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A MONTESSORI JOURNEY: LESSONS FOR THE LEGAL WRITING CLASSROOM

BY SONIA BYCHKOV GREEN

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Introduction

My sons attend a Montessori school.¹ Like many parents, we chose the school in large part because it was small, clean, and peaceful—and accepted two-year-olds without requiring that they be toilet trained. We had heard bits and pieces from friends and colleagues about the Montessori philosophy, and the ideas of independent learning and respect for the child appealed to us. Since then, we have learned much more about the philosophy, and the school has given me some insights into education and a prism through which to view my own teaching. This article sets out some of the lessons I have learned, and suggests some ideas for application to the legal writing classroom.

The Journey, and Lessons Learned Along the Way

In mid-January, the school holds a biennial “Montessori Journey”: a chance for parents to come to the school over an evening and weekend day, look closely at the classrooms and the materials, and then, the next day, actually experience the classes by pretending to be the students. The start of the “journey” was a silent walk from classroom to classroom. We were asked not to speak, not to ask questions, and not to touch anything. We were given paper on which we

¹ The school is Keystone Montessori School, in River Forest, Ill. I want to thank the faculty and staff of the school for their commitment and dedication, and for educating me, as well as my sons.

could record our impressions, nicely sharpened pencils, and nothing else. Like any good teacher (or lawyer, for that matter), I have a hard time being silent for two hours. And yet, this part of the journey was one of the most peaceful and insightful parts of the weekend.

The second day allowed us to travel through the different classrooms, starting in the toddler class, and progressing through the middle school. In each room, we were asked to pretend to be students, and use the materials the way the children would.

For the school, it was an attempt to teach us their nontraditional methods, actually using nontraditional means; this in and of itself is a terrific idea.² Usually, we meet for discussions or question-and-answer sessions that were just like those that would arise in any other setting. In this special case, however, we were forced to detach from the experience and just observe. As I traveled through the journey, and reflected on it afterward, I thought that some of the philosophy and specific techniques could be useful in a legal writing classroom as well. Here are some ideas:

1. Teach students to be independent thinkers and doers.

A large part of the Montessori philosophy is to give students choices in the “works” they do. The classrooms at all the grade levels are designed so that students can select from a number of age-appropriate works. The role of the teacher is to make sure that students do the works properly, to give lessons in how to do some of the more advanced works, and to make sure that each

² I had a similar experience at a Legal Writing Institute conference session this summer, at the presentation “Teaching Law Students Through Their Individual Learning Styles,” by Robin Boyle, Dr. Joanne Ingham, and Elaine Mills. The presenters asked the audience to assess their own learning styles by taking a short questionnaire. They made the questionnaire available in a traditional paper format (respondents marked off best answers on a sheet of paper) and, anticipating that some would be more tactile learners, they also made the questionnaire available as strips of paper that would be laid out on a grid to correspond with the best answer). This instantly reinforced the ideas that people learn differently and that different methods can and should be used.

student eventually does works in a variety of areas.³ The amazing freedom this affords seemed overwhelming to most of the parents who had been schooled in more traditional means.

In a legal writing classroom it is obviously harder to give students those kinds of choices. The topics are limited from the beginning, and it is crucial to ensure that all of the topics are covered. Presumptively, students have chosen to be in a law classroom because they want to learn the law, but we know that this is often not the case. Even if they want to be lawyers, they may not want to learn the law. And even if they want to learn the law, they may not be at all excited about learning legal writing. Thus, we cannot let them choose everything, and have to make sure that they still learn everything they need. However, if we can allow them some more choices either in what they write about, or how they present at least some of their work, we may encourage them to be more proactive about their own legal education and, in the end, learn better.

A corollary to this may be that we can try to give students choices in how they learn legal writing: some schools are experimenting with legal writing sections by topic area; at John Marshall, we have divided our fourth-semester drafting courses into specialty topics, and the students seem to be more engaged. Perhaps even in a traditional first-semester legal writing classroom students can be given some choices on memo topics or in-class writing assignments. Even small choices may be beneficial.

2. Use materials that truly engage and appeal to every different learning style.

A. Different age and ability classrooms

In Montessori classrooms children are divided by age. The breakdown of classrooms at Keystone is: Parent/Infant (three-to-24-month-old children

with parents); Toddler (two-year-olds); Primary (three-to-five-year-olds); Junior Elementary (six-to-nine-year-olds); Senior Elementary (nine-to-12-year-olds); and Middle School (12-to-14-year-olds). The general assumption is that children of different ages have different approaches to learning, and that these age-related classifications are most useful for dividing up the classroom.⁴ To some extent, age is a proxy for ability, but even more than that, the age classifications are thought to represent unique developmental stages.⁵ These are obviously large categories, and they are not rigid: students can advance at a younger age or may stay in a classroom even if they are a bit older. The categories are useful for defining skills, and the combined age rooms allow students to learn from and teach each other. Within each classroom there are tools for the different age-and-skill-level children to use.

As I reflected on this, I wondered whether we could do anything at all like this in our legal writing classrooms. Can we make any generalizations about our students? Can we put the weaker students in a different classroom? Can we put different kinds of learners in different sections? In the end, this breakdown is probably impossible to ascertain and impose, and moreover, there is likelier to be much more benefit to having different kinds of students in a single section to teach each other and enrich the classroom. The better lesson here may just be that we have to be ever mindful that our classrooms contain individuals of different abilities, interests, and styles, and we need to be cognizant of that when we teach.

B. Know what the students like to do, and allow them to do that

A corollary to the different age classrooms is a strong Montessori emphasis on understanding how students learn and what they can do. For example, most of the works in the Primary classroom are meant to be done individually; few works for the older kids are meant to be done in

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³ Here is an excellent description of the teacher's role in the Montessori philosophy: “As the child is introduced into the learning environment, the teacher explains and enforces the rules which govern [that] world. . . . But, and this is most basic to the system, she must never force the child to begin learning. *The first movement of exploration must come from the child.*” George L. Stevens, *Montessori Perspectives, Past and Present*, in *A Montessori Handbook* 29, 33 (R.C. Orem ed. 1965) (emphasis in original).

⁴ Paula Polk Lillard, *Montessori Today: A Comprehensive Approach to Education from Birth to Adulthood* 6–7 (1996).

⁵ *Id.*

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groups.⁶ The philosophy behind this is that children of that age work better independently.⁷ This approach changes dramatically as students move into the Junior Elementary classroom. There, most of the works are meant to be done in groups, since children of that age are generally more social.⁸ Amazingly, they learn and get works done even in groups.

These sorts of classifications are obviously easier to make for younger children, where age and developmental level control so much. For our legal writing students, it is very difficult to find such broad, useful categories that fit. There has been a wonderful body of scholarship about learning styles and personality styles,⁹ and we should all be more aware of our students' varied skills and personalities. Some will be loners, and some will be social, and we have to take that into account. My Montessori Journey reminded me and illuminated a different aspect of learning theory: we should consider not just each student's learning style, but simply his or her style—how they function generally, and what that means for how we can best teach them,

C. For the hands-on learners: cutting up parts of the discussion

One of the works I did in the Junior Elementary classroom was to dissect a sentence by actually cutting it up. There were strips of paper with sentences. The work was to cut up a sentence and lay out the different pieces. There was a small basket with laminated sheets of paper that could be laid out next to the sentence parts to identify the main clause and the modifying clause. Students could move the pieces around and construct their own sentences. They could also use

arrows to point to parts of a sentence and attach labels to the sections to identify that part of the sentence. This kind of exercise was repeated in the older-age classrooms as sentence diagramming became more complex.

It occurred to me that we could do the same exact exercises. I still have students who write sentence fragments, or don't understand how one part of a sentence can modify another. This kind of exercise could help some students finally understand how a sentence is structured.

Moreover, there is something terrifically liberating about physically cutting up a piece of writing. It made me feel empowered, and made me realize that the product is not sacrosanct. I plan to have students cut up their own sentences, some judicial opinions, and memoranda. Then I will ask them to put them together and show me how the pieces fit.

D. For the hands-on learners: sorting

Parents of Montessori students know that the interest in sorting is cultivated and nurtured.¹⁰ As students get older, the sorting becomes more sophisticated. One fascinating project designed for the Senior Elementary students was a large grid that consisted of several blocks. The general topic of the grid was “ancient Roman culture,” and there were general headings: social, economic, political, etc. Next to it, there was the quintessential Montessori basket, which contained information about different aspects of the culture: paragraphs describing politics, photos of roads and buildings, etc. Students were supposed to sort the paragraphs and/or drawings into the correct categories and place those on the grid. Since this project was for older children, it was a group project, and it encouraged them to discuss what fell under which category. This way, they learned not just the substance of the culture itself, but what the different categories meant, and how to organize topics into different categories.

This can have a variety of applications in the legal writing classroom. Students can be asked to

⁶ See *id.* at 34, and generally, on this age range, see *id.* at 34–43.

⁷ *Id.*

⁸ See *id.* at 47, and generally, on this age range, see *id.* at 44–53.

⁹ See, e.g., M.H. Sam Jacobson, *A Primer on Learning Styles: Reaching Every Student*, 25 Seattle U. L. Rev. 139 (2001); Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 San Diego L. Rev. 347, 394 (2001); Clifford S. Zimmerman, “Thinking Beyond My Own Interpretation”: Reflections on Collaborative and Cooperative Learning Theory in the Law School Curriculum, 31 Ariz. St. L.J. 957, 960 (1999).

¹⁰ For a humorous take on Montessori sorting, read *Something Weird Going On in That Montessori School*, *Neighbor Reports*, The Onion, November 1, 2000.

sort out cases based on different criteria: for example, students can be given different case examples of conduct that satisfies the element of “outrageousness” in an intentional infliction of emotional distress setting, and asked to place the examples on a continuum, ranging from least to most offensive. Preparing a grid like that could help students understand that there can be a range of examples, and, when they have to make a prediction about whether a particular fact pattern rises to the standard of outrageousness, they could try to see where that would fit in the range. It could also appeal to the tactile learners, and teach them a learning method they might even apply in other classes.

Students in a legal writing classroom can also be asked to sort research materials (perhaps either the actual books, or strips of paper on which different names of research tools are written) and physically group them into, for example, primary and secondary authority, or, within primary authority, into mandatory and persuasive authority. This type of exercise may seem basic to some students, but for others, it may be just what is needed to make the different classifications stick in their minds.

3. Teach in steps.

A. Basic works

Another aspect of the Montessori philosophy starting in the Primary classroom (three-to-five-year-olds) is not to allow a student to do a work until that student has had a lesson by the teacher on how to do the work properly. The teacher will usually demonstrate the work silently, sometimes to a single student and sometimes to a group. After that, the student is free to choose to do that work.

This struck me as an especially interesting idea since we often do the opposite. We make students brief cases right away and often forget that we need to teach them how to do it. In Montessori schools the lessons are often done one on one, or in small groups; we don't have the luxury of that. But, we can make an effort to see what each student has mastered, and try to avoid pushing students to do things that they simply have not learned how to do.

B. Advanced works

Students also cannot move on to a more advanced work until they have mastered a basic work. The teachers keep close track of this, and the works are laid out on the shelves in a specific progression. Students learn very early on that they must do the works in order. For example, in the Primary classroom, the math progression goes from simple organization of objects from smallest to largest, to basic counting, to using bead strings to count to higher and higher numbers, to more sophisticated counting games and four-digit addition and subtraction.¹¹

To some extent, we already do this kind of sequential teaching in the legal writing classroom. Many of us start with smaller assignments that progress to more complex assignments, or ask our students to outline or submit drafts before they submit a final product. One problem—perhaps unavoidable—is that we usually cannot, as a practical matter, prevent a student from moving on. Confronted with deadlines and a justifiable amount of student anxiety, we usually cannot prevent a student from starting work on a new assignment until that student has completed a previous assignment to our satisfaction. If nothing else, I find myself grading memo 1 while my students embark on memo 2. But perhaps we can accomplish this to some extent with prewriting, and with rewriting. Better yet, perhaps we can encourage our students to be more critical readers of their own assignments so that they would share part of the burden of ensuring that they were truly doing and learning things in a logical progression. It may be that just the thought of progressions and repetition could guide some of how we present information to our students.

4. Detach from the classroom.

During the silent walk part of the journey itself I found it incredibly helpful to step back and just observe. I think this might be applicable in several different areas:

A. Stepping back from the texts and looking at them more generally, rather than for a specific purpose.

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¹¹ Lilliard, *supra* note 4, and generally, on this age range, at 34–43.

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B. Stepping back from student writing product and waiting to grade or even mark up papers until I have read several papers.

C. Observing our students at work: studying, writing, or working in small groups.

D. Encouraging our students to detach, pause, and reflect before starting to write, or before taking notes on cases, assignments, or what they are told in the classroom.

E. Trying a silent classroom. One day, and I have not tried this yet, I would like to try setting out a range of materials—perhaps different legal research tools or different types of writing—and telling my students very generally what the overall topic is, and then asking them to walk around, silently, and just study the materials. Some students will rebel against this, but for others, this may be just the atmosphere they need to reflect on what is presented.

5. Respect each other, the classroom, and the materials.

A final and quite striking aspect of both the journey and the Montessori curriculum is a “practice what you preach” concept that manages to teach ethics and good behavior through kind leadership. Even the youngest students are taught courtesy and respect through example: each tot is greeted with a handshake and a “good morning” and when they offer snacks to each other, they say “yes, please” and “no, thank you.”

In any law school classroom, we cannot expect students to have respect for each other’s ideas if we do not treat those ideas with utmost respect. Here is where the Socratic method gone awry—as it can—can do more harm than good. In the legal writing classroom we have more flexibility in how we approach various topics, and we have a great opportunity to teach courtesy and respect by example. Of course, not every idea will be right, and we will all have students who need to be taught how to be respectful in the classroom, but we can lead the classes in a way that allows for respect for different ideas. At the same time, as legal writing teachers we face the tough task of often being the first ones to comment on and grade student papers. We should think about how we do that, and how we can educate and correct

while still maintaining—and demonstrating—respect for our students.

Students should also be reminded that others use the same sources they use, and work in the library should be put back so that others may use it. It’s a basic principle, and it should be something students have heard all their lives, but it may be worth repeating in the legal writing classroom. Most of us spend time worrying about plagiarism, and our students need to be taught how they can spot potential problems and avoid them. Even more than that, the legal writing classroom can teach students the underlying ethical guidelines and the basic premise of respect: respect for other people’s ideas.

Conclusion

Obviously, practical constraints limit what we do. I can spend more time understanding each student’s style and abilities, evaluating the student, and meeting outside of class if I have 20 students rather than 40. I am lucky to be part of a four-semester legal writing program¹² but many of us are not. We need time also to think about how to adopt new and interesting approaches in the classroom and to do that, we need to have summer educational grants and institutional support. To extend the idea of respect beyond teacher and student, we need to be in positions where our colleagues respect us. All of these things can make a positive impact on our students.

As I finished my Montessori Journey at the school, like most of the parents, I was bubbling with energy and enthusiasm, curious to learn more, and anxious to try some of these methods on my own. As my students go through their law school journeys, I want to find ways to help them feel that way about the law.

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¹² We have moved back to a four-semester required program at JMLS after our experiment in a three-semester required program proved to be less successful than we had planned. For a description of our three-semester program, see Sonia Bychkov Green & Maureen Straub Kordesh, *And Now for Something Completely Different: Lessons Learned in Revising the Legal Writing Curriculum*, The Second Draft, May 2002, at 6.