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BOOK REVIEWS

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Book Review

What the Best Law Teachers Do

Michael Hunter Schwartz, Gerald F. Hess, and Sophie M. Sparrow
(Harvard University Press 2013), 368 pages

Melissa Weresh, Reviewer*

We don't need to have just one favorite. We keep adding favorites. Our favorite [teacher] is always the [teacher] that speaks most directly to us at a particular stage in our lives. And our lives change. We have other favorites that give us what we most need at that particular time. But we never lose the old favorites. They're always with us. We just sort of accumulate them.¹

Do you remember the best professor you had in law school? What made her the best? Was it his passion for, or knowledge about, the subject matter? Was it the way she treated students, both in and out of the classroom? Was it his confidence, or her humility?

In *What the Best Law Teachers Do*,² Michael Hunter Schwartz, Gerald F. Hess, and Sophie M. Sparrow sought to identify what attributes and practices contribute to excellent law-school teaching. Their results are both revealing and inspiring, and suggest ways a variety of individuals—not just law professors, but also supervisors, mentors, and career coaches—can make a difference in beginning lawyers' lives.

* Professor of Law, Drake University Law School.

¹ Interview by Scholastic with Lloyd Alexander (unspecified date; transcript available at <http://www.scholastic.com/teachers/article/lloyd-alexander-interview-transcript> (accessed April 9, 2014)). Alexander's statement refers to books, but can be usefully analogized to favorite teachers.

² MICHAEL HUNTER SCHWARTZ, GERALD F. HESS, & SOPHIE M. SPARROW, *WHAT THE BEST LAW TEACHERS DO* (2013).

I. The Baseline: Defining Exceptional Learning in Law School

In framing their study, the authors were interested in “enriching [their] conception of what exceptional learning mean[s] in the law school context.”³ To that end, they asked law professors, students, nominators, deans, and alumni to suggest definitions. They arrived at a definition of exceptional learning based on two primary components: 1) exceptional intellectual development, including understanding of the law and the development of general lawyering skills, specific practice skills, and professional judgment; and 2) exceptional personal development, including the development of professionalism and responsibility, emotional intelligence, and confidence, and an understanding of one’s self.⁴

II. The Study: Identification of Outstanding Professors

The authors identified three goals associated with their project: “(1) identify outstanding law teachers in the United States, (2) synthesize the principles by which they teach, and (3) document those principles in a way that is useful to others.”⁵ Replicating to a degree the methodology of Ken Bain’s work in *What the Best College Teachers Do*,⁶ the authors conducted a four-and-a-half year study, first soliciting nominations and selecting subjects. The authors poured over detailed materials from more than 250 nominees to select the project’s 26 subjects. The subjects represent every region in the country and a range of schools on the *U.S. News & World Report* rankings. They teach a variety of courses, including casebook, skills, and experiential courses. Finally, they are diverse in terms of personal characteristics: “[N]early 60 percent (fifteen) . . . women, . . . [o]ne fifth (19 percent) self-identif[ied] as racial minorities, and a little more than 15 percent (4) identif[ied] as members of the LGBT community.”⁷ Once the subjects were selected, the authors visited each subject and observed the subject’s teaching.

3 *Id.* at 23.

4 *Id.* at 35–36.

5 *Id.* at 4.

6 KEN BAIN, *WHAT THE BEST COLLEGE TEACHERS DO* (2004).

7 SCHWARTZ ET.AL., *supra* n. 2, at 13.

III. The Highlights: Attributes, Relationships, and Expectations

Armed with a working definition of exceptional teaching and a cohort of subjects, the authors sifted through nomination materials, evaluations, student comments, and observations of class visits to synthesize the attributes and practices of exceptional law teachers. They organized their findings around the following categories: personal attributes, relationships with students, expectations for students, preparation for teaching, engagement with students, and assessment of students. Responsibility, commitment to improvement, humility, and enthusiasm resonate throughout the chapters, informing how the best teachers relate to students, how they set expectations for students, how they engage and assess students, and what lasting lessons the work of these professors provide.

Attributes: The attributes of the best law professors are not surprising. The professors exhibited endearing characteristics, and were characterized as positive, thoughtful, authentic, empathetic, attentive, inspiring, and humble. They also exhibited characteristics associated with professionalism, including knowledge of their subject matter, commitment to improvement in teaching, and a sense of responsibility regarding their role.

With respect to the attributes, it is perhaps the intersection between these endearing and professional attributes that is somewhat surprising. As Professor Ruthann Robson, one of the professors featured in the study, noted, there is a fine line in law-school teaching between ego and humility:

I think that one has to have an exceedingly strong ego and simultaneously no ego when one is teaching. It is important to be able to endure the glare of student attention and be center stage, assuming control and not letting particular students derail the class. It is equally important to understand that the class is not “about” me or about me “feeling good.” The central project is the students’ learning.⁸

The importance of both a deep knowledge of the subject matter and control of the course, coupled with an evidenced modesty, resonated strongly with students. One student wrote, “One of the reasons we take [Professor Cary Bricker’s] feedback so well is because of her humility. She teaches by saying, ‘I’ve done this before and it didn’t work for me and let me tell you how bad I messed up’”⁹ Another student observed the

8 *Id.* at 58.

9 *Id.* at 59.

humility of Professor Nancy Levit, noting that “[r]ather than showing you how smart she is, she always makes it a point to let you know how smart you are.”¹⁰

Relationships with Students: Not surprisingly, the best law teachers possess deep, authentic care and concern for their students. They make an effort to get to know each student, and they show respect and concern for each student. While they are focused on student learning, their commitment to students extends beyond the classroom: Many of the best teachers participate actively in student organizations, career counseling, and community engagement.

The best law-school teachers also genuinely like their students. When asked what they liked least about their students, these teachers had a difficult time coming up with criticisms.¹¹ They value the privilege of teaching and serve as mentors and role models to students. For example, Professor Julie Nice indicates, “Honestly, in the broadest collective sense, I love my students. I feel like it’s a privilege to teach; it’s an honor to teach. These very bright people pay a lot of money, and they sit there, and they trust me, and they commit, and I just really feel like I don’t take this gig for granted.”¹²

Expectations: The best law teachers have high, clear, realistic expectations for students, and they demonstrate confidence that every student can succeed. They also inspire students through their work ethic. One student wrote of Professor Steven Homer, “His ability to inspire you to work as hard as you could was in part based on how much work you could see him doing.”¹³ Professor Patti Alleva articulated her own expectations for teaching as follows:

[T]eaching is about integrity, the integrity of teaching *intentionally*, and being self-conscious about setting and satisfying learning goals; and of teaching with *transparency*, and making known, when appropriate, what I am trying to achieve, and why; and of teaching with *consistency*, myself adhering to the standards I ask my students to meet; and of teaching with *high but reasonable expectations* . . . ; and, of course, teaching with *humanity*, treating students with fairness and respect¹⁴

Preparation and Engagement: The best law teachers are well prepared and able to engage students. They stay on task and on time, maximize the value of classroom time, have detailed lesson plans, and

10 *Id.* at 60.

11 *Id.* at 121.

12 *Id.* at 95.

13 *Id.* at 141.

14 *Id.* at 149–50 (emphasis in original)

consistently reflect on their teaching. They prepare extensively for each class. Professor Tina Stark notes that she revises materials every semester, looking “for another way to explain the process.”¹⁵

With regard to engaging students, the authors found the subjects shared four core behaviors. First, they are clear and structured in using class sessions to achieve learning goals. Second, they demonstrate that they genuinely care about students. Third, they endeavor to make classes relevant by selecting appropriate materials and connecting their teaching to practice. Finally, while the subjects use a wide variety of teaching techniques, they generally use active learning techniques, and they uniformly excel at using their chosen method.

Assessment: Exceptional teachers provide an array of assessment techniques to foster student learning. They provide many opportunities for students to get feedback—on practice exams, writing assignments, and in meetings with students. They are adept at providing both positive feedback and constructive criticism. While these teachers are challenging, they are also fair and transparent in their expectations.

IV. The Implications: Lasting Lessons

There are several lasting lessons for *teaching* to be gleaned from the text. Professors should be prepared, specific, transparent, and structured. They should evince respect for students and should provide students with ample feedback to gauge learning. They should demonstrate good character and a strong work ethic.

There are also lasting lessons for exceptional *learning*. Professors stress that students not only need to understand material from individual courses deeply, but they also need to be able to transfer that understanding to other issues. Professor Roberto Corrada “aims to convince students that to be effective lawyers, they need to be more than consumers of legal knowledge; they must discover and develop knowledge as well.”¹⁶ Similarly, emphasizing the need to engage in lifelong learning, Professor Nelson Miller asserts, “I want students to learn how they learn, to develop that metacognitive stance They must go on learning when they leave me.”¹⁷

Exceptional professors are equally if not more interested in their students’ personal development. Professor Beth Enos asserts, “I want my student to be competent lawyers, but beyond that, and perhaps even more importantly, I want them to be lawyers (and people) with integrity and

15 *Id.* at 154.

17 *Id.* at 291.

16 *Id.* at 289.

compassion. . . . I want them to be humbled and sobered by the responsibility they have not only to their clients but to the profession and the wider community.”¹⁸ Professor Paula Lustbader similarly notes, “My job isn’t just to make sure [students] know how to do IRAC. My job is to empower them to make the difference they came here to make.”¹⁹

It is in this regard that the text goes beyond instruction in how to be an effective law teacher. The teachers highlighted in the study come across not only as great teachers but also as great people. Students’ commentary throughout the text routinely identifies the profound, lasting, inspiring impression these professors have made. Students are motivated to maintain the high expectations these professors introduced in law school. One of Professor Patti Alleva’s students writes, “I hear her voice all the time, when I do trial work and when I do appellate work and that’s because of what she taught me. And I’m not kidding when I actually can hear her voice telling me all those important things.”²⁰ Similarly, one of Professor Steven Homer’s students reveals, “I sort of have this thing in the back of my mind if I am working on an important brief or memo: What would Homer think? Does this live up to Homer’s standards? Because if it doesn’t, then I have to do it again.”²¹

The professors in *What the Best Law Teachers Do* demonstrate the extent to which good teaching extends far beyond the classroom. Their example is instructive and inspiring to anyone who wants to make a real difference in other people’s lives. These lessons apply not just to law teachers. Mentors, teachers, coaches, and parents can all learn from the attributes and qualities featured in the text.

¹⁸ *Id.* at 300.

²⁰ *Id.* at 310–11.

¹⁹ *Id.* at 301.

²¹ *Id.* at 311.