

# Lawyering Skills in the Doctrinal Classroom



# Lawyering Skills in the Doctrinal Classroom

*Using Legal Writing Pedagogy to Enhance Teaching  
Across the Law School Curriculum*

Edited by

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With an Introduction by

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*For my amazingly supportive husband, Alex, who spent many long hours parenting alone so that I could spend many long hours working on this book. And for our three little bears—William, Thomas, and Theodore—who make all of the long hours in the world worth it.*



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# Preface

The idea for *Lawyering Skills in the Doctrinal Classroom: Using Legal Writing Pedagogy to Enhance Teaching Across the Law School Curriculum* grew out of a conversation that occurred on the Legal Writing Institute's list-serv, LRWPROF-L. Someone had posted a question asking for suggestions regarding the best way to hold student conferences, a staple of legal writing courses. As usual, the list did not disappoint, and a number of excellent ideas were quickly forthcoming.

At the time, I was a few months out from teaching Family Law for the first time. Having begun my career as a legal research and writing professor, my instinct in Family Law was to include skills instruction; thus, my students completed a few drafting exercises and a mock negotiation and were also exposed to multiple guest speakers who were currently practicing Family Law. As I read over the list-serv responses to the student conference question, I realized that not only would they have helped me in teaching legal research and writing, but they would have been equally helpful in teaching Family Law and other traditionally doctrinal courses that I have taught. And yet, I knew that I would not have seen these excellent suggestions had I not been a member of the list-serv, and I was only a member of the list-serv due to my "past life" of being primarily a skills professor. Thus, it occurred to me that doctrinal professors with no background in teaching skills were likely missing out on these excellent ideas, which were coming from those in the trenches.

Nonetheless, while the particular discussion that ultimately led to this book took place in the Fall of 2018, the underlying inspiration cannot be pinned to a specific time, place, or person. Rather, its genesis may be found in countless con-

versations both formal and casual, that have been taking place for years among scholars from across the legal academy. These conversations have occurred online, in print, and in person, some in public forums but many others in private, in the collegial sharing of ideas between one law professor and another.

At the root of these conversations is an acknowledgement that law schools can no longer afford to artificially divide the teaching of “skills” and “doctrine.” Indeed, more than one author in this volume has pointed out, either here or elsewhere, that the title I chose is something of a misnomer, perhaps risking the reification of a split that should not exist. Nonetheless, I opted for this title for a few reasons: (1) For all of the acknowledgement that the divide between skills-focused and doctrinal-focused courses should not exist, it, to a large extent, still does, at least on the surface in terms of characteristics like course titles, professional status of professors, and emphasis in the curriculum. (2) While it is taken as a given among “skills professors” that their work, by necessity, includes the teaching of doctrine, this fact is not necessarily understood across the legal academy, and I hope that this volume can help to increase that understanding. And (3) even if one accepts the premise outlined in the previous statement, it is not necessarily reciprocal—that is, while one may be unable to remove the “doctrine” from the “skills” course, it is still fairly common for traditionally doctrinal courses to be taught without reference to practical skills.

Yet, in spite of its potentially irksome-to-some title, the aim of this book is to draw the two sides of the skills/doctrine divide closer to one another and, indeed, to argue, as many eminent scholars have before, that it need not—and should not—exist at all. To that end, authors for this volume were drawn both from those who teach traditionally doctrinal courses and those who teach traditionally skills-based courses—most, indeed, have moved back and forth on these congruent paths, either starting in one area before shifting into the other or continuing to teach in both and using the insights gleaned from teaching in one area to inform the other. Many of the authors in this volume are prominent in their fields, but I also tried to save space for new authors in an attempt to provide opportunities to those who are new to publishing. It has been a great privilege to edit the work of all of these individuals, many of whom are already legends in their fields and many of whom are clearly on their way to that status.

To help provide a structure to the book, I have divided it into four broad parts: Exploring Teaching Methods, Legal Writing in the Doctrinal Classroom, Transactional Drafting and Other Skills, and Lessons in Assessment. However, these divisions are somewhat artificial. A majority of authors provided insights that could easily have allowed them to coherently appear in one or more other parts of the book as well. For example, all of the authors grounded their work



in sound pedagogical theory, and most discussed writing assignments, additional skills, and assessment to a greater or lesser extent. Thus, I based categorizations on my judgment of the prevailing theme of a chapter as well as matters of structural convenience, such as balancing the size of the parts of the book. Any flaws revealed by this categorization are my own.

I also want to take this opportunity to acknowledge the many people who made this book possible. While I owe much to every author in this volume for their excellent contributions and dedication to this project, I owe a special debt of gratitude to two in particular: Tanielle Fordyce-Ruff, who helped me to connect with the appropriate editor at Carolina Academic Press and proofread my book proposal, and Jamie Abrams, a former colleague who has always provided encouragement and mentorship (even though she is younger than me, which I begrudgingly forgive).

I also want to acknowledge the excellent editorial team at CAP, especially Linda Lacy, with whom I have now been lucky enough to work twice and who always answers questions promptly and keeps things on track. As ever, I must acknowledge Teri McMurtry-Chubb, who provided me with my first legal writing teaching experience and has been a friend and mentor ever since. I would also like to acknowledge my colleagues at UND School of Law, who supported this project, either by offering words of encouragement, letting me bounce ideas off of them, or just being good friends—in particular, Denista Mavrova Heinrich, Alexandra Sickler, and Julia Ernst. The UND Law Library staff deserves special mention for holding down the fort when I got buried in book-related work. And, of course, many thanks to UND School of Law Dean Michael McGinniss for his support both of this book and of the kind of curricular innovations that I hope it promotes.

Finally, I want to especially thank Sophie Sparrow, who agreed to write the Introduction to this volume. Sophie's expertise in law school pedagogy and lifelong dedication to its improvement are an inspiration, and it is truly an honor to have her as a part of this project.

Editing this book has been challenging, exciting, stressful, and exhilarating all at once. But I could not be more pleased with the final product. I truly believe that readers across the legal academy will find thoughts, ideas, and exercises here that will both improve their teaching and serve as building blocks for their own advancements in bridging the skills/doctrine divide.

*Tammy Pettinato Oltz  
Fargo, North Dakota  
March 2, 2020*



# Introduction

Nearly twenty years ago, I attended a law teaching retreat organized by the Institute for Law School Teaching and Learning. Below the spectacular backdrop of the Cascade Mountains, my assigned small group of colleagues and I sat outside around a picnic table and discussed the goals of legal education. Referring to the traditional law school purpose of teaching students to learn to “think like a lawyer,” we each shared our ideas about what that phrase meant. For the most part, we identified the phrase’s usual components: critical thinking, legal analysis, sound judgment, close reading, disciplined reasoning, and the like. And then one of my teammates, Professor David Nadvorney, said, “our goal is to teach law students how to think like lawyers—*in writing*.” So simple and so important. If our students could think critically, analyze brilliantly, and reason compellingly but not write or perform like lawyers, all their terrific lawyerly thinking was in vain.

I have yet to hear an employer or field supervisor tell me that we should stop teaching legal writing, research, and essential practical skills. Instead, they mostly show bewildered and happy surprise when students research and write well; they are thrilled when students actually know something about the practice of law and its related skills. Better still is when a student or recent graduate can actually *do* something practical and helpful, such as draft a contract clause, analyze a statute, conduct factual investigation, or interview a client.

As we well know, lawyers have complained for decades that law students and recent law graduates lack essential skills. And as many authors in this book note, numerous studies have pointed out problems with legal education and

the disconnect between law school and law practice.<sup>1</sup> Research about what lawyers value in new graduates doesn't correspond to what law schools emphasize.<sup>2</sup> Lawyers seek law students and graduates who can do what lawyers do, not just think like lawyers. In response, for years legal scholars and practitioners have recommended multiple ways of improving legal education, including writing across the curriculum,<sup>3</sup> adopting best practices,<sup>4</sup> adapting to the generation of current students,<sup>5</sup> and incorporating skills and experiential learning exercises into the curriculum.<sup>6</sup> The American Bar Association has also modified its standards, requiring that its accredited law schools establish learning outcomes, provide students with assessments and feedback, and require students to take at least six credits of experiential learning.<sup>7</sup> Nevertheless, lawyers' complaints keep coming.

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1. THE TASK FORCE ON LAW SCH. AND THE PROFESSION, AM. BAR ASSOC., LEGAL EDUCATION AND PROFESSIONAL DEVELOPMENT: AN EDUCATIONAL CONTINUUM 104; WILLIAM M. SULLIVAN ET AL., EDUCATING LAWYERS: PREPARATION FOR THE PRACTICE OF LAW (2007).

2. See, e.g., ALLI GERKMAN & LOGAN CORNETT, INST. FOR THE ADVANCEMENT OF THE AM. LEGAL SYS., FOUNDATIONS FOR PRACTICE: THE WHOLE LAWYER AND THE CHARACTER QUOTIENT (July 26, 2016), <https://iaals.du.edu/publications/foundations-practice-whole-lawyer-and-character-quotient> [<https://perma.cc/V9BL-TJSE>] (showing the importance of characteristics and attributes of ensuring client confidentiality, showing respect, being on time, and having a strong work-ethic); Stephen Gerst & Gerald Hess, *Professional Skills and Values in Legal Education: The GPS Model*, 43 VALPARAISO U.L. REV. 513, 524–525 (2009) (emphasizing the importance of legal analysis and writing).

3. See, e.g., Carol McCrehan Parker, *Writing throughout the Curriculum: Why Law Schools Need It and How to Achieve It*, 76 NEB. L. REV. 561 (1997).

4. BUILDING ON BEST PRACTICES: TRANSFORMING LEGAL EDUCATION IN A CHANGING WORLD (Deborah Maranville et al. eds., 2015); ROY STUCKEY ET AL., BEST PRACTICES FOR LEGAL EDUCATION: A VISION AND A ROAD MAP (2007).

5. Laura P. Graham, *Generation Z Goes to Law School: Teaching and Reaching Law Students in the Post-Millennial Generation*, 41 UALR L. REV. 29 (2018); Tracy L. McGaugh, *Generation X in Law School: The Dying of the Light or The Dawn of a New Day*, 9 J. LEGAL WRITING INST. 119 (2003).

6. Carol Goforth, *Transactional Skills Training Across the Curriculum*, 66 J. LEGAL EDUC., 904 (2017); R. Michael Cassidy, *Beyond Practical Skills: Nine Steps for Improving Legal Education Now*, 53 B.C. L. REV. 1515 (2012); Earl Martin and Gerald Hess, *Developing a Skills and Professionalism Curriculum—Process and Product*, 41 U. TOL. L. REV. 327 (2010); Alice M. Noble-Allgire, *Desegregating the Law School Curriculum: How to Integrate More of the Skills and Values Identified by the MacCrate Report into a Doctrinal Course*, 3 NEB. L.J. 32 (2002).

7. ABA STANDARDS AND RULES OF PROCEDURE FOR APPROVAL OF LAW SCHOOLS §§ 302, 303(a)(3), 314 (2019), [https://www.americanbar.org/groups/legal\\_education/resources/standards/](https://www.americanbar.org/groups/legal_education/resources/standards/) [<https://perma.cc/2VWX-A9YW>].

We have an obligation to do better for our students. The ABA Standards require that we prepare students “for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.”<sup>8</sup> The ABA’s Model Rules of Professional Conduct specify what this means: “[c]ompetent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”<sup>9</sup> That means that we need to ensure that students regularly do more than engage in our signature pedagogy, the case-dialogue approach. Having clinics, simulations, externships, and legal research and writing courses are essential, but they are not enough. If we want our students and graduates to learn to be lawyers and add value to the practice of law, we need to incorporate lawyering skills throughout our doctrinal classrooms. All of us who teach doctrine-focused courses, not just a few of us, need to build upon and reinforce what our colleagues do in primarily skills-focused courses.<sup>10</sup>

In addition to eloquently reinforcing the demonstrated need for more skills in the doctrinal classroom—the *why* of combining more skills with doctrine—this book provides readers with *how* to incorporate skills in our classrooms. From describing short ungraded exercises to course-long simulations to assessments, the following pages present a wealth of ideas about ways we can help our students become competent lawyers. While many of the chapters that follow address ways to incorporate skills in required first year courses such as Contracts, Property, and Torts, others illustrate integrating skills into upper-level electives and offer specific skills exercises adaptable to any doctrine-focused law school course. What we have in this book is a manual, a one-stop shop for a range of teaching methods; writing, research, transactional and other exercises; and assessments.

Given the abundance of resources—including the excellent materials in this volume—for including more skills in doctrinal courses, and given the clear need for our students to learn more skills, why aren’t more skills being taught in most doctrinal classes? One of the commonly voiced concerns is that there isn’t enough time; teaching skills takes away from covering essential course

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8. *Id.* at §301(a).

9. SUSAN R. MARTYN ET AL., *THE LAW GOVERNING LAWYERS* 14 (2019) (“Rule 1.1. COMPETENCE A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.”).

10. For a discussion about the false dichotomy between skills and doctrine, see Linda H. Edwards, *The Trouble with Categories: What Theory Can Teach Us about the Doctrine-Skills Divide*, 64 J. LEGAL ED. 181 (2014).

material. I have several responses to that. One is exactly what do we mean by “covering”? Do we mean that we have touched on a topic and so can cross it off our list of doctrinal topics? Do we believe that having integrity in our course means our syllabus needs to address a specific number of items from the case-book? I don’t think by “covering” we mean that students have understood it, let alone in a way that will lead to deep, lasting learning. Students may recall the topic sufficiently to identify and apply it in an issue-spotting essay exam, but it is unlikely that “covering” a topic means that students have engaged in the kind of deep learning that will stay with them five years later. If students are not going to retain it, perhaps the topic doesn’t need to be “covered.” One of our challenges as teachers is to distinguish between what is crucial for students’ deep learning of a doctrine and what is ancillary. As the body of doctrine grows ever larger, it becomes harder and more important for us to engage in the tough decisions of what *not* to teach. If we can omit a less essential topic, we can make room for more skills training.

My second response to the concern that professors teaching doctrinal courses don’t have the time to add skills is that they don’t need to allocate a lot of time. Skills don’t need to be woven into a course every week or every class. Skills exercises can be done outside of class or during a short part of a class. I think that when professors hear about weaving skills into doctrinal courses they immediately think about writing assignments that require individual feedback and grading—at an immense cost of time and energy. Or they think about complex multi-day simulations with loads of facts and materials to digest and about a thousand ways to mess up with all the moving parts. But incorporating skills doesn’t have to take tens of hours. Some of the suggestions in this book can be completed briefly. Taking the time to incorporate, for example, storytelling or visuals is small compared to the value it adds to student learning.

A third response to the lack of time/reduced coverage concern is that not every doctrinal topic has to have a skill attached to it. Some topics are more complex than others and need more in-depth approaches if students are to learn them. Moreover, there are topics in all doctrinal courses that are essential to deep learning of the subject. These are usually the topics tested on final exams, such as personal jurisdiction in Civil Procedure, negligence per se in Torts, attorney-client privilege in Professional Responsibility, property division in Family law, or injunctive relief in Remedies. By bringing in skills exercises to these topics, we accomplish multiple goals. One, we are more likely to help students learn the material at a deeper level because they are actively engaged with it; two, students gain valuable skills that will help them as practicing lawyers. Just as athletes need to engage in exercises to build physical strength,

endurance, and flexibility to perform well, our students benefit from the cross-training of skills and doctrine.

My fourth response to the argument that teaching skills and doctrine takes too much time is that we can and should make time to weave a variety of skills exercises into doctrinal courses. It is part of our job as educators. Law teachers who were the subject of *WHAT THE BEST LAW PROFESSORS DO*,<sup>11</sup> teachers who provided deep, lasting, significant learning in their students, were professionally productive in other ways too. They wrote articles, presented at conferences, and authored casebooks.<sup>12</sup> Granted these were exceptional teachers, but the rest of us can do our part to help our students. It's true that most of our institutions do not recognize or value effective teaching and learning in the way that they do our scholarship, but we should aspire to go beyond just what is recognized. Let's step up and do more on behalf of our students.

I often wonder if there aren't other issues that lie beneath the claims about lack of time and need for doctrinal coverage. Are we perhaps concerned that we might not be good at teaching skills? Might we lose control over the classroom if we incorporate more active and collaborative learning skills exercises in our courses? Will students complain or give us poor evaluations if we ask them to do something that takes more effort? Do we just not want to do it because we don't care about student learning? Are we afraid of teaching differently than other doctrinal professors? Are we just not willing to put the time in? I think it's helpful to explore why we don't incorporate more skills exercises and assessments into our courses. At the very least, let's be honest with ourselves, even if we are unwilling to go public with our hesitations. And then, let's ask ourselves to do what we ask our students to do every day: take a risk, try something outside our comfort zone, reflect and learn from the experience, and make it better the next time.

We all need to engage in this collective enterprise of raising competent lawyers. We need to collaborate and reinforce each other to help our students gain proficiency in learning how to be lawyers. Fortunately, we now have this valuable book. This text provides us with 20 chapters rich with ideas, details, and inspiration about how we can help our students learn more from their legal education.

Part I, *Exploring Teaching Methods*, opens with Chapter 1 on the value of using stories. As Professor Molly Fergusson notes, “[s]tories play a crucial role in all learning. . . . We identify with the people in the stories, we react to what

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11. MICHAEL HUNTER SCHWARTZ, GERALD F. HESS, & SOPHIE M. SPARROW, *WHAT THE BEST LAW PROFESSORS DO* (2013).

12. *Id.* at 15.

we hear, we empathize, we feel things. What we experience, we tend to remember.”<sup>13</sup> In describing various ways that students can actively investigate the stories behind cases, she points out that having stories for cases gives students “a foundation on which to build their learning.... enabl[ing] students to evaluate and apply their knowledge beyond just recalling what they have read in the text.”<sup>14</sup> Chapter 2 builds on ways to improve student learning through the use of visual images. Professor Jane Bloom Gris  provides a variety of ways for students to engage in finding and using visual images, observing that by having students find and explain images of concepts “student comprehension of basic concepts was much deeper.”<sup>15</sup> Reinforcing the value of applying these kinds of techniques, such as story-telling, to aid student understanding, Professor Charles Calleros shows the value of using crucial parts of legal writing pedagogy in a doctrinal casebook in Chapter 3.

We often assume that students know how to read texts carefully, only to find this skill woefully missing when we actually put our assumption to the test. In Chapter 4, Professor Aliza Milner encourages us to use legal writing pedagogy to “lift skillful reading from hazy aspiration to honest instruction.”<sup>16</sup> To help us do this, she illustrates leading students through three deliberate and intentional steps designed to gradually build their reading skills from simply acquiring knowledge to synthesizing and evaluating concepts and rules in court opinions. She acknowledges that time and energy that skillful reading takes but inspires us by pointing out that “whatever habits students bring on day one, remember that most of them can learn to read and think rigorously.”<sup>17</sup>

Learning to read carefully and learn other knowledge, skills, and values at a deeper level may be much more successful if we engage students in collaborative learning and apply “anchored instruction.” Explaining the benefits of having students work in groups, the various ways of forming groups, and how to use groups in a course, in Chapter 5 Professor Jennifer Rosa emphasizes that “group work enables deep and lasting learning while creating a community in which students interacted and support each other.... We build the bridges for the students to cross over together.”<sup>18</sup> Similarly, students’ learning is increased when they are engaged in actively constructing substantive and procedural knowledge through the use of authentic exercises, or “anchored instruction”

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13. See *infra* p. 3.

14. See *infra* p. 13.

15. See *infra* p. 23.

16. See *infra* p. 54.

17. See *infra* p. 64.

18. See *infra* p. 80.



as Professor Jennifer Spreng illustrates in Chapter 6.<sup>19</sup> Providing students with a factually rich context gives them opportunities “to encounter concepts, hone skills, and solve problems in a single realistic context over an extended period.”<sup>20</sup>

The five chapters in Part II, *Legal Writing in the Doctrinal Classroom*, provide a myriad of ways to use the writing process or writing assignments to develop deep student learning. In Chapter 7 Professor Linda Edwards shows how we can use a few minutes of class time to teach students how to construct a variety of rule structures, engage in the common forms of legal reasoning, and transfer that learning to new contexts. As she concludes,

[i]f students understand the concept and process of seeing, naming, translating, using, and transferring new information, they will see the value in the exercises and take the lessons more to heart. They also can consciously use those strategies themselves when they are learning in other law school settings or in practice. They can learn to teach themselves the law. That is, after all, the most important lesson we can teach them.<sup>21</sup>

The benefits of including writing exercises in doctrinal courses is clear from Professor Sherri Lee Keene’s Chapter 8 and Professor Anthony Johnstone’s Chapter 9. In Chapter 8, Professor Keene explains that using writing assignments in a criminal law course not only helped students understand a particular concept better but “also provided opportunities for students to learn about criminal law more generally and make larger connections. In working on the writing assignment, for example, many students paid close attention to the standard of proof and who had the burden.”<sup>22</sup> Professor Keene further points out that even when she had students work on written problems outside of class and did not require them to submit a formal assignment, students’ preparation enhanced classroom discussion. In weaving in writing assignments, “a little can go a long way... students will still experience many benefits from writing that further their understanding of the subject matter and go far beyond the discrete legal issues that they delve into.”<sup>23</sup> In Chapter 9, Professor Anthony Johnstone describes using “mini-briefs” and “mini-moots,” “self-contained, hands-on simulations that encourage students to engage with course material

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19. See *infra* Chapter 6.

20. See *infra* p. 86.

21. See *infra* p. 124.

22. See *infra* p. 132.

23. See *infra* p. 136.

according to their own interests. . . . [M]ini-briefs and mini-moots offer simple and efficient means of engaging students in lectures and seminars. Students develop transferable skills, and get to have a little fun, too.”<sup>24</sup>

The benefits that come from research and writing are further explored in Chapters 10 and 11. Focusing on areas where students were challenged in her Federal Courts and Constitutional Law courses, in Chapter 10 Professor Christine Jones describes how, by requiring students to engage in original research and connect their research to course material, her students’ learning outcomes were greatly improved. In addition to illustrating her assignments, Jones provides detailed guidance on how similar writing assignments can be integrated into other doctrinal courses. Also helpful in showing the benefits of incorporating writing exercises into Constitutional Law, in Chapter 11 Professor Tessa Dysart depicts her Supreme Court assignment, where students had to pick a case pending before the Court and write an in-depth post for the course discussion board. She notes that, in addition to practicing writing skills, the assignment taught students to work independently under specific deadlines and increased their understanding and appreciation for emerging Supreme Court doctrines.

Introducing another way for students to develop writing and lawyering skills while working through Constitutional law cases, Professor Meg Penrose portrays two writing assignments in Chapter 12. One of these requires students to take a controversial Supreme Court decision and “cut the length of the opinion by 2/3” without changing the case outcome or reasoning.<sup>25</sup> While the focus of the chapter is on Constitutional law, the examples and assignments she outlines could easily be adapted into other doctrinal courses.

As with Parts I and II, Part III, *Transactional Drafting and Other Skills*, presents readers with a range of exercises to develop students’ competence in law practice. Noting that many of our students will engage in transactional lawyering, in Chapter 13 Professor Adam Eckart recommends ways to involve students in transactional drafting, which “is forward-looking and anticipates and resolves future interactions or issues,” among other things.<sup>26</sup> His concrete suggestions include having students revise or draft parts of residential leases, employee manuals, and letters of intent, and he shows how these can be used in Contracts, Property, and Torts. Transactional drafting is further explored in Professor Claire Robinson May’s Chapter 14. Working with a doctrinal colleague, Professor Robinson May explains ways to co-teach drafting and doctrine

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24. See *infra* p. 155.

25. See *infra* p. 202.

26. See *infra* p. 211.

in an Estates and Trusts course. She observes that “[w]ith opportunities to apply law in context—such as counseling a mock client regarding her will, researching and drafting estate planning documents, and preparing client correspondence—students are reminded that their work and how they conduct themselves as attorneys will soon affect real people’s lives and livelihoods.”<sup>27</sup> In Chapter 15, Professor Cynthia Bond points out that she has continued “to maintain coverage of essential topics while pursuing a more integrated teaching approach.”<sup>28</sup> Incorporating research exercises, in-class oral arguments, drafting assignments and a mediation role play, she concludes, “not only improves student experience, it also enhances the professor’s teaching experience.”<sup>29</sup> Including these exercises enables professors to “broaden learning, deepen student engagement, and create a more dynamic classroom.”<sup>30</sup>

Deepening and improving student learning of doctrine and preparing students for law practice is also assisted by engaging students in a variety of research activities, as Professor Tenielle Fordyce-Ruff observes in Chapter 16. Building on best practices of instructional design, she presents excellent research ideas and key questions to ask when creating these exercises. Similarly, in Chapter 17, Professor Hugh Mundy shows that introducing students to “live client” *pro bono* cases prepares students for practice by involving them in building narrative thinking skills. As he states, “[t]he notion that time devoted to narrative cognition necessarily reduces the likelihood that students will master analytical skills is misplaced. In fact, the opposite is true. Cultivating narrative thinking skills invites students into the cognitive fold who might otherwise be left behind.”<sup>31</sup>

This book appropriately concludes with Part IV, *Lessons in Assessment*. Professor Jamie Abrams describes her “deconstructed exam” technique in Chapter 18. Adaptable to large doctrinal classes, students are presented with a mock client interview early in the semester. Based on a fact pattern from a previous final exam, the interview introduces students to a complex set of facts that they will engage with during a course-long simulation. During the semester, as they study the different doctrinal issues and rules, they engage in formative assessments by applying their learning to analyze the client’s situation. In Chapter 19, Professor Victoria Haneman describes formative assessments she has given her students in Tax, Business Associations, and Wills, Trusts and Estates.

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27. See *infra* p. 236.

28. See *infra* p. 249.

29. See *infra* p. 258.

30. *Id.*

31. See *infra* p. 285.

Through freewriting exercises students practice synthesizing rules in a specific area; afterwards Professor Haneman provides them with a rubric and answer sheet, and engages students in self-assessment and peer assessment. While the exercise is limited to assessing “a student’s ability to articulate black letter law” she points out that “the failure to accomplish everything in one assessment does not mean that you have a failed assessment.”<sup>32</sup> Instead, creating a short simple assessment consumes little class time but yields significant rewards in student learning.

Building on the theme that taking small steps in incorporating legal skills in doctrinal courses is better than not doing it at all, in the final chapter, Chapter 20, Professor Joan Rocklin persuasively makes the case for why and how to teach exam writing. As with other chapters, she reinforces the point that we need to be explicit about what we are doing, recognize that students often don’t automatically understand how to approach the tasks we set for them, and provides helpful tangible methods to incorporate skills beyond “thinking like a lawyer.” After pointing out that “teaching exam-writing skills has the potential to decrease law school stress and replace that stress with ‘exceptional learning’”<sup>33</sup> she provides systematic step-by-step strategies. As she notes, ideally students would have multiple chances to practice exam writing, but “[o]ne practice exam is far better than no practice exam.”<sup>34</sup> Her final words provide an apt conclusion to Part IV:

No one law professor can do it all; however, if each law professor does just a little bit more to explicitly teach exam-writing skills, students will, over the course of their three years in law school more effectively learn the skills they need on law school exams, to pass the bar, and in practice. Perhaps equally important, providing students with exam-writing instruction will make law school a healthier, more welcoming, and more productive place for all of our students.<sup>35</sup>

Substitute “lawyering skills” for “exam-writing” in the previous paragraph, and this becomes the perfect conclusion to this wonderful book.

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*April 23, 2020*

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32. See *infra* p. 318.

33. See *infra* p. 332.

34. See *infra* p. 339.

35. See *infra* p. 343.