THE LEARNING CURVE

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INSIDE THIS ISSUE:

Letter from the Editor

I believe all of us in ASP understand the value and importance of the community we inhabit. I have often expressed my appreciation for being a part of this group of hardworking, compassionate people that make the difficult work of ASP a little bit easier. The ideas are helpful, and camaraderie essential.

One of the biggest rewards of being a part of the ASP community is sharing in the passion and ingenuity of this community: we rise to every challenge in our endeavor to ensure our students do the same. No one could predict in January 2020 what was coming or what it would mean for us, our students, our communities, and the world. And still, we rose. We changed modalities and pedagogies overnight. We made ourselves available more than we already had with everything we had left. We coached and counseled students through a new system of legal education that they did not sign up for.

Any movie plot that included all the ingredients of the last year—a pandemic, loss, uncertainty, a fraught election, an insurrection—would have been dismissed as being too fanciful, and yet it was our reality. Not only did we have to traverse the year ourselves—fearing for our own families, partners, and children; making the adjustment to remote work while homeschooling children or living in isolation; and dealing with all the other adjustments and worries of the year—we had to help our students do the same. Yet, despite the additional weight and burdens, we rose.

That we rise is a hallmark of what we do, and in turn we teach our students every day how to rise, regardless of the academic or personal challenges they face. I would like to take this moment to acknowledge and applaud all of you, my peers, for your ability to rise and to continue to be an inspiration to your students, to me, and to each other.

We could not have made it through this year without each other: the camaraderie in sharing our exhaustion, our fear, our successes, and our excitement; the collaborations in writings, presentations, creating new materials and pedagogies; and the community that we continue to foster. These are essential components of what we do, and they allow us to rise together.

The Editorial Board did not choose a theme for this issue, but a theme emerged, perhaps because it is the theme so ingrained in who we are and what we do: the articles in this edition of *The Learning Curve* push our work forward by providing concrete ideas for student learning and understanding, supporting students, and creating compassionate learning opportunities. These articles also help us continue to develop individually and as a community so that we can continue to rise together.

I hope you enjoy this edition of *The Learning Curve*, and I look forward to when we can all meet in person again.

Sarira A. Sadeghi
Executive Editor
The Learning Curve

Wednesday Morning Live

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"All the world's a stage, And all the men and women merely players…" Shakespeare, William, *As You Like it*, Act II, Scene VII, Line 139 (1599).

Teaching and learning remotely are difficult even in the best of times. When we do not share a physical space or get to see how we all move in that space, it is hard to say we know each other. It is hard to read confusion or agreement without more cues, especially if you have to scroll up or down or side to side to see everyone's face. In this pandemic, I have been teaching all my classes remotely and it is both entirely less and entirely more intimate than teaching in person. I cannot really get a sense of my students when they are mere two-inch squares on a screen, and yet, I can see their relatives, living spaces, and, if I am very lucky, their pets. They, in turn, cannot sense my height (or weight, fortunately), but they know my kitchen and that my mail gets delivered during our class because of the barking. While the strange circumstance does build its own camaraderie, it is not always conducive to building community.

One of the classes I am teaching in remote format is a required class for students who, as I put it, "find themselves on Academic Warning," (intentional use of the somewhat passive voice). Energy can be very low during this class even during a normal semester. While I honestly do not miss the first class that is often a room full of students with tightly crossed arms who have given up another class to be there, I do long for the in-person enthusiasm that might be generated on any given class day. Normally, I would employ a host of in-class group activities that require movement, collaboration, and sometimes even competitiveness to spur this enthusiasm. The prizes are simple: candy and the choice to dictate what I will bake for them for the last class of the semester. By the end of the semester, we are a somewhat dysfunctional, but loving, family. We bicker, remind people of silly things that have happened in class (kindly!), and have some brownies (they always choose brownies).

But I can't do all that online. I can break students into breakout rooms to work in teams using a lot of the same exercises, and I do, but nothing really beats the whole class together in a room competing for a bunch of Tootsie pops. This class does not work well without buy-in from students and a shared sense of purpose in being there. Did I mention it meets in the morning? Sigh.

Recently, though, I tried something different. I have three children who have all done some kind of theater. Two of them have attended "Comedy Camp" at a local Improv theater. Theater helped all of my children become more confident, and their theater groups were always a safe space. One child went from never speaking in class to participating every day. Theater, in short, is magical. So, I thought that maybe knocking down the walls that divide our Zoom cells might bring us closer to being the family I imagined.

I started with some research. I googled "theater games you can play on Zoom." Then I googled "theater games you can play on Zoom for adults." And finally, "theater games for adults on Zoom with more than 3 people." I have fourteen students in this class. Then the spotlight shined upon a video from the New York Improv Theater that explained and showed an example of a game called "Objection.[1]" I thought it sounded perfect for law students just from the name alone, but watching the video convinced me. Objection is a game where you start with a ridiculous premise and then debate it. One person starts and then anyone can object and take the floor. One person acts as the judge (I played this role). The judge issues the ridiculous topic to the players, and one person begins to speak about it. At some point, another person will yell, "Objection!" There is no ruling on the objection per se, but

the objector then needs to continue making their point until someone else objects. You can set a timer to limit the game and see where your silly premise will take you.

I asked my students to debate the idea that cereal with milk is a soup. One student volunteered to start and off we went. We spent a good seven minutes attempting to either prove or disprove this idea. We did not veer crazily off-topic, but we did discuss many other liquids and foods that are eaten with spoons from bowls. We laughed, learned about each other's food preferences, and built community. However, there was a special bonus: this game was, in fact, educational. At the end of the exercise, I pointed out to my law students that they had actually engaged in rules-based legal analysis and explained how:

First, the speakers tried to come up with a rule defining soup. Then they applied this rule to milk with cereal. The next steps involved applying this new rule to a variety of other substances to test its merit. When speakers pointed out unacceptable inclusions or exclusions, the group modified the rule by amending parts and rejecting provisions which weren't working. Then, they reapplied the newly amended rule to cereal with milk to see if it worked. Finally, we concluded (well, everyone believed that they were right despite the conclusions differing) and, best of all, we had fun, laughed together, and learned new things about each other.

"Priming the energy pump for remote class is time well spent."

Theater worked its magic. When asked, my students agreed that we should do this again, and those students who did not speak up during the game said they would be willing to try it next time. One student who is particularly anxious about speaking in class asked if they could be the judge in round two. This sense of togetherness made the next exercise (working on a practice MEE question in smaller groups) go more smoothly. The energy from this exercise carried over into the rest of the class. When I visited the breakout rooms to see if anyone had ducked out to Starbucks, I found students engaged and collaborative. Everyone had their video on, and there was lively conversation. I concluded that it was well worth the class time. Priming the energy pump for remote class is time well spent. Next time, I won't have to explain the game, so it will be even more efficient. I wouldn't hesitate to play this game in person as well. The one downside is that I doubt this would work with a much larger class, but I do believe it would work with a somewhat smaller one. As an added bonus, after our debate about soup, the class started swapping recipes for all kinds of dishes. By the end semester, we had shared enough that we could have published one of those self-published spiral bound fundraising cookbooks you see at yard sales.

For a few moments, our little Zoom world was full of players, and while Shakespeare was absolutely right about the world being a stage, remember that he also said, "The first thing we do, let's kill all the lawyers." Shakespeare, William, *Henry VI*, Part II, Act IV, Scene II (1598).

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[1] https://newyorkimprovtheater.com/2020/04/14/online-improv-games-how-to-play-objections-online/

The Invisible Line: Balancing Control for Autonomy Support

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Approximately one year ago, I wrote "Choose Your Own Adventure: The Impact of Autonomy in Academic Support," an article published right here in *The Learning Curve*. In that article, I highlighted the well-documented benefits of autonomy in student engagement. I looked to *Learning to Choose, Choosing to Learn: The Key to Student Motivation and Achievement*, to explain that, even in the earliest stages of education, student autonomy can yield improvements in memory, revision and editing, and organization. I relied on studies by Lawrence Krieger and Kenneth Sheldon to demonstrate that autonomy positively impacts law students' motivation and satisfaction. Give the students choices to build their own academic skills, I said, and good results will follow.

This approach focuses on the student and tools made available to bolster academic success. Equally important and less discussed in my article, however, is the flipside of autonomy support—relinquishing control. When I first began in academic support, Western State College of Law hosted an LSAC Conference called *Helping the Helpers: ASP Basics From Orientation to the Bar.* This title frames the way I have always thought of my role—as a helper. However, this year, and the unusual circumstances that accompanied it, caused me to question when helping goes too far. More specifically, I asked, "When does the desire to help cross some invisible line, throwing off the balance between autonomy for the student and control by the academic support professional?"

"When does the desire to help cross some invisible line, throwing off the balance between autonomy for the student and control by the academic support professional?"

My focus on the invisible line came not from my role in academic support, but instead from an elective I taught this summer called *Judging and the Nature of Justice.* I spent many years working in the United States Courts, so leading the course was a natural fit for me. It was something I viewed as distinct from my work in academic support. Among the readings for the semester was a chapter written by District of Columbia Superior Court Judge Russell F. Canan in a book called *Tough Cases: Judges Tell the Stories of Some of the Hardest Decisions They've Ever Made*. The chapter, called "Rough Justice," focused on a criminal jury trial which, naturally, charged the judge with determining the law and the jury with determining the facts.

In the midst of deliberations, the jury sent the judge a question that tipped its hand as to how the verdict would go: the jury was about to find the defendant guilty of a brutal crime that carried a minimum of five years in prison. The first line of the

chapter captures the Judge's reaction well: "What the hell, I thought."[1] It was clear the jury would convict, but the Judge would have found the defendant not guilty on both charges. Judge Canan found himself in a dilemma, the jury was about to get it wrong. As he explained it, "I was faced with presiding over what I considered a grave injustice."[2]

Without any discretion to avoid this outcome, Judge Canan considered whether he might use a plea to achieve some form of "rough justice."[3] The Judge knew that he should not have a role in plea bargaining at any stage of the criminal proceeding, but particularly when the jury was deliberating. Ultimately, he saw no harm in discussing the option of a plea with the parties. In Judge Canan's view, he would not be violating Rule 11 because he "was not participating in the discussions of the plea itself."[4]

Judge Canan called the attorneys to the courtroom. He described the scene as follows:

> "Counsel" I said. "I'm well aware of the court's limited role Rule 11 for plea bargaining, and I cannot participate in any discussions. I think, though, we all know the import of the jury's question and what the verdict will be in this case. The defendant has no record, is raising children, and works. I just can't see where a five-year mandatory sentence would constitute justice. I strongly urge both sides to consider a plea, even at this late stage."[5]

What followed is a description of the defendant pleading guilty to crime that both he and Judge Canan knew he did not commit. The Judge dismissed the jury, telling its members that a plea had been reached and their service was no longer needed. The jury room was vacated, but left behind was a completed verdict form. The jury had indeed reached its conclusion—not guilty on all charges.

Judge Canan was trying to achieve justice through his actions. He explains, "I skirted the line in this case and rejected the jury's prerogative to determine guilt or innocence to avoid what I thought would be a miscarriage of justice. Was justice ultimately done? I think, in the end, it was, but at a cost to my fidelity to the law."[6] Judge Canan closes the chapter by saying, "I don't think I would do it again."[7]

I was not thinking about that chapter when I resumed my academic coaching meetings in the fall with a student I'll call Donna.* Donna was a returning third-year student, who spent her first two years struggling to stay afloat. The fall semester was an important one for Donna. If she didn't maintain a certain grade point average, she faced probation or worse—academic dismissal. Every week in our meetings, Donna would explain that she was having trouble with her Federal Taxation course. Over time, I suggested that she reach out to the professor; I paired her with a student who did well in the course; and I recommended a popular study aid. Yet, still, Donna continued to struggle. About halfway through the semester, I discovered that one of the primary reasons Donna was having trouble was because she had an outdated text that did not match the professor's syllabus or references in class. Of course, it all made sense, who could perform well under those conditions?

I went into problem-solving mode. What had Donna done to secure the new text? She explained the book was sold out—none were available. I checked with the professor and the library. No copies of the text were available. With exams on the horizon, Donna was running out of time to right the ship and catch up on the assignments she had missed. At the very least, she needed to start using the book as intended to make headway before the final.

Without considering any other options or pressing Donna on the lack of availability, I went to Amazon, purchased the book, and had it delivered to her home. I regularly logged on to check the tracking. Had Donna received it yet? Finally, the problem would be solved, and Donna could jump in with both feet. Yes, the book was delivered!

I never heard from Donna. I was not looking for a thank you; instead, I expected some sort of relief that she now had the key to unlock the mystery the course had been all semester. I heard nothing. I sent Donna an email about a week after the book had been delivered. It went something like this:

> *Hi Donna,*
>
> *I hope all is well. I sent you a current copy of your Federal Taxation text. I just wanted to make sure that you received it. If you could please let me know when you have a free moment, it would be great.*
>
> *All the best,*
>
> *Prof. Hara*

My message to an otherwise responsive student was met with radio silence.

I thought back to my prior coaching with sessions with Donna when we had discussed her Federal Taxation course. In hindsight, something she said stood out to me. She said, "I'm taking a gamble in Federal Taxation," and then followed with how she planned to skip the reading for the course. In that moment, it became clear to me—it wasn't that Donna *couldn't* do the reading for the course—she *didn't want to*. Worse yet, my attempt to control the situation led to the student no longer requesting services from me. We had lost all connection.

It was at this point that Judge Canan's chapter came to mind. Like the Judge, I was trying to do the right thing. I wanted to help. The stakes seemed particularly high to me because the student faced potential consequences for her academic standing. Had I, like Judge Canan, crossed an invisible line by trying to control the situation and its likely outcome? Did having the best of intentions matter?

Eventually, Donna contacted me again to discuss a different course. I gave her feedback and helped her to make improvements going forward. We never discussed Federal Taxation again. I have no idea if she used the book, but I am supposing not. Even with that, I am rooting for Donna 100% of the way. Autonomy support means trusting that students will do what is best for them, even if it is against my advice. As academic support professionals, it is our job to advise the students of best practices and help them to identify strengths and weaknesses, as well as strategies and resources for improvement. From there, research suggests that it is best for the students to choose their own academic adventure. By sending Donna the book, perhaps I was looking more for compliance than engagement. I wanted control of the situation so that Donna would do what I thought was best for her. It became clear, however, that doing so disrupted the delicate balance between control and autonomy support. If given the opportunity, I, like Judge Canan, don't think I would do it again.

[1] Russell F. Canan, et al., Tough Cases: Judges Tell The Stories of Some of the Hardest Decisions They've Ever Made 37 (2018).

[2] *Id.* at 47.

[3] *Id.*

[4] *Id.*

[5] *Id.* at 48.

[6] *Id.* at 56.

[7] *Id.*

References and Further Reading:

*Names and details have been changed to protect student identity.

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Open Books, Better Skills: An Argument for Open Book Exams

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When you ask most law school faculty about open book exams, you hear "But the bar exam! The bar exam is closed book! How are they going to memorize for the bar if they don't learn in law school?" This sounds like common sense; if we want our graduates to pass the bar, they should be tested in the same manner as the bar while in law school, and if they start memorizing the law in law school, it will be easier when it comes time to study for the bar. But these arguments, while they sound like common sense, fail to realize the one, overwhelming benefit of law study: the ability to think like a lawyer. While the phrase "thinking like a lawyer" is one that is open to interpretation, there are several components to thinking like a lawyer that are generally accepted: being able to form logical arguments; exercising judgment; attention to detail and nuance[1]; the ability to make distinctions and see ambiguity; and facility with analysis and analogical reasoning. While this is far from a complete list, there is one thing we don't ever see—the ability to memorize lots of decontextualized rules.

The next argument you are likely to hear is some version of, "Well, that may be true, but the bar exam doesn't measure thinking like a lawyer, and that is what I do in my class." Does the bar exam measure the ability to analyze logical arguments? Yes. Does the bar exam ask students to exercise judgment? Yes. Does the bar exam ask students to read with close attention to detail and nuance? Oh, boy, does it ever! Does the bar exam ask students to see distinctions? Definitely. Does the bar exam require facility with analysis? Certainly. The one thing that the bar exam does do is measure the ability to think like a lawyer (although many would argue that the bar exam fails at measuring far more relevant skills, such as the ability to perform as a lawyer.) Legal education teaches people how to think, and the bar exam measures the ability to think. Thinking skills are neither easy to acquire, nor are they easy to master; that is one of the reasons law school is a three-year post-graduate program. The acquisition of new modes of thinking and reasoning requires time; thinking skills are built incrementally. What is most critical to building thinking skills is varied and frequent practice.

There are many things that distinguish legal education and practice from bar study, and one of the most critical is memorization. To succeed on the bar exam, students need to memorize, memorize, memorize. Yet memorization is not an advanced thinking skill that can only be acquired through legal education. Shirley Temple was memorizing lines when she was barely out of diapers; Mary Kate and Ashley Olsen were in diapers when they began memorizing lines for Full House; and Macauley Culkin was still in elementary school when he was memorizing enough dialogue to star in Home Alone. In order to graduate from high school, most people have mastered the ability to memorize. Remembering is the lowest level thinking skill on the revised Bloom's Taxonomy[2]. Higher-order thinking skills are distinguished from lower-order learning outcomes by memorization; lower-order outcomes can be mastered through memorization; high-order thinking skills cannot. In law, the only time the lower-order thinking skill of memorization is the key to success is on the bar exam.

This illuminates the oddity of insisting law students memorize rules for law school exams; we are asking them to spend their time doing something they mastered by high school, is a lower-order learning outcome, and has nothing to do with success as a practicing attorney. Yet, when we give closed-book exams, the first thing students do is memorize the law, because memorizing is easy; it is something they have done most of their life. And because memorizing is easy, yet time-consuming, students will spend the bulk of their study time memorizing. But memorization has nothing to do with understanding or applying the law.

Understanding and applying the law are critical skills that must be mastered in the first year of law school, and understanding and applying the law requires practice. To master first-year legal skills, students need to do things that are hard and uncomfortable; acquiring new thinking skills is taxing. Students need to be synthesizing their case briefs and class notes to create an outline, or course summary. Students need to be taking practice essay exams and comparing their responses with study partners; students need to be seeking feedback from teach-

ing assistants, and when available, professors. Receiving feedback that you need to improve, that you don't understand, that you have to keep working, does not feel good emotionally; for many high-achieving law students, it's the first time they have received negative feedback in their life. For all these reasons, many students will put off practice designed to sharpen thinking skills, instead focusing on the easy, satisfying task of memorizing the law.

The focus on memorization instead of thinking skills results in weaker thinking skills when students reach the bar exam. If law students are focused on memorization instead of honing thinking skills, all law school exams will be weaker. This will not show up in grades; most law school grades are normed, curved, or graded around a suggested mean or average. When the only time thinking skills are practiced and assessed is an end-of-semester final exam, students have not practiced their thinking skills enough to be ready for the bar exam in three years. When end-of-semester final exams are the only time thinking skills are being assessed, students are missing out on feedback. To improve on weaknesses, students need to know where they need to improve. Even when law professors give feedback on final exams, few students will seek out the exams; most law students simply move on to the next semester.

"Honing the ability to think like a lawyer is a three-year process; it is iterative; it requires, more than anything else, focused practice and feedback. When we remove the incentive to focus on memorization, we force students to focus on the uncomfortable, unpleasant process of learning."

Around 2005-2008, the ABA began focusing on learning outcomes in the form of bar exam performance[3], and it led to a perverse outcome: law school graduates began to do worse on the bar exam[4]. Law students weren't any less able, despite bar exam results. Law schools scrambled to adapt to the changes; one method was to adopt closed book exams. Law schools and law professors had a noble motive, one that made sense: closed book exams would force students to memorize the law earlier in their academic careers, and force students to practice their skills in the same way they would be tested on the bar exam. Despite their noble motivations, law schools did not realize that the focus on memorization would diminish the focus on far more difficult thinking skills, thinking skills that cannot be taught over 8-10 weeks of bar study, or even during a semester-long bar prep course. Honing the ability to think like a lawyer is a three-year process; it is iterative; it requires, more than anything else, focused practice and feedback. When we remove the incentive to focus on memorization, we force students to focus on the uncomfortable, unpleasant process of learning. And when students reach the bar exam having mastered thinking like a lawyer, memorization is easy. So if we want to increase our bar pass rates, and increase student learning, we need open book exams.

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[1] Anne Marie Slaughter, *On Thinking Like a Lawyer*, https://scholar.princeton.edu/sites/default/files/slaughter/files/onthinkinglikealawyer.pdf.

[2] Patricia Armstrong, *Bloom's Taxonomy*, https://cft.vanderbilt.edu/guides-sub-pages/blooms-taxonomy/

[3] Don Macaulay, *Thomas Jefferson Placed on Probation*, NATIONAL JURIST, (Nov. 25, 2017) https://www.nationaljurist.com/prelaw/thomas-jefferson-placed-probation (noting that "The ABA placed Whittier Law School on probation in 2005 for poor bar exam performance and it was not taken off probation until 2008. Whittier filed a complaint with the U.S. Department of Education, arguing that the ABA acted without an approved rule. The Secretary of Education eventually found the ABA in violation of federal regulations, and the ABA responded by adopting a new bar passage rule in February 2008, which has strict pass standards.")

[4] Although the ABA archives do not go back to 2005, the bar preparation company AdaptiBar has kept records of the rise and fall of bar pass scores, beginning in 2008, when the ABA passed 301-6; they can be found here: https://www.adaptibar.com/bar-exam-statistics/19.

Civil Procedure 101: How to Eliminate "It's a question for the jury" from Student Case Holdings

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"While many students find civil procedure to be mysterious and difficult, civil procedure is much easier to understand when students look at litigation documents. Students like looking at these documents because it makes procedure come alive."

Introduction

Struggling law students sometimes explain the holding of a case as follows: "What constitutes probable cause for detention can vary and is a question for the jury." This sentence was taken from a student memorandum on false imprisonment that analyzed whether the store had probable cause to detain the customer. There are several problems with this holding. First, it suggests that juries can do whatever they want. Second, the holding does not set forth any legal standards. Third, the holding does not provide the reader with any information about the procedural facts of the case. As we know, the procedural posture of a case often impacts the court's holding.

Students often write ineffective case holdings because they do not understand the cases they are reading. Students need to understand the substantive law as well as the procedural posture of the case to comprehend the case. While students take civil procedure in their first year of law school, they need to practice identifying the procedural progress of cases, and they often do not take criminal procedure until their second or third years. For these reasons, I have included sessions on civil and criminal procedure in my fall and spring academic enhancement classes.

Each class provides students with a brief overview of the sequence of civil or criminal cases so they can better understand cases and formulate useful case explanations. I tie the classes to their legal writing assignments and focus on civil procedure if the writing assignment involves a tort or contract problem, or criminal procedure if the assignment deals with a criminal matter. These classes can also be used in orientation programs or other types of workshops.

In these classes that address civil or criminal procedure, we focus on procedural terms that are found in many appellate cases. After going through the sequence of a civil or criminal case, we examine the procedural posture of cases that present particular challenges to students. For example, in the review of civil procedure, we look at cases where an appellate court reversed a grant of summary judgment or a directed verdict because these types of cases can be confusing to students. This article will first outline how I provide an overview of civil procedure and then address how I explain these more challenging procedural situations in civil cases.

Part I: Civil Procedure Overview

While many students find civil procedure to be mysterious and difficult, civil procedure is much easier to understand when students look at litigation documents.[1] Students like looking at these documents because it makes procedure come alive.

I start by introducing students to the complaint. I show them a short complaint and point out that the complaint first identifies the parties and then contains a short summary of the facts underlying the dispute, the injury suffered by the plaintiff, and the relief requested.[2] I use a simple complaint involving the intentional tort of battery that identifies the parties in three paragraphs, sets forth the battery incident and injuries in one paragraph, and contains a 'wherefore' clause that contains the relief requested. It is useful to emphasize that all cases start with facts and these facts must be outlined in the complaint.

Next, we discuss the procedures that occur after a complaint is filed. As defendants often file a motion to dismiss, we look at a motion to dismiss.[3] I explain that the term "motion" is found in many appellate decisions and that a motion is simply an application to a court for an order. In a motion to dismiss, the party claims that even if the facts in the complaint are true, the case should be dismissed because these facts do not constitute a legal claim. In the battery example, I explain that the defendants would argue that even if the incident occurred as described in the complaint, these facts do not amount to the tort of battery.

I next explain that if the motion to dismiss is granted, the case is usually over. If the motion is denied, the defendants will need to file an answer.[4] I show students a slide with an answer and explain that defendants must respond to each paragraph of the complaint. Defendants will admit some allegations, deny some, and deny that they have knowledge of others. The defendants also include any defenses to the lawsuit. We briefly discuss discovery.

Then we turn to the dispositive motions that often appear in appellate decisions. We first look at a motion for summary judgment. We review Rule 56[5] and note that the motion can be granted if one party is entitled to judgment as a matter of law and there are no facts in dispute. If the motion is granted and the appellate court affirms the trial court's decision, the appellate court is making two statements. First, there are no facts in dispute. Second, one party has a valid legal claim. It is usually not difficult for students to find the court's holding in these situations because courts often set forth the legal basis for the decision. However, if the appellate court reverses a grant of summary judgment, the court usually indicates that there is a factual dispute that makes summary judgment inappropriate. The court may use a phrase such as "reasonable minds could differ" and may not provide a definite view on the ultimate merits of the case. As discussed in the next section, this procedural situation presents challenges for many students because they assume that the phrase "reasonable minds could differ" is the holding.

I then go on to describe the trial phase of a case, and we look at a motion for a directed verdict[6]. I explain that after evidence is presented to the court or the jury, a party may make a motion for judgment as a matter of law or a motion for a directed verdict. In this motion, one party argues that the case should be dismissed because sufficient evidence has not been presented to establish a legal claim. The party is asking the court to "direct" the verdict and not allow the jury to hear the case. If the motion is granted, the case is dismissed, and the jury does not hear the case. This is another situation that can cause confusion. If the appellate court affirms the grant of a directed verdict, the court will normally articulate a legal standard. However, if the appellate court reverses the grant of a directed verdict, the court might state that reasonable minds could differ. Students need to understand that the court is stating that there could be liability depending upon the facts that are found to be credible.

After a jury trial, juries receive instructions regarding the law to use in their deliberations. Some appellate decisions address jury instructions as parties may disagree regarding the law that the jury should apply. I then show students a judgment so they can see that the disposition of the case is found in a separate court document. This chronology of a civil case can be done in one academic success session. This can also be done during an orientation session.

Part II: Understanding Challenging Procedural Situations

The civil procedure overview described in Part I provides most students with basic vocabulary and tools to understand straightforward cases. These are cases that affirm a lower court's decision to grant a dispositive motion such as a motion to dismiss, a motion for summary judgment, or a motion for a directed verdict. These cases are easier to understand because courts usually articulate legal principles in the holdings. For example, we will assume that a customer sued a store for false imprisonment, and the store asserted the shopkeeper's privilege as a defense because the store claimed there was probable cause to detain the customer. We will further assume that the trial court granted the customer's motion for summary judgment and found there was no probable cause. The appellate court affirmed the lower court's decision and explained why no probable cause existed. In this situation, students can usually locate the court's holding.

However, if the appellate court reversed the trial court's decision that granted a dispositive motion, court opinions are more challenging. For example, in our false imprisonment example, the customer is still suing the store for false imprisonment and the store claimed there was probable cause to detain the customer. The trial court granted a customer's motion for summary judgment and found that there was no probable cause. Now, the appellate court reverses and states as follows: "we hold that reasonable minds could differ as to whether the store had probable cause. Accordingly, summary judgment should not have been granted." We know that this statement does not mean that the court has found that the shopkeeper had probable cause. It does mean that there was a factual dispute and one party was not entitled to judgment as a matter of law. The court is saying that under the store's version of the facts, the shopkeeper might have had probable cause. However, students often conclude that the court has simply held that "reasonable minds could differ."

To clarify these situations, I explain that there are two categories of cases. In the first category, courts may state clear rules when courts are affirming the grant of a dispositive motion. However, when appellate courts reverse, it becomes more challenging to find the holding and formulate rules. In this second category of cases, the court is really saying that there might be probable cause, depending upon whom you believe. While it is always useful to summarize the procedural history of a case, in this situation it becomes even more critical. By stating that the appellate court reversed a grant of summary judgment, the legal reader knows this means that facts were in dispute and one party was not entitled to judgment as a matter of law. The reader also knows that the case falls into a grey area where one party might win depending upon issues of credibility and proof. The sophisticated reader knows that the court is usually not saying that there was probable cause.

These are not easy concepts for first year students to master. This year, I decided to devote an additional twenty-minutes in a separate class to address these more difficult procedural situations. After attending the overview of civil procedure and this additional session, students were able to understand these procedural distinctions. As noted earlier, a student initially wrote the following holding:

"What constitutes probable cause for detention can vary and is a question for the jury."

After the class sessions, students started writing case explanations such as the following:

> *"A shopkeeper might have probable cause to detain a customer if the customer matches the description of a shoplifter, hides behind the counter, keeps looking into a bag, darts quickly out of the store, and sets off an alarm. [Insert: citation and summary of facts]. The court held that the motion for summary judgment should not have been granted because "reasonable minds could differ as to whether there was probable cause."*

If you do not have weekly academic success classes, it would be possible to record a short video that sets forth civil or criminal procedure and then flag the more difficult procedural situations for students in a separate session.

One final note. At the end of one class, I had students write jury instructions. This enabled them to better understand that juries do not make decisions based upon whatever they think is best. Juries are provided with instructions that outline the parameters of the law. Once my students tried to write these instructions, they better understood the civil procedure process.

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[1] Samples of a state court complaint, answer, motion to dismiss, motion for summary judgment, and judgment can be found in my book, *Critical Reading for Success in Law School and Beyond* 55-60 (2017). Samples of a federal court complaint, answer, and motion to dismiss can be found in Jane Grisé & Michelle Grisé, *Deep Dive: Federal Courts and Civil Rights* 28-59, 175-76, 172 (2020).

[2] Fed. R. Civ. P. 8. Because I use a state court complaint rather than a federal complaint, the complaint does not have a separate paragraph setting forth jurisdiction.

[3] Fed. R. Civ. P. 12(b)(6).

[4] Fed. R. Civ. P. 8(b).

[5] Fed. R. Civ. P. 56.

[6] Fed. R. Civ. P. 50. While many state court decisions still refer to motions for a directed verdict, the Federal Rules of Civil Procedure use the term judgment as a matter of law. In a bench trial, it is appropriate to file a motion for a judgment pursuant to Federal Rule 52 (c). State procedures vary.

Leading with Compassion
Reflections on Post-COVID-19 Legal Education

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The COVID-19 crisis sent education spiraling into the unknown. The United States' legal education system has been battling a unique situation throughout the pandemic because law-school courses have largely relied on in-person, Socratic or modified-Socratic teaching methodologies since 1870.[1] For legal institutions that implemented online learning prior to COVID-19, course offerings were generally limited to non-required courses.[2] Left with little experience to rely on, and the immediate need to provide online courses overnight, institutions handled the COVID-19 crisis differently across the country. Options ranged from closing the school while taking time to transition online, to making an instantaneous shift to a completely online format—none of them a perfect solution.

"Since the onus is on each student to seek help through their individual academic journey, the onus is equally on professors to ensure students are comfortable pursuing those channels."

With the entire world plunged into the indefinite depths of quarantine, law students and professors alike faced new and additional challenges including mental health stressors, being home with little or no quiet, being in unsafe homes, isolation, having limited personal or physical space, income loss, caretaking for ill family members or children, anxiety and worry disrupting focus and productivity, among others. In many cases, everyone struggled (and continues to struggle) to adjust at all, much less to seamlessly keep up their previous levels of productivity. Students worried that this new format left them learning little of the substance of their classes, which added more stress to their already maxed out anxiety levels. This left professors with a choice: take the path of compassion and provide students with some relief amidst the chaos, or remain steadfast in the antiquated, no-nonsense law teaching methodologies.

This is where many law professors will be at an impasse. Law school is not supposed to be easy, and law professors are not supposed to be lenient. Professors should be preparing students for the cold, unforgiving profession of law. However, a law professor's job is to prepare future lawyers to venture into the legal profession and do good by their title. So, in this writing, we challenge U.S. legal education's status quo in this post-COVID-19 era, and suggest professors strike a balance between providing a rigorous legal education and showing compassion in the classroom.

Balancing Law-School Rigor & Compassion

Some law professors have a knee-jerk reaction to the term "compassion," assuming this means that all students should get A's, all students

should pass a class, or that the class is "easy." However, this is not what compassion necessarily means. Compassion is recognition coupled with a desire to alleviate the strain.[3] Law professors act as guides to help law students find their own way on their legal journey. Unlike undergraduate education, legal education requires students to learn the process of thinking in a particular way, i.e., like a lawyer.[4] This is not something that a law professor can do for the students. The students must be dedicated, involved, and engaged in learning this new thought process. Accordingly, the student alone is responsible for seeking help. Professors are not mind readers and cannot foresee when students are struggling, but when students do demonstrate a need, professors are in the best position to alleviate the student's distress.

A simple way to integrate compassion into the classroom without disrupting the integrity of law-school rigor is for professors to be approachable. This, in turn, ensures that students know that they are able to reach out to the professor for guidance and assistance. Since the onus is on each student to seek help through their individual academic journey, the onus is equally on professors to ensure students are comfortable pursuing those channels. Often, approachability is a mixture of clear expectations, respect, and civility—treat them like the adults that they are. Regardless of whether a law school is an institution with primarily traditional students (i.e., students entering in their early twenties straight out of an undergraduate institution), non-traditional students (e.g., students pursuing a second career, working full time), or a mix of both, there are benefits to respecting the autonomy of law students. This means that law professors should set expectations high, *communicate those expectations to their students*, and allow the students to make their own decisions (triggering their own consequences). For the younger students who have not yet had much professional experience, this sets them up to understand that the legal profession will expect a lot from them and that they need to learn to use their resources and critical problem-solving skills. For the students who are more professionally experienced, this shows respect and avoids patronizing them, all the while, providing a safe classroom environment for students to develop these skills before their foray into the profession where consequences can be more dire.

By allowing students to take responsibility for the details of their education, professors can focus on the substance of the law, rather than policing students' behavior. Some law professors spend significant energy on whether students were one minute late submitting an online assignment or have strict point-reduction policies for assignment details. Flexibility in the classroom is a key component of compassion, and law school is the prime locale for this teaching method. Since there are typically fewer out-of-class assignments than during undergraduate education, law professors have the opportunity to help students truly learn, rather than to follow a pre-scripted list of checkboxes. Furthermore, sometimes the best way for someone to learn the consequences of their actions is to allow them to choose whether to bring on those consequences.

So, our notion of compassionate professors actually may have the opposite result of passing all students or giving all A's. Compassionate professors set high expectations for their students, give flexibility where possible within the bounds of the course, and enforce appropriate consequences, but passing students who should not pass or giving higher grades than students have earned, is dissolute. Setting students up for professional success includes giving them a safe space to learn to be a professional—sometimes this means giving leniency when they are dealing with particularly unfortunate circumstances, and sometimes this means learning the hard way that not doing work means not reaping benefits that would have been reaped as a result of that hard work.

Compassion Case-Study Examples

To this point, this discussion may feel theoretical and abstract. We have spoken with several law professors to determine how, exactly, they understand being compassionate in the law school environment and also how

they show compassion to their students to see if their practices align with our own ideas about compassion in the law classroom.

Professor Marla Mitchell-Cichon, a clinical professor, has taken the approach of incorporating specific exercises into her classes that demonstrate compassion and self-care for her students. She recommends that her students download the MindBody App and search local fitness and wellness resources for online classes. She also recommends the Insight Timer App so students may access 35,000 free meditations and talks. Finally, Professor Mitchell-Cichon requires her students to share one of their favorite songs with their colleagues. For the assignment, students post links to their songs on a Canvas page with the artist's name, explain why it is their favorite song, and list their favorite line of the song. After the first week, students must answer questions related to their case goals, challenges, and what they are learning about themselves and their future lawyering. She added a fourth question, "What music are you listening to this week?" Just like the first-week assignment, this exercise has created meaningful talking points, building a sense of community in the online environment. These exercises demonstrate to the class that Professor Mitchell-Cichon not only cares about the students' law-school education but also about them as individuals. This in turn shows how professors can create a safe space for legal training.

Professor Linda Kisabeth, a doctrinal professor, has been cognizant of the fact that students now must face outside distractions depending on their study environment. Some of her students are balancing their course load while taking care of their children and sick family members. One student has attended online classes in their vehicle so they could have quiet space away from home distractions. Professor Kisabeth starts her online classes by telling her students that it is a tough situation, and she consistently reminds them that she and the school offers support. In addition to addressing the class as a whole, Professor Kisabeth has specifically watched certain students who are struggling on assessments and in-class work. She has made a point to reach out individually and see whether she can offer additional support. She has further demonstrated compassion in the classroom by adjusting how she administers mandatory assessments. She mandates four multiple-choice assessments throughout the term, but instead of making her students take them on a specific day and at a specific time, she has given a larger window of two to three weeks. Further, these assessments are awarded points based on good-faith effort, rather than on correct answers. She has also incorporated flexibility on her midterm by allowing students a window of three days to choose when to take the test.

Professor Kim O'Leary, a doctrinal and clinical professor, had a student in a two-term clinical program that required successful completion of both terms. If the second term was not completed students received two F's on their transcript. One student did a terrific job in her first term, but near the end of that term, she learned she was pregnant. Because of complications, the student had to drop classes, including the second term of the clinic. Against the opinion of others in her office, who wanted Professor O'Leary to enforce the long-standing policy, she gave the student credit for the one term and released her from the obligation of a second term. Later, the student, now an alumna, contacted Professor O'Leary to say she was a successful attorney and that if she were held to the policy, she would have quit law school. Professor O'Leary notes that law schools can fashion course policies and impose requirements and consequences, but professors must adapt and show compassion when the circumstances warrant it.

Moving Forward Post-COVID

Many professors have chosen to embrace compassion in their post-COVID-19 classes. After all, students had no control over these circumstances, and professors are suffering many of the same issues, too. But what about life after the pandemic? This experience is an opportunity for professors to learn an important lesson, not

just about connecting with students as people, but also that *excessive* requirements may be unnecessarily burdensome for students and may not add any value to their education. Compassionate law professors should not be a temporary fixture—life events come up outside of the pandemic that exacerbate the already stressful law school experience. Some professors will remain skeptical in a post-COVID-19 environment, but showing compassion improves future attorneys in two specific ways. First, upon becoming attorneys, these students will be better prepared to show compassion to their clients and to other legal actors (opposing counsel, court personnel, etc.) because they have been taught, by example, what is expected of lawyers by the profession. Further, they will be accustomed to being in charge of their own journey. They will have learned that they need to work hard and be resourceful to have the best chance at success.[5]

Law professors have the power to shape the new generation of lawyers. We must lead by example, be intentional in our guidance, and demonstrate compassion so current law students, too, can improve the profession by paying forward the compassion shown to them.

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1 *See* Jamie R. Abrams, *Reframing the Socratic Method*, 64 J. Legal Educ. 562, 565 (2015) (stating that "[t]he case-based Socratic method became the dominant method of delivering legal education in 1870, first introduced by Christopher Langdell of Harvard University").

2 *The 2020 Guide to Online JD Programs* (last visited Jul. 24, 2020), https://teach.com/online-ed/law-degrees/online-jd/ (discussing to-date that the ABA has only granted a small number of institutions variances for hybrid J.D. programs to expand online courses); *see also Applications for Variances* (last visited Jan. 27, 2021), https://www.americanbar.org/groups/legal_education/public-notice/applications-for-variances/

3 *Compassion*, Merriam-Webster, https://www.merriam-webster.com/dictionary/compassion (last visited Jan. 26, 2021).

4 *See* Kurt M. Saunders & Linda Levine, *Learning to Think Like a Lawyer*, 29 U.S.F.L. Rev. 121, 125 (1994) (stating that "[t]hinking like a lawyer means, to a large extent, thinking rhetorically within a problem-solving context").

5 This is not meant to ignore the many outside forces at play in the profession that still prevent individuals from rising to the highest ranks. The legal profession still battles discrimination, bias, and stigma in many areas including race, gender, familial status, religion, and sexual orientation, to name a few.

Tweaking a Tutoring Program: Reflections on a Year-long Process of Reinvention

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Running or even witnessing a tutoring program was not something I previously encountered in legal education. Imagining how one would work effectively, navigating the faculty buy in required, and harnessing the power of motivated students with a desire to help were just a few of my initial considerations as I sought to enhance an already established tutoring program. This article will explore the evolution of our tutoring program over a year, drawing upon the lessons learned both prior to and during the pandemic.

When I arrived at Penn State Dickinson Law in the Summer of 2019 I had just a few weeks to quickly prepare for the fall semester. One of the resources the Academic & Student Services Office provided was a tutoring program. Students who received A or A- grades in the courses seeking tutors had applied months prior in the spring semester, and decisions needed to be made quickly.

"[W]orking collaboratively with faculty, when possible, is better than trying to navigate a parallel and unaffiliated initiative."

While I've overseen academic success and bar preparation operations at other law schools and been in touch with the community more broadly for years, I never encountered an opportunity to run a tutoring program nor contemplated how to do so effectively. The task terrified me as I'm intimately familiar with the historical political and territorial issues academic success professionals have with faculty who teach doctrinal courses. Adding the further complicating element of managing students who are hired to support learning in those classes seemed like a recipe for disaster and a rough initiation for me at my new institution.

After pondering these initial worries, I went to work. First, I emailed the AASE listserv for guidance on running a successful tutoring program. Next, I reached out to the doctrinal faculty members of the courses for which I was to hire tutors. I'm happy to share that the academic success community did not disappoint with their many ideas, articles, and offers to chat. Admittedly though, I received more responses that shared my worries over insights on how to run the program successfully. Thankfully, the constructive responses were enough to navigate my way forward. Much to my surprise, the faculty response was quite supportive of the program, and they appreciated that I wanted to include them in the selection of tutors for their courses. The outreach was a good reminder that working collaboratively with faculty, when possible, is better than trying to navigate a parallel and unaffiliated initiative.

After working with faculty to select tutors for their courses, I next contemplated appropriate training. Thankfully, my predecessor left behind a wonderful core

training focused on self-directed learning.1 The training consisted of a review of the tools needed to perform in law school and the role tutors should play in promoting the development of academic success skills. This hour long, foundational training allowed the tutors to recall the instruction they received on the topics in the past, but also refreshed their understanding of why they do the things they do in law school. I enhanced the training to add focus on concrete strategies and actual circumstances with students seeking tutoring support. As an example, I asked the tutors to never just provide an answer, but instead try to help the students find it themselves. That message also went out to our student population to ensure that these expectations go both ways. In addition, I made three meetings with the faculty member teaching the course a requirement for the tutors. The first meeting could even be through attending the first class of the course to understand the syllabus, course goals, and grading structure. The remainder of the meetings were to ensure the tutors were keeping track of the progression of the material and aware of upcoming assessments. Access to the course textbook was also on the list of requirements, and my office helped arrange for that, if needed.

As the Fall 2019 semester continued, I increasingly saw the benefits of the tweaks in the program. Some faculty who had not engaged with their course tutors in the past began to contemplate and share ways to better work with them in the future. Student organizations took note and sought tutors out for 1L focused academic success programming around midterms and final exams. It was especially satisfying to see diverse tutors being drawn upon to work with our affinity organizations in a more academic way. In short, the value of the tutoring program rose, and use increased significantly from years prior.

By Spring 2020, the names and contact information of tutors had made their way to some course syllabi. Many faculty integrated them into the structure of their courses, enhancing their roles beyond tutors and into quasi teaching assistants. Faculty with tutors in fall had shared the opportunities and challenges of their services. The spring semester faculty seemed eager to be involved not just in their selection process, but also to try new, complementary ways to effectively utilize them. The new semester seemed to bring enthusiasm that could propel the tutoring program's momentum of reinvention.

In March 2020 the global pandemic changed the culture of our communities and limited access to peer interaction, creating new challenges for the tutoring program. No longer did students naturally benefit from the mixed-value wisdom of upper-level students. Casual, unscheduled conversations between new and continuing students in a hallway, a quick interjection of insight to a group of spinning 1Ls, and all the other ways knowledge gets passed down between peers no longer existed. Seeking out such insight required intentionality, scheduling, and the ability to know what you don't know. Instead of demonstrating the continued benefit of the tutoring program, the spring semester finished with reminders of wellness resources, programming creativity around community building, and lots and lots of individual counseling in the mental health and academic success areas. In the end, the pandemic required me to think about the next iteration of the tutoring program as face-to-face interaction seemed off the table for a while.

Summer 2020 gave me a unique, unexpected opportunity to test out new ways of providing tutorial support during challenging pandemic times. As the law school inched toward the conclusion of the semester, I needed to address a different challenge. Penn State Dickinson Law had been selected to serve as the host institution for the CLEO Pre-Law Summer Institute (PLSI), a two-week virtual and four-week residential program aimed at supporting diverse future law students.[2] This 52-year-old program had never been executed remotely and yet the pandemic left us without the option to welcome participants to Carlisle, Pennsylvania. Not holding the program in 2020 was also not an option, so we cautiously proceeded with reimagining PLSI as fully remote.

Serving as the director of CLEO's PLSI was a turning point in reinventing the tutoring program for the hybrid delivery of legal education in the 2020-2021 school year. As part of the program, teaching assistants are hired and trained to support the 40 participants' learning. The training involved some of the basics introduced to the tutors but went on to distinguish the duties of a more involved teaching assistant. The teaching assistants received instruction on evaluating student course work, providing academic success guidance, cultural competency, and more. While they are prepared to serve the substantive needs of the courses being offered in PLSI, their primary function is the support and development of good studying and learning skills for future use in law school. In addition to working with PLSI participants one on one by appointment, we coordinated an hourly weekday service called the collaborative learning time. The "drop in as needed" hour allowed participants to ask questions about course materials, discuss study strategies, share anxiety and nerves, and talk with upper-level students about the law school experience. Over the four-week academic portion of the program it became obvious that this hour was also being used to create community. Some participants would join the Zoom room in small groups, some alone intending to listen to the questions of others, and some hoping to find connections to other participants in the remote program. The collaborative learning time was not just useful academically, but also helped with a sense of connection.

"By the end of the semester, students routinely dropped by for [tutors'] guidance and actively sought them out for individual support."

As the CLEO PLSI program ended and I reflected on all that I learned from directing it, I began to think of ways the more successful efforts of that program might help our law school community in the fall. While doing so, a colleague who teaches a 1L course sent out a *New York Times* article that advocated for an Oxford-type lecture and tutoring session model in the hybrid delivery of education.[3] The article inspired me to transition the collaborative learning time concept into a support resource for our new, first-year students. So, this fall I hired four tutors for each of the three doctrinal first-year classes. I then coordinated a schedule in which each of them agreed to cover a one-hour period from Monday to Thursday over the semester. These collaborative learning times have a tutor for each doctrinal course available on a drop-in basis to support first-year learning. The concept took a couple of weeks to pick up interest, which makes sense with the arc of the semester, but around mid-September became a regularly used resource. By the end of the semester, students routinely dropped by for their guidance and actively sought them out for individual support. The tutors also shared that it was a wonderful way for the upper-level students to get to know the first-year students given the constraints on facilities access. The tutoring program has already increase in use this spring semester, and we're hearing from students who seek to improve that they intend to use this service more often.

By writing this article, I encourage readers to think about ways our offices might grow in our impact through a tutoring program. The last year has shown me that with the support of federal work study funds, I'm able to run a high-quality, low-cost service that successfully complements the academic goals of our fac-

ulty. The program also evolved to connect upper-level students to first-year students at a time when peer to peer access was limited. While supporting the academic success of our students was the primary goal, in this remote learning environment, the tutoring program also filled a community and connection need too. I'm grateful that this program's path of reinvention resulted in a multifaceted resource that will help students in the pandemic and beyond.

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1 John Dunlosky, *Strengthening the Student Toolbox*, American Educator (Fall 2013), at https://www.aft.org/sites/default/files/periodicals/dunlosky.pdf.

2 Council on Legal Education Opportunity, Inc., Pre-Law Summer Institute (2020), https://cleoinc.org/programs/plsi/.

3 Lisa Feldman Barrett, *College Courses Online Are Disappointing. Here's How to Fix Them.*, N.Y. Times, July 8, 2020, at https://www.nytimes.com/2020/07/08/opinion/college-reopening-online-classes.html.

The Editors

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Call for Submissions

The Learning Curve is published twice yearly, once in the Summer/Fall and once in the Winter/Spring. We currently are considering articles for the Summer/Fall 2021 issue, and we want to hear from you! We encourage both new and seasoned ASP professionals to submit their work.

We are publishing a general issue so we are considering all ideas related to academic support. If you have a classroom activity you would like to share, individual counseling techniques, advice for the academic support professional, and any other ideas, we want to hear from you!

Please ensure that your articles are applicable to our wide readership. Principles that apply broadly—i.e., to all teaching or support program environments—are especially welcome. While we always want to be supportive of your work, we discourage articles that focus solely on advertising for an individual school's program.

Please send your article submission to LearningCurveASP@gmail.com by no later than **Tuesday, June 1, 2021**. (Please do not send inquiries to the Gmail account, as it is not regularly monitored.) Attach your submission to your message as a Word file. Please do not send a hard-copy manuscript or paste a manuscript into the body of an email message.

Articles should be 500-2,000 words in length, with light references, if appropriate. Please include any references in a references list at the end of your manuscript, not in footnotes. (See articles in this issue for examples.)

We look forward to reading your work and learning from you!

-The Editors

About The Learning Curve

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