

# PERSPECTIVES

## Teaching Legal Research and Writing

### TEACHING STUDENTS HOW TO LEARN IN YOUR COURSE: THE "LEARNING-CENTERED" COURSE MANUAL

BY CRAIG T. SMITH

*Craig T. Smith is an Assistant Professor of Law and Director of Legal Writing at Vanderbilt University Law School in Nashville, Tenn.*

Legal research and writing (LRW) professors should tell their beginning students, in writing, how they may learn optimally in the LRW course. An excellent tool for this purpose is a "learning-centered" course manual.<sup>1</sup> This is a set of documents that students receive before class sessions begin and refer to throughout the semester. Like a traditional syllabus, it includes a schedule of assignments and class sessions. But it also offers more. It supplements the course's syllabus with an informative handbook that seeks to answer, concisely yet comprehensively, a question every student should repeatedly ask: What must I know about the course to get maximum benefit from it?<sup>2</sup> Accordingly, a learning-centered course manual articulates the course's relevance and the professor's expectations and plans by concisely explaining at least:

- the course content's importance;
- the course's goals;
- how the professor will work with students to attain those goals, and why;

<sup>1</sup> "Learning-centered" has been used by many authors, e.g., Judith Grunert, *The Course Syllabus: A Learning-Centered Approach* (Anker 1997); Robert M. Diamond, *Designing and Assessing Courses and Curricula: A Practical Guide* 193 (2d ed., Jossey-Bass 1998). Professor Diamond taught for years at Syracuse University and in 1998 helped found the National Academy for Academic Leadership. See <[www.thenationalacademy.org/About/history.html](http://www.thenationalacademy.org/About/history.html)> (visited April 22, 2003).

<sup>2</sup> See Diamond, *supra*, at 192 (posing a similar, more general question).

VOL. 12 NO. 1 FALL 2003

### CONTENTS

Teaching Students How to Learn in Your Course: The "Learning-Centered" Course Manual <i>Craig T. Smith</i> .....	1
TEACHABLE MOMENTS FOR TEACHERS ... Demonstrations and Bilingual Teaching Techniques at the University of Paris: Introducing Civil Law Students to Common Law Legal Method <i>Charles Calleros</i> .....	6
TEACHABLE MOMENTS FOR STUDENTS ... Researching English Case Law <i>Stephen Young</i> .....	13
Teaching Statutory Research with the USA Patriot Act <i>Kay M. Todd</i> .....	17
The Benefits of Hands-On Exercises for Initial Lexis and Westlaw Training <i>Don Arndt</i> .....	19
Treating Students as Clients: Practical Tips for Acting as a Role Model in Client Relations <i>Libby A. White</i> .....	24
BRUTAL CHOICES IN CURRICULAR DESIGN ... Reusing Writing Assignments <i>James D. Dimitri</i> .....	27
WRITING TIPS ... Punctuation Matters <i>Martha Faulk</i> .....	32
WRITERS' TOOLBOX ... Should I Teach My Students Not to Write in Passive Voice? <i>Anne Enquist</i> .....	35
LEGAL RESEARCH AND WRITING RESOURCES: RECENT PUBLICATIONS <i>Donald J. Dunn</i> .....	38
Cumulative Index for Volumes 1-11 <i>Mary A. Hotchkiss</i> .....	46

*Perspectives: Teaching Legal Research and Writing*

is published in the fall, winter, and spring of each year by West.

Mary A. Hotchkiss  
Editor  
University of Washington  
School of Law and the  
Information School  
Seattle, Washington

**Editorial Board**  
Barbara A. Bindiff  
University of Colorado  
School of Law Library  
Boulder, Colorado

Donald J. Dunn  
University of La Verne  
College of Law  
Ontario, California

Penny A. Hazelton  
University of Washington  
School of Law Library  
Seattle, Washington

Frank G. Houdek  
Southern Illinois University  
School of Law  
Carbondale, Illinois

Mary S. Lawrence  
University of Oregon School of Law  
Eugene, Oregon

Judith Meadows  
State Law Library of Montana  
Helena, Montana

Helene S. Shapo  
Northwestern University  
School of Law  
Chicago, Illinois

Louis J. Sirico  
Villanova University School of Law  
Villanova, Pennsylvania

Craig T. Smith  
Vanderbilt University Law School  
Nashville, Tennessee

Kay Todd  
Paul Hastings Janofsky & Walker  
Atlanta, Georgia

*Opinions expressed in this publication are those of the authors and should not be attributed to the Editor, the Editorial Board, or West. Readers are encouraged to submit brief articles on subjects relevant to the teaching of legal research and writing. Manuscripts, comments, and correspondence should be sent to Mary A. Hotchkiss, William H. Gates Hall-Box 353020, Seattle, WA, 98195-3020, (206) 616-9333, Fax: (206) 543-5671, E-mail: hotchma@u.washington.edu*

*To subscribe to Perspectives, use the card on the back cover of this issue or contact:*  
Ann Laughlin  
West  
Customer and Product Documentation  
D5-S238  
610 Opperman Drive  
Eagan, MN 55123  
(651) 687-5349  
E-mail: ann.laughlin@thomson.com

- how students can best work with one another and the professor; and
- how and with what criteria the professor will assess student performance.<sup>3</sup>

Moreover, such a course manual also may describe the course's crucial points<sup>4</sup> and enduring, fruitful questions.<sup>5</sup>

The result is a "do-it-yourself building kit for learning."<sup>6</sup> A learning-centered course manual articulates for the professor and student a shared mission and a plan. These will guide them through an arduous, often emotionally draining semester chockablock with carefully orchestrated, time-sensitive assignments and readings. The manual will seek to empower and inspire students, helping them to avoid frustration<sup>7</sup> and to become active, motivated, savvy learners.<sup>8</sup> Such goals are vital in a

<sup>3</sup> Gregory S. Munro, *Outcomes Assessment for Law Schools* 142-44 (Inst. for Law School Teaching 2000) ("criteria by which [the professor] will assess student performance ... should be written and provided to the students because students prepare better for performance when they know the criteria," and "learning makes more sense for students if specific course goals ... are set out in the syllabus so they understand what they are supposed to learn"). See also John Bransford, Nancy Vye & Helen Bateman, *Creating High-Quality Learning Environments: Guidelines from Research on How People Learn*, in National Research Council, *The Knowledge Economy and Postsecondary Education* 159, 189 (Patricia Albjerg Graham et al., eds. 2002) (emphasizing the special importance of stating "the goals for learning and the methods for assessing it"). See also Diamond, *supra* note 1, at 191 ("The clearer the picture your students have of what you expect ... and the greater their understanding of what their role will be and of the criteria" by which you will evaluate their work, "the more effective the course will be.")

<sup>4</sup> This makes the syllabus or manual rather like the syllabi familiar from scholarly articles and Supreme Court reports: abstracts or concentrations of a larger work's (in this case the course's) important points and essential qualities.

<sup>5</sup> E.g., Gerald F. Hess & Steven Friedland, *Techniques for Teaching Law* 28 (Carolina Academic Press 1999) (describing a syllabus composed largely of questions that "synthesize in sequence every topic covered in the course" and focus students' attention on important views concerning the topic).

<sup>6</sup> *Id.* at 24.

<sup>7</sup> Debbie Mostaghel, *Around What Goals Should We Construct a Legal Research and Writing Curriculum?* 11 *Second Draft*, No. 2, p. 4 (1997) ("Student resistance to some of the things we do may impede our ability to teach effectively," and "reducing frustration is a legitimate goal because it can lead to a better learning situation.")

<sup>8</sup> James B. Levy, *Motivating Students to Learn*, 9 *The Law Teacher* 14 (Spring 2002) (labeling motivation "the fulcrum of student learning" and discussing applications of motivation theories to law school course design).

required, not immediately popular course. That is especially true if the course notoriously requires great effort yet earns disproportionately few credits. The course manual may, for example, describe students as apprentice lawyers and link their course work explicitly to typical student goals and to lawyers' activities.<sup>9</sup> This can help students appreciate the knowledge and skills they are to learn. The course manual also can convey the professor's enthusiasm, preparedness, and commitment to supporting (as well as challenging) the students.<sup>10</sup> Moreover, the manual may help students manage their time well and focus their efforts efficiently. It can do so by providing an overview of not just the order and timing of assignments but also the reason for this sequence.<sup>11</sup> Such an overview also communicates the professor's understanding and respect for the students. They typically "abhor surprises" and "appreciate a tightly organized, explicit course structure around which they can plan the rest of their lives."<sup>12</sup>

## The Inadequacy of Traditional, Simple Syllabi

A common means of imparting course-related information to students in writing is a syllabus. Traditionally in law school courses, however, a course syllabus—if used at all—is what course-design experts describe as "teacher- or content-centered."<sup>13</sup> This is little more than an address card for the professor ("my office is \_\_\_, my phone

<sup>9</sup> Cf. Linda B. Nilson, *Teaching at Its Best: A Research-Based Resource for College Instructors* 19 (Anker 1998) (recommending a brief "travelogue to pique the students' interest in the expedition" on which the course will lead students).

<sup>10</sup> See Levy, *supra* note 8 (discussing the importance of helping students expect that they can succeed, grow excited about the process, and catch the "emotional contagion" spread by the professor's enthusiasm). Popular television educator "Crocodile Hunter" Steve Irwin agrees: "[E]ducation is all about being excited about something. ... [I]f we can get people excited about animals, then by crikey, it makes it a heck of a lot easier to save them." *Method to His Madness*, *Scientific American.com*, March 26, 2001, <www.sciam.com/article.cfm?articleID=00000077-EE59-1CEE-93F6809EC5880000> (visited July 15, 2003).

<sup>11</sup> Diamond, *supra* note 1, at 194.

<sup>12</sup> Nilson, *supra* note 9, at 22.

<sup>13</sup> Diamond, *supra* note 1, at 192.

number is \_\_, my office hours are \_\_,” etc.), a calendar listing dates and assignments (“read \_\_ on Monday, submit \_\_ on Tuesday,” etc.), and perhaps a brief statement of basic course rules.<sup>14</sup> Teacher manuals and syllabus banks suggest that this style of syllabus may persist even among LRW faculty.<sup>15</sup> Such a perfunctory listing of basic information will do little to help “students understand their expanding role in the learning enterprise” and to become active, responsible learners.<sup>16</sup>

This shortcoming costs both students and professors. Novice LRW students tend to rely on understandings and methods of learning that have brought them academic success before law school. Some of these understandings and methods may serve them poorly. A student might believe that success in the course depends primarily on listening attentively to lectures and articulating the professor’s views. This student might accordingly pursue learning mainly through

- meticulous note-taking in the classroom,
- self-effacing refusal to articulate personal opinions, and
- formulaic mimicry of writing samples favored by the professor.

<sup>14</sup> Cf. Munro, *supra* note 3, at 33 (defining “assessment” as a set of practices that fosters more active teaching and learning by articulation of goals and measurement of effectiveness in attaining those goals, and concluding that this typically “is woefully inadequate in law schools”); Diamond, *supra* note 1 at 193 (describing a 1985 study that compiled a substantial list of important questions typically left unanswered by college syllabi).

<sup>15</sup> See, e.g., Linda H. Edwards, *Teacher’s Manual, Legal Writing: Process, Analysis, and Organization* (3d ed., Aspen 2002); Amy E. Sloan, *Basic Legal Research: Tools and Strategies* (2d ed., Aspen 2003); the Legal Writing Institute’s syllabus bank at <[www.lwionline.org/publications/syllabusbank.asp](http://www.lwionline.org/publications/syllabusbank.asp)> (visited April 22, 2003). Of course LRW professors may often include some of the information described in this article in materials not formally part of the course syllabus, such as a course manual or handout collection.

<sup>16</sup> See, e.g., Hess & Friedland, *supra* note 5, at 15–16 (endorse active learning and quoting the “Seven Principles for Good Practice in Undergraduate Education” articulated in 1987 by Arthur W. Chickering and Zelda F. Gamson: Students “must talk about what they are learning, write about it, relate it to past experiences, and . . . make what they learn part of themselves”).

This would be a weak learning strategy in a course designed to help a student learn through

- Socratic dialogue,
- independent, forthright expression of the student’s own ideas, and
- recursive evaluation of whether the student’s writing is suited its subject’s logic and emotion and serves its audience’s needs and preferences.

When familiar, trusted ways of learning fail them, students experience confusion and dismay. Unaddressed, these can quickly calcify into antipathy, apathy, and other psychological and social burdens that seriously hinder learning.

Those results can in turn bring writing professors bitter complaints, weak evaluations, and personal and professional anguish. Moreover, lack of written, “detailed precision” regarding our expectations for students will increase the hours we spend with individuals “reviewing content, attempting to clarify assignments, and generally helping them (and perhaps ourselves) to understand requirements, assignments, and standards.”<sup>17</sup>

Hence both simple fairness and common sense dictate that we should thoroughly describe, in writing, how students may best succeed in the course. We will present students with a complex set of readings, activities, and assessments that will challenge them in unexpected ways. In particular, the course will repeatedly demand a scrutiny of the student’s writing that is surprisingly intense, critical, thorough, and focused. Moreover, it will demand that students learn, think, and write outside the classroom with an often novel degree of intellectual independence. As they strive, within prevailing rhetorical conventions, to communicate using an authentic voice, they tread a difficult path. A learning-centered course manual provides a welcome guide to the terrain.

### An Example

My fall semester course manual, for example, is required reading before the initial class session.

<sup>17</sup> Diamond, *supra* note 1, at 192.

“Hence both simple fairness and common sense dictate that we should thoroughly describe, in writing, how students may best succeed in the course.”

“My description recommends two attitudes that will help students to achieve the course goals: willingness to learn actively and openness to constructive criticism.”

The manual begins with a table of contents and a welcome letter.<sup>18</sup> The letter greets students, places the course in a professional context, and invites them to engage in a learning-oriented partnership with me and their peers. Specifically, it explains that:

- within months most of the first-year students will be working as apprentice lawyers outside of the law school, alongside professionals;
- legal writing is more difficult than many novices realize and may require “willing[ness] to abandon writing techniques that have worked well in the past, and to learn new writing skills”;<sup>19</sup>
- a team of instructors is dedicated to supporting students along their journey;
- this team will challenge the students to learn responsibly and actively, primarily by doing; and
- the course will complement their other courses explicitly and purposefully.

Next, my course manual describes goals and how students may best attain them. Such a description must take into account that individuals have varying learning styles and strategies. Hence it should focus on general advice that will help students customize their own approach.<sup>20</sup> My description recommends two attitudes that will help students to achieve the course goals: willingness to learn actively and openness to constructive criticism. It then links these attitudes to the teaching methods their team of instructors<sup>21</sup> and texts will employ. It also briefly explains why these attitudes, methods, and texts can combine to produce a superb learning experience. This assures students that we have carefully considered our teaching plan.

<sup>18</sup> Grunert, *supra* note 1, at 28 (a letter can “set a dialogic tone” for the course). I also maintain the conversational tone by continuing to address the student reader as “you” throughout the syllabus, as Professor Diamond recommends. Diamond, *supra* note 1, at 197.

<sup>19</sup> Robin Wellford, *Legal Reasoning, Writing and Persuasive Argument* vii (2002).

<sup>20</sup> The aim is to “help them to become effective learners by actively shaping their own learning.” Grunert, *supra* note 1, at xi.

<sup>21</sup> At Vanderbilt, students learn from a team composed of a writing professor, a research professor (a reference librarian), and a student teaching assistant, who primarily teaches citation and serves as a general mentor.

My course manual then helps teach students to plan effectively by explaining, in a concise essay, the semester’s instructional progression. This describes what topics we will address when, how, and in what context. But it also introduces the major points we will challenge students to grasp and to incorporate into their work. Students learn from this, for example, that we will:

- read about, examine critically, and use an organizational paradigm for legal writing, which the manual briefly introduces;
- address tort and contract issues to complement the students’ other first-semester courses;
- progress gradually, with a building-block approach, from drafting a paragraph through completing memoranda, in first a litigation and then a transactional context (including drafting a contract clause);
- cycle or spiral frequently through a recursive process of reading, writing, receiving commentary from the professor and fellow students, and revising;<sup>22</sup>
- integrate research exercises with writing assignments; and
- provide teaching assistants and online tools to help students learn citation.

Accompanying this is a course syllabus. The syllabus contains a detailed schedule of assignments, contact information for the teaching team, a list of texts, and various charts. Two charts show submission deadlines for papers and the weight of each of the course’s performance measures in calculating a student’s course grade. Another chart, arranged as follows and explained in accompanying notes, shows students the dates and content of assignments:

Week	Documents to Submit	Documents to Receive	Reading	Class Topics
[Week numbers and dates appear here.]	[Writing, research and citation assignments appear in a consistent order in the charts’ boxes.]			

<sup>22</sup> Laurel Currie Oates, Anne Enquist & Kelly Kunsch, *Teacher’s Manual, The Legal Writing Handbook: Analysis, Research, and Writing 25* (Aspen 2002) (A “spiral curriculum” helps students learn effectively because it “sequences what [they] need to learn” and requires them “to use what they have learned again and again in increasingly sophisticated contexts.”); Mary S. Lawrence, *Writing As a Thinking Process* 4–5 (1972) (describing presentation of information in “recurring cycles” to teach writing as a process).

Finally, my course manual ends with references to additional books, articles, Web sites, or other “material that supports learning outside the classroom.”<sup>23</sup> These may include, for example, supplemental handbooks, textbooks, reference guides, and audiovisual materials, as well as online or electronic resources such as the Interactive Citation Workbook and Workstation, CALI exercises, and useful Web sites.

### Creating a Learning-Centered Course Manual

One should carefully consider the costs and logistics of producing a learning-centered course manual. Pedagogically it is a sound investment of time and energy because it helps the professor thoughtfully design, implement, and later evaluate the course. Each time I evaluate one semester’s LRW course and prepare to teach the course again, I thoroughly review, revise, and learn from my course manual. Moreover, your law school or university may provide resources such as peer review of a draft manual; help obtaining copyright permission where necessary; copying, printing, and binding services; and the ability to sell the manual through a bookstore, thereby passing the cost on to students.<sup>24</sup> At Vanderbilt, for example, colleagues from our superb Center for Teaching<sup>25</sup> have helped me develop a learning-centered manual; a printing office obtains copyright clearances and binds the manual together with the semester’s supplemental readings; and the campus bookstore sells the resulting packet. A law school also might permit the professor to reap institutional or even monetary benefits from creating especially informative, effective, and

original syllabi—for example as course-enhancement grants, royalties from manual sales,<sup>26</sup> or fulfillment of renewal or promotion standards.<sup>27</sup>

Design and layout also are important considerations for a learning-centered manual. The final document, though it accomplishes many things, must remain reader-friendly. Students will appreciate strong organization, visible at a glance in a table of contents composed of informative headings. A sensible format and design also are important because the manual’s look affects its usefulness. Consequently, good advice regarding effective design and layout of print or Web-based materials is invaluable. Helpful advice is available from sources such as Robin Williams’s *The Non-Designer’s Design Book*. It targets professors who lack “background or formal training in design” but understand “that students respond more positively to information that is well laid out.”<sup>28</sup>

### Conclusion

Creating and distributing a learning-centered course manual promotes thoughtful course design and effective, efficient, and enjoyable learning among LRW students. Such a manual prompts professors to articulate their goals and expectations and to communicate these to students in an even-handed, enduring, and reviewable manner.

That should be reason enough to justify the time, energy, and expense of creating a manual. If one needs further incentive, however, it could come from this: A learning-centered manual also helps communicate the professor’s pedagogical vision and methods to other important audiences, such as adjunct professors or teaching assistants in the LRW program, your dean and fellow faculty members, and alumni.

© 2003 Craig T. Smith

<sup>23</sup> Grunert, *supra* note 1, at 18–19.

<sup>24</sup> Professor Diamond recommends this and discusses details of doing so. Diamond, *supra* note 1, at 198–201. He also recommends copyrighting your syllabus’s new material and considering “the possibility of collecting royalties” on its sales. *Id.* at 201.

<sup>25</sup> See <[www.vanderbilt.edu/cft/](http://www.vanderbilt.edu/cft/)>.

<sup>26</sup> See Diamond, *supra* note 1, at 201.

<sup>27</sup> The Washburn University School of Law’s dean recently wrote: “We must reward faculty members for being very effective teachers,” even if enhancing their effectiveness “necessarily will [leave them] less time for scholarship and service.” Dennis R. Honabach, *Precision Teaching in Law School: An Essay in Support of Student-Centered Teaching and Assessment*, 34 U. Tol. L. Rev. 95, 103 (2002).

<sup>28</sup> Robin Williams, *The Non-Designer’s Design Book: Design and Typographic Principles for the Visual Novice* 11 (Peachpit Press 1994).

“Creating and distributing a learning-centered course manual promotes thoughtful course design and effective, efficient, and enjoyable learning ...”