

## OPENING REMARKS

Sue Payne

Welcome to Emory Law's Sixth Biennial Conference on the Teaching of Transactional Law and Skills. I'm Sue Payne, and I'm the Executive Director of the Center for Transactional Law and Practice. I'm also now the William and Jane C. Carney Professor of Transactional Law and Practice. I'm really proud to hold this newly established chair.

“To teach is to learn twice.”

When brainstorming about a theme for an upcoming conference, you toss around a lot of ideas. One of the things that I like the most about this particular theme is that it includes my favorite quote about teaching. This quote is most often attributed to Joseph Joubert<sup>1</sup>—that is according to my internet research, which I conducted the way my students would (I googled it).

Joubert lived in the 1700s and early 1800s. Interestingly, what he actually said was not “To teach is to learn twice,” but rather “To teach is to learn twice *over*.”<sup>2</sup> Of course, as time passed, this quote evolved. Being the natural editors that we are, we deleted the word “over.” We couldn't help ourselves.

I really like the quote either way. I like it because it captures what I feel when preparing for a class about a difficult concept—for example, assignment and delegation clauses in contracts. When I first started teaching students about assignment and delegation, I just used words to explain, but I often got tangled up in them. Then I tried drawing geometric shapes and arrows on the whiteboard, but that didn't work very well either.

Back to the drawing board, so to speak. Recently, when I was preparing to teach assignment and delegation yet again, I decided to use a PowerPoint slide containing no words—only pictures and custom animation that moved the pictures around to express what an assignment

---

<sup>1</sup> *Joseph Joubert Quotes*, BRAINYQUOTE, [https://www.brainyquote.com/quotes/joseph\\_joubert\\_108036](https://www.brainyquote.com/quotes/joseph_joubert_108036) (last visited July 20, 2018).

<sup>2</sup> *Joseph Joubert*, WIKIQUOTE (emphasis added), [https://en.wikiquote.org/wiki/Joseph\\_Joubert](https://en.wikiquote.org/wiki/Joseph_Joubert) (last updated Mar. 15, 2018).

and delegation clause does. While I was preparing this slide, I felt like I began to understand the concept a little bit better, and I took that into my class.

The PowerPoint slide I'd prepared worked pretty well. My students seemed to understand the concept a little better, but in an endless quest for perfection, I decided to try again.

The following semester, I went into my next Contract Drafting class and said this: "break up into small groups." Each group must create one PowerPoint slide, using pictures, symbols, and animation only—no words—to illustrate the concept of assignment and delegation. The students, who had already read about assignment and delegation in their textbooks, went off to create their slides. The results were hilarious and amazing, lively and not always completely correct. But even when a little wrong, the slides sparked good discussions that led to a deeper understanding of the assignment and delegation concept.

In this example, "To teach is to learn twice" seemed to become "To teach is to learn thrice." I came to understand the concept of assignment and delegation more deeply through preparing to teach it to my students in various ways; the students came to understand the concept more deeply by preparing to teach it to me and to their classmates. In short, everybody was learning!

The following semester I would take this concept, and I would puzzle over it again, wondering if I could discover an even better way to teach it. And then, as I prepared these opening remarks, I decided that the more accurate version of the quote is the one that's sometimes said to be a Japanese proverb.<sup>3</sup> It's simply this: "To teach is to learn." I like the simplicity of that. "To teach is to learn."

The subtitle of our conference—for some reason we thought it had to have a subtitle—is "Fostering Excellence in Transactional Law and Skills Education." (We chose this subtitle before I noticed that the "in" thing in law review titles is short little three-word titles that are kind of

---

<sup>3</sup> *To Teach is to Learn. -- Japanese Proverb*, ANVARI.ORG, [http://www.anvari.org/fortune/Miscellaneous\\_Collections/289624\\_to-teach-is-to-learn-japanese-proverb.html](http://www.anvari.org/fortune/Miscellaneous_Collections/289624_to-teach-is-to-learn-japanese-proverb.html) (last visited July 20, 2018).

cute and sexy. I wish we'd given the Conference a short and sexy title; it would have been easier to fit it on our promotional materials.)

"Fostering Excellence in Transactional Law and Skills Education." To "foster" is "to encourage or promote the development of something." It comes from the Old English meaning "to feed" or "to nourish." And "excellence"—"the quality of being outstanding or extremely good"—comes from the late Middle English, with "ex" meaning "out" or "beyond" and "cellence" meaning "lofty." So literally our subtitle means, "To nourish loftiness in transactional law and skills education." Or more colloquially, "To promote the development of outstanding transactional law and skills education."

It's really no secret that every conference since the first of these conferences has been about promoting the development of outstanding transactional law and skills education. Here's a snapshot of the conference themes over time.

## Conference Themes



This is the sixth biennial Emory Law Conference on Transactional Law and Skills Education. Some of you were at the initial conference at the Northwestern Law School in 2005. Tina Stark was there. Richard Neumann was there. George Kuney was there. Judy Rosenbaum was there.

I was there, too. Northwestern had just hired me to teach contract drafting. After leaving my law practice, I attended the conference to learn

from the experts. The whole focus of the conference was on how to teach contract drafting, and I was very eager to learn.

At Emory Law's first conference, we took a broader approach, focusing on drafting and transactional skills—the basics and beyond. Two years later, our theme posed the question, "Transactional Education: What's Next?" Two years after that, when there was this big discussion in the legal community about the gap between doctrine and practice, we focused on how to bridge that gap. Then we moved to a theme highlighting the trends in technology and training the lawyer of tomorrow. And at the conference before this one, we had this sort of vague theme about "method in the madness."

I now don't think I'm going out on a limb if I say that we no longer need a subtitle for this conference. In fact, this conference is always about fostering excellence in transactional law and skills education. And I'm so happy that we're gathered here to teach each other and to learn from each other. That's really what it's all about.

Now, if you'll indulge me for a few minutes, I'd like us to do a brief exercise to focus our attention on excellence. You're going to need a pen. Each of you has a card at your seat, if you sat in a seat with a card like you were asked to do. This was also my trick to get you to sit closer to the stage. I can see that it didn't work as well as crime tape strung across the back of the auditorium would have worked.

This semester, I took a mindfulness-based stress reduction class. It met every Monday night from six to nine p.m., and our homework was to practice meditation for forty-five minutes every night. I had to quit the class because it became too stressful, but I learned a few things along the way.

Hold the card up to your head and close your eyes for a moment. I want you to think about one thing you did in your teaching or in your career in general over the past year that turned out to be excellent. Just think about it for a moment. Now open your eyes and write it down on the card. The one thing you did in the past year that turned out to be excellent.

Write it down. It could be large. It could be small. Somebody is flipping their card over. That was a large one! Okay, now find another person in front of you or behind you and share your excellent moments with each other.

[A few minutes pass.]

I hate to stop you. With any luck, I now have each of you thinking about something great that you did this year. Something that really worked, whether it was large or small. And I hope I've achieved my goal of sending you off into the first sessions of the day feeling good about what you've accomplished. Maybe you'll even take a few minutes during one of the breaks to ask someone you've never met, "What was your moment of excellence?"

Go forth and enjoy the Conference!