

At the [Other Side of the] Lectern

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I am first and foremost a legal research and writing professor, both in my heart and on my resume. I know which edition of the Bluebook is the most recent, and I give a hoot¹ about an Oxford comma. Since 2007, legal research and writing has been my exclusive domain,² but this fall I will become reacquainted with an old friend, decedents' estates and trusts, which I taught for a few semesters early in my career. I find the transition back to a casebook class somewhat intimidating, but fortunately I had plenty of time to prepare myself.³ In an effort to get the casebook juices flowing again, I carved out blocks of time last spring to attend as many different co-workers' classes as possible. What resulted was a wildly enjoyable endeavor in which I observed 24 classes at Washburn University School of Law and had an opportunity to engage almost every faculty member at the school in his or her element. This essay seeks to convey my observations from a semester spent largely at the other side of the lectern.

One obvious takeaway for me is the clever stuff that I'll steal for my own classes, whether a future casebook course or my next semester of legal writing. Additionally, I enjoyed seeing students from a new perspective⁴ and in an environment separate and apart from my small legal writing classes. It was enlightening to see their reactions to different professors and different classroom dynamics. Maybe more importantly, I was reminded of how very much our students are trying to absorb in any given semester—they are learning intricate laws and complex theories in four or five widely divergent areas at one time. They've got a lot on their plates and, as a general rule, they handle themselves well.⁵

Emily Grant is Associate Professor, Washburn University School of Law. With heartfelt appreciation and respect for my colleagues at Washburn. And with deep apologies if I have mischaracterized or misremembered something I observed.

1. In a rare display of restraint, I modified the lyrics of "Oxford Comma" by Vampire Weekend to avoid gratuitous profanity.
2. That is, LRW is the only class I've taught since 2007; I suppose others teach in the field as well.
3. I had to dust off my notes for the class—like actual dust had accumulated on actual printer paper in an honest-to-god three-ring binder.
4. All guys wearing baseball caps look even more identical from the back, just so you know.
5. Or they at least handle themselves to a mandatory 3.0 average.

The biggest lesson for me, however, was the importance—and frankly the ease—of fostering relationships with my colleagues that would otherwise have taken years to develop, if they had developed at all. As a new faculty member, you learn people’s names in faculty meetings and then glimpse a slightly fuller picture of those individuals when working with them on committees. But that process takes a number of years and a number of cycles through committee assignments to get acquainted with even a fraction of the faculty. This experiment was a good way to expedite that process and to reach out to those I might otherwise not get to know. If nothing else, faculty members appreciated my interest in their classes and in their teaching strategies. It’s rewarding to engage colleagues about something important to them, and it builds connections that spider web⁶ throughout the building.

In going “back to school,” I was particularly interested in statutory- or problem-based classes, given that decedents’ estates and trusts is based largely on statutory language and court opinions. But I found myself visiting any class that didn’t conflict with my own teaching responsibilities, including first-year classes, small group seminars, required upper-division courses, and bar-prep-focused classes. I learned about topics such as veterans’ law, contracts, law and economics, divorce practice, constitutional history, and higher education law. I could have drafted a hell of a bar exam question from my accumulated notes.

Without exception,⁷ every professor seemed more than happy to have me attend class. After each session, I sent my colleague an e-mail identifying specific teaching moments that I enjoyed and found particularly effective. Many of those e-mails generated a continued conversation about classroom choices and the thought processes behind them. All were willing to share their ideas and sometimes their insecurities about being at the front of the classroom. These post-class exchanges were at least as valuable as the actual classroom observations.

I employed no particular scientific methodology, but merely carried a blank legal pad and a pen to each class⁸ and took notes as if I were a student.⁹ In the margin of my paper, I remarked on teaching strategies and classroom atmosphere: “cold call on student,” “used wipey board¹⁰ for this diagram,” “why are students not writing this down?!” and “great ppt for complex business

6. Yes, that’s a verb. I’m quite certain.

7. Ok . . . there was one exception. One professor admitted to being extremely nervous about people observing his class, even though he’s been teaching for a zillion years and has been professor of the year innumerable times. He eventually agreed that I could come to class as long as I sat in the back left corner of the classroom, an area he wouldn’t be calling on that day so I could stay well out of his line of sight.

8. And a Diet Coke.

9. Except without surreptitiously doing a crossword puzzle behind my textbook. (I was a student long before Facebook, texting, and Google Chat. I had to multitask the old-fashioned way.)

10. Otherwise known by colleagues who mock me as the dry erase board.

transaction.”¹¹ Not surprisingly, my colleagues proved to be conscientious and meticulous with respect to their teaching philosophies and practical approaches. Even the most accomplished educators viewed themselves as journeymen who were constantly striving to improve and were eager to help me develop as a professor.

Washburn has a reputation as an institution that has historically given priority to teaching innovation. After observing 24 professors in a single semester, I can state unequivocally that the reputation is well-deserved and that the law school benefits significantly from having teachers who spend a great deal of time and thought on pedagogical issues. The wide variety of courses I observed showcased an equally wide array of teaching styles. I include here just a small sample of the teaching techniques employed in run-of-the-mill¹² classes that I attended throughout the semester.

Initially, from my vantage point as an observer, I was struck by how many pedagogical choices professors make in planning for a 55- or 85-minute class, often subconsciously. Each class period is a delicate balance in presenting the right amount of material, developing a rapport with the class, encouraging and rewarding students' class preparation while—at the same time—keeping students' attention. Observing others teach revealed just how often those various goals are in tension, and it reminded me to reexamine the choices that I'm generally not even aware I'm making in my own teaching preparation.

To kick off their classes, my colleagues used a number of methods both to check students' preparation for the current session and to reinforce lessons from the previous class. In criminal law, the students were given a two-minute quiz (one of fourteen throughout the semester), consisting of one open-book question about that day's reading. The answers were graded and the students were allowed to drop their lowest four scores, reducing the stakes somewhat, but maintaining a strong incentive to be prepared...always.¹³ The secured transactions class highlighted a different method of checking students' comprehension. That professor assigned a student to be the “scribe” for each class and to present a review of the material at the beginning of the next class. The summation I observed took about nine minutes and was clearly something the student had painstakingly prepared. The remedies professor, before starting a new section of material, asked students to outline as much

11. My notes are also sprinkled with a fair number of smiley faces. And “Oh! I know this one!” I took inexplicable pride in knowing more about civil procedure and evidence (though definitely NOT secured transactions) than 2Ls. And I thoroughly annoyed my lunch companions regaling them with the intricacies of an employer's BFOQ defense. Once a gunner . . .
12. I don't mean to imply that the classes were nothing special, just that they weren't (I don't think) prepared especially for my visit. They represented each professor's typical, everyday teaching style.
13. It was fun to be in the classroom a bit early and to hear the students flipping through the book to review the reading and guess what the two-minute quiz question would be. Class prep mission accomplished.

as they could remember from prior weeks' discussions of damages. After having them check their work against his outline, he explained the necessity of reviewing earlier material and knowing the topics that might be covered on an exam question.

Professors embraced technology in the classroom to differing degrees. PowerPoint was a popular option, used for everything from projecting relevant statutory language in an immigration class while students worked through a complex problem, to displaying images of litigants involved in a legal malpractice case, to projecting questions for interactive clicker responses in a contracts class. An equally effective visual aid—unexpectedly so—was the public land law professor's framed photograph from his office wall of a stone arch on the Missouri River, used to promote a discussion of federal versus state control over riverbed maintenance.

Technology, of course, exists on both sides of the classroom, and it can be a blessing and a curse. Teachers lament that students are likely shoe shopping or browsing on Facebook during class. Let me testify: they are. I almost always sat in the back of the classroom and saw pretty much what you'd expect on the laptops in front of me. Occasionally, some students were taking notes but generally, if students were looking at the computer, odds were at least two-to-one¹⁴ that they were not doing something class-related. Professors handled this concern in the ways you might imagine—one actually said: "Get your eyes out of your computer. The answer isn't in there. Engage me." One conducted such rapid-fire class discussion that, if students stopped to check their email, they'd miss about five question-and-answer responses. One banned laptops in class altogether.¹⁵

More subtly, I was impressed with the variety of ways in which the teachers elicited information from the students. Slight modifications in the phrasing and substance of questions made huge differences in the way the dialogue developed. The criminal procedure professor took the traditional approach by having his students stand up and "recite the facts of the *White* case." The formality of this method sustained a certain energy and respect throughout the class period. Others had a different take on the classic progression. A contracts professor asked her student to "give the facts of the case as sympathetically to the plaintiff as possible" (even though the plaintiff ultimately lost). She then divided her students into groups, with half of the class making the argument that the letter at issue constituted an offer and the other half arguing that there was no intent to be bound. In professional responsibility, the professor started with the question: "What are your options when the client tells you where the

14. Probably greater. I'm trying to be generous to our students who, by and large, are good kids and conscientious workers.

15. From my informal survey of students after class, they didn't seem to mind it. Interestingly enough [shameless plug], one of my colleagues has written an excellent article on the benefits of not allowing laptops in class. Nancy G. Maxwell, *From Facebook to Folsom Prison Blues: How Banning Laptops in the Classroom Made Me a Better Law School Teacher*, 14 RICH. J.L. & TECH. 4 (2007), available at <http://law.richmond.edu/jolt/v14i2/article4.pdf>.

bodies are buried?” After getting all options on the table,¹⁶ the students then narrowed the universe of actions to what was permissible, legal, ethical, and ultimately advisable.

Building on the theme of combining case synopsis with advocacy and practice skills, the employment law professor skipped the recitation of the facts (it’s an upper-division class after all) and began her inquiries with this question: “What else do you need to know from your client that you don’t know already?” Along the same lines, the mergers teacher frequently stopped his students to drill down to the practical aspects of business work, inquiring: “What paperwork does one actually file to ‘drop down a subsidiary?’”

One theme that surprised me was the frequency of direct communication with students outside the classroom. Beyond posting assignments and additional readings on TWEN, several professors sent regular emails to their classes. The civil procedure teacher emailed his students after every class session, reiterating the key learning points and clarifying anything that may have become muddled during the class discussion. Similarly, the evidence professor emailed his students before each class period to flag certain important issues in the reading for the next class and occasionally to provide tweaks to the problems included in the materials.

At some point in almost every class, professors tried to keep things light or entertaining. The employment law professor showed a YouTube video of a Southwest Airlines commercial touting its LUV campaign, which eventually got it in trouble for hiring only attractive female flight attendants. Students in international intellectual property were treated to Stephen Colbert’s humorous analysis of a Supreme Court case involving copyright issues and book importation. Many professors used clever, witty, or just plain funny images to add humor to PowerPoint slides. And more than a few shared their own stories from practice to keep students’ attention focused on the relevance of the material at hand.¹⁷

I was also interested to observe how professors handled students who were unprepared, unengaged, or unwilling to be engaged. I don’t recall, and surely I would have, any particular students being excoriated in class. One professor had three students on call for the day and all Socratic questions were directed at “the group.” This approach actually allowed quick and quiet deliberation among the three, who all sat huddled together in the back row, when one was unsure of the correct answer. In the ten-person labor law class, the professor asked whether anyone else wanted to “tag in” and help. When one student struggled to answer a question about a rule of civil procedure, the professor playfully offered a hint in giving her “49 seconds to think about the

16. And I mean “all”[shudder].

17. You just have to pay attention when someone starts a sentence with “When I was counsel to the chairman of the National Labor Relations Board . . .” or “90 percent of oil and gas law is made in Kansas, and I was involved in the Northern Natural Gas case. . . .”

answer.”¹⁸ And when asked to “please repeat the question,” the constitutional law professor responded with “actually, let me move on to Grace.” All were seemingly effective ways to recognize a student’s unpreparedness and implicitly acknowledge disappointment without making a huge fuss in class.

One thing I most enjoyed was seeing my colleagues’ personalities on display in class. Most professors behave in the classroom just as you’d expect based on your interactions with them in the hallway. It’s fun—and somehow surprising, though I’m not sure why—to see that play out in front of students. The guy with the witty jokes and dry sense of humor? He does that in class and the students totally groove on it. The woman who’s always animated with her voice and speaks freely with her hands? She’s the same way when she’s describing conflicting statutory provisions. The professor who’s taciturn at faculty meetings but offers wisdom in the few words he does speak? That’s exactly how he explains the significance of a Supreme Court decision to students. And even though students may not know the out-of-class personalities of their professors, I am confident that they can sense when people are genuine, when they aren’t posturing or acting a particular role, when their classroom persona comes from a comfortable place. And that authenticity makes the classroom experience so much more effective and enjoyable for students.

Watching the Washburn professors in their element—interacting with students and talking about their passions and their expertise—only enhanced my view of them as scholars and teachers. I learned valuable strategies to balance seemingly conflicting classroom goals of covering material, building rapport, rewarding class preparation, and keeping students’ attention.¹⁹ I rubbed elbows with the students and was reminded how intense law school is for them. But more importantly, I connected with my colleagues, in a way that I otherwise wouldn’t have, in our common quest to be effective educators. Building those relationships will undoubtedly enrich my time in these hallways and classrooms.

18. The answer was Rule 49. Heh.

19. That’s a much nicer way of saying, as I did earlier, “stuff I can steal.”