

active participation in classes, credential bias against students reliant on self effort and faculty instruction to achieve results as well as the powerful biases, such as race, gender and age. A curious phenomenon relating to expectations is that they become standards, which in turn, become grades.

There is good reason to assume that students will undergo significant cognitive and social development while at law school, which supports the move away from a bias focused on the results of past performance. This is because the typical nature of the law student is a person who is intellectually stimulated by the study of law and interested in learning. The first step toward creating a high expectation law school is to change teacher attitudes towards students and learning.

To eliminate negative effects of stereotyping, teachers need to get to know students. Time spent in increasing one's cultural competency can be important in developing a socio-emotional environment conducive to a high expectation teaching approach. In addition to the change in attitudes discussed above, law faculties could also improve student performance by a change in teaching methodology. Four categories of teaching methodology identified as mediating expectations are climate, input, output and feedback. Of the four, climate has the most significant effect in creating expectancy effects. Communicating the attitude is important and teachers must influence the self-expectations set by students by creating a positive environment in which they are to learn.

Critical to all language of high expectation is providing genuine emotional focus on students. Ego-stroking, emotional vulnerability or a disrespectful tone do not facilitate the creation of a positive climate. In addition to the spoken word, it is important for teachers to create an amount of silence available to students to prepare answers and consider feedback. In a warm socio-emotional climate, teachers can raise expectations and opportunities to engage and challenge students. Most importantly, teachers can encourage students to set their own goals. High expectation student learning includes the expectation that the student will be self-directed.

One area of concern inherent in this teaching approach is that high bias students will affect the success of the teaching environment. Student expectations must also be considered, particularly those who hold low expectations of themselves and their teachers. In order to minimise the effect of bias among the student body, teachers must state their objectives and expectations clearly, consistently and with intellectual integrity. The perception of ambiguity is one of the most demoralising factors for students. This must be followed through with consistent teaching behaviours. In order for teachers to balance learning support with learning challenge, while at the same time avoiding resistance from those resentful of the balance, requires four actions.

First, the teacher must present a course with intellectual definition. Reflective practice involving students can allow teachers to alter their manner to respond to the justified student criticisms while at the same time identifying those remarks motivated by student bias. Second, teachers should discuss goals and the orientation of the course with the students with the purpose of identifying those motivations for low expectation learning. Third, teachers should remain flexible and confident in their approach to teaching the course and allow student involvement in course preparation and planning.

Finally, teachers should accept that no amount of challenge will be acceptable to those students whose efforts are directed toward avoiding the task. One must acknowledge the normality of resistance and that for those students whose bias blinds them to learning from some faculty or whose resistance to learning is intractable, faculty would be well advised to avoid unceasing efforts at conversion. However, even for these students, expectation theory tells us that teachers should not lose hope. If teachers do not believe that all students — even the most resistant to learning — can be taught, teachers cut short their own ability to achieve excellence in teaching.

## **TEACHING METHODS & MEDIA**

### **Teaching law students to be self-regulated learners**

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Talk to enough law professors and you get a sense that many law students do not perform as well as their professors hope the students will perform both in law school and on the bar examination. Attrition and bar passage rates, however, are more like symptoms of the problem than the problem itself. Rather, the problem is that the students do not learn what we wish them to learn.

Students simply cannot learn what they need to learn. According to this view, students come to law school pre-programmed either to succeed or to fail and there is nothing law schools can do to change this fact. The conclusion drawn is that there is little or nothing more we can do to help our students learn more and better. There are others who assert that our students could learn better if they would only work harder.

Another view of the cause of the dissatisfactory outcomes is that the problem lies not with the learners, but with the teachers and the educational programs. What is primarily missing in law school is an educational environment that provides students with the resources and the situations with which they can best learn. When given appropriate instruction, nearly all law students can achieve mastery — not minimum competence.

Law professors generally fail to identify their learning objectives, provide little congruity between their unstated learning goals and the instruction they provide, offer law students few opportunities to practise and obtain feedback with respect to the skills they are supposed to be learning in law school, and fail to tailor their instructional techniques to the particular needs of their particular students. Instead, law professors make no effort to consider their learners, choosing to use textbooks designed with no particular student populations in mind.

This article addresses the rationales for the creation of a self-regulated learning curriculum for law students, describes the design of such a curriculum, and reports the results of the author's law school's trial offering of an introductory program designed to teach new law students to be self-regulated learners.

The self-regulated learning cycle involves three steps: (1) determining the differences between novice self-regulated learners and their more expert peers; (2) recognising the benefits to students and instructors from teaching students to be self-regulated learners; and (3) taking advantage of the support from legal commentators and practitioners for creating a self-regulated learning curriculum. Self-regulated learning (SRL) involves the active, goal-directed, self-control of behaviour, motivation, and cognition for academic tasks by an individual student.

SRL arises out of both the cognitivist and the constructivist movements in education. It is both consistent with and builds on cognitivist insights because expert self-regulated learners use cognitivist techniques to acquire and encode the skills and knowledge they are learning. The approach is constructivist in the sense that it reflects a recognition that learning takes place when students make what they are learning meaningful to themselves and when the students construct their own meanings from the instructional materials.

SRL involves a recursive cycle, conceived as involving three phases: forethought, performance and reflection. The forethought phase consists of the thought processes that precede student engagement in learning activities, task perception, self-efficacy, self-motivation, goal setting, and strategic planning. The student's goals and strategy decisions set criteria for this monitoring, which has three aspects: (1) monitoring the effectiveness of the selected strategies for achieving the student's learning goal; (2) monitoring the time and effort the strategy is requiring; and (3) weighing the time and effort against the effectiveness of the strategies. Expert self-regulated learners monitor their learning both regularly and proximally.

The reflection phase of the cycle guides the students as to their future learning endeavours. It is backward-looking in the sense that the student reflects on what she just did and how effective it was; and it is forward-looking in the sense that the student considers the implications of her experience for future learning activities. This phase includes four facets: self-evaluation; attribution; self-reaction; and adaptation.

There are many ways in which SRL benefits not only the students but also their teachers. Students benefit in several ways from being taught self-regulation skills. Teaching students to self-regulate helps them learn the skills involved. They improve in their self-observation and self-monitoring skills, their goal-setting skills, and their use of learning strategies. As students grasp and refine their ability to self-regulate, they can be expected to grow in three major ways: (1) in their understanding of subject matter content; (2) in their learning efficiency; and (3) in their perceived self-efficacy for accomplishing additional learning tasks.

Teachers also benefit from teaching their students to be self-regulated. The classroom benefits of teaching students to self-regulating include: fewer 'lost' students; improved quality classroom discussions; more infectious sense of class interest in the topic; less drain on the teacher in regimenting students; less end-of-term pressure to 'save' marginal students; improved student morale; and improved student test performance.

Self-regulated learners are intrinsically motivated, self-directing, self-monitoring and self-evaluating. Unfortunately, much of the classroom instruction at the university level not only fails to promote SRL; it often actually suppresses it. The authors offer suggestions about how teachers can promote self-regulated learning.

A crucial quality for a lawyer is autonomous learning, the ability to learn what needs to be learned to cope with a novel situation. The first element of autonomous learning is that the lawyer recognise

that his or her current skill and knowledge is inadequate for a new situation and then to understand how to learn what needs to be learned. Legal education is necessarily continuous over a lawyer's career, so the lawyer must be equipped to learn autonomously. Critical self-reflectiveness is a quality complementary to autonomous learning. A third general component of much of the learning theory is that students learn best when they are taught how to learn and not simply taught what to learn.

All students can learn to be self-regulating, regardless of age, gender, ethnic background, actual ability level, prior knowledge or motivation and faculty can explicitly help them achieve this goal. Empirical research that shows that students can learn how to control their own learning and become self-regulated learners. Based on the foregoing studies we can conclude that such a program would be very likely to improve student outcomes, particularly if we make sure that students transfer these skills to their regular courses by having faculty learn SRL and cue students to select and use SRL techniques.

In designing a course, begin with demonstrations and discussions of the benefits of the SRL cycle for law school, for the bar exam and for law practice. The idea is to convince students, from the outset, that SRL will work for them in law school. Second, provide instruction addressing both how humans learn and the overall SRL cycle. Understanding the rationale for principles and procedures helps students create a schema for storing the new material presented later in the course. Third, include these recurring activities in the course: a time management/self-monitoring log and required quiz outcome predictions combined with evaluations of those predictions and their causes, each of which are recommended practices.

Teaching students the learning implications of their Myers-Briggs personality types and of their learning styles allows them to self-assess their personality types and learning styles so that productive learning techniques are selected. By adopting a basic, recurring, overarching instructional approach typical of successful SRL programs, students read about a skill, participate in a demonstration of the skill, practise the skill under heavy supervision, and then try the skill on materials typical of what they will have to learn in their educational program and receive feedback on their efforts. Finally, design the final exam to reinforce all the skills the students have learned and to encourage them to apply immediately what they have learned to their work in the course and to their future law studies.

Research suggests that when mental processes are used often, they become automated and more efficient. Expert learners are able to respond quickly, consistently, and effectively to internalised strategies for thinking and problem solving. Unless they hit a cognitive snag, they are able to proceed with most of the mental work being done at a subconscious level. Research in this field already indicates that the more teaching the sort of thinking which is based on a consistent and comprehensive plan and utilises effective pedagogical techniques permeates the curriculum of a school, the more reinforcement good thinking receives. It then becomes more likely that students will incorporate the habits of thought we are trying to teach them into all their ways of thinking.

While there is no way we can be certain that teaching law students SRL skills will improve their performances in our classes and on the bar exam, we have very good reasons to believe that students who already self-regulate are among the most successful in law school, that self-regulation skills can be taught, and that the curriculum reflected in this article will succeed not only in teaching law students to be self-regulating, but also in improving student outcomes.

## TEACHING METHODS & MEDIA

### **Reality programming meets LRW: the moot case approach to teaching in the first year**

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38 *Gonz L Rev*, 2002/2003, pp 57–88

A course in legal analysis, writing and research is the most important course law students will take during their first year and possibly in their entire law school career. Until these foundations are properly laid, anything built upon it will be unstable. The challenge for the legal writing professor is to find a way to capture and retain the attention of first-year students, while imparting the skills they will need upon entering the profession.

The traditional skills that serve as the focus of most first-year legal writing courses can be taught in an engaging way by tying all or most of the assignments into a single 'moot case' problem, which the students then work on all year as if they were lawyers. It also provides context in which real legal writing is done in a law office and addresses the need of students to see the real-world application of what they are learning.

Research suggests that active learning is almost always a more effective way to learn than passive learning. The two principal methods of teaching in most law school classes, Socratic dialogue and