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Letter from the Editors

As the start of a new academic year is upon us again, I write at my law school office just a day before fall student orientation will begin. Nearby, the sound of colleagues arriving back from the summer is not hard to miss. By no means would I consider myself a law teaching veteran, but after six years of back-to-school fall seasons (2016 will make seven!), the physicality of fall semesters—the return to the classroom podium, the reappearance of students who had been missed all summer, the appearance of new names and faces to learn, the sudden amplified pace of it all—always lead me to see the potentials of a new year. Whether it was my days in academic success under Paula Manning, in bar support for Michael Hunter Schwartz at Washburn Law, or now in doctrinal teaching at UMass, I always look forward to fall.

This past summer I had the pleasure to attend two law teaching conferences—first, the annual Association of Academic Support Educators Conference at CUNY and then the Institute for Law Teaching & Learning

Conference (ILTL) at Washburn. What was different about these conferences this year was that both really seemed to offer something for everyone in law teaching—from first-timers in ASP to those who have, otherwise, “seen it all.” With a cue from both conferences, this edition of *TLC*, unlike previous ones, is deliberately a non-themed issue. Instead, we hope that this “General Issue” will have something for everyone—new and seasoned ASP and bar support folks, law teachers, friends, and the like.

We hear from a prior *TLC* editor, **Courtney Lee (McGeorge)** on her advice to newcomers to ASP while **Deborah Borman (Northwestern)** is already looking out for us with holistic advice on dealing with stressors on the job. For those tuned into the recent ABA mandates on learning outcomes and assessments, **Christina Chong (USF)** offers some strategies for formative assessments. **Christine Francis (Whittier)** and **Sara Berman (Nova Southeastern)** provide bar directors their take on involving alums to

guide bar takers. **Katherine Norton (Duquesne)** and **Kirsha Weyandt Trychta (West Virginia University)** weigh in on academically underperforming students and experiential learning experiences. **Cassie Christopher (Texas Tech)** illustrates for us correlations between bar performance and 1L law school performance at Texas Tech. **Meredith Stange (Northern Illinois)** gives us a way to address a humorous but all-too-real example of student unprofessional behavior. **Lisa Blasser (Western State)** has a very solid instructional piece on teaching the crucial analysis portion of IRAC.

Lastly, two new *TLC* editors are joining us: **DeShun Harris** from **TAMU**, and **Christina Chong** from **USF**. DeShun will serve as the new Assistant Editor while Christina will be our Technology Editor, a newly -created position that will focus on the intersection between technology, and law teaching and learning. Welcome back to school!

Jeremiah A. Ho,
On behalf of the Editors

If implemented correctly, these techniques will make the dream of decent-quality final exams a reality without overly burdening the professor.



3 Formative Assessment Tools That Encourage Self-Regulated Learning and Meet ABA Standards 302, 304, and 314

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The American Bar Association encourages professors to develop innovative teaching techniques to improve the skills of today's law students. Standard 302 requires learning outcomes; Standard 304 requires simulation and experiential learning; and Standard 314 requires formative assessment methods that provide meaningful feedback to students. This article covers three formative assessment tools that meet the above ABA standards, without unreasonably increasing the professor's workload.

Most professors do not enjoy reading poorly-written exams over the holidays or summer, especially when publication deadlines are approaching. Although there is always a handful of shining-star finals among the pile of papers, many exams are difficult to read. The rewrite, self-assessment rubric, and

peer feedback are tools that professors can implement during the semester to improve the quality of their finals and make grading less painful.

#1: Provide a Model Answer and Require a Rewrite Before Giving Feedback

Several professors avoid giving individual written feedback on practice essays because students submit disorganized and confusing answers that are time consuming to review. Professors that do give feedback are quickly frustrated after a few assignments because unmotivated students skim over the professor's comments and repeat the same mistakes. Eventually, the professor abandons his or her efforts because the minimal returns are not worth the hours of grading. The professor blindly puts faith in the student's ability to deconstruct a model answer and correct their mistakes without any formal guidance. As a result, students who need formative assessment struggle to improve their skills and submit shabby finals that

do not reflect their true ability.

A solution to the problem of substandard answers is to provide a model answer and require students to rewrite their responses *before* providing comments. The rewrite forces students to become self-regulated learners who can assess their skills by critically comparing their response with the model answer. The rewrite is beneficial because many students simulate practice exams without ever reviewing their responses or reading the model answer. It is true that practice makes perfect, but imperfect practice creates permanent problems. If students continue to practice without understanding the skills necessary to create quality work, then the practice will only reinforce bad habits. The rewrite teaches students how to adjust their issue-spotting, analysis, organization, and substantive law understanding; increases the quality of their future answers; and makes the subsequent review process faster for the professor.

3 Formative Assessment Tools (Cont'd)

#2: Require Students to Complete a Self-Assessment Rubric Before Giving Feedback

Similar to rewrites, self-assessments force students to actively evaluate their skills rather than passively relying on a third-party's opinion. An effective self-assessment rubric separates sections of the answer into different skills and topics so students can identify what they missed, such as the issue, rule, relevant facts, inferences, counter arguments, and conclusion. The rubric should also include a point or grading system to quantify the student's performance, such as 10 points, needs improvement, good, excellent, no, yes, sort of, or "I have no idea."

The self-assessment rubric is more appropriate than the rewrite when students lack the ability to independently deconstruct model answers. Many law students, particularly first-years and individuals on academic probation, do not understand why an answer is considered a model. To reach their full potential, these students need more guidance on the grading criteria commonly used by professors. The self-assessment rubric is a fair compromise because it gives additional structure to the students without exhausting the professor. Although the professor must spend time creating a self-assessment rubric, the professor can quickly give feedback by completing the same rubric and requiring students to compare their assessment to the professor assessment.

#3: Force Students to Become the Grader Through Peer Feedback

The rewrite and self-assessment rubric teach students how to internally reflect on the quality of their work. However, students tend to be more lenient when grading themselves. When students read a confusing sentence, they unconsciously fill in the missing connections because they were the original writer. To ensure students truly learn how to improve their writing, professors should implement a peer feedback exercise that forces students to step in the shoes of the grader.

Most students feel peer feedback is useless because it is the blind leading the blind. But, this is a false belief. Peer feedback helps students determine whether they can differentiate between a well-written answer and a response that misuses IRAC or possesses conclusory analysis. If a student cannot identify good versus bad work product, then it is unlikely he or she can replicate a comprehensible exam and the student should seek additional help.

Peer grading is popular among professors because the work is minimal. Professors must supply students with a model answer or rubric as a reference, but professors rarely need to provide additional feedback because students switch papers and give the written comments. If professors use this tool, it is crucial to explain how peer feedback not only helps their classmates, but also helps students assess their own ability to identify and create a well-reasoned and orga-

nized answer. Professors should also consider evaluating the quality of the student feedback to ensure the students are not too lenient or too harsh on their peers.

Successful Implementation of the Rewrite, Self-Assessment Rubric, and Peer Feedback

These techniques require four things to be successful. First, professors must create the model answer and self-assessment rubric. Professors cannot use student work because students make mistakes. These assignments are more effective when students compare their response to a model answer or rubric that is actually perfect. Professors should also clearly state the rubric and model answer are teaching tools and not completed under timed conditions. This will reduce the students' anxiety about unreachable expectations. To bridge the gap between perfect and realistic, professors should release sample student answers that were done in a timed setting as an extra resource.

Second, the assignment must be connected to the student's grade as required homework, in-class activity, or participation points. Optional assignments result in negligible effort because students are impatient and do not understand the benefits of rewriting, self-assessment, or peer feedback.

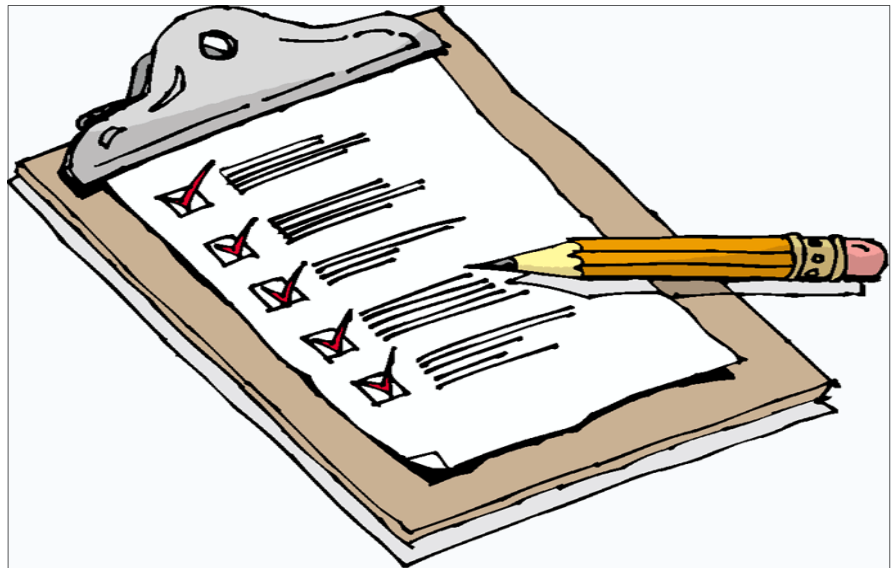
Third, professors must thoroughly review the answer in class before students complete the assignment. Students learn differently and many need to discuss and ask questions

3 Formative Assessment Tools (Cont'd)

about the skills, substantive content, and professor's expectations. Common exercises include talking through or using powerpoint to review the answer or simulating the rewrite, self-assessment, and peer feedback process in class.

Finally, each assignment must focus on a specific learning outcome. A vague goal is less effective because students rewrite, self-assess, and give peer feedback without any focus. Professors should draft the hypotheticals to feature a maximum of two skills. For example, an issue-spotting assignment includes subtle facts to test reading comprehension and the ability to connect facts and law whereas an analysis assignment includes gray facts that require inferences, reasonable assumptions, and counter arguments. If the professor wants to focus on policy, then the fact pattern should indicate there are different legal standards that might apply.

When selecting what skills to feature, professors should begin with basic skills, such as organization and IRAC, then move to more difficult skills, such as analysis or issue-spotting. Most professors incorrectly start with complex skills before setting the foundation, such as using policy and case analogies to support arguments, which confuses students. All skills are important, but most students cannot use policy as an argument if they do not understand IRAC or how to explain their reasoning using facts and inferences.



Conclusion

These formative assessment techniques are efficient tools for busy professors and meet Standards 302, 304, and 314. The process of re-writing, self-assessing, and giving feedback to classmates helps students discover areas for improvement and simulates real-world situations. In the workplace, supervisors rarely provide detailed comments on every assignment. Supervisors usually give an example to associates and expect them to figure out how to replicate the work. These techniques promote experiential learning by mirroring the experience of a first-year associate who must provide quality work with minimal handholding and revise their answer until it is acceptable.

The tools also include meaningful feedback, which is defined as signaling to students the quality of their work product. Meaningful

feedback does not always require detailed line-comments from a professor. A successful rewrite or self-assessment assignment allows a professor to quickly read the responses and provide brief comments in the margins; a check, check +, or check -; or global comments at the end because the students should have correct most of the mistakes. Peer grading does not include comments from the professor, but peers can provide meaningful feedback with the guidance of the professor model answer or rubric.

If implemented correctly, these techniques will make the dream of decent-quality final exams a reality without overly burdening the professor. The techniques save the professor time, teach students how to assess and improve their own work, and increase the law school's compliance with ABA Standards. The three tools are a win-win for everyone.

Finding Your Voice: Professional Development Tips for New ASPers

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It's not always easy to determine where we belong in the legal academy as ASPers. When entering a new profession, often it helps to look at others in the same field to identify a template, but ASP is different. Some of us are fully tenured professors; some are contract faculty; some have adjunct professor titles; some are considered purely administrators with no instructor titles; and others are a hybrid of multiple positions. So if you are new to this field, how can you find your professional voice and increase your visibility if you don't even know where you fit?

A first step is to consider your audience. ASPers fill different roles for different people, such as professors and counselors for students, data gatherers and advisers for administrators, and consultants and pedagogical gurus for professors. One way to discover and enhance the effectiveness of your voice for all of these various audiences is through professional development.

Professional development is both internal – building your own knowledge base and expertise – and external – sharing that wisdom with others. To expand your

own proficiency, start by trying to read as much as possible. There is a multitude of resources created by and for ASPers, including books, law review articles, shorter collections (such as *The Learning Curve*), blogs, and websites.¹ If you do not already have an account on SSRN (the Social Science Research Network), create one for free and just browse.² (Whenever I encounter an SSRN article written by an ASPer, I make sure I'm signed in and I download it, even if I don't plan to read it right away. Not only does it help me in my own professional development to create a library of ASPish articles, but it also increases the author's download count, which can positively impact respect both for the author and for the field in general. I think of each download as a virtual fist-bump for my ASP family.)

In addition to reading, you can nurture your internal professional development by attending some of the terrific ASP conferences offered throughout the year, from major national gatherings like AASE and AALS to regional groups like those in the Northeast, Southwest, and West Coast. Make sure you are signed up to receive messages from the Academic Support listserv so you can get timely details about these gatherings, plus lots of other terrific information.³ Learn from your colleagues' presentations at these meetings, but also volunteer

to become a member of committees to learn more, share ideas, and grow your network of professional connections. An added bonus: such connections in ASP tend to evolve quickly into friendships.

To cultivate your external professional development, of course you should share what you learn from reading and attending conferences with your students and coworkers, but you also might consider presenting at one of those conferences yourself. You may feel intimidated, especially if you are new to the profession, but just about everyone has something worthwhile to share. What makes you excited about your job? Did you try a new program or teaching technique that worked well for your students? Your ASP colleagues would like to learn about it. In fact, other faculty probably would like to learn about it too, so do not feel limited to ASP-focused conferences or be afraid to submit your presentation proposal to other groups that might benefit from your experiences – and do not forget the faculty at your own institution. Such presentations lend themselves well to lunch-and-learn sessions, especially when they apply directly to your school. Sharing your knowledge with your institutional colleagues can do wonders to boost their respect for what you do, not to mention your own confidence.

Finding Your Voice (Cont'd)

Another way to amplify your voice is through scholarship. Don't panic; this does not have to mean a sixty-page law review article with 300 footnotes. You can produce scholarship through blog posts and social media, or through shorter informational pieces in publications such as *The Learning Curve* or others.⁴ If you have a little more to say, but still not enough to fill a full law review piece, you might consider publishing in an online law journal. Several schools publish such electronic journals as companions to their traditional law reviews, and they typically accept, and prefer, shorter submissions on timely topics.⁵

If you find that you have a lot more to say, publishing a traditional law review article is a great way to boost your professional development, and doing so can lead to other opportunities, such as invitations to present for other schools' faculties and at conferences, further publications, and collaborations with other interested colleagues. Regardless of whether you write a lengthier piece or a brief newsletter article, use your new SSRN account to post it and share your voice online. The process is fairly intuitive, but your law librarians should be able to help if you run into any difficulties.

Often an initial stumbling block to producing scholarship of any

length is just choosing a topic. If you find yourself in that predicament, ask yourself questions like those mentioned earlier about what excites you. If there is something you are passionate about, tell others about it. What about something that upsets you? If you think something needs to change, propose it. Alternatively, is there something you wish you understood better? If you learn about it, share it, because chances are others are confused by it, too.

Another obstacle that looms especially large in the world of ASP is time, or rather the lack thereof. Few things are more depressing than watching doctrinal colleagues gleefully submitting their final spring grades so they can rush home to pack for a ten-week trip to Asia or the Greek Isles, while your big summer plans include grading bar essays and maybe hitting up Chipotle later. Most ASPers are twelve-month employees with few, if any, breaks to spend pondering scholarship or anything else, so when on earth can we expect to write anything?

First of all, be gentle with yourself and recognize that slow progress still is progress. In fact, writing in small bursts each day is widely regarded as more effective, and produces better work product, than "binge writing."⁶ Determine what time of day contains the fewest distractions for

Professional development is both internal – building your own knowledge base and expertise – and external – sharing that wisdom with others.

you, and set an ongoing, nonnegotiable date with yourself to write during that time, even if it's only for twenty minutes. For some, that time is later in the evening after the kids are in bed. For others, like me, it's very early in the morning; it's not easy to set the alarm an hour or two earlier, but I find that I am massively productive when I sit down at my desk and it's still dark outside, and no one is emailing, calling, or knocking on my door.

Writing at an "off" time like this not only helps guarantee focus and productivity, but it allows us to tend to our professional development without neglecting our other obligations. Few ASPers' contracts contain a compulsion to publish, and some of us may even experience admonitions from our administrations *not* to write, because doing so suggests that we are not giving our all to our other duties. Unfortunately this does not change the fact that scholarship appears to be "the coin of the realm" in legal academia, and publishing

Finding Your Voice (Cont'd)

looks great not only for us personally, but for our institutions as well. Pursuing scholarship in situations like ours takes tremendous commitment, but if it is a goal for you, regularly spending small portions of your personal time at your computer is the best way to reach it.

Accountability helps as well, so if you know someone else who is trying to write – even if it's in a completely different field – ask that person if she'd like to be your “writing buddy.” Just as I am more likely to lace up my sneakers at 6:00 a.m. if I know someone is waiting to walk with me, I am more likely to write if I know someone is waiting for my email update. If you can't find a writing buddy, at least keep a log for yourself briefly noting what you did that day and how you feel about it (e.g., how many words you wrote, or what you researched – which is an essential part of scholarship and counts as productivity). I do this with a simple sticky note on my laptop, and it is very motivating to look back and see how far I've come, especially on a slow day when it's a struggle just to get anything on the page.

A word about research: I find it incredibly helpful to set a timeline once I settle on a topic. Like I advise my students, I start with the date I'd like to be completely finished and work backwards. Part of that process is setting an

end date for my research phase, or at least a date when I will stop researching exclusively and start writing. If I don't set that limit, I think I could research indefinitely, tumbling down rabbit hole after rabbit hole and never actually writing anything of my own.⁷

Finally, if you are still unsure about where to start, follow your own ASPish advice to your students and seek out support. Personally, I found tremendous sources of encouragement and assistance from my Associate Dean for Faculty Scholarship, and from our law school Dean himself. Tenured colleagues also can be very helpful – it doesn't hurt that they usually love discussing scholarship! – and your ASP colleagues are likely to understand both your topic and your unique productivity challenges unlike anyone else.

Academic support is a truly fantastic profession. The entire foundation is based on helping others, whether that means students, colleagues within the same institution, or those across the country and around the world. While finding your voice in this field can be challenging at first, using it once you find it will help advance your career, and in the process it will raise the tide and lift all of our boats.

¹ See *Professionalism & Scholarship*, L. SCH. ACAD. SUCCESS PROJECT, lawschoolasp.org/professionals/asp_scholarship.php (last visited May 30, 2016); *Resources*, ASS'N ACAD. SUPPORT EDUCATORS, www.associationofacademicsupportededucators.org/resources (last visited May 30, 2016).

² *New Members*, SOC. SCI. RES. NETWORK, <https://hq.ssrn.com/login/pubSignInJoin.cfm?> (last visited May 31, 2016).

³ See *Resources*, *supra* note 1 (noting instructions for joining the listserv).

⁴ See, e.g., *Publications*, INST. L. TEACHING & LEARNING, lawteaching.org/publications/ (last visited May 31, 2016); *Newsletters*, SEC. BALANCE IN LEGAL EDUC., balanceinlegaleducation.org/newsletters (last visited May 31, 2016); *CLEA Newsletters*, CLINICAL LEGAL EDUC. ASS'N, www.cleaweb.org/newsletters (last visited May 31, 2016); *Law School Academic Support Blog*, L. SCH. ACAD. SUPPORT BLOG, lawprofessors.typepad.com/academic_support/ (last visited May 31, 2016) (the blog entertains guest posts from time to time).

⁵ See Cynthia Condit, *Law Review Online Companions: A Scholarly Publication Opportunity for Faculty and Law Students*, JAMESON L. LIBR. BLOG (June 28, 2013), <https://jamesonlawlibrary.wordpress.com/2013/06/28/law-review-online-companions-a-scholarly-publication-opportunity-for-faculty-law-students/>; Colin Miller, *Submission Guide for Online Law Review Supplements, Version 7.0* (July 22, 2013), http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1410093.

⁶ See Ryan Cordell, *Writing in 20 Minutes Every. Single. Day.*, CHRON. HIGHER EDUC. (Feb. 10, 2014), <http://chronicle.com/blogs/profhacker/writing-20-minutes-every-single-day/55459>.

⁷ Commercial resources also exist to foster accountability and productivity in scholarly writing. See, e.g., *Kiss Your Writing Worries Goodbye*, ACAD. WRITING CLUB, academicwritingclub.com (last visited May 30, 2016); *About the Faculty Success Program*, NAT'L CENTER FAC. DEV. & DIVERSITY, www.facultydiversity.org/?FSPProgramDescription (last visited May 30, 2016).

Do Law Schools Still Really Have the Option to Preclude Academically Underperforming Students from Participating in Experiential Learning Experiences?

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Academic support programs and experiential learning programs currently intersect in at least one specific way: those who are academically underperforming are generally barred from participating in experiential learning opportunities. In light of the American Bar Association's ("ABA") recent curriculum changes mandating experiential learning, a question arises: Do law schools still really have the option to preclude academically underperforming students from participating in experiential learning experiences?

Prior to law schools becoming the primary educators of future lawyers, attorneys were self-taught by either reviewing books on their own or apprenticing under an established attorney. There was no possibility of becoming a lawyer if the "student" did not engage in a form of experiential learning. In fact, the first law school grew out of a specialized law office that employed several apprentices at one time. Yet by 1860 few states required any form of apprenticeship as part of legal education. This trend would continue in legal education for more than 150 years.

It was not until this year (2016) that the ABA modified the rules for legal education to require all law students to complete six cred-

its of experiential learning in order to graduate from law school. Specifically, ABA Standard 303(a)(3) provides: "A law school shall offer a curriculum that requires each student to satisfactorily complete at least ... one or more experiential course(s) totaling at least six credit hours." (An experiential course must be a simulation course, a law clinic or a field placement.) With the ABA recognizing the significance of learning by experience, both the academic support community and experiential learning community have reason to work collaboratively to develop some "best practices" to support the academically struggling student's participation in externships and clinics. Unfortunately there currently appears to be little consensus on how to handle situations involving the academically underperforming student and experiential learning. A recent survey—conducted by the authors—of forty-eight (48) law schools reflected that roughly half of the law schools surveyed did not permit students on academic probation to participate in experiential learning, and another 13 schools only allowed students on academic probation to participate in experiential learning after securing special faculty permission. Thus, a majority of the law schools surveyed currently have academic policies that are in apparent conflict with the ABA's new requirement.

Experiential learning can be (and has been) utilized as a tool to assist the academically underperforming student.

Aside from the ABA mandate, there are pedagogical reasons to encourage an academically underperforming student to participate in carefully selected experiential learning opportunities. The goals of academic support clearly overlap with the learning objectives for experiential learning, especially externships. All law students should leave law school with a comprehensive set of core skills. These skills include, in part, problem solving, legal analysis, legal and factual research, and written and oral communication. While these core skills are taught in most doctrinal courses, they are also part of any good externship (or clinical experience). In externships, students develop a capacity "to think as a lawyer" utilizing critical and creative thinking and problem solving skills. In addition, students gain a deeper understanding of how doctrinal knowledge and lawyering skills intersect in legal practice.

Learning the core skills through the alternate method of experience allows students who may not thrive in a traditional legal learning environment to still develop the necessary lawyering skills that will make them effective as students now and as lawyers later. The similarities between the learning objectives for academic support and experiential learning (as well as the research regarding success with differing learning styles) fully support the utilization of externships and clinics to support academically struggling students. Yet this connection is often an overlooked consideration in fostering experiential learning in the academically struggling.

Do Law Schools Still Really Have the Option? (Cont'd)

Experiential learning can be (and has been) utilized as a tool to assist the academically underperforming student. Specifically, experiential learning provides a student with “learning for transfer.” It encourages students to take the lessons learned in their doctrinal class and apply them to the practical work in their experiential course, giving the student a deeper understanding of these lessons. For example, a student academically struggling (just recently off of academic probation with a C average) spent a semester with a local state trial court judge. This student also struggled with research and writing. During the student’s time with this judge, the judge carefully assisted the student with understanding the role of research within the context of active cases, as opposed to the cold (sometimes archaic) caselaw often reviewed in first year coursework. The live and interactive features of an externship—like the observation of the trial, motions and evidentiary issues—provided the student with a perspective the allowed for a deeper comprehension of the legal research and writing process. At the end of the field placement, the Judge evaluated the student’s performance in the externship as “exceptional.” More remarkably, however, was that the student returned to law school the following semester and was able to apply these skills in a new fashion, leading to improvement in the student’s academic performance overall, raising the academic performance of the student to that of a B.

Admittedly, certain types of experiential learning experiences are likely better suited for underperforming students. In the scenario above, the externship placement worked well because the Judge was willing to put forth the effort to train the law student. The externship director and aca-

demically struggling student collaborated to identify the ideal placement for that particular student. Another less individualized option would be to create a simulation course, which should alleviate the concerns that may be associated with allowing struggling students to work on real cases, such as offering inaccurate advice to a real client or embarrassing the school in the courtroom. Finally, the academic support professional should work with the externship director to ensure that the experiential learning experience does not divert too many study hours away from the student’s traditional coursework.

Externships may also benefit academically struggling students when they enter the post-graduation employment market. In the current employment market, even the strongest students are finding it difficult to obtain full-time legal employment. Nonetheless, some law schools further penalize (perhaps, unintentionally) the struggling student for their lackluster grades by prohibiting participation in an externship. Refusing to allow students in need of academic support to participate in experiential learning hinders the student’s ability to obtain employment by automatically eliminating a typically desirable attribute (namely, participation in an externship) from their resume. An externship may give these students “the edge” they need to not only gain employment after law school, but it may also assist these students in understanding legal concepts during law school.

Despite the potential for measurable educational benefits, law schools remain reluctant to permit academically struggling students to engage in experiential learning. Perhaps these two law school academic communities should join forces to formulate the “best practices” for utilizing experiential

learning as a tool for the academically struggling. With proper planning, a carefully selected experiential learning opportunity could help a struggling student to find success in law school and ultimately in a career post-graduation.

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Groundhog Day 1L Edition: Coloring Mandalas to Relieve Secondary Stress

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The 1L “Trauma”

Our work teaching and working directly with students in their first year of law school, particularly those of us who teach writing and analysis and work with students in academic support, often brings us joy. But the work of “helpers,” as we become when we see students through the multiple stresses of the first year of law school, can be emotionally toxic. Like Bill Murray trapped in a time-warped Groundhog Day, year after year we experience the identical stress: students adjusting to law school demands, coping with competition, worries about grades, emotional upheaval. Most of these stressors rear up in the final weeks of the fall semester. We hear and we listen and we assist to the point where we find ourselves numb, and we forge ahead to continue to help the students. Ironically, the same tendencies we have toward helping our students make us especially vulnerable to overlooking our own needs. We have a self-care blind spot as teacher-helpers.

How many of you have taken student calls at night and on weekends? How many of you have stayed late at the office (and missed your workout or yoga class) to assuage student fears? We need to recognize our blind spots and open our eyes in order to cure Compassion Fatigue, the ultimate cost of caring.



Compassion Fatigue and Burnout are both associated with poor social support by colleagues. To that end: we need not only to listen to ourselves but also to help and support each other!

What is Compassion Fatigue?

Compassion Fatigue, also called “secondary traumatic stress” is well known in the helping professions, and particularly to social workers, nurses, and emergency responders. Compassion Fatigue hits workers at the “front lines” of human distress, and occurs when we experience stress indirectly as a result of either a specific event or a series of events that happens to another person, such as a family member, friend, client, or, in our case, law students. Sometimes

one stressful situation can have a long-lasting effect in our psyches.

But Isn’t that Burnout?

Compassion Fatigue is distinct from Burnout. Burnout is defined as the exhausting of physical or emotional strength or motivation, usually as a result of prolonged stress or frustration. Burnout results after stress builds to a breaking point and arises out of all types of work-related sources.

Typical signs of Burnout are:

- Insomnia
- Irritability
- Avoidance
- Hyper vigilance
- Exhaustion
- Diminished sense of enjoyment
- Frustration
- Depression

Burnout usually takes longer to take hold of us and is a function of many things in our

world of academia: in addition to Compassion Fatigue, Burnout can result from the routine of grading papers, the actual work environment, toxic colleagues, and the daily grind. To determine whether you might be suffering from Burnout as opposed to Compassion Fatigue, psychology professor Charles Figley frames the inquiry as follows:

“The most important question to ask yourself is this: ‘Do I love my work?’ If the answer is ‘no,’ it is most likely you are suffering from Burnout. If the answer is ‘YES!’ you are more likely suffering from Compassion Fatigue.”¹

Groundhog Day 1L Edition: Coloring Mandalas to Relieve Secondary Stress (Cont'd)

What Are the Signs of Compassion Fatigue?

Unlike Burnout, Compassion Fatigue is accompanied by a rapid onset of symptoms and is likely to be more pervasive. Compassion Fatigue is manifested both psychologically and physically and can impact personal life, relationships, and work performance. Some of the signs of Compassion Fatigue are as follows (and yes: there is overlap with symptoms of Burnout):

- Insomnia
- Irritability
- Avoidance
- Hyper vigilance
- Exhaustion
- Diminished sense of enjoyment
- Frustration

But rather than a long slog toward an ultimate inability to cope, Compassion Fatigue begins suddenly without any warning – you feel a sense of helplessness, shock, confusion; there is a sense of isolation and the symptoms seem disconnected from real causes.

Compassion Fatigue Arises out of Internal and External Stressors

When we work directly with students in academic support or in writing classes, we feel an on-going sense of responsibility for the care of students who are stressed and suffering and do not recognize or tend to our own needs. We are not “only” law professors, we are whole people (surprise!) and we take with us internally our own beliefs and history. In other words, we have our past and present with us always, even at work, and bring along with us the internal systems that make us who we are:

- Our own schemas and beliefs, or stigma

- Social support systems (both positive and negative)
- Personal history of trauma and illness
- Nature of our families and close relationships
- Economic situation

Externally our ability to remain compassionate is affected by such stressors at work such as:

- Lack of good management
- Isolation
- Lack of control over work/outcomes
- Interaction with students
- Role conflicts
- Perceived or actual unfairness in salary or rewards

But It Could Be Compassion Satisfaction!

The good news is that if we are experiencing Compassion Fatigue as opposed to Burnout, we also experience Compassion Satisfaction. Those of us who experience compassion satisfaction love our jobs and the work we do.

Compassion Fatigue and Burnout are both associated with poor social support by colleagues. To that end: we need not only to listen to ourselves but also to help and support each other!

These principles are crucial:

- Do no self-harm
- Seek out peer support
- Self-care with calming activities

The Compassion Fatigue Cure: Coloring Mandalas

There is a current rage of “adult coloring” for relaxation. The best way for us, active, preoccupied thinkers that we are, is to color in the Mandala (pronounced mon- dah- lah) shape. For lawyers-turned-professors coloring Mandalas is

most helpful, as the shape of the Mandala is specifically designed to reduce the stress of the active mind.

The word Mandala comes from the ancient Sanskrit language and loosely means “circle” or “center.” With ancient roots, the Mandala is used in indigenous practices around the globe. To the Tibetan monks, the Mandala represents the Universe and is used in prayer to obtain spiritual consciousness and a state of enlightenment. In Native American cultures, the Medicine Wheel or Sacred Hoop symbolizes sacred ceremonial space and the circle of life. In both eastern and western cultures, the Mandala has come to symbolize harmony, unity, wholeness, and healing.

The circular pattern reflects life and the environment. We see the circle shape in all aspects of life (look around you right now!). Outside, we see planets, repeated patterns in the concentric centers of flowers, in the symmetry of round fruits. Inside, we see bowls and sauté pans . . .

Analytical Psychologist Carl Jung had clients color Mandalas as method of focus and to allow the subconscious to let go:

“It is easy to see how the severe pattern imposed by a circular image of this kind compensates the disorder of the psychic state.”²

Within the circular shape of the Mandala, coloring the repeated and intricate designs provide the power to promote relaxation, balance the body’s energies, enhance your creativity, and support emotional healing.

What happens when we color Mandalas? Well, when we color:

1. We improve concentration and focus, which is diminished when we suffer from Compassion Fatigue;

Groundhog Day 1L Edition: Coloring Mandalas to Relieve Secondary Stress (Cont'd)

2. We unleash inner creativity, which will allow us to approach fatigue more creatively and help us access better solutions to problems with our active minds;

3. The brain treats coloring as meditation, which is a hard thing for some of us who have difficulty calming our minds;

4. We chill out;

5. We activate motor skills, which get fatigued or frozen as a result of emotional stress;

6. We release negative thoughts, tension, decrease anxiety and stress.

Let the Mandala Coloring Begin

When I present this talk, participants color Mandalas in pairs or groups and become to feel refreshed and relieved of their burdens. While coloring alone has a certain therapeutic affect, I recommend finding a circle of colleagues or a sympathetic colleague and planning a time to color together. Compassion Fatigue and Burnout are associated with poor social support. When you convene, listen to each other talk about the things that are bothering you. The activity of coloring will help you and your colleagues to focus on listening to each other. Listening, providing a supportive environment in which you feel heard, and still keeping your mind active will operate both to help you and your colleague-coloring partner release tension and decrease stress. Together in a supportive moment you will unleash your creativity to problem-solve and improve your well-being.

¹ Charles R. Figley, *The Art and Science of Caring for Others without Forgetting Self-Care* (2007).

² Carl Jung, ARCHETYPES OF THE COLLECTIVE UNCONSCIOUS 388 (1968).

[Included photograph of my own colored Mandala]



Resources:

- CARL JUNG, ARCHETYPES AND THE COLLECTIVE UNCONSCIOUS (1968).
- Richard E. Boyatzis, Melvin L. Smith, & Nancy Blaize, *Developing Sustainable Leaders through Coaching and Compassion*, 5 ACAD. MGMT. LEARNING & EDUC., no. 1, 2006, at 8–24.
- Charles R. Figley, *The Art and Science of Caring for Others without Forgetting Self-Care* (2007).
- WENDY BAUER PIERSALL: COLORING FLOWER MANDALAS: 30 HAND-DRAWN DESIGNS FOR MINDFUL RELAXATION (2015).

Leveraging ASP Resources: Using Alumni to Support Bar Takers

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During this time of falling bar pass rates and tighter budgets in ASP and Bar Prep departments, we have found a treasure trove of assistance in our law school's alumni. In this piece, we share a small bit of the enormous help and inspiration our alumni have provided to our current students.

Our students (like students everywhere) were shaken after recent bar results. When we returned for classes in January, after July 2015 bar statistics were published, student fear was palpable; it felt like a third person was in the classroom – someone we had to “thank and excuse” in order for students to focus on their work.

At that same time, alumni who had passed the exam began calling our office in droves. In an outpouring of gratitude, dozens of them said, “You helped us pass our bar exam. How can we help the next class? How can we give back?”

We heard that spirit of togetherness and the idea hit: invite one alumnus each week to speak in class during the spring semester to help empower students and allow these triumphant accounts help dissipate current student fears.

We launched our Alumni Speaker

Series this past Spring 2016 in our mandatory 3L pre-bar prep course. The alumni who spoke, each with a unique account and each in his or her own way, described significant challenges; they gave concrete advice on how they overcame their struggles and successfully prepared for and passed the bar exam. A snapshot of one of our students, an average student in terms of class rank and a mother of a young son, spoke as follows:

She began by asking the students if they would rather hear about her “obstacles” or how she prepared for and passed the bar exam. They chose the former, and for more than 30 minutes she had them captivated. “I left my last law school final and took a selfie in the parking lot to commemorate the occasion. Before heading home, I got a message that my husband had suffered a massive heart attack.” So she began telling her tale in her thick as chunky peanut butter accent, confessing that she had learned English as an adult only a few years prior to starting law school.

She unfolded layer after layer of challenges, from caring for her sick husband and young child while studying for the bar exam with no

help and no local family (causing her to delay taking her first bar exam for six months), to her mother visiting from abroad and staying for two months (right when she was ramping up her studies), to being in non-stop chronic pain herself.

To relieve the pain in her arm, she described literally “sitting on [her] arm” to numb it during the three days she handwrote the bar exam (with her non-numb hand of course). After all that she added, “Oh, yes, and I forgot, my family is all in war-torn Syria. I Skyped with my brother just before the bar exam and waited while he ducked for cover when a bomb fell just two inches from him.”

This student faced unimaginable hardships and still passed the bar on her first try. She shared her pain and struggles with humility and humor, but she made no excuses. She took eight months instead of the typical two, taking the first February bar after her May graduation (rather than the July exam) because she knew she needed more time. And she used every minute of that extra time successfully!

One of our speakers, the class valedictorian from the class of 2015,

Leveraging ASP Resources (Cont'd)

recounted in detail the hours she spent reviewing video lectures and compiling information into helpful study resources. She relived her determination as she told our class how she downloaded all available essays and performance tests from the state bar's website, scouring them to review the ways each subject and subtopic was tested. She created color-coded "cheat sheets" to help her commit each rule to memory. When she flashed what her memorization sheets looked like on the projector screen, students audibly gasped – many of them had never seen so much detail, prepared in an organized manner that was also accessible and understandable. She was the class valedictorian and still stressed that she had to "kick it up a notch" (and more!) in order to successfully prepare for the bar exam. Students were taken aback, but they walked away with a clear message: if this top student had to study harder than she ever had to before, then they too would have to prepare for much more work during bar review than they had anticipated.

Another alumna, a student who passed the second time he sat for the exam, provided a cautionary tale. He recounted how he "checked all the boxes" and made sure he was "doing all the work" required of his commercial bar review company. But, he confessed that he often studied while listening to music or watching TV and that he wasn't totally focused. He listened to his

friends and family who were *positive* he would pass on his first attempt because he was smart. When he did not pass, he shared with the students that he had to reassess his study habits. He changed his tactics and strategies the second time around and engaged in many more

Current students were inspired by these and many other alumni who visited and recounted their tales of heartache, struggle, and eventual success. Many students quietly confided, "If they could make it through all that, so can we!"

active learning exercises – walking around the house reciting rules and sample answers, removing distractions, and committing more time and energy than he ever had to his studies. Students were so interested in his account of how he passed only when he had engaged fully with his bar review material that they asked many follow-up questions about different kinds of active-learning exercises they could use.

Students attended these alumni presentations live in class or watched recordings of them. They also engaged with the alumni presentations by completing self-reflection exercises that we drafted to help students fully absorb and internalize the encouragement and advice the alumni shared.

We challenged the students to use this self-reflection process, beginning early in the spring semester, to review their conceptions and misconceptions about what it takes to actually pass the bar exam. We encouraged them to reassess their study habits and to start making changes now, during the semester, while they still have time to move their studies into high gear.

Current students were inspired by these and many other alumni who visited and recounted their tales of heartache, struggle, and eventual success. Many students quietly confided, "If they could make it through all that, so can we!" A number of others said they showed the alumni videos to their significant others and family members to help the people they love understand how big a commitment the bar exam really is. Students took in all of this advice as tips from a credible friend. Some of the alumni said the same things professors repeatedly tell the students, but the students seemed ready to hear the alumni, accept the wisdom, and make it their own.

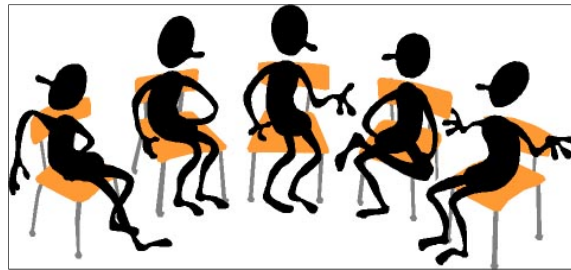
Leveraging ASP Resources (Cont'd)

Some of these reactions were precisely what we hoped for when the idea for the “Alumni Speaker Series” first came to us. The positive byproduct we had not expected was the amount of warmth and support from alumni themselves. They took off time from work to speak to our classes, and each one of them left asking what more they could do. They all left their contact information, and many students approached the alumni on their own to get further advice.

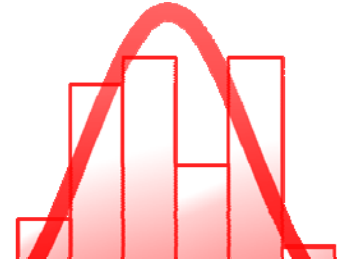
Few people have a greater interest in seeing current students pass the bar than alumni. The diplomas that alumni hang on their walls become more prestigious with each additional person who passes the exam. Alumni are also eager to give back, but many, especially recent graduates who have not yet made a lot of money, cannot donate large sums. They can give a little bit of time, though, particularly with a discrete task such as coming to class and speaking for fifteen minutes at a specific date and time. Many alumni enjoyed reflecting back on their bar exam experiences. They were incredibly introspective and thoughtful. Some told us they spent a fair amount of time preparing to come speak to the current students. They were honored and pleased to share their stories and wisdom, and the students received their advice in a non-judgmental, non-threatening way.

We will continue to use alumni as mentors. Our alumni have also banded together to offer bar scholarships to current bar takers. We will surely make the Alumni Speaker Series, our unexpected home run, an institution going forward.

Keeping alumni in our fold has been a win-win-win: a win for current students, for the institution, for ASP faculty, and for the alumni themselves. Please email us and share how you are using your law school’s alumni. We would love to write a follow-up piece on the many effective ways that ASP and Bar faculty nationwide are taking advantage of this flood of willing “teachers” and inspirers.



Profile of a Struggling 1L



Catherine (Cassie) Christopher

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Texas Tech University School of Law has recently completed a statistical analysis of student performance in law school and on the bar exam.¹ Alumni performance on the Texas bar exam was compared to performance in law school, to better understand what red flags existed before graduation. The following profile emerged:

Low LSAT score. LSAC does not claim the LSAT predicts bar exam performance, but the correlation is undeniable.² While there is no LSAT score that will guarantee failure on the bar exam (or success, for that matter), our research at Texas Tech indicates a drop-off in bar exam success for students with LSAT scores below 150.

Low 1L GPA. While final GPA is the best indicator of bar exam success,³ that information is not available until it's too late for meaningful academic support intervention. Our analysis shows that GPA after the first year of law school, while not as tightly correlated to bar exam success as final GPA, is a meaningful indicator. At Texas Tech, students

who finish 1L year with a GPA below 2.50 (on a first-year curve of 2.70) are at greater risk for ultimately failing the bar exam.

Civil Procedure. Our study revealed that a student's performance in the first-year Federal Civil Procedure course accounted for an astonishing 25.3% of the student's performance on the entire Texas bar exam, making Civ Pro a tremendously important indicator of a struggling student.

Legal Research and Writing. Our study also revealed that a student's performance in both semesters of the year-long Legal Practice course accounted for 17.8% of student performance on the overall bar exam.

From this information, the law school is now able to build a specific profile of a student in need of academic intervention and support: students with LSAT scores below 150, 1L GPAs below 2.50, with low grades in Federal Civil Procedure and both semesters of Legal Practice. We presume that the more markers a student has, the more important it is that the student receives additional opportunities to practice analytical and synthesis skills, along with meaningful feedback.⁴

¹ Katherine A. Austin, Catherine Martin Christophe & Darby Dickerson, *Predicting Bar Exam Performance: LSAT, LGPA, Course Performance, and Student Engagement* (forthcoming 2016).

² E.g., LINDA F. WIGHTMAN, LSAC NATIONAL LONGITUDINAL BAR PASSAGE STUDY, LSAC Research Report Series (1998); Deborah J. Merritt, LSAT Scores and Eventual Bar Passage Rates, *The Faculty Lounge* blog (Dec. 15, 2015), available at <http://www.thefacultylounge.org/2015/12/lsat-scores-and-eventual-bar-passage-rates.html>.

³ E.g., Derek Alfran, et al., *Yes We Can, Pass the Bar: University of the District of Columbia*, David A. Clarke School of Law Bar Passage Initiatives and Bar Pass Rates—From the Titanic to the Queen Mary!, 14 U. D.C. L. REV. 9, 39 (2011); Nicholas Georgakopoulos, *Bar Passage: GPA and LSAT, Not Bar Reviews* at 7 (Robert H. McKinney Sch. of Law Legal Studies Research Paper No. 2013-30, 2013); D.K. Rush and H. Matsuo, *Does Law School Curriculum Affect Bar Examination Passage? An Empirical Analysis of Factors Related to Bar Examination Passage During the Years 2001 Through 2006 at a Midwestern Law School*, J. LEGAL EDUC. (2007).

⁴ See Paula J. Manning, *Understanding the Impact of Inadequate Feedback: A Means to Reduce Law Student Psychological Distress, Increase Motivation, and Improve Learning Outcomes*, 43 CUMBERLAND L. REV. 325 (2012).

Analysis Uncovered:

3 Components of a Good Analysis Sentence

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Wouldn't it be great if your students could articulate exactly why their analysis was weak? With a little help from you, they can. If you identify and define the three components necessary for a good analysis sentence,¹ your students can start to isolate the components missing in their current analysis sentences and they will begin to include all three components in future analysis sentences.

The three components of a good analysis sentence are: (1) fact(s); (2) impact of the fact(s) on the rule; and (3) explanation why the fact(s) impact the rule. An example of an analysis sentence containing all three components follows (see table below):

First Component: Fact(s)

Students must identify which fact or set of facts impact the rule or element. Sometimes only one fact impacts the rule/element. Other times, several facts impact the rule/element in the same manner for the same reason and each fact must be included in the same analysis sentence. If the facts impact the rule in the opposite manner or for different reasons, then the student should draft separate analysis sentences explaining how and why each fact impacts the rule differently.

Second Component: Impact of Fact(s) on the Rule

A fact impacts the rule by either proving or disproving the rule. Oftentimes, students get stuck in analysis because they don't know what they are trying to prove or disprove with the fact – they only know the conclusion (i.e. that the actor

COMPONENTS	EXAMPLE
FACT(S)	When Monica quickly moved the chair out from underneath Tim as he began to sit.
IMPACT OF FACT(S) ON THE RULE	She knew with substantial certainty that Tim would contact the ground.
EXPLANATION WHY THE FACT(S) IMPACT THE RULE	Because when someone squats with the expectation of a chair being underneath them and it is quickly removed, it is substantially certain that gravity will cause the person to fall to the ground.

Analysis Uncovered (Cont'd)

did or did not possess the intent to commit a battery). This component forces students to stop and consider exactly what they have to prove to satisfy or negate a rule.

In an element or statute based course, students typically have two options in determining what they must prove to satisfy or negate a rule: (a) a self-defining rule (i.e. the act element of battery is proved by facts that show an act); or (b) a rule with sub-rules (i.e. the intent element of battery is proved by facts that satisfy the sub-rule for intent). For instance, the intent element of battery is a sub-rule of battery that has its own definition. Assume the sub-rule states that for an actor to possess the requisite intent, she must act with substantial certainty that the result is likely to occur. If a student identifies facts that satisfy the intent element, a student drafting this component of analysis would not write: "Monica possesses the intent necessary for battery." The aforesaid is weak analysis because it does not show how the fact impacts the rule; it merely concludes on the element. Instead, to show how the fact impacts a sub-rule, the student would need to write: "Monica knew with substantial certainty that Tim would contact the ground."

While both examples state the impact the fact has on the element -- that the intent element was satisfied -- the latter example showcases the students un-

derstanding of what they need to prove to satisfy or negate the sub-rule for intent and ultimately sets the student up to provide a more robust analysis sentence. Forcing students to slow down and realize what they are trying to prove in this component also makes for a stronger explanation in the next component because they understand why the fact(s) are relevant to the rule.

Third Component: Explanation Why the Fact Impacts the Rule

Once the student identifies the relevant facts and explains how those facts impact the rule, the student still must explain, in the same analysis sentence, why those facts impact the rule. This component includes everything that comes after the word 'because' on the essay and is the most important component because it connects the fact to the rule, as opposed to merely showing how the fact impacts the rule.

An explanation can be one or more of the following: (1) another fact; (2) a topic policy; (3) an issue/rule/element policy; (4) a theme created from synthesizing similar or different cases within the same topic/issue/rule/element; (5) a reasonable explanation derived from the students' experience; or (6) a reasonable explanation generated by the students own creativity (we all know that professors will award extra points for this one if it offers an explanation the professor did not initially consider when drafting the exam). In the example above,

the gravity argument is a reasonable explanation why the facts impact the rule, which is generated from the students own creativity.

You can introduce students to the three components by having them highlight every analysis sentence in a writing sample or midterm and then asking whether each sentence contains all three components. They will start to identify missing components and you can then re-draft good analysis sentences together (and then assign them to draft new sentences on their own) that include all three components. By highlighting only the analysis sentences, this exercise also doubles as a way for students to identify whether their answer followed IRAC and whether their essay presents an overall solid organization of the material.

Last, the component sequence is interchangeable. Some students like to start their analysis sentence with the impact, then the facts, then the explanation (i.e.: The [rule] is satisfied when [facts] because [explanation]). Others prefer the facts, then the impact, then the explanation (i.e. Here, the [fact that] satisfies the [rule] because [explanation]).

With practice, the students' preferred analysis sentence sequence will emerge and become second nature to them when they write. Best of all, they will start to assess and draft good analysis sentences that include all three components to maximize their scores on exams.

¹ Not all professors will agree to the components necessary for a good analysis sentence but this article presents a comprehensive sequence that the students can modify to fit the preference of their professor.

‘Yo, Prof!’ is Not the Proper Way to Address Me: Using a Status Email Assignment in First-Year Legal Writing to Address Issues with Student Correspondence

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As academic success professionals, we are used to focusing on student issues with legal analysis and understanding complex legal concepts. However, often our students need help with the more mundane. One such mundane issue gave rise to a status email assignment that incorporates basic professional communication skills into the 1L Legal Writing course.

My colleagues and I have often lamented the informal nature of some students' emails, as I'm sure many reading this have as well. However, a few years ago we realized that the problems we were seeing were no longer limited to a rare few students. Instead, this problem was demonstrated throughout the class, regardless of the student's ability as a legal writer or overall academic performance. What was more troubling was the fact that when these emails were read in total, it was evident that the students were, with few exceptions, attempting to be professional when writing in this fashion.

One common example was the "polite order" email, where the student would demand something from the recipient, for ex-

ample, the request to, "please review this document before our meeting this afternoon." Although emails like that are common in practice when a partner emails an associate, in law school students are the associates and professors are the partners. This relationship was not being reflected by the tone of the email correspondence we were receiving. Unfortunately, the students did not realize that by emailing a professor to "review this prior to our meeting" they were treating professors like subordinates and could be alienating the very people from whom they sought assistance.

Another commonly seen example was the email with an improper salutation, often addressed to Ms. or Mr. instead of Professor. As with the "polite order" emails, for the most part, the students whose emails were addressed in this manner often did not realize that, in the context of a law school email, Professor was the proper salutation.

Presumably, students had been taught or had read that professional correspondence includes the salutation of Ms. or Mr. and were modeling that behavior.

Next, some students would send emails that over-shared aspects of their lives. In our Legal Writing classes, we do not require a doctor's note or any detailed information regarding absences. Despite this, some students would very often send emails giving detailed explanations of the various health or personal



Yo! Yo! Yo?

‘Yo, Prof!’ is Not the Proper Way to Address Me (Cont’d)

issues that precipitated their absences from class. The students, in attempting to explain those absences, often gave so much information as to make the reader uncomfortable, something professional correspondence should never do.

Finally, in addition to these issues, we noticed that our students were not always using professional email addresses. Very often we received otherwise perfectly professional and appropriate emails from students with addresses utilizing slang, such as “smuggling hams@provider.com,” or addresses that identified students’ love of comic books or professional sports teams. Students seemed unaware that email addresses that serve to express their individuality could be off-putting to the professional reader. As with the other issues, when reading the emails as a whole, it was evident that our students did not realize unprofessional email addresses could be problematic.

As my colleagues and I discussed these issues, the conversation turned from general commiseration to a discussion about how and when to address these issues. Since NIU Law has integrated its Legal Writing and Academic Success programs, our Legal Writing classes gave us the best opportuni-

ty to address the issue. However, our concern was that having a stand-alone class discussing email etiquette could alienate the students and make us seem even more nitpicky than we were already perceived. After a fair amount of discussion, we decided the best way to introduce these issues was to do so in the context of law practice. We decided to incorporate a status email assignment into our classes, giving students the exposure to practical legal skills while at the same time addressing the basic dos and don’ts of emailed correspondence. The assignment would be given to our students shortly after they received their Memo II assignment, the open memorandum typically given about a month before the semester ends.

Given what we were seeing from our students’ emails, putting the assignment so late in the semester may seem counterintuitive. However, by the time the second memo is assigned, we have built up a rapport with the students, which makes it easier to have this discussion with them and have them be receptive to it. Also, we did not want to chill communication with the students by putting this discussion earlier in the semester. Our concern was that students would be so busy trying to craft a “perfect” email that they would not correspond with us at all. Since our goal was to encourage professional corre-

spondence and not to discourage communication entirely, holding off on the discussion until the students were more comfortable with the Legal Writing class was deemed more beneficial.

To ensure that it did not seem like a busywork assignment, we decided the status email would take the place of the citation list some of us required for students to document the progress of their open memorandum research. This context would open up an avenue to discuss email etiquette and the importance of creating professional email correspondence. In keeping with the desire to simulate the practice experience, this assignment, unlike prior assignments distributed in hard copy and posted on our TWEN or Blackboard sites, would be sent by email as if it were an email from a partner. This would also expose students to the kind of informal assignments frequently given in practice. Further, by ensuring that the emailed assignment was written in a professional tone with a professional salutation and closing, the assignment would serve to model professional behavior for the students.

With these broad goals in mind, each of us created our own status email assignment and the accompanying plan for class discussion. For my class, one week

‘Yo, Prof!’ is Not the Proper Way to Address Me (Cont’d)



after they received the Memo II assignment, the students received an email from the partner asking the student associate to update the partner as to the status of his or her research. The student was asked a few broad, general questions and told to respond by the end of the week. Once the assignment was disseminated, part of the next class was spent discussing email etiquette to give students the context for the importance of professional email correspondence. The lecture for this class included a discussion of salutations, the proper professional tone to strike in an email, as well as ensuring that the email conveys the appropriate information. This conversation also included a discussion of the many places an email can go and the risks that viral emails can pose to an at-

torney, especially a new associate. Many students, as part of the Internet Generation, do not see email correspondence as formal and certainly not as “writing,” the way that legal professionals do. However, an email from an associate to a partner can be printed out and placed in the file or forwarded to a client or another partner. Additionally, since by nature emails are easy to disseminate with a single click of a mouse, the fact that this ease of transmission can cut both ways is part of the email etiquette discussion. We discussed the fact that, although viral emails may be fun to read when you are not personally involved in the story, the last thing many of us want is to become fodder for late-night comedians, as a cautionary tale for use by Legal Writing instructors, or as a funny story to be told throughout your law firm.

The final piece of this class discussion was the importance of a proper and appropriate email address. Students were made aware that email addresses that seem cute or funny when in a student’s dorm room or the privacy of her home can have the opposite effect on a future employer, partner, or client. To drive home this point, I gave my students a list of email addresses that I have seen in my years of teaching. Although most students found the list humorous, some students got uncomfortable as they realize that their email addresses may not be entirely proper.

Having now done the status email assignment for several years, although we have not done research to confirm the effect this assignment has on student correspondence, anecdotally it works quite well. Once the email etiquette discussion occurs, students pay far more attention to their emails and my colleagues and I have noticed an increase in professionalism in even the most basic correspondence. Also, when there are issues with a student’s email, the email etiquette discussion gives a context to discuss those issues in a way that does not offend the students. I will miss the funny email addresses, though.

Call for Submissions



THE LEARNING CURVE is published twice yearly, once in the summer and once in the winter. We currently are considering articles for the Winter 2017 issue, and we want to hear from you! We encourage both new and seasoned ASP professionals to submit their work.

We are particularly interested in submissions surrounding the issue's themes of incorporating experiential learning and meeting the needs of law students in the "new normal." Are you doing something innovative in your classroom that helps motivate a new generation of law students? Do you have a fresh take on technology or what it means to be "ASPish" in these changing times? Do you have proven exercises and assessment tools from which your colleagues might benefit?

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 submission to LearningCurveASP@gmail.com by no later than **October 15, 2016**. (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 to 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

THE LEARNING CURVE is a publication of the AALS Section on Academic Support.

Deadline For Winter 2017 Submissions: October 15, 2016.

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.

We're on the Web!

Find current and past editions of THE
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