

interview and the development of the attorney-client relationship. The students then actively learned about their audience either by interviewing as the attorney or by playing the client. Class three was a relatively traditional issues class, in which students discussed the governing law and the implications for the client. Class four's basis was the client-counselling tape. The final class focused on the particulars of writing a client-advice letter, keeping in mind the counselling considerations discussed in the previous class.

Simulations and active learning can promote student involvement and rhetorical analysis by contextualising the writing of advisory memos and briefs in the first year, and of contracts, statutes and judicial options in more advanced legal writing courses. On the most simplistic level, the facts of client memoranda in the first semester can be introduced through an interview of a live client, be it a colleague or a former student. The client letter may also be connected to a persuasive brief, rather than standing on its own as a separate segment of the writing curriculum. Under this scenario, the semester could begin with a client interview to gain the relevant facts of the case. After the students conducted research and discussed in class the role of the lawyer in client decision making, they could write a letter to the client explaining the client's options.

Simulation techniques can also enhance the teaching of contract drafting. Rather than simply giving students a canned set of facts to use to draft a contract, the instructor can heighten the students' understanding by placing the assignment in context. Contextualising the teaching of legal writing can only enhance students understanding of each document's rhetorical context and of their own roles as attorneys.

TEACHERS

Herding cats: improving law school teaching

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49 *J Legal Educ* 2, 1999, pp 256-274

What makes a good law teacher? Is excellence in teaching largely a matter of intellectual brilliance, of superior organisation and delivery of material, of friendliness and fairness to one's students? Or does it have more to do with style, with stage presence, with the ability to engage an audience in the act of reflective and spontaneous thinking?

While the question of how to define and evaluate teaching necessarily bedevils deans and tenure committees who must make personnel decisions, the focus on defining the competent teacher has obscured from faculty attention the more fundamental question: how can we implement a system to improve faculty performance across the board? In many law schools, despite the institutional lipservice paid to teaching, scholarship and other outside activities are understood to be more highly valued than good teaching, perhaps because the quality of teaching is so hard to measure.

The efforts law schools make to improve teaching are generally focused on newer faculty and take place in the emotionally charged context of tenure decisions. Few if any schools have a systematic program to encourage tenured and experienced teachers to improve their use of class time.

The authors describe the program adopted at their law school to improve their faculty's classroom teaching. Their first step was to ask all ABA-approved law schools for details of any programs they had introduced to improve teaching. What emerged was the virtual lack of any program systemati-

cally to improve teaching in the responding schools.

In faculty discussions, it became apparent that it was nearly impossible to agree collectively on what constitutes good teaching. The lack of a clear set of standards reduces almost any system of evaluation to one based on assessments of superficial style characteristics. Peer visits were used based upon a standardised protocol designed to achieve an individualised assessment, while providing sufficient guidance to make the process effective.

The article discusses the peer-review program adopted in first semester, including the formation of paired faculty teams, meetings before class, class observation and followup. In the second semester this program was supplemented by monthly sessions on teaching techniques. Teacher self-study was also introduced with each member developing a teaching portfolio containing reflective pieces on their own teaching. The next stage was that the faculty engaged a visiting professor who was acknowledged as a gifted teacher to fill teaching needs occasioned by sabbaticals and to take the teaching effectiveness program. Finally, a new first-year course on lawyering skills was used to foster co-operative teaching efforts among the faculty by having them co-teach each week with a colleague.

One lesson from the program is that it is almost impossible to take any scientific measurement of improvement in teaching performance. It is best to pay attention both to the response from students and to the professional culture that unfolds around the question of improved teaching. Do students talk about the 'teaching' they experience? Do they know teachers are trying to do a better job?

There is a collective responsibility to give students the best legal education that can be delivered. This respon-

sibility includes placing adequate demands on students and, more important, placing high demands on law professors. Certainly, size and status affect the culture of any institution. Law schools are no exception. A teaching effectiveness program takes resources and significant commitment. Nonetheless, teachers have the ability to train and influence the next generation of lawyers, as well as the development of the law.

TEACHING METHODS & MEDIA

Problems with learning groups: an ounce of prevention

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17 *J Legal Stud Educ* 1, 1999, pp 91-115

The vast majority of problems with learning groups are both predictable and very nearly 100% preventable. Nearly all of the reported failures of learning groups are a natural consequence of group assignments that both prevent the development of effective learning teams and limit student learning. If instructors use appropriate group assignments and classroom management strategies, groups will naturally develop into effective learning teams that are able to both solve their own process problems and engage in productive work.

Regardless of the setting, newly formed task groups are likely to be stressful for members and very limited in their ability to engage in productive work. As a result, giving a group assignment does not guarantee that group members will learn from each other. Promoting the development of group cohesiveness is a key to using learning groups effectively. As groups develop into effective learning teams, and trust and understanding build to the point that members are willing and

able to engage in intense give-and-take interactions without having to worry about being offensive or misunderstood. This only occurs, however, if member work together over an extended period of time.

By correctly managing four key variables that affect group cohesiveness, instructors also create conditions that eliminate the vast majority of the commonly cited problems with learning groups. These variables are the physical proximity of group members, level of interaction required by the group task, availability of immediate and unambiguous external comparison/feedback on group performance and the consequences that are associated with group work.

What we know is largely a function of the number, complexity and inter-connectedness of the schemata in our long-term memory and, for practical purposes, consists of the information that we are able to retrieve and use. If a learning activity exposes us to new information that neatly connects to a hook in one of our schemata, then it is simply attached to the appropriate link.

Increasing the amount of information stored in students' long-term memory is only one of our challenges as educators. Developing the ability to use information requires establishing links between the information and a problem to be solved. These links are developed through a cycle in which learners act and receive feedback on their actions. The effectiveness of learning activities is enhanced when learning tasks expose students to information that exposes flaws in students' existing schemata. Further, the greater the clarity of the flaws, the greater is the intensity and persistence of elaborative rehearsal.

Effective learning teams naturally provide a feedback-rich learning environment that, in some ways, is superi-

or to many mentor-apprentice relationships. As groups move along the team of development process, they increasingly provide a source of motivation for members to prepare for and attend class and take responsibility for each other's learning.

One of the promising alternatives for covering content without lectures is the Readiness Assurance Process (RAP), described in detail by the authors, that is part of an instructional activity sequence used in team learning. In most cases, this process allows instructors to cover the same amount of material in less than a third of the time previously devoted to lectures. The RAP is used to introduce each major instructional unit and to ensure that students are intellectually prepared for assignments that are designed to build their higher level cognitive skills.

Although the potential impact of the RAP on students' ability either to use or to transfer knowledge is limited, it is still an extremely valuable teaching activity, because it creates a feedback-rich learning environment. The process builds both the intellectual competence of team members and their ability to work together to solve difficult problems.

Although providing feedback is potentially problematic, having students write an individual term paper is an excellent way to increase their long-term memory with respect to an important set of concepts. Although individual term papers are an excellent way to increase students' depth of learning, the impact of the same assignment, when given to groups, is likely to be much lower. Because writing is inherently an individual activity, groups are likely to use one of the counterproductive strategies to complete the assignment.

The indirect impact of learning activities is particularly important to instructors who want to do more than