



2008

# Humanizing Legal Education: An Introduction to a Symposium Whose Time Came

Michael Hunter Schwartz

*University of Arkansas at Little Rock William H. Bowen School of Law, mhschwartz@ualr.edu*

Follow this and additional works at: [http://lawrepository.ualr.edu/faculty\\_scholarship](http://lawrepository.ualr.edu/faculty_scholarship)



Part of the [Legal Education Commons](#)

---

## Recommended Citation

Michael Hunter Schwartz, Humanizing Legal Education: An Introduction to A Symposium Whose Time Came, 47 Washburn L.J. 235 (2008)

This Introduction is brought to you for free and open access by Bowen Law Repository: Scholarship & Archives. It has been accepted for inclusion in Faculty Scholarship by an authorized administrator of Bowen Law Repository: Scholarship & Archives. For more information, please contact [mmserfass@ualr.edu](mailto:mmserfass@ualr.edu).

# Humanizing Legal Education: An Introduction to a Symposium Whose Time Came

Michael Hunter Schwartz\*

## I. PREFACE

It has been more than twenty years since Andrew Benjamin first asserted the harmful effects of legal education<sup>1</sup> and more than seventeen years since Barbara Glesner Fines wrote *Fear and Loathing in Law Schools*,<sup>2</sup> which amplified and articulated some of the potential causes of the problem. Additionally, more than three years ago, Larry Krieger began substantiating these assertions, showing that while law students come to law school with similar levels of depression, anxiety, and substance abuse as other graduate students, by the end of their first year of legal education, law students' levels of depression, anxiety and substance abuse are significantly greater.<sup>3</sup> Today, the list serve for the Humanizing Legal Education movement has close to 400 signatories.<sup>4</sup> The American Association of Law Schools held a day-long workshop on humanizing issues in 2006 at its Annual Meeting and established a section, Balance in Legal Education, dedicated to investigating and addressing these problems. Most significantly, the Carnegie Foundation's recent publications, *Educating Lawyers: Preparation for the Profession of Law*<sup>5</sup> (*Educating Lawyers*) and *Best Practices for Legal Education*,<sup>6</sup> reflect the fact that humanizing concerns have reached the mainstream of those who are interested in legal education. In *Educating Lawyers*,

---

\* Professor Michael Hunter Schwartz has been teaching law since 1991. Professor Schwartz is the Chair of the Balance in Legal Education Section of the American Association of Law Schools. A 1987 Honors Graduate of Hastings College of the Law, Professor Schwartz has authored two highly successful books, two law review articles, and a half dozen shorter works addressing law school teaching and learning topics. He has spoken on teaching and learning topics at a wide variety of legal education and lawyer professional development conferences around the country and has delivered teaching workshops at a wide range of American law schools.

1. G. Andrew H. Benjamin et al., *The Role of Legal Education in Producing Psychological Distress Among Law Students and Lawyers*, 1986 AM. B. FOUND. RES. J. 225.

2. B.A. Glesner, *Fear and Loathing in the Law Schools*, 23 CONN. L. REV. 627 (1991).

3. Kennon M. Sheldon & Lawrence S. Krieger, *Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being*, 22 BEHAV. SCI. & L. 261, 261 (2004).

4. Lawrence S. Krieger, *Human Nature as a New Guiding Philosophy for Legal Education and the Profession*, 47 WASHBURN L.J. 247, 248 n.6 (2008).

5. WILLIAM M. SULLIVAN ET AL., *EDUCATING LAWYERS: PREPARATION FOR THE PROFESSION OF LAW* (2007).

6. ROY STUCKEY ET AL., *BEST PRACTICES FOR LEGAL EDUCATION* (2007).

the authors sharply criticize legal education because it communicates to students they must set aside their senses of justice and morality and their concern for others, concluding “[s]tudents often find this confusing and disillusioning.”<sup>7</sup> *Best Practices for Legal Education* makes numerous references to humanizing concerns and principles, arguing that law schools should demonstrate respect for students, provide a supportive environment, encourage collaboration,<sup>8</sup> produce graduates who “nurture quality of life,”<sup>9</sup> “support student autonomy,”<sup>10</sup> provide increased practice and feedback,<sup>11</sup> meet the needs of all students by varying teaching methodologies,<sup>12</sup> teach “self-reflection and lifelong learning skills”<sup>13</sup> and “self-directed learning skills,”<sup>14</sup> and produce graduates who demonstrate self-efficacy.<sup>15</sup>

A conference and law review symposium issue addressing the de-humanizing problem was in order. In fact, Washburn University School of Law received around thirty-five proposals from law faculty interested in presenting at the conference. Over ninety legal education professionals, representing thirty-five American, one Canadian, and one Australian law school, chose to descend upon the Washburn campus in Topeka, Kansas to discuss humanizing legal education. The best-known scholars in the humanizing legal education movement, including Larry Krieger, Gerry Hess, Barbara Glesner Fines, Susan Diacoff, Bruce Winick, Bob Schuwerk, and Marjorie Silver, as well as more than twenty other selected scholar-teachers, participated as speakers. This symposium issue is the outgrowth of this passionate response to the symposium.

At the same time, it is impossible to capture in this introduction, or by reading any of the articles in this symposium issue, the sense of connection and community experienced by those who attended the conference. In the weeks that followed, I received e-mails from conference attendees who described the experience as inspiring, wonderful, and even, life changing. This enthusiastic response was a tribute not only to those whose ideas are published in this symposium issue, but also to the others who spoke as presenters.

If Fall 2007 was the right time for a symposium on Humanizing Legal Education, Washburn University School of Law was the appropriate place to hold the conference and the *Washburn Law Journal* was the

---

7. SULLIVAN ET AL., *supra* note 5, at 187.

8. STUCKEY ET AL., *supra* note 6, at 114-19.

9. *Id.* at 90.

10. *Id.* at 113.

11. *Id.* at 125.

12. *Id.* at 132.

13. *Id.* at 66.

14. *Id.* at 127.

15. *Id.* at 172.

appropriate journal to publish this symposium issue. Washburn has a long history of unequivocal commitment to its students and to operating according to humanizing principles throughout the institution.

The law school held its first on-campus teaching workshop in the early 1980s,<sup>16</sup> and in the last four years alone, engaged three of the plenary speakers, Gerry Hess, Larry Krieger, and Barbara Glesner Fines, to consult with the law school faculty on improving the teaching and learning environment at the law school. The law school is one of the first, if not the first in the country to make humanizing legal education an explicit goal in its Self-Study in connection with its 2008 American Bar Association Accreditation Visit.<sup>17</sup>

Washburn treats its students as collaborators in the learning process. Starting in 1990, Washburn began to offer a unique course it calls "Law Colloquium," which it has offered five other times, including Spring 2008. As many as twenty Washburn Law faculty members team teach Law Colloquium courses, working with the enrolled students as both teachers and learners to explore a selected topic, such as critical race studies, feminist jurisprudence, comparative human rights, and in Spring 2008, technology and the law.<sup>18</sup>

This institutional focus on students has also manifested itself in the law school's approach to academic support. Three years ago, Professor Lynette Petty, a long-term clinician at the law school, worked with a team of colleagues to create a bar-pass program that has proven highly successful. On the six administrations of the Kansas Bar exam between February 2003 and July 2005, the law school's pass rate averaged 75.8%. On the four most recent administrations, the pass rate has averaged 90.4%. Less than two years ago, upon hiring me, the law school became one of the first in the country, if not the first, to hire an academic support director with tenure.

Most recently, the law school has established one of the only all-student academic support programs in the country. Every entering Washburn student is placed in a small, structured study group of four to five of his entering peers, each led by a carefully-trained and closely-supervised upper-division law student. The entering students also receive an extra week of instruction; a total of over twenty hours of classroom and small group instruction addressing self-regulated, metacognitive learning, and other law school success skills. Taught as part of a first-year doctrinal course, the students receive training premised on the best practices for the following skills: reading court opinions, otherwise

---

16. James M. Concannon, *The Ideal Place . . . for the Establishment of a Great Law School* (unpublished manuscript, on file with author) (detailing Washburn University School of Law's history).

17. WASHBURN UNIVERSITY SCHOOL OF LAW SELF-STUDY REPORT (2007) (on file with the author, the law school, and the American Bar Association).

18. Concannon, *supra* note 16.

preparing for classes, taking notes, consolidating and organizing their learning, memorizing doctrine, preparing for examinations, writing legal writing papers, reflecting on their learning process, and performing legal analysis.<sup>19</sup> Students read and brief six cases, participate and deconstruct the teaching methods in a sample class, interview a mock client, keep a journal in which they reflect on their experiences, and prepare for and take a mini-practice essay exam based on their mock client's problem.

The students also focus on professional values, first by reading articles addressing the professionalism expectations of those who hire new law school graduates.<sup>20</sup> Students then work in their study groups to construct a code of professional behavior by which they will govern themselves in their first year of law school. Finally, they privately imagine the professional attributes to which they aspire when they practice law.<sup>21</sup>

In response to national surveys, Washburn students have recognized the law school's commitment to its students. In the *National Jurist* survey of 1996, Washburn ranked second in the nation with respect to overall satisfaction and first in the nation with respect to faculty—weighted by reference to quality of teaching, faculty-student relationships, diversity of faculty, and intellectual challenge.<sup>22</sup> The *Princeton Review's* 2008 top law schools survey says of Washburn,

The law school's cozy size allows students to receive one-on-one attention from faculty. Students say the friendly and supportive professors "make law school such a pleasure," and they "are more than willing to help out in any way that they can, as long as you ask." Students rave about the accessibility of the professors and the quality of instruction, saying that "they are tough but compassionate" but most importantly, "really care about your success." According to one student, "They truly want me to be successful and always equal or exceed the effort I put into my education. Here, I feel like I am on a team that wants to win."<sup>23</sup>

The law school also fared well on the Law School Survey of Student Engagement.<sup>24</sup>

---

19. MICHAEL HUNTER SCHWARTZ, *EXPERT LEARNING FOR LAW STUDENTS*, chs. 9-16 (2005).

20. See, e.g., Amee R. McKim, *Teaching Law Students and Associates Professionalism: An Invitation for an Ongoing Dialogue*, NALP BULL. (Nat'l Ass'n for Law Placement, Washington, D.C.), July 2006; Terry Miller & Madeline Kershek, *A Few Secrets of Success: Firms Want You to Succeed—But May Not Tell You Everything You Should Hear*, LEGAL TIMES, Sept. 29, 2003, at 25; Joni L. Peet, *10 Ways Students Can Endear Themselves to Employers During the Hiring Process*, NALP BULL. (Nat'l Ass'n for Law Placement, Washington, D.C.), Aug. 2003; Janet Smith, *An Inside View: What Students Need to Know to Succeed This Summer*, NALP BULL. (Nat'l Ass'n for Law Placement, Washington, D.C.), Apr. 2002.

21. Each student responded in writing to the question of what they would want their peers to say about them when they retire from law practice. The students then individually addressed envelopes to the addresses where they expect to be receiving mail when they graduate from law school. These envelopes will be mailed to the students when they graduate. I thank my friend Larry Krieger for suggesting a version of this exercise.

22. Shanie Latham, *The Happiest Law Students on Earth*, NAT'L JURIST, May 1996, at 20, 22.

23. ERIC OWENS, THE PRINCETON REV., THE BEST 170 LAW SCHOOLS 374 (2008).

24. On most measures of student satisfaction addressed in the 2007 Law School Survey of Student Engagement (LSSSE), the law school scored well above the mean of not only like law schools but also of all law schools. Washburn's LSSSE results are on file in the Washburn University School

The law school has a long history of humanizing practices in its intra-faculty dealings. For more than thirty-five years, unlike most American law schools, Washburn's policy has been that professors who teach in the law school's clinics or who teach legal research and writing should be tenured or tenure-track according to the same system as the law school's doctrinal faculty. This policy, as a part of the law school's larger commitment to collegiality and equality, has been the subject of favorable comment from most of those who have visited the law school over the years, including a number of those who attended this conference. It is no surprise, therefore, that Washburn funded this symposium and attracted the authors of the exciting works described below.

## II. OVERVIEW OF SYMPOSIUM ISSUE

The *Washburn Law Journal* invited authors for the symposium to think broadly about the humanizing problem, including causes, explanations, and recommendations. Because most of the authors who contributed to this symposium explored two or more topics relating to the humanizing problem, this introduction organizes the articles categorically rather than sequentially. Accordingly, the remainder of this paper introduces the works that follow by linking the works to the humanizing sub-topics they address. They include the following: (1) definitions of humanizing legal education and characterizations of the dehumanizing problem, (2) theories as to causes of student distress, (3) programmatic humanizing recommendations, and (4) classroom humanizing recommendations. Because the third and fourth sections of the discussion below intersect with my own research interests in curriculum design, teaching and learning, and with the idea I introduced in my closing plenary, these discussions also incorporate some of my ideas.

### A. *Definitions of Humanizing Legal Education and Characterizations of the Dehumanizing Problem*

Larry Krieger and Barbara Glesner Fines both offer definitions of "Humanizing Legal Education," each of which lays a framework for understanding the ideas and solutions developed by other contributors to this symposium. Krieger also refines his past work discussing the relationship between his studies of law student distress and Self-Determination Theory by expanding upon his efforts to characterize the dehumanizing problem, and Susan Grover offers a related characterization of the dehumanizing problem.

Glesner Fines argues the definition of humanizing should incorpo-



rate three fundamental principles.<sup>25</sup> First, she argues that law schools should “identify negative stressors in the law school environment, reduce or eliminate those as much as is possible, and help the students to manage those that cannot be eliminated.”<sup>26</sup> Second, she argues that we should focus on teaching students rather than on teaching subjects, such as contracts or torts.<sup>27</sup> She explains that humanizing law professors are interested in

[t]he professional development of students, and their ability to perform as competent, ethical attorneys, requires that they learn more than mere doctrine and analytical skills. Proponents of humanization are concerned that students develop themselves as confident, caring, reflective professionals, discerning their own values and purposes, and knowing how to work with others collaboratively and to understand diverse perspectives.<sup>28</sup>

Finally, she argues, “The call to humanize legal education is part of a much larger call to humanize the profession by recapturing the essence of professional values—peacemaking, problem solving, and justice work.”<sup>29</sup>

Krieger, building on Self-Determination Theory and the results of his series of studies of law student depression, anxiety, and substance abuse,<sup>30</sup> argues that a practice or program should be deemed humanizing if it is “one that promotes . . . experiences of an optimally functioning person. Such an activity or context would incorporate an understanding of human nature and would therefore maximize meaning, positive motivation, well-being, and performance.”<sup>31</sup>

Krieger also explains the relationship among fundamental human needs, subjective well-being, and the humanizing problem. He explains “that law students’ sense of authenticity and autonomy is directly, and at times forcefully, undermined by typical classroom teaching,”<sup>32</sup> and he argues law schools cut students off from their values, undermine students’ sense of competence, and trample on students’ sense of relatedness.<sup>33</sup> The students’ consequent loss of subjective well-being is the result.<sup>34</sup>

Susan Grover asserts that the dehumanizing problem can be understood as a problem of fragmentation of the self.<sup>35</sup> While outsider law

---

25. Barbara Glesner Fines, *Fundamental Principles and Challenges of Humanizing Legal Education*, 47 WASHBURN L. J. 313, 313 (2008).

26. *Id.* at 314.

27. *Id.* at 318-19.

28. *Id.* at 319-20 (internal citations omitted).

29. *Id.* at 322.

30. Sheldon & Krieger, *supra* note 3; Kennon M. Sheldon & Lawrence S. Krieger, *Understanding the Negative Effects of Legal Education on Law Students: A Longitudinal Test of Self-Determination Theory*, 33 PERSONALITY & SOC. PSYCHOL. BULL. 883 (2007).

31. Krieger, *supra* note 4, at 260.

32. *Id.* at 271.

33. *Id.*

34. *Id.* at 272-73.

35. Susan Grover, *Personal Integration and Outsider Status as Factors in Law Student Well-*

students are more likely to suffer fragmentation of the self as a result of law school, all law students experience “pressure to abandon aspects of [their] personality and values.”<sup>36</sup> She explains that the rejection or loss of these more significant parts of the self—“disintegration or fragmentation of the whole”<sup>37</sup>—“is a more disturbing source and sign of law student and lawyer distress.”<sup>38</sup>

### B. Theories As to the Causes of Law Student Distress

While we know law students suffer statistically significant losses in their sense of autonomy, relatedness, and competency, there is much less data suggesting the aspect or aspects of legal education that produce these disturbing outcomes. Taken together, Glesner Fines, Grover, Rebecca Flanagan, and Krieger assert a list of possible causes, each of which most likely plays a role in the problem and can be linked to the demonstrated student losses of autonomy, relatedness, and competency.

For example, Glesner Fines and Krieger object to the lack of feedback in traditional law teaching,<sup>39</sup> and they both criticize law schools for the harsh criticism and low grades common to most law schools’ grading practices.<sup>40</sup> In addition, Grover criticizes the narrow range of lawyering skills taught and tested on law school examinations.<sup>41</sup> These deficiencies seem likely to strip students’ sense of self-efficacy, which would explain students’ loss of their sense of competency.

Glesner Fines, Grover, Flanagan, and Krieger also emphasize the rampant competition in law school and most law schools’ adherence to rigid grading curves instead of competency-based grading.<sup>42</sup> Flanagan adds a new set of insights based on the research on relational aggression—bullying, identifying the widespread acts of peer bullying in law schools, including teasing, insults, exclusion, and other law school classroom behaviors, such as “Gunner Bingo”<sup>43</sup>—as a source and as an expression of law student distress.<sup>44</sup> These factors likely interfere with students’ natural inclination to develop relationships with their peers, explaining law students’ sense of loss of connectedness.

---

*Being*, 47 WASHBURN L.J. 419, 420 (2008).

36. *Id.* at 422.

37. *Id.*

38. *Id.*

39. Glesner Fines, *supra* note 25, at 317; Krieger, *supra* note 4, at 302.

40. Glesner Fines, *supra* note 25, at 318; Krieger, *supra* note 4, at 303.

41. Grover, *supra* note 35, at 445-46.

42. Glesner Fines, *supra* note 25, at 320; Krieger, *supra* note 4, at 303, 310 n.221; Grover, *supra* note 35, at 427; Rebecca Flanagan, *Lucifer Goes to Law School: Towards Explaining and Minimizing Law Student Peer-to-Peer Harassment and Intimidation*, 47 WASHBURN L.J. 453, 461, 462 (2008).

43. According to past students of this author, Gunner Bingo involves assigning bingo squares to students who engage themselves in classroom discussions and then playing according to the normal bingo rules as those students participate in class.

44. Flanagan, *supra* note 42, at 454.



Krieger places central blame on classroom teacher-student interactions, arguing that these interactions train students to understand that values and morals are insignificant in the law and instrumental argumentation skills are the highest ethic.<sup>45</sup> Even for students who ace their law school exams, this emphasis on technique over values reduces their sense of authenticity.

Finally, Krieger emphasizes law schools' over-glorification of the highly-compensated positions with well-known business law firms,<sup>46</sup> and Glesner Fines emphasizes the growing and related problems of the cost of legal education and law student debt.<sup>47</sup> These last two issues undermine student autonomy by encouraging students to choose career paths based not on their values but on external goals, such as compensation and prestige, by seeing alternative career choices as inferior and a sign of failure, and by feeling as if they have no choice but to seek such jobs.

The authors' recommendations reflect their understanding of these causes and the relation of those causes to students' losses of autonomy, relatedness, and competence. As detailed below, the authors' recommendations fall into two broad categories: programmatic suggestions and teaching suggestions.

### C. Programmatic Recommendations

Larry Krieger first offers what he describes as practical, inexpensive suggestions: (1) train students to be metacognitively aware of their emotional experience of legal education;<sup>48</sup> and (2) encourage faculty to be metacognitively aware about the explicit and implicit messages in how they teach and to model authenticity, inspiration, and a holistic outlook.<sup>49</sup> He also advocates, more ambitiously, for making human nature the guiding principle in legal education decision-making.<sup>50</sup> He believes that this reorientation will lead law schools to reconsider their adversarial approaches to grading and ranking students,<sup>51</sup> developing students' professional identities and sense of professionalism,<sup>52</sup> and addressing the students' debt problem.<sup>53</sup> Paula Lustbader argues that law schools' orientation programs are an ideal setting for addressing humanizing concerns.<sup>54</sup> She argues, "An effective orientation should establish a solid

---

45. Krieger, *supra* note 4, at 280.

46. *Id.* at 280-81.

47. Glesner Fines, *supra* note 25, at 323-26.

48. Krieger, *supra* note 4, at 285.

49. *Id.* at 287.

50. *Id.* at 296-97.

51. *Id.* at 297.

52. *Id.* at 306.

53. *Id.* at 307.

54. Paula Lustbader, *You Are Not in Kansas Anymore: Orientation Programs Can Help Students Fly over the Rainbow*, 47 WASHBURN L.J. 327, 328-32 (2008).

foundation for students' experience and expectations in law school, acculturate them to the profession, provide ongoing support, facilitate community building, and promote students' psycho/spiritual development."<sup>55</sup>

Two other programmatic reforms that I presented in the closing plenary and mentioned above<sup>56</sup> have the potential to address aspects of the dehumanizing problem: (1) all student-structured study groups and (2) self-regulated learning curricula. By placing students in small, closely-supervised, structured study groups, having groups meet several times a week to study for class and prepare for examinations using cooperative learning principles,<sup>57</sup> and holding groups accountable for group learning projects, law schools can help students develop a greater sense of their relatedness. Research on the effects of such groups suggests that all students not only learn more and learn better in study group settings, but also feel better about their learning, have higher self-esteem, are more tolerant of differences among their peers, and, as Krieger's research would predict, have better psychological health.<sup>58</sup>

Placing students in cooperative learning groups likely builds students' sense of relatedness and, because it fosters better learning, enhances students' sense of competency. Training law students to be self-regulated learners also seems likely to boost students' sense of autonomy and their feeling of autonomy support from their law schools and their sense of competency. As noted above, Krieger argues law students should be trained in metacognition so they are able to reflect on the emotional and moral challenges of law school.<sup>59</sup> This proposal takes Krieger's suggestion one step further. Expert self-regulated learners are experts in their own learning styles. They take control over their learning process, understand that failure is part of the learning process, pos-

---

55. *Id.* at 331 (internal citations omitted).

56. See *supra* notes 19-21 and accompanying text (discussing a structured study group program and self-regulated learning curricula).

57. Cooperative learning is not simply telling students, "Go work amongst yourselves." Rather, it involves carefully structuring learning experiences designed to be completed using a specific cooperative learning technique, such as write-pair-share (in which students individually write an analysis of a problem, then compare their analysis with one other student and try to reach a consensus, and then the pairs compare their analyses and try to reach a group consensus) or pass the problem (in which the students in the group all read a problem and then work sequentially on answering it with each student being responsible for his or her own portion and for looking over everyone else's portion). See Roger T. Johnson & David W. Johnson, *An Overview of Cooperative Learning*, <http://www.co-operation.org/pages/overviewpaper.html> (last visited Jan. 19, 2008). Among other things, effective cooperative learning exercises are characterized by: (1) each student being responsible for the learning of every other student, (2) each student being accountable for doing his or her share of the work, (3) each student being expected to use interpersonal and small group skills to promote the success of each other. See *id.* For an excellent discussion of the application of these principles in a first-year civil procedure class see Carole J. Buckner, *Realizing Grutter v. Bollinger's "Compelling Benefits of Diversity"—Transforming Aspirational Rhetoric into Experience*, 72 UMKC L. REV. 877 (2004).

58. See Buckner, *supra* note 57, at 924-27, 929.

59. Krieger, *supra* note 4, at 284.

sess high self-efficacy for learning, are more likely to focus on mastery than on grades, and reflect on their learning process after they finish, recognizing that each learning effort is an opportunity to improve their learning skills.<sup>60</sup> These skills can be taught.<sup>61</sup> Students trained in this way seem likely to feel a much greater sense of control over their law school learning experiences and to feel better about themselves.

#### D. Teaching Recommendations

Gerry Hess<sup>62</sup> and Justine Dunlap<sup>63</sup> focus their papers on classroom interventions. Both work from the same set of premises—that law students suffer losses in their senses of autonomy, relatedness, and competency—and both articulate different, but complementary, approaches to providing autonomy support to prevent, or at least minimize, these losses.

Hess, relaying on the studies of effective higher education teaching by Ken Bain<sup>64</sup> and Maryellen Weimer,<sup>65</sup> argues law professors can be both more effective and can provide autonomy support to students by giving students greater control over syllabus construction and course policies.<sup>66</sup> Hess argues,

In the process of working with students in syllabus construction, teachers further all three aspects of autonomy support: (1) providing choice to students in important aspects of their own education, (2) articulating the rationale behind course design decisions, and (3) considering student perspectives on key aspects of the syllabus. The collaborative course design process seeks to maximize students' intrinsic motivation, which is associated with student well-being and performance.<sup>67</sup>

Dunlap describes her efforts to humanize the classroom using three main tools. First, she suggests that faculty devote a first-year class session to a discussion of students' stress and anxiety.<sup>68</sup> She has students read about law student distress and then write a response describing their reactions to the papers and their own experiences in law school so

---

60. SCHWARTZ, *supra* note 19, at chs. 1, 4-8.

61. Michael Hunter Schwartz, *Teaching Law Students to Be Self-Regulated Learners*, 2003 MICH. ST. DCL L. REV. 447, 481-83. My own study when I was a professor at Western State University College of Law found that an experimental group of law students who had weaker entrance credentials than the control group of students (the average LSAT score of the students in the experimental group was two points lower) and inferior self-regulated learning skills, had become better self-regulated learners by the end of their first year of law school and achieved higher first-year law school grades by participating in a self-regulated learning curriculum integrated into their regular law school classes. (Supporting data on file with the author).

62. Gerald F. Hess, *Collaborative Course Design: Not My Course, Not Their Course, but Our Course*, 47 WASHBURN L.J. 367 (2008).

63. Justine A. Dunlap, "I'd Just as Soon Flunk You as Look at You?" *The Evolution to Humanizing in a Large Classroom*, 47 WASHBURN L.J. 389 (2008).

64. KEN BAIN, *WHAT THE BEST COLLEGE TEACHERS DO* (2004).

65. MARYELLEN WEIMER, *LEARNER-CENTERED TEACHING* (2002).

66. Hess, *supra* note 62, at 367 (citing BAIN, *supra* note 64; WEIMER, *supra* note 65).

67. *Id.* at 386 (internal citations omitted).

68. Dunlap, *supra* note 63, at 396-98.

far.<sup>69</sup> She reports that the session “validates what the students are experiencing,”<sup>70</sup> personalizes the students and the professor,<sup>71</sup> and demonstrates that her class is about more than just doctrine.<sup>72</sup> Second, she recommends faculty adopt the law firm approach developed by University of Houston law professor Robert Schuwerk.<sup>73</sup> The professor assigns students into law firms of four to five persons and then calls randomly on a law firm, rather than on an individual.<sup>74</sup> Finally, Dunlap emphasizes the importance of getting feedback from students about the effectiveness of her class.<sup>75</sup> She concludes by noting that humanizing teaching principles are often, simply good teaching principles.<sup>76</sup>

One simple, additional humanizing idea also springs from the goals of providing autonomy support and enhancing students’ sense of competence. The idea also is derived from a basic principle of good teaching. Excellent teachers facilitate student learning by getting the students to make connections between what they are learning and what they already know.<sup>77</sup> Good law teachers, having intuited this principle, often devote a few minutes at the beginning of a class session either by lecturing about what the class previously has learned or by calling on a student to provide such a summary.<sup>78</sup> An even better approach, with humanizing implications, is possible.

By scheduling a different student each class session to come to the front of the classroom and re-teach what the class learned in the prior session,<sup>79</sup> the professor can not only accomplish the goal of providing the necessary review, but can also do so while providing autonomy support and supporting students’ sense of competence. The adoption of this policy communicates confidence in the students’ ability to learn law effectively and to present what they have learned to their peers. Particularly with first-year students, this expression of high expectations, both in terms of students’ capabilities and in terms of the challenge presented by this task, has the potential to increase the students’ sense of competence and autonomy support. Moreover, success in conducting such a review can build students’ self-confidence, both for the student who conducted the review and for students who see themselves as simi-

---

69. *Id.* at 397.

70. *Id.* at 399.

71. *Id.*

72. *Id.*

73. *Id.* at 404 (citing Robert Schuwerk, *The Law Professor as Fiduciary: What We Owe our Students*, 45 S. TEX. L. REV. 753, 790-98 (2004)).

74. *Id.* (citing Schuwerk, *supra* note 73).

75. *Id.* at 407-09.

76. *Id.* at 409-10.

77. See Michael Hunter Schwartz, *Teaching Law by Design: How Learning Theory and Instructional Design Can Inform and Reform Law Teaching*, 38 SAN DIEGO L. REV. 347, 373, 411 (2001).

78. These observations reflect my experience in visiting classes and discussing teaching practices at the many law schools where I have visited class and/or conducted teaching workshops.

79. I limit the presentations to five minutes.

lar to the student who conducted the review. As explained below, the professor can do a lot to assist students in having a successful experience. Because new lawyers must be able to summarize the law to clients, supervisors, and even judges, the activity also engages students in an exercise that bears some relation to law practice.

Having successfully adopted such a policy in Fall 2007,<sup>80</sup> I identified a few keys to making the experience beneficial without being overly stressful. First, it is most effective to randomly<sup>81</sup> select the student who will be conducting the review and to do so at the beginning of the class session the student will be summarizing. This approach allows the students to focus their attention during class and to prepare, during the time between the two class sessions, to conduct the review. Second, it is useful to offer to review the student's presentation in advance, so that any student who needs extra help can get it and to help each student avoid public error. Third, the professor should be encouraging to the presenters, applauding their presentations, identifying the good qualities in each presentation, and encouraging the risks they took. In fact, my Fall 2007 students created flowcharts, outlines and mnemonics, posed hypothetical questions, and used humor frequently and to good effect.

### III. CONCLUDING REMARKS

Taken together, these articles should not only enhance readers' understanding as to the nature of the humanizing problem and its likely causes, but also should allow readers to begin to implement change, ideally throughout their own institutions but certainly in their own classrooms. And of course, if made visible to students, these efforts will serve as autonomy support and therefore may enhance the students' well-being simply from the fact the students know a professor cares.

---

80. I conducted an anonymous, informal, mid-semester survey of my Fall 2007 Contracts class, with which I first tried this technique. The students, while expressing some anxiety about having to do presentations, overwhelmingly liked it and favored continuing the practice throughout the semester.

81. I collect an index card from each student and shuffle the cards before selecting the student who will be conducting the next review session.