

**Expert Learning
for
Law Students**

Expert Learning for Law Students

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CHARLESTON SCHOOL OF LAW

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Contents

Preface	xi
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Part I Basic Principles

Chapter 1 Introduction to Expert Learning	3
What Expert Learners Know and Do	3
Evidence That Expert Learning Improves Student Performance	4
Reflection Questions	5
References	5
Chapter 2 Introduction to Law School Instruction	7
The Goals of Legal Education	7
Acquiring Knowledge in Law School	7
Acquiring Skills	8
The Skills and Knowledge Law Schools Assume You Already Possess	9
The Four Main Units of Law School Instruction	10
Rules of Law	10
Court Opinions	12
Public Policies	13
Hypotheticals	14
How Rules, Court Opinions, Policies and Hypotheticals Are Integrated in Law School Instruction	15
The “Socratic” Method and What It Assumes Students Will Be Doing	15
Law School Stress	17
Reflection Questions	18
References	18
Chapter 3 How Humans Learn	21
Cognitivism	21
Schema Theory	23
Constructivism	24
Reflection Questions	25
References	26

Chapter 4 The Self-Regulated Learning (SRL) Cycle	27
The Forethought Phase	27
The Performance Phase	29
The Reflection Phase	30
Reflection Questions	31
References	31
Chapter 5 The Forethought Phase of the SRL Cycle	33
Step 1: Perceiving the Task	33
Step 2: Classifying the Learning Task	34
Legal Reading Comprehension	36
Research	36
Synthesis	36
Problem Solving	37
Exam Preparation	37
Step 3: Invoking Self-Interest and Self-Efficacy	39
Invoking Self-Interest	40
Invoking Self-Efficacy	41
Step 4: Setting Learning Goals	42
Goal Setting Rule #1: The Goal Must Be Concrete	42
Goal Setting Rule #2: The Goal Must Be Short-Term	43
Goal Setting Rule #3: The Goal Must Be Challenging	44
Goal Setting Rule #4: The Goal Must Be Realistic	44
A Few Final Thoughts about Setting Goals	44
Step 5: Selecting Strategies	44
Motivational and Environmental Strategies	45
Cognitive Strategies	46
An Introduction to the Factors the Student Should Weigh in	
Making Cognitive Strategy Selections	48
Time Management	49
Reflection Questions	49
References	50
Chapter 6 Know Thyself: Personality Types and Learning Styles	53
Introduction to Personality Types and Learning Styles	53
Personality Types	54
Population Breakdown	56
Additional Information about Potential Strengths and Weakness for	
Law School Studying of Each Four-Letter Classification	56
Learning Styles	61
Reflection Questions	63
References	63
Chapter 7 The Performance Phase of the SRL Cycle	65
Attention-Focusing	65
Implementation	67
Self-Monitoring	67

Monitoring of Comprehension	67
Monitoring of Efficiency	68
Monitoring of Environmental Strategies	68
Monitoring of Help-Seeking	68
Monitoring of Attention	68
Reflection Questions	69
References	69
Chapter 8 The Reflection Phase of the SRL Cycle	71
Self-Evaluation	72
Internal Evaluation: How Well Do I Think I Learned?	73
External Evaluation: How Well Did I Perform on Any Formal or Self-Imposed Assessment Opportunity?	73
Criteria-Based Evaluation: Given My Goal and My Results, How Efficient Was My Learning?	74
Reflective Evaluation: How Accurately Did I Predict My Assessment Results?	74
Attribution	75
Self-Reaction	76
Adaptation	77
Conclusion: Completion of the Reflection Phase— Onto the Next Forethought Phase	77
Reflection Questions	78
References	78
Part II	
Learning Strategies for Law Students	
Chapter 9 Strategies for Reading and Briefing Court Opinions	83
Introduction	83
Pre-Reading Strategies	84
Developing Knowledge about the Subject of the Case(s)	86
Previewing the Case	89
Noting Details	91
Generating Questions	93
Reading Strategies	94
Engaging with Court Opinions	95
Attention to Detail	98
Conclusion Regarding Pre-Reading and Reading Strategies	100
Briefing Strategies	102
Facts	103
Issue(s)	105
Holding(s)	109
Rationale(s)	111
Synthesis	116
Dissents and Concurrences	117
Conclusion Regarding Case Briefing Strategies	118

Reflection Questions	120
References	120
Chapter 10 Strategies for Learning in the Law School Classroom	123
Introduction	123
Preparing for Class	125
Set Learning Goal	125
Read and Brief the Cases	125
Review/Synthesize Prior Day's Class Notes	126
Plan Notes	126
Plan Strategies for Focusing Attention	129
Assume Some Disagreement	129
Develop Questions to Ask and Questions You Expect to Be Answered	130
Effective Listening	130
Effective Note-Taking	131
Focus on Key Points/Follow Cues	131
Leave Lots of Space	131
Correct Confusion Regarding Rules and Holdings and Restate Them	132
Organize while Writing	132
Post-Class Activities	132
Reviewing for Comprehension and Legibility	133
Reflect on Your Experience of the Class	134
Transfer to Outline/Graphic Organizer	134
Checklist of Strategies for Learning in the Law School Classroom	134
Reflection Questions	135
References	135
Chapter 11 Strategies for Obtaining Assistance	137
Introduction	137
Self-Help	137
Approach to Restudying	138
Using Supplemental Resources Materials Effectively	138
Peer Help and Productive Study Groups	141
Characteristics of Productive Cooperative Learning Groups	142
Some Commonly Used Cooperative Learning Exercises	144
Professorial Help	145
Reflection Questions	145
References	146
Chapter 12 Organizational Strategies	147
Introduction	147
Deconstructing Rules	149
The Five Patterns	149
Outlining Courses	156
Goals for Law School Course Outlines	156
How to Create Excellent Law School Course Outlines	158
Creating Graphic Organizers	161

Timelines	162
Comparison Charts	163
Hierarchy Charts	164
Flow Charts	166
Mind Maps	167
Reflection Questions	170
References	170
Chapter 13 Memorization Strategies	171
Introduction	171
Connecting New Learning to Prior Knowledge	172
Clustering and Chunking	173
Associational Techniques	174
Images	174
Analogies	175
Mnemonics	175
Rehearsal	180
Elaboration	182
Selecting Memorization Strategies	184
Reflection Questions	186
References	186
Chapter 14 Strategies for Excelling in Legal Research and Writing Classes	187
Introduction	187
Strategies for Learning Legal Research	188
Strategies for Learning Legal Citation Form	191
Strategies for Learning to Write Excellent Law School Papers	192
Preliminary Writing Activities	193
Trans-Writing Activities	195
Conclusion	201
Reflection Questions	201
References	201
Chapter 15 Strategies for Learning Legal Analysis	203
Introduction	203
Spotting Issues	203
Introduction	203
Example	205
The Keys to Developing the Ability to Spot Issues	205
Applying Rules to Facts	208
Introduction	208
The Basics of Applying Rules to Facts	211
The Keys to Learning How to Apply Rules to Facts	216
Applying and Distinguishing Cases	218
Introduction	218
The Basics of Applying and Distinguishing Cases	219

The Keys to Learning to Apply and Distinguish Cases	224
Reflection Questions	224
References	225
Chapter 16 Strategies for Preparing for and Taking Law School Examinations	227
Introduction	227
Strategies for Preparing for Law School Exams	227
Introduction	227
Dumping the Negatives	228
Specific Studying Strategies	229
Learning Self-Assessment	236
Learning from Taking Tests	238
Strategies for Taking for Law School Exams	241
Introduction	241
Dealing with Exam Stress	241
Time Management	242
Taking Law School Multiple Choice Tests	243
Taking Law School Essay Tests	246
Reflection Questions	248
References	248
Chapter 17 A Chapter for the Family and Friends of Law Students	249
Introduction	249
The Five Characteristic Difficulties Encountered by New Law Students	250
Law School Workload	250
Law School Professors' Expectations	252
Law School Testing and Grading Practices	252
How Law School Changes People	253
Law School Stress	254
Challenges to Your Relationship and What You Can Do to Make Things Better	254
Problems and Solutions Applicable to All Loved Ones	254
Problems and Solutions Applicable to Spouses and Significant Others	256
Conclusion	256
Reflection Questions	256
References	257
Appendix A Time Management/Self-Monitoring Log	259
Appendix B Exemplar Case: Parker v. Twentieth Century-Fox Corporation	269
Version 1: <i>Parker</i> in Casebook Form	270
Version 2: <i>Parker</i> in Full-Text Form	272
Index	279

Preface

For years, law professors, law schools and even the Law School Admissions Council (the creators of that bane of every aspiring law student's life, the LSAT) have known that a student's LSAT score and undergraduate grades do not really tell you whether the student will succeed in law school. There are students who had high LSAT scores and excellent undergraduate grades and nevertheless failed out of law school. There are students who had relatively lower LSAT scores and lower undergraduate grades and graduated at or near the top of their law school classes. And there are, in fact, law students who studied incredibly hard and still did not do well. If one were to look only at the entrance credentials and effort level of both groups of students, one might be baffled by these outcomes. Looking at how they studied and learned law, however, clears up the confusion.

The successful students studied differently. Not harder, but differently. The successful students were, as we will see, "Expert Learners." Ask any law professor and she will tell you—we can spot expert law students from miles away. Some students just seem to be better at being law students. These expert learners approach their law studies with confidence, resourcefulness, diligence and planning. They are in control of their own learning, figuring out for themselves what they need to do to learn and study law. They know when they understand and know when they need help, and they even prepare better for meetings with their professors and ask better questions. They do better in law school than their peers, seem to have an easier time of it and enjoy the experience more.

We law professors can cite countless examples of students who were either much better or much worse at being law students than their peers. We know that the students who are better at being law students do better in law school, and we even can describe the characteristics typical of the better students. The fact that we know all of this, however, has been largely irrelevant over the 110-year history of legal education. It's as if we all had agreed that expert law students are simply born that way and that students cannot be taught to be experts.

Meanwhile, the rest of the educational world has been investigating expert learning. In fields as diverse as medical education, graduate statistics education, undergraduate education and even K–12 education, researchers have been discovering not only that expert learning skills predict student outcomes, but also that students can be successfully taught to be expert learners. As a result, instructional programs designed to teach students to be expert learners have popped up in colleges, graduate programs, undergraduate schools and high schools. Legal education, however, has entirely ignored this important research—until now.

Until Summer 2001, I was like every other law professor in this country. I enjoyed the expert law students. I tried to tell all my students to do what I perceived the expert students to be doing and had no success whatsoever in getting the novices to act like ex-

perts. In Summer 2001, I was granted a leave of absence from my teaching obligations and was given the resources to figure out what makes the expert students expert, whether novices can be taught to be experts and how to teach the novices to be experts.

This textbook and the accompanying workbook are the result. This project, in many ways, has a singular message to you, its readers: you can be an expert learner of the law!

The text is organized into two parts. Part I provides background information about law school, about how humans learn and about expert learning. It then explains how to perform each aspect of expert learning and helps students become expert in their own learning preferences. Part II focuses on specific learning strategies needed by new law students.

You may want to re-read certain chapters in Part II of this book once you have started law school. For example, Chapters 12 and 13, dealing with strategies for organizing and memorizing, will be helpful once you have attended a few classes and need to begin making sense of all the new material you are learning. Likewise, Chapters 14 through 17 will ease your transition into writing law school exams and papers but may be most meaningful to you once classes have started.

All of the chapters conclude with a list of references you may find helpful and a set of reflection questions designed to help you make what you are learning become a part of who you are and develop the high-level self-reflection skills that expert learners possess. The reflection questions are reproduced in the workbook with space for you to respond. By responding to the questions you will gain the particular insights possible only when you are forced to put your thoughts in writing. Beginning with the skills addressed in Chapter 5, the workbook has exercises that you can do on your own to begin developing your expert learning skills. Those exercises are organized and numbered by chapter. For example, the exercises relating to Chapter 5 are labeled 5-1, 5-2, 5-3, etc.

Of course, no preface is without a thank you or two. I therefore wish to thank my wife, Dr. Stacey Hunter Schwartz, for pointing me in the right direction and giving me the support I have needed to get there, my daughters, Kendra and Samantha, for being the amazing humans they are, and my deans, Maryann Jones and James Hogg, for the opportunity to blaze a trail where none existed. Finally, I owe thank yous to the many readers who provided suggestions, edits and helpful comments during the process, including Professor Gerry Hess of Gonzaga University School of Law, Professor Vernellia Randall of Dayton University College of Law, and the following colleagues at Western State: Professors Carole Buckner, Glenn Koppel, Constance Hood, Susan Keller, Niccol Kording, Paula Manning, Kevin Mohr, Brent Romney and Greg Sergienko.

Michael Hunter Schwartz, April 2003