MORE PEDAGOGIC TECHNIQUES: ONLINE EXERCISES & INTEGRATING SKILLS INTO DIFFERENT KINDS OF COURSES

INTRODUCTION

As students have embraced the online world, professors are finding ways to keep pace while continuing to instill the rigors of traditional legal learning. The following professors have found new ways to incorporate technology into their everyday teaching. This article discusses their successes and provides insights into how others may follow their lead.

LESLIE LARKIN COONEY[*]

THE ROADMAP TO TEACHING AN ONLINE COURSE

The Business Practice Clinic is an externship program that sends third-year students out to work either full-time or part-time in an agency or law firm. The externs are trained in the clinical program and during a biweekly class. There is also a three-credit class that students complete before they go into extern placement. It was a big challenge to complete the placement class in only two weeks because of the students' busy schedules, so we began offering pieces of it online. We are moving more and more of this course to our online platform. This article discusses our experience in preparing third-year students for a transactional clinical experience through the course and how this has been accomplished in an online classroom environment.

There are two basic concepts with online teaching: synchronous or asynchronous. Synchronous courses are presented so that students who might not be in the same geographic place are brought together to either hear a lecture, engage in oral discussion, or have a written exchange. In our platform, we accomplished this with either WebCT software known as "live classroom" or through a chat room. It is more common for online courses to be asynchronous, meaning the students are not working together at the same time. Instead, they login to the online course and complete assignments on their own schedules. Instructors generally set deadlines, but the students work at different times. Asynchronous components include discussion boards, listserv e-mails, recorded lecturers, and PowerPoint presentations.

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[*] Leslie Larkin Cooney is a Professor of Law at the Nova Southeastern University Shepard Broad Law Center. Professor Cooney teaches courses in Business Entities, Corporations, Unincorporated Business Entities, Ethics and Professionalism for the Business Lawyer, Agency, Contracts, and Negotiating Workshop. She is also co-directs the Business Practice Clinic.

Why offer an online course? We needed to because of the timing. Even if you do not actually need to offer a course online, you might want to do so. In our experience, students' drafting and editing is more thoughtful because they are working outside of class on their own time, and because they know their work—everything that they write—will be online for their classmates to see. We have found that students in this environment do indeed learn more from each other. Surprisingly, students may actually be more active in an online environment than in a classroom. Most law students have taken an online course, and online courses seem to appeal to the millennial generation.   Even if you don't like the online environment, its appeal is growing. Another instructor had to literally drag me into online teaching, but it has really reenergized me. Any time you try something new, it's exciting—you learn more. Offering online courses may reenergize professors and allow the students to complete course requirements on their own schedules (if the course is asynchronous). Students certainly learn from online courses.

Conveniently, online courses also allow professors to teach at any time and from anywhere with Internet access. As a result, professors have a lot more freedom with online courses, as opposed to being tied to a specific room at a particular time. You could conduct class from your home bathroom! Obviously, the entire course need not be offered online; you might want to wade into online teaching gradually. Offering only certain course components online might better fit your needs.

Another significant advantage to the online environment is the availability of tracking devices. It is easy to keep track of students' assignments, when they submit, how many times they submit, how many times they comment on each other's work. You don't have to keep track of these yourself; tracking functions and other unique options make it easy.

There are also disadvantages to teaching online: a learning curve exists when using the new media. Also—no doubt about it—online courses may attract more students who want to coast. You must work to convince students upfront that they cannot coast in your online class. Online teaching also demands constant input and oversight from the professor. It is easy for students to drop out or get lost in an online environment; you have to constantly keep track of that. You also have to psychologically learn how to administrate an online course—how to allocate time to pop in and out of the course without getting trapped there. Many of us have had the experience where we sit down planning to answer e-mails for a couple of minutes, but a couple of hours later, we are still working; this same thing can happen repeatedly when you are teaching an online course. If you do not guard against it, an online course can suck up way too much time. Online courses also require more advanced preparation. Launching an online course requires more lead time than a traditional class.

In my experience, these are the best practices for online teaching: First, as with traditional classes: prepare, prepare, prepare. With online courses, preparation is probably even more important than with traditional classroom teaching and the requirement for lead time is even greater. Plan your goals well in advance. Second, students like having everything accessible in one place, so be careful in designing the course website so that documents are not buried requiring students to click through multiple levels before they can access them. It's easy to have too many layers in the course website, so constantly think about ways to make it easy for students to find assignments and documents. This avoids unneeded frustration. Third, you have to require students to make discussion postings; asking them to comment doesn't work any better than asking for comments in a live classroom. Along with requiring students to engage in the online discussions, you have to establish content requirements.

Fourth, generate interest by popping into your course daily. You don't have to answer questions; if you are the type of professor who leaves things unanswered in the traditional classroom, you should leave them unanswered in your online classroom. I try to get students in my online course to accomplish the same things they would in a live classroom. So, if I want to leave a question hanging, that's fine—but I need to respond so that the students know I am engaged. When I choose not to answer in the traditional classroom, students understand the game I am playing; online, I have to also respond in some way—not necessarily by answering the question—to generate interest and to let students know I am there. Hopefully, my responses pique their curiosity or encourage them to continue the thought process.

Fifth, send private emails to students who are missing or dropping out. You don't have to admonish them in front of the entire group. However, it may be important to comment publicly to a particular student, whether to express words of encouragement or to let him or her that know a particular behavior or comment is inappropriate. It's very important to build a sense of community online. Students will not see each other in the classroom setting—they see each other online—so you should look for ways to give them that sense of community.

Sixth, give students an idea how much time it should take them to do assignments and work the materials. This is especially important in the online environment. Sometimes students in drafting classes look for quick fixes rather than investing the necessary time. This is exacerbated because in online classes, students often try to multitask or do things extraordinarily fast. Of course, that is not going be possible, and you need to let them know that.

Seventh, don't offer a course online the first time you teach it. I think that is too much. A recent article in the Journal of Legal Education discusses why online teaching might be the future, but the author's recommendation was to teach a course for a first time in a traditional classroom. Also, make sure to have a mechanism other than the discussion board, such as a separate e-mail account, to keep course interaction separate from your other email so you don't get everything cluttered. If you also receive online submissions from the course, a separate e-mail account is important so that your primary account—which probably has limited storage space—is not jammed up all the time. If you instruct students to send e-mail to your alternative address, everything will be separate.

Eighth and finally, assign students to do some of the course moderation if you do not want to be constantly engaged. If—for whatever reason—you cannot check up on the course (for example, on the weekends), train some students to look over it for you. Make sure to set parameters. Let students know when you will and will not be available online. You might even want to set virtual office hours so that students know not to expect you to reply on certain days and times.

You can also have a live classroom component that is run only through a chat room. Our course evaluations show that students want more of these. They really like these live sessions because they feel as if it is an actual physical classroom setting. In the WebCT "live classroom" participating students click to virtually raise their hands, and I call on them in a certain order. They know what order they are going to be called on, and they feel as if they are in an actual classroom setting. We do not use live classroom for every session because of the way we set up the class. In addition to the synchronous "live classrooms" we wanted to provide asynchronous chats because some of the students are part-time working students with very diverse schedules. Additionally, we try to schedule our live chat session at a time that is most convenient for everyone, and then we archive them so anyone can go back in and see and listen to what was posted. Every session is recorded, and it is there for everybody to go back and listen to afterwards.

Teaching a course online is a very exciting adventure. I encourage professors who haven't explored online teaching to give it a try, and I encourage professors who currently offer an online course to expand their online course offerings. We hope to continue expanding our online courses offerings. Make sure students understand that you are very optimistic about teaching online, but that there are always potential problems with the technology. Involve your students in the process of teaching online so that they are a little calmer when things don't work perfectly; they should not expect perfection in the online environment.

Now that I have discussed best practices, let me tell you of my worst mistakes! Our biggest failure in teaching online was that initially, we asked students to comment or do certain things without establishing deadlines and requirements. Another failure was that we started with individual assignments. Team assignments—with groups of three or four—help students build an online sense of community. (We have noticed that two-person teams are often less effective.) Students love to have a checklist of assignments. Checklists work particularly well because we expect them to do self-assessment and assessments of other group members and other groups. Another mistake we made at the outset was failing to understand "freeloading"—the scenario where a student waits for the other members of his group to post most of the required work before sending in his contribution at the last minute. Be aware that freeloading exists and take some steps to discourage it, either by rotating when things are due or which students or groups are required to post first.

Finally, we are looking to expand some aspects of our online offerings in the future. Particularly, we plan to offer more podcast lectures from practitioners. We are also looking at ways to receive more effective feedback from each group and from the more members of each group. One educator's strategy is to rotate, such that for every assignment, every member of the group rates another member. By the end of the course, students have received feedback from everyone they've worked with. In the online environment, because of its tracking options, it is easy for professors to keep track and make sure the feedback is submitted. I believe feedback is important in training transactional lawyers the concept of teamwork and how to work in a group. This is one way students can certainly teach each other.

JUDITH KARP[*]

GETTING STARTED WITH ONLINE CLASSES

I have been involved in online teaching for a number of years. I have designed online courses for legal drafting and legal research and writing, and I direct an online Masters in Employment Law program for non-J.D. students. We use WebCT to host the course because that platform is provided by our school, but other hosting options are available. You can host an online course on Westlaw's TWEN system or the LexisNexis system. I know professors who host online course

[*] Judith Karp is a Professor of Law at the Nova Southeastern University Shepard Broad Law Center. Professor Karp teaches courses in Professional Responsibility, Agency, Remedies, Legal Drafting. and Interviewing, Counseling, and Negotiation. She also co-directs the Business Practice Clinic and directs the Masters in Employment Law Program.

components on TWEN and LexisNexis—those systems work just as well as WebCT. We prefer WebCT for reasons I will discuss later, but it is more complicated to design a class on WebCT than on TWEN or LexisNexis. We teach legal transactional drafting online because the online environment allows us to optimize our class time with students. Students are also better able to communicate with each other in the online learning environment.

Designing the course homepage is an important part of any online course. We use a course menu to list all the elements of the course, highlighting the most important elements of the course materials with special icons. Students therefore, have two ways to access the most important elements of the course. Our design includes a home page, syllabus, instructions, individual classes, and discussions. Students continually access and use each of the components throughout the two-week, intensive course.

Prior to the start of the classes, we post the course syllabus on the instructor's faculty web page along with instructions for accessing WebCT. (We also find it helpful to walk students through the mechanics of using the WebCT online platform in one of the live class sessions.) Some students have used TWEN, but are unfamiliar with the WebCT format. Because we are not technical experts, we provide students with telephone numbers to the university's technical support department. Students occasionally have trouble with login information, software firewalls, and other technical issues; we cannot help students with these issues, so we refer students to technical support services for assistance with these types of problems.

In addition to the course materials, the course website includes links to related resources including the ABA Model Rules of Professional Conduct, which are referenced in our discussions regarding legal transactions.

The syllabus materials also include an online class schedule detailing the topics to be discussed on any given day. We teach a portion of the course in a traditional classroom setting, and students complete certain exercises during that time. However, we also advise students that they are expected to set aside some time for the online portion of the class where they participate in both synchronous and asynchronous discussions and exercises. For example, students are required to work in groups to complete assignments using an online synchronous forum that allows them to communicate with each other in real time. Students are also required to make asynchronous posts by a deadline. Students are assigned specific work that must be completed during a given time block during the online class sessions. This procedure is clarified in the syllabus.

The WebCT format provides students with very easy access to the materials. When students access the WebCT login screen, they enter a username and password to access the course. We use an online calendar within the WebCT system to schedule daily topics. In designing some of the online courses, I have hyperlinked all the required readings to course syllabi and schedules. In classes where there are no required texts, I link to web pages or my course materials. I am also able to hyperlink assignments within the course calendar. In the transactional drafting course, we use the hyperlink function to allow students to access the ABA Model Rules of Professional Conduct. In sum, the calendar allows you to post topics, assignments, and hyperlinks to websites or your own course materials.

Although there is more preparation involved in the development of an online class as compared to a traditional class, we have found it to be a worthwhile investment of our time. Well in advance, the course creator must assemble the necessary materials and design the course website. Designing the course website requires instructors to load the materials onto the online format and verify that everything works correctly. You don't want students to have to report that a link is not working, but sometimes that is beyond your control. On occasion, I have verified a link only to find the next morning that the linked webpage was gone because a third party website has changed its URL. To anticipate and avoid these problems, I will capture the websites so that students can view them without visiting the link.[1]

[Editor's note: For the remainder of her presentation, Professor Karp walked the audience through her handout, which details specific aspects of her course website design.]

MAGGIE FINNERTY[*]

SKILLS INTEGRATION

This lecture discusses integrating skills into different kinds of courses. I have taught many different types of courses—everything from aerobics, snowboarding,

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[1] Editor's note: This can be accomplished by converting the website to a PDF file, then uploading the PDF file as a course document.

[*] Maggie Finnerty is the Executive Director and a Clinical Law Professor at the Lewis & Clark Law School's Small Business Legal Clinic. Professor Finnerty is also an adjunct professor of business law at Portland State University, where she has taught Law for Managers for the past three years. She is a recipient of one of the Portland Business Journal's prestigious "Forty Under 40" Awards for her professional accomplishment, community involvement, and professional recognition.

and skiing to a business law course for Portland State's MBA Program (both the classroom and online version), to a clinical course (the Small Business Legal Clinic) at Lewis & Clark Law School. Next year, I am teaching a transactional contract drafting course seminar.

We are here today to talk about integrating skills in different types of classroom settings. Personally, I find that the hardest setting in which to integrate skills training is in the online classroom. In my online classes, it seems the only skill I am able to teach effectively is writing. Because students submit assignments to an online drop box, they have a lot of time to actually work on the assignments, and I am able to give effective feedback about their writing. I have challenges with some of the other skills, but these skills can be worked on in different formats. For example, there are first-year writing classes, a skills class, and specialty transactional seminars like contract drafting. Then there are transactions courses, the clinical setting, and your basic doctrinal and substantive law courses. There are ways to integrate skills into each of those settings. In my opinion, there are ways to integrate different types of skills into each type of course. Certainly, some formats are better than others for integrating particular skills. For example, in a clinical setting, you can effectively teach interviewing and counseling. You can try and do that in a simulated exercise, but it is a little bit different when there are real clients involved. Here are some of the experiences I have had with these different scenarios:

In first-year writing courses, the primary focus is on writing and basic research skills. I find that (at least in my clinic) a lot of students lack basic writing skills. We are living in a "text message world" where everything is in shorthand and incomplete sentences. This is frustrating. The average student's writing skills have really plummeted in recent years; I hear this all the time from law firms, especially when attorneys visit my clinic to assist with pro bono projects. These attorneys constantly say, "You know, the writing is terrible; we have to bring it up." The first-year legal writing course is a terrific place to focus on developing writing skills, but in my opinion, it should not be the only place. Writing instructors, clinicians, and tenure/tenure track faculty members are often frustrated because they do not want to re-teach the basics. Instructors used to be able to expect that law students would arrive in their classes with a certain level of skills, but today that expectation is often unmet. How can professors teach writing skills without explaining the difference between a noun, a verb, and an adjective? Teaching at that level can be exasperating.

At Lewis & Clark, we have engaged a special writing instructor whom we share with the rest of the college. We give students access to that writing instructor so they can get a little extra help. We are careful not to refer to the writing specialist as a "remedial program," and we do not even tell students to get "extra help" because we are striving to build confidence and competence. Framing the existence

and availability of a writing instructor in this manner could cause students to have a negative reference and lower their self esteem—causing them to be *less* confident and produce even lower quality work product.

The legal writing class really is one of the best places to build students' confidence and competence in writing, but we have to be careful that the class size does not get too big. Students need one-on-one feedback in the legal writing course, and it is important to tap into other resources (like an outside consultant), particularly for those students who fall far below where they should be. Also, first-year legal writing courses typically teach fundamental research skills. Some other skills are taught, but research and writing are the two big things the class is supposed to focus on. By and large, it does a pretty good job teaching those subjects. The unfortunate part is that students often do not write another significant paper until their third year. Many students forget what they learned in legal writing because they haven't kept up their writing skills. When you exercise, you know you might be able to run five miles tomorrow, but, if you do not keep running a little bit here and there, then you cannot run five miles anymore without getting hurt. This is what happens with students' writing skills. Law schools should try to implement a system where the students are forced to do those little training runs here and there. How we do that is up to each school and each individual instructor, and we have a lot of flexibility to do so. It is possible to integrate writing skills into many different classes, even the gigantic lecture classes. No one wants to grade papers for seventy students: it is impossible to do effectively; there is not enough time. But you may have time to grade paragraphs for each student, or some other short writing exercise. There is not a one-size-fits-all solution for these short writing exercises. Contract drafting classes tend to be smaller and are a very effective way of teaching writing skills. But, I doubt that any law school has an available spot in a contract drafting class for every single student at every level.

The specialty transactional seminars are useful because the classes can be a little bit bigger, but you can have smaller groups or one-on-one instruction. You can still do a lot of the one-on-one that was done in legal writing, but not necessarily every assignment can be individualized. I have found peer-to-peer review to be really helpful. When students review each others' works, it takes some pressure off of the professor because students cannot say, "That professor hates me; he always marks up my work." When a student's peers mark up the work, it makes a big difference. You can get a lot of the one-on-one, you can get a lot of peer review, and you can delve into some of the substantive legal issues as well. You are not going to be able to delve into, for instance, ambiguity, with an incredible amount of detail, like a basic contracts class in the first year. You probably cannot really do it in a clinical setting either. However, you could probably do it in a specialty drafting class.

Clinics are a good forum for teaching numerous skills on a one-on-one basis. The Small Business Legal Clinic at Lewis & Clark, for example, teaches interviewing, counseling, drafting, and file management skills. Of course, because we are counseling clients, we also teach a bit of substantive law, too. Unlike traditional courses, clinics were designed with an eye towards one-on-one feedback. We videotape interviews and then play them back with the students. We also review students' written work face-to-face, and then give the students an opportunity to redraft. But you cannot always get the breadth or into the level of detail that you would get in a specialty transactional class. In our clinic, work must be finished at the end of each semester or term. In addition to the Fall and Spring semesters, I also teach a summer session for five weeks. Even with students working nearly full-time, what kinds of transactions can one actually do in five weeks? It's limited. You can do certain things, but you cannot do a sophisticated commercial transaction that you could simulate in a regular transactional class or an externship program. There are pluses and minuses, and different methods bring different skill sets to the table. Different skills are worked on in different scenarios.

Ethical issues also arise with some frequency. Are there ethical issues in a simulation class? You can certainly raise them, but only when there is a real client in the room and the students actually see the conflict or the ethical issue do those issues make sense to the students. As the professor, my bar license is on the line, so I make sure that every ethical issue and every potential conflict are addressed. The students definitely understand that, because I want to keep my bar license, ethical issues are important. It's interesting to note that some people consider the potential for committing malpractice to be a good thing insofar as it makes people pay attention, while others consider the potential for malpractice to be a drawback.

Traditional doctrinal courses are critical to developing good lawyers. In addition to teaching substantive law, it is possible for these courses to serve as a good forum for teaching skills, though admittedly, it is more difficult due to the large class size. One option is to pepper assignments and different skills throughout the course in various situations.

Overall, every class has its purpose. Each class might not be the best for teaching all skills, and I don't think that any one setting is best. As we offer new courses and consider revamping our existing courses to more effectively teach skills, I hope to see a variety of skills courses made available to students. I hope to see skills courses of various types in different scenarios, so that students can get all of the benefits. It is important for students to know that although they may not be able to take a particular course on interviewing and counseling skills, for example, they will be able to learn those skills in another course. Students also need the opportunity to take multiple skills courses. The model I've just described is what

virtually every law school is moving towards. Most schools now offer more than the one skills course required by ABA accreditation standards. That's good; it's important to have a lot of different venues for teaching skills.

HOWARD E. KATZ[*]

ADDING TRANSACTIONAL ASPECTS TO DOCTRINAL COURSES USING A SPECTRUM APPROACH

I'm coming here from the perspective of a doctrinal professor. I have taught at law schools in all four tiers of the U.S. News and World Report ratings (although, of course, none of us gives any credence at all to that). I have taught every first-year course except Civil Procedure, which I leave to the professionals. I've also taught Con Law and some upper-level courses. I've also written an article, a primer for new law professors; it's cited on the handout. Before I go on, since I'm going to be talking a little bit about curriculum reform as well as course design, I just want to issue a disclaimer: the facts on the ground in every place are different, and so, in effect, anything that I say, even if I say it with great certitude, should really be taken as a query (and I mean that as a Quaker query, not as a computer query)—"Have you considered this . . . ."

So as I was thinking about this whole discussion about the Carnegie Report and curriculum reform I thought about this cartoon. Through the miracles of modern technology, I was actually able to find it online. How many people remember Gary Larson's *The Far Side*? It's a shame he's not back. The cartoon says, "What We Say to Dogs": "Ok Ginger, I've had it, you stay out of the garbage. Understand Ginger? Stay out of the garbage or else." What the dog hears is "Blah, blah Ginger, blah blah blah blah blah blah Ginger blah blah blah blah." Now let's think about the dean or the chair of the curriculum committee, or perhaps you, as a member of a faculty, discussing what to do about transactional aspects and skills in the curriculum, and what that person might say, "Our curriculum must do more than just traditional Socratic case analysis as we work to implement the Carnegie report and to change the paradigm of legal education." You see what's coming. Here is what your colleagues hear, "Blah, blah, blah, more work, blah, blah, blah, blah, blah, blah, change blah, blah, blah." So let's talk about how we can think about incorporating more transactional aspects into our courses? But before I do that, I

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[*] Howard E. Katz is a Professor of Law at Elon University School of Law. Professor Katz has an extensive background as a law professor, director of strategic planning and policy, and a prolific lecturer on topics such as urban development, business ethics, and socially responsible investing.

probably should apologize for comparing law professors to dogs in this example, although perhaps I should apologize to PETA for comparing dogs to law professors.

I am addressing two situations. The first is a colleague who comes to you and wants to incorporate more transactional aspects into his or her course. The second is talking to colleagues who may or may not be convinced of the merits of incorporating more transactional skills. If you don't have any colleagues who meet either of those descriptions, you might as well get the ice cream before it melts out there. But if you do, I want to talk about how to help someone think about how to incorporate transactional aspects, and also how people who believe in this can be better ambassadors to those people who may not. To do that, we have to think about what our objectives are in terms of incorporating transactional aspects into first-year courses or into doctrinal courses. One objective is to actually teach that skill. Another objective is to teach enough of a basic skill so that it can then be built upon at some future point in the curriculum.

A third objective, equally important, is setting the table: putting in the minds of students a competing model of what law school is about. This is such an obvious point. Everything in my talk is obvious. We need to put in the students' minds the fact that there are real attorneys and that they are going to be one of those real attorneys who do real things in the real world. We need to put that model out there in the first year. First-year students are going to be inundated by appellate cases, history, jurisprudence, and all the other things that are being done. If we can put a competing model in their minds as being equally valid, then that is a really important thing to do. Going back to what the speaker said this morning, this does not necessarily mean a radical incorporation in every first-year course of twenty, thirty, fifty percent of the course being transactional aspects. It may just mean putting the competing idea in students' minds.

Now, what is the simple concept to help get this done? The simple concept is a reminder of something that we all know. A professor can incorporate transactional aspects along a spectrum, from the minimum of a professor just mentioning at the end of a Socratic case discussion that there is a transactional aspect; that the lawyers could have done something different to presenting some alternative as a professor; unilaterally suggesting a solution to the problem and moving on; to asking, in a Socratic way, "Does someone have a suggestion as to what the lawyers could have done to have avoided the situation, or to have drafted around it?". Those are the first three points along the spectrum. If you think about those, it's not asking a lot of a professor. A professor, even in his or her first or second year of teaching, who is swimming in doctrinal preparation and other demands, is still capable of adding those small amounts. That is one of the main points that I am trying to make here. Doing those things is a way of adding

transactional skills to first-year or other doctrinal courses. Is it the full loaf that many people at this conference would want? No, not necessarily. But that is one of the points that I am trying to make. It is doing some addition. That may be enough. It may in fact be, depending on your view of what first-year students are capable of, the optimal amount, but that is for each person's own judgment.

A professor can go further in terms of time, in terms of effort, and in terms of depth of coverage. You can think about an in-class exercise. You might break into small groups and ask each group to draft some solution to the problem that you have raised. You can go further and pre-announce an exercise, and then have students come into class and give their answers. You can go all the way to the other end of the spectrum in terms of a full-blown, graded drafting exercise added to a doctrinal course. So again, nothing earth shaking. But we have to keep in mind the range of things that can be done and the purposes for which we want other people on the faculty and the curriculum to do them.

There are at least two aspects to this kind of thinking. One is that a given professor can look for specific opportunities to add to their course. So a professor who two or three years ago prepared the contracts, property, or some other doctrinal course for the first time can literally go through their notes and say, "My objective is, at least once a week, once per class session, or once per case, to add at least an observation, a question (wherever they are along the spectrum) to what I have already been doing." That is one way this kind of thought process or model can be used. The second way in which this idea of thinking along the spectrum can be used is to think about the pattern that you are going to use in adding to a doctrinal course. This is part of the more general thinking about patterns and one of the things I talk about in the article about teaching students to think more strategically about how we design courses. Do you start out—as I've heard some people talk about at this conference—by looking at actual contracts, maybe even with a full-blown drafting exercise, and then return to it later in the course? Do you start out in small increments and build to a larger exercise, or do you do something in between? Each professor has his or her own judgments about what he or she feels most comfortable with, what he or she thinks the students will process most effectively. Setting the table first and then coming back to it, versus building up slowly are different ways of thinking about the design problem. The key point is to orchestrate the progression. Just as we should be spending more time orchestrating the way students go through law school, within each course we should be thinking more about orchestrating the progression.

A further implication of thinking about this idea of varying levels of depth, intensity, and time is that it can apply to our thinking about the rest of the course

(the non-transactional parts). There has been some talk in a couple of the different sessions about how to find the time to do the additional things. One of the ways that you can find that time is to think very critically and strategically about the rest of the course—the conventional part of the course—and whether you need to cover each topic with the same method and in the same depth. It may be that for one particular section of contracts, property, torts or some other doctrinal course, you can just give a handout, or lecture for half an hour, and consider that you have exposed the students to this part of the law. You don't always have to dissect two or three cases, then develop rules, and then do an in-class problem. Again, this is something that is so obvious, but it is something that professors, caught up in so much else, tend to not do. We tend to not reflect on the design of our course and the fact that we can cover different topics at different levels of depth. Once, I was speaking to one of the publishers—Aspen—they do not publicize this—but one of the reps told me you can actually custom publish a case book and choose among any of their publications, including student guides, such as EXAMPLES AND EXPLANATIONS, but you have to do it chapter by chapter. The reason I had this discussion was that I complained about all of their books in a particular course, and all of the other publisher's books in that same course. They said that you can pick and choose and sort of get a "greatest hits" album of a particular course. Take for example, estates and future interest in property. Most professors I know do not teach it with cases; we teach it with charts, graphs, and texts. You can use a chapter from a book that does that sort of thing. So if you begin to rethink the rest of your course, you can begin to create the needed space. Now, in addition to the fact that people tend to not think about redesigning their course and tend to not think strategically, one of the reasons I think this is being ignored is that—somewhat to my surprise—the Carnegie Report kind of assumes that the one thing that law school is doing well is teaching the basic analytical skills. Well, I will invite all participants here to make their own judgment as to whether that is true in their experience at their particular school. I would take my friends who teach contracts aside and say— if the choice is between adding a little bit of transactional aspects versus the life history of the plaintiff in twenty different contracts case that you have done this semester there may be a trade-off there that you might want to rethink. Lady Duff-Gordon is a very interesting person, so was the woman who used the carbolic smoke ball, and so was the poor hapless family in the Peevyhouse case. But at some point you have to say, "Maybe I should do that only occasionally. Do I inject history occasionally? Do I inject jurisprudence occasionally? Well, then shouldn't I inject transactional aspects occasionally?"

Final Thoughts: I suggest that as people who want to see the curriculum change over time, we need to learn to take yes for an answer. As a matter of both realism and as a matter of avoiding high blood pressure, in the next year or two we are not going to see a radical change at every law school. And so, if a colleague

wants to do a little bit more, if a colleague wants to mention transactional aspects just enough so that the contracts drafting course can build on that, we need to learn to take yes for an answer. We need to help bring along colleagues who might be intimidated, who might be insecure about adding transactional aspects, who might be insecure about losing control of the classroom because some of these things, like techniques that have been talked about over the last day and a half, because they involve less control or methods professors did not experience in law school as students. There are a lot of barriers to these kinds of reforms, from the conventional institutional barriers to the professor down the hall who just does not want to do this. But there are solutions to those kinds of barriers. Let me leave you with this as a sort of bookend to what was said at the beginning of this conference: keep in mind that with some persistence, some vision and some strategy, legal education could be better a year from now than it is today.