

OPENING REMARKS

IN DREAMS BEGIN RESPONSIBILITIES: A FIVE-STEP PLAN FOR THE CONTINUED DEVELOPMENT OF TRANSACTIONAL LAW AND SKILLS EDUCATION

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Welcome everyone to my new home – Atlanta and Emory Law School. Thank you to all of you who braved Hurricane Sandy and its aftermath to make it here this afternoon. To our colleagues who did not make it, we are thinking of them and wishing them well.

Before I begin, I have one announcement to make. Please save the date for Emory's Fourth Biennial Conference on Transactional Education, which will be held on June 6 and June 7, 2014. I look forward to 2014, when we can come together again and discuss the significant progress I know that we are going to make in the interim.

Now, before I begin my speech, I want to take a moment to follow the advice that I always give to the students in my contract drafting class early on. And that is, "Consider your audience."

As I'm standing at this podium, I want to take just a few seconds to consider my audience. If everyone who signed up had been able to attend this Conference, I would be seeing 115 law professors, adjunct law professors, clinicians, practitioners, and consultants from fifty-six law schools and seven law firms. My audience is from twenty-nine states plus one participant from Canada and one from China.

Frankly, I am awestruck. Thank you to all of you for being here to celebrate what we have accomplished and to talk about what we still need to do.

The title of my speech is "In Dreams Begin Responsibilities: A Five-Step Plan for the Continued Development of Transactional Law and Skills Education."

I remember the first time I heard the phrase "In Dreams Begin Responsibilities." I was an English major in college and we were assigned to read a short story with that title by

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Delmore Schwartz. I quickly forgot the story itself, but the title etched itself into my brain: “In Dreams Begin Responsibilities.”¹

As you know, I just started my new job at Emory as Co-Executive Director of the Center for Transactional Law and Practice in September. So I suppose it is not unusual for me to be thinking so much about *responsibilities*.

I’m sure that many of you remember coming to this conference in 2008, when Tina Stark kicked off the proceedings by talking about her “fantasy curriculum.” Tina spoke about her dreams for an “integrated transactional curriculum” – not just one course or a loose collection of courses, but a “curriculum” — “a course of study” — with one course building upon the other and becoming progressively more sophisticated.²

Two years later, at our 2010 Conference, Tina reported on the state of transactional education. She said: “Perhaps our biggest challenge is convincing our schools that they should expand their transactional skills curricula. We have for years labored in the shadows of litigation skills training – something our colleagues understand and, therefore, support. Deal work they do not get The problem is not just a lack of understanding, but that we labor anonymously. We are nearly invisible within the academy.”³

It is safe to say that, over the years, our law schools have begun to expand their transactional skills curricula. The American Bar Association recently released a report called, *A Survey of Law School Curricula: 2002-2010*, indicating that, since 2002, law schools have made progress toward growth “in all aspects of skills instruction, including clinical, simulation, and externships” According to the survey, “[L]aw schools offer a wide range of professional skills opportunities, with half the respondents reporting ten or more types of professional skills courses. Transactional Drafting courses and upper division Legal Writing courses experienced the greatest growth”⁴

This ABA Survey demonstrates that, by 2010, many law schools had added skills courses to their course offerings but most had fallen far short of achieving an integrated transactional law and skills curriculum like the one that populates Tina Stark’s fantasies.

Of course, it is now 2012 and the just-released ABA Survey that I have been talking about is out of date. Your presence here today—and the rich array of presentations we have

¹ DELMORE SCHWARTZ, *In Dreams Begin Responsibilities*, in SCREENO: STORIES AND POEMS 34, 34 (2004).

² Tina L. Stark, *Conference Introduction: My Fantasy Curriculum & Other Almost Random Thoughts*, 10 TENN. J. BUS. L. 3, 4 (2009).

³ Tina L. Stark, *Welcome & Opening Remarks*, 12 Tenn. J. Bus. L. 3, 3 (2011).

⁴ *Just Released: Major Findings of the ABA 2010 Survey on Curriculum*, LEGAL SKILLS PROF BLOG (Aug. 2, 2012), http://lawprofessors.typepad.com/legal_skills/2012/08/just-released-major-findings-of-the-aba-2010-survey-on-curriculum.html.

on our conference schedule—indicates that we have made a lot of progress. But there is still much to be done.

According to a survey of law firm training and development professionals taken in the summer of 2011, students are still graduating from law school without a sufficient understanding of business contracts, especially how and why contracts are structured in particular ways. Moreover, they have inadequate contract drafting skills, lack business and financial literacy, and have no feel or sense for business deals.⁵

Additionally, as one author writing in 2012 notes, “Contemporary law schools have, in general, failed to grasp, much less embrace, the notion that they are preparing future lawyers to enter the legal profession. Over the past two decades, law firms’ chief demand has been for new associates to come in the door with sufficient legal knowledge and skills to handle basic commercial and litigation matters under minimal supervision.”⁶ I know it’s a cliché to say “hit the ground running,” but the contract drafter in me wants to shorten up the phrase “come in the door with sufficient legal knowledge and skills to handle basic commercial and litigation matters under minimal supervision.” Put another way, legal employers want law graduates to be practice-ready.

So it appears as if there may still be an “education-to-profession disjunction” — and that is the disjunction that engendered the theme of this conference — *Preparing the Transactional Lawyer: From Doctrine to Practice*.⁷

At this Conference, we will be talking and learning about topics ranging:

- from how to read a contract and deal with risk to how to identify and teach other critical lawyering skills;
- from how to teach students to understand financial statements to how to measure and assess students’ progress;
- from how to integrate transactional skills into first year and upper level courses to how to teach transactional skills to international students; and
- much, much more.

⁵ CARL J. CIRCO, TEACHING TRANSACTIONAL SKILLS IN PARTNERSHIP WITH THE BAR 26 (2011).

⁶ James Etienne Viator, *Legal Education’s Perfect Storm: Law Students’ Poor Writing and Legal Analysis Skills Collide with Dismal Employment Prospects, Creating the Urgent Need to Reconfigure the First-Year Curriculum*, 61 Cath. U.L. Rev. 735, 739-40 (2012).

⁷ *Id.*, at 741 citing Harry T. Edwards, *The Growing Disjunction Between Legal Education and the Legal Profession*, 91 MICH. L. REV. 34, 34 (1992) (arguing that law school curriculums are increasingly theory-based while firms are placing a greater emphasis on a profit-based approach).

As we celebrate our accomplishments and share them with our colleagues, I would also like us to be talking about the future. How can we foster the continued development of transactional law and skills education? I have a five-step plan.

Step One: Work to make ourselves more visible within our own institutions.

In order for those of us who are transactional law and skills educators to become more visible within our own institutions, we have to achieve what is known as “faculty buy-in.” That is, we have to get the rest of the law school faculty to SEE us and to appreciate and support what we do. One thing that I’ve learned after nearly eight years in academia is that it’s very difficult to know what all of your colleagues are doing — and it’s an easy bet that many of them don’t know what you are doing either.

In short, to obtain faculty buy-in, we have to do a lot of talking. We must take every opportunity to educate our colleagues about the need for transactional law and skills education. And we must take every opportunity to tell our colleagues about our courses, our curricula, our programs, our centers, our clinics, and — yes — our conferences.

At the same time, we have to make sure that our colleagues know how much we appreciate and support what they do. In reality, our missions are intertwined.

I was very fond of the title of this conference when we first came up with it — *Preparing the Transactional Lawyer: From Doctrine to Practice*. But I recognize now that it may unintentionally perpetuate what David Moss and Debra Moss Curtis, the editors of the book, *Reforming Legal Education: Law Schools at the Crossroads*, call “the false dichotomy between the practical versus the theoretical.”⁸

We have to let our colleagues know that we do not believe that doctrine and practice are mutually exclusive.⁹ We can do this by creating rigorous curricula with strong business law foundations. We can build relationships with our colleagues who teach doctrinal courses — like contracts, property, and business associations — and offer to help them integrate some practical skills training into those courses. And we can invite those colleagues into our classrooms to observe what we are doing and even to participate in simulations or listen to student presentations.

We have to work hard to obtain faculty buy-in because we need it in order to grow our programs. *And in order to grow our programs we need the faculty to support the hiring of additional full time faculty with significant practice experience.* We need those full time professors because they

⁸ DAVID M. MOSS & DEBRA MOSS CURTIS, *REFORMING LEGAL EDUCATION: LAW SCHOOLS AT THE CROSSROADS* 2 (2012).

⁹ *Id.*, (“Theory and practice are not mutually exclusive, and like all programs in higher education that find themselves balancing the need for an academically rigorous curriculum with an applied perspective, we must find such a balance.”).

can devote themselves to preparing courses, planning curricula, and teaching. Having more full-time professors with practice experience in our programs will also allow some of us to teach core foundational courses — like contracts — in a way that integrates some skills training. More full-time professors with practice experience will also provide us with more of an infrastructure to manage a transactional law concentration or program efficiently and to support the work of our dedicated adjunct professors.

I honor all of our adjuncts, some of whom are here in the audience today. I want them to feel like they are an integral part of our community and I want to encourage them to help us shape the courses they teach. Having more full-time faculty in our programs will allow us to spend more time with our adjuncts, listening and learning from the people who have genuine insight into what “practice-ready” really means.

Step Two: Get the legal employers to hire our graduates because of the transactional law and skills training they have received.

For transactional law and skills training to thrive, we have to get results. This means that our practice-ready graduates have to find jobs as transactional attorneys. To help them find jobs, we have to teach them how to talk to a variety of legal employers about the skills they acquired through our courses and programs. If they want to be transactional attorneys, we can teach them to say, “This is what I already know how to do,” and to tailor that list according to the kind of job for which they are applying.

For we know that different transactional law practices have different needs and most likely define “practice-ready” in different ways. Case in point, in a recent article, some general counsels of corporations imagined what a school to train GCs would look like. In dreaming up this fantasy school for GCs, one GC said that she would teach students “accounting, microeconomics, communication skills, and negotiation.”¹⁰

We must try to get other legal employers to articulate what “practice-ready” means to them. Many large firms have already done this, in effect, by creating competency models for their attorneys, specifying what they need to be able to do at different points in their careers.¹¹ But what about smaller firms? Does a student who interviews with a smaller firm need the same skills to be “practice ready” as she would in a Big Law job? In short, we need to collect data about what “practice-ready” means to various kinds of legal employers.

¹⁰ Shannon Green, *Creating a Curriculum for a ‘School for GCs’*, CORPORATE COUNSEL (July 10, 2012), <http://www.law.com/corporatecounsel/PubArticleCC.jsp?id=1202562329595>.

¹¹ Karen Sloan, *State Bar wants to call the tune*, THE NATIONAL LAW JOURNAL (Apr. 30, 2012), http://www.law.com/jsp/nlj/PubArticleNLJ.jsp?id=1202550518668&State_bar_wants_to_call_the_tune__&slreturn=20130303141840.

Once we gather the data, we can work on convincing employers to make their hiring decisions *based on whether students fit the practice-ready criteria rather than based just on whether they are in the top 10% of their class.*

Getting the legal employers to hire our students is essential for the continued development of transactional law and skills education. Just as we spend a lot of time educating our own institutions, we have to educate legal employers as well. This involves more talking.

I have learned that, as legal education reformers, we must be big talkers. Our jobs involve a huge public relations piece. I see myself out in the legal community talking to practitioners about our program, and, specifically, about what skills our students have when they graduate. I expect to be interacting frequently with alumni, bar associations, business law groups, law firms, corporate counsel associations, and a whole host of other groups, with my primary goal of getting the word out about our program and urging legal employers to hire graduates of our program. I think that we must all do this in order to get results that will make transactional law and skills education thrive.

Step Three: Be early adopters of technology and other innovative teaching tools.

Many of you may be familiar with the terms used by Everett A. Rogers in his book called Diffusions of Innovations, published in 1962. Rogers proposed that the rate at which people adopt new ideas divides us into five groups: innovators, early adopters, early majority adopters, late adopters, and laggards. He suggests that if you are trying to persuade the masses that a new idea is a good one, you first have to convince the innovators and the early adopters (and presumably then the others are more likely to follow).¹²

Every one of us must have a laggard in our lives — that one person who still doesn't have an answering machine or a cell phone? Or perhaps an elderly mother who has a cell phone but never turns it on? That's my Mom!

In Step Three of my plan, I recommend that we all be innovators and early adopters of technology and other innovative teaching tools. I believe that these things have the potential to contribute significantly to the continued growth of transactional law and skills education.

Let's talk first about technology. I recently learned on the Legal Skills Professors Blog, from James B. Levy, about a study conducted by the research arm of Educause, a

¹² EVERETT M. ROGERS, DIFFUSIONS OF INNOVATION 219 (5th ed. 2003).

nonprofit organization that advocates for technology in higher education.¹³ The results showed that undergraduate students are downright thirsty for the use of more technology in the classroom. The numbers rose significantly from when the same study was conducted in 2010. Undergraduates want their professors to make more use of learning management systems (like Blackboard and TWEN), open educational resources (like free online podcasts and courses), web-based videos, and game-based learning.¹⁴

Are law students very far from undergraduates when it comes to their thirst for technology in the classroom? I think not. Although I sometimes believe that I can't stuff one more piece of technology into my life or one more piece of technological know-how into my head, I recognize the importance of embracing the use of technology in my teaching. I believe it's important because it engages and motivates the students and because engagement and motivation foster learning.

But, beyond that, we can use technology interactively — as any of you who have ever participated in one of Professor Okamoto's LawMeets® can testify.¹⁵ Technology allows us to reach large numbers of students who can communicate with virtual clients, complete assignments, upload videos, receive feedback, and observe expert demonstrations. Whenever I encounter resistance in my own brain — which actually tends to fall just short of being an early adopter — I have to ask myself “Why not try it?”

I also recommend incorporating as much simulation into the classroom as possible—from dividing your classes up into virtual law firms to having students interview clients played by actors (or, even by yourselves). The more real you can make the situation, the better. I have even gone so far as dropping an emergency assignment on my students unexpectedly — just the way it would happen in law practice. (This sometimes makes me unpopular.) By the way, I think I got that idea from a conference like this one.

Of course, in one sense, *we are all already innovators and early adopters*—for we are reforming legal education by incorporating more transactional law and skills training into the curriculum. It used to be that law students were being trained to be litigators, period. Now, many of our students can take another path. I believe that, one day, during a job interview, when a student says I took “Contract Drafting” and “Deal Skills,” for example, the interviewer *won't* respond with “Wow, I sure wish they offered courses like that when I was in law school.”

¹³ Steve Kolowich, *Students now say they want more classroom technology, not less*, LEGAL SKILLS PROF BLOG (Oct. 10, 2012, 12:05 AM), http://lawprofessors.typepad.com/legal_skills/2012/10/students-now-say-they-want-more-classroom-technology-not-less.html.

¹⁴ EDEN DAHLSTROM, ECAR STUDY OF UNDERGRADUATE STUDENTS AND INFORMATION TECHNOLOGY, 2012 12 (2012).

¹⁵ PRACTICAL LAW SKILLS TRAINING — LAWMEETS, <http://www.lawmeets.com/> (last visited Apr. 3, 2012).

One tangential point about this step – we need to keep an open mind regarding changes in the legal profession in general. And this means listening when people talk about changes in how corporate law is practiced. In a 2011 article, William Henderson points out that corporate clients are pressuring their outside counsel to do more with less.¹⁶ (I specifically remember doing that when I was in-house at a corporation.) Henderson says that this pressure to do more with less means that “over the next several years, lawyers working for large corporations will increasingly layer the skills of project manager on top of their specialized legal knowledge.”

At least one other professor agrees. Professor Richard Susskind recently suggested that the role of lawyers is changing rapidly. He predicts that, soon lawyers will be working with “legal technologists” — dual qualified people who can build computer systems for use in the law — and “legal process analysts” who break work down and find the best way of sourcing it. The lawyer/project managers’ jobs will be to bring all of the work together into a coherent whole.

Consequently, Professor Susskind would like law students to have the opportunity to study current and future trends in legal services and also new legal skills such as project management, risk management, and process analysis. And I quote:

It is vital for lawyers of the future to be trained in project management skills. . . If we don’t do it, Accenture’s going to do it, Ernst & Young will do it, some other organisation will do it, and lawyers will be relegated to [being] sub-contractors on major deals and disputes.¹⁷

I am not saying that we should all start teaching project management skills to law students right away. I’m sure that there are some innovators or early adopters out there who are already doing it. *I am recommending that we keep our ears to the ground and we remain flexible enough to adapt our curricula to meet changing needs.*

Step Four: Engage in dialogue about transactional law and skills education within our own ranks and with practitioners. Produce scholarship that increases our visibility within the Academy.

Conferences like this one give transactional law and skills education a big boost because they encourage us to talk to each other about what we are doing. This type of

¹⁶ WILLIAM D. HENDERSON, *Three Generations of U.S. Lawyers: Generalists, Specialists, Project Managers*, in INDIANA LEGAL STUDIES RESEARCH PAPER No. 190 (2011).

¹⁷ “More for Less”, *liberalization and technology: Susskind lays out vision of the future*, LEGAL FUTURES (Jul. 2, 2012, 12:05 AM), <http://www.legalfutures.co.uk/latest-news/more-less-liberalisation-technology-susskind-lays-vision-future>.

dialogue is invaluable. I know that each one of us will go home with some new big ideas to explore and with many smaller things to try out in our classrooms the very next day.

Let's keep it going. As many of you know, Emory hosts something called the Deals Listserv. Its mission is to "provide a forum for the easy exchange of information and ideas with respect to the teaching of transactional skills." You may be aware of the Deals Listserv, but how many of you have ever posted anything there?

I hope that every one of you will sign up for the Deals Listserv, which you can find by going to Emory Law's website, clicking on Center for Transactional Law and Practice, and then clicking on Deals Listserv. For my part, I pledge to re-energize the Deals Listserv by posting something at least once a month and by otherwise working to facilitate discussions.

Emory also hosts something called the Emory Exchange — a repository for teaching materials like syllabi, PowerPoint slides, and exercises — a repository where the materials from this Conference will be stored. You can find the Emory Exchange link right under the Deals Listserv in that left sidebar on our website. Follow the directions to obtain a User ID and password. And then, please, contribute to the Exchange.

I pledge to post my favorite exercise regarding analyzing the business issues in a contract using Tina Stark's five-pronged approach. It involves asking the students to review some turkey grower contracts — quite appropriate with Thanksgiving coming up, though each time I use it, it makes me seriously consider becoming a vegetarian. After I post the turkey grower exercise on the Exchange, I'll send an email via the Listserv to let you all know it's there.

And I trust that you, too, will be willing to share some of the interesting assignments and exercises that you have created. Let's use these tools to continue the dialogue that we are having at this Conference.

Of course, there are numerous other places where we are already conducting dialogues and we should continue to do that. The Kauffman Foundation Listserv and the Legal Skills Professor's Blog come immediately to my mind.¹⁸ I'm sure you know of others and will be willing to share them with us.

Also, I want to make sure that you are all aware of a very important initiative that we should all support. We can attend the Association of American Law Schools Annual meeting in New Orleans, January 4th — 7th, and support the Section on Transactional Law and Skills, which was formed in 2011, largely due to Tina Stark's efforts. This year, the Section's program is called "Researching and Teaching Transactional Law and Skills in an

¹⁸ *Stay Connected*, KAUFFMAN FOUNDATION (last visited Apr. 3, 2012) <http://www.kauffman.org/StayConnected.aspx?id=3832> and LEGAL SKILLS PROF BLOG, http://lawprofessors.typepad.com/legal_skills/ (last visited Apr. 3, 2012), respectively.

Increasingly Global World.”¹⁹ For more information about the AALS Section on Transactional Law and Skills, you can talk to two of our conference participants – Joan Heminway, from the University of Tennessee College of Law chairs the section, and Eric Gouvin, from Western New England University School of Law is Chair-Elect.

When I was preparing for this speech, I came across the “Petition for Provisional Status for the Proposed AALS Section on Transactional Law and Practice.” If you ever get a chance to read it, you should, because I think that you will find it inspirational.

On the “Importance of the New Section,” the Petition states:

Transactional lawyering is a distinctive form of legal practice that focuses on the creation of “a law of the deal” rather than on the interpretation of legal texts, or the litigation and resolution of disputes. This sort of lawyering – often called “private ordering” – depends on the parties (not the government or the courts) to create the rules that will govern their relationship. . . .²⁰

I love how succinctly that paragraph sums up *what makes transactional lawyering unique*. In fact, I think I am going to memorize it.

The second part of this Step Four requires that we engage transactional law practitioners in a dialogue about transactional law and skills education. At the risk of repeating myself, I recommend seeking out those practitioners in many contexts to tell them about what we are doing and ask them about what they think we should be doing. Establish relationships with transactional attorneys and bring them in to the law school whenever you can.

Finally, Step Four involves producing scholarship that will make us more visible in the Academy. In short, we need to write about our work and get our articles and books published. I acknowledge that publication is a fairly traditional path to more visibility within the Academy. But I think we should be willing to take that path *because it is likely to bring us closer to faculty buy-in, which we know we need for the continued development of transactional law and skills education*.

The question is whether we have to write the kind of scholarship that generally appears in the average law review. Or can we work to broaden the definition of what counts as scholarship? Perhaps we can even get a discussion going on the Listserv about this topic.

An article by Professor John Nolon that will be coming out in the Pace Law Review in the summer of 2013 discusses something called “engaged scholarship.” Professor Nolon

¹⁹ *Researching and Teaching Transactional Law and Skills in an Increasingly Global World*, held by Ass’n of American Law Schools Annual Meeting (Jan. 4-7, 2013).

²⁰ TINA L. STARK ET AL., ASS’N OF AMERICAN LAW SCHOOLS, PETITION FOR PROVISIONAL STATUS: PROPOSED SECTION ON TRANSACTIONAL LAW AND SKILLS 2 (2010).

points out that the “the Carnegie Report and the Best Practices report have generated a lot of literature about how law professors can improve their teaching methods, how law schools can alter their curricula, and how the legal academy as a whole can prioritize skills education.” However, in his words, “Much less attention has been paid, however, to the connection between legal scholarship and practice-oriented teaching.” He adds “As the legal academy focuses its attention on ‘best practices’ in teaching, there is opportunity to hold a complementary conversation about best practices in scholarship and to question the prevailing assumption that scholarship is an act largely separate from our teaching and service.”²¹

So Step Four of my Plan involves producing scholarship (perhaps even a new kind of scholarship) about transactional law and skills education and getting our books and articles published. Of course, you have taken a step closer to that goal if you are presenting today — as these proceedings are to be published in a special issue of *Transactions*, *The Tennessee Journal of Business Law*, thanks to the University of Tennessee College of Law and to George Kuney, one of the members of our Steering Committee and one of the speakers on our keynote panel tomorrow.

Step Five: Assess our courses and programs to see if we are meeting our goals.

To foster the continued development of transactional law and skills education, we must assess our courses and programs to see if we are achieving what we set out to do. Are our students graduating with the transactional law foundation and skills they need to be practice-ready? Are our graduates finding jobs as transactional attorneys? Is there a connection between the transactional law and skills training our students receive and the jobs that they secure? Once they are working as transactional attorneys, do they find that they have been adequately prepared?

As transactional law and skills educators, we have to collect data in order to help us achieve that elusive faculty buy-in that I spoke about earlier. Because, as Professors Moss and Curtis, the editors of *Reforming Legal Education*, point out, “Data can be utilized to foster dissatisfaction with the status quo and diminish any resistance surrounding the need for reform.”²² For that reason, the editors advocate “fostering an enduring culture of accountability” where “connecting inputs with outputs is key.”²³

Moreover, “assessment” is a word you frequently hear echoing down the halls in law schools these days. Perhaps it is because the ABA’s accreditation practices are becoming

²¹ JOHN R. NOLON ET AL., *TOWARDS ENGAGED SCHOLARSHIP 2* (2010).

²² MOSS & MOSS CURTIS, *supra* note 8, at 227.

²³ *Id.*

more focused on learning outcomes.²⁴ As a result, according to Professor Herbert Ramy, “[L]aw schools will have to alter their assessment practices in order to more accurately determine the extent to which students are mastering the skills needed to become effective practitioners of the law.”²⁵

I recommend that we be in the forefront of the accountability movement. For one thing, I want to know whether our students are learning what they need to know to be practice-ready transactional attorneys when they graduate. That knowledge will help us to shape the curriculum going forward.

In conclusion, when you dream big, you have to take responsibility for those dreams. My Five-Step plan for the Continued Development of Transactional Law and Skills Education is just a start. But, in my view, we must:

1. Work to make ourselves more visible within our own institutions.
2. Get the legal employers to hire our graduates.
3. Be early adopters of technology and other innovative teaching tools.
4. Engage in dialogue with each other and with practitioners. Produce scholarship.
5. Assess our courses and programs to see if we are meeting our goals.

Thank you very much.

²⁴ Herbert N. Ramy, *Moving Students from Hearing and Forgetting to Doing and Understanding: A Manual for Assessment in Law School*, in SUFFOLK UNIVERSITY LAW SCHOOL RESEARCH PAPER NO. 12-29 2 (2012).

²⁵ *Id.*