

tact rarely, if ever, is listed as a criterion for tenure or promotion. There is no institutional incentive, and there may actually be a disincentive, for faculty to spend time with students. Contact with students is time-consuming. Teachers who signal their availability often find themselves overwhelmed with student demands for their time. Not only does this mean less time for the teacher to fulfil the more traditional requirements of a faculty position, it also means less time for personal pursuits.

From the sometimes very vocal complaints of students on campus, one might conclude that all students would prefer more contact with faculty. What this means is that, while certain students are predisposed to initiating contact with faculty, others are not. The following may assist in removing barriers. At the outset it must be clearly stated and understood that without significant institutional change an individual teacher may find her options for facilitating student-faculty contact to be limited. Furthermore, it is an unfortunate situation for all when faculty who wish to become better teachers must fight the culture of the institution in which they work. Perhaps the most important thing that individual faculty can do is to ensure that their institution confronts important issues, to find one or more places to put the issue of student-faculty contact on the institutional agenda.

Second, there is the issue of time. One important element is planning, both short and long term. Third, there are race and gender and issues; how to remove the barriers relating to race and gender? This is a most difficult issue. Short of eliminating all sexism and racism, this problem is almost intractable. A two-pronged attack is suggested: first, to insist on institutional response; and second, to act in one's own best interest.

Fourth, it is worth remembering that to improve associations outside of class, faculty need to start with their behaviour inside the classroom. Learning and using the students' names, engaging stu-

dents in active learning and using a few personal anecdotes can signal accessibility. One may also need, within reason, to initiate contact. An offer to meet with groups of students may attract students who think of themselves as too shy to maintain a one-to-one conversation. Fifth, if safety is a concern, privacy should not be confused with physical isolation. One might adopt a policy of not closing the office door or of meeting with students only when others are nearby.

Sixth, unless the school is planning a new building, one must accept the existing facility and work within it. Environment can be important in other ways as well. One study showed that students were discouraged from approaching faculty when their teachers sent signals of being too busy or being in a hurry even during scheduled office hours.

It is unfortunate that the atmosphere of legal academia is often unsupportive of student-faculty contact and even discourages it. Changes to institutional culture are necessary, including attention to the issues of gender and race. Administrators and faculty need to identify and remove the barriers to interactions, beginning with the pervasiveness of passive modes of learning in the classroom. Radical redefinitions of teaching and learning may be more effective and even necessary to enable us to value the education that occurs in contact between students and faculty and to provide a central place for such contact in law schools.

### **Principle 2: good practice encourages cooperation among students**

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Cooperative learning enriches traditional law school education—a solitary pursuit of legal knowledge—with a culturally based, highly relational exploration of course material. It stretches the shrunken persona of the typical law student into the many evolving and 'intersectional' public roles that are present in each student. Why is it so important that we draw

out and take educational advantage of students' multifaceted characters? Because future clients of these budding attorneys—not to mention judges, opposing counsel, jurors, and others—deserve legal services seasoned by structured law school simulation of attorney interaction within the legal system and the public at large. Cooperative learning supplies the necessary experiences.

A learning community's exploration of personae during the years of legal study accomplishes three principal objectives. First, cooperative learning places students in a variety of group assignments and team projects. Students realise that a learning community gives them the necessary practice to prove their academic talent in a variety of stressful situations. Second, cooperative learning calls upon students to interview and represent each other, negotiate settlement, write briefs, argue cases before the class as a whole, and practise other key lawyering skills. Third, collaboration heightens awareness of the discrepancy between the reality of the legal system and the dream of social justice.

Cooperative learning and the competition-driven model, pitting students against each other for the highest grade, are not mutually exclusive. Both learning processes teach lessons and skills that are vital to the repertoire of an effective lawyer. We need to provide an incentive for students to apply themselves conscientiously to a novel educational process. Since the idea of team academic growth and shared professional development may be foreign or unappealing, students need to see learning communities as a means of getting a better return on their tuition dollar today and a better job tomorrow. To this end, we explain that group assignments are structured so that students tighten their grasp on academic material while sharpening their professional skills.

Practically, to ensure that these objectives are met and have their desired effect, students are required to report on their group's progress by pointing to spe-



cific acts of academic assistance rendered by their fellows. In the same way, they regularly attest (in writing, on videotape, at public presentations) to peer academic enrichment, explaining how the team's initial expectations were raised when the group took greater advantage of each member's contributions. Cooperative learning causes each team to evaluate its scholastic performance and each member to compare the academic satisfaction gained with what they would have demanded from themselves had they worked independently.

Academic excellence and professional skills development are reasons enough to introduce cooperative learning to the law school curriculum. Yet it is the third benefit—a fresh perspective on volunteer law work for clients of limited means—that compels us to do so. A vast majority of legal claims of low-income people are not getting addressed, including those that spell the difference between protection and forfeiture of basic entitlements. Law teachers can do more to increase the numbers in the pro bono pipeline by showing students how cooperative learning inculcates a new way of thinking about volunteer legal services. While law students state a variety of reasons as excuses for their non-participation in pro bono law work—for example, lack of time, interest, or specialised legal knowledge—these reasons pale in comparison to the obstacle that they do not see: our failure as law teachers to integrate cooperative learning with the express objective of teaching a novel strategy for making the legal system more accessible.

Most law teachers claim to be in favour of instilling pro bono sensibility in the hearts and minds of students but persist in maintaining cold, atomising classrooms and using pedagogy that deadens any such sensibility. To the degree that this approach to law teaching discourages graduates from doing their part to help the less fortunate, it is necessary to admit that law teachers are the problem, not the answer. When legal education integrates cooperative learning, it sends the powerful message to students that they are re-

sponsible not only for what they can get for themselves—their individual acquisition of legal knowledge—but for what they do to make legal education and the legal profession better.

Thus pro bono takes on new meanings and creative possibilities for law students steeped in cooperative learning. Indeed, students introduced to pro bono legal services as the field extension of cooperative learning experience learn what it means to be a community of lawyers who present themselves as a team. Cooperative learning in the field can work with low-income neighbourhoods not only to address discrete legal issues but also to positively change their corporate relationship to the lawyering process.

For those concerned about the plight of those unable to afford legal representation, the time has come to demand more from law teachers. We need to do our part to teach law students how to see volunteer law work as an intervention into community life which yields a greater return on our investment of professional time. In short, besides cajoling law students to add more volunteer time, we need to help them see how they can multiply it.

In conclusion, cooperative learning, at its best, inextricably links the study of law to pro bono legal services, making them one and the same enterprise: the increase of accessible justice. Grouping students in a variety of exercises and field assignments, it instils a profound sense of connectedness, redeeming the promise of personhood in each student in relation to each other and to the community. This depth of integration is so meaningful that law students resolve to teach this learning process to colleagues and community folks throughout their careers—and that is true pro bono legal service.

### **Principle 3: good practice encourages active learning**

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Students learn both actively and passively. They learn passively when their prima-

ry role is to listen to an authority who organises and presents information and concepts. Active learning occurs when students do more than listen.

Students' learning in and out of the classroom can be thought of as a continuum of increasing levels of activity. At one end of the spectrum, students listen to teachers or guest speakers. Their activity increases as they take notes, monitor their own level of understanding, write questions in their notes, ask questions in class, and organise and synthesise concepts. They are even more active when they discuss concepts or skills, write about them, and apply them in a simulation or in real life.

General characteristics associated with active learning are: students are involved in more than listening; less emphasis is placed on transmitting information and more on developing students' skills; students are involved in higher-order thinking (analysis, synthesis, evaluation); students are engaged in activities (eg. reading, discussing, writing); and teachers place greater emphasis on students' exploration of their own attitudes and values.

Law schools commonly use a wide variety of active learning techniques, such as Socratic dialogue, discussion, writing exercises, simulation, computer exercises, real-life experiences (clinics, externships, field trips) and teacher-student collaboration in course design. But active learning is more than a set of techniques. It is also an orientation on the part of students and teachers. It includes a belief that legal education should help students understand legal concepts and theory, improve critical thinking and develop professional skills and values. It seeks to focus students not only on what they are learning but how they are learning as well. Finally, an active learning orientation proceeds from the assumption that students learn best when they take responsibility for their own education.

Active learning is important for the fundamental reason that active involvement enhances learning. Active learning