening to Differences and Exploring Connections*, 38 JOURNAL OF LEGAL EDUCATION 165-181 (1988). The author describes her experiences in teaching a seminar in Feminist Legal Theory at the University of Texas. The article includes assignments, techniques, and excerpts from her students' journals.

GENDER BIAS AND RACISM

Balos, Beverly, *Learning to Teach Gender, Race, Class, and Heterosexism: Challenge in the Classroom and Clinic*, 3 HASTINGS WOMEN'S LAW JOURNAL 161-176 (1992). The author co-teaches a course titled Gender and the Law which departs significantly from the traditional hierarchical, professor-centered, law school course. This article describes the course, shows how the author incorporates different pedagogical techniques, and discusses the effect on both students and teachers.

Banks, Taunya Lovell, *Gender Bias in the Classroom*, 14 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 527-543 (1990). This article discusses the results of surveys on gender bias conducted over a three-year period at fourteen law schools. The author found significantly more women than men perceived law school as hostile and alienating. Positing that lack of encouragement from faculty, hostility from male students, and the law school environment in general caused these perceptions, the author outlines approaches teachers can

take to reduce these feelings. She also briefly discusses research which suggests students of color share negative perceptions about law school with women.

Boyle, Christine, *Teaching Law As If Women Really Mattered, or, What About the Washrooms?*, 2 CANADIAN JOURNAL OF WOMEN AND THE LAW 96-112 (1986). Law schools often treat women as if they do not really matter. In this article the author examines the law school “hidden curriculum” — the messages reinforcing sexual inequality given through behavior, course content, dress, language, and non-verbal communication patterns. She describes initiatives taken at Dalhousie Law School to incorporate female perspectives in the curriculum and discusses the fears which can impede such efforts.

Coombs, Mary Irene, *Non-Sexist Teaching Techniques in Substantive Law Courses*, 14 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 507-526 (1990). Part of a symposium on gender bias in legal education, this article advocates a gender-sensitive approach to legal education. The author discusses sexism, gender awareness, and a feminist approach to law teaching which rejects the traditional “Professor Kingsfield” voice-of-authority model. Topics include selection of casebooks, integration of gender-related materials and cases, and classroom demeanor.

Eyster, Mary Jo, *Integrating Non-Sexist/Racist Perspectives Into Traditional Course and Clinical Settings*, 14 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 471-486 (1990). (See Clinical Education.)

Garner, Kathy, *Gender Bias in Legal Education: An Annotated Bibliography*, 14 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 545-571 (1990). This annotated bibliography identifies sources primarily from the 1980s which explore gender bias as it impacts legal education. Some sources discussing higher education in general and other relevant topics are also included.

Wildman, Stephanie M., *The Question of Silence: Techniques to Ensure Full Class Participation*, 38 JOURNAL OF LEGAL EDUCATION 147-154 (1988). The author asserts that traditionally women tend to be less vocal than men in the classroom. She then provides several methods for breaking classroom silence. Classroom techniques discussed include creating a support network, role playing, and sharing personal experiences.

HEALTH LAW

Havighurst, Clark C., *Health Care as a Laboratory for the Study of Law and Policy*, 38 JOURNAL OF LEGAL EDUCATION 499-504 (1988). One professor's view and justification for teaching a health law course from an industry and public policy perspective.

INFORMATION LAW

Toran, Janice, *Teaching Freedom of Information Law*, 40 JOURNAL OF LEGAL EDUCATION 487-500 (1990). The article discusses a course on freedom of information taught by the author at Cleveland-Marshall College of Law. She identifies issues that can be covered in the course and suggests format and materials.

INTERNATIONAL LAW

Turp, Daniel, *The Teaching of International Law at the Université de Montréal: The 1971-1985 Period*, 11 DALHOUSIE LAW JOURNAL 325-337 (1988). This paper describes the International Law courses taught at the Université de Montréal during a fourteen year period. The contents of each course are briefly described along with corresponding casebooks.

JURISPRUDENCE

Huff, Thomas P., *A Heresy in the Ordinary Religion: Jurisprudence in the First Year Curriculum*, 36 JOURNAL OF LEGAL EDUCATION 108-116 (1986). Huff, a professor of philosophy, looks at the "dogmas which entangle legal education" and advocates for the inclusion of jurisprudential issues in the regular first-year law courses. By allowing students to explore their personal beliefs along with jurisprudential issues from the beginning of their legal training, this approach lessens the tendency towards indifference to values which is often the result of traditional legal training. The article describes ways in which to incorporate jurisprudence into first-year courses.

Kozyris, P. John, *In the Cauldron of Jurisprudence: The View From Within the Stew*, 41 JOURNAL OF LEGAL EDUCATION 421-441 (1991). Arguing that current jurisprudential discourse is disorganized and often out of touch with fundamental questions of justice, Kozyris advocates a return to discussion of the basic, historical, and practical jurisprudential issues. He focuses on three

main problems in the discipline and suggests ways law teachers may structure a jurisprudence course to deal with them.

LAWYERING

Baker, R. Lisle, *Enhancing Professional Competence and Legal Excellence Through Teaching Law Practice Management*, 40 JOURNAL OF LEGAL EDUCATION 375-380 (1990). Law schools may teach students how to “think like lawyers” but few teach them to “think like a manager.” In today’s economy it is becoming more and more difficult for law firms to train new lawyers in practice management and the lawyering process. The author describes and advocates for a Law Practice Management course which gives students some awareness of practice management issues and makes them assess their own interests and skills.

Blaustone, Beryl, *Training the Modern Lawyer: Incorporating the Study of Mediation Into Required Law School Courses*, 21 SOUTHWESTERN UNIVERSITY LAW REVIEW 1317-1359 (1992). (See Alternative Dispute Resolution/Mediation.)

Braveman, Daan, *Law Firm: A First-Year Course on Lawyering*, 39 JOURNAL OF LEGAL EDUCATION 501-507 (1989). This article describes a first-year course called Law Firm which replaced the traditional legal research and writing curriculum at Syracuse University College of Law. Along with research and writing skills, Law Firm introduces students to fundamental lawyering skills, professional responsibility issues, and relevant concepts from history, economics, psychology, and other disciplines. By creating problems integrating concepts from other first-year classes in Law Firm, the university hopes to offset the sense of compartmentalization prevalent in law studies. Specific examples of exercises are included.

Tanford, J. Alexander, *What We Don’t Teach in Trial Advocacy: A Proposed Course in Trial Law*, 41 JOURNAL OF LEGAL EDUCATION 251-261 (1991). The article describes and encourages adoption of a course called Trial Law and Procedure focusing on the substantive law of trial practice. This course goes beyond the traditional “skills and tactics” Trial Advocacy course offered at most law schools by providing students with the legal basis for trial decisions and helping them to think critically about fundamental aspects of the trial system.

Vaaler, Bryn, *Bridging the Gap: Legal Opinions as an Introduction to Business Lawyering*, 61 UMKC LAW REVIEW 23-65 (1992). The article

explains the basic elements of a Business Lawyering course and how the author has incorporated doctrine, skills training, and business theory. It also discusses the major themes and issues of the course and how the course is taught. Finally, the appendix provides the author's course format, assignments, and negotiation exercises.

LEARNING

Abramson, Elliott M., *Puncturing the Myth of the Moral Intractability of Law Students: The Suggestiveness of the Work of Psychologist Lawrence Kohlberg for Ethical Training in Legal Education*, 7 NOTRE DAME JOURNAL OF LAW, ETHICS, AND PUBLIC POLICY 223-267 (1993). (See Ethics/Professional Responsibility.)

Batt, John, *Law, Science, and Narrative: Reflections on Brain Science, Electronic Media, Story, and Law Learning*, 40 JOURNAL OF LEGAL EDUCATION 19-46 (1990). The cases which have the greatest impact on law students are those containing a "compelling narrative." Students remember not only the facts of these cases but also the legal analysis, policy arguments, and opinion. Using "brain science" and psychology, the author explains how teachers can facilitate greater learning through the use of strong narrative, especially that provided by electronic media (which engages the entire brain in ways that print media cannot). Included is the example of how the movie NUTS (Warner Bros., 1987) could be used in the classroom.

Champagne, David W., *Improving Your Teaching: How Do Students Learn?*, 83 LAW LIBRARY JOURNAL 85-90 (1991). The article contends that students absorb and process information presented in the classroom through inherent personal learning styles. The author identifies and briefly explains seven different learning styles and discusses how recognizing and understanding these patterns can improve teaching effectiveness.

Mitchell, John B., *Current Theories on Expert and Novice Thinking: A Full Faculty Considers the Implications for Legal Education*, 39 JOURNAL OF LEGAL EDUCATION 275-297 (1989). Beginning with a discussion of current cognitive and developmental theories concerning the different thought processes of novice and expert thinkers, this article proposes ideas teachers can use to help law students develop higher-level analytic skills. The ideas presented were formulated by twenty faculty members at University of Puget Sound working with a professor of linguistics and rhetoric.

Patton, William W., *Opening Students' Eyes: Visual Learning Theory in the Socratic Classroom*, 15 LAW AND PSYCHOLOGY REVIEW 1-18 (1991). The author demonstrates how the performance of law students ranked in the lower half of their class can be improved through the use of simple "visual learning" techniques. These techniques include providing explicit instructions or organizational models and incorporating more visual aids in the classroom. The author's thesis is based upon empirical studies and his own experience as a torts professor.

Wangerin, Paul T., *Objective, Multiplistic and Relative Truth in Developmental Psychology and Legal Education*, 62 TULANE LAW REVIEW 1237-1301 (1988). Recognizing that legal educators have generally ignored the work of developmental psychologists and other educators, the author provides summaries of research outside the legal field concerning cognitive and moral development. The theories of human development Wangerin discusses demonstrate the on-going battle between relativism and objectivism which also generates much debate among legal scholars.

LEGAL ANALYSIS

Paul, Jeremy, *A Bedtime Story*, 74 VIRGINIA LAW REVIEW 915-934 (1988). Part One of the article makes a convincing case for integrating and emphasizing legal reasoning in the law school curriculum. The author uses a method for exposing all his first-year property students to the concepts of "thinking like a lawyer." He does this by distributing a bedtime story where a young teenager attempts to argue why he should stay up until 11:00 p.m. on a weeknight to his babysitter. This concept can be adapted for any substantive class.

Suber, Peter, *Analogy Exercises for Teaching Legal Reasoning*, 17 JOURNAL OF LAW AND EDUCATION 91-98 (1988). "Good lawyers are good at legal reasoning." And, good legal reasoning is as much art as it is science. This article presents legal reasoning exercises and can be used to develop greater reasoning skills in lawyers and law students.

Wangerin, Paul T., *Skills Training In "Legal Analysis": A Systematic Approach*, 40 UNIVERSITY OF MIAMI LAW REVIEW 409-485 (1986). (See Contracts.)

LEGAL RESEARCH AND WRITING

Austin, John R. and Carmencita K. Cui, *Teaching Legal Research in American Law Schools: An Annotated Bibliography*, 7 LEGAL REFERENCE SERVICES QUARTERLY 71-82 (1987). This annotated bibliography compiles journal articles which the authors believe contribute to the pedagogical literature of legal research. The bibliography does not contain articles which describe research techniques and sources, nor articles devoted solely to the learning of legal writing or advocacy.

Braveman, Daan, *Law Firm: A First-Year Course on Lawyering*, 39 JOURNAL OF LEGAL EDUCATION 501-507 (1989). (See Lawyering.)

Cooper, Davalene, *Adopting the "Stepchild" Into the Legal Academic Community*, EXPERT VIEWS ON IMPROVING THE QUALITY OF LEGAL RESEARCH EDUCATION IN THE UNITED STATES 11-18 (1991). The author briefly outlines his suggestions as to how first- and upper-division legal research courses should be taught. Otherwise, the article is a call for curriculum reform.

Cox, Barbara J. and Mary Barnard Ray, *Getting Dorothy Out of Kansas: The Importance of an Advanced Component to the Legal Writing Programs*, 40 JOURNAL OF LEGAL EDUCATION 351-361 (1990). Most law schools offer legal writing courses which focus on only basic and remedial skills. The authors advocate including an advanced legal writing course in the curriculum and describe the course offered at the University of Wisconsin Law School.

Dunn, Donald J., *Why Legal Research Skills Declined, or When Two Rights Make a Wrong*, EXPERT VIEWS ON IMPROVING THE QUALITY OF LEGAL RESEARCH EDUCATION IN THE UNITED STATES 19-27 (1991). The author outlines a brief proposal on teaching legal research and writing skills. The proposal focuses on a first-year class and provides suggestions for its structure and content.

Edwards, John D., *Teaching Legal Research: Evaluating Options*, EXPERT VIEWS ON IMPROVING THE QUALITY OF LEGAL RESEARCH EDUCATION IN THE UNITED STATES 29-36 (1991). The article sets forth ten brief suggestions aimed at improving legal research skills. The author discusses the legal writing program at Drake and how it has incorporated the above suggestions.

Feinman, Jay and Marc Feldman, *Pedagogy and Politics*, 73 GEORGETOWN LAW JOURNAL 875-930 (1985). (See Contracts.)

Gordon, James D., III, *An Integrated First-Year Legal Writing Program*, 39 JOURNAL OF LEGAL EDUCATION 609-613 (1989). The article describes the legal writing program at Brigham Young University which is integrated into the rest of the first-year curriculum. The course is taught in conjunction with substantive law courses by full-time regular faculty aided by library staff and teaching assistants.

Jaff, Jennifer, *Frame-Shifting: An Empowering Methodology for Teaching and Learning Legal Reasoning*, 36 JOURNAL OF LEGAL EDUCATION 249-267 (1986). "Frame-shifting" is a method of teaching legal reasoning which allows students to expand their own frames of reference and thereby understand how the same facts can yield different outcomes. The author describes this process and explains how it ultimately serves to empower students.

Johns, Margaret Z., *Teaching Professional Responsibility and Professionalism in Legal Writing*, 40 JOURNAL OF LEGAL EDUCATION 501-508 (1990). (See Ethics/Professional Responsibility.)

Kearney, Mary Kate and Mary Beth Beazley, *Teaching Students How to "Think Like Lawyers": Integrating Socratic Method With the Writing Process*, 64 TEMPLE LAW REVIEW 885-908 (1991). The article contains an overview of how the Socratic method and the writing process have traditionally been used and how they can be integrated into a legal writing course. The author explains how this integration can be achieved through a five step approach.

Koster, Gregory E., *Teaching Legal Research: The View From Utopia*, EXPERT VIEWS ON IMPROVING THE QUALITY OF LEGAL RESEARCH EDUCATION IN THE UNITED STATES 53-62 (1991). The article briefly summarizes, describes, and provides exercises and assignments from a legal research course taught at CUNY Law School.

Allen, Layman E. and Charles S. Saxon, *One Use of Computerized Instructional Gaming in Legal Education: To Better Understand the Rich Logical Structure of Legal Rules and Improve Legal Writing*, 18 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 383-471 (1985). (See Computers.)

Mathewson, Mark, *Verbatim — Good Legal Writing Can be Taught — And the Programs at Three Schools Across the Country Prove It*, Vol. 16, No. 4 STUDENT LAWYER 11-13 (1987). The article discusses three highly regarded legal writing programs at the University of Puget Sound Law School, the

University of Montana College of Law, and the Chicago-Kent College of Law. The author outlines the extensive curriculum in each of these courses.

McDonnell, Thomas M., *Joining Hands and Smarts: Teaching Manual Legal Research Through Collaborative Learning Groups*, 40 JOURNAL OF LEGAL EDUCATION 363-374 (1990). According to the author, collaborative learning enables students in manual legal research classes to develop strong legal research skills. The author also suggests that group research should be done under direct supervision of the instructor using a three step approach: students read about the tool, the instructor talks about it in class, and students along with the instructor move to the library to do the research.

Meyer, Philip N., "*Fingers Pointing at the Moon*": *New Perspectives on Teaching Legal Writing and Analysis*, 25 CONNECTICUT LAW REVIEW 777-796 (1993). Using illustrative anecdotes from his experiences teaching legal writing, reasoning, and lawyering skills, the article explores why many law students find it difficult to internalize and apply legal analysis skills. The author incorporates observations from linguistics, psychology, and other disciplines to develop specific approaches for dealing with students' legal reasoning difficulties. Some suggestions for teaching legal writing and analysis are provided.

Phelps, Teresa G., *The New Legal Rhetoric*, 40 SOUTHWESTERN LAW JOURNAL 1089-1102 (1987). The article identifies problems with the current methods of teaching legal writing. Moreover, it provides some practical steps towards defining legal writing and developing a substantive pedagogy that can improve law students' writing ability.

Sumner, Kathleen G., *An Alternative to Traditional Legal Research, Legal Writing, Legal Drafting and Appellate Advocacy Programs*, EXPERT VIEWS ON IMPROVING THE QUALITY OF LEGAL RESEARCH EDUCATION IN THE UNITED STATES 111-118 (1991). The author describes the legal writing course at Campbell University School of Law. First- and second-semester assignments are briefly discussed.

LEGISLATION

The Teaching of Legislation in Canadian Law Faculties; Symposium Proceedings, 11 DALHOUSIE LAW JOURNAL 255-294 (1988). This article consists of an edited transcript from the Proceedings of the 1986 Annual Meeting of the Administrative Law Section, Canadian Association of Law Teachers. The bulk of this article addresses the subject of legislation and its

place in the law school curriculum. However, discussions about pedagogical techniques for the teaching of legislation are interspersed throughout the article. For example, teaching legislation to large groups (i.e., 65-70 students) and objectives of a course in legislation are briefly covered.

Eskridge, William N., Jr., and Philip P. Frickey, *Legislation Scholarship and Pedagogy in the Post-Legal Process Era*, 48 UNIVERSITY OF PITTSBURGH LAW REVIEW 691-731 (1987). After a lengthy discussion of legislative scholarship, the authors argue that law schools should devote more attention to the subject. The article contains concrete examples of how legislative concepts can be integrated into the classroom setting.

Imwinkelried, Edward J., *Evidence Pedagogy in the Age of Statutes*, 41 JOURNAL OF LEGAL EDUCATION 227-242 (1991). (See Evidence.)

Lang, Isa, *Reading Between the Lines: Legislative History for Law Students*, 79 LAW LIBRARY JOURNAL 203-225 (1987). The author describes how she teaches legislative history to law students by presenting them with a statutory interpretation problem. The author offers a sample legislative history assignment and a list of suggested materials for class discussion.

Stern, Barry Jeffrey, *Teaching Legislative Drafting: A Simulation Approach*, 38 JOURNAL OF LEGAL EDUCATION 391-399 (1988). The author describes how he uses simulation techniques, rather than traditional instruction, to teach his legislative drafting course. He also provides his objectives for the course, its structure, and ways in which an instructor may modify the course.

PROBLEM METHOD

Calleros, Charles R., *Variations on the Problem Method in First-Year and Upper-Division Classes*, 20 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 455-489 (1986). (See Contracts.)

Kurtz, Suzanne, Michael Wylie and Neil Gold, *Problem-Based Learning: An Alternative Approach to Legal Education*, 13 DALHOUSIE LAW JOURNAL 797-816 (1990). This article introduces six types of problem-based learning techniques ranging from methods which require the teacher to supply all facts and organization to those forcing students to gather and organize facts and decide how to handle the information gathered. The author focuses primarily on the latter methods, i.e., student-centered problem-based learning, and explains specifically how to use these approaches.

Moskovitz, Myron, *Beyond the Case Method: It's Time to Teach with Problems*, 42 JOURNAL OF LEGAL EDUCATION 241-270 (1992). The author provides a brief background discussion of the case method and its shortcomings in today's legal education. He advocates the use of the problem method as the primary forum of instruction. The article compares a typical casebook assignment under the case method and the problem method. The author provides concrete examples, guidelines, and lengthy discussions on how to switch from the case method to the problem method.

PROBLEM SOLVING

Nathanson, Stephen, *The Role of Problem Solving in Legal Education*, 39 JOURNAL OF LEGAL EDUCATION 167-183 (1989). Unlike many other disciplines, law schools have not generally taught problem solving as a discrete skill necessary to a student's success. Where problem solving is taught at all it is often combined with other skills such as negotiation and interviewing. In this article, Nathanson develops and explains a theory of problem solving and proposes it be taught as a separate, discrete legal skill.

PROPERTY

Hartwell, Steven and Sherry L. Hartwell, *Teaching Law: Some Things Socrates Did Not Try*, 40 JOURNAL OF LEGAL EDUCATION 509-523 (1990). (See Evaluations.)

Martinez, John, *A Cognitive Science Approach to Teaching Property Rights in Body Parts*, 42 JOURNAL OF LEGAL EDUCATION 290-295 (1992). This article discusses the use of the cognitive approach in teaching property law. Cognitive science posits that we find meaning in information by relating it to what we already know. Using the case of *Moore v. Regents of the University of California* [51 Cal. 3d 120, 793 P.2d 479, 271 Cal. Rptr. 146 (1990)] (which explores whether individuals have property rights in products derived from their own body parts), the author demonstrates how he employs this approach to facilitate understanding by his students.

Weaver, John W., *Fear and Loathing in Perpetuities*, 48 WASHINGTON AND LEE LAW REVIEW 1393-1408 (1991). The author provides his six step process used to teach the Rule Against Perpetuities. Each principle is explained along with teaching tips.

RACISM (See Gender, Bias and Racism)

ROMAN LAW

Hogerty, John J., II, Comment, *Reflections at the Close of Three Years of Law School: A Student's Perspective on the Value and Importance of Teaching Roman Law in Modern American Law Schools*, 66 TULANE LAW REVIEW 1889-1901 (1992). A student's view on why Roman Law should be taught in law school. The appendix contains a proposed Roman Law course outline and bibliography.

SIMULATION

Bergman, Paul Avrom Sherr and Roger Burrige, *Learning From Experience: Nonlegally-Specific Role Plays*, 37 JOURNAL OF LEGAL EDUCATION 535-553 (1987). This article discusses the use of "nonlegally-specific role plays" in law classes. While law teachers widely use such legally-specific simulations as negotiation, client interviews, and cross-examination, few have tried simulations which lack legal content. Non-legal role plays are valuable in that they build upon students' actual thoughts and experiences rather than ask students to act out situations outside their personal frame of reference (*i.e.*, acting as an attorney). Included are eight non-legally-specific exercises applicable to the development of legal skills.

Caplow, Stacy, *Autopsy of a Murder: Using Simulation to Teach First-Year Criminal Law*, 19 NEW MEXICO LAW REVIEW 137-161 (1989). (See Criminal Law and Procedure.)

Day, David S., *Teaching Constitutional Law: Role-Playing the Supreme Court*, 36 JOURNAL OF LEGAL EDUCATION 268-273 (1986). (See Constitutional Law.)

Fry, Patricia Brumfield, *Simulating Dynamics: Using Role-Playing to Teach the Process of Bankruptcy Reorganization*, 37 JOURNAL OF LEGAL EDUCATION 253-260 (1987). (See Bankruptcy.)

Gross, Samuel R., *Clinical Realism: Simulated Hearings Based on Actual Events in Students' Lives*, 40 JOURNAL OF LEGAL EDUCATION 321-338 (1990). (See Clinical Education.)

Hyman, Jonathan M., *Discovery and Invention: The NITA Method in the Contracts Classroom*, 66 NOTRE DAME LAW REVIEW 759-784 (1991). (See Contracts.)

Kurtz, Suzanne, Michael Wylie and Neil Gold, *Problem-Based Learning: An Alternative Approach to Legal Education*, 13 DALHOUSIE LAW JOURNAL 797-816 (1990). (See Problem Method.)

Robinson, Thomas A., *Simulated Legal Education: A Template*, 42 JOURNAL OF LEGAL EDUCATION 296-298 (1992). (See Estate Planning.)

Schrag, Philip G., *The Serpent Strikes: Simulation in a Large First-Year Course*, 39 JOURNAL OF LEGAL EDUCATION 555-569 (1989). (See Civil Procedure.)

Stern, Barry Jeffrey, *Teaching Legislative Drafting: A Simulation Approach*, 38 JOURNAL OF LEGAL EDUCATION 391-399 (1988). (See Legislation.)

SKILLS TRAINING

Herwitz, David R., *Teaching Skills in a Business Law Setting: A Course in Business Lawyering*, 37 JOURNAL OF LEGAL EDUCATION 261-275 (1987). Traditionally, clinical education and skills training have focused on representation of the poor because that was where clients were. Unfortunately that focus has not prepared students to work in most private law practices. This article describes a Harvard Law School course, *The Business Lawyer: Representing Modest Business Enterprises*. The course uses simulations to provide students with experience dealing with business clients. Detailed descriptions of exercises are included.

Kenety, William H., *Observations and Teaching Trial Practice*, 41 JOURNAL OF LEGAL EDUCATION 263-266 (1991). (See Advocacy.)

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

SOCIAL REFORM

Schukoske, Jane E., *Teaching Law Reform in the 1990s*, 3 HASTINGS WOMEN'S LAW JOURNAL 177-210 (1992). This article describes a seminar

entitled *Law and Social Reform* in which students consider the role of law in social reform and evaluate what change they think desirable as well as strategies available to effectuate such change. In addition to outlining the content of the course, the author also reports on students' reactions to it.

STORYTELLING

Batt, John, *Law, Science, and Narrative: Reflections on Brain Science, Electronic Media, Story, and Law Learning*, 40 JOURNAL OF LEGAL EDUCATION 19-46 (1990). (See Learning.)

Blaustone, Beryl, *Teaching Evidence: Storytelling in the Classroom*, 41 AMERICAN UNIVERSITY LAW REVIEW 453-484 (1992). (See Evidence.)

Gross, Samuel R., *Clinical Realism: Simulated Hearings Based on Actual Events in Students' Lives*, 40 JOURNAL LEGAL EDUCATION 321-338 (1990). (See Clinical Education.)

Meyer, Philip N., *Convicts, Criminals, Prisoners, and Outlaws: A Course in Popular Storytelling*, 42 JOURNAL OF LEGAL EDUCATION 129-137 (1992). The author reviews his Law and Popular Storytelling course. He describes the course as a cross between law and literature. The author highlights and illustrates certain aspects of the class with excerpts from his students' writings.

Paul, Jeremy, *A Bedtime Story*, 74 VIRGINIA LAW REVIEW 915-934 (1988). (See Legal Analysis.)

TEACHING ASSISTANTS

Feinman, Jay, *Teaching Assistants*, 41 JOURNAL OF LEGAL EDUCATION 269-288 (1991). The problems inherent in the typical large law school class can be eased through the use of teaching assistants working with small groups of students. This article discusses in detail the use, recruiting, training, challenges, and benefits of teaching assistants. The appendices contain outlines of group sessions and sample assignments.

TEACHING METHODS

Abramson, Elliott M., *Puncturing the Myth of the Moral Intractability of Law Students: The Suggestiveness of the Work of Psychologist Lawrence Kohlberg for Ethical Training in Legal Education*, 7 NOTRE DAME JOURNAL OF LAW, ETHICS, AND PUBLIC POLICY 223-267 (1993). (See Ethics/Professional Responsibility.)

Aiken, Jane H., *The Learning Contract in Legal Education*, 44 MARYLAND LAW REVIEW 1047-1098 (1985). (See Clinical Education.)

Anderson, Lloyd C. and Charles E. Kirkwood, *Teaching Civil Procedure With the Aid of Local Tort Litigation*, 37 JOURNAL OF LEGAL EDUCATION 215-231 (1987). (See Civil Procedure.)

Balos, Beverly, *Learning to Teach Gender, Race, Class, and Heterosexism: Challenge in the Classroom and Clinic*, 3 HASTINGS WOMEN'S LAW JOURNAL 161-176 (1992). (See Gender Bias and Racism.)

Barkai, John, *The Lecture in Disguise*, 19 NEW MEXICO LAW REVIEW 117-136 (1989). The "Lecture in Disguise" technique uses simulation by faculty members (rather than students) to present substantive material. Used at the University of Hawaii, this method can simultaneously teach the subject matter, demonstrate a professional skill, and give examples of strategy, planning, and professionalism. The article describes this technique and provides a specific example of a "script" for a class on witness examination.

Bean, Kathleen, *Writing Assignments in Law School Classes*, 37 JOURNAL OF LEGAL EDUCATION 276-286 (1987). The author advocates the use of writing assignments in substantive law courses and discusses her experiences using this method. She has found that writing assignments teach the law, teach students how to think, help students learn how to approach and follow through on a problem, demonstrate the importance of detail and precision, and provide a bridge between law school and law practice.

Becker, Susan J., *Advice for the New Law Professor: A View From the Trenches*, 42 JOURNAL OF LEGAL EDUCATION 432-446 (1992). In this essay the author confirms the observations of Professor Douglas Whaley in a 1982 article [*Teaching Law: Advice for the New Professor*, 43 OHIO STATE LAW JOURNAL 125-141 (1984)] advising new professors and adds some of her own observations and suggestions. Helpful tips are included on how to create a "professional personality," choose course materials, prepare a syllabus, and relate to students.

Bergman, Paul Avrom Sherr and Roger Burrige, *Learning From Experience: Nonlegally-Specific Role Plays*, 37 JOURNAL OF LEGAL EDUCATION 535-553 (1987). (See Simulation.)

Blaustone, Beryl, *Teaching Evidence: Storytelling in the Classroom*, 41 AMERICAN UNIVERSITY LAW REVIEW 453-484 (1992). (See Evidence.)

Boldt, Richard and Marc Feldman, *The Faces of Law in Theory and Practice: Doctrine, Rhetoric, and Social Context*, 43 HASTINGS LAW JOURNAL 1111-1145 (1992). The authors contend it is critical that practice and theory be incorporated into the first-year curriculum. They describe how they have attempted to harmonize both concepts in their first-year Legal Theory and Practice — Torts course at the University of Maryland School of Law.

Burg, Elliot M., *Clinic in the Classroom: A Step Toward Cooperation*, 37 JOURNAL OF LEGAL EDUCATION 232-252 (1987). (See Administrative Law.)

Burman, John M., *Out-of-Class Assignments as a Method of Teaching and Evaluating Law Students*, 42 JOURNAL OF LEGAL EDUCATION 447-457 (1992). (See Evaluation.)

Burnham, Scott J., *The Hypothetical Case in the Classroom*, 37 JOURNAL OF LEGAL EDUCATION 405-408 (1987). (See Contracts.)

Calhoun, Samuel W., *The Law and the Little Big Horn: What Law Students Can Learn from General Custer*, 36 JOURNAL OF LEGAL EDUCATION 403-419 (1986). The author uses the "Custer controversy" (whether General Custer disobeyed orders at Little Big Horn or acted in accordance with orders which allowed him discretion) to teach first-year law students to read critically. The raw material of the exercise is Custer's actual order to relocate the Sioux to the reservation along with other historical material. The author describes how he directs student discussion and evaluates the course.

Calleros, Charles R., *Variations on the Problem Method in First-Year and Upper-Division Classes*, 20 UNIVERSITY OF SAN FRANCISCO LAW REVIEW 455-489 (1986). (See Contracts.)

Caplow, Stacy, *Autopsy of a Murder: Using Simulation to Teach First-Year Criminal Law*, 19 NEW MEXICO LAW REVIEW 137-161 (1989). (See Criminal Law and Procedure.)

Coombs, Mary Irene, *Non-Sexist Teaching Techniques in Substantive Law Courses*, 14 SOUTHERN ILLINOIS UNIVERSITY LAW JOURNAL 507-526 (1990). (See Gender Bias and Racism.)

D'Amato, Anthony, *The Decline and Fall of Law Teaching in the Age of Student Consumerism*, 37 JOURNAL OF LEGAL EDUCATION 461-494 (1987). In this essay the author describes the current law school trend towards rewarding and reinforcing those teachers who are "popular" with their students, even when true learning is sacrificed. Using scientific studies on the brain and artificial intelligence, the author shows how this trend actually interferes with students' creativity and inhibits the development of intelligence.

Day, David S., *Teaching Constitutional Law: Role-Playing the Supreme Court*, 36 JOURNAL OF LEGAL EDUCATION 268-273 (1986). (See Constitutional Law.)

Delaney, John, *Demystifying Legal Pedagogy: Performance-Centered Classroom Teaching at the City University of New York Law School*, 22 SETON HALL LAW REVIEW 1332-1365 (1992). The author outlines his performance-centered approach which emerged through his experience at CUNY Law School. He analyzes how and what to teach, including a comparison to different pedagogical methods. His process is intended to empower the student in the learning process.

Elkins, James R., *Writing Our Lives: Making Introspective Writing a Part of Legal Education*, 29 WILLAMETTE LAW REVIEW 45-72 (1993). Instead of exams, the author incorporates journal writing for his Introduction to Law course. Numerous excerpts from the student journals are included.

Eskridge, William N., Jr., and Philip P. Frickey, *Legislation Scholarship and Pedagogy in the Post-Legal Process Era*, 48 UNIVERSITY OF PITTSBURGH LAW REVIEW 691-731 (1987). (See Legislation.)

Feinman, Jay and Marc Feldman, *Pedagogy and Politics*, 73 GEORGETOWN LAW JOURNAL 875-930 (1985). (See Contracts.)

Feinman, Jay and Marc Feldman, *Achieving Excellence: Mastery Learning in Legal Education*, 35 JOURNAL OF LEGAL EDUCATION 528-551 (1985). This article appeared in expanded and somewhat different form as *Pedagogy and Politics*, 73 GEORGETOWN LAW JOURNAL 875-930 (1985). (See entry above.) The authors begin with the premise that many law school graduates are "inadequately prepared in even the limited knowledge and skills that law

school purports to teach.” They argue that law schools should demand excellence from all their students.

Friedland, Steven I., *The Use of Appellate Case Report Analysis in Modern Legal Education: How Much is Too Much?*, 10 NOVA LAW JOURNAL 495-516 (1986). Heavy reliance on appellate case analysis, the foundation of most law school classes, tends to over-emphasize its role in practice to the exclusion of other important lawyering skills such as listening, writing, and fact presentation. The author proposes an alternative model of legal education which integrates case analysis along with other skills to help students better understand the interrelationships of all the activities lawyers must master.

Fry, Patricia Brumfield, *Simulating Dynamics: Using Role-Playing to Teach the Process of Bankruptcy Reorganization*, 37 JOURNAL OF LEGAL EDUCATION 253-260 (1987). (See Bankruptcy.)

Hayden, Paul T., *On “Wrong” Answers in the Law School Classroom*, 40 JOURNAL OF LEGAL EDUCATION 251-255 (1990). In this essay the author explains why answers to questions in law school classes should not be declared “wrong.” He proposes alternative ways teachers may use to diplomatically respond to answers which may be outside the norm. (See Joseph, P. in Teaching Methods and Leonard, D. in Teaching Methods below for rebuttal.)

Herwitz, David R., *Teaching Skills in a Business Law Setting: A Course in Business Lawyering*, 37 JOURNAL OF LEGAL EDUCATION 261-275 (1987). (See Skills Training.)

Huff, Thomas P., *A Heresy in the Ordinary Religion: Jurisprudence in the First-Year Curriculum*, 36 JOURNAL OF LEGAL EDUCATION 108-116 (1986). (See Jurisprudence.)

Hyman, Jonathan M., *Discovery and Invention: The NITA Method in the Contracts Classroom*, 66 NOTRE DAME LAW REVIEW 759-784 (1991). (See Contracts.)

Imwinkelried, Edward J., *Evidence Pedagogy in the Age of Statutes*, 41 JOURNAL OF LEGAL EDUCATION 227-242 (1991). (See Evidence.)

Jaff, Jennifer, *Frame-Shifting: An Empowering Methodology for Teaching and Learning Legal Reasoning*, 36 JOURNAL OF LEGAL EDUCATION 249-267 (1986). (See Legal Research and Writing.)

Joseph, Paul R., *Yes, Virginia, There Are Wrong Answers: A Reply to Professor Hayden*, 40 JOURNAL OF LEGAL EDUCATION 473-475 (1990). The author rejects the position of Paul T. Hayden in *On Wrong Answers in the Law School Classroom* that there should be no "wrong" answers in law school. (See above.)

Kurtz, Suzanne, Michael Wylie and Neil Gold, *Problem-Based Learning: An Alternative Approach to Legal Education*, 13 DALHOUSIE LAW JOURNAL 797-816 (1990). (See Problem Method.)

Lang, Isa, *Reading Between the Lines: Legislative History for Law Students*, 79 LAW LIBRARY JOURNAL 203-225 (1987). (See Legislation.)

Leonard, David P., *On "Right" and "Wrong" Answers: A Reply to Professor Hayden*, 40 JOURNAL OF LEGAL EDUCATION 477-483 (1990). The author responds to and reluctantly rejects the position of Paul T. Hayden in *On Wrong Answers in the Law School Classroom* that there should be no "wrong" answers in law school. (See above.)

Martinez, John, *A Cognitive Science Approach to Teaching Property Rights in Body Parts*, 42 JOURNAL OF LEGAL EDUCATION 290-295 (1992). (See Property.)

McAninch, William S., *Experiential Learning in a Traditional Classroom*, 36 JOURNAL OF LEGAL EDUCATION 420-432 (1986). (See Constitutional Law.)

McFarland, Douglas D., *Students and Practicing Lawyers Identify the Ideal Law Professor*, 36 JOURNAL OF LEGAL EDUCATION 93-107 (1986). This article reports the results of surveys among law students and practicing lawyers identifying traits of the ideal law professor. Six ideal teacher "profiles" (three preferred by students, three by lawyers) are described. The author compares the results of this study with a similar study among law professors and finds substantial differences.

McKenzie, Sandra Craig, *Storytelling: A Different Voice for Legal Education*, 41 UNIVERSITY OF KANSAS LAW REVIEW 251-269 (1992). Lawyers are storytellers; however, with the traditional case method, they are not trained as such. This article explores the storyteller role of lawyers and suggests ways this "different voice" can be recognized and incorporated into the law school classroom.

Meyer, Philip N., *Convicts, Criminals, Prisoners, and Outlaws: A Course in Popular Storytelling*, 42 JOURNAL OF LEGAL EDUCATION 129-137 (1992). (See Storytelling.)

Meyer, Philip N., *Fingers Pointing at the Moon: New Perspectives on Teaching Legal Writing and Analysis*, 25 CONNECTICUT LAW REVIEW 777-796 (1993). (See Legal Research and Writing.)

Moliterno, James E., *The Secret of Success: The Small Section First-Year Skills Offering and Its Relationship to Independent Thinking*, 55 MISSOURI LAW REVIEW 875-881 (1990). The article stresses the importance of first-year small sections. Unlike large sections, small sections provide students with the opportunity to improve their writing and analytical skills, critique law practice, and experience meaningful success. Success is linked to the development of independent critical thinking skills.

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

Paul, Jeremy, *A Bedtime Story*, 74 VIRGINIA LAW REVIEW 915-934 (1988). (See Legal Analysis.)

Pirie, Andrew J., *Objectives in Legal Education: The Case for Systematic Instructional Design*, 37 JOURNAL OF LEGAL EDUCATION 576-597 (1987). One of the criticisms leveled at legal education is its failure to clearly identify its learning objectives. This article discusses the principles of systematic instructional design and suggests that these principles can be used to provide legal education with the missing objectives.

Riskin, Leonard L. and James E. Westbrook, *Integrating Dispute Resolution Into Standard First-Year Courses: The Missouri Plan*, 39 JOURNAL OF LEGAL EDUCATION 509-521 (1989). (See Alternative Dispute Resolution/Mediation.)

Gordon, Robert W., *Brendan Brown Lecture: Critical Legal Studies as a Teaching Method*, 35 LOYOLA LAW REVIEW 383-407 (1989). (See Critical Legal Studies.)

Robinson, Thomas A., *Simulated Legal Education: A Template*, 42 JOURNAL OF LEGAL EDUCATION 296-298 (1992). (See Estate Planning.)

Sabin, Arthur J., *Pragmatic Aspects in the Teaching of Negotiations*, 11 LEGAL STUDIES FORUM 337-347 (1987). The author offers tips from teacher selection to student evaluations using his Negotiation course as the basis for discussion.

Schrag, Philip G., *The Serpent Strikes: Simulation in a Large First-Year Class*, 39 JOURNAL OF LEGAL EDUCATION 555-569 (1989). (See Civil Procedure.)

Senger, Charles J., *Thinking Aloud Protocols: A Diagnostic Tool for Teaching Legal Problem Solving*, 10 THOMAS M. COOLEY LAW REVIEW 367-382 (1993). The author provides and proposes that law professors use "thinking out loud" principles to obtain information and monitor their teaching and testing effectiveness. He reviews various examples and situations on how thinking out loud is done.

Teich, Paul F., *Research on American Law Teaching: Is There a Case Against the Case System?*, 36 JOURNAL OF LEGAL EDUCATION 167-188 (1986). Studies have shown that large-group teaching methods are essentially identical in effectiveness and that post-secondary students learn best not in groups but in individualized teaching systems which can be adjusted to adapt to their learning needs. This article examines in general the research conducted with law students and challenges the notion that the case method is the most effective way to teach law. The author suggests additional experimentation and evaluation should be conducted on a variety of methods, including individualized instruction.

Wangerin, Paul T., *Skills Training In "Legal Analysis": A Systematic Approach*, 40 UNIVERSITY OF MIAMI LAW REVIEW 409-485 (1986). (See Contracts.)

Wildman, Stephanie M., *The Question of Silence: Techniques to Ensure Full Class Participation*, 38 JOURNAL OF LEGAL EDUCATION 147-154 (1988). (See Gender Bias and Racism.)

Whitman, Christina B., *Thoughts on Teaching*, 18 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 267-272 (1985). The author discusses the importance of personalizing tort victims and their situations in the classroom. She believes this not only helps remove the barrier between teachers and students but also promotes empathy in the legal profession. The article includes suggestions based on personal experience on how to accomplish this goal.

TORTS

Boldt, Richard and Marc Feldman, *The Faces of Law in Theory and Practice: Doctrine, Rhetoric, and Social Context*, 43 HASTINGS LAW JOURNAL 1111-1145 (1992). (See Teaching Methods.)

Boyle, James, *The Anatomy of a Torts Class*, 34 AMERICAN LAW REVIEW 1003-1063 (1985). The article describes a Torts class taught by a first-time teacher. The author gives his perspectives and reflections on the year-long course. He also offers tips on goals and design of the course. The appendix contains a reproduction of one of the author's class handouts.

Dark, Okianer C., *Cosmic Consciousness: Teaching on the Frontiers*, 38 LOYOLA LAW REVIEW 101-127 (1992). The article discusses a course developed and taught by the author called, "Selected Topics in Torts." He describes the course and the course requirements. Nationally recognized tort experts are invited to address the class. Examples of how the author establishes and reinforces the themes of the course are provided.

Feinman, Jay and Marc Feldman, *Pedagogy and Politics*, 73 GEORGETOWN LAW JOURNAL 875-930 (1985). (See Contracts.)

Herwitz, David R., *Teaching Skills in a Business Law Setting: A Course in Business Lawyering*, 37 OF LEGAL EDUCATION 261-275 (1987). (See Skills Training.)

Lander, Robert H., *A Law & Economics Perspective on a "Traditional" Torts Case: Insights for Classroom and Courtroom*, 57 MISSOURI LAW REVIEW 399-441 (1992). The author uses *O'Brien v. Cunard Steamship Co.*, [154 Mass. 272, 28 N.E. 266 (1891)], a case involving the issue of consent and battery, to illustrate how an economic analysis can supplement traditional forms of legal analysis in a Torts class. The author provides a basic overview of the economic approach and how to present it in a first-year Torts course.

Whitman, Christina B., *Thoughts on Teaching*, 18 UNIVERSITY OF MICHIGAN JOURNAL OF LAW REFORM 267-281 (1985). (See Teaching Methods.)

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