In the last six years, I have authored two books, two law review articles, and five shorter works addressing teaching and learning issues. I have a contract to publish a third book, a remedies text, which I expect to complete in January 2008.

I am thrilled to have joined the
Washburn University School of Law community

by Professor Michael Hunter Schwartz

and have nothing but great things to say about my new colleagues and the law school staff, about Deans Rich and Glashausser, about the alumni I have met and with whom I have corresponded, and about our students. In particular, I

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have been impressed by the commitment of our alumni to the law school and by the intelligence and diligence of our students.

Let me start by introducing myself. I have been teaching law full-time since 1991, and I regard my work as the best job imaginable. I have taught contracts, torts, remedies, and insurance law. My scholarly work has focused primarily on efforts to improve law school teaching, law student learning, and law school curricular evaluation.

In the last six years, I have authored two books, two law review articles, and five shorter works addressing teaching and learning issues. I have a contract to publish a third book, a remedies text, which I expect to complete in January 2008. I also am on the Steering Committee for and am a contributing author to the Clinical Legal Education Association's "Best Practices for Legal Education" Project. During this same time frame, I have presented on teaching and learning topics at conferences sponsored by the International Society for the Scholarship of Teaching and

Learning, the American Association of Law Schools (AALS), the Center for Computer-Assisted Legal Instruction, the Institute for Law School Teaching, and the Association of Legal Writing Directors. This year, I was the keynote speaker at a conference for all New York continuing legal education providers sponsored by the New York Continuing Legal Education Board and one of three plenary speakers at the Law School Admissions Council Southwest Regional Academic Assistance Workshop.

I also have delivered presentations on topics relating to teaching and learning to the law faculties at Hastings College of the Law; Santa Clara University School of Law; Mercer University School of Law; University of Missouri, Kansas City School of Law; John Marshall Law School (Atlanta); John Marshall Law School (Chicago); Albany Law School; Southern New England School of Law; and University of District of Columbia School of Law. At Albany and at John Marshall in Chicago, I also

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served as a teaching consultant; I visited classes and authored written reports addressing my observations. This spring, I will be making two presentations at the January 2007 AALS Meeting and will be visiting classes, working with faculty, and co-facilitating a two-day teaching retreat for the University of Wisconsin faculty. Finally, I have consulted with a number of law schools about their academic support programs, including University of Denver Sturm College of Law, Northern Kentucky University School of Law, and University of District of Columbia School of Law.

Below, I describe a set of new initiatives designed to help our students succeed in law school, pass the bar examination, and be ready to practice law when they graduate. These programs make Washburn Law one of the most innovative law schools in the country and are another manifestation of the law school's extraordinary commitment to student success.

Introduction

Washburn Law's student success programming collectively is now known as "Ex-L at Washburn Law." I do not like or use the term "academic support" because that term has come to be understood to refer to remedial activities, which, as you will see, is not a primary part of what we do. Ex-L refers both to what we teach, a set of practices collectively referred to as "Expert Learning," and to our goal, we want students to excel. While I generally describe the programs below, I have written a law

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review article, a textbook and a teacher's manual on this topic so I cannot possibly say everything I would want to say or provide citations.

It also is worth noting that Ex-L is not simply about training students how to brief cases and outline their courses or even, more generally, about how to get good grades in law school. We have designed the curriculum with a goal of creating lawyers committed to continuously improving themselves, who know what they know, know what they don't know, and know how to learn it. In fact, the expert learning skills we teach through Ex-L are

among the seven core skill sets for all British law school graduates. In addition, the 1992 ABA Report on legal education, "Report of The Task Force on Law Schools and the Profession: Narrowing the Gap" (known to law professors as the "MacCrate Report") asserts that all law school graduates should be able to engage in and should choose to engage in continuous professional improvement efforts.

To try to achieve these goals, we have made changes both to the law school's first-year curriculum and to the law school's bar pass programming. Those changes are reflected in the descriptions below.

First-Year Academic Support

The first-year Ex-L curriculum consists of two programs, the First-Week Program and the Structured Study Group Program. The design starts from an underlying premise that proactive student success efforts are much more effective than remedial efforts. This assumption is based on three points. First, the LSAT (even when combined with undergraduate GPA) only predicts 50-60% of the variance in terms of law school performance. Thus, it is very difficult to determine, based solely on entrance credentials, which students will do well and which will need extra help. Second, because of a psychological occurrence known as self-efficacy, it is much harder to help a student improve poor law school grades than to help a student get good grades in the first place. Self-efficacy is the well-documented idea that students who believe they can succeed are more likely to succeed; it is a powerful predictor for success in academic settings because students who believe they can succeed are more likely to persist when they encounter difficulty and because students who persist when they encounter difficulty are more

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First Week Program

likely, eventually, to succeed. Third, academic support programs that target identified "at risk" students produce "stereotype threat," which interferes with students' ability to succeed. Stereotype threat refers to the phenomenon that students whose identity is attached to a negative stereotype will tend to under-perform their own capabilities in a manner consistent with the stereotype. Stereotype threat is prevalent among but not limited to students from historically disadvantaged groups, and every person suffers stereotype threat in certain contexts. For example, a recent study tested stereotype threat among white engineering students. When the white students took a test after being told that Asians typically outperformed whites on that test, the whites performed significantly worse than they would have otherwise.

This program is a part of one of the students' regular courses. We adopted this model based on the research that shows that, when learn-to-learn instruction is embedded in students' regular coursework, the new skills are much more likely to become a part of who the students are.

The new law students start law school a week earlier than the continuing students, and only have one course during that week. This year, that course was torts. The students receive 17 hours of classroom instruction taught by two of the students' regular professors. Some of that class time focuses on teaching the students the basics of law school learning, including reading and briefing cases, outlining and the basics of legal analysis.

To acculturate the students to law school teaching methods, we also conduct more or less "traditional" class sessions and then follow up with candid group discussions of what went on, what the students should have included in their notes, and why the professor asked the questions she or he asked.

The program also includes 12 hours of small group work in groups led by carefully-trained, closely-supervised upper division students. We included small group work in this program based on studies in every educational setting (from kindergarten though graduate school, including medical schools and law schools) that have found that properly constructed and led small group work improves students' depth and breadth of learning. The upper-division students are there to keep the groups on track and to make sure

everyone does his or her fair share of the group work.

Each structured study group is constituted by me, and all the entering students are assigned to groups. The groups have no less than three students and no more than six. I construct the groups because that process allows me to make sure the groups are not homogeneous. Homogeneity has been shown to inhibit student learning in small groups because one of the most significant benefits of being in a small group is the synergy produced by people thinking about problems in very different ways.

The groups start with an ice breaker exercise focusing on their reasons for being in law school and then work to consensus on the principles by which they will operate their group, signing a contract on a form I have developed. The groups then devote the rest of their time to exercises that allow the students to practice their new case, rule and legal problem analysis skills.

In addition, outside the classroom and outside the group sessions, the

students have reading assignments that address:

~ basic legal civics, from a text and from various websites, addressing how civil and criminal cases move through the legal system, court structures, precedence, law-making, etc.

~ expert learning, the law school learning implications of students' personality type and learning styles and law school and general learning strategies – reading and briefing cases, identifying techniques of legal reasoning, elementizing rules, organizational strategies, classroom note-taking, basic legal analysis, time management, and stress management.

I have the students take online personality type and learning styles assessments to provide them guidance in making law school learning strategy selections.

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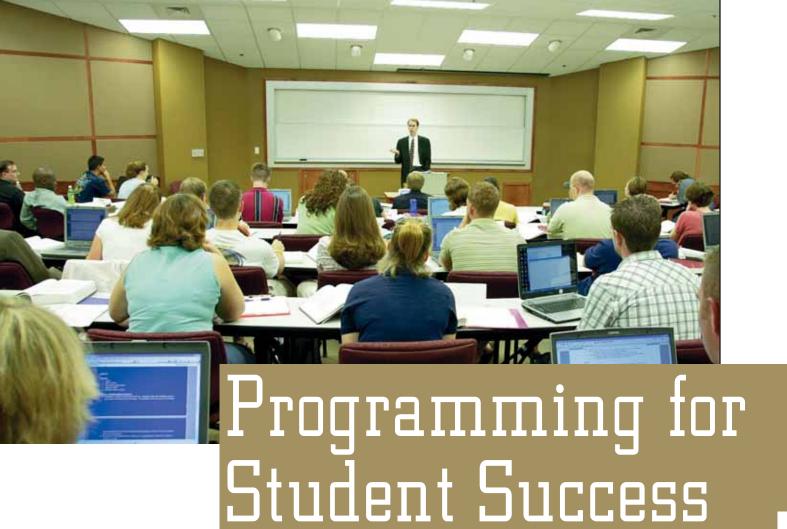
Over the course of their first week, students read and brief six cases, take a 25 question multiple-choice quiz testing their development of the knowledge and skills described above and, on the last day of the program, write answers to a law school exam-like hypo on which they receive feedback.

The students keep a journal for the First Week Program, in which they reflect on their learning process and on their goals for law school and the class. They also complete a time management, self-monitoring log and peer review each other's logs. The logs allow students to plan and record when they will study, where they will study, how they will study, how long they will study, and when they will take breaks (students who take short breaks over a 2-4 hour study period learn more than students who study without breaks), and to evaluate the effectiveness of their choices.

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Structured Study Group Program.

The design for this program is based on the studies noted above addressing the learning benefits of cooperative learning groups and on a recent, as-yet unpublished study of law school academic support programs con-ducted by an educational researcher who teaches in the education department at Penn State.

As noted above, I place each entering student in a structured study group led by an upper division student whom I inter-viewed, selected and trained. Leaders must read a 60-page training manual and go through a four-hour training program. The groups meet twice per week, one hour each time, and

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discuss all the students' first-year subjects. One meeting per week focuses on applying the law school learning skills they have learned to one or two of their courses. The other meeting always involves writing answers to practice hypos. The emphasis on writing stems from the research finding a significant correlation between practice and feedback and learning.

The study group leaders are not tutors and do not teach the law. Rather, they get the students to teach each other because studies show that 90% of people can learn when they have to teach someone else, but only 10% of the population can learn from lectures.

I supervise the groups by visiting the groups, having the group members evaluate their groups and their leaders, and by the group leaders participation in a weekly online discussion. I require the group leaders either to use one of my "canned" lesson plans or to submit and get approval of any plan they design. I also require the group leaders to e-mail me every two weeks with an evaluation of their group and information about any student who is struggling.

The groups continue throughout the fall semester.

Bar Pass Programming

Washburn Law has had a successful bar pass program for two years. Since it was implemented, Washburn Law's bar pass rate has increased by 10%. As part of this program, which is entirely voluntary, students take at least 200 practice multiple choice questions and, for each question, reflect on

why incorrect answers were incorrect or why the correct answers were correct. They also receive two mini-bar review lectures (for which they read bar outlines in advance), and they write three practice bar essay questions, on which they receive feedback emphasizing technique rather than substantive law. We keep records on how students do on their essays so the feedback has a greater cumulative effect—e.g., "You missed key facts on both this essay and your prior essay. How are you mak-

ing sure you are using all the key facts?" About 80% of the students participate in this program.

Starting this fall, we are implementing a modified version of the above program designed to reach a wider spread of the student population and designed to provide the students with additional opportunities for practice and feedback on the skills tested on the bar exam.

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First, we are holding an event that educational experts would label an "attributional retraining program." One key to success in any educational setting is getting students to see success as a matter of effort and strategy and not as a matter of ability. For this reason, we arrange for recent bar takers who passed the bar on the first try to speak to the students. The students we ask to speak are people who were not at the top of their law school class but nevertheless passed. These speakers describe how they studied for the bar exam. We also share a study Washburn Law conducted that found that students who passed the bar took an average of 2300 practice multiple-choice questions while those who failed took an average of 1500. Finally, we strive to communicate a belief the students will pass the bar if they do the work.

Second, this spring, we will be holding a bar pass event for the significant others of bar takers during which we will be giving them a handout about the bar exam and talk to them about ways they can be supportive of their bar taking significant others.

Most significantly, I will be teaching two sections of remedies to most of the students who will be sitting for the July bar exam. The choice to integrate bar pass instruction into my remedies class stems from the research on integrating learning strategies instruction in students' regular coursework (discussed above) and from a goal of getting greater student participation. The students in my remedies class (I have been teaching remedies for 16 years) will write six bar-like practice essays and answer at least 200 multiple choice questions. Three of those essays will be read and reviewed by Washburn Law faculty. The remaining essays will be read by

volunteer alumni who responded with overwhelming enthusiasm and in unbelievable numbers to my recent letter asking for help with this program.

For some of the remedies law areas, e.g., contract damages, students will be asked to read a line of cases and then construct a client letter or a discovery plan (much like the performance exams created by the National Conference of Bar Examiners and the State of California). At least some of the law will be presented in bar review-like outlines so students can master the skill of learning from outlines. Finally, students will be self-assessing their readiness for the bar exam and developing study plans to make sure they ready themselves for the rigors of bar study.

We will be closely assessing the results of this version of the bar pass program and hope to devel-op data that we can use to convince all bar takers to take my remedies class.

Conclusion

In the end, the effectiveness of all these efforts will be measured in terms of student success—in law school, on the bar exam, and in practice. If the programs succeed, we will work to make sure all students get the benefit of them. If they are not as successful as we like, we will work to make them better.

~ Michael Hunter Schwartz