

# Teaching Law by Design



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*Engaging Students from the Syllabus  
to the Final Exam*

SECOND EDITION

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*This second edition is dedicated to*

Stacey, Samantha, and Kendra, my inspirations to be a better person and teacher  
~Mike

Layne, Mike, and Amanda—my family of teachers and writers  
~Gerry

Helen—my sister and fellow teacher  
~Sophie



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# Preface

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In this book, we seek to apply the enormous body of research on teaching and learning to legal education. Our goal is to provide concrete suggestions about how to design and conduct all aspects of teaching law students, from sequencing a course to grading an exam. We hope that new and experienced teachers find helpful ideas, support, and inspiration throughout the book.

We invite you to read the chapters and appendices sequentially or individually, depending on your interests, competing demands, and students. We hope the book helps you and your students enjoy teaching and learning in law school. At the same time, we caution you not to feel compelled to adopt every suggestion in this book. Not only have none of us adopted every suggestion in this book, but we doubt anyone could do so. Instead, make small rather than wholesale changes, evaluate the effectiveness of every new practice you try, keep doing the things that work, discard the things that don't work, and, above all, aspire to continuous improvement.

The first chapter provides a legal education-focused overview of the research on teaching and learning. The second chapter captures the student perspective on law teaching and learning. Chapters 3 through 10 focus on fundamental elements of teaching and learning: course design, class design, student motivation, teaching methods, experiential exercises, lasting learning, troubleshooting, and assessment. Chapter 11 focuses on things law teachers can do to systematically improve themselves as teachers.

All of the chapters and accompanying appendices from the first edition of this book have been revised and updated. The chapters on experiential learning, lasting learning, and troubleshooting are new. Most chapters are directly applicable to all law teachers, courses, and students, but four chapters focus primarily on doctrinal courses (Chapter 6—teaching the class, Chapter 7—experiential learning, Chapter 9—assessment, and Chapter 10—troubleshooting).

In writing this book, we are fortunate to benefit from the vast research on teaching and learning in higher education and studies of law students and legal education. We encourage you to explore that literature. A list of our contributions to the legal education literature is at the end of the book.

While we wrote this book in an effort to share what we believe to be core principles of teaching and learning, the book also is sort of a white paper for the “Context and Practice” casebook series from Carolina Academic Press. The series is designed to apply the principles from this book to the creation of law school course materials.

We wish to thank the many people who made this book possible. We appreciate the support of our respective law schools and the patience of our families. We are grateful to our many students, who had no choice but to help us learn from our mistakes.

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Gerry Hess