Working on Our Night Moves: Strategies to Engage Evening Students

By Rosario Lozada Schrier

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SETTING: The classroom of a law school. Monday night. An analog clock on a wall shows the time: 9:52 p.m. A woman in her early forties (Professor) stands in front of a whiteboard. Students are sitting at desks, with open laptops. Six Starbucks cups are visible on the desks.

PROFESSOR

Please email me three secondary sources on this issue by 5 p.m. Wednesday. Okay. Thanks, everyone. Uh ... I’m going to stick around for a few minutes after class if anyone has questions.

Cut.

Something I said seemed to upset a few students, but what was it? I shrugged off the little voice in my head. After six years of teaching classes in the morning or early afternoon, I was teaching my first evening class, from 9 to 9:50 p.m., twice a week. And I had just made my first rookie mistake.

A deadline of 5 p.m. mid-week made no sense for my students. At 4:30 p.m., they were still at work, scrambling to finish an assignment. And by 5 p.m.? They were already driving in Miami rush-hour traffic hoping to get to their first evening class on time. Fortunately, a few days later, students didn’t hesitate to tell me how terrible my timing was. And for the rest of the semester, all assignments were due by 11:59 p.m. on Sunday nights, a deadline proposed by the students themselves.

By now it must be painfully obvious that, despite my daytime teaching experience, I faced a steep learning curve in nocturnal education. I am optimistic that this music-inspired “Top Ten” list will benefit any professors teaching evening students for the first time.

1. Be aware of the demands on your students’ time.

Under pressure. Pushing down on me. Pressing down on you.

—Queen

The typical evening student is under pressure—and a lot of it. She works during the day, drives in rush hour traffic to get to class on time, and summons whatever energy remains to attend three or four hours of classes in the evenings. Most of her class work gets done on weekends. During weekdays, she has time-sensitive work projects and supervisors breathing down her neck. Although her employer may be “supportive” of her decision to attend law school, her office is still performance-driven. She is likely older than the average full-time day student, and she may have kids at home or an ailing elderly parent to care for.

2. Draw explicit connections from classwork and assignments to legal practice—early and often.

Constant craving.

—K.D. Lang

Your evening student is ambitious and driven enough to go to night school, but she has a constant craving to know the “why” behind every class.

Notes:

1 Thanks, Bob Seger, for kicking us off.

2 Nor was I aware of circadian rhythms, but that’s beyond the scope of this article.
exercise, assignment, and critique. Precisely how will learning to draft an effective thesis sentence make her a better lawyer? The odds are that she won’t have the luxury of seeing you regularly during office hours to get the answers she craves, so the onus is on you, her professor, to draw explicit connections to legal practice in class. The more light bulb moments you facilitate, the better.

Cast away your students’ doubts. Use recent decisions and briefs demonstrating how judges and lawyers use the very skills you are discussing—road map paragraphs, CREAC or CREXAC, introductory signals, you name it. Although such examples certainly inspire both day and evening students, your evening student will find the practical applications particularly satisfying and stimulating. Two- or three-minute video clips of a judge discussing the persuasive value of a well-written brief or of a practitioner making an argument in court are also invaluable tools to help students draw critical connections.

3. Help your students be fully present in class.

Right Here, Right Now. There is no other place I’d rather be.

—Jesus Jones

Woody Allen got it wrong. Eighty percent of success isn’t just showing up. Yet after a full day of work, a commute to school, and a couple of evening classes, students may sit in your legal writing class like deactivated droids. What to do?

Engage your students constantly. Call on them in unpredictable order. Lecture sparingly, if at all. Move around the classroom. Break up the class into small groups for constructive critiques of other students’ drafts. Replace word-heavy PowerPoint slides with in-class writing exercises that relate to the assignment due the following week. “Draft a rule explanation using cases A and B right now. Take 15 minutes and let me know if you have questions.” Keep expectations high.

To help students’ minds stay in class, give strict rules for their use of gadgets. This includes smartphones. Establish clear and reasonable parameters: “If you are expecting an important call or message, please let me know at the beginning of class and put your phone on vibrate.” Be wary of downcast eyes and hidden hands, sure signs that texting is afoot (or a-hand). And don’t hesitate to let students know that you know: “Tommy, I hope your sister is in labor.” I didn’t know whether Tommy’s sister was expecting—or whether Tommy even had a sister—but he did look up from his front-row seat when he heard his name. And his hands magically reappeared.

If attention is waning, consider a short distraction. Acknowledging those wandering minds can help refocus the class: “Okay. I can tell your brain is elsewhere now. Maybe you are thinking of that project due at work, that Heat game you are not watching, the Chipotle burrito you crave, or how you’re going to celebrate your 30th birthday. Go ahead. Think about that for 10 seconds.” Pause. “Now let it go. Come back to Legal Skills and Values. We have work to do.”

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3 See Bonny L. Tavares & Rebecca L. Scalio, Teaching After Dark: Part-Time Evening Students and The First-Year Legal Research & Writing Classroom, 17 Legal Writing: J. Legal Writing Inst. 65, 103-04 (2011) (discussing the generational composition and corresponding needs of evening law students).

4 Id. at 69 (recognizing that limited access to faculty is a reason why evening LRW classes must be designed for maximum effectiveness and efficiency).


6 A document camera can help. Or just open the document in Word and project it onto the screen.

7 I know of no app that can write an effective thesis sentence for you. But mobile legal research apps are on the rise. See Eric T. Gilson, Injecting Mobile Legal Research Skills into the Curriculum, 19 Perspectives: Teaching Legal Res. & Writing 126 (2011).
4. Discover what other classes your evening students are taking and adjust your teaching and comments accordingly.

Isn’t it ironic? Don’t you think?

—Alanis Morissette

Day students may love hearing that, back in the day, their professor also read *Pennoyer* in Civil Procedure, *Palsgraf* in Torts, and the *Peerless* case in Contracts. This kind of classroom chatter usually forges connections through shared experiences—everyone takes the same courses and reads the same seminal cases, right? But it turns out that evening students aren’t necessarily enrolled in the same classes as first-year day students. As a result, casual references to *Wong Sun* or *Twombly* may cause students to feel out of the loop or unprepared, producing unnecessary angst. (Isn’t it ironic?) Similarly, if students are not taking Civil Procedure, an assignment that involves a Rule 12(b)(6) motion to dismiss may be more difficult than you intended. Do your homework ahead of time. Email your registrar and request your evening students’ class schedule. And mind your classroom comments.

5. Do a little detective work.

Private eyes. They’re watching you.

They see your every move.

—Hall & Oates

So maybe you don’t want to know your students’ every move—or their Facebook® posts. I hear you. But you may find that knowing a few details about your students’ background helps you be a more effective teacher.

Prepare a questionnaire to distribute to your students on the first day of class with the usual request for emergency contact numbers and preferred email addresses. But don’t stop there; dig deeper. Ask about hobbies and employment experience. “What are the best times to meet with you outside of class?” Here’s a bonus question of unlimited potential: “Is there anything else you would like me to know about you?” Answers may enlighten you and help you adapt to your students’ needs. Consider a few sample answers:

“Unlike most of my classmates, I work a graveyard shift so I sleep in the mornings and will not be checking email until noon.”

“If I seem jittery in class, it’s because I’m highly caffeinated and it works for me.”

“My mind tends to wander a lot at night when I’m tired. Please call me out on it.”

“I haven’t been in school in five years and I’m very nervous about public speaking.”

When you teach in the evening, this kind of data is priceless. Use it to “Set Fire to the Rain” in your class—I’m not sure what that means, but Adele makes it sound intriguing. Weave students’ names, hobbies, or work experiences into your hypotheticals and exercises. Watch students perk right up and lean in, so to speak.

6. Create alternatives to walk-in office hours.

You can do magic.

—America

Your students’ work schedules make meeting with the students during traditional office hours a bit of a challenge. With a little creativity and flexibility, however, you and your students can conjure up a few tricks to meet the challenge.

For one-on-one meetings, first ask students how they would like to “meet.” Some may suggest a conference call or a Skype® meeting. If the purpose of the meeting is to go over a student’s written work, consider inviting the student to add line numbers to the document to be reviewed. Numbered drafts will make your phone or Skype meetings more efficient and productive. If your student prefers reviewing her document on a laptop or tablet, consider using an online tool

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9 My FIU colleagues have made student information sheets into an art form.

10 On Word, go to the View menu, then click as follows: print layout>layout tab>text layout>line numbers.
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7. Give interim deadlines and quizzes.

_Cruel to be kind in the right measure._

—Nick Lowe

Because of the many demands on their time, evening students will appreciate tools that help them stay on task and manage their time efficiently. For example, if you hand out an initial closed universe exercise with cases and a client file, tell your students that they’ll be taking a quiz on the file in the next class. And keep your word. Similarly, if your students need to start doing research for an open universe exercise, provide interim deadlines with submission requirements. Detailed and concrete directives are more helpful to your students than general guidelines. Compare “All your research should be completed by x date so you can begin to write,” with “By y date, email me and your TA three secondary sources you consulted, with a brief paragraph describing how they helped you understand issue z.” The first directive is so open-ended as to be daunting; the second is specific and more manageable.

One caveat: additional interim deadlines and quizzes should not translate into significant additional work for you. You need not review every student’s submission. If you want to check the pulse of the class, scan a sampling of submissions, but know when to stop. Otherwise, ask your teaching assistant to comb through students’ submissions and summarize top hits for you. Your TA can let you know if anyone is going astray and would benefit from redirection. And this leads me to my next point.

8. Select an upper-level evening student as a Teaching Assistant.

_Like a Prayer._

—Madonna

A solid and committed teaching assistant is like a prayer, or certainly an answer to a prayer. And why should you pick a second- or third-year student who is also an evening student? One word: empathy. An upper-level evening student has walked in your students’ shoes—juggling work, school, and a personal life. This empathy serves both you and your students. Everyone will benefit from the insight and experience of an evening student. And, of equal importance, an evening-division TA is most likely available in the late evenings and on weekends, when your students may need him most.

9. Celebrate skills put into practice.

_Let’s hear it for the boy! Oh, let’s give the boy a hand!_—Deniece Williams

You know those excited emails from students expressing a combination of gratitude and shock because they are using the skills they learned in class? When you teach daytime students who are attending law school full-time, the grateful emails don’t appear until the summer. Well, you don’t have to wait until summer now. The thrill of working with

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11 See Tavares & Scalio, supra note 3 at 115-19 (discussing effective use of technology to teach evening law students).

12 If you are reluctant to give additional grades, make the quiz grade count toward the class participation. Do it in the right measure.

13 Remember to save these emails in a “Joy” folder in your Outlook® inbox. When the road gets rocky, these emails are as good as gelato.
evening students is that they may have an immediate opportunity to put new skills into practice—perhaps even the very morning after your class meets. And when they share their joy with you, which they will, encourage them to bask in the glow with their classmates. Hearing about the success of their peers will reenergize and motivate the entire class.

10. Be kind to yourself; you’ll be a better teacher for it.

*Tenderness ... where is it?*
—General Public

Yes, I mean tenderness directed toward the professor— you. On this point, I don’t know when to start or when to stop. Despite your evening schedule, you may feel a tug to show up at school in the mornings, when the place is abuzz with students, colleagues, and workshops. Once or twice a week, resist the urge. Take the morning off to refuel.¹⁴

Disconnect. If you love teaching, this is much easier said than done. I tend to think—sometimes even ruminate—about my teaching up until the moment I walk into class. A story on NPR, a new district court decision, or a conversation with a colleague may trigger a slight change in my plans for class. This fluid approach is energizing if you teach at 10 a.m. or 2 p.m. With an evening schedule, however, you’ll find it depleting and counterproductive. It’s a bit like churning butter in your brain, rather than “setting fire to the rain.”

Got food? Got sleep? Take the advice you give your students. Don’t teach on an empty stomach. Get enough sleep to get you through the long day. If you are used to unwinding at night before bedtime, know that your time for unwinding will start later, and sleep may come later, too. If something doesn’t go quite right and you have an “off” class—everyone does every now and then—the experience may linger in your brain longer than you like. (There’s that churning, again.) You may not have a colleague to debrief with in the hallway. Develop a strategy to help turn off your brain.¹⁵

**Conclusion**

Regardless of any academic experience you may have, teaching evening students for the first time presents new challenges and opportunities. Knowing what to expect will empower you to be a better teacher and help you maintain a healthy relationship with your new schedule. Now, off you go. Start working on those night moves.

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¹⁴ Nocturnal animals sleep in the daytime. They don’t schedule early morning meetings.