Everything I Learned About Teaching Legal Writing I Learned From Being a Parent

Advice to new teachers about how prior life experiences translate into good teaching practices

by Heather Baxter

Heather Baxter is Associate Professor of Law at Nova Southeastern University Shepard Broad Law Center in Fort Lauderdale, Fla.

I began my first year teaching legal writing six years ago. I had a two-year-old son and a one-month-old daughter when my contract began, and I was overwhelmed to say the least. Everyone was throwing advice at me. Do this, do that. Don't do this, don't do that. Never do this, always do that. Although most of the advice was helpful, my brain was in overdrive—not to mention sleep-deprived. As I was processing all this information (and changing diaper after diaper), I realized I was getting the exact same advice from the two new camps in my life: the parenting gurus and the teaching veterans. This brought me to the realization there was substantial overlap between good teaching skills and good parenting skills.

What follows is a somewhat anecdotal accounting of some of the advice I was given in my first year of teaching legal writing, as well as some things that I have discovered along the way that may be helpful to new—and even not so new—teachers.

1. Be consistent.

I bring this up first because, like the First Amendment (it’s the most important because it’s the first one!), this piece of advice is probably the most important, both for a new parent and a new teacher. The easiest way for a child or student to take advantage of you is for you to waffle on what you expect. Both law students and children want to feel safe. They want to know what their boundaries are. If that changes from day to day, it is going to be a problem for them and, therefore, a problem for you. During my first semester of teaching, a student came into my office to “discuss” where she went wrong on her first memo. The meeting turned into an hour-long session of her pointing out all of the places in her paper where I commented on something that she said I told her to do, and then told her it was wrong later. I didn’t handle it very well. I felt personally attacked and—I questioned everything I had done up until that point. Although her tactic was not the most mature way to handle her frustration, she was probably right to some degree. I’m sure I did tell her one thing and then change my mind about it later because I was not confident in what I was doing at that point in my career. I was so afraid of being wrong that I was questioning every decision I made and every answer I gave. This lack of confidence showed, which brings me to my next piece of advice...

2. Don’t show fear; exude confidence.

Both children and law students are like sharks. If they smell blood, you are dead in the water. I learned the hard way that it is better to act like you know what you are talking about than to show weakness. Now, note the words “act like you know.” You aren’t always going to be the expert, or you may be having an off day, but your students don’t necessarily need to

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1 Please note that you don’t have to be a parent (or even ever want to be a parent) for this advice to be helpful. The good news is the advice applies equally to new parents and new teachers, which is what I found so fascinating.

3. Don’t give them all the answers.
It is really okay not to answer all of their questions; in fact, it is much better for them if you don’t. There is a reason the Socratic method has not died, even in the wake of the McCrate and Carnegie Reports. Though it may scare the dickens out of 1Ls, it does encourage active learning. In my first year of teaching, I watched a former colleague say to a student, when asked about where a rule should go in a memo, “that’s a great question and exactly what you should be asking yourself. Now, it’s your turn to make a judgment call on this.” I was shocked when the student said, “I thought you would say that, but I just had to try before I wracked my brain trying to figure it out.” The professor could have easily said, “Oh, that rule goes in the overall Rules paragraph, of course.” And the student would have said “thank you,” and we would have all gone on our merry way. But the student would have never had to think that through and would have lost the benefit of understanding why that rule belonged in the overall Rules paragraph. Furthermore, without having gone through that process and receiving feedback on it later, the student would have been without the skill to transfer that ability to another memo in the future. As a new teacher, however, I was caught up in making sure I answered every question. I was shocked by how much my stock went up when I actually stopped giving them the answers. I realized that by giving them all the answers, I was telling them what to think instead of how to think. Likewise, as a parent, we want to fight all of our children’s battles and take away all of their hurts. However, the best lessons learned by children and law students alike are those learned through experience.

4. Let them know you care about them and you love what you do.
In the legal writing classroom, the lines between professor, friend, and mentor can get blurry. I tend to believe that’s not necessarily a bad thing. But because we are consistently evaluating and giving feedback to students, it is important to Forge a relationship built on trust. If they believe you

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4 Mary Kate Kearney and Mary Beth Beazley, Teaching Students How To “Think Like Lawyers”: Integrating Socratic Method with the Writing Process, 64 Temp. L. Rev. 885 (1991); James B. Levy, Legal Research and Writing Pedagogy—What Every New Law Teacher Needs to Know, 8 Perspectives: Teaching Legal Res. & Writing 103 (2000).

5 James B. Levy, Legal Research and Writing Pedagogy—What Every New Law Teacher Needs to Know, 8 Perspectives: Teaching Legal Res. & Writing 103 (2000).
are on their side, they are much more willing to take constructive criticism. If you appear to be an unfeeling dictator and they think you are just there to collect a paycheck, they will disregard what you have to say. One of the ways I’ve accomplished this is to play music at the beginning of each class to get everyone relaxed before we begin and to create a fun environment. I also tell them (read: admit) on the first day that I am a “legal writing nerd,” and I let them make fun of me for that. It becomes this continual self-deprecating joke in the class, and there are many days I say to them, “Isn’t this fun?” They all roll their eyes and laugh. Though they may giggle, what I’m communicating to them is that I love being there and that I am invested in their success. I know this method wouldn’t work for everyone, but just like children, if students think you really do care about their success, they are much more likely to listen to your suggestions to achieve that success.

5. Give them an inch and they will take a mile—or don’t smile until Christmas.

Although it is very important to show them you like them and what you do, it is also very important to set boundaries with both students and children. If you respond to emails within five minutes, students come to expect that you will always do this, and the first time you don’t, they will be attacking you for being unavailable. The first time you cave and say, “I know you are all so busy, so I’ll extend the due date for your paper,” they will come to expect that you do that every time. And the first time you let the children have dessert before dinner, they will not understand why they can’t do that every night. A colleague of mine who used to teach evening students would hold office hours very late, sometimes until midnight. My colleague found he couldn’t continue to stay so late because it was interfering with his work and his home life. At the end of the semester, one of his students complained on the professor’s evaluation that the professor wasn’t available because he “had the nerve” to stop those midnight office hours and was only available until ten o’clock. On the other hand, if he had refused to meet until midnight at the beginning of the semester but then decided to extend his hours at the end of the semester, the students would have praised him for it. My mother, who was an elementary school teacher for forty years, was told as a new teacher, “Don’t smile until Christmas.” While I do smile sometimes in the first semester, the key really is setting the boundary at the beginning. Once that boundary is firmly in place, you can always be nicer later. And it will mean so much more to them than if you had been “nice” all along.

6. You can’t please all of the people all of the time.

One of the hardest lessons I’ve had to learn is that some students will love you, while others are never going to like you, for whatever reason. Maybe you remind them of a parent with whom they don’t have a good relationship, or maybe they really don’t want to be in law school and you are just an impediment to sailing through and getting their degree. Don’t let yourself get caught up in pleasing them. You are there to do what is best for them, whether they like it or not. As a parent, the hardest thing I’ve ever had to do is to discipline my children. Until I became a parent, I never believed my parents when they said, “This hurts me more than it hurts you.” Similarly, many students will not realize the value you are giving them until many years after they graduate. The biggest mistake we can make is letting them slide by because we want them to “like” us, or we want to get good student evaluations. Our job is to equip them for the bigger world of being a lawyer, just like our most important job as parents is enabling our children to be independent in the real world without us. Both require a fair amount of discipline and hard work, but the reward is successful students and children alike.

CONCLUSION

Though these are but a few of the most important pieces of advice shared with me or discovered by me, the most important thing to take from this is to realize that being a legal writing teacher is not so different from other things you have done in your life, like being a parent. If you are faced with
a situation as a teacher and you aren’t sure how to handle it, think about how you would handle a similar situation as a parent, and if you aren’t a parent, try to imagine how your parent(s) would have handled it. Like children, who are novices at being—well—people, first-year legal writing students are novices at legal writing. But also like children, with a little encouragement and some strong discipline, legal writing students can bring us unending joy and a sense of fulfillment.6

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6 Many thanks go to Professors Olympia Duhart, Catherine Arcabascio, and Debra Curtis, as well as to my mom, Kate Treado. These women are some of the best teachers I know, who also happen to be some of the best moms I know. Their advice in my first couple of years of teaching helped me beyond measure and made me the teacher I am today.

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Another Perspective

“A decade ago, Professor Douglas Whaley published an essay that offers comfort and advice to those commencing the metamorphosis from practitioners, judicial clerks, and students into professors of law. As Whaley points out, no particular course work or life experience is required for those of us who devote our professional lives trying to explain concepts as elusive as future interests and mens rea to students who regard Law in a Flash cards as essential resource material.

Now that I have completed my second year of full-time teaching, I readily concur with Professor Whaley that little can be done to prepare for the sink-or-swim test which all new professors endure. Consulting seasoned colleagues, reading volumes of law review articles on legal pedagogy, attending seminars, and spending endless hours charting course plans and outlining class lectures provide some modicum of comfort. But none of this truly prepares you for the first time you face eighty students who expect you to demonstrate a mastery of the law in a manner that is both enlightening and entertaining.”