LESSONS FROM MY FIRST YEAR: MAINTAINING PERSPECTIVE

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I recently completed my first semester of teaching legal research and writing at Suffolk University Law School, and I am firmly convinced that I learned more over the last several months than did my students. For example, after grading their first homework assignment, I learned that it is impossible to explain things too explicitly. I learned that student memories can be elephant-like, but only when it comes to the embarrassing misstatements one invariably makes as an instructor during a year-long course. And after several late-night telephone calls regarding proper citation form, I also learned that giving out your home phone number can be a big mistake. One lesson, however, stands out above all the rest. I learned to be realistic when it comes to assessing what my students can accomplish when performing a given task.

Today, I still expect a lot from my class, but now I always temper my expectations with a realistic assessment of an assignment's difficulty and an understanding that everything is new to the first-year law student. Maintaining perspective is no easy task, but over the course of the semester I discovered three ways of doing so: (1) rereading my own early attempts at legal writing, (2) making a list of everything I have taught my class during the semester, and (3) rereading my lecture notes. Before discovering these methods of maintaining perspective, however, I caused myself several sleepless nights by expecting more of my students than they realistically could have delivered. For me, the lowest point in the year occurred when I began reading my students' first attempts at writing a memo.

The Highs and Lows of the First Memo

About four weeks into the fall semester, my students passed in the first drafts of their first memorandums. Although I was somewhat intimidated by the Sisyphean task of editing and grading the small mountain of papers on my desk, I was also excited to see how much my students had learned from me during the first month of their legal careers. After editing the first 20 papers, I became quite concerned about the quality of what I was reading. After the next 20, my concern had metamorphosed into heart-pounding fear. By the time I turned the last page of the last paper, I was convinced that either (1) English had become an optional course in most high schools, or (2) I had made an extremely poor career choice. I could not understand why there seemed to be such a vast chasm between what I thought I taught my students and what the papers told me they actually learned.

I thought that I had told my students all they needed to know in order to write an exceptional memo, and I expected to see everything I had said reflected in their efforts. Instead, I read 55 papers varying vastly in quality. Each student had attempted to incorporate some of what I had taught, but no single paper touched on more than half of what we had covered in class.

Looking back, I should not have been surprised. In fact, I should have been pleased that some students had understood and incorporated half of my lecture comments into their first memos. At the time, however, I wondered if I was a bad teacher or if they were bad students. My elevated expectations for the class kept me from realizing the obvious: the performance of my students was fine. I simply expected too much from them too soon. A fortunate coincidence during my first semester helped me see that things were not nearly as bleak as I had imagined them to be.

A Walk Down Memory Lane

As I sat at home entering the grades for the first memo into my record book, frustration mounted at the slow progress of my students. At least, their progress seemed slow. As a first-year instructor, however, I had nothing to measure their progress against. Eventually, I decided to take a break from grading, and I began emptying out some of the boxes still lying around my home after my move back to the Boston area. In one of the boxes, I found a somewhat humbling but very effective way of measuring student progress.

The box contained the memos I had written during my first year of law school. I could tell the memos were mine because I recognized my student number on the first page of each document. Without the student number, I would not have recognized my own writing.

In the first memo I looked at, the "Question Presented" was so general as to be essentially
meaningless, and it was one of the stronger aspects of the paper. Further, I couched all of my "conclusions" in equivocating language, and I merely restated the facts in my so called legal analysis. When I finished reading the paper, I realized that it contained examples of almost every legal-writing pitfall I had warned my students against adopting in their own memos.

Although it still makes me cringe to think about my earliest writing efforts in law school, those papers also reminded me what it was like to be a first-year student. What I remember the most about my days as a 1L was the feeling that I would never be able to apply everything my professors were teaching me. Although I am far removed from that point in my life, my old memos make it easier for me to empathize with my students. I like to think that a little bit of empathy has gone a long way toward making me a better instructor. By taking me back in time, my old memos have also reminded me that most students do not come to law school with well-established basic writing skills.

Working Out the Kinks in the Writing Muscle

During the years between law school and my first days as a writing instructor, I had forgotten how rarely most people are called upon to exercise their writing muscles. For example, my students vaguely remembered phrases like "direct object" and "passive voice," if they remembered them at all, as a part of their middle school education that was better left forgotten. Further, while it is true that almost all students write papers during their college and university education, college professors tend to focus more on a paper's content and less on a student's basic writing skills. My professors rarely commented on sentence or paragraph structure when critiquing my papers, and I was an English major! My students would have indeed accomplished a great deal if they merely improved their basic writing skills by the end of the semester. Instead, I asked much more of them.

Get It All Down on Paper

I like to think of my lectures as instructions on how to communicate as a lawyer. By taking this larger view of what I do, however, I tend to forget how many "little" things are a part of the bigger picture. Recently, I started maintaining a list to help me keep track of just how much material I have covered during the school year. At the end of a lecture, I simply add the various topics covered that day to my master list, along with the date. It is true that many of the entries deal with rather basic topics such as spelling out the words "United States" in a case name or using topic sentences. Still, the list contained nearly three dozen entries by the end of the first semester. While I would agree that some of the entries are much more important than others, I grade papers based on a student's ability to apply everything I have taught, not just on a student's ability to apply the "important" things. So, it is only fair of me to keep track of the number of topics I have covered. By doing so, I am able to more realistically assess a student's performance.

I have also found that rereading my class notes is enormously helpful in maintaining perspective. At Suffolk University Law School, the first Legal Practice Skills class is almost two hours long. During this orientation lecture I touched on a vast array of topics: the common law, statutory law, the difference between mandatory and persuasive authority, precedent, stare decisis, the Socratic method, how to read a case, how to brief a case, the structure of the court system, federalism, the difference between civil and criminal cases, questions of law, questions of fact, pretrial motions, legal citation, discovery, and appellate courts, both federal and state. Somehow, I also found the time to read a case with my students, to go over the syllabus, to discuss office hours, and to assign homework.

Granted, I touched very briefly on some of these topics, and many others were revisited throughout the first few months of class. Still, the above list is quite extensive. After rereading my early lecture notes, I could not help but feel better about the pace of my students' progress, and I was no longer confused as to why they seemed to be learning so slowly. In light of the amount of material I covered during the first semester, it would have been unrealistic of me to expect a faster learning curve.

Conclusion

Today, I am much more comfortable with the pace of my students' progress because I am able to maintain a proper perspective. Although I still get frustrated on occasion, a quick glance at my list or my lecture notes reminds me just how far my class has come in a relatively short period of time. If I need a little more reminding, or if I find myself waxing nostalgic about the good old days, my old law school memos bring me back down to earth. The old memos also remind me that the more things change, the more they remain the same.

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