

canvas whose surface has been filled, inch-by-inch, with meaning and relevance to the whole? The richness of the final composition will depend largely on the professor's willingness to perceive the semester as a teaching unit and develop the course to exploit its unity.

At many schools, particularly in urban areas, faculty as well as students may be attracted to employment opportunities outside the law school. Schools should have serious policies concerning outside consultation by faculty, and faculty must police one another in this respect. If we expect students to devote their full attention to the task of learning, we must devote ourselves to the task of facilitating and nurturing the student learning that we expect.

While students and faculty are primarily responsible for ensuring appropriate time on tasks, they teach and learn within the environment that is the modern law school. Effective learning requires prompt feedback but at many law schools there is little ongoing feedback on the teaching effectiveness of individual faculty. All too often, serious consideration of teaching occurs only within the context of the tenure and promotion process, which operates as a one-time yes-or-no hurdle to be surmounted rather than as a process for the discussion and improvement of teaching.

During the promotion and tenure process, law schools employ outside reviewers to evaluate faculty scholarship. Why not similarly employ outside reviewers to evaluate teaching? While each law faculty must itself define the most appropriate teaching for its institution, could not outside experts help in this process? Such reviews might be helpful in moving the dialogue for a yes-or-no summative judgement on teaching effectiveness to a more formative process focusing on ways in which the candidate's teaching could be improved over time.

Faculty should consider the impact of their school's curriculum on their efforts to make the most efficient use of student and faculty time. In too many law schools, the curriculum has developed haphazard-

ly, with no comprehensive plan for how a particular course relates to other courses or to the school's pedagogical mission. Faculty teach their individual courses without any consideration of what is being taught in other courses. Students may learn and relearn the basics of certain doctrines in several classes, while equally important material is not addressed in any course because individual teachers believe the material is best addressed 'elsewhere'.

Many law schools have furthered more efficient use of student time by careful curriculum planning. At other schools faculty have team-taught courses that otherwise would be quite distinct, such as Torts and Contracts. When courses are combined or coordinated in this way, course coverage can proceed in a more creative fashion and students can better appreciate the relationship between different areas of the law.

The successful pursuit of rewards and awards for outstanding teaching is important if we want to focus in legal education on the centrality of teaching. All too frequently, we value only what we can measure and it is difficult to quantify teaching and learning environments. While higher education has become increasingly preoccupied with educational 'outputs' in recent years, there are few measurable outputs within legal education. The profession must develop alternative models that give teaching and learning a more central place in the valuation of law schools. We cannot expect students, teachers, and law schools to commit time and energy to the improvement of teaching if teaching does not count for much within legal education.

Principle 6: good practice communicates high expectations

OCDark

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Most students come to law school with high expectations for themselves. They are the sort of people who are highly motivated, who set goals and seek excellence and who are committed to the long haul. But at some point – and usually it is early in their

first semester – they forget about seeking or maintaining high expectations. Instead, they focus on just getting by, not embarrassing themselves in the classroom and somehow slogging through all the briefing and reading of cases for classes the next day.

Part of the problem is the way the law curriculum is structured, particularly in the first year. Too often work is assigned without any regard for the reality of the students' day, their level of experience and understanding, or their skills in time management.

There are a number of ways to articulate and support high expectations. First, teachers must clearly articulate their expectations to their students. The goals set must be attainable and reasonable. Second, teachers must communicate expectations repeatedly, in a variety of ways. Care must be taken to communicate the goals to all students, because high expectations are important for everyone – not only the well-prepared and well-motivated students who can readily pick up a teacher's signals. Third, it is important to identify possible barriers to effective communication of high expectations to students and then identify and implement solutions. Finally, the classroom exists within an institutional framework; it is important to support the communication of high expectations throughout the entire learning environment. Teachers who automatically and unconditionally value their students and develop mutually respectful relationships with them will have good success in communicating high expectations to their students.

How does the teacher convey to students over a sustained period of time the belief that all of them can learn and, in the context of law school, can learn to be effective advocates? Attitude is all about behaviour. A teacher who is careful to spread around the difficult assignments to all students, who seeks maximum participation from as many students as possible during a class hour and who finds ways to compliment and encourage, publicly and privately, sends a message to students that they can and will learn.

Typically, the law school examination or paper not only provides students with an evaluation of their work but also gives them some sense of the teacher's expectations or standards for the course. But waiting until the end of the term to provide feedback and guidance on faculty expectations regarding the course is simply too late. The student needs to have constant interaction with the teacher and assessment in a variety of ways, but particularly with regard to assignments.

The decline in motivation of students might be countered by giving students more say about the shape and scope of course coverage, by looking for opportunities to relate class discussion to issues outside the law school, or by allowing students, rather than the teacher, to be the questioner for a day. The objective is to engage students in their own learning process so that they will want to do more because it matters.

It is no longer acceptable for anyone – certainly for any member of a law faculty – to declare that women or African-Americans do not have the mental acumen to master the law. And yet expectations for minority students still tend to be low. Some of the problem is confusion over affirmative action. Instead of understanding that it works legitimately to create opportunity, some see affirmative action as an undeserved handout and assume that it brings unqualified and incapable people into law schools. That assumption is simply not supported. If the myths persist, the law school community must do everything possible to counter them, and to insist on high expectations for minority as well as non-minority students.

Instilling in students a commitment to high expectations that will be a part of their personal and professional lives requires more than ensuring that the students have mastered the content, have turned in assignments on time, or even attended class on a regular basis. All of these actions on the part of the student can demonstrate, in part, a commitment to meeting goals and levels of high achievement. But high expectations must

be stitched into students' hearts as well as their minds. They need teachers who know that students can learn, who will commit themselves to assisting, encouraging, and even demanding that students reach higher than the students' own expectations and who, by example, consistently model high expectations both in and outside the classroom.

Principle 7: good practice respects diverse talents and ways of learning

P Lustbader

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There are many roads to learning. People bring different talents and styles of learning to college. Students rich in hands-on experience may not do well with theory. Students need the opportunity to show their talents and learn in ways that work for them. Then they can be pushed to learning in ways that do not come so easily. The seventh principle asks educators to respect all forms of diversity – not only differences in ethnicity, race, gender, age, sexual orientation and cultural and socio-economic background, but also diverse learning styles, forms of intelligence, previous experiences, levels of preparation for learning, external environments, values and goals.

Respecting diversity does not require us to lower standards and compromise the profession. It does require us to expand our definition of excellence to include a more comprehensive range of skills and abilities. If we understand that there are multiple types of intelligence and that successful professionals use them in combination, we will see that the traditional educational experience is limited because traditional modes of teaching and evaluating focus on only one type.

Institutions that respect diversity must have diversity as an explicit institutional goal. Programs that actively nurture and support diversity are central to the institution's mission – not merely token or marginal. Respect for diversity is evident in: the institutional and classroom climate; admissions processes

and selection criteria; academic policies; students support services; the composition of student body, faculty, and staff; the curriculum; evaluation of student performance; and pedagogy.

The overall climate in an effective institution reflects more than mere tolerance of difference; it embraces difference as a positive and desirable element of a learning environment. The overall climate in most law schools tends to be competitive and hostile, not cooperative and supportive. For many students, this creates a great deal of psychological distress and decreases their motivation to learn. The lack of content relevant to students' lives, the absence of any collaborative learning, and the traditional modes of grading and evaluating performance tend to increase their feelings of alienation.

To create a more effective learning climate, law schools could adopt a pedagogy that connects content to student experience, incorporates students' values, and promotes collaboration. In addition, they could eliminate class ranking and the curving of grades. They could create honours and scholarships based on a broader range of talents, so that more students receive institutional recognition.

Unfortunately, many students perceive the law school classroom as unsafe and so are reluctant to take academic risks. They avoid participating in discussions for fear of being humiliated. Teachers can foster a more effective classroom climate if they treat students with respect; combine the Socratic method with other teaching methods, especially cooperative learning exercises; incorporate different experiences that allow students to display their knowledge in a variety of ways; state their expectations explicitly; give students written questions and hypothetical problems before calls; teach students how to prepare for class; and evaluate student performance in a variety of ways.

To respect diversity, an institution first needs to understand the unique circumstances each student brings to the